



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

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Date: April 2, 2014
To: Interested Person
From: Matt Wickstrom, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-118181 AD

GENERAL INFORMATION

Applicant: Mike Anderson / Creative Design & Construction LLC
4504 SE River Dr / Milwaukie, OR 97267

Owner: Dominic Stelter
5858 SW Riveridge Ln #1 / Portland, OR 97238

Site Address: 2438 N BLANDENA ST

Legal Description: BLOCK 7 LOT 11&12, GAY TRACT **Tax Account No.:** R308600430
State ID No.: 1N1E21AC 14000 **Quarter Section:** 2528
Neighborhood: Overlook NA, contact Kent Hoddick at 503-286-9803
Business District: Interstate Corridor BA, Alexandra Johnson at 503-735-4420
District Coalition: North Portland Neighborhood Serv, Mary Jaron Kelley at 503-823-4099
Plan District: Albina Community
Zoning: R5c (Residential 5,000 with an Environmental Conservation Overlay Zone)

Case Type: AD (Adjustment)
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

As part of renovations to the existing home, the applicant proposes to expand the existing single-car garage by 7 feet to create an oversized single-car garage or a small double-car garage. The Portland Zoning Code requires that a street-facing garage wall be no closer to the street than the longest street-facing wall of dwelling unit. Because the proposal will expand the amount of garage area closer to the street than the walls of the house, approval through an Adjustment Review is necessary. The applicant proposes one Adjustment to the allow an expanded street-facing garage wall to be 32 feet closer to the street than the longest street-facing wall of the house.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- 33.805.040 Adjustments Approval Criteria

ANALYSIS

Site and Vicinity: The 10,000 square foot site is currently developed with a single-dwelling unit and single-car attached garage. The garage is located 32 feet closer to N Blandena Street than the longest street-facing wall of the house. A review of permit records and historic maps demonstrates that the garage was constructed legally. The surrounding areas to the northeast and southeast are developed with single-dwelling residences. The area to the northwest and southwest is developed with the Union Pacific railroad facilities.

Zoning: The site is zoned R5 (Residential 5,000). The R5 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. A small area at the rear of the site is zoned with an Environmental Conservation Overlay. This overlay does not impact the development proposal.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **March 6, 2014**. The following Bureaus have responded with the following:

- The Site Development Section of the Bureau of Development Services (BDS) responded with information on the septic system and erosion control. The response has two conditions related to the building permit for the house renovation. The first condition states that prior to occupancy of the residence, the applicant must obtain final approval of a permit for decommissioning the on-site sewage disposal system. The second condition states that prior to occupancy of the residence, the applicant must obtain final approval of a permit for a sanitary sewer connection (Exhibit E-1).
- The Life Safety Section of BDS responded with building code information (Exhibit E-2).
- The Water Bureau responded with no concerns and provided information on water service (Exhibit E-3).
- The Bureau of Environmental Services responded with no concerns and provided information on sanitary sewer service and stormwater management requirements (Exhibit E-4).
- The Portland Parks & Recreation Bureau responded with no concerns.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 6, 2014. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Title 33.805.040 Adjustments

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The applicant proposes one adjustment to allow the garage wall facing N Blandena Street to be 32 feet closer to the street than the longest street-facing wall of the residence.

The purpose of the zoning standards related to garages is:

- *Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;*
- *Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;*
- *Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;*

- *Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and*
- *Enhance public safety by preventing garages from blocking views of the street from inside the residence.*

The existing single-car detached garage extends 32 feet in front of the longest street-facing wall of the house. The proposal is to expand this garage by 7 feet to create an oversized single-car garage or a small double-car garage. This proposal will not decrease the visual connection between the living area of the residence and the street any more than the existing situation. In fact, the applicant is expanding the living room window to improve the visual connection between living area of the residence and the street. The applicant is also installing a garage door with windows and a window above the garage door. These features of the project help reduce the visual dominance of the garage by providing additional window area and visual interest. In order to ensure these aesthetic features, the expanded living room window, the window above the garage door and windows within the garage door, are included as part of the final project, a condition of approval is added to this review. This condition states that the submitted plans must be in substantial conformance with the front elevation drawing shown in Exhibit C-2.

The placement of the existing garage causes views of the living area to be blocked with viewed from locations east of the site on N Blandena Street. Since the proposal maintains the east wall of the house and garage, it will not bring this situation further out of conformance. When viewed from locations in front or west of the site on N Blandena Street, the living area will be equally or more prominent than the garage due to the enlarged living room window, placement of the main entrance and the columns added to the front porch.

The applicant proposes a 3-foot pedestrian connection connecting the main entrance to the street via the driveway. This helps to ensure a pleasant pedestrian environment and access that is equally prominent for pedestrians than automobiles. The garage will block views from the residence to the east on N Blandena Street; however this is an existing condition and the proposal does not take this situation further out of conformance. Based on this information and with the stated condition of approval, this criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The overall project involves renovation of an existing residence which doesn't meet current zoning code standards for the placement of an attached garage in front of the longest street-facing wall of the dwelling unit. The renovation of the house and improvements proposed to the front façade will enhance the appearance of the residence. Livability for surrounding neighbors will not be negatively impacted by the proposal. This criterion is met.

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: Only one Adjustment is being requested therefore this criterion does not apply.

- D.** City-designated scenic resources and historic resources are preserved;

Findings: There are no scenic or historic resources at this site therefore this criterion does not apply.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: Impacts resulting from the adjustment are mitigated to the extent practical. The applicant is proposing to enlarge the living room window to make the living area more prominent and improve views. The applicant is also proposing windows in the new garage door and a window about the garage door. The columns and pedestrian connection are also improvements that highlight the living area over the garage. This criterion is met.

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: The site contains a small amount of Environmental Conservation Overlay zoning at the very rear. The proposal and overall construction project has no bearing on the environmental zoning or resource. This criterion is met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

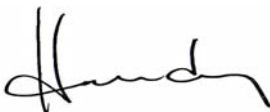
The applicant requests one adjustment to allow the garage wall to be located 32 feet in front of the longest street-facing wall of the dwelling unit. Acknowledging the location of the existing attached garage, the improvements to the front façade and front porch of the house, and the windows in the garage door and above the garage door, the proposal meets the applicable approval criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to allow the garage wall to be located 32 feet in front of the longest street-facing wall of the dwelling unit, per the approved site plans, Exhibits C-1 through C-2, signed and dated March 28, 2014, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 14-118181 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Building plans must show a front elevation drawing that is in substantial conformance with the elevation shown in Exhibit C-2.

Staff Planner: Matt Wickstrom

Decision rendered by:  **on March 28, 2014**

By authority of the Director of the Bureau of Development Services

Decision mailed: April 2, 2014

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on February 19, 2014, and was determined to be complete on March 3, 2014.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 19, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: July 1, 2014.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 16, 2014** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **April 17, 2014**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

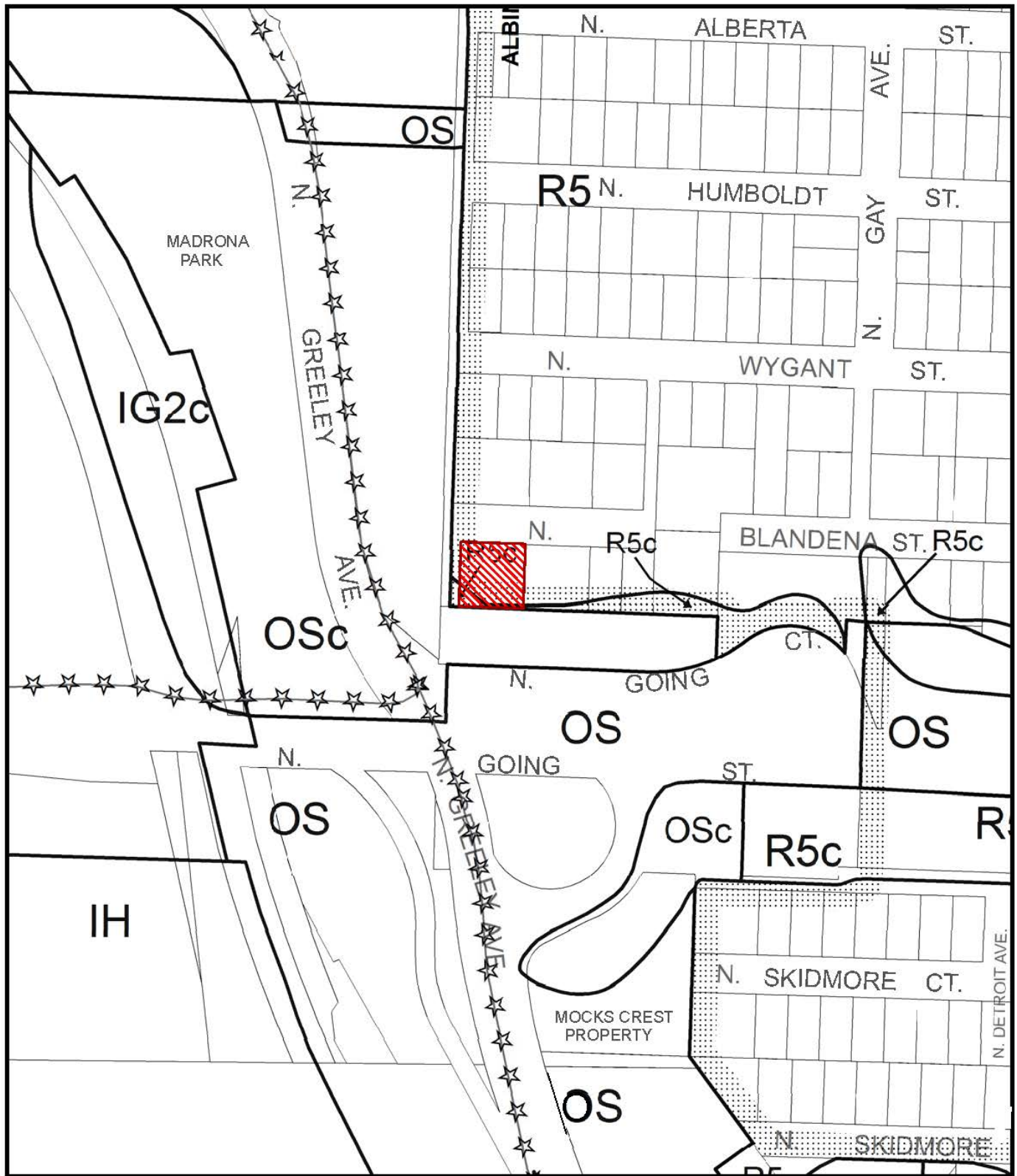
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation Drawings (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Site Development Review Section of BDS
 - 2. Life Safety Section of BDS
 - 3. Water Bureau
 - 4. Bureau of Environmental Services
 - 5. Portland Parks & Recreation – Urban Forestry
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING



Site



NORTH

This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

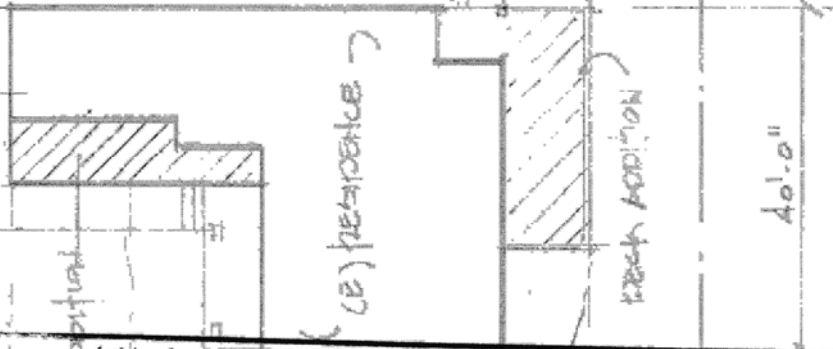
File No. LU 14-118181 AD
 1/4 Section 2528
 Scale 1 inch = 200 feet
 State_Id 1N1E21AC 14000
 Exhibit B (Feb 21, 2014)

N. POLAKUENA St

100' APPROXIMATE

Approval of adjustment to review to allow street facing garage Wall to be 32 feet in front of the longest street facing wall of the house.

32'



100.00'

40'-0"

55'-0"

1" = 20'-0"

2425 N POLAKUENA St PORTLAND, OREGON

Tax MAP/Lot: 1N1E21AC0014000

SITE PLAN

City of Portland - Bureau of Development Services
Date: 3/28/14
MLW
The approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

12	10
14000	13900
100'	
14100	22
50'	23
24	24
VAC. 11-12-30	
ORD. 59643	

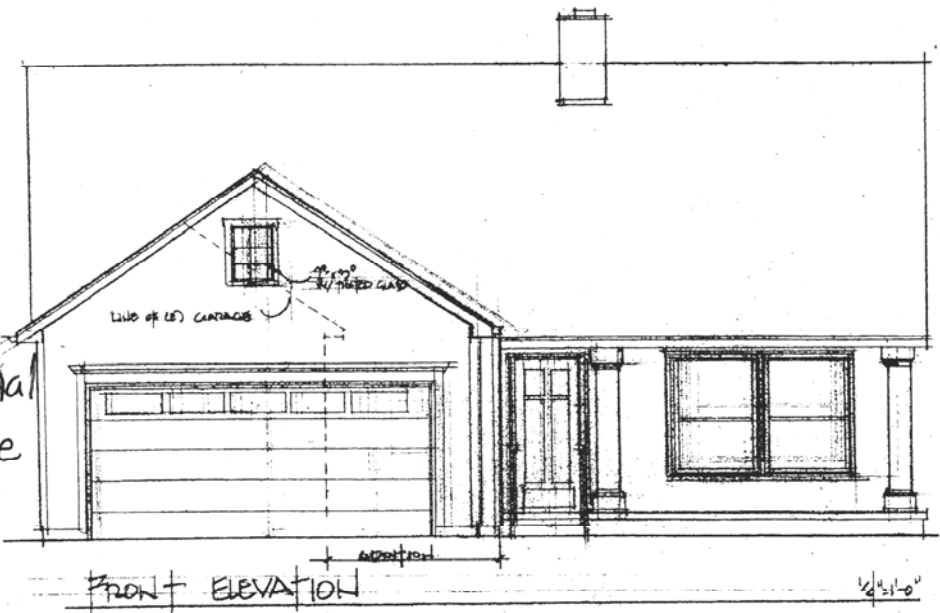
N. GREELEY A. CO. RD. NO. (ST. JOHN'S)

TAX MAP H.T.S.

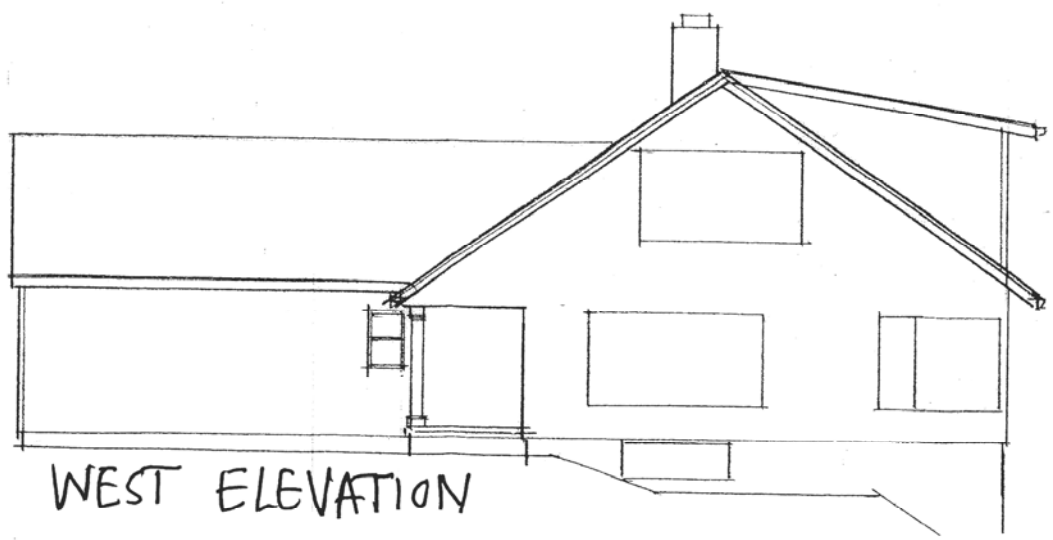
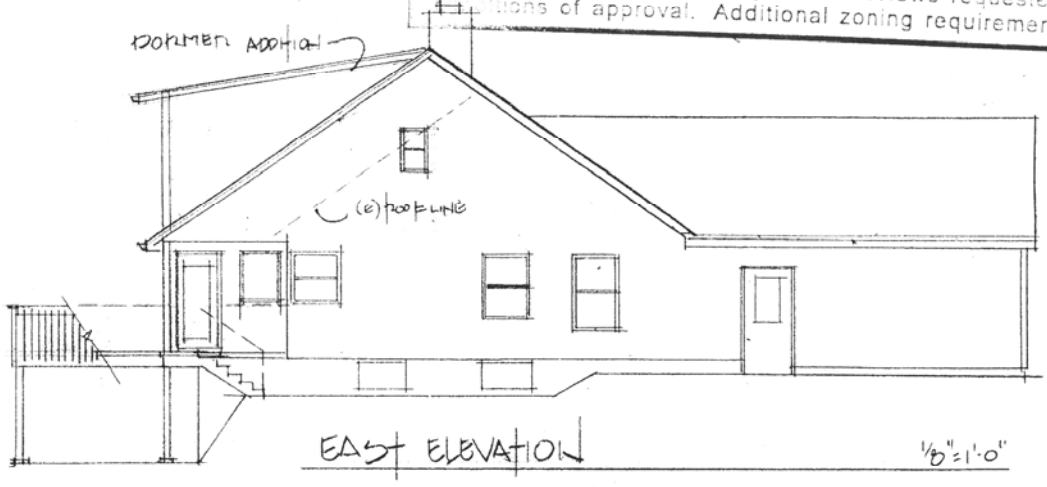


LU 14-118 181AD

Submitted plans must be in substantial conformance with front elevation.



Approved
City of Portland - Bureau of Development Services
Project MLW Date 3/28/14
This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



ELEVATION DRAWINGS