



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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www.portlandoregon.gov/bds

Date: July 7, 2014
To: Interested Person
From: Sylvia Cate, 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 14-154984 AD

GENERAL INFORMATION

Owner & Applicant: Christian Scott, listed property owner
2506 NE 47th Ave
Portland, OR 97213-1918

Architect: Alan P Armstrong, AIA
3309 SE Sherrett St
Portland, OR 97222-5558

Site Address: 2506 NE 47TH AVE

Legal Description: BLOCK 20 LOT 7&8 TL 4200, ROSE CITY PK
Tax Account No.: R723100340
State ID No.: 1N2E30CA 04700
Quarter Section: 2835

Neighborhood: Rose City Park, contact Tamara DeRidder at 503-249-6977.
Business District: None
District Coalition: Central Northeast Neighbors, contact Alison Stoll at 503-823-3156.

Zoning: R5, Single Dwelling Residential 5,000

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

Proposal:

The applicant proposes to install a 236 square foot carport over the area which is currently used to park a car. The carport will be approximately 16'7" by 13'4" with a 2' 4" overhang. The carport will also have a roof that matches the roof pitch of the existing house. The Portland Zoning Code treats carports as if they are fully enclosed garages, and must meet the required setbacks for a garage. Therefore, the applicant requests two Adjustments: one, to reduce the required setback for a garage entrance to be reduced from 18' to 4' 4" for the carport 'entrance'

and two, to reduce the required side setback from 5' to 4' 4" for the carport structure and 2' 4" for the eave overhang of the roof of the carport. Attached to this Decision are plans and a zoning map depicting the proposal.

Relevant Approval Criteria:

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

- 33.804.040.A.-F., Adjustments

ANALYSIS

Site and Vicinity: The site is a 6,020 square-foot lot on the northeast corner of NE 47th/Brazee, one of very few 'oversized' lots in this R5 zoned neighborhood. The lot is developed with an early 20th century house built circa 1927. A large open yard is on the west side. The house is oriented to 47th Avenue, with a driveway on Brazee Street. The lot is situated several feet above the sidewalk on both frontages, with retaining walls just behind the sidewalk.

The vicinity is characterized by early 20th century cottage-style one to two-story houses, some with attached or detached garages. Sandy Blvd is about two blocks to the south. From the site, the roads slope up to the Alameda ridge, two blocks to the north.

Zoning: The site is zoned R5h. The R5 zone corresponds to the Comprehensive Plan's designation of High-Density Single-Dwelling, which allows lots with an average area of 5,000 square-feet. This zoning is typically found in the City's closer-in neighborhoods with high levels of public infrastructure.

Land Use History: City records indicate one prior land use review for this site: LU 07-169667 AD, which approved reduced setbacks for a parking area on the site after a former owner removed a garage.

A "Notice of Proposal in Your Neighborhood" was mailed **June 2, 2014**.

Agency Review: The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the Notice of Proposal.

ZONING CODE APPROVAL CRITERIA

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

33.805.010 Purpose (Adjustments)

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if

the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

33.805.040 Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

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

Findings: The purpose for setback regulations is found at 33.110.220.A which states:

Purpose: The building setback regulations serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of houses in the City's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

The applicant is requesting an Adjustment to the carport entrance from 18 feet to 4 feet 4". The applicable purpose statement is to allow room for a car to park in front of a garage door without overhanging the street or sidewalk. Because there will be very little room between the entrance of the carport and the sidewalk, there is no sufficient space to park a car in front of the carport entrance. This criterion is met for the Adjustment to the garage entrance.

The applicant is also requesting an Adjustment to the side setback from 5 feet to 4 feet 4 inches for the carport structure and 2 feet 4 inches for the eave overhang of the roof of the carport. The area where the carport is proposed was originally occupied by a garage, which was later removed and the current 20 foot wide driveway is where vehicles park. The addition of the carport will provide weather protection for both people and cars in this parking area. Because this side property line is adjacent to the public right of way and sidewalk, many of the above listed purposes are moot, because it is not a shared side lot line. The Fire Bureau has no objections. A quick visual survey of the immediate neighborhood reveals several garages situated close to the street; as the Zoning Code treats carports as garages, the location and scale of the proposal is consistent with the surrounding development pattern and provides a reasonable relationship between structures. The request has no impact on privacy of nearby properties, and the large and open front yard will remain unchanged. For all these reasons, this criterion is met for the Adjustment to the side setback for the carport and eave overhang.

- 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 proposed carport is well designed and fits in well with the existing house on the site. While it will have no impacts on the livability of the residential area, it will add a measure of livability to the site by providing weather protection for both people and cars that currently does not exist. For these reasons, 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: Two Adjustments are requested, both for setbacks from the same property line. The cumulative effect will result in an attractive project that enhances the residential qualities of the site and immediately adjacent neighborhood. This criterion is met.

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

Findings: City designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. There are no such resources present on the site. Therefore, this criterion is not applicable.

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

Findings: There are no discernible impacts that would result from granting the requested adjustment. 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: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase "p" (Environmental Protection overlay zone) or a "c" (Environmental Conservation overlay zone). As the site is not within an environmental zone, this criterion is not applicable.

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 two Adjustments for a proposed carport to be added over a prior approved parking area where a detached garage was originally located years ago. The proposal meets all of the applicable approval criteria and therefore should be approved.

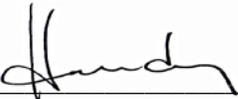
ADMINISTRATIVE DECISION

Approval of:

- An Adjustment to reduce the 'garage entrance' of the carport from 18 feet to 4 feet 4 inches, and

- An Adjustment to reduce the side lot line setback for the carport to 4 feet 4 inches and to 2 feet 4 inches for the eave overhang, per the approved site plans, Exhibits C-1 through C-2, signed and dated July 2, 2014, subject to the following conditions:
 - A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-154984 AD."

Staff Planner: Sylvia Cate

Decision rendered by:  **on July 2, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 7, 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 May 9, 2014, and was determined to be complete on May 28, 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 May 9, 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: September 24, 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 July 21, 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through

Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 **July 22, 2014 – (the day following the last day to appeal)**.
- 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:

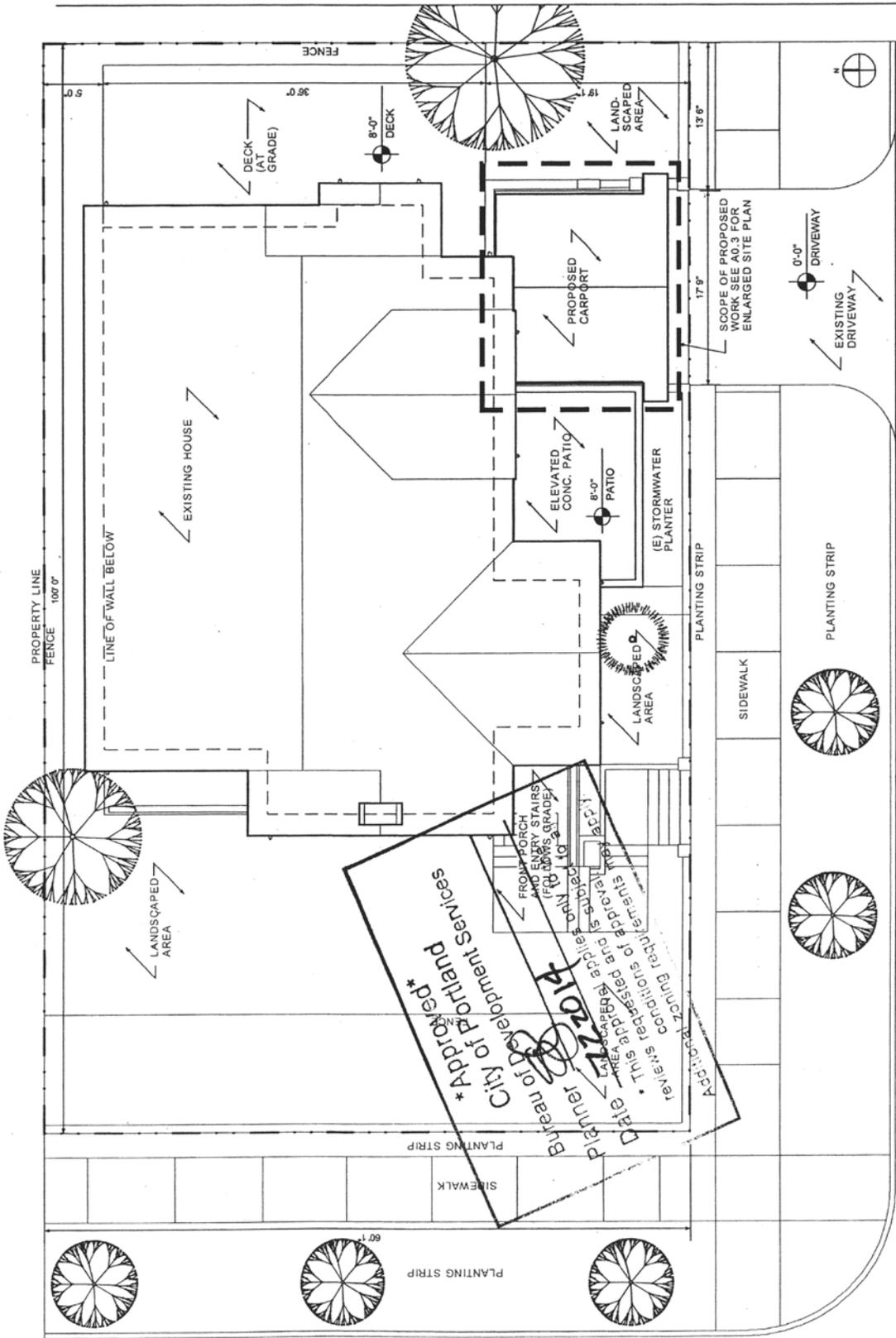
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

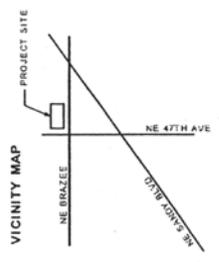
- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Street facing [south] elevation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence: None received
- G. Other:
 - 1. Original LU Application
 - 2. E-mail to applicant for dimension clarifications
 - 3. Property Information

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).



SITE PLAN

LU 14-154984 AD EXHIBIT C-1



- DRAWING INDEX**
- A0.0 COVER AND INFO
 - A0.1 PHOTOS
 - A0.2 SITE PLAN
 - A0.3 ENLARGED SITE PLAN
 - A3.0 EAST ELEVATION
 - A3.1 SOUTH ELEVATION
 - A3.2 WEST ELEVATION

- ABBREVIATIONS**
- NOT TO SCALE
 - ACCESSORY DWELLING UNIT
 - CONTRACTOR FURNISHED
 - CONTRACTOR INSTALLED
 - OWNER FURNISHED OWNER INSTALLED
 - OWNER FURNISHED
 - CONTRACTOR INSTALLED
 - CONCRETE
 - DEMOLISH/DEMOLITION
 - DEMOLITION
 - CONSTRUCTION
 - EXISTING
 - NEW
 - GENERAL CONTRACTOR
 - WINDOW
 - MAXIMUM
 - MINIMUM

PROPERTY INFO

ADDRESS: 2506 NE 47TH AVE
 PORTLAND, OR 97213
 PROPERTY ID: R25921
 ALT ACCOUNT #: R1723100340
 STATE ID: 1NZE30CA 4700
 ZONE: R5
 LOT SIZE: 6,020 SF

BUILDING CODE INFO

OCCUPANCY: RB
 CONSTRUCTION TYPE: VB

PROJECT DESCRIPTION

PROPOSED 236SF CARPORT ADDITION TO EXISTING HOME. REQUEST FOR LAND USE ADJUSTMENT TO ALLOW CARPORT ENCROACHMENT INTO REQUIRED SETBACKS.

ARCHITECT
 ALAN ARMSTRONG
 ALAN@STRONGWORKARCHITECTURE.COM
 503.442.8786

GENERAL CONTRACTOR
 TBD

PROPERTY OWNER
 CHRIS SCOTT
 2506 NE 47TH AVE
 PORTLAND, OR 97213

ZONING CODE INFO

REQUIRED SETBACKS:
 FRONT: 10' (ALONG NE 47TH)
 SIDE: 5'
 REAR: 5'
 GARAGE ENTRANCE: 18' (APPLIES TO CARPORT)

MAX BUILDING COVERAGE:

ALLOWABLE COVERAGE CALCULATION FROM TABLE 110-4:

2250SF + 15% OF LOT AREA OVER 5000.
 2250SF + 15%X1020SF = 2403 MAX

PROPOSED COVERAGE:
 EXISTING COVERAGE = 1858SF (HOUSE)
 +230SF(ELEVATED CONCRETE DECK)-2088SF
 CARPORT COVERAGE = 238SF
 TOTAL PROPOSED COVERAGE = 2324SF

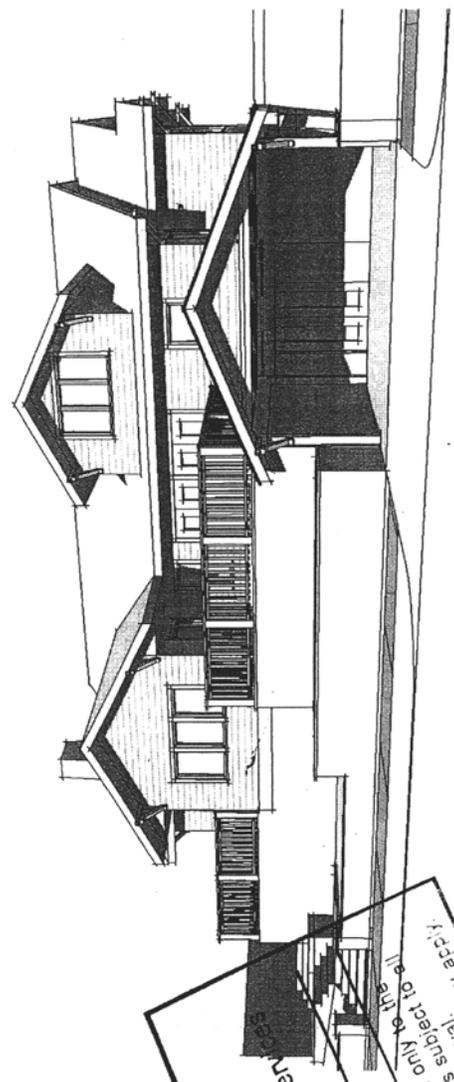
HEIGHT ALLOWABLE: 30'
 NO HEIGHT CHANGE PROPOSED

15% MIN WINDOWS ON STREET FACING FACADES
 NO HEIGHT CHANGE PROPOSED

FACADE	AREA	WINDOW AREA	% WINDOW	% COMPLIANT
SOUTH	90.5 SF	70.5 SF	77.9%	17% YES/83% NO
WEST	420 SF	70.5 SF	16.8%	17% YES/83% NO

STREET LOT LINE SETBACKS

PROPOSED DESIGN EXEMPT FROM REGIONAL 33.110.253.F PER EXEMPTION 2.0. WHERE A LOT IS MORE THAN ONE STREET LOT IN WIDTH THAN AN EXISTING DWELLING UNIT ON THE LOT, THE STANDARD MUST BE MET ONLY ON THE STREET FACING FACADE ON WHICH THE MAIN ENTRANCE IS LOCATED.



0 VIEW FROM SE - FOR REFERENCE ONLY
 SCALE: NTS

SOUTH ELEVATION

Approved
 Bureaucrat
 Date 12-2014
 This approval applies only to the plans shown and is subject to all applicable zoning requirements. Any other reviews requested and is subject to all applicable zoning requirements. May apply.

W14-154984 AD
 EXHIBIT C-2