



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** August 1, 2014  
**To:** Interested Person  
**From:** Matt Wickstrom, Land Use Services  
503-823-6825 / [Matt.Wickstrom@portlandoregon.gov](mailto:Matt.Wickstrom@portlandoregon.gov)

## **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 14-173305 AD**

#### **GENERAL INFORMATION**

**Applicants/Owners:** Donald and Gina Angell  
11002 NE Morris St  
Portland, OR 97220-2730

**Site Address:** 11002 NE MORRIS ST

**Legal Description:** BLOCK 9 LOT 5, PARKROSE HTS  
**Tax Account No.:** R647902500  
**State ID No.:** 1N2E27BD 04300  
**Quarter Section:** 2741

**Neighborhood:** Parkrose Heights, contact Pete Natwick at 503-493-3612  
**Business District:** Gateway Area Business Association, contact Fred Sanchez at 503-256-3910  
**District Coalition:** East Portland Neighborhood Office, contact Richard Bixby at 503-823-4550

**Zoning:** R7h (Residential 7,000 with an Aircraft Landing Zone overlay)

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

#### **Proposal:**

The applicants propose to tear down a portion of the segmented detached garage on the site and replace it with additional garage area. The project will involve aligning all rooflines, gutters and siding with the front portion of the garage to create one cohesive structure. The project will result in a detached garage with a building coverage of 1,440 square feet and an existing house with a building coverage of 1,142 square feet. The Portland Zoning Code states that the building coverage of a detached covered accessory structure (the garage) cannot exceed the building coverage of the primary structure (the house). The applicants are requesting an

Adjustment to allow the building coverage of the detached garage to exceed that of the house by 298 square feet.

**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.

## ANALYSIS

**Site and Vicinity:** The 19,400 square foot lot is developed with a 1,142 square foot single-story home and a 1,136 square foot detached garage with storage area. Several additions have been added to the rear of the detached garage over the years, giving it a segmented appearance.

The surrounding vicinity is developed with single-story single-dwelling houses. Some homes have relatively large garages, others have one or more temporary vehicle canopies and others have a number of recreational vehicles parked in the driveway.

**Zoning:** The site is zoned R7h (Residential 7,000 with an Aircraft Landing Zone overlay). The R7 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 4,200 square feet. The “h” overlay limits the height of structures and vegetation in the vicinity of the Portland International Airport. The height limit for this site is 1,050 feet above the PDX airport landing strip elevation of 18 feet above sea level (the base zone height limit of 30 feet in the R7 zone is more restrictive).

**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 **July 7, 2014**. The following Bureaus have responded:

The Life Safety section of the Bureau of Development Services (BDS) responded with information on obtaining a building permit (Exhibit E-1).

The Bureau of Environmental Services responded with information on stormwater management and obtaining a permit (Exhibit E-2).

The Site Development Section of BDS responded with information about septic and erosion control (Exhibit E-3).

The Water Bureau responded with information on water service (Exhibit E-4).

The Fire Bureau, Parks Bureau and Portland Bureau of Transportation responded with no concerns (Exhibit E-5).

**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

### 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 applicants request one Adjustment to allow the square footage of the detached garage to exceed the square footage of the house (the primary structure) on the site.

The purpose for the accessory structure regulations is found in 33.110.250.A, which states:

*This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to abutting lots, and maintain open front setbacks.*

The rationale for requiring primary structures to be larger than accessory structures is to prevent accessory structures from becoming the predominant element on the site. In this situation, the applicants propose a detached garage that will be larger than the house (the primary structure). When viewed from NE Morris Street, the existing detached garage appears to be a typical accessory garage. Considering that the front portion of the detached garage will remain and the addition will occur at the rear, perceptions of the garage as accessory should not change. The east wall, the one which is closest to the adjacent neighbor, will retain its same scale and massing. The garage is also no taller than the house, and the height is not proposed to change; this ensures the garage will not begin to appear as the predominate structure on the site. Based on this information, 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 proposal will not detract from the livability or appearance of the residential area. The proposed garage addition will improve the appearance of the structure. Currently the garage roofline, gutters and siding are not aligned because additions were made to the original garage over time, giving the structure a segmented appearance. The project will align all rooflines, gutters and siding giving the detached garage the appearance of a structure built all at once rather than piecemeal. The detached garage is also proposed to be 12 feet from the east property line. Considering that the minimum required setback is 5 feet, the proposed 12-foot setback reflects a substantial increase that will help preserve light, air and privacy for the adjacent neighbor. Based on this information, 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; and

**Findings:** No City-designated scenic or historic resources are present at the site; therefore, this criterion does not apply.

**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 adjustments. 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 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

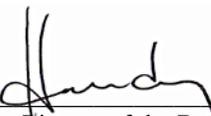
The applicant propose one Adjustment to allow a reconstructed detached garage to be larger than the house (the primary structure) on the site. Considering that the two-car-garage-appearance of the structure will not change when viewed from the street and the overall improvements proposed as well as the greater than required side setback, the proposal meets the associated approval criteria and should be approved.

## ADMINISTRATIVE DECISION

Approval of an Adjustment to allow the building coverage of detached garage to be 1,440 square feet which will be greater than the 1,142 square foot building coverage of the house, the primary structure (33.110.250.D.2), per the approved site plans, Exhibits C-1 through C-2, signed and dated July 30, 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 14-173305 AD."

**Staff Planner: Matt Wickstrom**

**Decision rendered by:**  **on July 30, 2014**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: August 1, 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 June 23, 2014, and was determined to be complete on July 2, 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 June 23, 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: October 30, 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 August 15, 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 5<sup>th</sup> 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](http://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 **August 18, 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:

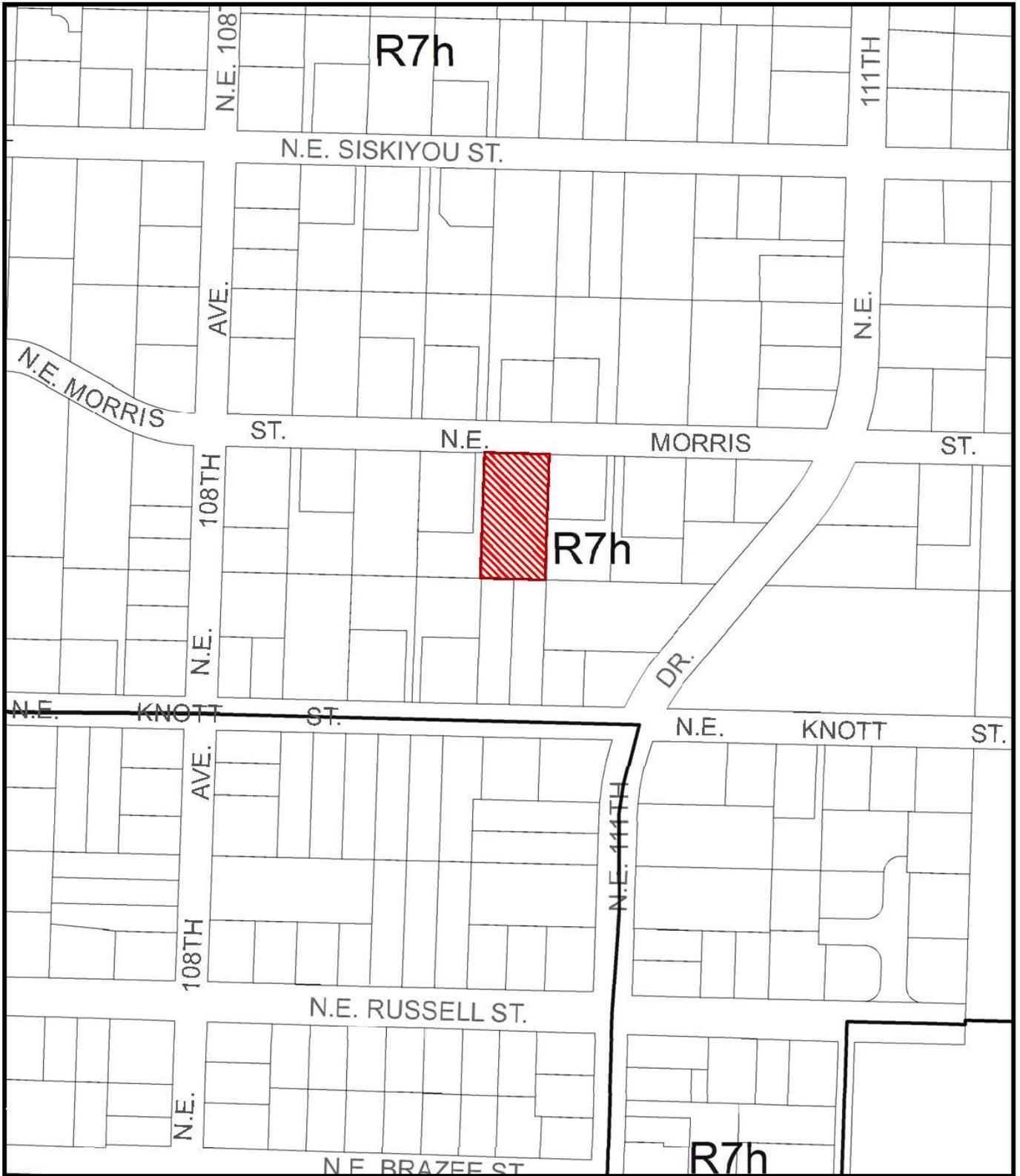
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement, Original LU Application, and Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Elevation Drawings (attached)
  - 3. Full sized version of Site Plan
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety section of BDS
  - 2. Bureau of Environmental Services
  - 3. Site Development Review section of BDS
  - 4. Water Bureau
- F. Correspondence: None

**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

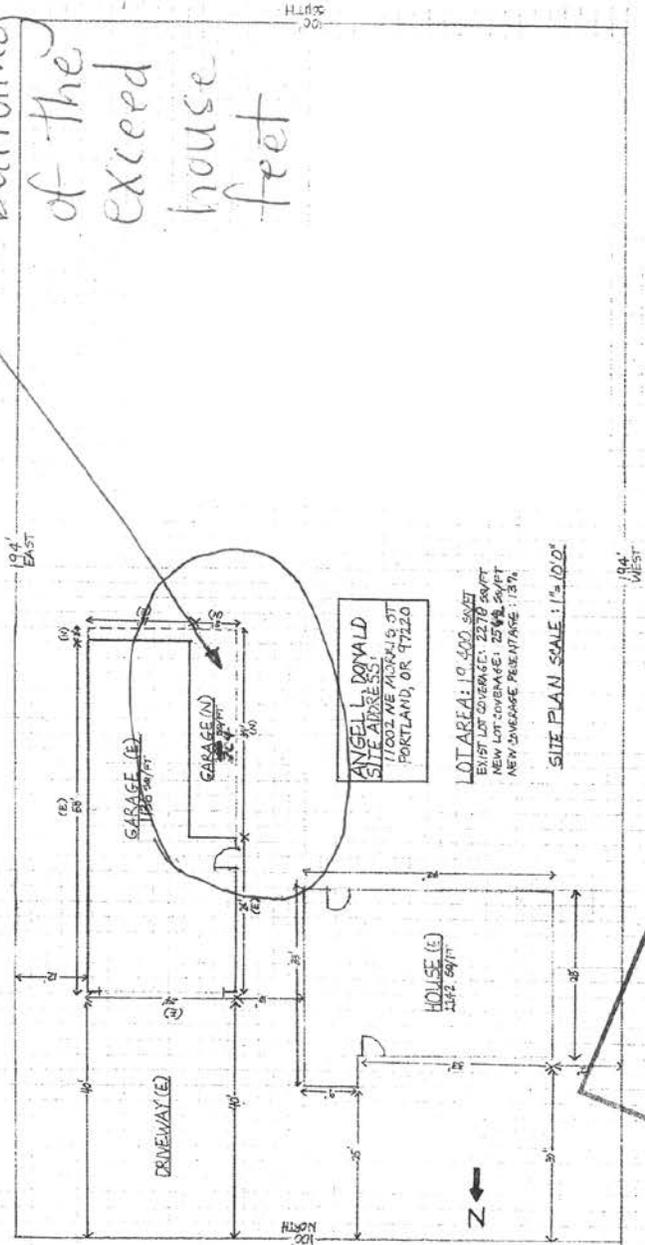


File No. LU 14-173305 AD  
 1/4 Section 2741  
 Scale 1 inch = 200 feet  
 State\_Id 1N2E27BD 4300  
 Exhibit B (Jun 24, 2014)

Approved Proposal to add additional area to detached

garage and allow building coverage of the garage to exceed that of the house by 298 square feet

108<sup>TH</sup> AVE ← NE MORRIS STREET ← 111<sup>TH</sup> AVE



ANGELL DONALD  
 SITE ADDRESS:  
 11002 NE MORRIS ST  
 PORTLAND, OR 97220

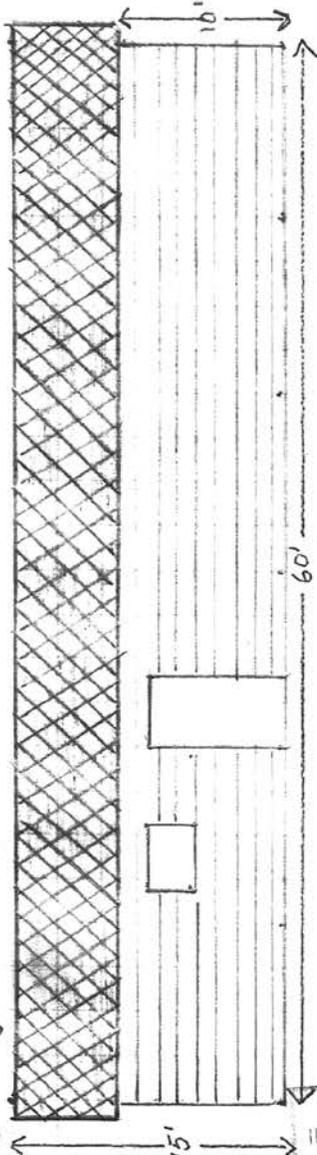
Planner **MLW** City of Portland - Bureau of Development Services  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.  
 Date **7-29-14**

ANGELL  
 11002 NE MORRIS ST  
 PORTLAND, OR 97220

LU14-173305AD  
 Exhibit C-1

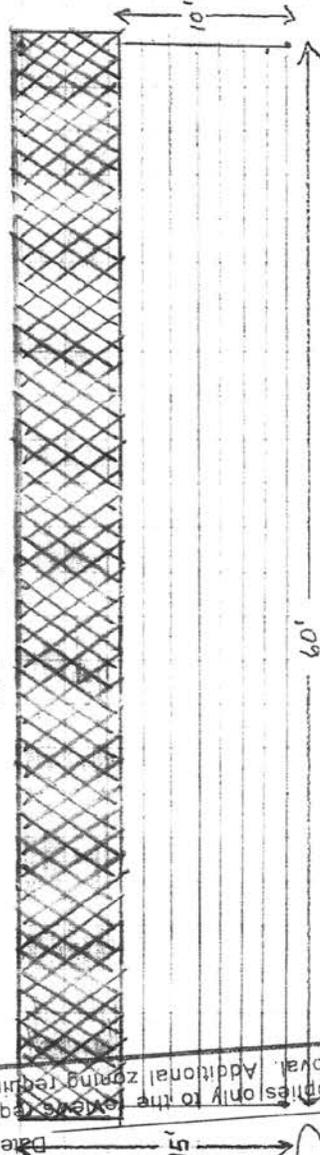
Project will align all rooflines, gutters and siding of the currently segmented garage

SIDE 58'(E) 2'(N)



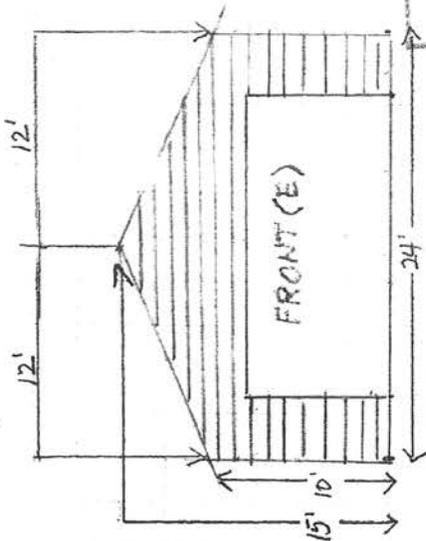
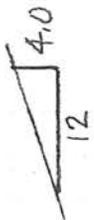
WEST ELEVATION  
SCALE 1" = 10'0"

SIDE 58'(E) 2'(N)

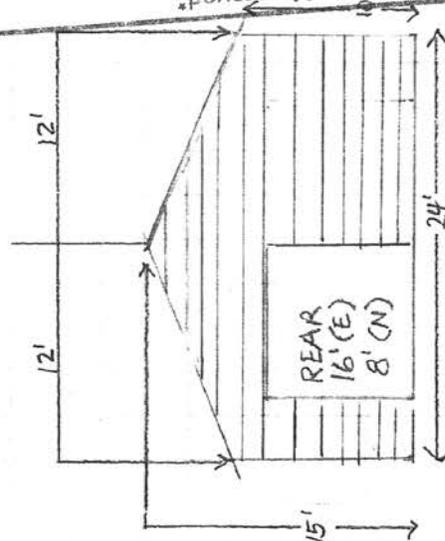


EAST ELEVATION  
SCALE 1" = 10'0"

ANGELL GARAGE  
11002 NE MORRIS ST  
PORTLAND, OR 97220



NORTH ELEVATION  
SCALE 1" = 10'0"



SOUTH ELEVATION  
SCALE 1" = 10'0"

City of Portland - Bureau of Development Services  
Planner MLW  
Date 7-29-14  
\* This approval applies only to the reverse requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Exhibit C-2 LU14-173305 AD