



City of Portland
Bureau of Development Services
Land Use Services Division

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**NOTICE OF FINAL
FINDINGS, CONCLUSIONS AND DECISION
OF THE CITY OF PORTLAND REVIEW BODY
ON AN
APPEALED ADMINISTRATIVE DECISION
(Type II Process)**

March 3, 2015

**CASE FILE: LU 14-221059 AD
LOCATION: 4010 SE Division Street**

The administrative decision for this case, issued on December 16, 2014, was appealed to the Adjustment Committee by the abutting property owners.

A public hearing was held on February 3, 2015. The record was held open for new information, until February 10, 2015. During this time, several additional submittals were received from the appellants, the applicant and other interested parties. In addition to providing comments regarding the appeal issues, the applicant asked that the Adjustment request and staff approval of the request be withdrawn.

I. GENERAL INFORMATION

Applicant: Phil Krueger, Orangewall Studios
240 N Broadway Suite 202 / Portland, OR 97227

Owner: Steve Day, Pacific Crest Securities
111 SW 5th Ave, Floor 42 / Portland, OR 97204

Metro 4008 SE Division
3914 SW Martins Lane / Portland, OR 97239

Appellants: Todd and Sarah Baran
4004 SE Division St. / Portland, OR 97202

Scott and Lauren Hay
4016 SE Division St. / Portland, OR 97202

Site Address: 4010 SE DIVISION ST

Legal Description: BLOCK 2 E 1/2 OF LOT 13 W 12 1/2' OF LOT 15, RICHMOND ADD
Tax Account No.: R703800480
State ID No.: 1S1E12AA 00400
Quarter Section: 3334

Neighborhood: Richmond, Douglas Klotz at 503-233-9161.
Business District: Division-Clinton Business Assn, Darice Robinson at 503-233-1888.
District Coalition: Southeast Uplift, Bob Kellett at 503-232-0010.

Zoning: CSm (Storefront Commercial with a Main Street Overlay)

Case Type: Adjustment Review

Procedure: Type II, administrative decision with appeal to Adjustment Committee.

II. ORIGINAL PROPOSAL

The applicant is proposing construction of a 3-story, 10-unit multi-dwelling residential development on this site. Plans were submitted and approved that included a 6-foot-wide pedestrian connection on the east side of the property, as required by the Code. The applicant wishes to reduce the width of the proposed pedestrian connection to allow a small landscaped area on the west side of the property, in order to create a buffer for the adjacent neighbor. Exceptions to the required pedestrian standards are approved through Adjustment Reviews, if all of the relevant approval criteria are met or if the criteria can be met through conditions of approval. Therefore, the applicant is requesting approval of an Adjustment to Zoning Code Section 33.130.240 B.2, to reduce the width of the pedestrian connection from six feet to five feet.

III. CONCLUSIONS

The applicant has the right to develop the property, subject to the development standards for the Storefront Commercial (CS) zone, as found in the Portland Zoning Code, Section 33.130.

IV. ADJUSTMENT COMMITTEE DECISION

The Adjustment Committee hereby accepts the applicant's request to withdraw the application for the adjustment included under Case File No. LU 14-221059 AD, and hereby withdraws the previous approval granted under this case.

Staff Planner: Kathleen Stokes

These findings, conclusions and decision were adopted by the City of Portland Adjustment Committee on March 3, 2015

First Hearing Date: February 3, 2015

By: 

Adjustment Committee
Chair person name: Roger Alfred

Date Final Decision Effective/Mailed: March 6, 2015

EXHIBITS

- A. Notice of Type II Decision, dated December 16, 2014
- B. Applicant's letter stating the intent to withdraw the Adjustment request, dated February 9, 2015