



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: March 20, 2015
To: Interested Person
From: Mark Walhood, City Planner
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

NOTICE OF A TENTATIVE APPEAL HEARING DATE ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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.

To accommodate the 120-day review timeframe, a tentative appeal hearing date of Tuesday April 21st, 2015 at 9:00am has been reserved for this case in the event an appeal is filed. If an appeal is filed within the two-week appeal period, there will be no separate mailed public notice for the appeal hearing before the Adjustment Committee. Adjustment Committee appeal hearings are held at 1900 SW 4th Avenue, Room 2500A, Portland, OR 97201. You may contact the planner above for verification that an appeal has been filed, and once an appeal is filed it will be officially noted in the online Adjustment Committee agenda on the BDS website (select Zoning/Land Use > Public Hearings > Adjustment Committee Agenda) <http://www.portlandoregon.gov/bds/42441>.

CASE FILE NUMBER: LU 14-241206 AD

GENERAL INFORMATION

Applicant/Owner: Chris L. Monlux
2786 SW Montgomery Dr / Portland OR 97201

Site Address: 2140-2142 NE 13TH AVE

Legal Description: BLOCK 77 LOT 15, WEST IRVINGTON
Tax Account No.: R893600290
State ID No.: 1N1E26CA 10500
Quarter Section: 2831
Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.
District Coalition: Northeast Coalition of Neighborhoods, contact Claire Adamsick at 503-388-9030.

Zoning: **R5a** (Single-Dwelling Residential 5,000 base zone with the 'a' or Alternative Design Density overlay zone), **Irvington Historic District**

Case Type: **AD** (Adjustment Review)

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

Proposal: The applicant has proposed to convert an existing detached garage behind the duplex at 2140-2142 NE 13th Avenue into an accessory residential art/photo studio for the owner's personal use. Both the house and the existing detached garage are considered "not eligible/non-contributing" in the Irvington Historic District. The existing structure will have an internal wall behind the garage doors and no longer function as a place for parking vehicles, but feature an internal bathroom and studio space with utility sink for developing photographs. With the exception of two clerestory windows on the north elevation that must be removed to meet Building Code firewall standards, no changes are proposed at this time to the exterior design or footprint of the building.

Regulations of the R5 zone require a minimum 5'-0" deep building setback from the side and rear property lines (33.110.220.B/Table 110-3). In some cases detached garages are allowed in the setbacks, but in this case the garage has legal nonconforming rights for a location in the side and rear setbacks. The existing detached garage in the setbacks could have been converted to a residential art/photo studio without an Adjustment if the footprint did not exceed 24'-0" by 24'-0" (33.110.250.C.4.c). Because the footprint of the garage is 30'-2" by 19'-6", it is too large to be converted to non-garage uses by-right.

The existing garage and proposed art/photo studio has walls and eaves located only 1'-2" from the north side lot line. The east side of the building has walls 1'-3" and eaves 0'-7" from the east rear lot line. Therefore, in order to convert the existing detached garage into a residential art/photo studio, the applicant has requested the following two Adjustments:

1. Reduce the minimum north side setback from 5'-0" to 1'-2" (33.110.220.B/Table 110-3); and
2. Reduce the minimum east rear setback from 5'-0" to 1'-3" for the building walls, and from 5'-0" to 0'-7" for the eaves.

RELEVANT APPROVAL CRITERIA: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found at 33.805.040.A-F, Adjustment Approval Criteria.

ANALYSIS

Site and Vicinity: The site is a standard 5,000 square-foot lot on the east side of NE 13th Avenue between Tillamook and Thompson Streets, in Irvington. The site is developed with a two-story duplex with a landscaped, banked front yard. The concrete driveway to the garage at the rear of the lot is on the north side of the house, running along the north lot line. To the north is another duplex, and to the south is a three-story home, both of similar vintage. The existing detached garage is low-slung and visible from the street at the north end, but the majority of the building is concealed from public view behind the duplex.

The surrounding area is developed with historic homes and multi-dwelling structures. This specific block frontage on the east side of NE 13th Avenue has three duplexes, five houses and one apartment building. Irvington School, the back side with the open play areas facing NE Thompson Street, is one block north of the site. The abutting street is improved with paved public sidewalks, planting strips with street trees, curbing, and a two-way roadway with on-street parking.

Zoning: The R5 base zone is a single-dwelling zone that is intended to preserve and enhance the character of single-dwelling neighborhoods. The 'a' or Alternative Design Density overlay zone has no significant regulatory impact of any kind on developed lots in the R5 zone. The Irvington Historic District imposes a requirement for Historic Resource Review of most projects involving exterior changes to buildings in the district, as well for most new construction.

Land Use History: City records indicate no prior land use reviews at the site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **January 29, 2015**. The following Bureaus have responded with no issues or concerns:

- *Bureau of Environmental Services* (Exhibit E.1);

- *Development Review Section of Portland Transportation* (Exhibit E.2);
- *Fire Bureau* (Exhibit E.3); and
- *Site Development Section of the Bureau of Development Services* (Exhibit E.4).

The *Water Bureau* has reviewed the proposal and responded without objection to the requested Adjustments, but with detailed comments on permitting and water service issues. A full Water Bureau review for appropriately sized and connected water services will occur during the building permit process. If a new water service or meter upsized is required, all applicable costs will be the responsibility of the applicant. Exhibit E.5 contains staff contact and additional information.

The *Urban Forestry Division of Portland Parks and Recreation* has reviewed this proposal and responded with standard comments, noting no objection to this request “if all City tree code regulations are observed”. Since the Tree Code applies regardless of this application, and no changes to building footprints or trees are involved, there are no relevant tree-related issues in this proposal. Exhibit E.6 contains staff contact and additional information.

The *Life Safety Section of the Bureau of Development Services* has reviewed the proposal and responded with standard comments and one specific code-related concern, but otherwise no objections to the requested Adjustments. All Building Code regulations must be met or successfully appealed prior to issuance of the required building permit. North and East exterior walls of the existing garage shall be one-hour fire-rated and no openings allowed. Eave projections must be removed or obtain approval from the Bureau of Development Services, Administrative Building Code Appeal Board. This does impact the clerestory windows within the north-facing gable end of the garage, which must be removed to meet the noted firewall requirements in this response. Exhibit E.7 contains staff contact and additional information.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 29, 2015. A total of six written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

Five letters were written in objection to the proposal:

1. The neighborhood association provided three rounds of early feedback, within three days to one week of the mailing date on the notice. These comments object to the level of detail on the drawings, and outline alleged exterior remodeling work of the garage in question during the Summer of 2013, including a rebuilt rear wall, skylights, a new roof, and revised windows and doors on the south façade. These comments also state that a neighbor ‘was told’ that the owner intends to have people stay in the garage as a short-term rental, and questioning the applicant’s stated intended use of the space (Exhibit F.1);
2. The neighbors living directly east of the site, facing the back side of the garage in their rear yard, oppose the requested setback reductions with statements that the request cannot meet the purpose statement for setbacks with regards to light, air, fire protection/access, the physical relationship between residences, and privacy. This letter also alleges that unpermitted exterior work occurred on the home last Summer, and that a construction worker at that time informed these neighbors that the building was to be used as a temporary vacation rental (Exhibit F.2);
3. A neighborhood resident wrote in with objections that not meeting the required setbacks will reduce neighborhood livability, inhibit safe access and privacy, and provide insufficient space for trees. This letter also voiced a concern that the structure will be a ‘habitable rental’ (Exhibit F.4);
4. The formal letter from the Irvington Neighborhood Association objects to the requested Adjustments, asking that they be denied. Concerns include the unpermitted work on the structure, and that the work did not receive the required Historic Resource Review. Related concerns involve the fire safety of the building, the use of photographic chemicals, and unclear information on the drawings. The letter notes that neighborhood individuals may still file additional complaints to the City about alleged unpermitted work at the site. Finally, the letter suggests that because the site is developed with a nonconforming duplex in an R5 zone, that “no additional residential

- space is allowed, either as an ADU or otherwise, in an R5 zone” (Exhibit F.6); and
5. One individual, who did not provide a mailing address, wrote a letter objecting to the proposal with questions about whether or not a business license would be required, and that “even if this property shows as a duplex it appears that it has been a single family and thus he lost his nonconforming rights”. Finally, this letter asks how the neighbor next to his home was able to “create three apartments in an R5 conforming property” (Exhibit F.6).

One letter was written in support of the proposal, coming from the neighbor living directly north of the site, facing the north side of the garage in their rear yard. This neighbor claims to have notified the property owner in late 2012 about the poor condition of the garage, which had broken windows, raccoons living inside, and which was “an eyesore”. This neighbor claims that the work done on the garage in recent years has been a quality upgrade of the neighborhood for a neglected garage which had no historical value. This letter states that the work was done quietly and cleanly, and that the use as a darkroom and photo workshop will not create more noise or neighborhood traffic. The neighbor suggests that the owner has been very pleasant to work with, including cooperating on “tree removals and other lot line problems with shrubbery”.

Staff Response: Issues with regards to the approval criteria, including impacts to light, air, fire protection/access, etc. will be discussed further in the findings below. Photographic evidence documents that the east/rear wall of the garage was previously covered with ivy, although conflicting details exist about the extent of this work and whether it was properly classified as (exempt) repair and maintenance of the structure, or an exterior alteration triggering Historic Resource Review. Staff initially analyzed the new windows and doors on the south façade of the building, which everyone agrees were installed new last year, and found that as a stand-alone job this work was exempt from Historic Resource Review as comprising less than 150 square feet of alterations on a non-street-facing façade of a noncontributing resource (both the duplex and garage are noncontributing resources in the district). The garage itself presents a neat, orderly appearance to the neighbors, and is entirely in keeping with the character of garages found throughout the neighborhood. The owner voluntarily painted the rear/east side of the garage a bright yellow color to match the house color of the home to the east, allegedly at the request of the neighbor. If there is a question as to whether or not the alterations were exempt from Historic Resource Review, this will have to be sorted out through the Code Compliance process, as staff indicated to the neighborhood early on (Exhibit G.3). A full and separate review for Zoning Code compliance will also take place later, during the separate building permit review process.

Other general comments:

- The applicant has voluntarily agreed to accept a condition of approval prohibiting the use of the building as an accessory short-term rental unit, consistent with his stated intent. This will be discussed in the findings for the Adjustments, later in this report;
- There is nothing in the approval criteria for this request, or in the proposal itself, that will have any impact whatsoever on trees;
- The use of photographic chemicals inside the building is not significantly different than the typical storage of other chemicals, fuels, and equipment inside the typical residential garage. This setback Adjustment does not present an opportunity to evaluate or restrict the otherwise use of legal chemicals in the building, just as the Zoning Code does not police or review the chemicals to be used or stored in any proposed new home or garage;
- The house is a legal duplex, and therefore has nonconforming residential density rights as a duplex. Regulations for nonconforming residential density (33.258.060) allow existing units to be enlarged by-right, and additional accessory residential space to be built on the property by-right, provided the applicable development standards are met or Adjusted. What is not allowed are additional dwelling units on the site, and no additional dwelling units are proposed;
- An ADU is not allowed on a site with a duplex, and therefore is not an option at this site;
- The questions from Mr. Wood regarding the ‘three apartments in an R5 conforming

property' (Exhibit F.6) cannot be answered because a street address was not provided in the letter, and also because a street address was refused by the letter writer when requested by staff.

ZONING CODE APPROVAL CRITERIA

33.805.010 Purpose of 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 to provide certainty and rapid processing for land use applications.

33.805.040 Adjustment 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 statement for setbacks in the R5 zone is as follows (33.110.220.A):

“Purpose. *The setback regulations for buildings and garage entrances 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 has requested north/side (5'-0" to 1'-2") and east/rear (5'-0" to 1'-3" for walls, 5'-0" to 0'-7" for eaves) setback reductions. As only side and rear setback reductions are involved, there is no impact to the portions of the above purpose statement which address open front yards or providing room for cars to park.

The existing garage being converted in the setbacks is an established part of the site and surrounding neighborhood, and no changes to the footprint or bulk of the structure are proposed. At approximately three cars wide, it is somewhat larger than the average garage in the neighborhood, but the height and scale of the building is in keeping with nearby garages generally. The back side of the garage facing the neighbors to the east is in excellent, freshly-painted condition, with a color matching the home which faces that wall, and which is used as an attractive background for several garden trellis structures.

There are no changes with regards to how the building impacts light, air, and separation or access for fire-related concerns. The Fire Bureau has reviewed the proposal and responded with out objections or concerns, indicating that they have adequate access to the garage for firefighting purposes from the driveway. The Life Safety Section of BDS has also reviewed the proposal for Building Code issues and

noted concern about the glass on the north-facing elevation, which must be removed to meet firewall requirements (a note has been added by staff to the north elevation). There are no windows in the structure facing east, and the windows facing north must be removed, so there are no privacy impacts of the proposed art/photo studio on adjacent properties. There is also no change to the physical relationship between residences with this proposal, nor is the scale and placement of the house being changed, as the proposal involves only an existing outbuilding.

Neighbors have objected to the proposal with allegations, despite the applicant's stated intent, that the building will be used as a short-term accessory rental, which would be allowed under current regulations if the necessary permit and/or land use reviews were obtained. Although staff finds only a very weak, if any nexus between the requested Adjustments to reduce setbacks and the potential future impacts of a short-term rental, the applicant has volunteered a condition of approval to ensure this does not happen, and in order to respond to neighborhood concerns. In order to eliminate this issue from consideration, staff will impose this condition because the applicant has voluntarily agreed to abide by the restriction.

With the noted condition of approval as proposed by the applicant, and based on the above discussion, 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 existing structure has an attractive, cared-for exterior appearance and is of a size, placement and scale that is not out of character with the neighborhood. No change to the footprint or substantive changes to the exterior of this structure are proposed. For these reasons, as well as those discussed above under findings for criterion A, 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: The overall purpose of the R5 base zone is to provide housing, and to preserve and enhance the character of single-dwelling neighborhoods. The garage is an attractive, established element of the site and surrounding neighborhood character, and the use of the structure as an art/photo studio is not likely to have greater impacts than use of the garage for parking or storage or other typical uses, as would be allowed by-right. The proposed setback reductions allow a project that is consistent with the overall purpose of the R5 zone. This criterion is met.

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

Findings: Both the duplex and the garage are listed as noncontributing resources in the Irvington Historic District, and will remain in place on the site. No alterations are proposed to the house, and the garage has maintained the original street-facing doors and appearance from the street. There are no City-designated scenic resources on the site. This criterion is met.

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

Findings: There are no significant impacts from the Adjustment which require mitigation, as the use is not anticipated to have significant impacts beyond the typical use for a garage building, and because the structure has long been in place at the site. 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 in an environmental zone. This criterion does not apply.

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 has requested an Adjustment to allow the conversion of an existing detached garage into an art/photo studio. The building maintains a garage-like appearance from the street, presents an attractive, freshly-painted façade to the neighbors, and is an established element of the site and surrounding neighborhood. Although there is only a very weak nexus requiring such, the applicant has agreed to a condition of approval preventing the use of the building as an accessory short-term rental, which will be imposed to eliminate one neighborhood concern. Overall, the request is easily able to meet the relevant criteria and merits approval.

ADMINISTRATIVE DECISION

Approval of an Adjustment to reduce the minimum north side setback from 5'-0" to 1'-2" (33.110.220.B/Table 110-3); and

Approval of an Adjustment to reduce the minimum east rear setback from 5'-0" to 1'-3" for the building walls, and from 5'-0" to 0'-7" for the eaves (33.110.220.B/Table 110-3).

Both of the above approvals allow the existing detached garage in the northeast corner of the site to be converted to an accessory residential art and photography studio, as indicated on the approved plans and drawings, Exhibits C.1 through C.6, all signed and dated March 17, 2015, and 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 14-241206 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The detached outbuilding that is the subject of this application, in the northeast corner of the property, shall not be used as either a Type A or B Accessory Short Term Rental.

Staff Planner: Mark Walhood

Decision rendered by: MARK WALHOOD **on March 17, 2015.**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 20, 2015

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

November 21, 2014, and was determined to be complete on **January 21, 2015**.

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 November 21, 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 May 20, 2015**

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 on Tuesday, April 21st, 2015 @ 9:00am. **Appeals must be filed by 4:30 PM on April 3rd, 2015** 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 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 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 held on Tuesday April 21st, 2015 @ 9:00am in Room 2500A at 1900 SW 4th Avenue, Portland, Oregon 97201. 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 6, 2015 – (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.

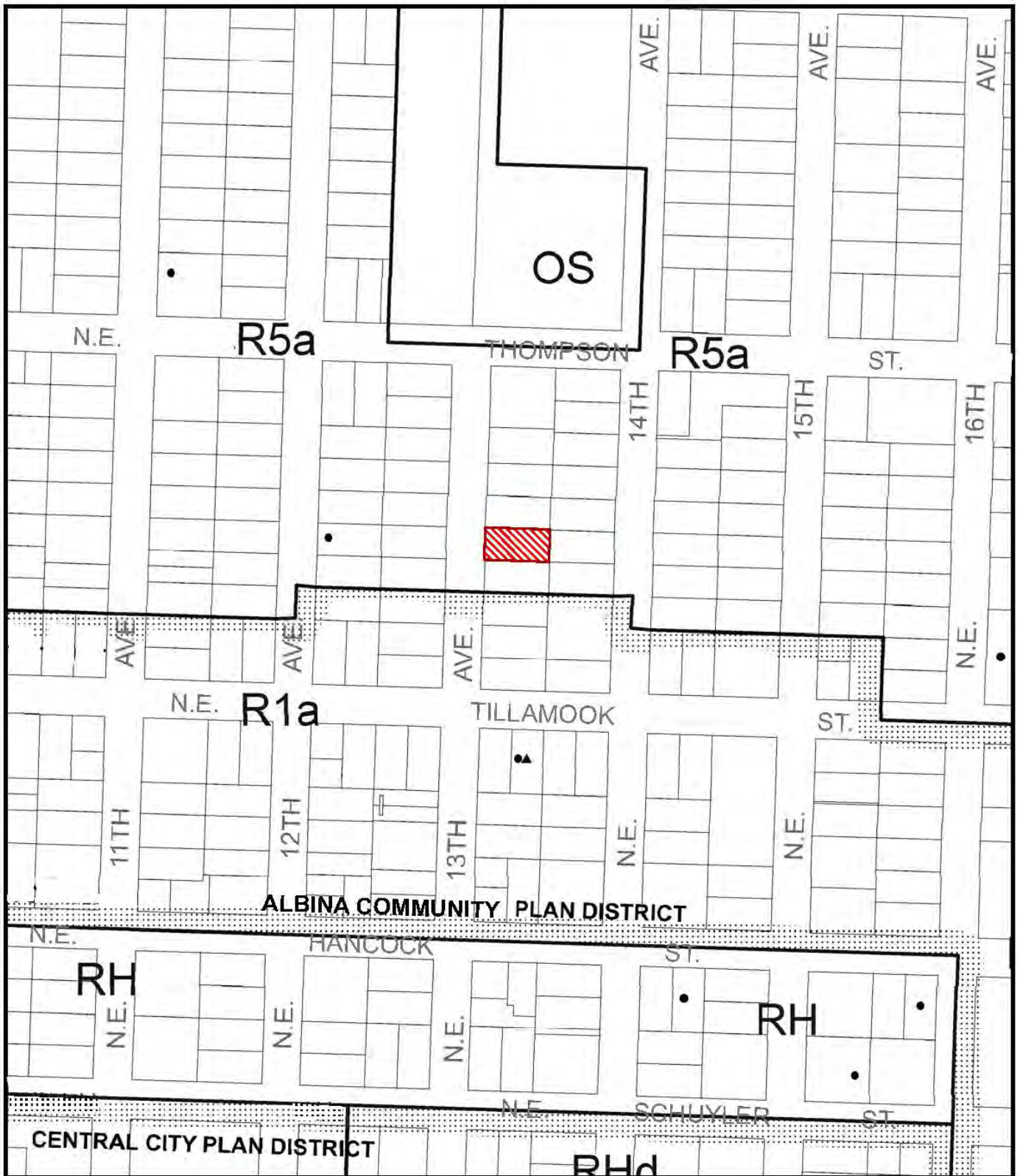
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 Statements
 - 1. Original narrative statement and three attached photos showing current conditions
 - 2. Original drawing set – reference only (old site plan)
 - 3. Supplemental narrative statements from applicant in response to neighborhood comments, rec'd. 2/10/15
 - 4. Supplemental narrative statement from applicant in response to neighborhood comments, agreeing to restrict use of studio from being used as accessory short-term rental, rec'd. 2/18/15
 - 5. Supplemental narrative statement from applicant, stating house was duplex when current owner purchased the building, rec'd. 2/19/15
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site plan (attached)
 - 2. Floor plan (attached)
 - 3. North elevation (attached)
 - 4. East elevation (attached)
 - 5. West elevation
 - 6. South elevation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Development Review Section of Portland Transportation
 - 3. Fire Bureau
 - 4. Site Development Section of the Bureau of Development Services
 - 5. Water Bureau
 - 6. Urban Forestry Division of Portland Parks and Recreation
 - 7. Life Safety Section of the Bureau of Development Services
- F. Correspondence:
 - 1. Initial questions and comments with e-mail dialogue between Dean Gisvold and staff, 2/2/15-2/4/15
 - 2. E-mail with objections from Angela Uherbelau and Curtis Robinhold, rec'd. 2/7/15
 - 3. E-mail string with two supporting letters from George Weissman, including a reply to the first letter from Dean Gisvold between the two, rec'd. 2/12-15 & 2/13/15
 - 4. E-mail with objections from Edith Jones, rec'd. 2/14/15
 - 5. Formal comment e-mail with objections from Dean Gisvold, Irvington Neighborhood Association
 - 6. E-mail comment with objections from Donald Wood in response to neighborhood comment e-mail, including attached refusal of Mr. Wood to provide the mailing address necessary to receive a copy of the mailed decision in this case, rec'd. 2/19/15
- G. Other:
 - 1. Original LU Application Form and receipt
 - 2. Incomplete letter from staff to applicant, sent 12/16/14
 - 3. Copy of initial staff-neighborhood e-mail dialogue identified above as Exhibit F.1, including staff response on 2/10/15, as copied to applicant on 2/10/15
 - 4. Excerpt of Irvington Historic District documents showing survey data for site
 - 5. City Violation case 14-217362 HS progress report, dated 11/21/14

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

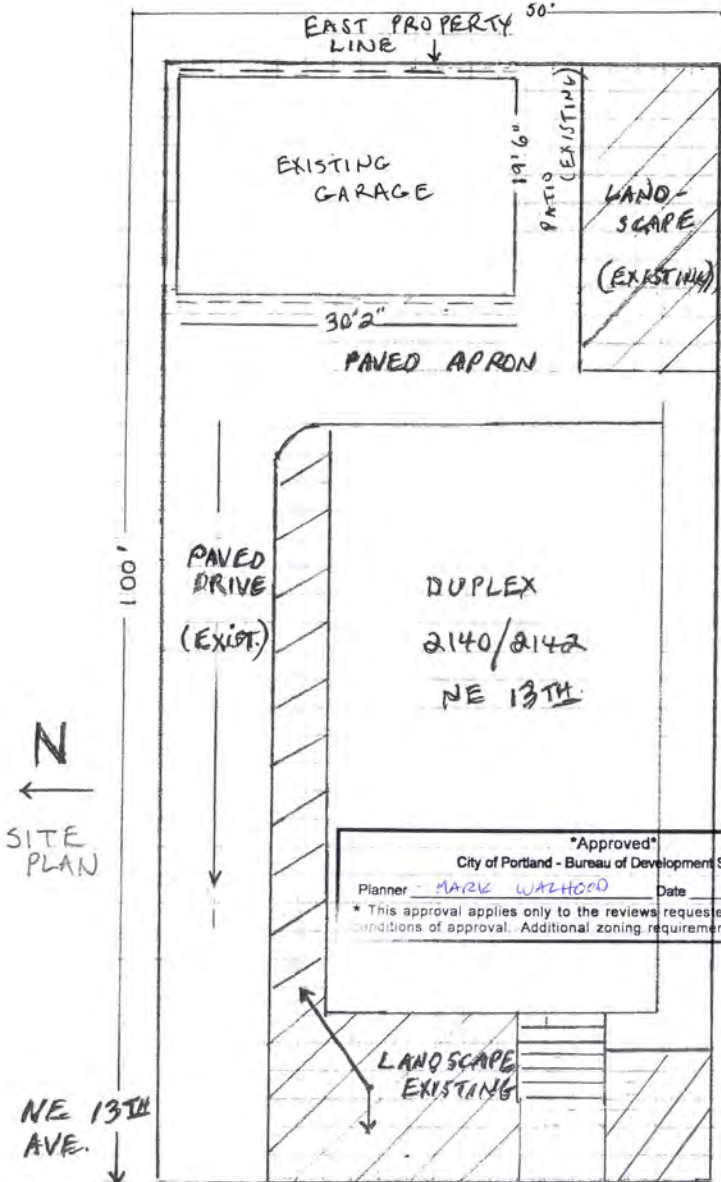


Historic Landmark



This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No. LU 14-241206 AD
 1/4 Section 2831
 Scale 1 inch = 200 feet
 State_Id 1N1E26CA 10500
 Exhibit B (Nov 25, 2014)



NOTES:

GARAGE IS
30'2" X
19'6"

- SET BACKS
- EAST • REDUCE FROM 5' TO 1'3" WALL & 7" EAVES
 - NORTH • REDUCE FROM 5' TO 1'2"

--- INDICATES EAVES

Approved

City of Portland - Bureau of Development Services

Planner - MARK WAZHOSO Date MARCH 17 2015

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

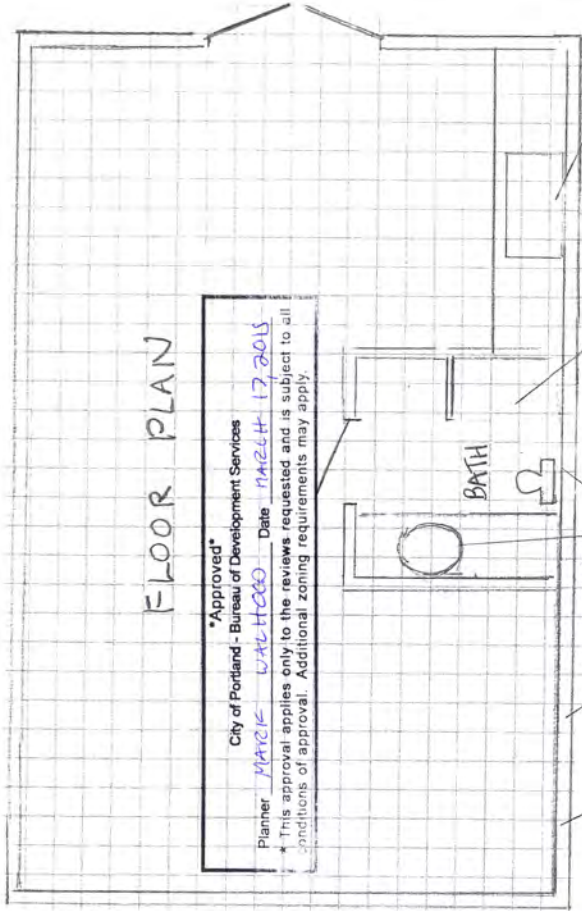
1" = 10'

2140/42 NE 13TH

DOORS

FLOOR PLAN

Approved
 City of Portland - Bureau of Development Services
 Planner MARIE WALTERS Date MARCH 17, 2015
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



LARGE PHOTO WASH SINK (NEW)

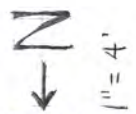
EXISTING METAL SHOWER (REPLACE)

EXISTING TOILET (REPLACE)

NEW LAV. SINK

R-13 INSULATE WALLS / CEILING

NEW INTERIOR WALL INSIDE (GARAGE DOORS TO REMAIN)



W 14-241206 AD

Exhibit C.2

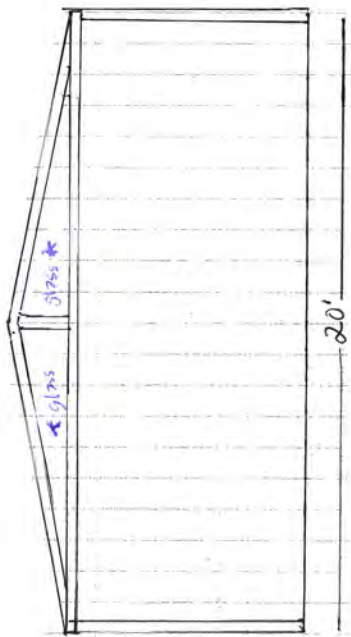
Approved

City of Portland - Bureau of Development Services

Planner MARK WALHOOD Date MARCH 17, 2015

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

2140/2142 NE 13TH
GARAGE - EXISTING



□ ONE SQ = 1 FT.

NORTH ELEVATION
(EXISTING)

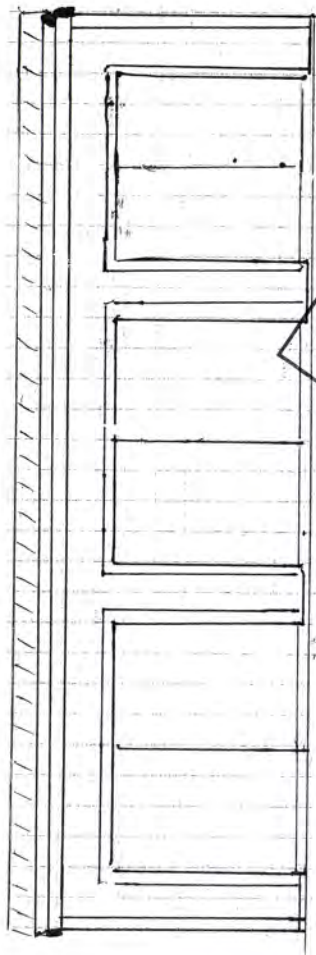
* glass to be removed per Building Code firewell regulations, see Exhibit E.7

2140/2142 NE 13TH
GARAGE - EXISTING

Approved	
City of Portland - Bureau of Development Services	
Planner <u>MARK WALHOOD</u>	Date <u>MARCH 17, 2015</u>
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.	

□ ONE SQ = 1 FOOT
EAST ELEVATION

2140/2142 NE 13TH
GARAGE - EXISTING

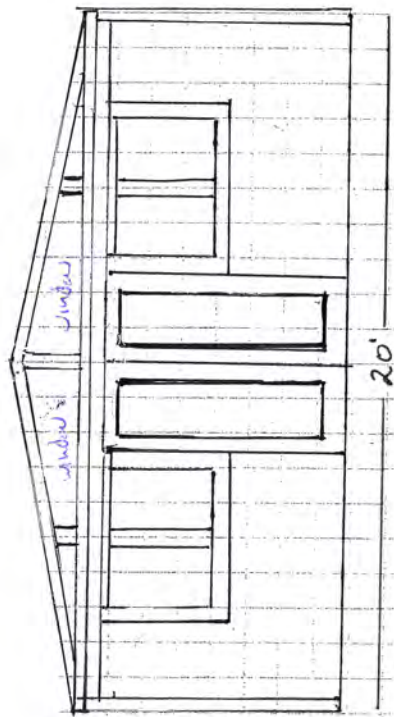


□ ONE SQ = 1 FT.

WEST ELEVATION

Planner MARK WATKINS
City of Portland - Bureau of Development Services
Approved
* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.
Date MARCH 17 2016

2140/2142 NE 13TH
GARAGE - EXISTING



□ ONE SQ = 1 FT.

SOUTH ELEVATION
(EXISTING)

Approved	
City of Portland - Bureau of Development Services	
Planner	MARC WATWOOD
Date	MARCH 17, 2015
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.	

CASE NO. W 14-241206 AD

EXHIBIT C-6