



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

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

**Date:** August 18, 2015  
**To:** Interested Person  
**From:** Amanda Rhoads, Land Use Services  
 503-823-7837 / [Amanda.Rhoads@portlandoregon.gov](mailto:Amanda.Rhoads@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 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.

**CASE FILE NUMBER: LU 15-163862 AD**  
**ADJUSTMENT TO REDUCE SIDE SETBACK FOR ADU**

**GENERAL INFORMATION**

**Applicant:** Melissa Ehn / Wright Design Office  
 2222 NE Oregon St Suite 215 / Portland OR 97232

**Owners:** Jeneen Bell and Bret Hodgert  
 5405 SE Ramona St / Portland OR 97206

**Site Address:** 5405 SE RAMONA ST

**Legal Description:** BLOCK 7 LOT 1 W 10' OF LOT 2, TREMONT PK  
**Tax Account No.:** R842201340  
**State ID No.:** 1S2E18DB 17300  
**Quarter Section:** 3636  
**Neighborhood:** Woodstock, contact Krista Connerly at 971-309-8973.  
**Business District:** Woodstock Community Business Association, contact Sean Daugherty at 503-754-2636.

**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.  
**Plan District:** None  
**Zoning:** R5 – Single-Dwelling Residential 5,000  
**Case Type:** AD – Adjustment Review  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:**  
 The applicant proposes to convert an existing garage on the site into a one-bedroom, one-and-a-half story, 752-square-foot Accessory Dwelling Unit (ADU). The proposal calls for reusing much of the existing foundation and wall framing of the garage, with a second floor added above. The proposed ADU will have a maximum height of 18 feet and will measure 24 feet by 24 feet, with 1-foot eaves. The garage is located 3 feet from the east property line, so the applicant requests an Adjustment to Zoning Code Section 33.110.220.B and Table 110-3 to reduce the

side setback from 5 feet to 3 feet for the building wall and from 4 feet to 2 feet for the roof eaves.

**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 6,000-square-foot corner lot is currently developed with a one-and-a-half story house constructed in 1950. The site has vehicle access from the alley to the north of the property. The immediate area is developed with relatively modest 1- and 1.5-story houses built throughout the 20<sup>th</sup> century. The area is flat with most blocks having accessible alleys. The site is located within a few blocks of the Woodstock commercial district.

**Zoning:** The Residential 5,000 (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

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

**Public Review:** A "Notice of Proposal in Your Neighborhood" was mailed **July 7, 2015**.

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

- Bureau of Environmental Services (Exhibit E.1);
- Bureau of Transportation (Exhibit E.2);
- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4);
- Site Development Section of BDS (Exhibit E.5); and
- Life Safety (Building Code) Plans Examiner (Exhibit E.6).

**Neighborhood Review:** No written responses have been received from either the Neighborhood Association or notified property owners in response to the 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 purpose for the setback regulations for single-dwelling zones is in Zoning Code Section 33.110.220.A:

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.

Each relevant purpose statement is addressed separately below.

*They maintain light, air, separation for fire protection, and access for fire fighting;*

The new structure maintains the same location, length and width as the existing garage. The neighboring lot has an accessory structure, but it is located at least 40 feet to the east. Hence, the new ADU will be accessible on all sides for access for fire fighting, with an alley immediately to the north of the structure. As proposed, the ADU will have sufficient separation from surrounding structures for fire protection; it will be located some 55 feet from the main house to the east; the distance across the alley to the neighbor's garage is about 25 feet. The Fire Bureau responded to the Adjustment request with no concerns.

*They reflect the general building scale and placement of houses in the City's neighborhoods;*

*They promote a reasonable physical relationship between residences;*

The new accessory structure will be the same distance from both the street and the alley as the current garage. The roof pitch matches that of the existing house, and is also oriented with the slopes running north and south to match the house. The repetition of this pattern helps the ADU complement the existing house.

Many properties nearby have garages within the required setbacks and which are located close to the alleyways. The property to the north, across the alley, has a garage and driveway adjacent to the alley. As stated above, the ADU is located approximately 55 feet from the closest corner of the house to the east, which is on a 10,800-square-foot lot. The ADU will not result in an unreasonable relationship with adjacent sites. The proposal results in a structure that maintains a reasonable physical relationship with other structures in the immediate area.

The applicant's initial proposal extended the second story of the ADU from 24 feet to 27 feet on the north-south wall. While only three feet longer than the existing structure, staff found that the extension increased the massing and bulk of the ADU significantly, given the increase in height. The applicant's final proposal maintains the original 24 feet x 24 feet length and width of the existing garage. This wall length is the maximum size allowed to place garages in setbacks by right. Maintaining this size reduces the impact of the ADU on adjacent properties and keeps the structure

more in line with what is allowed outright, though the height is increased in order to gain a bedroom on the second floor.

*They promote options for privacy for neighboring properties;*

As stated above, the eastern-abutting lot does not have a detached accessory structure near the common property line. Only two small windows are proposed on the north façade, which is the façade closest to any structures on adjacent properties. The larger lot size for the immediate neighbor to the east, and the resulting distance to the house on that site, provide ample separation between structures. The proposal will have no negative impacts on privacy for neighboring properties.

*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*

Locating the new ADU in the same location as the old garage fits in with the existing neighborhood character. The Adjustment will help the applicant maximize the outdoor area.

*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 existing parking pad to the west of the garage will be retained. The pad measures 12 feet by 32 feet. The access off of the alley to the rear of the house prevents any chance of a car overhanging a street or sidewalk. The parking pad alone will afford the same visibility for the driver as the existing garage/driveway on the site.

For the reasons stated above, the proposed Adjustment will at least equally meet all the relevant purposes for setbacks. 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 area is diverse, with sites of varying sizes and houses from different eras of development. The accessory structure will remain the same distance from the street as the garage. Several street trees along SE 54<sup>th</sup> and two mature firs to the east of the ADU will help minimize this new taller structure from standing out. The new ADU will also meet all ADU design guidelines to match the siding, trim and other elements of the primary house on the lot. Given this, along with the limited windows on the north façade, the proposal will not significantly affect either the appearance or the livability of the residential area. 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 requested. This criterion is not applicable.

- 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

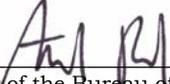
The proposal to replace a garage with a new Accessory Dwelling Unit will meet the purpose statements for setbacks, will contribute to the attractiveness and livability of the neighborhood, and will not have negative impacts on the surrounding lots. The proposal meets all relevant approval criteria and should be approved.

## ADMINISTRATIVE DECISION

Approval of an Adjustment to Zoning Code Section 33.110.220.B and Table 110-3 to reduce the side setback from 5 feet to 3 feet for the building wall and from 4 feet to 2 feet for the roof eaves, per the approved site plans, Exhibits C.1 through C.4, signed and dated August 14, 2015, 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.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-163862 AD."

**Staff Planner: Amanda Rhoads**

**Decision rendered by:**  **on August 14, 2015**

By authority of the Director of the Bureau of Development Services

**Decision mailed: August 18, 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 May 4, 2015, and was determined to be complete on **July 1, 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 May 4, 2015.

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 29, 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. Appeals must be filed **by 4:30 PM on September 1, 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 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 **September 2, 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:

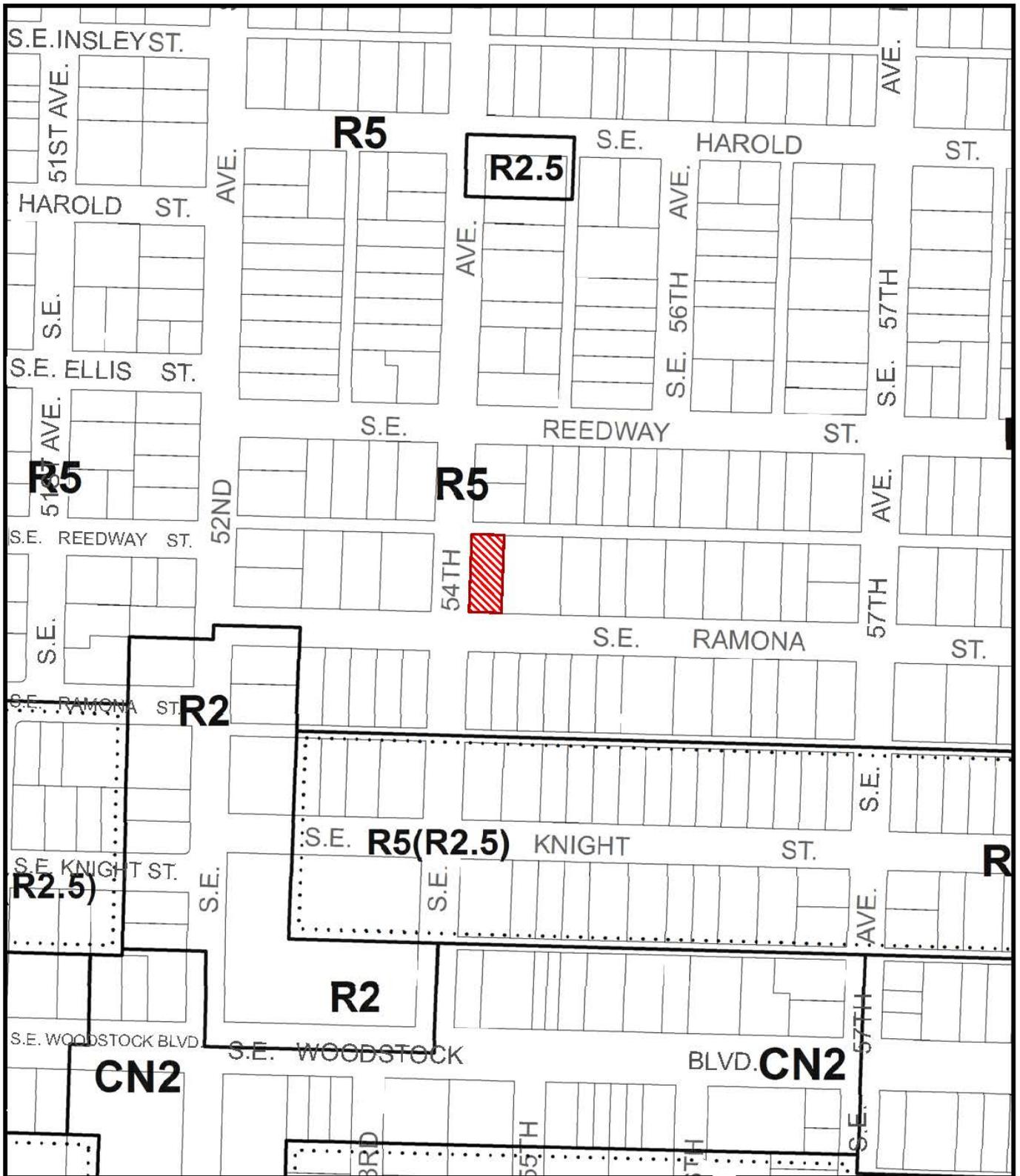
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Applicant Narrative, May 5, 2015
  - 2. Original Plan Set
  - 3. Context Photos
  - 4. Response to Incomplete Letter, June 25, 2015
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. ADU Elevations (attached)
  - 3. Elevations showing ADU and Existing House (attached)
  - 4. ADU Floor Plans
  - 5. Full-Sized Plan Set
  - 6. Full-Sized Elevations – Existing Garage
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Life Safety (Building Code) Plans Examiner
- F. Correspondence: none received
- G. Other:
  - 1. Original LU Application and Receipt
  - 2. Incomplete Letter, May 14, 2015

**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

File No. LU 15-163862 AD  
 1/4 Section 3636  
 Scale 1 inch = 200 feet  
 State\_Id 1S2E18DB 17300  
 Exhibit B (May 06, 2015)



WILLIAMSON DESIGN GROUP  
 1000 NE Oregon Street, Suite 200  
 Portland, Oregon 97232  
 Tel: 503.255.1100  
 Fax: 503.255.1101

NO DEVELOPMENT  
 IN THIS ZONING DISTRICT  
 WITHOUT A DEVELOPMENT  
 PERMIT

Building Owner

Jensen Bell & Bret Hodgett  
 5405 SE Harmons St.  
 Portland, Oregon 97226

Project Name

ADJUNCTION  
 DWELLING UNIT  
 PORTLAND, OREGON

ADJUSTMENT  
 APPLICATION  
 LU 15-163862AD

DATE: 4/28/2015  
 CITY: PORTLAND, OREGON  
 COUNTY: CLATSOP  
 JOB NUMBER: 15-163862AD

Drawn: M.L.E.  
 Checked: J.M.W.  
 Date: AUGUST 6, 2015  
 File Name: A1.1  
 Job #: 15-163862AD  
 ORIGINAL SHEET SIZE: 22"x36"

Drawing Number  
**A1.1**



VICTINITY MAP  
NO SCALE



LOCATION MAP  
NO SCALE

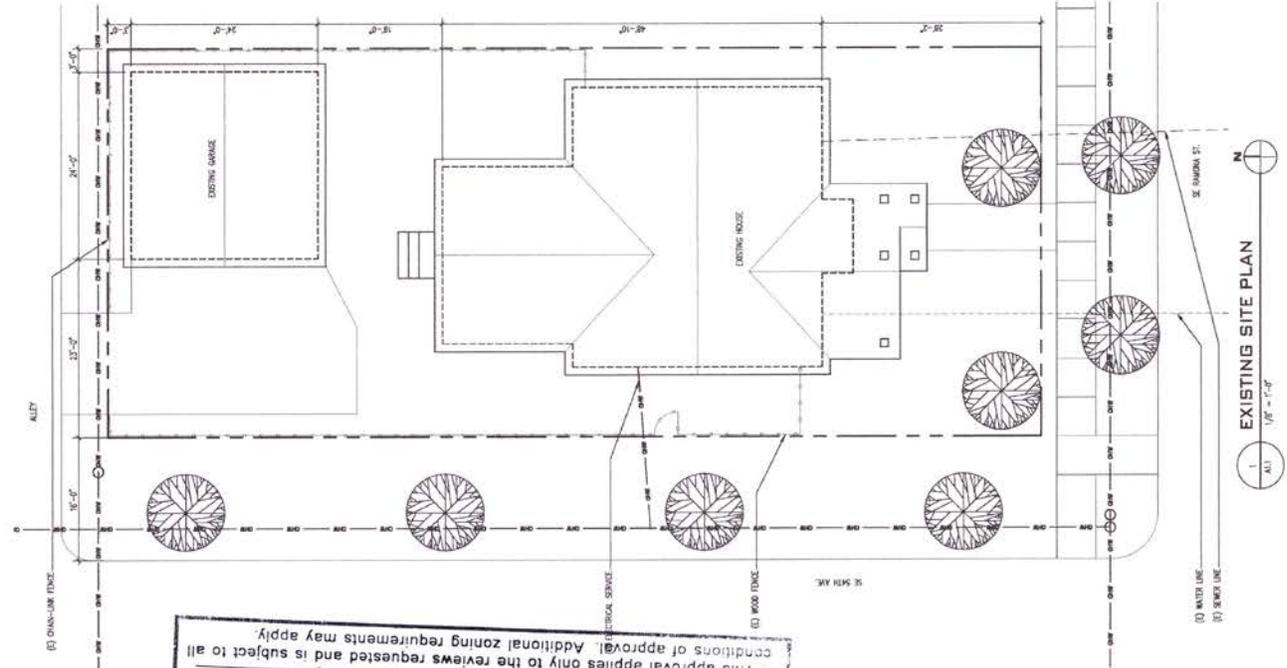
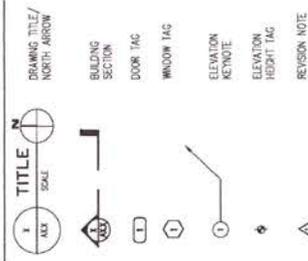
Drawing Index:

- A1.1 COVER SHEET
- A3.0 EXISTING & PROPOSED SITE PLAN
- A3.1 EXISTING ELEVATIONS
- A3.2 PROPOSED ELEVATIONS

Site Data:

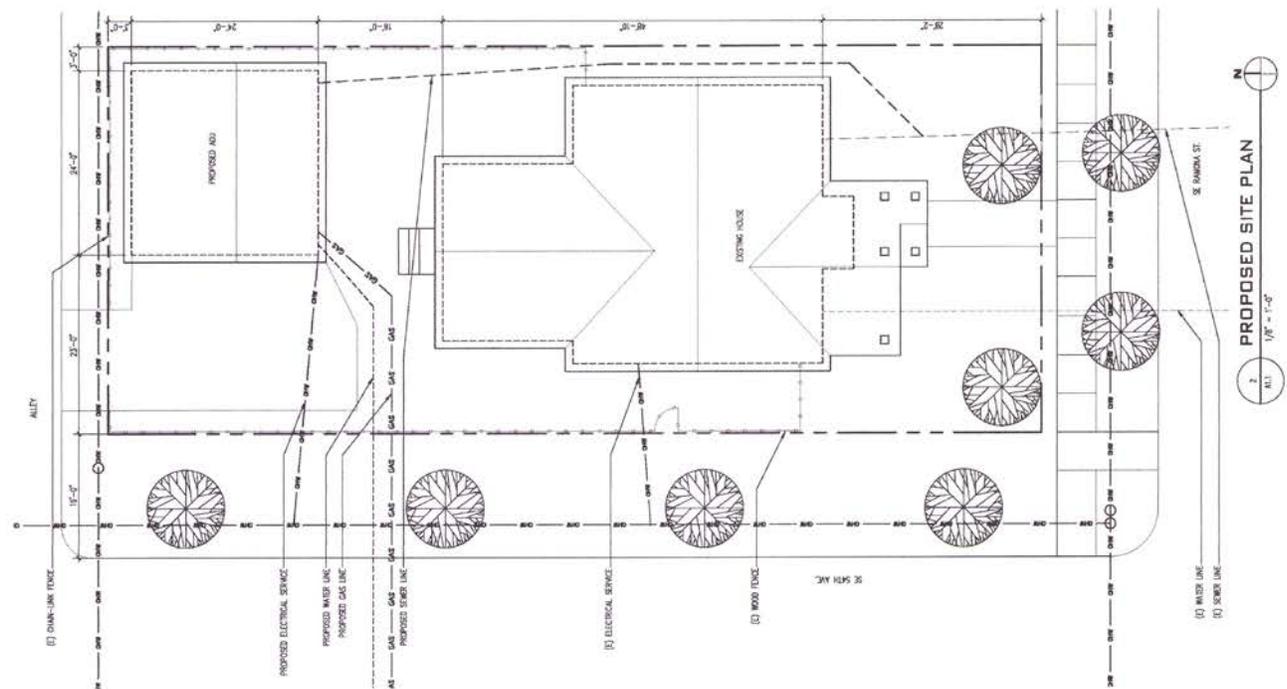
ZONING: LU 15-163862AD, 17000  
 ALI ID: 15-163862AD  
 LEGAL DESCRIPTION: TRACT 10, BLOCK 1, LOT 1, 9' OF LOT 2

Symbol:



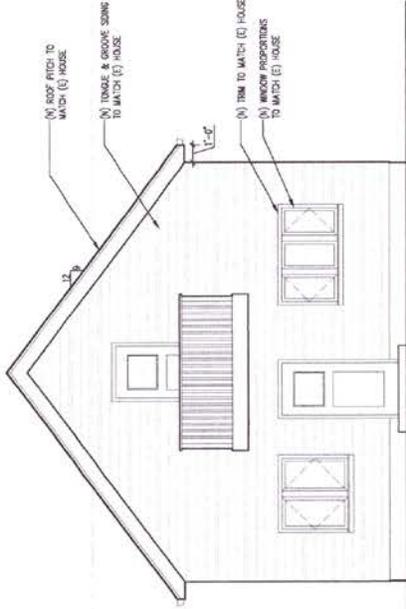
EXISTING SITE PLAN  
1/8" = 1'-0"

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner: *AMM*  
 Date: *8/19/15*  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

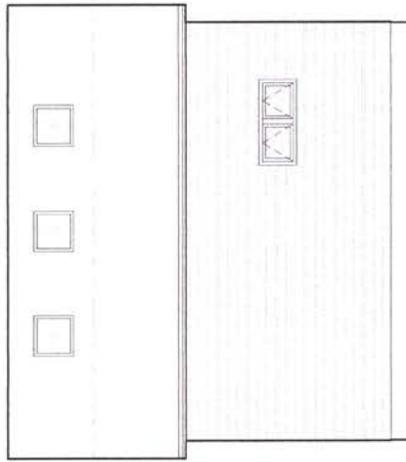


PROPOSED SITE PLAN  
1/8" = 1'-0"

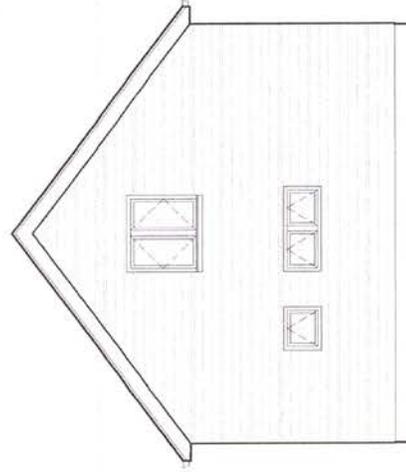
CASE NO. LU 15-163862AD  
 EXHIBIT C-1



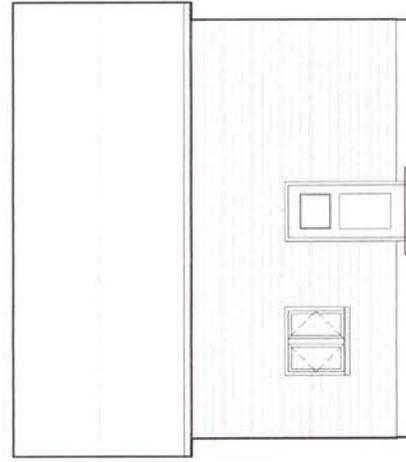
1 PROPOSED WEST ELEVATION  
1/4" = 1'-0"



2 PROPOSED NORTH ELEVATION  
1/4" = 1'-0"



3 PROPOSED EAST ELEVATION  
1/4" = 1'-0"



4 PROPOSED SOUTH ELEVATION  
1/4" = 1'-0"

**\*Approved\***  
City of Portland - Bureau of Development Services  
Planner: *[Signature]* Date: *8/19/15*  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.





WDO  
 1000 NE Oregon Street, Suite 100  
 Portland, Oregon 97232  
 Phone: 503.281.1000  
 Fax: 503.281.1001  
 Website: www.wdo.org

WDO  
 1000 NE Oregon Street, Suite 100  
 Portland, Oregon 97232  
 Phone: 503.281.1000  
 Fax: 503.281.1001  
 Website: www.wdo.org

Building Name  
 Jennifer Bell & Brent Hodget  
 5405 SE Remond St.  
 Portland, Oregon 97206

Project Name

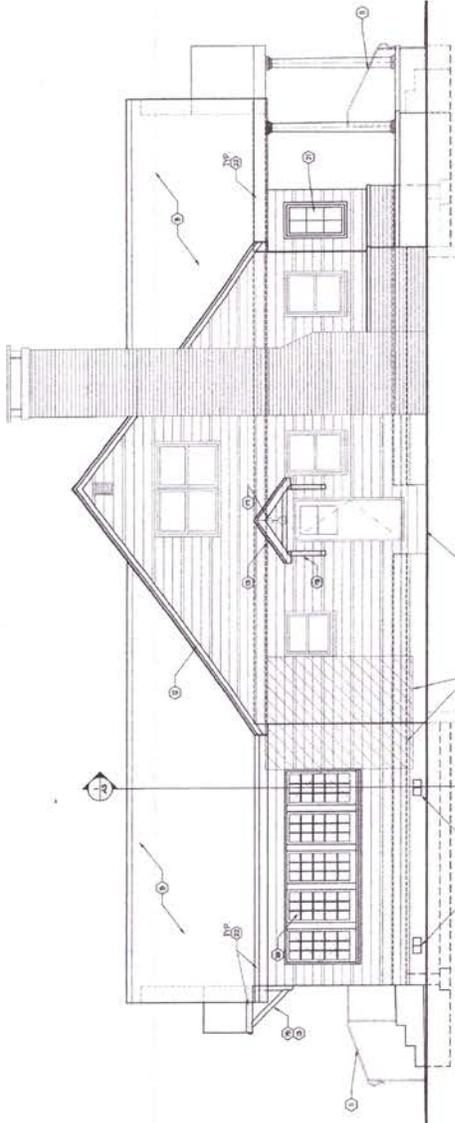
ACCESSORY  
 DWELLING UNIT  
 REFERENCE TO 1925A

ADJUSTMENT  
 APPLICATION  
 LU 15-1-63862AD

DATE  
 4.12.2015  
 DAY: MONDAY 4.12.2015  
 TIME: 11:55:00 AM

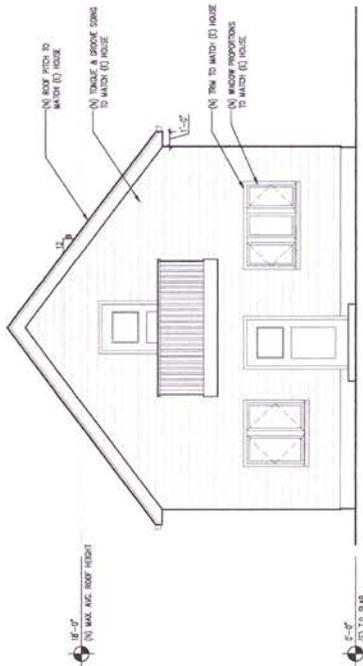
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 TIME: 11:55:00 AM

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 4.12.2015  
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 TIME: 11:55:00 AM

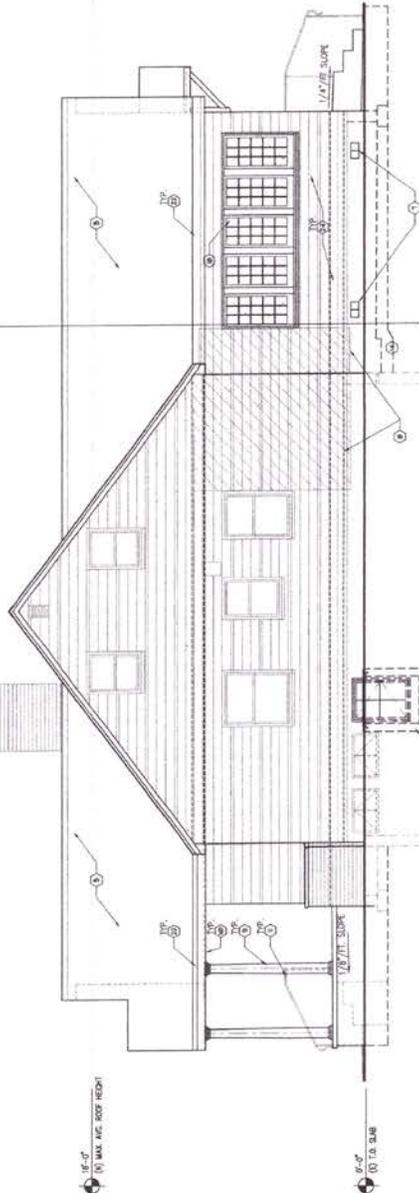


2 EXISTING WEST ELEVATION  
 1/8" = 1'-0"  
 DIM REFERENCE ONLY - PLEASE OBSERVE NOTES & CALLOUTS

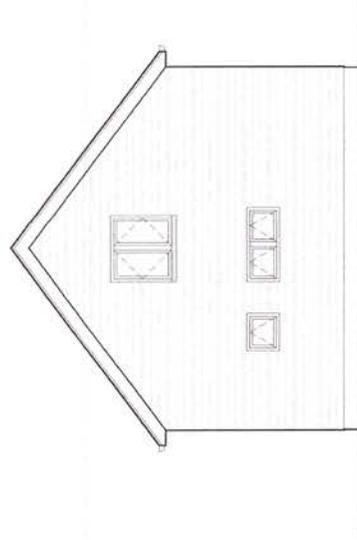
\*Approved\*  
 City of Portland - Bureau of Development Services  
 Date 8/14/15  
 Planner Amy M  
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1 PROPOSED WEST ELEVATION  
 1/8" = 1'-0"



4 EXISTING EAST ELEVATION  
 1/8" = 1'-0"  
 DIM REFERENCE ONLY - PLEASE OBSERVE NOTES & CALLOUTS



3 PROPOSED EAST ELEVATION  
 1/8" = 1'-0"