



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: August 10, 2016
To: Interested Person
From: Marguerite Feuersanger, Land Use Services
503-823-7619 / Marguerite.Feuersanger@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 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 16-194102 AD

GENERAL INFORMATION

Applicant: Mike Andreyuk / Recraft LLC
997 SW Westwood Drive
Portland, OR 97239

Owner: Karen D Grigsby
4920 NE 22nd Avenue
Portland, OR 97211-5876

Site Address: 4920 NE 22ND AVE

Legal Description: BLOCK 35 S 17' OF LOT 3 N 16' OF LOT 4, VERNON
Tax Account No.: R860706270
State ID No.: 1N1E23AD 03500
Quarter Section: 2532

Neighborhood: Concordia, contact Garlynn Woodsong at 503-936-9873.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.
District Coalition: Northeast Coalition of Neighborhoods, contact Zena Rockowitz at 503-388-5070.

Zoning: R5a,h: Single-Dwelling Residential 5,000 Zone (R5), Alternative Design Density Overlay Zone (a) and Aircraft Landing Overlay Zone (h)

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

Proposal: The applicant proposes to extend the existing 2nd story dormer along the north side of the existing house to create new living space. The new dormer will be located at the northeast portion of the house, away from the street. It will match the profile of the existing dormer. The existing dormer wall and proposed dormer wall are set back 4 feet 2 inches from

the north side property line. The existing dormer eave is 1 foot 6 inches in width and the proposed dormer eave is 1 foot in width. New additions, including this proposal, must be set back at least 5 feet from side and rear property lines. Because the proposed wall of the dormer is set back only 4 feet 2 inches (with one-foot eave), an Adjustment is requested.

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 subject site is a 3,300 square-foot lot with a bungalow-style home. There is no driveway or vehicle parking on the site. Most of the homes along this portion of NE 22nd Avenue are similar in style and height, being 1-1/2 stories, built in the early 1900s. The immediate area is comprised of single-dwelling homes, small neighborhood churches. Commercial, employment and residential development is located along the main street of NE Alberta, located approximately 130 feet north of the site.

Zoning: The site and surrounding properties are within the R5ah, Single-Dwelling Residential 5,000 zone. The regulations of the Single-Dwelling zones are intended to create, maintain and promote single-dwelling neighborhoods. The development standards work together to preserve the character of neighborhoods, and promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods.

The “a” (Alternative Design Density) overlay zone is intended to allow increased density that meets design compatibility requirements. It focuses development on vacant sites, preserves existing housing stock, and encourages new development that is compatible with the surrounding residential neighborhood. This proposal is not using the provisions of the “a” overlay zone.

The “h” (Aircraft Landing) overlay zone supplements, but is subordinate to, federal airspace regulations administered by the Federal Aviation Administration (FAA). Development and structures that meet the requirements of the Aircraft Landing Overlay Zone may still be subject to review by the FAA. This proposal is not subject to the regulations of this chapter as the proposal meets the 30-foot height limit of the R5 base zone.

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 **March 31, 2015**. The following Bureaus have responded with no issues or concerns:

- Water Bureau (Exhibit E-3);
- Site Development Section of BDS (Exhibit E-4); and
- Fire Bureau (Exhibit E-5).

The following Bureaus responded with no concerns regarding the Adjustment, but provide information that relates to the Building Permit:

- Bureau of Environmental Services (Exhibit E-1);
- Bureau of Transportation Engineering (Exhibit E-2); and

- Life Safety Plan Review Section of BDS (Exhibit E-6).

Neighborhood Review: No written responses were received from notified property owners in response to the “Notice of Proposal”.

ZONING CODE APPROVAL CRITERIA

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 applicant is seeking an Adjustment to the side building setback. The purpose of the building setback standards are found in Section 33.110.220, which states:

Purpose: The building setback regulations serve several purposes:

- They maintain light, air, separation for fire protection, and access for firefighting;
- 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 request to reduce the required side (north) building setback from 5 feet to 4 feet 2 inches will allow for the expansion of an existing upper-story dormer. The proposed dormer addition measures approximately 8.75 feet (north wall) by 12 feet and is in line with the wall of the house, and the existing upper-story dormer and dormer eave. Other existing features of the north side of the house extend farther into to the setback, including the eaves of the main house and a bay window at the main level. Still, the applicant states that “the dormer addition is very small in scale . . . and is not encroaching on the setback any more than the main floor wall of the house and the existing dormer already, so light, air, separation for fire protection, and access for firefighting will not change due to this dormer addition.” Staff agrees with this assessment. The physical relationship of the houses will not change by the proposed dormer extension and adequate light and air between the homes will be maintained.

The Fire Bureau staff has reviewed this proposal and has responded with no concerns. The BDS Life Safety Plan Review section reviewed the proposal and notes that a building permit has been applied for and a plans examiner has sent correspondence to the applicant regarding building code-related items.

The subject property was developed in the early 1900s when separation from property lines was not regulated. Although the existing setback is less than the required 5 feet, the

proposal reflects the common separation distance between adjacent houses and reflects the predominant character of many homes that were built in the early 1900s.

The proposed dormer extension blends well with the style of the existing house and will not impact outdoor area. For the reasons stated above, the proposed addition meets this approval criterion.

- 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 submitted plans show the dormer extension will have the same roof pitch and eave as that of the existing dormer. The applicant states that “the dormer addition will match the existing dormer in scale, appearance, and building materials such as roofing, siding, trim, windows, and corbels, and will not detract from the livability or appearance of the residential area.” Further, the addition will not be seen from the street. For these reasons, this criterion is met.

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: 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. There are no such resources present on the site. 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 there are no environmental overlay zones mapped on site, 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 proposed dormer extension will provide the owner with additional second-story living space. It is small in size at 107 square feet, and will not be visible from the street view. The reduced setback of 4 feet 2 inches is consistent with existing features of the house and will maintain a reasonable distance between the subject house and the house to the north. As reflected in the findings, the proposed setback reduction results in a proposal that is consistent with the purpose of the side setback regulations and will not impact neighborhood livability. Therefore, this request should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to the side (north) setback, from 5 feet to 4 feet 2 inches, with a 1-foot eave, per the approved site plans, Exhibits C-1 and C-2, signed and dated August 8, 2016, 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 16-194102 AD. No field changes allowed."

Staff Planner: Marguerite Feuersanger

Decision rendered by:  **on August 8, 2016.**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 10, 2016

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 24, 2016, and was determined to be complete on July 8, 2016.

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 24, 2016.

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 November 5, 2016.**

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 24, 2016**, at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, the final decision may be recorded on or after **August 25, 2016**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to:

Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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

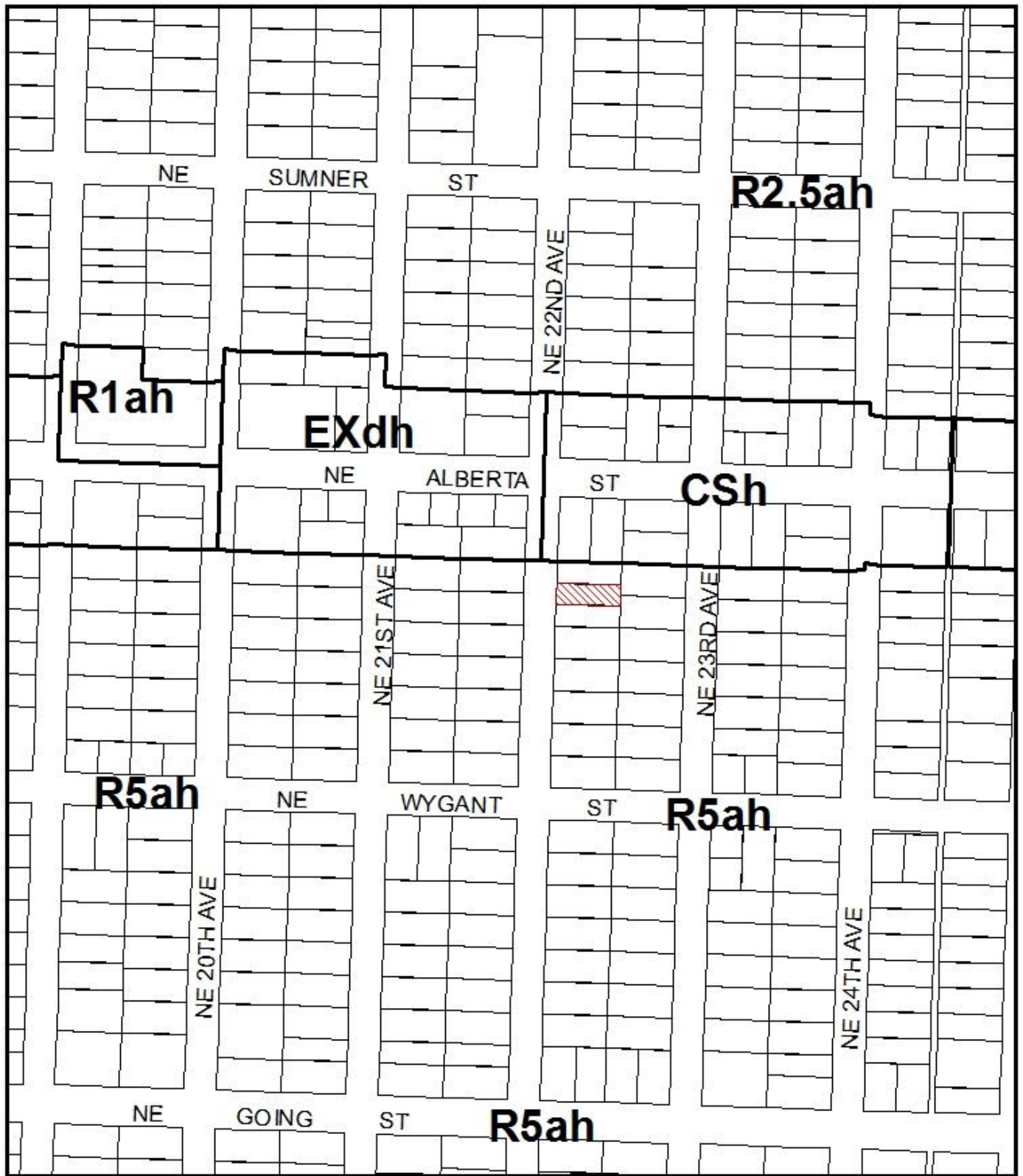
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED


- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Site Development Review Section of BDS
 - 5. Fire Bureau
 - 6. Life Safety Plans Examiner of BDS
- F. Correspondence:
 - None
- G. Other:
 - 1. Original LU Application

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).

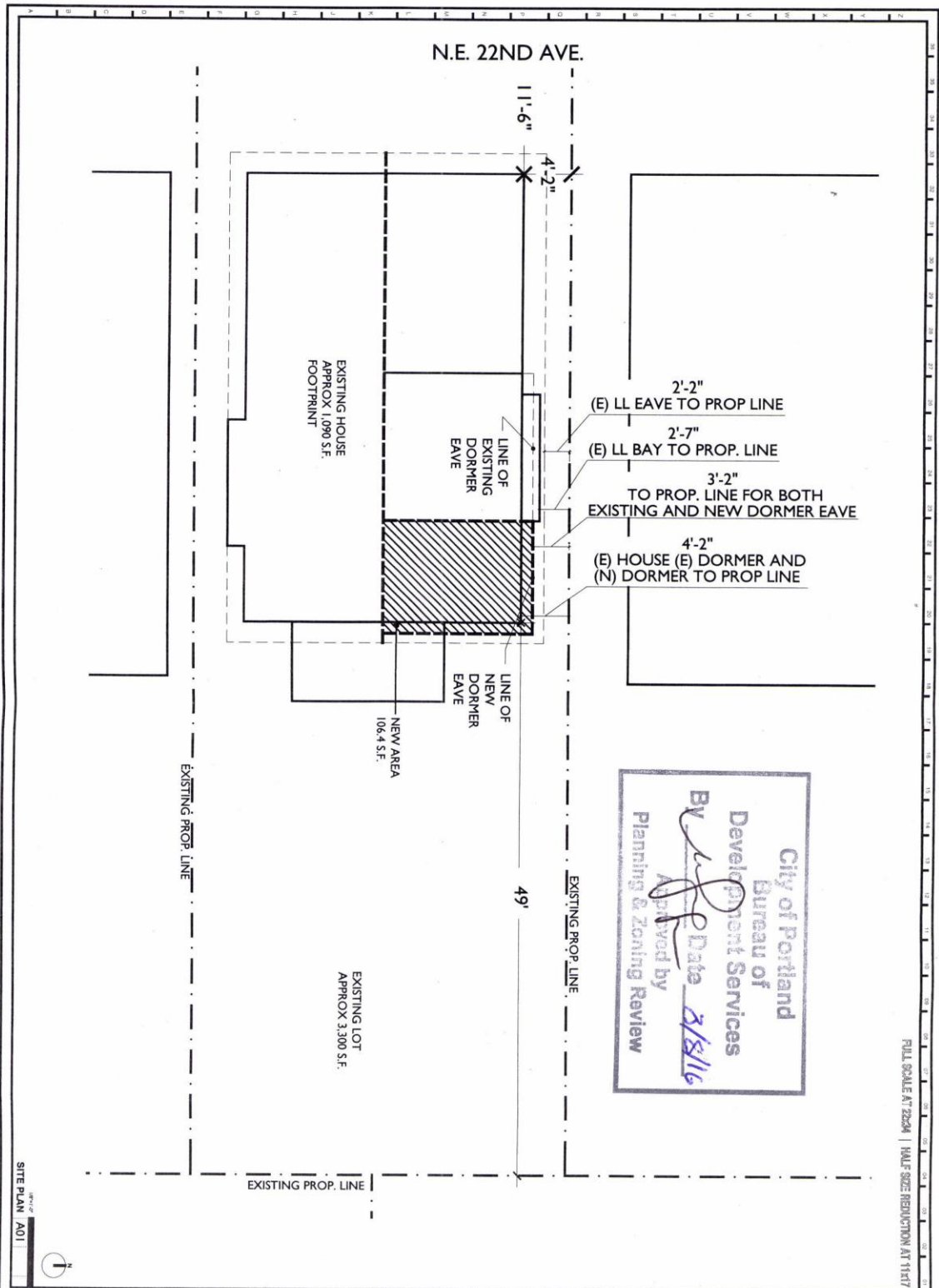


ZONING



 Site

File No. LU 16-194102 AD
 1/4 Section 2532
 Scale 1 inch = 200 feet
 State_Id 1N1E23AD 3500
 Exhibit B (Jun 28, 2016)



rec. 7/8/16

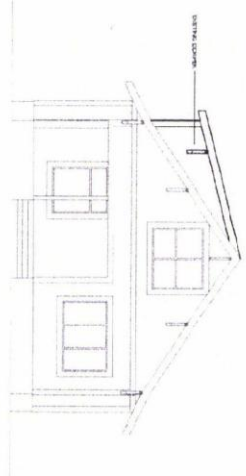
SITE PLAN

EXHIBIT C-1
16.194102 AD

16.194102 AD

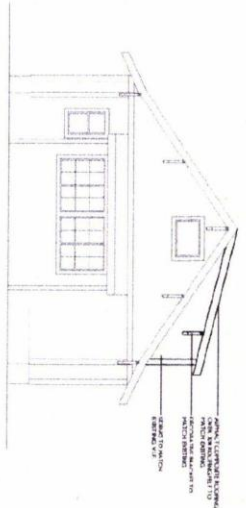
SITE PLAN AD1

<p>bluedotstudio, inc.</p> <p>503.407.5514 info@bluedotstudioinc.com</p>	<p>ISSUED FOR PERMIT</p> <p>GRIGSBY RESIDENCE</p>	<p>CODE SUMMARY SITE PLAN & VICINITY MAP</p>	<p>SP1.0</p>
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FRONT ELEVATION

WEST ELEVATION N19

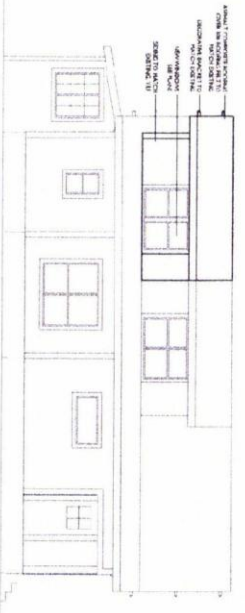


REAR ELEVATION

EAST ELEVATION N01

PANEL SCALE 1/8"=1'-0" | HALF SIZE REDUCED TO 11x17

City of Portland
Bureau of
Development Services
By *[Signature]* Date 4/24/16
Approved by
Planning & Zoning Review



SIDE (NORTH) ELEVATION

NORTH ELEVATION A01

bluedotstudio, inc.
• 503 467 1514 •
• info@bluedotstudio.com •

GRASSBY
RESIDENCE

ISSUED FOR
PERMIT

NORTH AND EAST
ELEVATIONS

A2.0

PROPOSED ELEVATIONS EXHIBIT C-2
4920 NE 22nd Ave LW 16-194102AP