



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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www.portlandoregon.gov/bds

Date: September 29, 2016
To: Interested Person
From: Marguerite Feuersanger, Land Use Services
503-823-7619 / Marguerite.Feuersanger@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on October 20, 2016.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 16-231828 AD, in your letter. It also is helpful to address your letter to me, Marguerite Feuersanger. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 16-231828 AD

Applicant: Roger Demuth
430 NW Macleay Blvd.
Portland, OR 97210

Owners: Gail L Johnson and Roger Demuth
430 NW Macleay Blvd.
Portland, OR 97210

Site Address: 430 NW Macleay Blvd.

Legal Description: BLOCK 27 LOT 14, KINGS HTS & RPLT
Tax Account No.: R452005370
State ID No.: 1N1E32DA 05400
Quarter Section: 3026

Neighborhood: Hillside, contact Peter Stark at 503-274-4331.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Zoning: R7, Single Dwelling Residential 7,000 Zone

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

Proposal: The applicant proposes to create a new workshop room below the existing street-level attached garage and deck. An exterior entrance, deck and stair will be

created for the new workshop. A new interior door will connect the workshop with the existing lower level of the house. The R7 zone requires a minimum 15-foot front setback for buildings. Because the proposed improvements are located in this setback area, an Adjustment is requested to waive the minimum setback requirement. Only portions of the new deck and stairs will be visible from the street-level view (see attached South Elevation). The applicant states that this proposal does not include creation of an accessory dwelling unit (ADU) or accessory short-term rental (ASTR), and that existing trees will not be pruned or removed as part of this proposal.

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.

33.805.040 Approval Criteria

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- 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
- 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
- D. City-designated scenic resources and historic resources are preserved; *(not applicable)*
- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and
- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; *(not applicable)*

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. This application was submitted on August 26, 2016 and determined to be complete on September 26, 2016.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. We will consider your comments, and

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

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 extended at the request of the applicant.

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.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

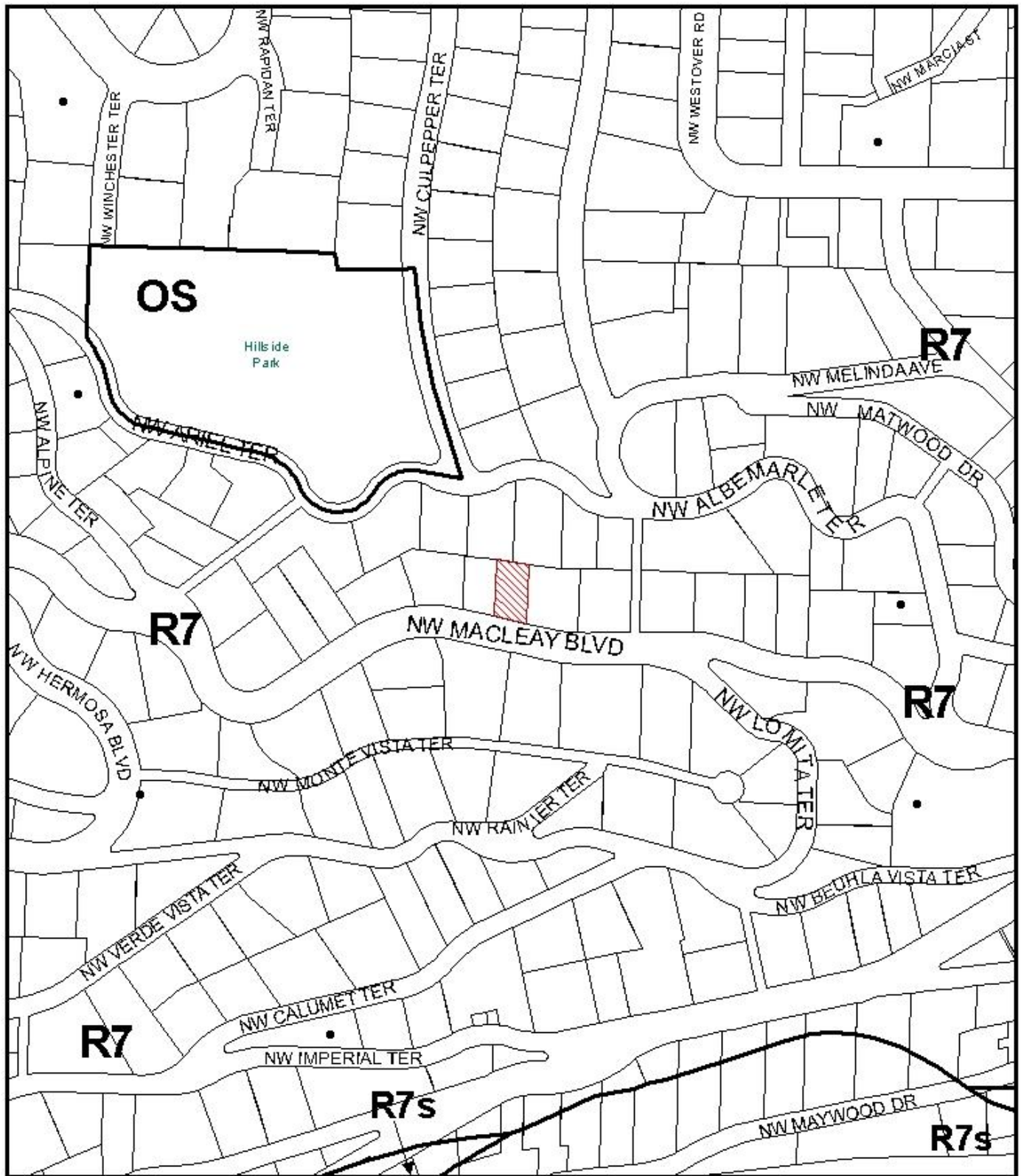
APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

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).

Enclosures:

Zoning Map
Site Plan
South Elevation



ZONING

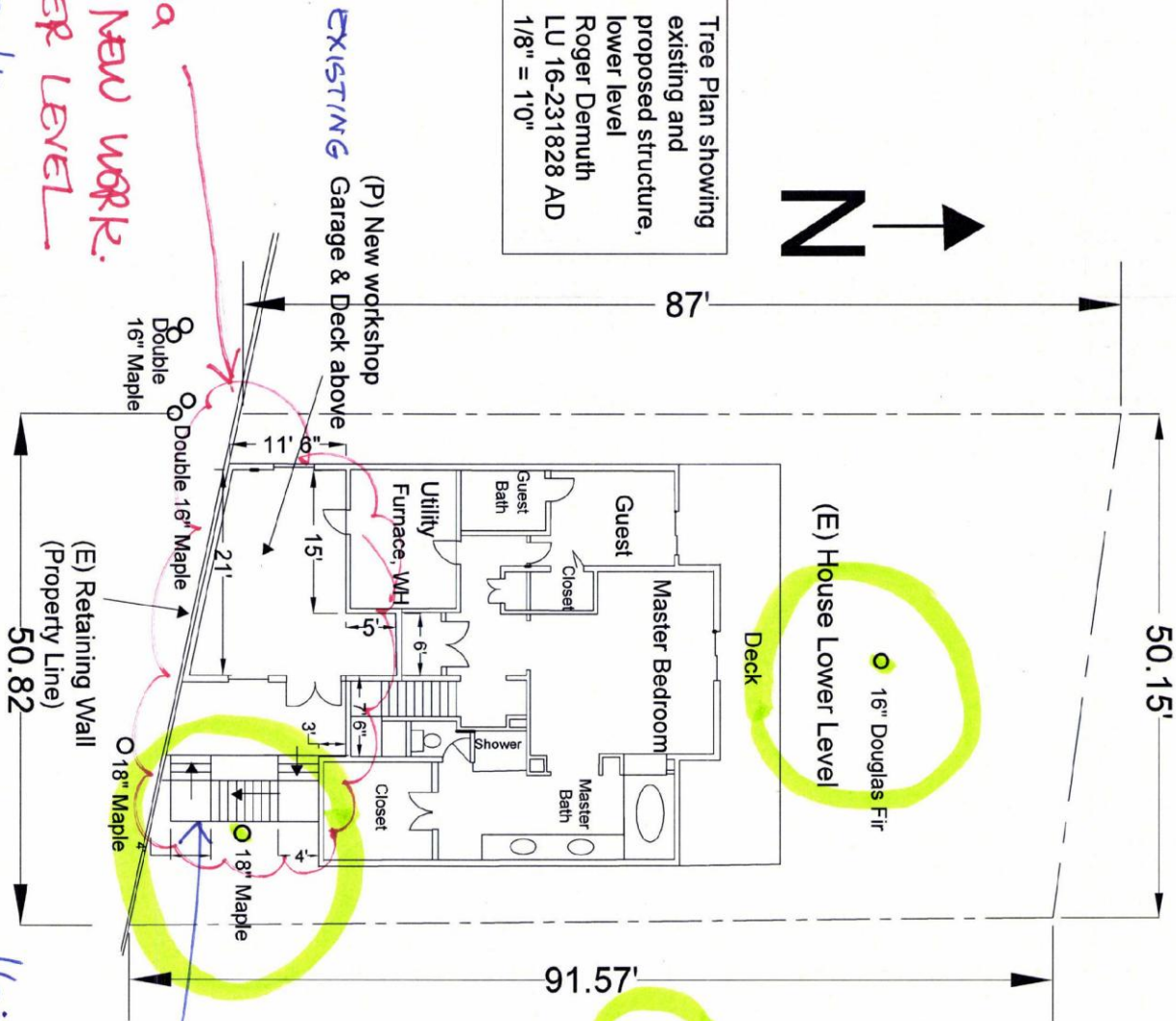
-  Site
- Historic Landmark



File No.	<u>LU 16-231828 AD</u>
1/4 Section	<u>3026 2926</u>
Scale	<u>1 inch = 200 feet</u>
State Id	<u>1N1E32DA 5400</u>
Exhibit	<u>B (Aug 29, 2016)</u>

SITE PLAN - 430 NW Macleay

Tree Plan showing existing and proposed structure, lower level
 Roger Demuth
 LU 16-231828 AD
 1/8" = 1'0"



Area of NEW WORK.
 LOWER LEVEL

Received 9/26/16

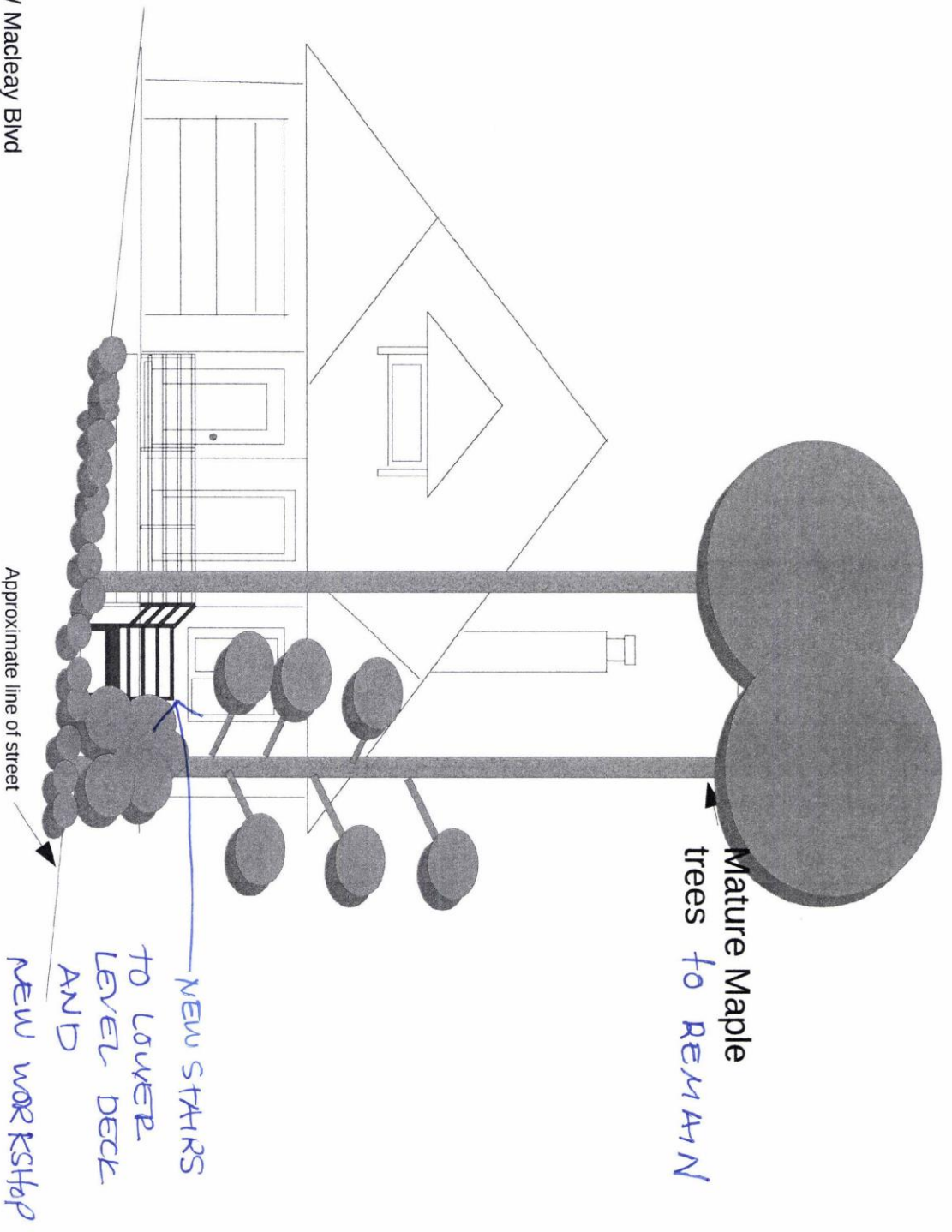
EXISTING ON-SITE TREES
 No trees are to be removed or pruned as a part of this project.

NEW LOWER LEVEL DECK AND STAIRS (TO UPPER DECK)
 16-231828 AD

EXISTING Garage & Deck above
 (P) New workshop

(E) Retaining Wall (Property Line)

430 NW Macleay Blvd
Portland, OR 97210
Roger Demuth



South Elevation
(showing landscaping)
Scale: 1/8" = 1'-0"

16.231828 AD