



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

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

CASE FILE: LU 16-151973 AD
LOCATION: 7607 SW 32nd Avenue

The administrative decision for this case, published on August 3, 2016, was appealed to the Adjustment Committee by the applicant. A public hearing was held on September 20, 2016. The original administrative analysis, findings and conclusions were adopted by the Adjustment Committee. The administrative decision can be found on line at: <http://www.portlandonline.com/bds/index.cfm?c=46429> (scroll down to the 'Southwest Neighborhoods Inc. Decisions' section to find the document).

GENERAL INFORMATION

Applicant/Appellant: Carter Case
Case Design Group
232 SE Oak St, Ste. 101
Portland, OR 97214

Property Owners: Robert Trismen and Leslie Hammond
7607 SW 32nd Ave
Portland, OR 97219-1818

Site Address: 7607 SW 32ND AVE

Legal Description: BLOCK 8 LOT 11, BUCKINGHAM HTS
Tax Account No.: R113801340
State ID No.: 1S1E20AC 14600
Quarter Section: 3726

Neighborhood: Multnomah, contact James Peterson at 503-246-0725.
Business District: Multnomah Village, contact Jason Lensch at benji10@comcast.com.
District Coalition: Southwest Neighborhoods Inc., contact Sylia Bogert at 503-823-4592.

Zoning: **R5** (Single-Dwelling Residential 5,000 base zone)

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

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

Proposal: The applicant has proposed an addition to the existing home at 7607 SW 32nd Avenue, including a garage on the ground floor and living area above. The addition occurs mostly atop a paved parking area today, with new second floor living area, as well. The north

wall of the addition would be placed at a zero setback, with no eave overhang (the attached elevations show an eave that will be removed to be flush with the wall).

Regulations of the R5 zone require a minimum 5'-0" side building setback. As proposed, the building addition has a zero foot setback along 26 lineal feet of the north lot line, for a two-story volume approximately 20'-0" tall. Therefore, the applicant has requested an Adjustment to reduce the north side setback from 5'-0" to 0'-0" for the proposed residential addition.

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.

REVIEW BODY DECISION

Deny the appeal and uphold the original administrative decision of denial, included below:

Denial of the requested north side setback reduction from 5'-0" to zero feet.

Staff Planner: Mark Walhood

The original staff findings, conclusions and decision were adopted by the Adjustment Committee on September 20, 2016.

By:



Adjustment Committee
Roger Alfred

Date Final Decision Effective/Mailed: October 7, 2016.

120th day date: October 22, 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 April 14, 2016, and was determined to be complete on May 5, 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 April 14, 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 requested that the 120-day review period be extended for 30 days, in order to provide neighbors additional time to comment (Exhibit A.3). An additional extension of 21 days was provided during the appeal process (Exhibit H.6). Unless further extended by the applicant, **the 120 days will expire on October 22, 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.

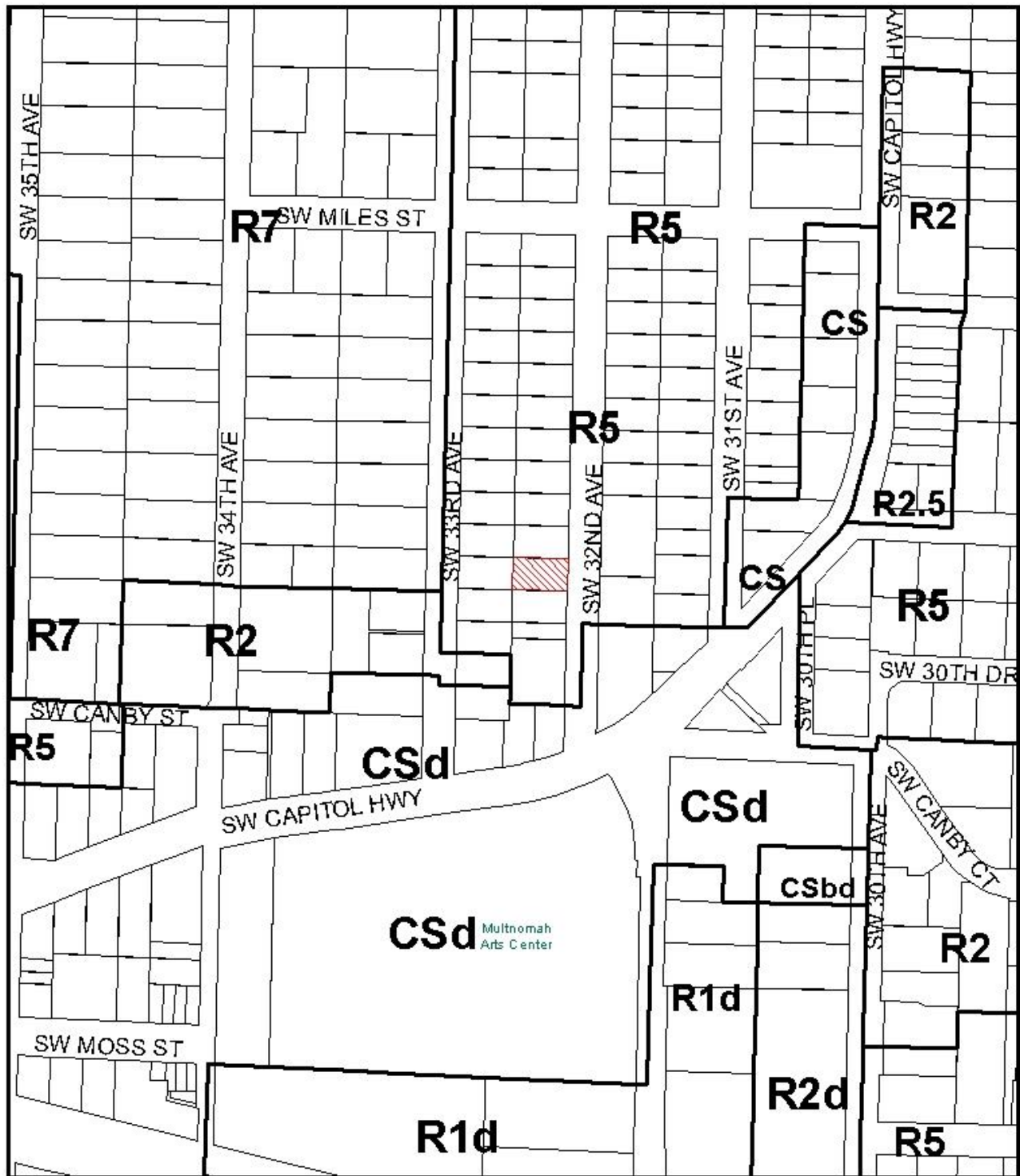
These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appeal of this Decision. This decision is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a "Notice of Intent to Appeal" with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.0 and 197.830. A fee is required, and the issue being appealed must have been raised by the close of the record and with sufficient specificity to afford the review body an opportunity to respond to the issue. For further information, contact LUBA at 775 Summer St NE, Suite 330, Salem, OR 97301-1283. [Telephone: (503)373-1265]

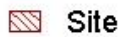
EXHIBITS NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statements
 - 1. Original narrative addressing the approval criteria
 - 2. Site photos submitted by applicant
 - 3. 120-day extension, rec’d. 5/19/16
 - 4. E-mail statement from applicant regarding neighborhood meeting outcome, rec’d. 6/21/16
 - 5. Potential alternate design (not proposed) with upper-story setback on addition, rec’d. 7/25/16
 - 6. Supplemental statements in support of Adjustment request with photos, rec’d. 7/25/16
- B. Zoning Map (**attached**)
- C. Plans/Drawings:
 - 1. Site Plan and Elevations (**attached**)
 - 2. Large, Scalable Site Plan and Elevations
 - 3. Updated screening/trellis design for north elevation, rec’d. 6/29/16 (**attached**)
- D. Notification information:
 - 1. Mailing list for 5/10/16 notice
 - 2. Mailed notice from 5/10/16
 - 3. Mailing list for 5/26/16 notice
 - 4. Mailed notice from 5/26/16

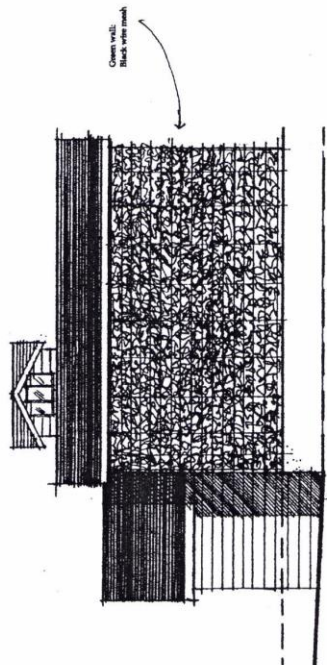
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Site Development Section of the Bureau of Development Services
 - 4. Life Safety Section of the Bureau of Development Services
 - 5. Development Review Section of Portland Transportation
 - 6. Fire Bureau
- F. Correspondence:
 - 1. Letter with concerns from Stewart Rounds and Bernadine Bonn, rec'd. 5/15/16
 - 2. Letter of support from Elissa Meehan, rec'd. 5/18/16
 - 3. Letter of support from Janet Trygstad, rec'd. 6/10/16
- G. Other:
 - 1. Original LU Application Form and Receipt
 - 2. E-mail correspondence between applicant and staff regarding appeal, 7/25/16 – 7/26/16
- H. Appeal Exhibits
 - 1. Appealed Decision – mailing list copy
 - 2. Appealed Decision – postmarked copy
 - 3. Appeal Submittal form and attachments from the applicant, including site photos, alternate plans, written narrative, and copy of original decision
 - 4. Notice of Appeal – mailing list copy
 - 5. Notice of Appeal – postmarked copy
 - 6. 120-day extension, rec'd. 8/23/16
 - 7. Additional comment e-mail from Stewart Rounds, rec'd. 8/26/16
 - 8. Staff memo to Adjustment Committee sent with appeal documents, dated 9/1/16
 - 9. Additional comment e-mail from Elissa Meehan, rec'd. 9/13/16
 - 10. Staff PowerPoint presentation from appeal hearing



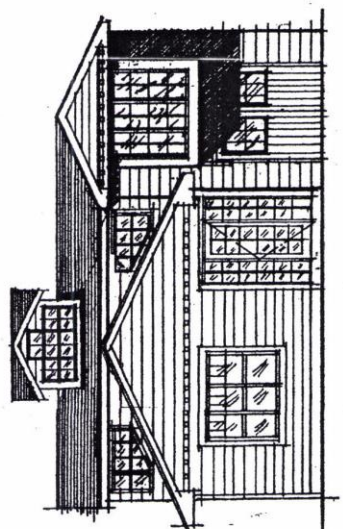
ZONING



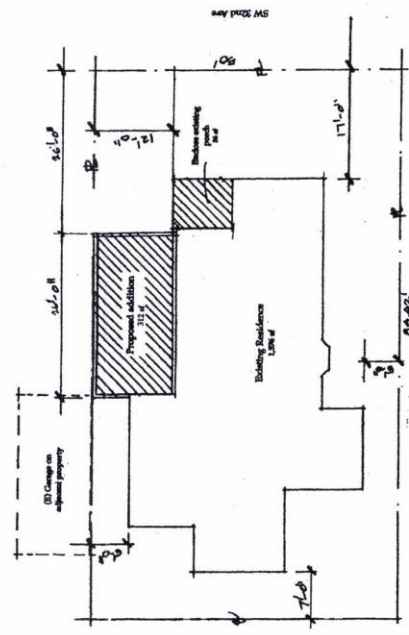
File No. LU 16-151973 AD
 1/4 Section 3726
 Scale 1 inch = 200 feet
 State_Id 1S1E20AC 14600
 Exhibit B (Apr 15, 2016)



ADJUSTMENT: REDUCE NORTH SIDE SETBACK FROM 5' TO 0' FOR ADDITION



East Elevation
1/8" = 1'-0"



Site Plan
1/8" = 1'-0"

Site Data:
 Zoning: R2
 Height limit: 30 feet
 Maximum coverage: 100%
 Coverage: 100%
 Front: 10'
 Corner: 10'
 Rear: 5'
 Side: 5'
 Building coverage: 100% of lot
 Maximum coverage: 100% of lot
 Existing building: 1,570 sq. ft.
 1,200 sq. ft. + 368 sq. ft. = 1,568 sq. ft. allowable
 Proposed addition: 302 sq. ft.
 1,568 sq. ft. + 302 sq. ft. = 1,870 sq. ft. < 1,908 sq. ft. OK

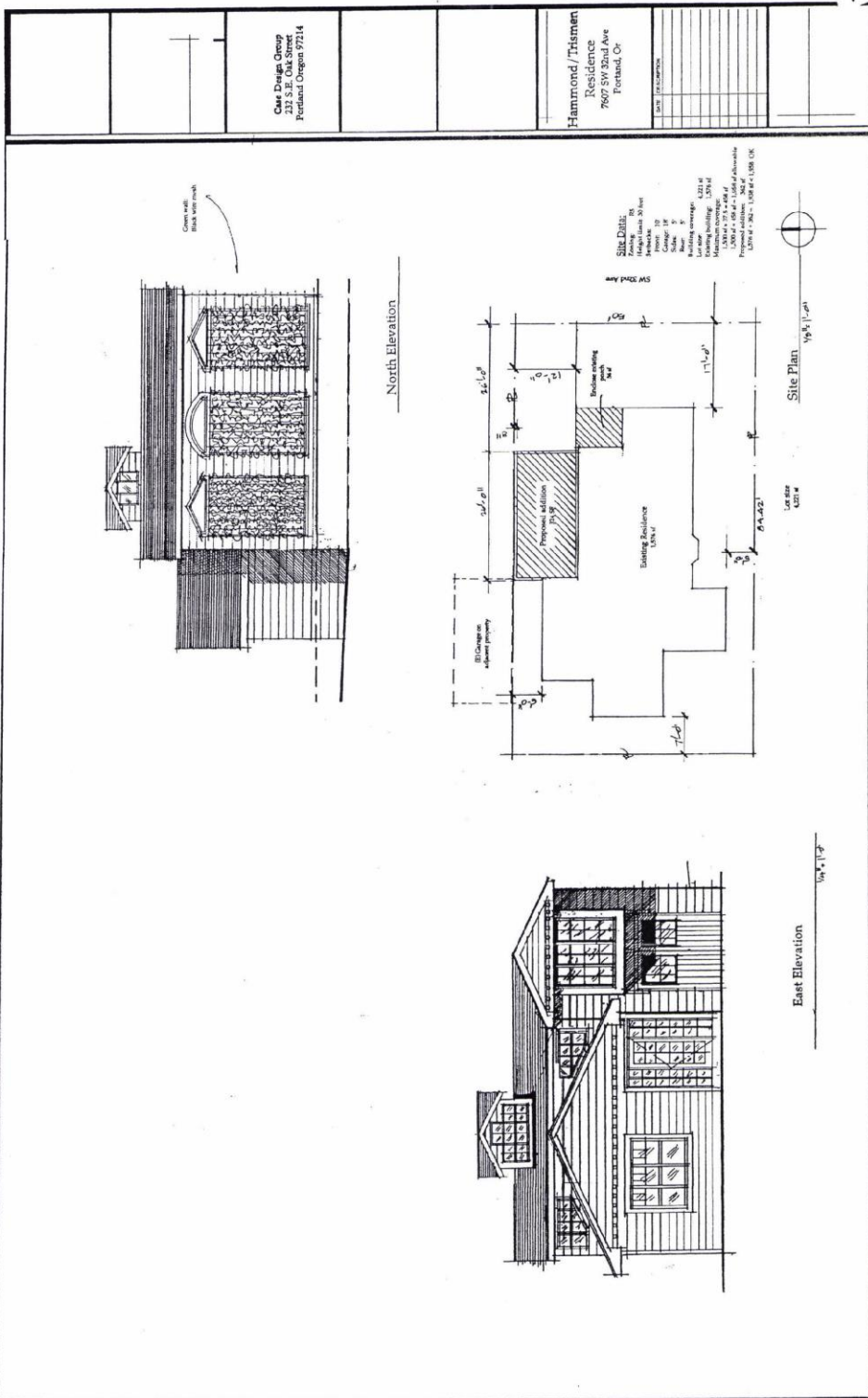
Case Design Group
 232 S.E. Oak Street
 Portland Oregon 97214

Hammond/Trisner
 Residence
 7607 SW 32nd Ave
 Portland, Or

LOCAL JURISDICTION	
APPLICABLE	
DATE	11/2/11

CASE NO. W 16-151973
 EXHIBIT C.1

W 16-151973 AD



ALTERNATE SCREENING PROPOSAL
 FOR NORTH ELEVATION, REC'D. 6/7/91

CASE NO. W 16-151973 AD
 EXHIBIT C.3