



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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**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 16-176015 AD
LOCATION: 1915 NE Couch St.

The administrative decision for this case, published on July 25, 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 'Southeast Uplift Neighborhood Program Decisions' section to find the document)

GENERAL INFORMATION

Applicant/Appellant: Jennifer Young
Dominek Architecture, LLC
2246 E. Burnside Street #A
Portland, OR 97214

Property Owner: Erica Dagle
1915 NE Couch St
Portland, OR 97232

Site Address: 1915 NE COUCH ST

Legal Description: BLOCK 4 LOT 6, BUCKMANS 2ND ADD

Tax Account No.: R115100230

State ID No.: 1N1E35DA 15800

Quarter Section: 3032

Neighborhood: Kerns, contact Steve Russell at 503-784-8785.

Business District: None

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Zoning: **RH** (High-Density Residential base zone)

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

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

PROPOSAL: The applicant proposes to demolish an existing detached garage at the site, replacing the structure with a new two-story Accessory Dwelling Unit (ADU) in approximately the same location. The new ADU would have 800 square feet of interior floor area or less,

although floor plans have not been submitted with this Adjustment. The structure is just under 20'-0" tall, measured to the mid-point of the gable roof, and has a footprint of 17'-6" by 23'-0". Eaves project 2'-0" from the exterior walls on all sides of the structure. Design features of the new ADU building include decorative bargeboards with wood pointed cross ornamentation, as well as corniced headers and trimmed window and door surrounds designed to be compatible with the original home on the site.

Setback regulations for the RH base zone require a 5'-0" minimum setback for this structure from the side and rear lot lines (33.120.220.B/Table 120-4). Eaves are allowed to project one foot into the setback by-right as an exception, but deeper eaves require an Adjustment. As proposed, the north/rear elevation of the ADU meets the 5'-0" setback but has eaves only 3'-0" from the north/rear lot line. The west/side elevation of the ADU has walls at 4'-0" from the lot line and eaves at 2'-0" from the lot line. Therefore, the applicant has requested two Adjustments for the proposed ADU:

1. Reduce the minimum rear setback from 5'-0" to 3'-0" for eaves; and
2. Reduce the minimum side setback from 5'-0" to 4'-0" for walls, and from 5'-0" to 2'-0" for 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.**

REVIEW BODY DECISION

Deny the appeal and uphold the administrative decision of conditional approval, as follows:

Approval of an Adjustment to reduce the north/rear building setback from 5'-0" to 3'-0" for the projecting eaves of a new detached ADU (33.120.220.B/Table 120-4).

Approval of a revised Adjustment to reduce the west/side building setback from 5'-0" to 3'-0" for the projecting eaves of a new detached ADU, but NOT approving the originally requested setback reduction for the two-story wall.

The above approval is granted based on the approved plans and drawings, Exhibits C.1 and C.2, both signed and dated July 20, 2016, and subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the design approved by this land use review as indicated in Exhibits C.1-C.2. The site plan must be modified to show the ADU walls at a minimum 5'-0" building setback, with setback encroachments only for the eaves. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-176015 AD."

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 11, 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 May 20, 2016, and was determined to be complete on June 14, 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 May 20, 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 October 11, 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]

Recording the Final Decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after October 7, 2016.

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

- By Mail: Send the two recording sheets (sent in a separate mailing) and the final Land Use Review Decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, PO 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 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. This decision expires three years from the date the Final Decision is rendered unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, and the land decision has been recorded.

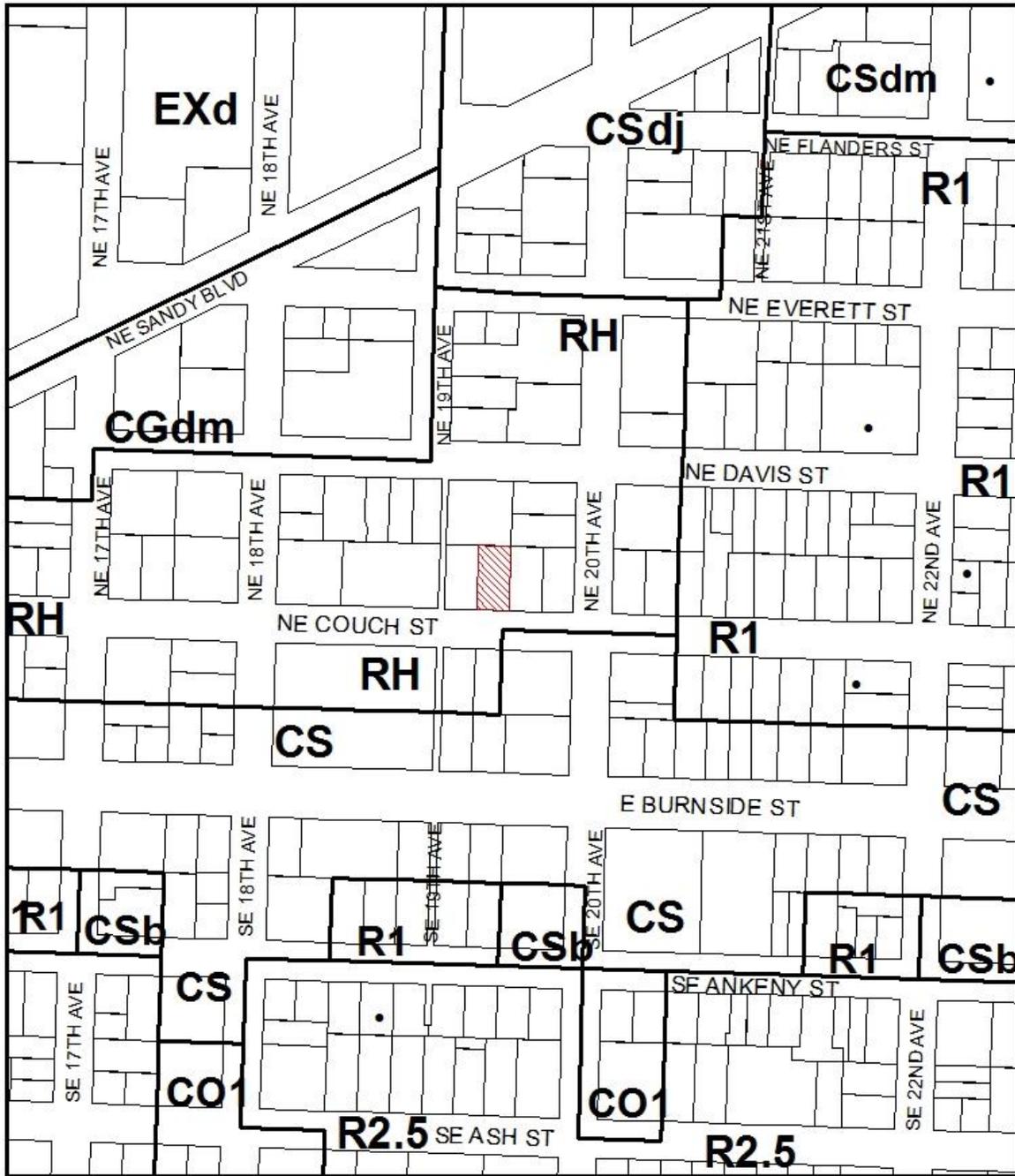
Applying for permits. A building permit, occupancy permit, or development permit must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- 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. Original narrative and elevations
 2. Photos of existing garage as provided by applicant
- 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. Development Review Section of Portland Transportation

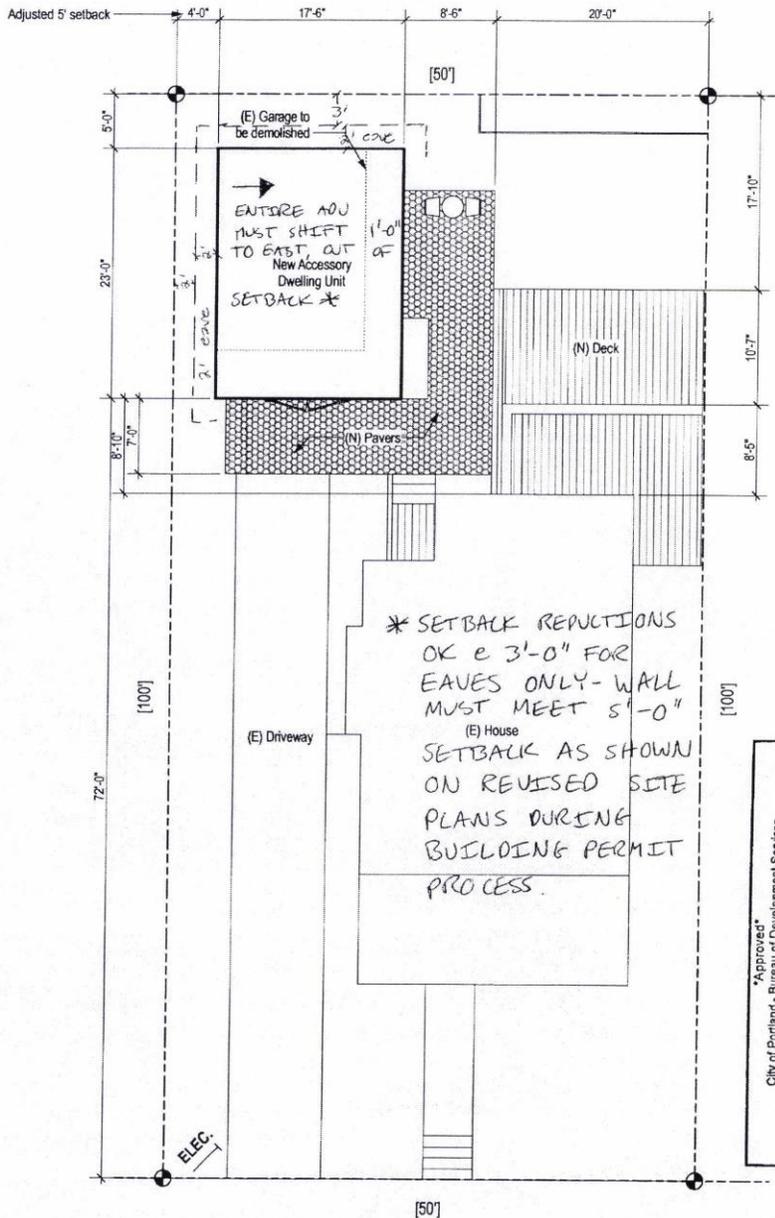
3. Life Safety Section of the Bureau of Development Services
 4. Site Development Section of the Bureau of Development Services
 5. Fire Bureau
 6. Water Bureau
 7. Urban Forestry Division of Portland Parks and Recreation
- F. Correspondence:
1. E-mail of support from Lisa Smith, received 7/10/16
 2. E-mail of support from Sally Schwarz, received 7/14/16
- G. Other:
1. Original LU Application Form and Receipt
 2. Incomplete Letter, sent 6/9/16
- H. Appeal Exhibits
1. Appeal Submittal
 2. Appealed Decision
 - a. Notice of Decision
 - b. Mailing List copy with Decision
 3. Notice of Appeal
 4. NOA Mailing list
 5. Staff cover memo to Adjustment Committee, sent 9/1/16
 6. Staff PowerPoint Presentation from appeal hearing
- (Received During Hearing)
7. Photographic Survey provided by applicant at hearing
 8. Hearing testimony sign-up list



ZONING ↑
NORTH

- Site
- Historic Landmark

File No. LU 16-176015 AD
 1/4 Section 3032
 Scale 1 inch = 200 feet
 State_Id 1N1E35DA 15800
 Exhibit B (May 24, 2016)



CASE NO. LU 16-176015 AD
EXHIBIT C-1

Approver
City of Portland - Bureau of Development Services
Planner: MARK WATWOOD Date: JULY 20, 2016
* This approval is subject to the review and approval of the City of Portland and is subject to all conditions of the zoning code. * This approval is subject to all conditions of the zoning code. * This approval is subject to all conditions of the zoning code. *

1915 NE Couch Street

CASE NO. LU 16-176015 AD
EXHIBIT C-1

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



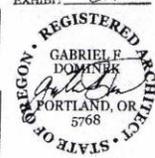
DATE: 05.18.2015

Dagle-Hemmerling ADU
[JOB NO: 15-041.1]
1915 NE Couch Street
Portland, Oregon 97232

DOMINEK ARCHITECTURE LLC
2249 E Burnside Street, #A, Portland Oregon, 97214
503.380.6143 c

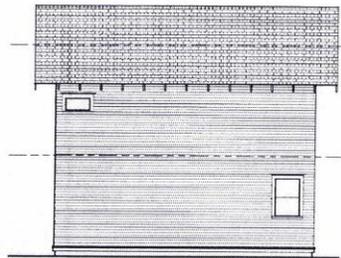
LU 16-176015 AD

Zoning Adjustment

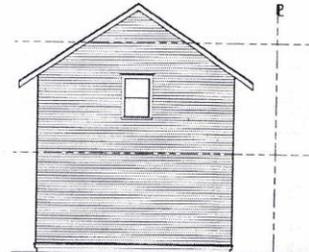


CASE NO. LU 16-176015 AD
EXHIBIT: C.2

Approved
City of Portland - Bureau of Development Services
Planner: MARY WALTON Date: JULY 20, 2016
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



3 Proposed West Elevation
A2.1 Scale: 1/8" = 1'-0" ✱

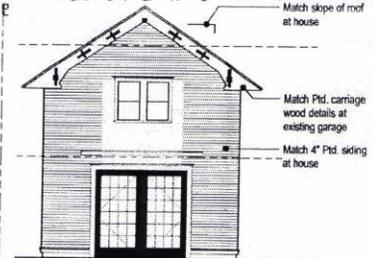


1 Proposed North Elevation
A2.1 Scale: 1/8" = 1'-0" ✱

* SLIGHTLY OVER SCALE @ 11" x 17" COPY:
17'-6" x 23'-0" FOOTPRINT SHOWN ON SITE
PLAN ASSUMED CORRECT ELEVATIONS SCALE
BUILDING INCORRECTLY @ 18'-6" x 24'-6" FOOTPRINT.



4 Proposed East Elevation
A2.1 Scale: 1/8" = 1'-0" ✱



2 Proposed South Elevation
A2.1 Scale: 1/8" = 1'-0" ✱

CASE NO. LU 16-176015 AD
EXHIBIT: C.2

LU 16-176015 AD

DATE: 06.10.2016
Dagle-Hemmerling ADU
(JOB NO: 15-041.1)
1915 NE Couch Street
Portland, Oregon 97232

DOMINEK ARCHITECTURE LLC
2248 E Burnside Street, #A, Portland, Oregon, 97214
503.380.6143

* SLIGHTLY OVER SCALE @ 11" x 17"
17'-6" x 23'-0" SITE PLAN FOOTPRINT
ASSUMED CORRECT ELEVATIONS SCALE TO
18'-6" x 24'-6"
Zoning Adjustment

