



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

Ted Wheeler, Mayor
Rebecca Esau, Interim Director
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Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: June 12, 2017
To: Interested Person
From: Lauren Russell, Land Use Services
503-823-7817/Lauren.Russell@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 July 3, 2017.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-174249 AD, in your letter. It also is helpful to address your letter to me, Lauren Russell. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 17-174249 AD

Applicant: Kol Peterson
4227 NE 10th Ave
Portland, OR 97211 / 503-395-4248

Owner: Samuel and Essie Brown
4311 NE 9th Ave
Portland, OR 97211

Site Address: 4311 NE 9TH AVE

Legal Description: BLOCK 5 LOT 7&8 EXC W 50', LINCOLN PK ANX
Tax Account No.: R497300750
State ID No.: 1N1E23CB 00400
Quarter Section: 2631
Neighborhood: King, contact Andrew Neerman at
andrew.neerman@kingneighborhood.org.

Business District: North-Northeast Business Assoc, contact at chair@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

Plan District: None
Zoning: R5ah - Single-Dwelling Residential 5,000, Alternative Design Density Overlay, Aircraft Landing Overlay

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

Proposal:

The applicant proposes to convert the lower level of the existing split-level home, including the existing one-car tuck under garage, into an 813 square foot accessory dwelling unit (ADU). The existing garage door would be removed and replaced with a sliding door. The portion of the existing driveway in front of the new ADU entrance would be resurfaced with pavers and serve as a pedestrian path to the unit, separated from the rest of the driveway by two planters.

An on-site parking space is required for the primary dwelling unit at this location and because the garage would be converted to the ADU, the applicant proposes locating the required space within the existing driveway. Per Zoning Code Section 33.266.120.D.1, a parking space must be at least 9 feet by 18 feet and must be located outside the 10-foot front setback (Zoning Code Section 33.266.120.C.1.a), which means that a driveway must be at least 28 feet in length measured from the front lot line. Because the existing driveway is 22 feet instead of the required 28 feet, the applicant requests an Adjustment to allow the on-site parking space to extend 6 feet into the front setback.

Per Zoning Code Section 33.205.040.C.3, the size of the ADU may be no more than 75-percent of the living area of the primary dwelling unit or 800 square feet of living area, whichever is less. The living area of the primary dwelling unit is 940 square feet, which would limit the size of the proposed ADU to 705 square feet. Because the proposed ADU would not meet the maximum allowed size, the applicant requests an Adjustment to increase the size of the proposed ADU from 705 square feet to 813 square feet. No increases in floor area are proposed.

In summary, the applicant requests the following 2 Adjustments:

- Allow the on-site parking space to extend 6 feet into the front setback; and
- Increase the size of the ADU from 705 square feet to 813 square feet.

Relevant 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
- 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; and **(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 May 19, 2017 and determined to be complete on June 5, 2017.

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.

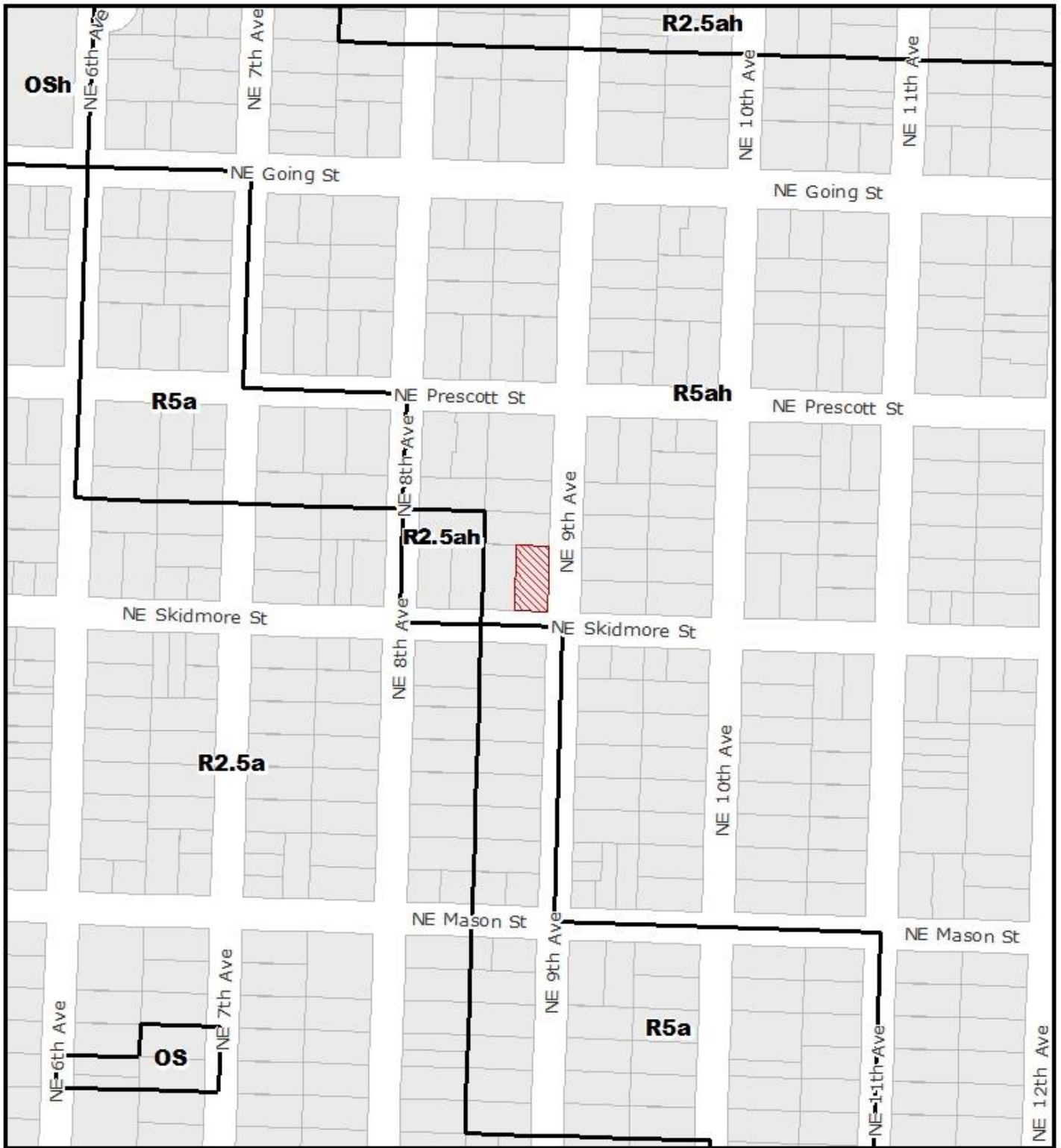
APPEAL OF THE FINAL CITY DECISION

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
Elevation Drawings
ADU Floor Plan



ZONING  NORTH

 Site

File No.	LU 17-174249 AD
1/4 Section	2631
Scale	1 inch = 200 feet
State ID	1N1E23CB 400
Exhibit	B May 23, 2017

NO.	DESCRIPTION	BY	DATE

SHEET TITLE: **Site Plan**

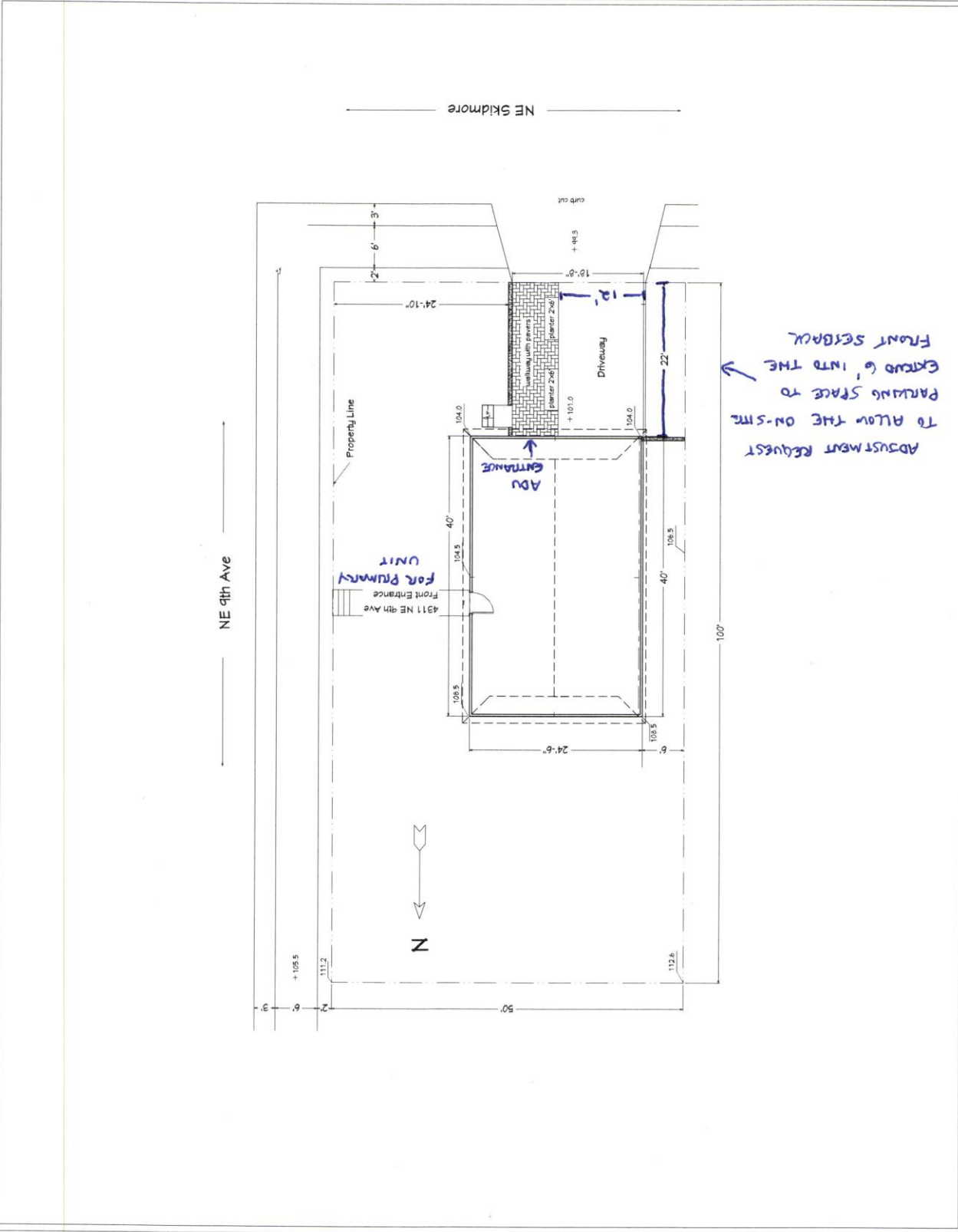
PROJECT DESCRIPTION:
 Basement ADU
 Kol Peterson
 4311 NE 9th Ave
 Portland, OR

DRAWINGS PROVIDED BY:
Das Chapin

DATE:
 6/5/2017

SCALE:
 1/8" = 1'-0"

SHEET:
A-1

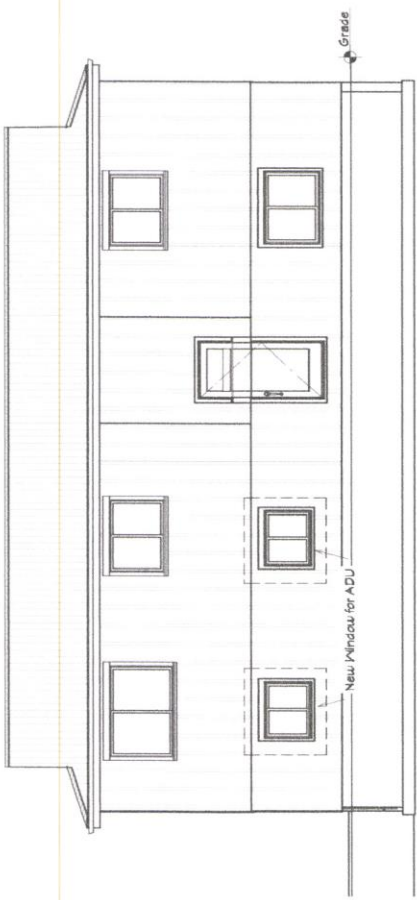


ADJUSTMENT REQUEST
 TO ALLOW SPACE TO
 PARKING SPACE TO
 EXCEED 6' INTO THE
 FRONT SETBACK

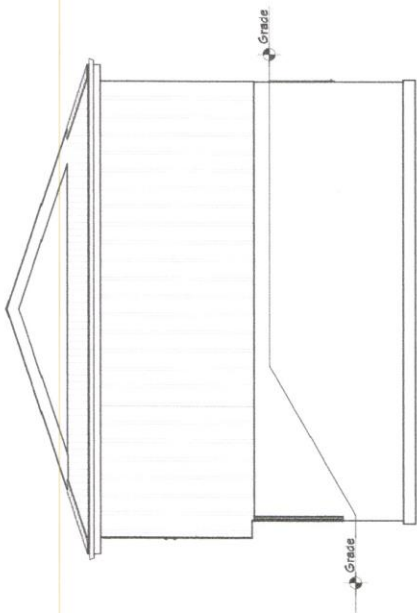
NE 9th Ave

NE Skidmore

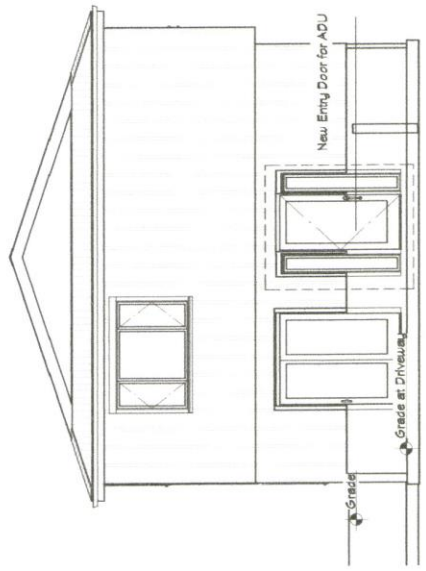
PROJECT DESCRIPTION: Basement ADU 4311 NE 9th Ave Portland, OR 97211		DRAWINGS PROVIDED BY: Das Chapin		DATE: 5/16/2017	SCALE: 1/4" = 1'-0"	SHEET: A-3
SHEET TITLE: Elevations		NO. DESCRIPTION		BY	DATE	



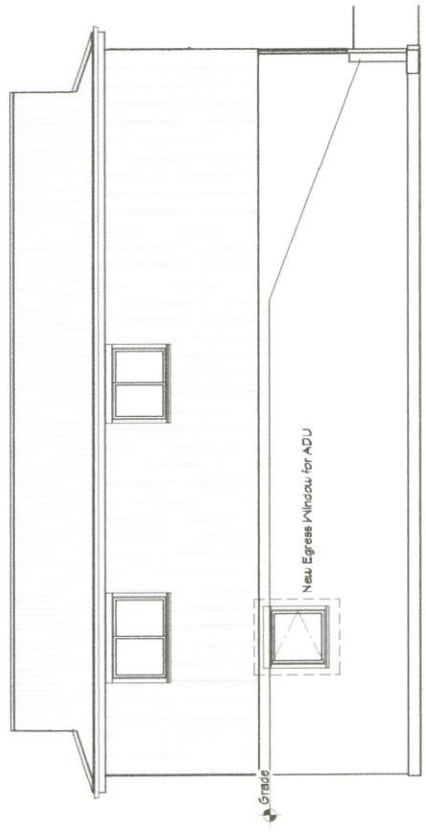
East Elevation



North Elevation

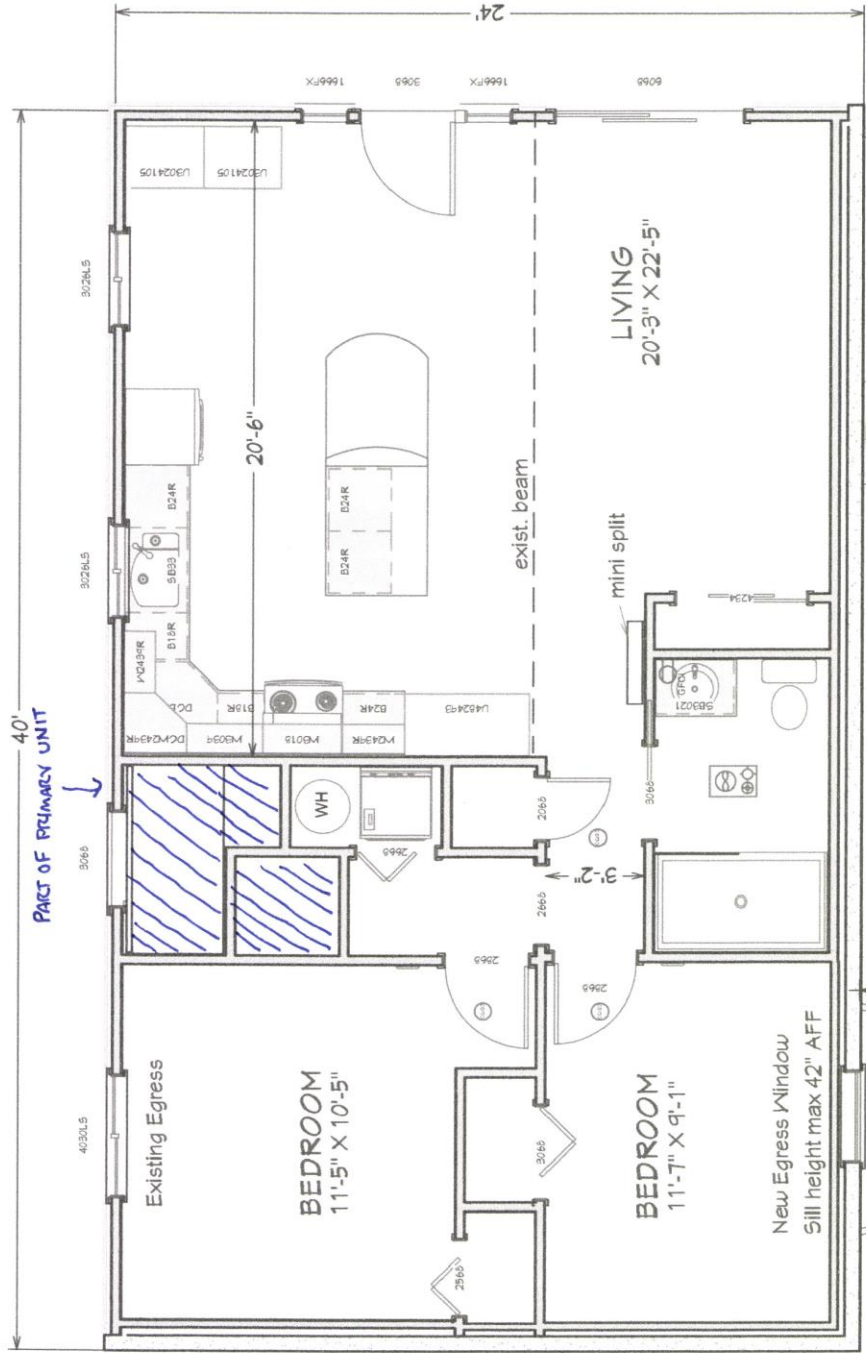


South Elevation



West Elevation

LW 17 - 174249 AD



ADVISE MOUNT REQUEST TO INCREASE THE SIZE OF THE ADU FROM 705 SF TO 813 SF

ADU LIVING AREA 813 SF

LJ 17-174249 AD