



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

Chloe Eudaly, Commissioner
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www.portlandoregon.gov/bds

Date: October 10, 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 October, 31, 2017**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-240177 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 17-240177 AD

Applicant: Jack Loback
4594 NE 35th Place
Portland, OR 97211

Owner: Edward C Hall
1739 NE Dekum St
Portland, OR 97211

Site Address: 1739 NE DEKUM ST

Legal Description: BLOCK 13 LOT 13 EXC PT IN ST, COLUMBIA HTS
Tax Account No.: R173102800
State ID No.: 1N1E14AC 07400
Quarter Section: 2332

Neighborhood: Woodlawn, contact Anjala Ehelebe at 503-388-5004.
Business District: Soul District Business Association, contact at outreach@nnebaportland.org

District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

Plan District: None

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

Case Type: AD-Adjustment Review

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

Proposal:

The applicant is proposing to convert the existing garage into living space for an accessory dwelling unit. The converted garage wall is proposed to be replaced with siding that matches the rest of the house and to have two new windows installed that will match an existing front façade window. A new pedestrian path is proposed to provide access to the entrance of the new accessory dwelling unit and new landscaping is proposed in order to separate the path from the existing driveway.

This garage conversion will effectively remove the current legal parking space on the site, leaving the existing driveway with dimensions of 16 feet 3 inches wide and 21 feet 3 inches long to provide parking. While off-street parking is not required on this site because of NE Dekum’s frequent-service bus line, the applicant wishes to maintain the driveway parking spaces already in existence.

A parking space must be at least 9 feet by 18 feet per Zoning Code Section 33.266.120.D.1 and must be located outside the 10-foot front setback per 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 21 feet 3 inches in length instead of the required 28 feet, the applicant requests an Adjustment to allow the on-site parking space to extend 6 feet 9 inches into the front setback.

Since the width of the existing driveway is only 16 feet 3 inches, it is not wide enough to provide two 9 feet by 18 feet parking spaces. The applicant is requesting an Adjustment to reduce the required width of 9 feet (33.266.120.D.1) to 8 feet 1 inch.

In summary the applicant is requesting two Adjustments to the zoning code that would allow for two narrower parking spaces of 8 feet 1 inch by 18 feet to extend into the front setback by 6 feet 9 inches.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33.

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
- 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;
- 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 September 13, 2017 and determined to be complete on October 4, 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.

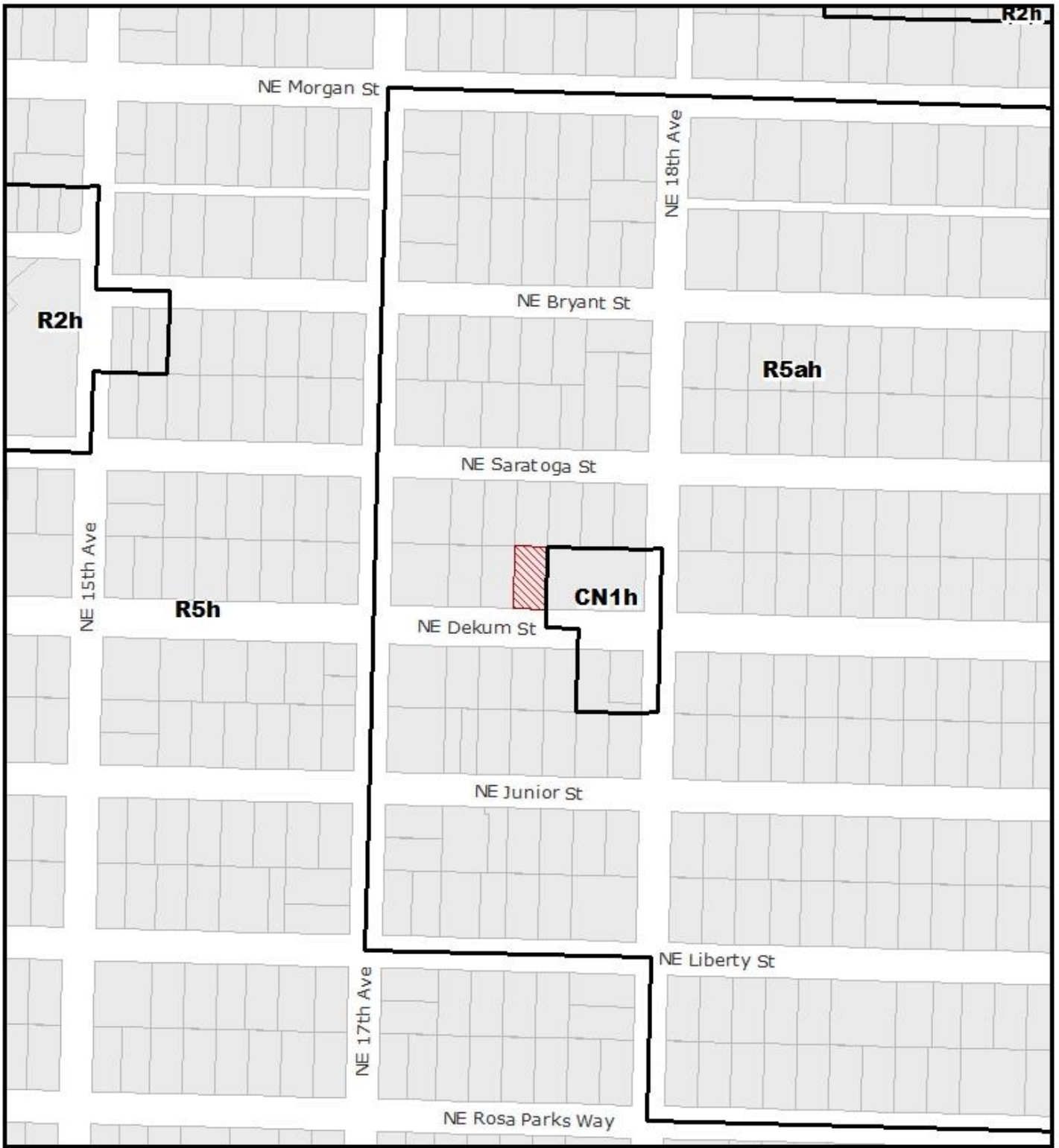
APPEAL OF THE FINAL CITY DECISION

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:

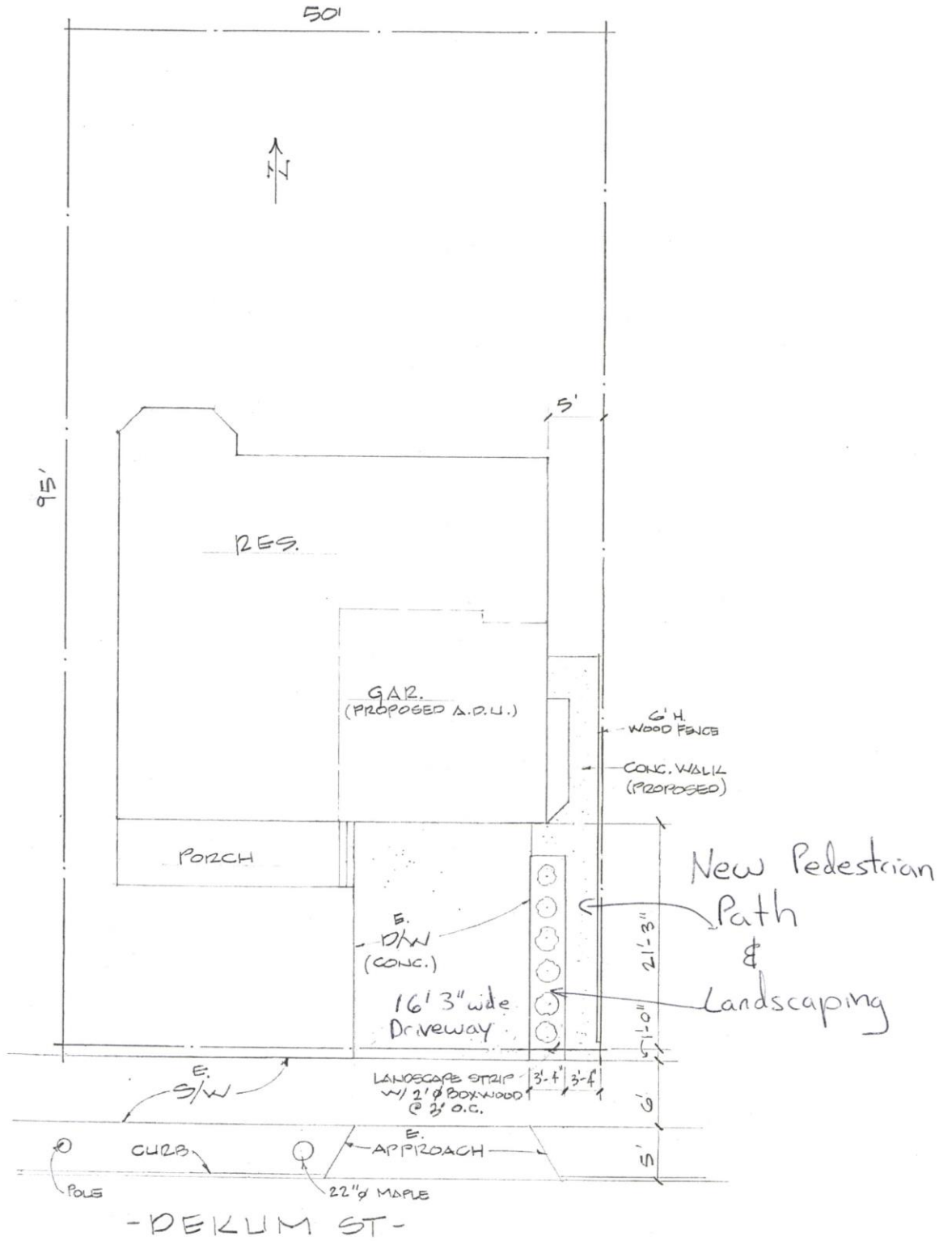
Zoning Map
Site Plan
Front Elevations



ZONING 
NORTH

 Site

File No.	LU 17-240177 AD
1/4 Section	2332
Scale	1 inch = 200 feet
State ID	1N1E14AC 7400
Exhibit	B Sep 18, 2017



SITE PLAN 1"=10'

LV 17-240177

1739 N.E. DEKUM ST.



FRONT (WHOLE HOUSE)
PROPOSED ELEVATION 1/8"

LV 17-240177

1739 N.E. DEZUM ST.