



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

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** October 11, 2017  
**To:** Interested Person  
**From:** Don Kienholz, Land Use Services  
503-823-7771/Don.Kienholz@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 November 1, 2017.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-208792 AD, in your letter. It also is helpful to address your letter to me, Don Kienholz. You can also e-mail your comments to me at my e-mail address identified above.

### **CASE FILE NUMBER: LU 17-208792 AD**

**Applicant/Owner:** Ralph Bloemers  
E Burnside Community Service Center  
3141 E Burnside St  
Portland OR, 97214

**Site Address:** 3141 E BURNSIDE ST

**Legal Description:** BLOCK 21 LOT 9, HAWTHORNES 1ST ADD  
**Tax Account No.:** R367802560  
**State ID No.:** 1N1E36CA 22300  
**Quarter Section:** 3033

**Neighborhood:** Kerns, contact Elliott Mantell at [commonchiro@yahoo.com](mailto:commonchiro@yahoo.com)  
**Business District:** Kerns Yu Te 2705 E Burnside St #110 Portland OR 97214  
**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.

**Zoning:** R2.5 – Single Dwelling Residential 2,500

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

#### **Proposal:**

The applicant is seeking approval of an existing 196-square foot second story deck. In 2016, a building permit was issued for a two-story single-family dwelling on the subject lot. After the permit had been finalized by the building official, a complaint was received about a second story

deck and attached staircase constructed on the rear of the dwelling without the benefit of a building permit. The City inspected the site and found the second story deck constructed.

The subject site is a 5,000-square foot lot. In the single-dwelling zones, including the R2.5 zone, building coverage is limited under Portland Zoning Code section 33.110.225. Table 110-4 sets the building coverage limits based on the size of the lot. Building coverage is defined as:

***Building Coverage.*** *The area that is covered by buildings or other roofed structures. A roofed structure includes any structure more than 6 feet above grade at any point, and that provides an impervious cover over what is below. Building coverage also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than 6 feet above grade. Eaves are not included in building coverage.*

Based on the table, a 5,000-square foot lot is limited to a total building coverage of 2,250 square feet. The approved dwelling has a building coverage of 2,236 square feet. The second story deck is both covered and more than 6-feet above grade and therefore counts toward the site's building coverage. The existing 2,236-square foot dwelling combined with the 196-square foot deck has a total building coverage of 2,432 square feet, which exceeds the allowed limit and requires this Adjustment Review in order to remain on the property.

#### **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 (*not applicable*)**
- 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 2, 2017 and determined to be complete on October 2, 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](http://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.

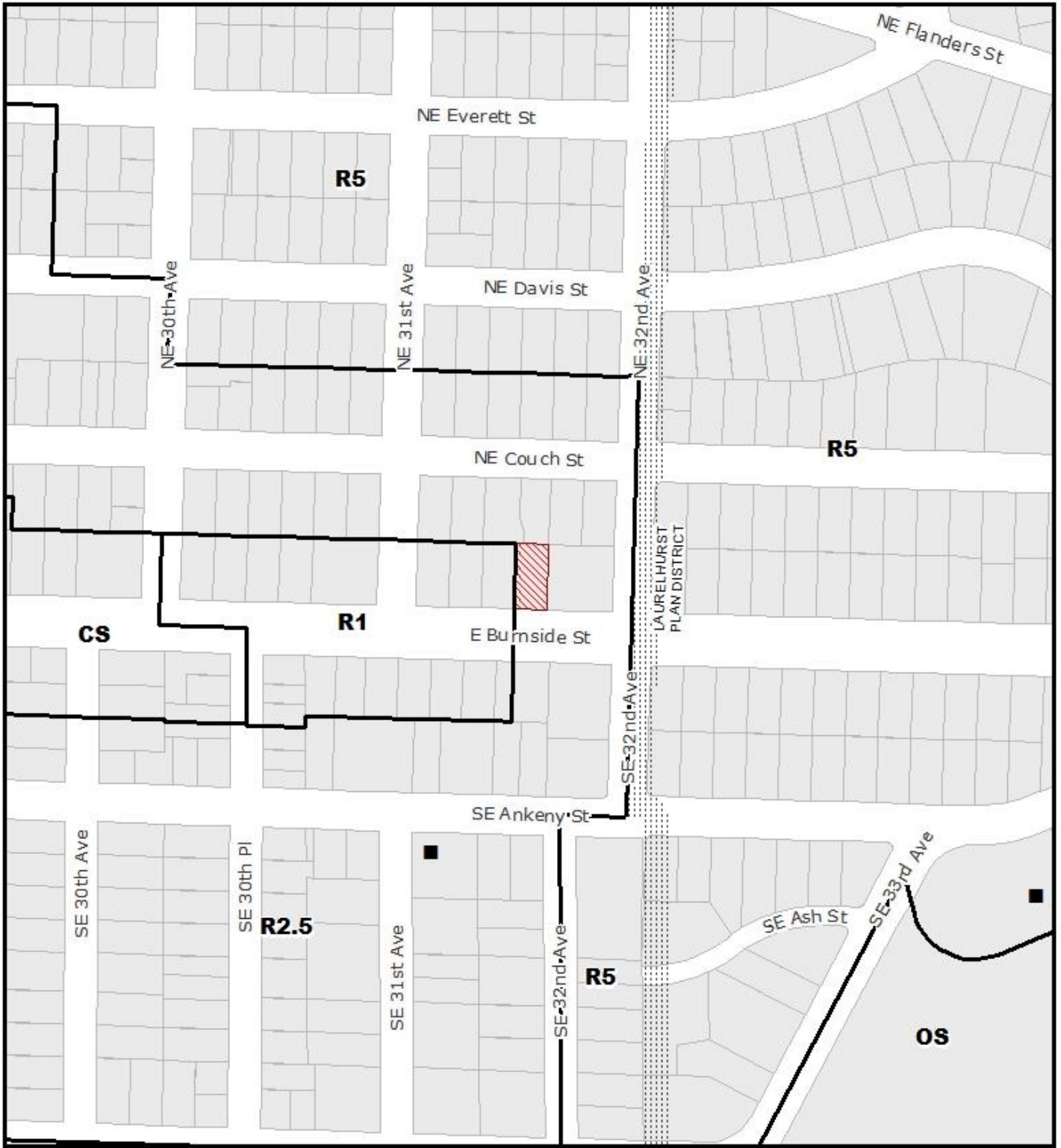
#### **APPEAL OF THE FINAL CITY DECISION**

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

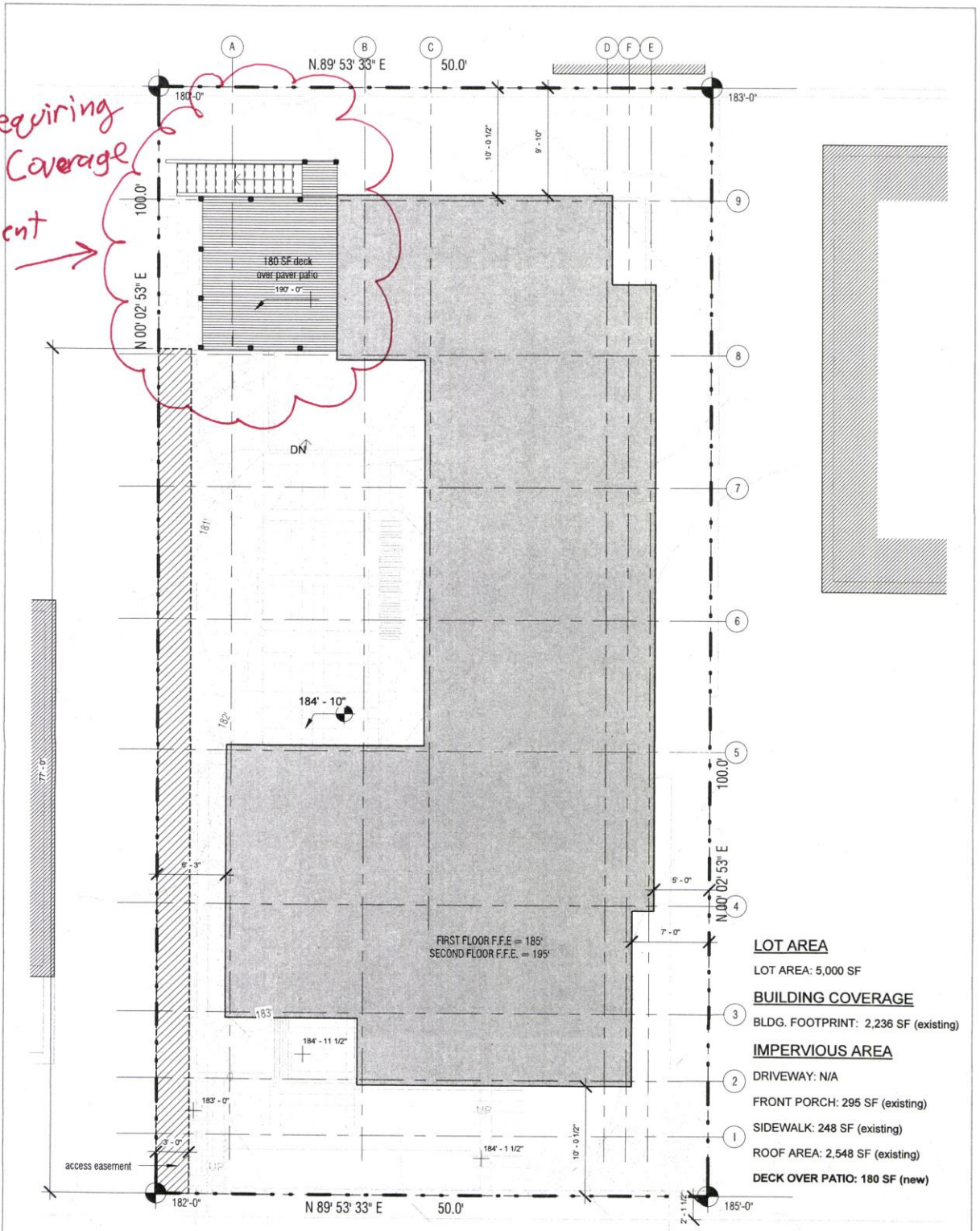


**ZONING**  NORTH

 Site  
 Historic Landmark

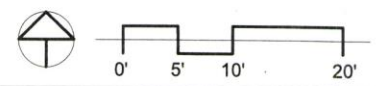
File No.	LU 17-208792 AD
1/4 Section	3033
Scale	1 inch = 200 feet
State ID	1N1E36CA 22300
Exhibit	B Aug 04, 2017

*Deck Requiring Building Coverage Adjustment*



- LOT AREA**  
LOT AREA: 5,000 SF
- BUILDING COVERAGE**  
BLDG. FOOTPRINT: 2,236 SF (existing)
- IMPERVIOUS AREA**
- ③ DRIVEWAY: N/A
- ② FRONT PORCH: 295 SF (existing)
- ① SIDEWALK: 248 SF (existing)
- ROOF AREA: 2,548 SF (existing)
- DECK OVER PATIO: 180 SF (new)

1 SITE PLAN (deck over patio)  
SP01 1/8" = 1'-0"



Sheet No. **SP01** date: 08/27/17  
Sheet Title: **SITE PLAN**



3141 E. BURNSIDE  
PATIO & DECK

LU 17-208792 AD