



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

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Date: October 12, 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 2, 2017.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 17-120757 AD 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 17-120757 AD

Applicant: Jason Overstreet
Faster Permits
2000 SW 1st Avenue Suite 420
Portland, OR 97201

Owner: Bistline Enterprises Limited
24474 Hayfield Rd
Beavercreek, OR 97004

Site Address: Properties known as Tax Lots R611135 and R611136, immediately south of 220 SE 151st

Legal Description: LOTS 1 AND 2 INC UND INT TRACTS A&B, DAISY PLACE
Tax Account No.: R194450050, R194450100
State ID No.: 1N2E36CD 01501. 1N2E36CD 1502
Quarter Section: 3045

Neighborhood: Glenfair, contact Graham Wright at 503-887-7028.
Business District: Gateway Area Business Association, contact Paul Wild at paul.wild@mhcc.edu

District Coalition: East Portland Neighborhood Office, contact Victor Salinas at 503-823-6694.

Plan District: East Corridor

Zoning: R5ah – Single Dwelling Residential, 5,000 base zone with Alternative Design Density (“a”) and Aircraft Landing (“h”) overlay zones.

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

Proposal:

The applicant is requesting to construct two attached homes on two vacant lots in the R5 zone. An attached house is a dwelling unit located on its own lot that shares one or more common walls with another dwelling unit on its own lot. In this case, the design of the attached homes has the garage of each house sharing a common wall along the common lot line. Lot 1 is a corner lot because it has street frontage on more than one intersecting street where the frontages intersect. The common lot line is considered the rear property line for Lot 1 and a side property line for Lot 2. Both garages for the attached homes take access off of SE Pine Court, a private street, rather than SE 151st Ave, a public street. For Lot 1, the access is on the side property line and for Lot 2 the access is on the front property line.

Setbacks in the single dwelling zones are regulated by Portland Zoning Code section 33.110.220 and Table 110-3. In the R5 zone district, the minimum garage entrance setback to a property line is 18-feet. The garage entrance on Lot 1 is proposed to be 6-feet 8.5-inches from the property line. The garage entrance on Lot 2 is proposed to be 11-feet 1.5-inches from the property line. Because both garage entrances are less than 18-feet from the property line, an Adjustment is necessary.

Parking and loading spaces and areas for houses and duplexes are regulated under Portland Zoning Code section 33.266.120. The zoning code limits the amount of vehicle area located in the front yard between a building line and the property line to 40% and on corner lots limits the vehicle area between a side street lot line and the side street building line to 20%. Lot 2 is “L” shaped rather than square or rectangular. The front property line makes up the “L” portion of the lot. Because of this unusual configuration, the front lot line is the shortest lot line for the property at 25.5-feet long. The house on Lot 2 has a double-car garage with a 16-foot wide driveway, which comprises 62.7% of the area between the front property line and building line. Because the vehicle area comprises more than 40% of front yard between the house and property line, an Adjustment is required.

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**
- 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 February 13, 2017 and the applicant requested the application to be deemed complete on August 14, 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

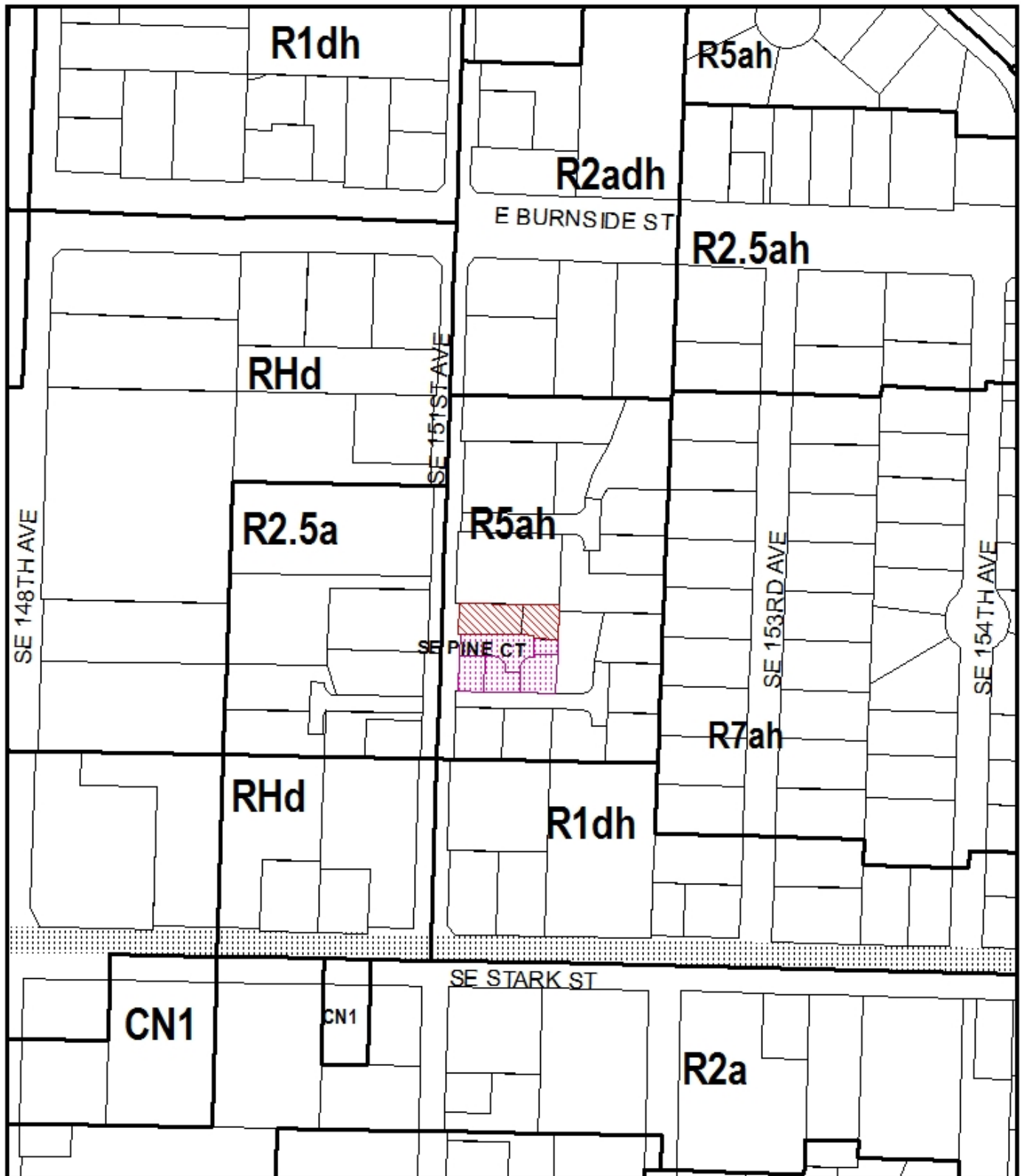
After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment 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



ZONING

-  Site
-  Also Owned Parcels

File No. LU 17-120757 AD

1/4 Section 3045

Scale 1 inch = 200 feet

State Id 1N2E36CD 1501

Exhibit B (Feb 16, 2017)



This site lies within the:
EAST CORRIDOR PLAN DISTRICT

