



**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:** November 9, 2017  
**To:** Interested Person  
**From:** David Besley, Land Use Services  
503-823-7282/David.Besley@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 30, 2017.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 16-258407 AD, in your letter. It also is helpful to address your letter to me, David Besley. You can also e-mail your comments to me at my e-mail address identified above.

## **CASE FILE NUMBER: LU 16-258407 AD**

**Applicant:** David Masko | David Masko Architect  
26071 German Mill Rd  
Franklin, MI 48025

**Owner:** Shanon Barker | SBTB LLC  
6415 NE 38th St  
Portland, OR 97211

**Site Address:** 11230 SE DIVISION ST

**Legal Description:** BLOCK 1 LOT 3 EXC PT IN ST LAND & IMPS SEE R215134  
(R550000071) FOR BILLBOARD, MCGREWS TR

**Tax Account No.:** R550000070

**State ID No.:** 1S2E10AB 03800

**Quarter Section:** 3342

**Neighborhood:** Powellhurst-Gilbert, contact at [pgnaboard@gmail.com](mailto:pgnaboard@gmail.com)  
**Business District:** Midway, contact [info@midwaybusiness.org](mailto:info@midwaybusiness.org)  
**District Coalition:** East Portland Neighborhood Office, contact Victor Salinas at 503-823-6694

**Plan District:** Johnson Creek Basin

**Zoning:** CN2 (Neighborhood Commercial 2)

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

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

**Proposal:**

The applicant is proposing to remodel and expand an existing dance studio, which involves deconstructing a single-story house on site and building an addition in its place. When improvements are made to sites, the Portland Zoning Code requires that certain elements of existing (nonconforming) development be upgraded to meet current standards (Section 33.258.070). The applicant intends to address the code required nonconforming upgrades on much of the site, with one exception. The applicant is proposing a range of 0 feet to 5 feet of landscaping between the parking area and the adjacent commercially zoned property to the west. The Portland Zoning Code requires a minimum of 5 feet low-screen landscaping (L2 standard) between parking areas and abutting commercially zoned lot lines (Section 33.266.130.G, Table 266-5). An Adjustment is therefore required to reduce the minimum 5-foot landscaping setback to a range of 0 feet to 5 feet.

**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 (*not applicable*); 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 October 14, 2016 and determined to be complete on November 3, 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.

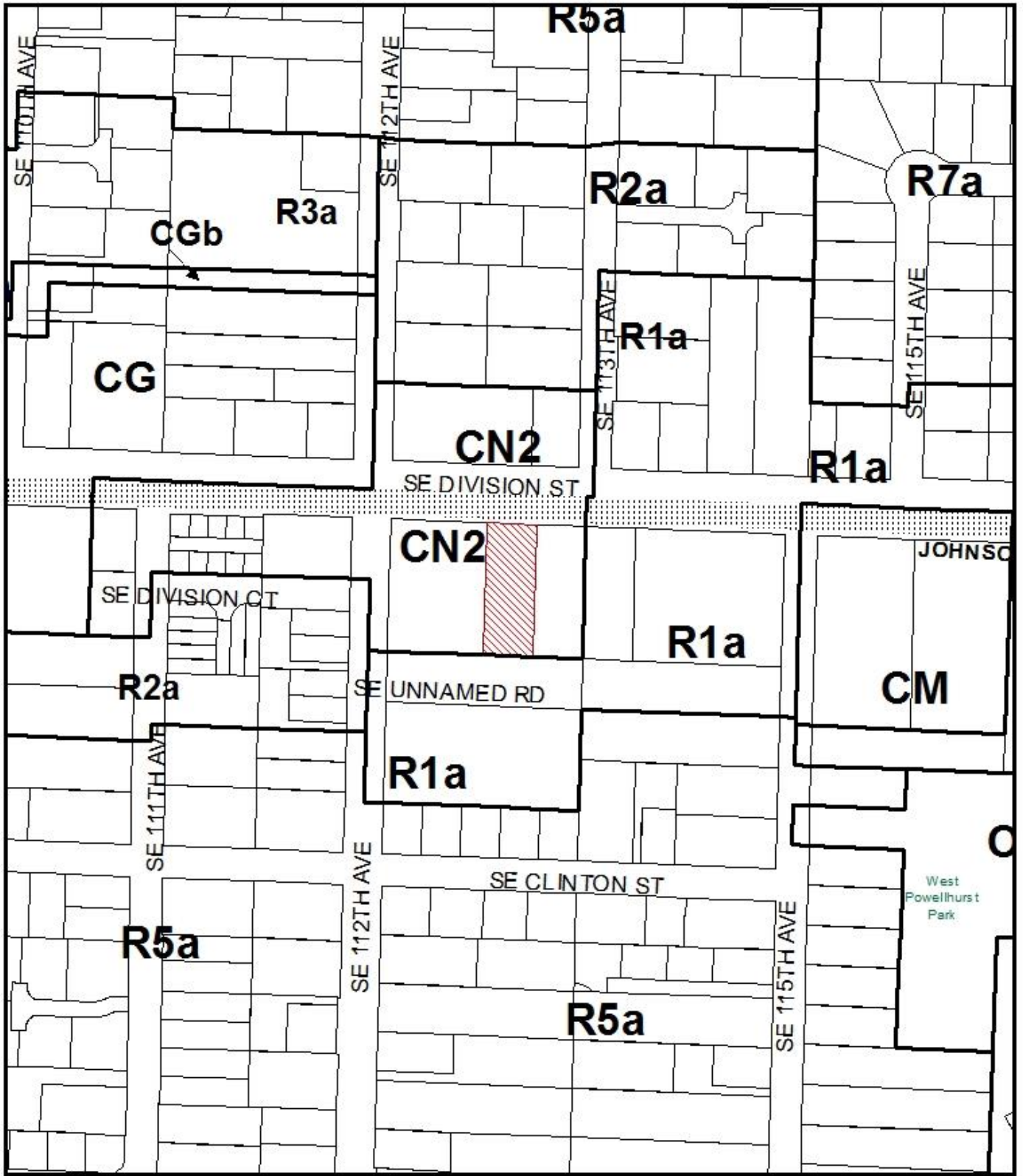
**APPEAL OF THE FINAL CITY DECISION**

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

 Site



This site lies within the:  
JOHNSON CREEK BASIN PLAN DISTRICT

File No.	LU 16-258407 AD
1/4 Section	3342
Scale	1 inch = 200 feet
State_Id	1S2E10AB 3800
Exhibit	B (Oct 20, 2016)

Adjustment request to reduce min. 5-foot landscape setback to a range of 0' to 5' for the parking area

**D A V I D  
M A S K O  
A R C H I T E C T**

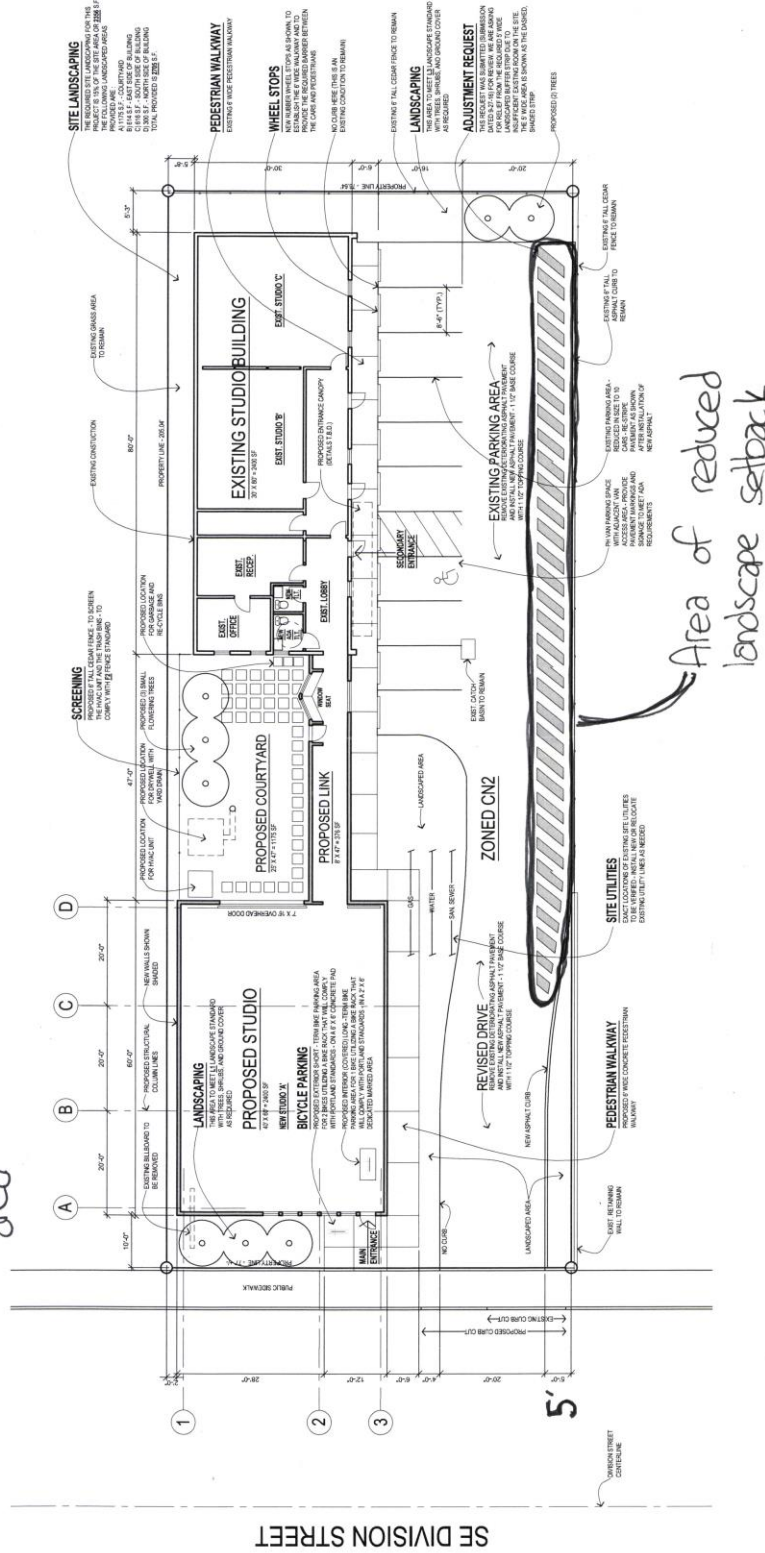
3-20-17 ISSUED FOR ADJUSTMENT REVIEW  
4-11-17 REVISED PER DISCUSSIONS  
8-15-17 REVISED PER DISCUSSIONS  
10-24-17 REVISED PER REQUEST - ADDED NOTE ABOUT SOUTH LANDSCAPED AREA  
**GENERAL NOTE:**  
**THIS DRAWING IS ISSUED TO CONFIRM THE DISCUSSIONS BETWEEN SHANON BARKER AND DAVID BESLEY, REGARDING ADJUSTMENT REVIEW # LU 16-258407**

**THIS DRAWING IS INTENDED TO UPDATE AND REPLACE THE SCHEMATIC SITE PLAN DRAWING - A2, THAT WAS ORIGINALLY ISSUED ON 9-27-16, FOR AN ADJUSTMENT REVIEW, THAT ADJUSTMENT REQUEST IS EXPLAINED ON THIS DRAWING.**

**SITES PERFORMING ARTS CENTER**

**SCHEMATIC SITE PLAN**

**A-2  
REVISED**



**SCHMATIC SITE PLAN - 11240 SE DIVISION STREET**

SCALE: 1/4" = 1'-0"

**GENERAL NOTES - SITE:**

ALL SET WORK TO BE PERFORMED IN COMPLIANCE WITH ALL APPLICABLE CODES AND LOCAL ORDINANCES.

LU 16-258407