



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

Chloe Eudaly, Commissioner  
Rebecca Esau, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** November 14, 2017  
**To:** Interested Person  
**From:** Clare Fuchs, Land Use Services  
503-823-7843 / [Clare.Fuchs@portlandoregon.gov](mailto:Clare.Fuchs@portlandoregon.gov)

## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 17-237503 AD**

#### **GENERAL INFORMATION**

**Applicant:** Kevin Partain | Urban Visions  
223 NE 56th Avenue  
Portland, OR 97213

**Owner:** Colleen V Rolfe  
6629 SE Ramona St  
Portland, OR 97206

**Site Address:** 6629 SE RAMONA ST

**Legal Description:** BLOCK 34 LOT 11&12, TREMONT PL  
**Tax Account No.:** R842411950  
**State ID No.:** 1S2E17CB 16700  
**Quarter Section:** 3637

**Neighborhood:** Mt. Scott-Arleta, contact Andrew Cecka at [msanalandusechair@gmail.com](mailto:msanalandusechair@gmail.com)

**Business District:** Eighty-Second Ave of Roses Business Association, contact Nancy Chapin at [nchapin@tsgpdx.com](mailto:nchapin@tsgpdx.com)

**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.

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

**Overlay:** Alternative Design Density Overlay (a)

**Case Type:** Adjustment (AD)

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

**Proposal:**

The subject property is composed of two lots. Under separate review, the applicant has submitted a Lot Confirmation / Property Line Adjustment application (file PR 17-181197 PLA LC) that requests moving the existing lot line between lot 11 and 12 to the location shown on the attached site plan (Exhibit C1). The new house is proposed for lot 11. In order to accommodate the proposed Property Line Adjustment while retaining the existing house on lot 12, the applicant is requesting approval of the following adjustments to the. Zoning Code minimum required 5-foot side yard setback 33.110.220.B.

Eave Setback: Normally, eaves are allowed to project 1-foot into the 5-foot side yard setback. However, the applicant is asking for an adjustment for existing eaves that project 1-foot, 7-inches into the setback, which will result in the eaves being 3-feet, 5-inche from the west side lot line.

Bay Window Setback: Additionally, the existing bay window would be set back from the west side property line 4-feet, 2-inches. Bay windows can extend, by right, one foot into a 5-foot setback if certain requirements are met. However, existing bay window does not meet the exceptions that would allow for a projection. Therefore, it requires an adjustment to project into the setback 10-inches.

Approval of these Adjustments would allow the existing house on lot 12 to remain.

**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.

**ANALYSIS**

**Site and Vicinity:** The subject site is a 9,860 square foot lot located on the north side of SE Ramona Street between SE 67<sup>th</sup> Avenue and SE 65<sup>th</sup> Avenue. The site is generally flat. The site is currently developed with a two-story single dwelling residence. The properties to the north, south, east, and west are developed with single dwelling residences on narrower lots. However, many lots are larger with older homes on them.

**Zoning:** This site is located in a Residential Single Dwelling 2,500 (R2.5) zone. The R2.5 zone is intended to preserve land for housing and to provide housing opportunities for individual households. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards maintain flexibility, compatibility, and certainty about what is allowed.

The site is also mapped with the Alternative Design Density (a) overlay. The a overlay is intended to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements. The provisions of the a overlay are not being used for this proposal.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **October 11, 2017**. The following Bureaus have responded with no issues or concerns:

- Water Bureau (Exhibit E1);
- Fire Bureau (Exhibit E2); and

- Site Development Section of BDS (Exhibit E3).

The Bureau of Transportation Engineering had no concerns with the proposed adjustment, but provided comments referring the applicant to PBOT's response prepared for 17-181197 PR for PBOT requirements (Exhibit E4).

The Bureau of Environmental Services (BES) does not object to approval of the requested adjustment application. However, BES identified requirements related to stormwater disposal for the proposed PLA. The applicant should refer to BES comments from 17-181197-PR (Exhibit E5):

The Life Safety Division of the Bureau of Development Services has no issues with the adjustment application, but commented on building code requirements for the new house (Exhibit E6).

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on October 11, 2017. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## ZONING CODE APPROVAL CRITERIA

### 33.805.010 Purpose (Adjustments)

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

### 33.805.040 Approval Criteria

Adjustment requests will be approved if the applicant has demonstrated 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

**Findings:** The applicant is requesting the following Adjustment: reduce the west side setback from 5-feet down to 3-feet, 5-inches for eaves and 4-feet, 2-inches for the bay window.

The purpose of the setback requirement in the R2.5 zone is stated in Zoning Code Section 33.110.220.A:

**Purpose.** *The building setback regulations serve several purposes:*

- *They maintain light, air, separation for fire protection, and access for fire fighting;*
- *They reflect the general building scale and placement of multi-dwelling development in the city's neighborhoods;*
- *They promote a reasonable physical relationship between residences;*
- *They promote options for privacy for neighboring properties;*
- *They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;*

- *They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity;*
- *They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.*

Maintain light, air, and separation: The required side setback on the west side of the house is 5-feet. However, the eaves can be set back 4-feet creating a minimum 8-foot eave separation between the houses. The applicant proposes to have the eaves on the west side of the house set back 3-feet, 5 inches from the adjusted west property line. Since the house on the confirmed lot has not been built yet, the separation between the two house eaves will be still be at least 7-feet, 5-inches. This proposed separation between the homes is nearly the same as the separation that would result if both houses met the minimum 4-foot eave setback from the common lot line. In fact, the difference between the outright allowed eave separation and the proposed eave separation is only 7-inches. The relocated lot line will not be in the middle of the separation between the homes, but that will make little difference concerning the purposes of the setback standard. It should also be noted that the building walls are set back 5-feet with projections, so the building walls will maintain their normal separation. Staff finds that this proposed eave setback adjustment maintains light, air, and separation. The Fire Bureau had no concerns about this requested adjustment.

To ensure the proposed separation between homes is realized when lot 11 is developed; a condition of approval will require a 5-foot minimum wall, and 4-foot minimum eave setback from the east property line on lot 11.

Along this same west elevation of the existing house the bay window is proposed to be 4-feet, 2-inches from the adjusted west property line. By right, a bay window can project into the setback 1-foot if the bay window is no more than 12-feet long and contains at least 30% windows. The bay window in question needs 4% more windows and to be a foot shorter to be allowed outright. In other words, the proposed window is 13-feet long and only contains 26% windows. The difference between what is allowed and this request is imperceptible. Furthermore, the length of the house on the west elevation is 47-feet, 8-inches long. Having a bay window that is 1-foot out of length compliance constitutes 2% of the length of the west elevation. That 2% variance in the 10-inch projection will make little difference in the separation, light, and air between structures.

Reflect the general building scale: The house is not proposed to be altered in any way from its current state. The existing house generally reflects much of the housing stock in the neighborhood. There are several older 2-story houses in the neighborhood, as well as newer 2-story homes and older 1-story homes in the surrounding area. Therefore, the house reflects the general building scale in the area.

Promote a reasonable physical relationship: An approximate 10-foot separation between the existing house and future house walls and a 7-foot, 5-inch separation between the existing house and the future house's eaves to the west is reasonable as the minimum side yard setbacks (5-feet) can create two homes that have an 8-foot eave separation. The proposal maintains most (93%) of this required separation. The 10-inch bay projection is only 1-foot longer than what is allowed, meaning 98% of the building wall will be in compliance as explained above. The new house will otherwise meet all setbacks and the existing house meets all other setbacks. In this way, a reasonable physical relationship between the houses is still promoted.

Promote options for privacy for neighboring properties: The future confirmed lot has no house on it yet. Therefore, the future house can be constructed and landscaped in such a way to maintain privacy from the closest projection into the setback. Windows on the new house can be placed to avoid being in line with the windows on the existing house. Furthermore, the walls of the two houses will be no closer than what is allowed by right, 10-feet. Therefore, options for privacy are maintained.

Require larger front setbacks: The applicant's proposal would not affect the front setback.

Provide adequate flexibility: The closest proposed projection into the setback, the eave, is only 7-inches closer than what is allowed by right, and the bay window is close to the allowed size. As such, granting this adjustment will provide flexibility. It will provide flexibility by allowing the existing house to remain along with the new house to be built instead of having to build two new houses. This will provide for architectural diversity since the existing house was built in 1914 according to Multnomah County records.

Provide room for a car: The applicant's proposal only affects the side yard setback. The existing house has no on-site parking, which is a legal non-conforming situation for this property. Therefore, no on-site parking is required for the existing house. A new on-site parking space meeting the Zoning Code standards will be required for the new house.

Based on these reasons, the proposed Adjustments equally meet the intent of the regulation and this criterion is met.

**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**

**Findings:** Because the subject site is located in a single dwelling residential zone, the applicant must demonstrate that the proposal will not detract from the livability or appearance of the surrounding residential area. As discussed in the findings for Approval Criterion A, the location of the proposed separation between the existing and future home would maintain light, air, and separation; reflect general building scale and placement; promote a reasonable physical relationship between residences; promote options for privacy; and provide room for a car to park on-site for the new house. For these reasons, the proposal will not detract from neighborhood livability or appearance. This criterion is met.

**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**

**Findings:** Only one adjustment is requested. Therefore, this criterion is not applicable.

**D. City-designated scenic resources and historic resources are preserved; and**

**Findings:** There are no City-designated scenic or historic resources on or near the subject site. Therefore, this criterion is not applicable.

**E. Any impacts resulting from the Adjustment are mitigated to the extent practical; and**

**Findings:** As discussed in the findings for Approval Criteria A, the proposal has no adverse impacts on the livability or appearance of the surrounding residential area for which mitigation would be required. Therefore, this criterion is met.

**F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;**

**Findings:** The subject site is not in an environmental overlay zone. Therefore, this criterion is not applicable.

## **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The proposed Adjustment equally meets the purposes of the regulations and will not have significant adverse impacts on the livability and appearance of the surrounding residential neighborhood. The effect of the Adjustment request will result in a project that is still consistent with the purpose of the R2.5a zone. The applicant has demonstrated that the applicable approval criteria have been met. Since the approval criteria are met, the proposal should be approved.

## ADMINISTRATIVE DECISION

Approval of Adjustment to reduce the minimum required west setback (33.110.220.B, Table 110-3) for an eave from 5-feet to 3-feet, 5-inches and to 4-feet, 2-inches for an existing bay window where the bay window is 13-feet long and contains 26% glazing, per the approved site plans, Exhibit C1 and C2, signed and dated November 3, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibit C1 and C2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 17-237503 AD. No field changes allowed."
- B. The newly built house on Lot 11 is required to have a minimum 5-foot east side wall setback and a 4-foot east side eave setback from the east property line.

**Staff Planner: Clare L. Fuchs**

**Decision rendered by:**  **on (November 3, 2017)**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: November 14, 2017**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on September 8, 2017, and was determined to be complete on October 6, 2017.

*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. Therefore this application was reviewed against the Zoning Code in effect on September 8, 2017.

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 waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless extended by the applicant, **the 120 days will expire on: February 3, 2018.**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on November 28, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **November 28, 2017** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

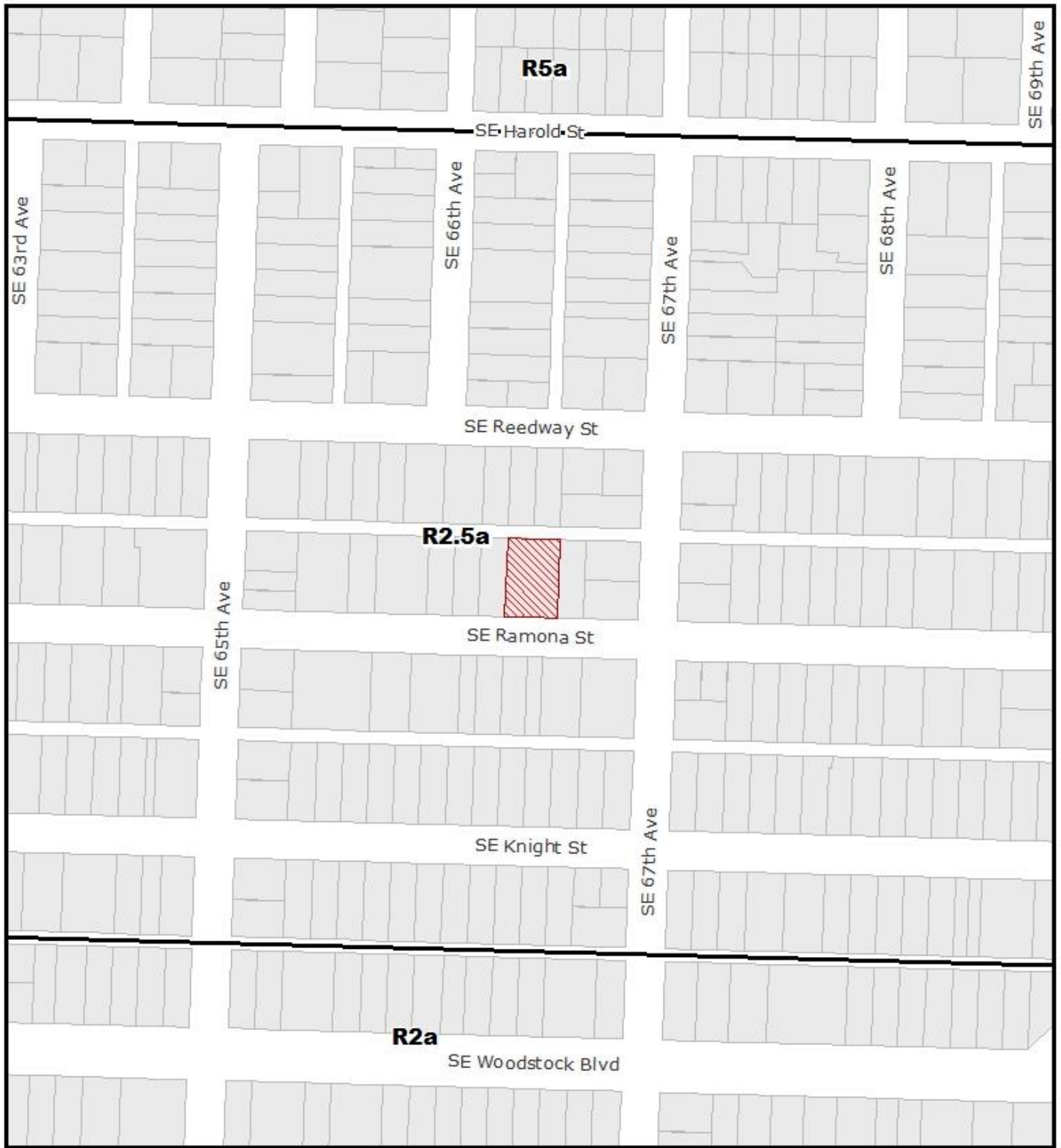
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  1. September 8, 2017 narrative
  2. October 6, 2017 narrative
  3. 24" x 36" September 8, 2017 Site Plan
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. October 6, 2017 Enlarged 8.5 x 11 Site Plan (attached)
  2. 11" x 17" West Elevation to Scale (attached)
- D. Notification information:
  1. Mailing list
  2. Mailed notice
  3. October 6, 2017 Reduced Site Plan
  4. 8.5" x 11" West Elevation
  5. 8.5" x 11" South Elevation
  6. 11" x 17" South Elevation to Scale
  7. 24" x 36" October 6, 2017 Site Plan
- E. Agency Responses:
  1. Water Bureau
  2. Fire Bureau
  3. Site Development Review Section of BDS
  4. Bureau of Transportation Engineering and Development Review
  5. Bureau of Environmental Services
  6. Life Safety Division of the Bureau of Development Services
- F. Correspondence (none)
- G. Other:
  1. Original LU Application
  2. Letter of Incompleteness September 25, 2017



3. Clarifying E-mail from Applicant

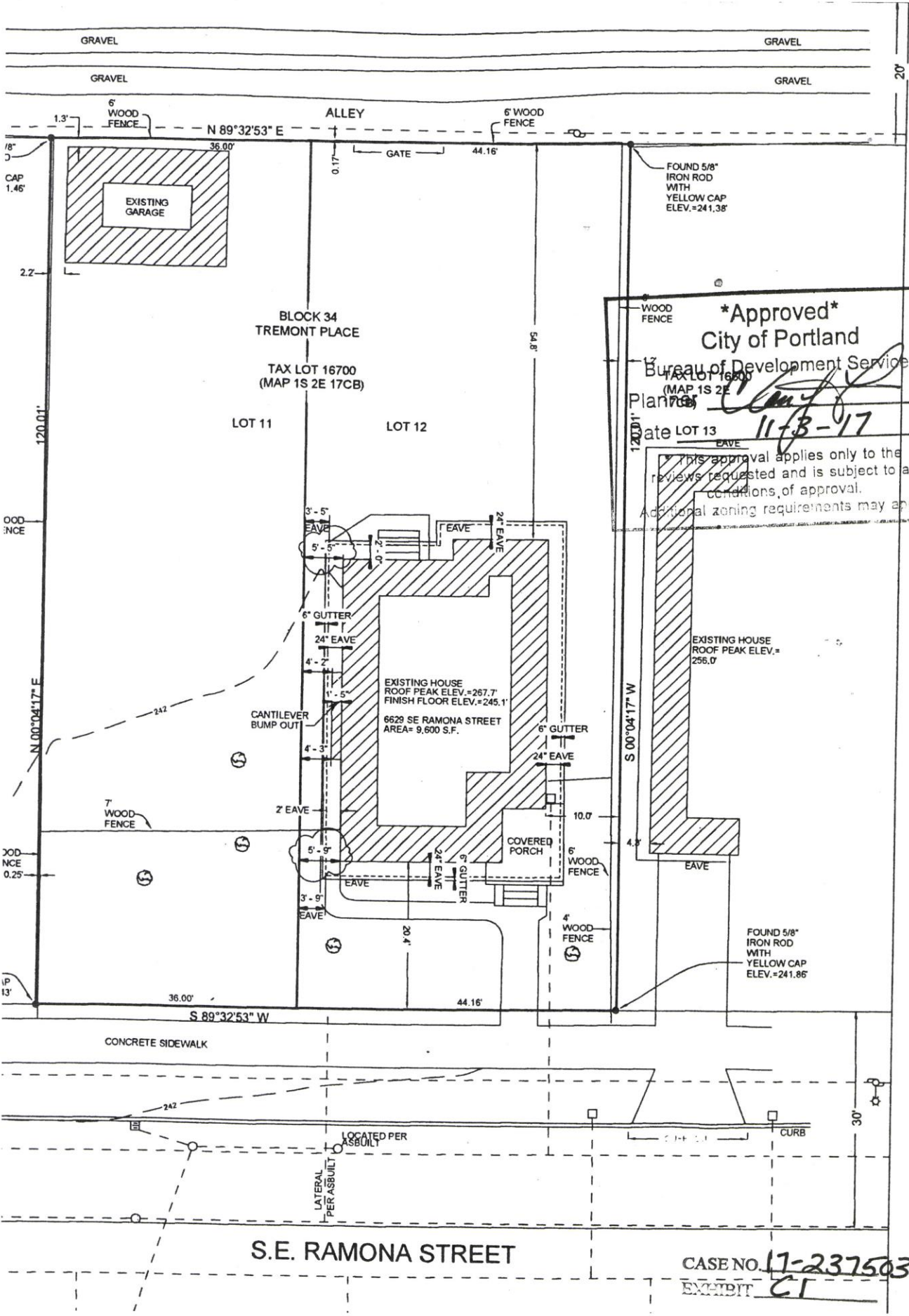
**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING



File No.	LU 17-237503 AD
1/4 Section	3637
Scale	1 inch = 200 feet
State ID	1S2E17CB 16700
Exhibit	B Sep 11, 2017



**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Tax Lot 16700  
 (MAP 1S 2E 17CB)  
 Plan 17-237503  
 Date 11-3-17

This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU-17-237503 AD

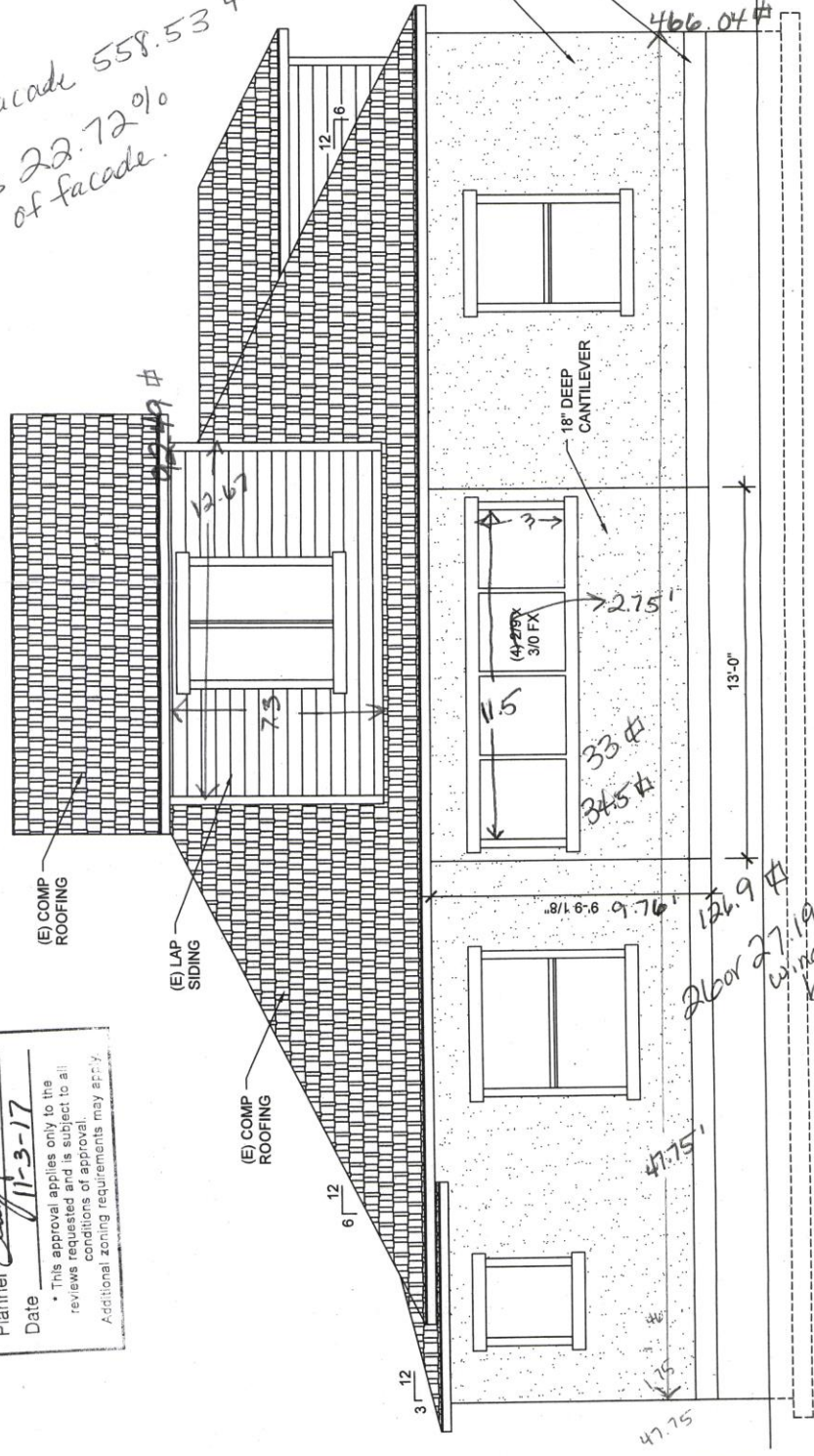
CASE NO. 17-237503  
 EXHIBIT CI



**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner *[Signature]*  
 Date **11-3-17**  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval.  
 Additional zoning requirements may apply.

*Facade 558.53 #*  
*Bay is 22.72% of facade.*

- 26'-0 3/4" RIDGE
- 23'-6" M.R.H.
- 20'-11 1/4" T.P.
- 12'-10 3/4" U.F.F.
- 2'-9 7/8" M.F.F.
- 0'-0" GRADE



**NOTES**  
 1) FIELD VERIFY ALL MEASUREMENTS TO CONFIRM FINISH FLOOR HEIGHTS  
 2) DOOR AND WINDOW HEAD HEIGHT - EXISTING

**1 WEST ELEVATION**  
 1/4" = 1'-0"  
**D1.1**

CASE NO. **17-237503**  
 EXHIBIT **C2**

**6629 SE RAMONA ST**  
 PORTLAND OR  
 FOR: COLUMBIA REDEVELOPMENT

DATE	REVISION
11-03-17	1
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**D1.1**

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