



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: May 11, 2018
To: Interested Person
From: David Besley, Land Use Services
503-823-7282 / David.Besley@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 18-135175 AD

GENERAL INFORMATION

Applicants/Owners: Edward and Josette Dundon
7207 SE Reed College Pl , Portland, OR 97202-8356

Site Address: 7207 SE REED COLLEGE PL

Legal Description: BLOCK 48 S 60' OF N 85' OF LOT 13, EASTMORELAND
Tax Account No.: R231511700
State ID No.: 1S1E24AC 06900
Quarter Section: 3734

Neighborhood: Eastmoreland, contact Rod Merrick at president@eastmoreland.org
Business District: None
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010

Plan District: Eastmoreland

Zoning: R5 (Single-dwelling Residential 5,000)

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

Proposal:

The applicant is proposing to construct a 187-square foot addition to an existing 310 square foot detached garage (measuring 497 feet total with dimensions of approximately 17 feet by 29 feet). The Portland Zoning Code requires that structures be set back a minimum of 5 feet from the side and rear lot lines in this zone (Section 33.110.220; Table 110-3). The existing structure is located 3 inches from the side (north) lot line and the proposed addition will extend the garage so that it is located 1 foot from the rear (west) lot line. Additionally, the Portland Zoning Code allows eaves to extend into required building setbacks up to 20 percent of the depth of the setback (in this case, a 1-foot encroachment into side setback); however, they must be at least three feet from a lot line (Section 33.110.220.C.1; Table 110-3). The proposed 3 inch long eaves are proposed 0 feet from the north (side) property line. An additional Adjustment is therefore required to allow eaves to be up to 0 feet from the north property line.

Two Adjustments are therefore required for the detached garage addition:

1. To reduce the minimum side (north) building setback from 5 feet to 3 inches and reduce the north facing eaves from 4 feet to 0 feet; and
2. To reduce the minimum rear (west) building setback from 5 feet to 1 foot.

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 relatively flat, 6,000 square foot site is located in the Eastmoreland neighborhood on the west side of SE Reed College Place between SE Knapp Street and SE Bybee Boulevard, about 200 feet north of the intersection of SE Knapp Street and SE Reed College Place. The site is currently developed with a 2,539 square foot 2-story residence and a 310 square foot garage, which is accessed via a driveway that runs along the northern property line. The surrounding vicinity is developed primarily with single dwelling residences and detached garages, which are commonly located in rear or side building setbacks.

Zoning: The R5 zone is a single-dwelling zone that is intended to preserve land for housing, and to provide housing opportunities for individual households. Development standards are intended to allow for flexibility of development while maintaining compatibility within the City's various neighborhoods.

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 April 5, 2018. The following Bureaus have responded with the following information:

- The Life Safety section of the Bureau of Development Services (BDS) responded with no concerns and provided Building Code information (Exhibit E-1); and
- The Bureau of Environmental Services (BES) responded with no concerns and provided stormwater management information (Exhibit E-2).

The following Bureaus have responded with no concerns (Exhibit E-3):

- The Bureau of Transportation (PBOT).
- The Fire Bureau;
- The Water Bureau; and
- The Site Development Section of BDS.

Neighborhood Review: Five written responses have been received from notified property owners in response to the proposal. Four of the letters were written in support of the proposal including adjacent neighbors to the west (Exhibits A-2 and F-2) and the north (Exhibits A-3 and F-1), who will be the most directly impacted by the Adjustment requests. The fifth letter (Exhibit F-3) is from an attendee of the Eastmoreland Neighborhood Association (ENA) meeting who noted that the president and land use chair, also the proposal's architect, did not recuse himself when this project came up, and requested that the project be brought back in front of the ENA with the disclosure that the ENA president is also the architect.

Staff Response: Whether there was a conflict of interest and whether the proposal should be brought back to the neighborhood association for additional review is not subject to the approval criteria for this case, and is not something BDS has the authority to require of the applicant. The zoning code does not require a neighborhood contact for Adjustment Reviews (certain reviews do require the applicant to contact the neighborhood directly, but not Type II Adjustments). As a result, there is not a connection between the neighborhood meeting and the land use review criteria the City must evaluate. BDS therefore has no role in addressing this concern. Any complaints about this should be directed to the Neighborhood Association or to the Office of Neighborhood Involvement (ONI).

ZONING CODE APPROVAL CRITERIA**33.805.040 Adjustment 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

Findings: The applicant has requested two Adjustments to reduce the minimum side (north) building setback from 5 feet to 3 inches and reduce the eave setback to the north from 4 feet to 0 feet, and to reduce the minimum rear (west) building setback from 5 feet to 1 foot to construct a 187-square foot addition to an existing 310 square foot detached garage that will measure 17 feet by 29 feet. The relevant purpose statements and associated findings are found below:

33.110.220 Setbacks

The setback regulations for buildings and garage entrances 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 houses 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; and***
- *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.*

The existing one-car detached garage is currently 3 inches from the side (north) property line and 12 feet from the rear (west) property line. The proposed addition includes an 11-foot expansion behind the garage to the west, into the rear setback, but will maintain the existing setback to the north. Because the adjacent property to the north is screened with vegetation and the proposed garage will not be closer to the (north) side property line than the existing structure, there will be no additional impacts to the physical relationship between residences or the amount of light, air, and separation. No windows are proposed on the northern or western facades of the ADU, which promotes privacy for the neighboring property closest to the ADU. The south-facing door and window will look onto the yard rather than onto neighboring properties.

Many of the surrounding houses in this area, including the adjacent neighbor to the west, have similar accessory structures built within side and rear setbacks. A detached garage constructed within the side and rear setbacks will therefore be compatible with this neighborhood.

The Life Safety Plan Review Section and the Fire Bureau have reviewed the request for reduced setbacks, and responded with no concerns with regards to separation for fire protection, or access for fire fighting. The Portland Bureau of Transportation has no concerns regarding the proposed adjustment.

For all the reasons discussed above, 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: The subject property is located in the R5 zone, a residential zone. As noted above, the surrounding neighborhood includes detached accessory structures, including detached garages, built within side and rear setbacks. The proposed detached garage addition is consistent with the development pattern in the area and will not significantly detract from the appearance of the area. The absence of windows on the north and west facades protect privacy and livability for adjacent neighbors.

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: The applicant is requesting two setbacks, so this criterion is applicable. The overall purpose of the R5 zone is to preserve land for housing, and to provide housing opportunities for individual households. Garages are allowed in residential zones and the proposed garage addition will support the residential use on site. Development standards in single-dwelling zones work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The project is consistent with the overall purpose of the zone.

This criterion is met.

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

Findings: City designated scenic resources are identified on the Official Zoning Map with a lower case “s” and historic resources are designated by a large dot or as being within the boundaries of a Historic or Conservation district. There are no such resources present on the site; therefore, this criterion is not applicable.

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

Findings: There are no discernible impacts that would result from granting the requested adjustments for which mitigation would be required.

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: Environmental overlay zones are designated on the Official Zoning Map with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). No environmental zoning is applied to the site; 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 requirements of Title 11 can be met, and 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 applicant is proposing to construct a 187-square foot addition to an existing 310 square foot detached garage which requires two Adjustments. The first Adjustment is to reduce the minimum side (north) setback from 5 feet to 3 inches and reduce the northern eaves from 4 feet to 0 feet. The second Adjustment is to reduce the minimum rear (west) setback from 5 feet to 1 foot to construct a 187-square foot addition to an existing 310 square foot detached garage. Because the adjacent property to the north is screened with vegetation and the proposed garage will not be closer to the (north) side property line than the existing structure, there will be no additional impacts to the physical relationship between residences or the amount of light, air, and separation. No windows are proposed on the northern or western facades of the ADU, which promotes privacy for the neighboring property closest to the ADU. The south-facing door and window will look onto the yard rather than onto neighboring properties. Many of the surrounding properties in this area, including the adjacent neighbor to the west, have similar accessory structures built within side and rear setbacks. A detached garage constructed within the side and rear setbacks will therefore be compatible with this neighborhood. The proposal meets the applicable approval criteria and should therefore be approved.

ADMINISTRATIVE DECISION

Approval of two Adjustments to reduce the minimum side (north) building setback from 5 feet to 3 inches and reduce the northern eaves from 4 feet to 0 feet, and to reduce the minimum rear (west) building setback from 5 feet to 1 foot (Section 33.110.220; Table 110-3) to construct a 187-square foot addition to an existing 310 square foot detached garage, per the approved site plans, Exhibits C-1 through C-2, signed and dated May 7, 2018, 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 Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 18-135175 AD. No field changes allowed."

Staff Planner: David Besley



Decision rendered by: _____ **on May 7, 2018.**

By authority of the Director of the Bureau of Development Services

Decision mailed: May 11, 2018

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 March 14, 2018, and was determined to be complete on .

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 March 14, 2018.

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 further extended by the applicant, **the 120 days will expire on: July 31, 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 May 25, 2018** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th 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.

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 **May 25, 2018** 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.

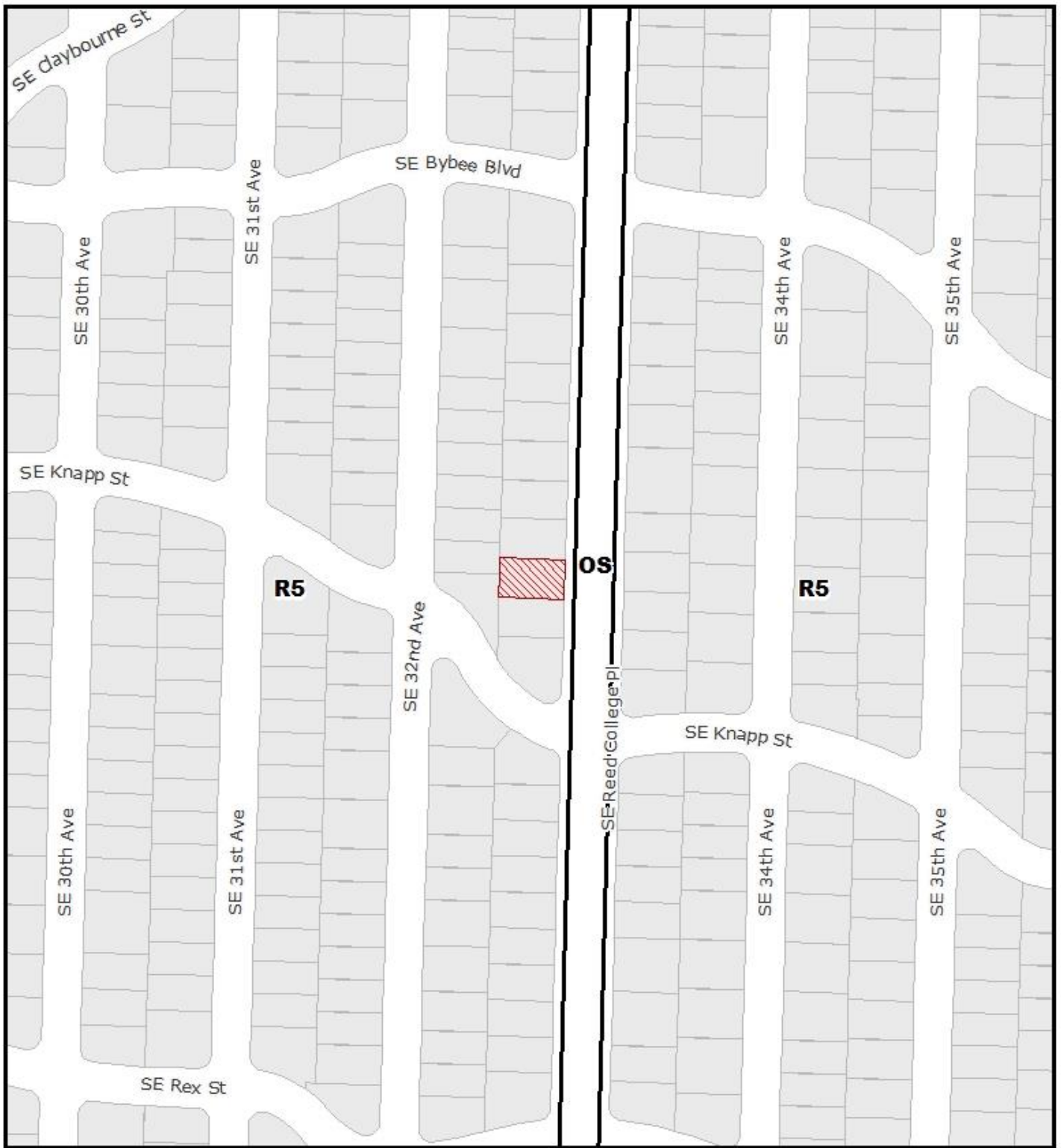
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 Submittal
 - 1. Applicant's Statement
 - 2. Ken and Katherine Davis, March 1, 2018, Letter of support
 - 3. Jim and Ruth Alexander, March 1, 2018, Letter of support
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation Drawings (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Section of BDS
 - 2. Bureau of Environmental Services
 - 3. Agencies responding with no concerns
- F. Correspondence:
 - 1. Jim Alexander, April 7, 2018, Letter of support
 - 2. Sharon (Liz) Tackaberry, April 26, 2018, Letter withdrawing previous objections and supporting project
 - 3. Tom Brown, April 25, 2018, Letter requesting that proposal be brought back in front of Eastmoreland Neighborhood Association
- G. Other:
 - 1. Original LU Application and receipt
 - 2. Incomplete letter from staff to applicant, sent March 28, 2018

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  NORTH
 THIS SITE LIES WITHIN THE:
 EASTMORELAND PLAN DISTRICT

 Site

File No.	LU 18-135175 AD
1/4 Section	3734
Scale	1 inch = 200 feet
State ID	1S1E24AC 6900
Exhibit	B Mar 20, 2018

NOT FOR CONSTRUCTION

PROJECT INFORMATION

OWNER:
ED AND JOSETTE DUNDON
1207 SE REED COLLEGE PLACE
503-297-0206

ARCHITECT:
MERRICK ARCHITECTURE PLANNING
J RODNEY MERRICK, NCARB AIA
3627 SE COOPER ST.
PORTLAND, OREGON 97202
503-771-7762

PLAN REVIEW:
NR # _____
APPLICATION # _____
EXAMINER _____
PRE-DESIGN _____
SURVEY REVIEW _____
WB WELLS
PORTLAND, OR

SE BYBEE

Approved
City of Portland
Bureau of Development Services
Planner *David Besky*
Date *5.7.18*

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

CODE SUMMARY

PROJECT SUMMARY:
GARAGE EXTENSION ADDING 190 SF, ONE STORY ON GRADE

PROJECT ADDRESS:
7207 SE REED COLLEGE PLACE
PORTLAND OREGON, 97202

LEGAL DESCRIPTION:
BLOCK 46, LOT 13, MULTNOMAH COUNTY
STATE ID: 19E21AC 6900

LANDUSE ZONE:
RS, LOT SIZE 6000 SF

BUILDING CODE:
2017 OREGON STRUCTURAL SPECIALTY CODE

ENERGY CODE:
NOT APPLICABLE

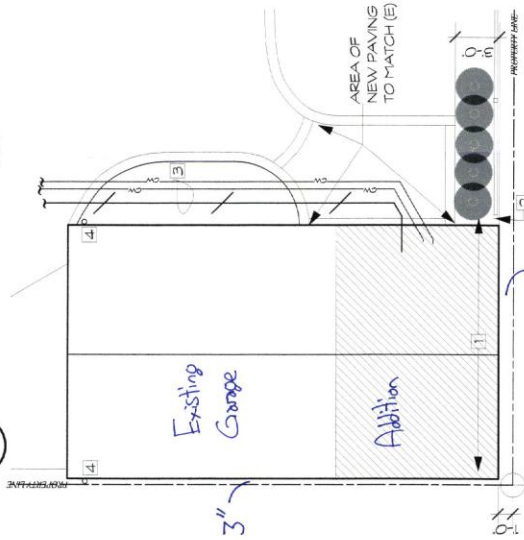
STRUCTURAL DESIGN:
LATERAL-PREScriptive PATH
SEISMIC D1
WIND EXPOSURE B, 120 MPH

DRAWING LIST

DATE	REV #	DESCRIPTION
12 MAR 2018	0	A0.0 TITLE SHEET PROJECT INFORMATION
	A3.1	BUILDING ELEVATIONS
	A4.1	FLOOR FOUNDATION AND ROOF PLAN
	A5.1	BUILDING SECTION AND DETAILS
	MEP1	ELECTRICAL PLAN



1 SITE LOCATION



3 SITE

- REMOVE (E) HEDGE TO MIN. 1' T-6 FROM WORK AREA.
- REMOVE FENCE SECTIONS AND RESTORE WITH POST AT 0-6' FROM FINISHED WALL
- (E) 3" CI SEWER & WATER LINES. VERIFY LOCATION.
- (E) DOWNSPOUT



2 SITE CONDITIONS

Scale: 1" = 20 ft

CASE NO. _____
EXHIBIT C

Scale: 1/8" = 1'-0"

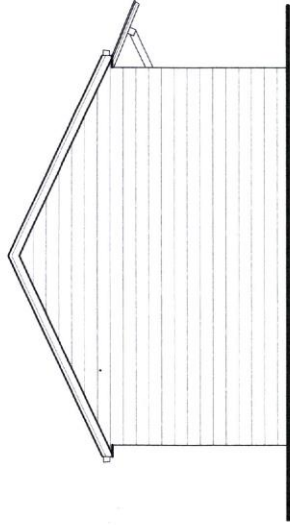
LW 18-135175AD

<p>DUNDON GARAGE ADDITION 7207 SE REED COLLEGE PLACE</p> <p>DRAWING TITLE SITE AND PROJECT INFORMATION</p>	<p>REV DATE DESCRIPTION</p> <p>0 12 MAR 18 ISSUE FOR LAND USE PERMIT</p>	<p>A0.0 DRAWING NUMBER PN 18 09 01</p>
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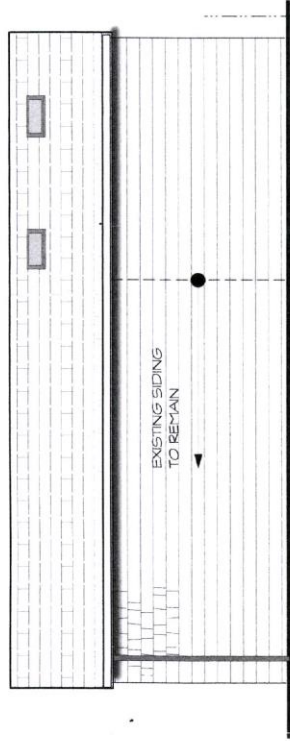


2 Adjustments requested for 187# addition to detached garage: NOT FOR CONSTRUCTION

1. Reduce min side (north) setback from 5' to 3"
2. Reduce min rear (west) setback from 5' to 1'



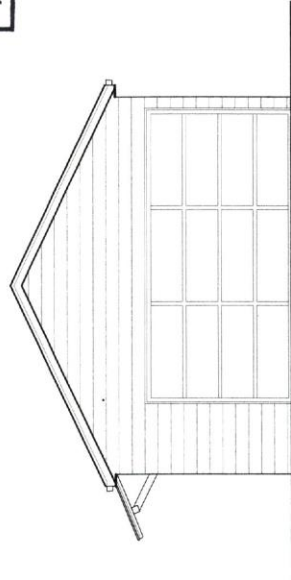
2 WEST ELEVATION
Scale: 3/16" = 1'-0"



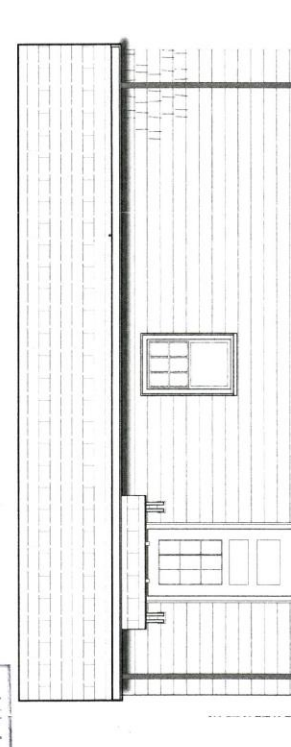
1 NORTH ELEVATION
Scale: 3/16" = 1'-0"

Approved
 City of Portland
 Bureau of Development Services
 Planner David Boley
 Date 5.7.18

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



4 EAST ELEVATION
Scale: 3/16" = 1'-0"



3 SOUTH ELEVATION
Scale: 3/16" = 1'-0"

CASE NO. LU 18-135175 AD
 EXHIBIT C-2



DUNDON GARAGE ADDITION
 1807 SE REED COLLEGE PLACE
 ELEVATIONS AND SECTION

REV	DATE	DESCRIPTION
0	12 MAR 18	ISSUE FOR LAND USE PERMIT

A3.1
 DRAWING NUMBER
 PN 19-6501