



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

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

Date: October 11, 2018
To: Interested Person
From: Marguerite Feuersanger, Land Use Services
503-823-7619/mfeuersanger@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, 2018.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-239156 AD, in your letter. It also is helpful to address your letter to me, Marguerite Feuersanger. You can also e-mail your comments to me at my e-mail address identified above. Please note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 18-239156 AD

Applicant: Carl D. Vander Zanden
3026 SE Salmon Street | Portland, OR 97214-4140

Owners: Koami Agbossoumonde and Carl D. Vander Zanden
3026 SE Salmon Street | Portland, OR 97214-4140

Site Address: 3026 SE Salmon Street

Legal Description: BLOCK 42, LOT 5, W 1/2 OF LOT 6, SUNNYSIDE & PLAT 2 & 3
Tax Account No.: R810410850
State ID No.: 1S1E01BD 10900
Quarter Section: 3133

Neighborhood: Sunnyside, contact Neil Heller at board@sunnysideneighborhood.com
Business District: None
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Zoning: R5, Single Dwelling Residential 5,000 Zone

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

Proposal: The applicant proposed to demolish the existing detached garage and construct a new detached Accessory Dwelling Unit (ADU). The existing driveway will remain and will provide the required on-site parking space. Located behind the existing house, the new ADU

would be a single-story, with one dormer over a partial basement. A proposed attic storage space is accessible by an access hatch with no stair. The main floor of the unit has an entry, living/dining/kitchen area, one bedroom and a full bathroom. The basement level is not connected internally with the main floor and has a separate covered entrance at the east elevation. The basement area will be used exclusively for the main household on the site and contains a work room and storage room, both are unconditioned spaces. The ADU exterior walls measure approximately 10.5 feet from the adjacent grade. The ADU footprint is larger than the existing garage and measures approximately 25 feet by 29 feet. A site plan and building elevations for the proposed ADU are attached to this notice.

Regulations of the R5 base zone generally require at least a 5-foot building setback from side and rear property lines. As proposed, the building is 27 feet from the rear property line but is on 1.5 feet from the side (east) property line. The east wall of the structure has no openings and no eave, but a 6-inch-wide rain gutter is proposed. Therefore, the applicant requests an Adjustment to reduce the required side (east) building setback from 5 feet to 1-foot 6-inches for the building wall, with a 6-inch rain gutter (Section 33.110.220.B and Table 110-3).

Note that detached accessory structures are exempt from the minimum 5-foot side and rear building setbacks if, among other characteristics, the structure's wall height is 10 feet or less and the footprint no larger than 24 feet by 24 feet (Section 33.250.C.2.b). Because the proposed ADU does not meet the exemptions, it is subject to the minimum 5-foot side and rear setbacks.

Relevant Approval Criteria:

To be approved, this proposal must comply with the approval criteria of Title 33.805.040.

33.805.040 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
- 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; and **(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 September 17, 2018 and determined to be complete on October 9, 2018.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal.

After we consider your comments we will do one of the following:

- Approve the proposal;
- Approve the proposal with conditions; or
- 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 by making a request online or contacting me.

- Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. Copies of all information in the file can be obtained for the cost of making copies during the appointment.
- If you would like to request a copy of the file online, please visit <https://www.portlandoregon.gov/bds/54732>. The fee for this service varies based on the size of the case file and how long it would take to scan or copy documents.
- I can provide some information over the phone or through email.

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.portlandoregon.gov.

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.

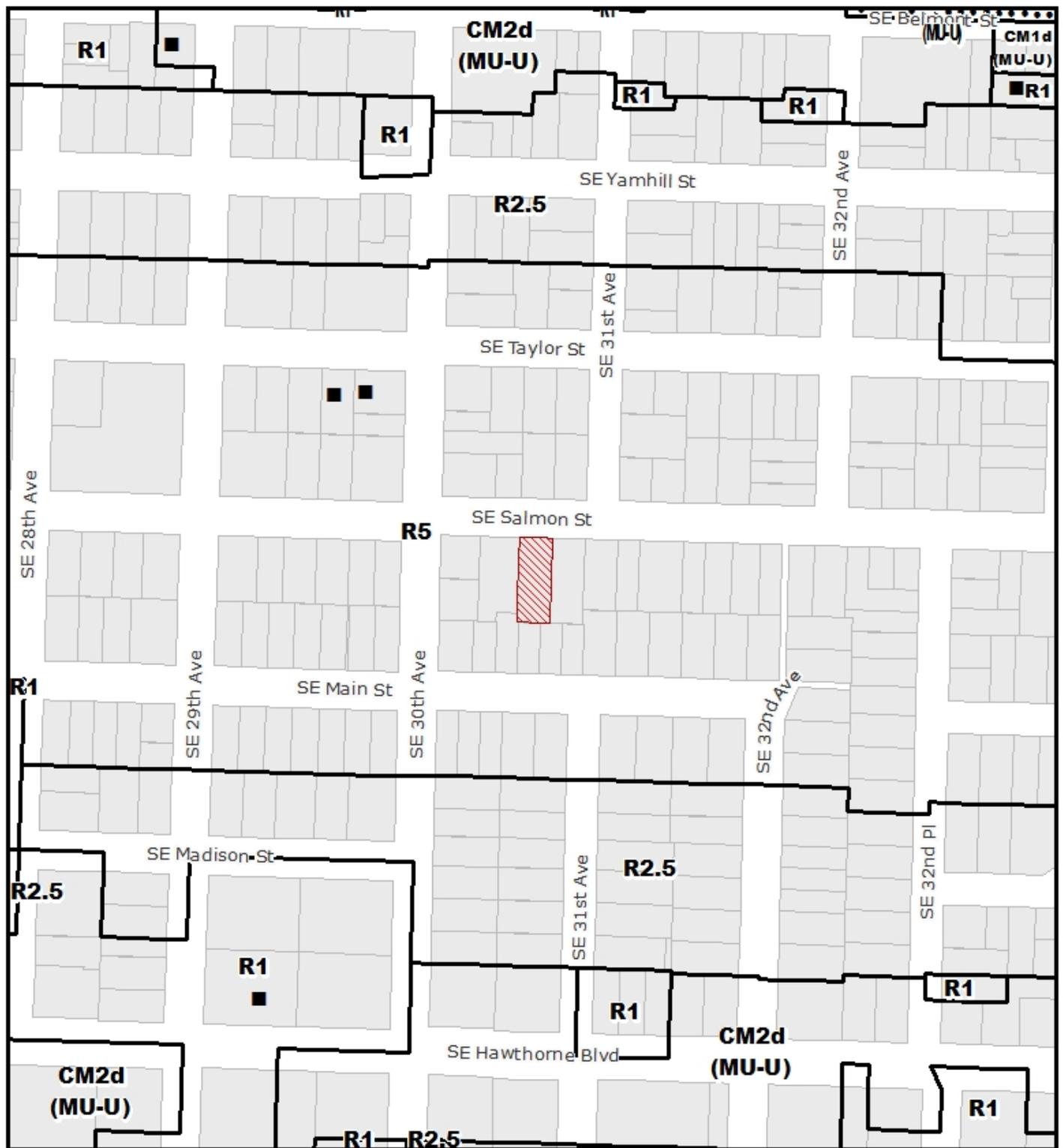
APPEAL OF THE FINAL CITY DECISION

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:

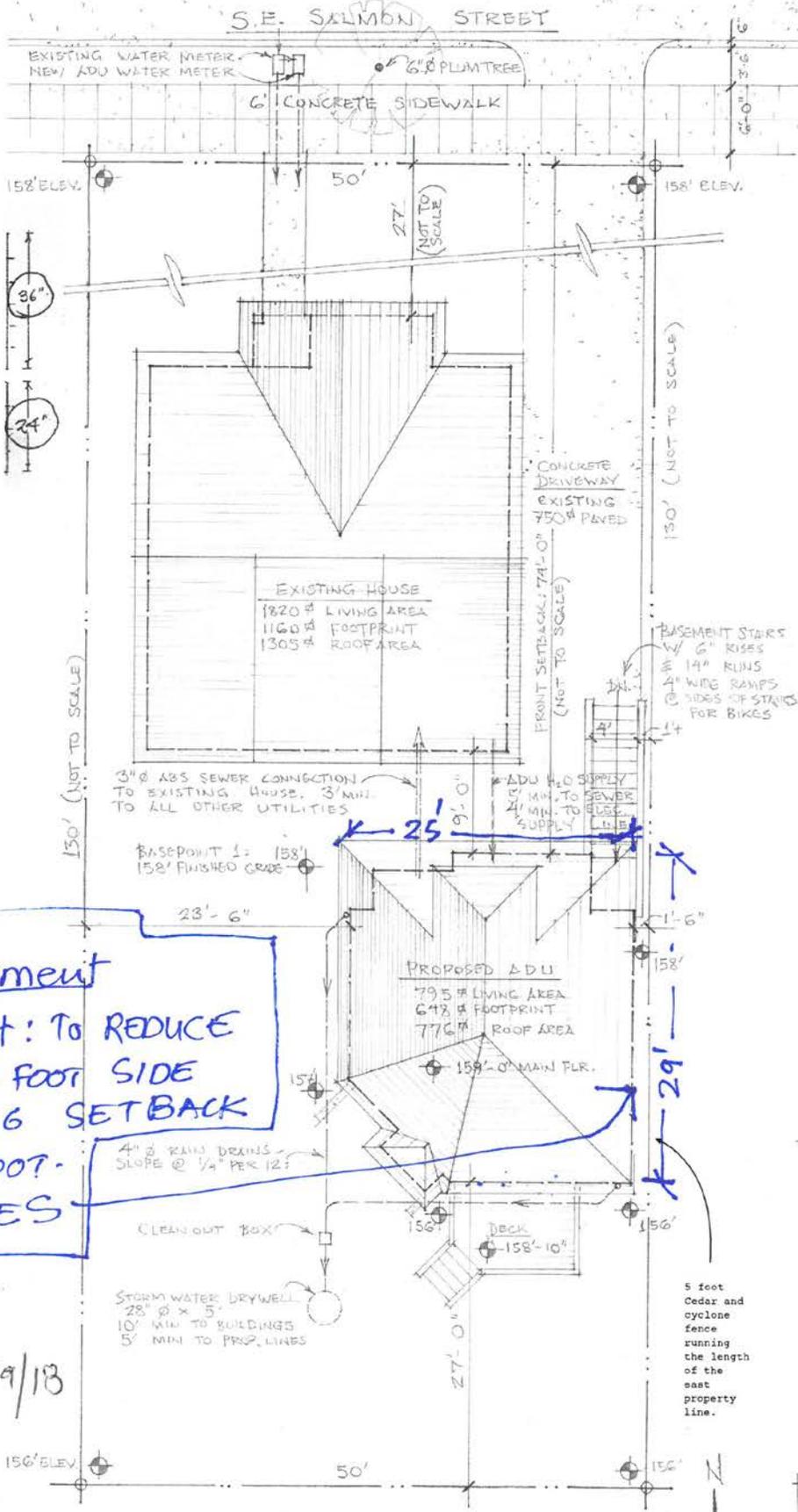
Zoning Map
Site Plan
ADU Elevations



ZONING  NORTH

-  Site
-  Historic Landmark

File No.	LU 18-239156 AD
1/4 Section	3133
Scale	1 inch = 200 feet
State ID	1S1E01BD 10900
Exhibit	B Sep 19, 2018

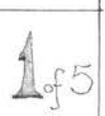


Adjustment Request: To REDUCE MIN. 5. FOOT SIDE BUILDING SETBACK TO 1. FOOT. 6-INCHES

CARL MUNZ DESIGN LLC
 3726 N. GANTENBEIN AVE
 PORTLAND OR, 97227

A. D. U.
 3026 SE. SALMON ST.
 PORTLAND, OR 97214

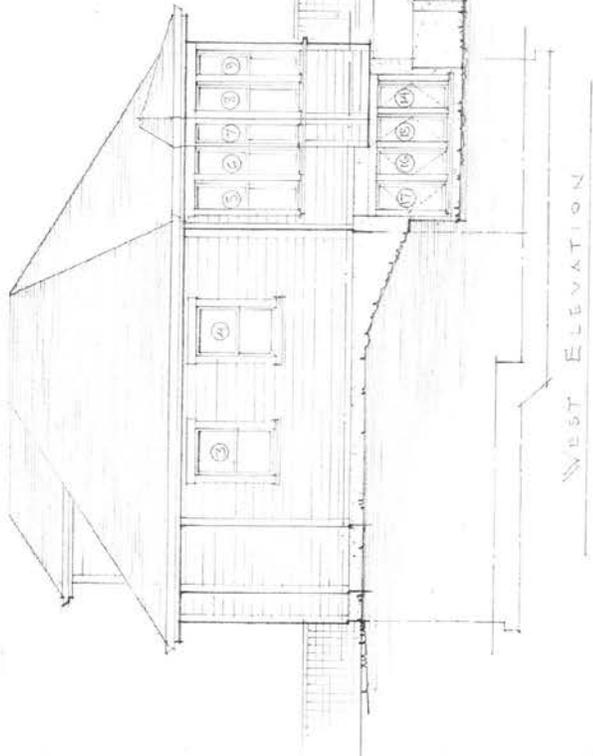
SITE PLAN
 1/8" = 1'-0"
 SEPT. 4, 2018



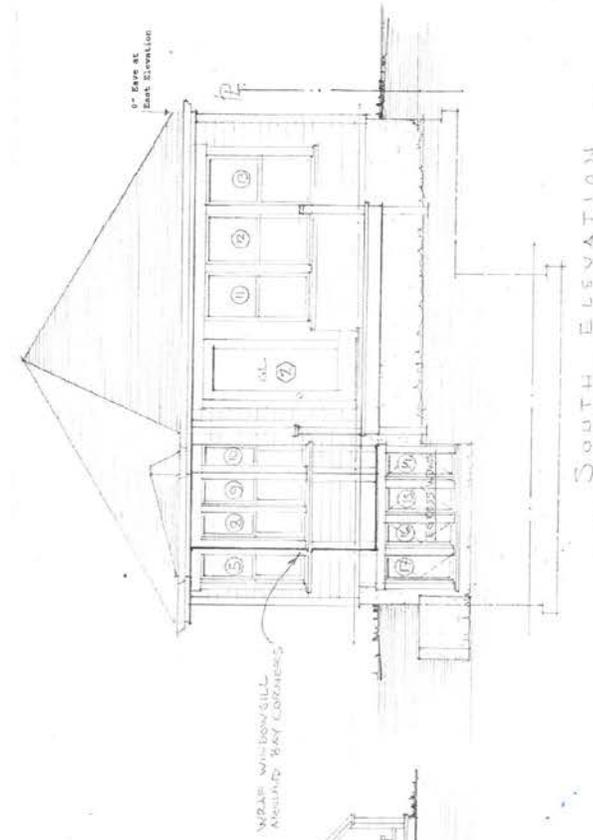
Rec. 10/9/18

SITE & ROOF PLAN
 1/8" = 1'-0" R-280785
 SUNNYSIDE PLAT 2+3 BLK 42 LOT 5 + W. 1/2 OF LOT 6

18-239156 AD



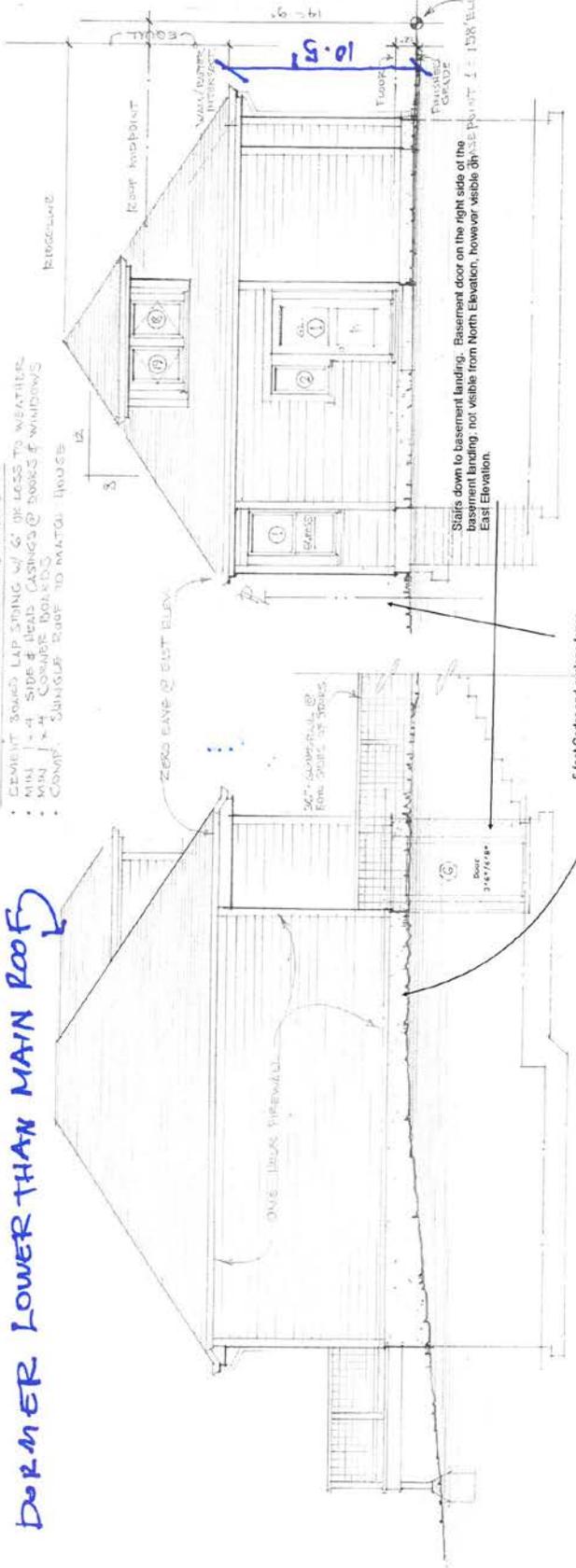
WEST ELEVATION



SOUTH ELEVATION

DORMER LOWER THAN MAIN ROOF

- EXTERIOR FINISH MATERIALS:
- CEMENT BOARDS LAP SIDING w/ 6" OR LESS TO WEATHERS
 - MIN 1" x 4" SIDING CASINGS @ DOORS & WINDOWS
 - MIN 1" x 4" CASING DOORS
 - COMP. SHINGLE ROOF TO MATCH HOUSE



EAST ELEVATION

NORTH ELEVATION

Slits down to basement landing. Basement door on the right side of the basement landing, not visible from North Elevation, however visible from East Elevation.

5 foot Cedar and cyclone fence running the length of the east property line.

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ELEVATIONS
1/4" = 1'-0"
SEPT. 4 2018

Rec. 10/9/18 PROPOSED ADU ELEVATIONS 18-239156AD 2