



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: November 7, 2018
To: Interested Person
From: Clare Fuchs, Land Use Services
503-823-7843/Clare.Fuchs@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 28, 2018.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-215577 AD, in your letter. It also is helpful to address your letter to me, Clare Fuchs. 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 18-215577 AD

Applicant: Dave Spitzer, DMS Architects, Inc
2325 NE 19th Ave Portland, OR 97212
503-335-9040 dave@dmsarchitects.com

Owners: Andrew W. Ko and Lisa S. Lee
3217 NE Rodney Ave Portland, OR 97212

Site Address: 7144 NE 9TH AVE

Legal Description: BLOCK 2 LOT 11, WOODLAWN
Tax Account No.: R925800450
State ID No.: 1N1E14BA 12001
Quarter Section: 2331
Neighborhood: Woodlawn, contact Anjala Ehelebe at 503-388-5004.
Business District: Soul District Business Association, contact at info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088.

Zoning: Single Dwelling Residential 5,000 (R5)
Overlay: Aircraft Landing Zone (h)
Conservation District: Woodlawn
Case Type: Adjustment (AD)
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The applicant proposes to convert and expand an existing garage into an accessory dwelling unit (ADU). The existing garage is 20 feet long and 16 feet wide. The existing setbacks for the garage are a 2 foot rear (east) setback and a 1 foot side (north) setback. Zoning Code Section 33.110.250.C.2.b allows covered accessory structures in the setback if certain criteria are met. The existing garage was built under that criteria. The expansion of the accessory structure to convert it to an ADU will extend this accessory structure from 16 feet wide to 27 feet wide, which is larger than the allowed size within setbacks. Therefore, the applicant requests Adjustments to Zoning Code Section 33.110.220.B and Table 110-3 that require a 5-foot rear and side setback to retain the 2 foot rear (east) setback and the 1 foot (north) setback. The applicant proposes no windows on the sides of the ADU abutting the reduced setback requests.

Relevant Approval Criteria:

In order 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
- D.** City-designated scenic resources and historic resources are preserved; and
- 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 August 7, 2018 and determined to be complete on October 31, 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
Elevations



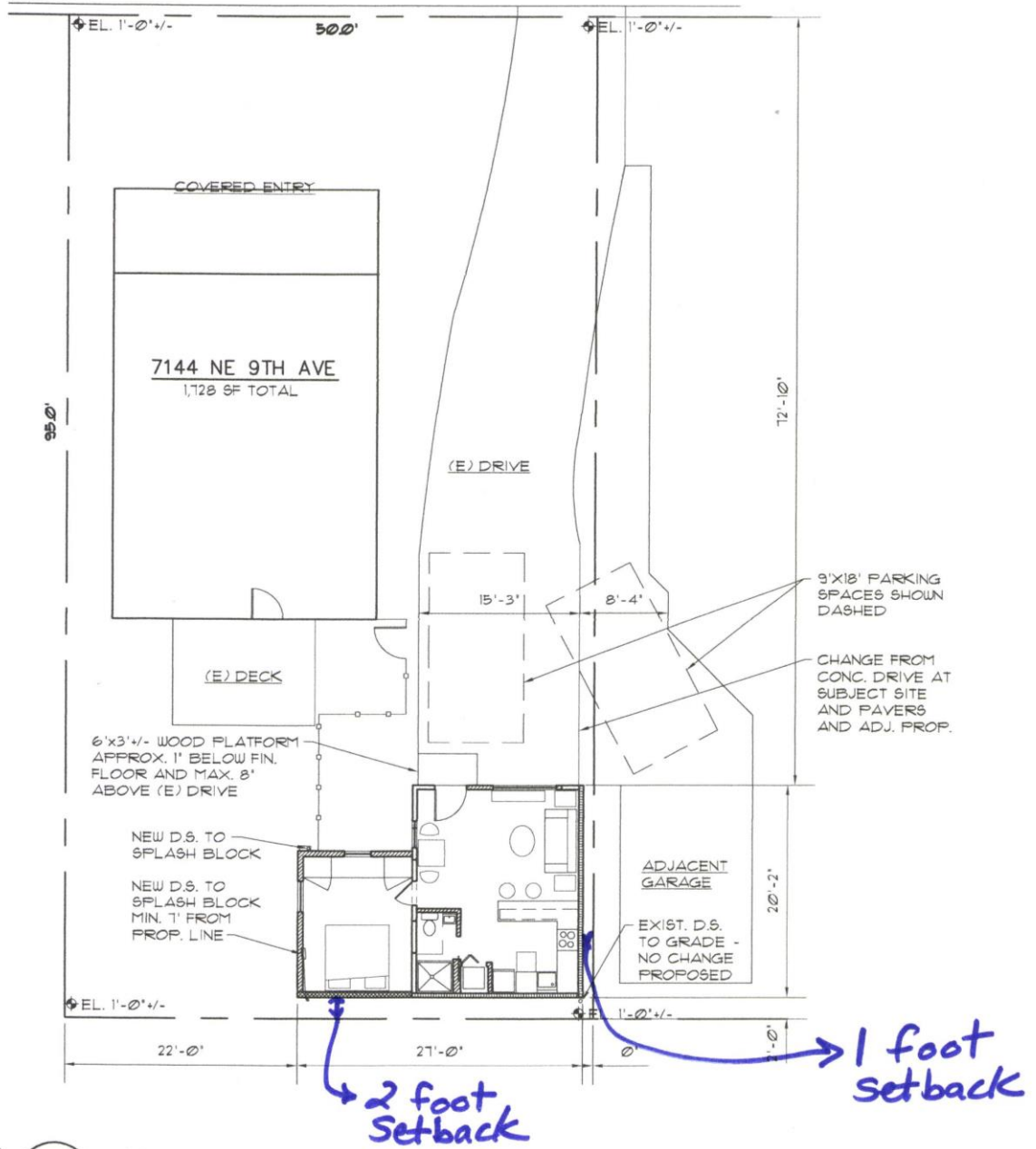
ZONING



THIS SITE LIES WITHIN THE:
WOODLAWN CONSERVATION DISTRICT

File No.	LU 18-215577 AD
1/4 Section	2331
Scale	1 inch = 200 feet
State ID	1N1E14BA 12001
Exhibit	B Aug 09, 2018

NE 9TH AVE



SITE PLAN

LOCATION OF EXISTING/NEW UTILITIES ARE APPROXIMATE, VERIFY IN FIELD
 NO EXISTING TREES OVER 12' D. ON PROPERTY
 D.S: DOWNSPOUT TO SPLASH BOX, TYP. 1" = 10'-0"

Site Plan Case No: 18-215577

STATE OF OREGON
REGISTERED ARCHITECT
DMS
7144 NE 9TH AVE
PORTLAND, OREGON 97215

KO-LEE ADU

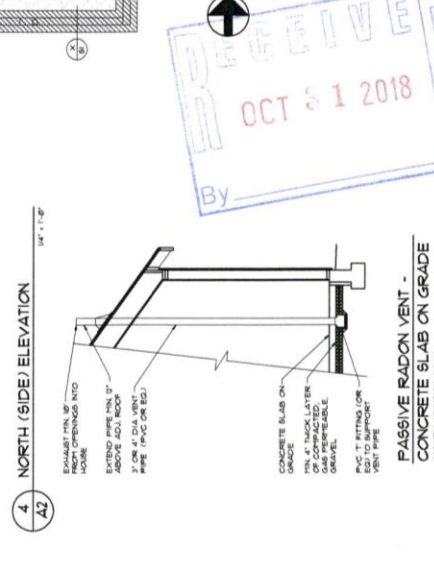
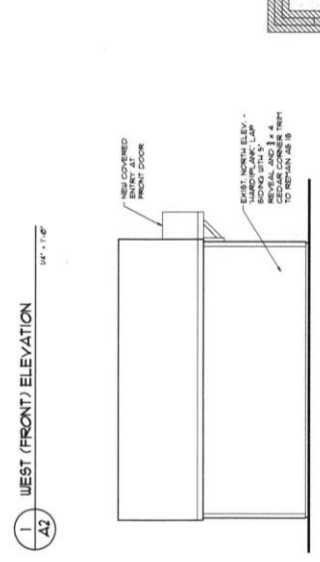
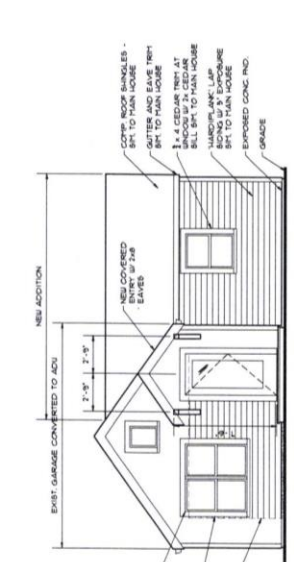
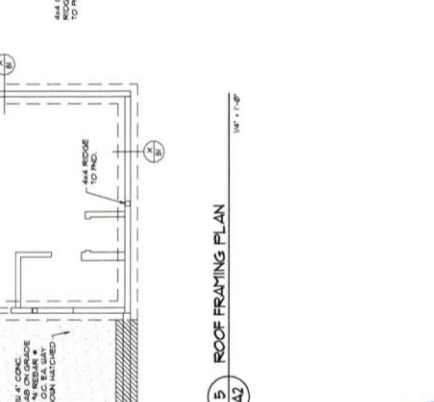
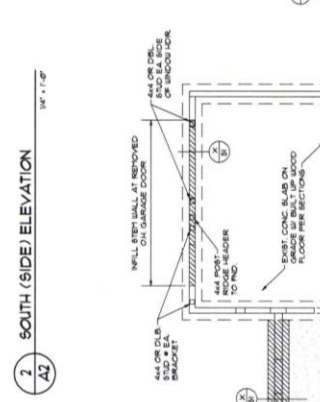
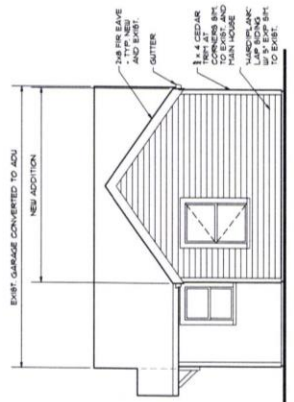
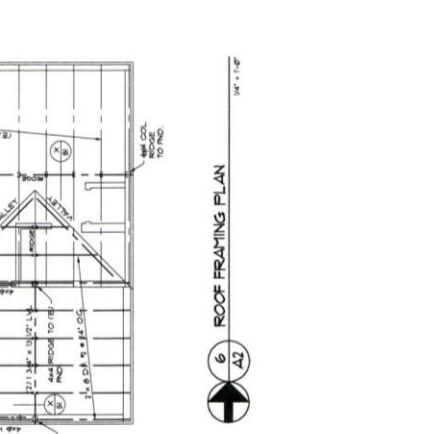
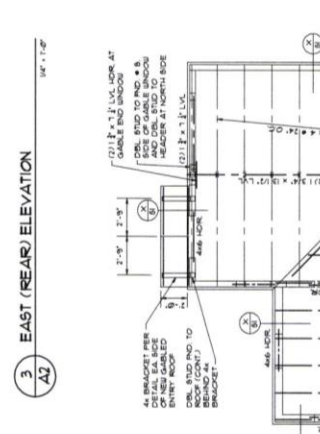
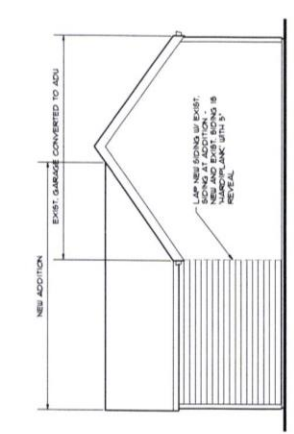
EXTERIOR ELEVATIONS
FOUNDATION PLAN
ROOF FRAMING PLAN

SHEET CONTENT

JOB NO. 000018
DESIGNER DMS
DATE 9-28-18
REVISIONS

SHEET 6

SHEET NO. A2 of 2



NOTE ONLY
NEW AND NEW
CONVERTED TO ADU
EXIST. GARAGE CONVERTED TO ADU
EXIST. GARAGE CONVERTED TO ADU
EXIST. GARAGE CONVERTED TO ADU
EXIST. GARAGE CONVERTED TO ADU
EXIST. GARAGE CONVERTED TO ADU

EXIST. NORTH ELEV.
HORIZONTAL LAP
REVEAL AND 2\"/>

PASSIVE RADON VENT -
CONCRETE SLAB ON GRADE
CONCRETE SLAB ON GRADE
CONCRETE SLAB ON GRADE
CONCRETE SLAB ON GRADE
CONCRETE SLAB ON GRADE



Elevations Case No: 18-215577