



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

Ted Wheeler, Mayor  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** January 11, 2019  
**To:** Interested Person  
**From:** Marguerite Feuersanger, Land Use Services  
503-823-7619/Marguerite.Feuersanger@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 February 1, 2019.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-258223 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 18-258223 AD**

**Applicant / Owner:** Marie Taylor  
4343 NE Ainsworth Street | Portland, OR 97218-1317  
(503)381-0790 | [marie\\_tylr@yahoo.com](mailto:marie_tylr@yahoo.com)

**Site Address:** 4539 NE AINSWORTH STREET

**Legal Description:** BLOCK 1 LOT 3 TL 3000, ENGLEWOOD PK  
**Tax Account No.:** R252800230, R252800230  
**State ID No.:** 1N2E18CB 03000, 1N2E18CB 03000  
**Quarter Section:** 2435

**Neighborhood:** Cully, contact David Sweet at 503-493-9434.  
**Business District:** None  
**District Coalition:** Central Northeast Neighbors, contact Sandra Lefrancois at 503- 823-2780.

**Zoning:** R10h, Single Dwelling Residential 10,000 Zone, and within the Aircraft Landing Overlay Zone (h)

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

**Proposal:** The applicant proposes to legalize the existing detached accessory structure and convert it to an Accessory Dwelling Unit (ADU). The structure was built as a garage. Improvements were made to the garage without building permits, including a small rear addition and interior conversion to living space. Because the former garage was converted to

living space, the existing driveway provides the required parking space on the site. In the R10 zone, accessory structures must be set back at least 10 feet from side property lines, and ADUs must be set back at least 40 feet from the front property line. A site plan and building elevations are attached to this notice.

The applicant requests two Adjustments:

1. To reduce the required side building setback (west) from 10 feet to 2.9 feet and reduce the required eave setback to 2.5 feet (Section 33.110.220.B and C); and
2. To reduce the required front building setback (south, facing NE Ainsworth Street) from 40 feet to 39 feet (Section 33.205.040.C.4).

**Relevant Approval Criteria:**

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**

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, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 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; (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 25, 2018 and determined to be complete on January 8, 2019.

**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](http://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.

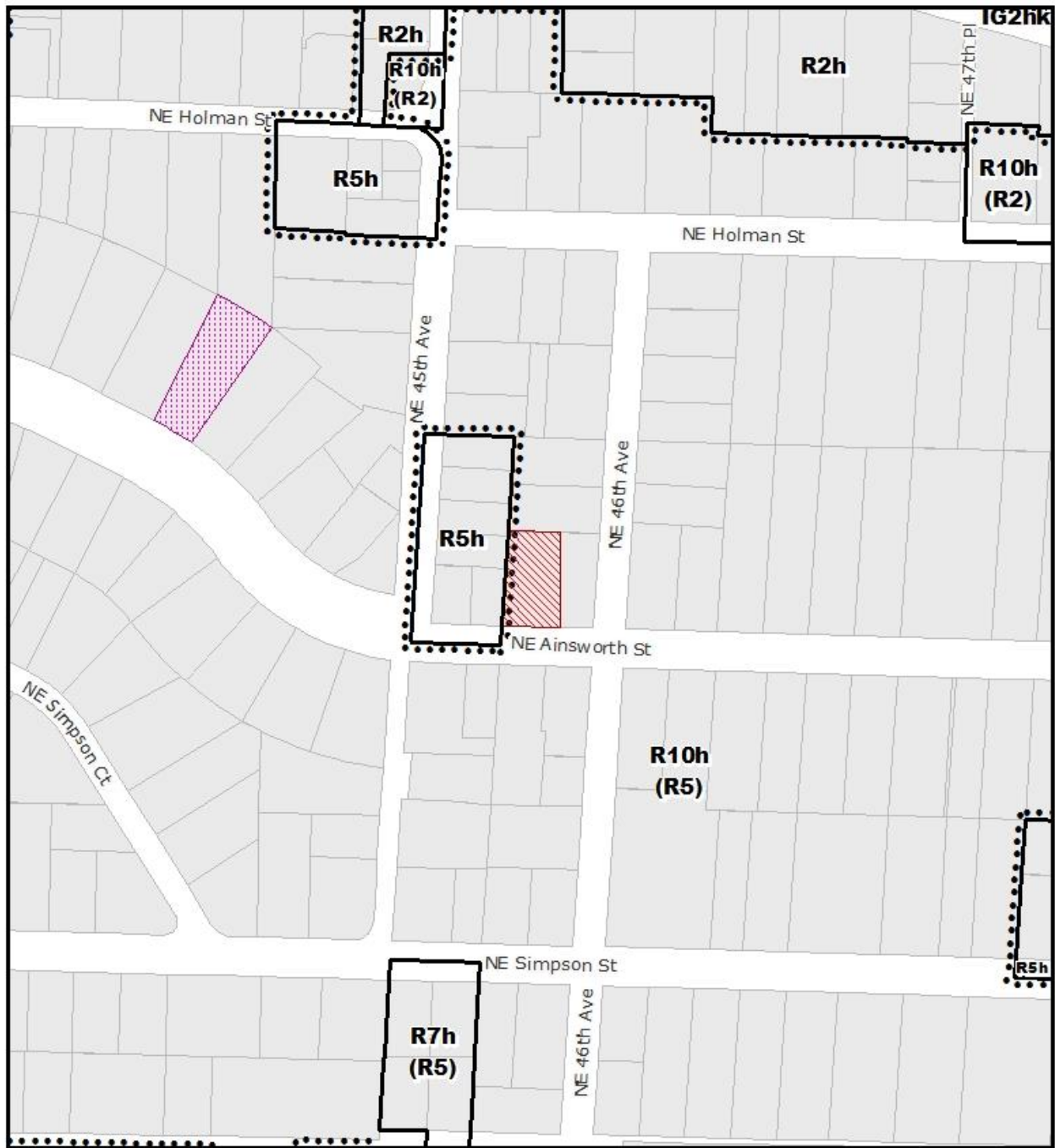
#### **APPEAL OF THE FINAL CITY DECISION**

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



 Site

 Also Owned Parcels

File No. LU 18-258223 AD

1/4 Section 2435

Scale 1 inch = 200 feet

State ID 1N2E18CB 3000

Exhibit B Oct 30, 2018

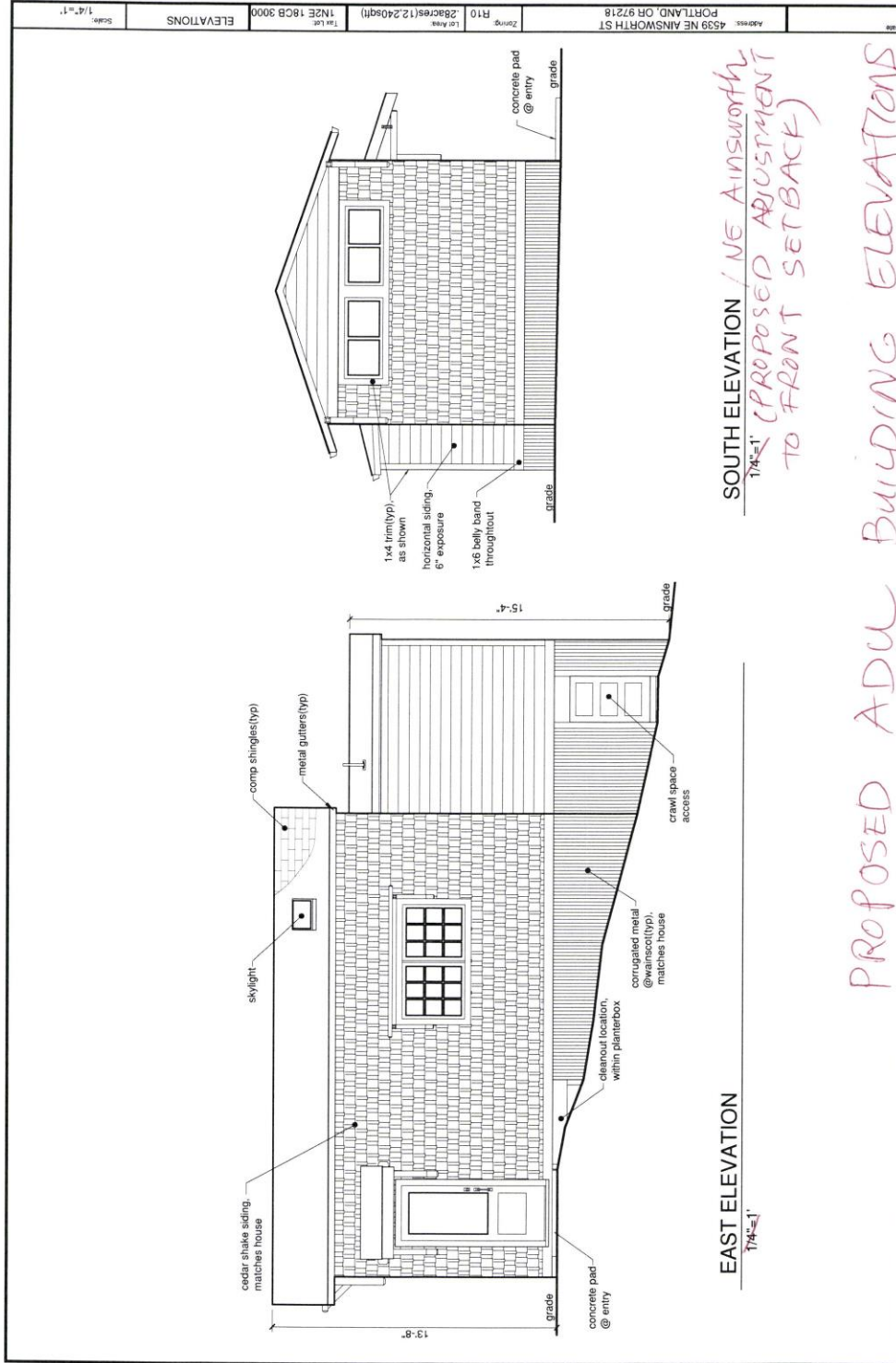




WEST ELEVATION (PROPOSED ADJUSTMENT TO SIDE SETBACK)

PROPOSED ADU BUILDING ELEVATIONS  
4539 NE AINSWORTH

LU 18-258223 AD



SOUTH ELEVATION / NE ANSWORTH  
 1/4"=1' (PROPOSED ADJUSTMENT  
 TO FRONT SETBACK)

PROPOSED ADU BUILDING ELEVATIONS  
 4539 NE ANSWORTH  
 LU 18-258223 AD