



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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www.portlandoregon.gov/bds

Date: January 18, 2019
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 18-270537 AD

GENERAL INFORMATION

Applicant: Anne Dewolf | Arciform LLC
2303 N Randolph Ave | Portland, OR 97227

Owner: Joshua Schindler and Andrea Herzka
160 SW Parkside Ln. | Portland, OR 97205

Site Address: 160 SW PARKSIDE LN

Legal Description: BLOCK 3 N 1/2 OF LOT 7 LOT 8&9 N 75' OF LOT 24, PARKSIDE
Tax Account No.: R648400580
State ID No.: 1N1E32DD 01400
Quarter Section: 3026

Neighborhood: Arlington Heights, contact Kathy Goeddel at president@arlingtonheightspdx.org

Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Zoning: R7 (Single-Dwelling Residential 7,000)

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

Proposal:

The applicant is proposing to build a 232 square foot 1-story addition onto the front (west) façade of an existing 4,743 square foot 2-story residence. The Portland Zoning Code requires that structures be set back a minimum of 15 feet from the front lot line in this zone (Section 33.110.220; Table 110-3). The existing front wall is located approximately 21 feet from the front lot line and the proposed addition is proposed to be primarily 11 feet – 6 inches from the front lot line, with a 9-foot wide bay window proposed to be 9 feet – 4 inches from the front lot line.

An Adjustment is therefore required to reduce the minimum front (west) setback from 15 feet to a range of 9 feet – 4 inches to 11 feet – 6 inches for the proposed addition.

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 18,000 square-foot site is bordered by SW Parkside Lane on the west and SW Marconi Avenue on the east, about 25 feet north of the intersection of SW Parkside Lane and SW Parkside Drive. The site is considered a through lot, which means front setbacks apply to both east and west lot lines. The house is oriented toward and accessed via SW Parkside Lane and slopes steeply downward from west to east and has dense, mature vegetation along SW Marconi Avenue which fully obscures the development on site from the east. The site is developed with a two-story 4,743 square foot residence. The surrounding vicinity is developed with primarily single-dwelling residences.

Zoning: The R7 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 **December 13, 2018**. The following Bureaus have responded with the following information:

- The Portland Bureau of Transportation (PBOT) responded with no concerns and provided information regarding the City's Transportation System Plan (Exhibit E-1);
- The Life Safety section of the Bureau of Development Services (BDS) responded with no concerns and included Building Code information (Exhibit E-2); and
- The Bureau of Environmental Services responded with no concerns and provided stormwater management information (Exhibit E-3).

The following Bureaus have responded with no concerns (Exhibit E-4):

- The Fire Bureau;
- Site Development Section of BDS; and
- The Water Bureau.

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

33.805.040 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
1. **Findings:** The applicant has requested an Adjustment reduce the minimum front (west) setback from 15 feet to a range of 9 feet – 4 inches to 11 feet – 6 inches for a proposed 232 square foot 1-story addition. 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 proposed addition will be to the right of (south of) the driveway, garage door, and main entrance door. While this addition will technically result in a reduced front yard, the site is a through lot because it has a right-of-way to the west (SW Parkside Lane) and to the east (SW Marconi Avenue), which means front setbacks apply to both west and east lot lines. The addition reflects the general building scale and placement in this area, where SW Parkside Lane is a narrower dead-end street that functions as more of an alley for garage entrances than a wider, busier through-street. All four of the lots on the east side of SW Parkside Lane have reduced front setbacks to the west and increased setbacks (greater than 80 feet) to the east, along SW Marconi Avenue.

The single-story addition will have a height of about 11 feet. This relatively low-profile structure will maintain light and air from surrounding neighbors because it preserves north and south side setbacks and is over 40 feet away from the northern and southern neighbors and approximately 25 feet from the closest neighbor to the west, across SW Parkside Lane. Furthermore, the western front yard area is heavily screened by a row of mature shrubs that exceed 6 feet in height along the western property line. This dense screening obscures the western front yard area where the development is proposed, which will promote options of privacy for neighboring properties. Tall foliage screening along property lines is typical of the development pattern in the neighborhood. Even without the shrubs, the addition would be approximately 25 feet from the nearest residence on the west side of SW Park Land, thereby preserving privacy.

The Fire Bureau has 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 (Exhibit E-1). There is no additional garage or driveway proposed.

This criterion is met.

- 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

Findings: As noted above, all four of the lots on the east side of SW Parkside Lane have reduced front setbacks to the west and increased setbacks (greater than 80 feet) to the east, along SW Marconi Avenue. The project is designed to maintain the existing architectural style of the home. This proposal is therefore consistent with the development pattern in the area and will not significantly detract from the livability or appearance of the area.

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 being requested; therefore, this criterion is not applicable.

- 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. The addition is consistent with the development pattern in the vicinity and includes significant distance between properties.

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 has requested an Adjustment to reduce the minimum front (west) setback from 15 feet to a range of 9 feet – 4 inches to 11 feet – 6 inches for a proposed 232 square foot 1-story addition. The addition reflects the general building scale and placement in this area, where SW Parkside Lane is a narrower dead-end street that functions as more of an alley for garage entrances than a wider, busier through-street. All four of the lots on the east side of SW Parkside Lane have reduced front setbacks to the west and increased setbacks (greater than 80 feet) to the east, along SW Marconi Avenue.

The single-story addition will have a height of about 11 feet. This relatively low-profile structure will maintain light and air from surrounding neighbors because it preserves north and south side setbacks and is over 40 feet away from the northern and southern neighbors and approximately 25 feet from the closest neighbor to the west. The proposal meets the applicable approval criteria and should be approved.

ADMINISTRATIVE DECISION

Approval of reduce the minimum front (west) setback from 15 feet to a range of 9 feet – 4 inches to 11 feet – 6 inches for a proposed 232 square foot 1-story addition (33.110.220), per the approved site plans, Exhibits C.1 and C.2, signed and dated January 10, 2019, subject to the following condition:

- 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 18-270537 AD."

Staff Planner: David Besley



Decision rendered by: _____ **on January 10, 2019.**

By authority of the Director of the Bureau of Development Services

Decision mailed: January 18, 2019

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 November 27, 2018, and was determined to be complete on December 10, 2018.

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 November 27, 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: April 9, 2019.**

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 February 1, 2019** 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 **February 1, 2019** 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

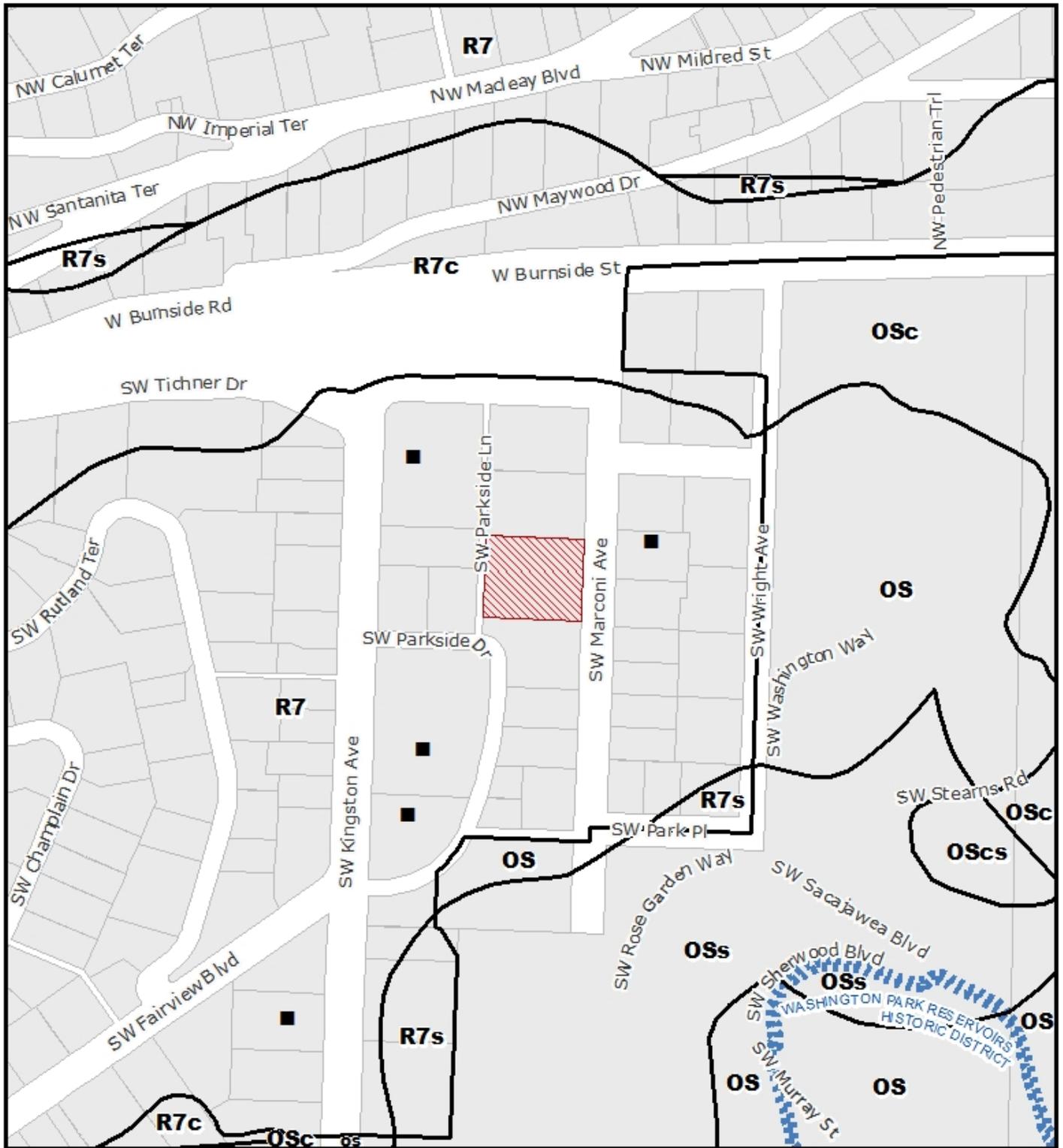
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- 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. Bureau of Transportation Engineering and Development Review
 - 2. Life Safety Section of BDS
 - 3. Bureau of Environmental Services
 - 4. Agencies responding with no concerns
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application and Receipt

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



Site



Historic Landmark

File No.	LU 18-270537 AD
1/4 Section	3026
Scale	1 inch = 200 feet
State ID	1N1E32DD 1400
Exhibit	B Nov 30, 2018

ARCIFORM
change | release | rescind



9541 10/15/93-2344
July 1993-093-1023

since 1997
2301 N RANDOLPH AVE.
PORTLAND, OR 97227
N.W. 98133 (CHINA)
N.W. 98119 (NY)

Andrea Herzka & Joshua Schindler
160 SW PARKSIDE LANE
PORTLAND, OR 97205

Project No.: 180338

Designer: ANNE DE WOLF
Draftsman: ANNE DE WOLF & AMY WIGLESWORTH
Junior Designer: AMY WIGLESWORTH

Date: 10/25/18 ENGINEER

Revised: X XX XX CONSTRUCTION SET

Page Title

SITE PLAN

Page No.

SP

CONTACTS @ CITY
DAVE HEARBA
PHONE NO. OF CONTACT:
[503] XXX-XXXX
DAYS OF CONTACT:
M, T, W, T, F, S, S, X, X, 1, 3
ABOUT:

ZONING
R7

(E) LOT COVERAGE: 2500 SF
ALLOWED LOT COVERAGE: 2232 SF
(N) LOT COVERAGE:

(E) HEIGHT: 30'-0"
ALLOWED HEIGHT: 30'-0"
(N) HEIGHT:

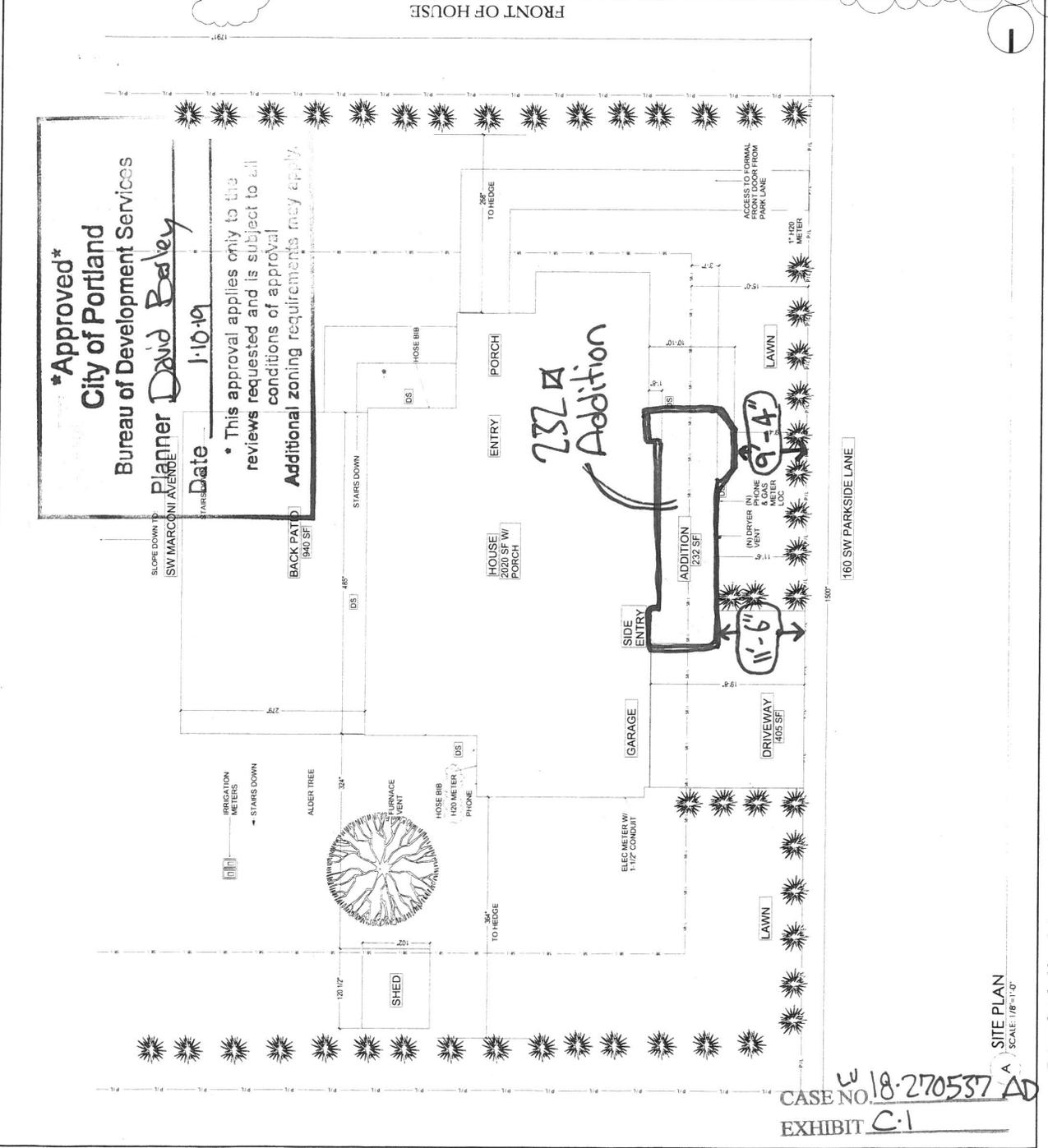
(E) GLAZING @ FACADE: XX%
MINIMUM GLAZING @ FACADE: XX%
(N) GLAZING @ FACADE: XX%

SITE

- HARDSCAPE, LANDSCAPING & ADJUSTMENT OF SPRINKLER SYSTEM BY CLIENT
- DISCONNECT (N) DS

SITE LEGEND

- ADDITION
- PROPERTY LINE
- SET BACK LINE
- WATER LINE
- SEWER LINE
- GAS LINE
- OVER HEAD ELEC
- DOWN SPOUT



*** Approved ***
City of Portland
Bureau of Development Services
Planner **David Bailey**
Date **1-10-19**
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LA 18-270537 AD

PRELIMINARY - NOT FOR CONSTRUCTION

Printed @ half scale / not to scale

CASE NO. 18-270537 AD
EXHIBIT C-1

SITE PLAN
SCALE: 1/8"=1'-0"

GENERAL EXTERIOR

1. (N) CONCRETE LANDING & STEPS:
COLOR TO MATCH (E) FOUNDATION

2. **ROOFING & GUTTERS**

- (N) CEDAR SHINGLE ROOF, EAVES, GUTTERS & DOWN SPOUTS TO MATCH EXISTING
- (N) REMODELED AREAS
- PITCH @ (N) OVERHANG (BD BY E)
- ADJC GUTTER LINE, THE BAY WINDOW & RELATIONSHIP TO THE EXISTING GUTTER LINE @ (N) MEMBRANE ROOF @ (N) ROOF SECTION

1. (N) DS

2. ROOF/OVERHANG @ (N) PORCH MAY BE HIGHER THAN MEMBRANE ROOF & MAY REQUIRE A COUPLE OF PITCHES

WINDOWS

- (N) WINDOWS ARE MARVIN WOOD
- (N) WIN CASING CLOSE TO HAVE DISCUSS DETAILS W/ DESIGNER

DOORS

- (N) DOOR IN (E) OPENING

EXTERIOR MILLWORK

- (N) SIDING, CASING & OTHER TRIM TO MATCH EXISTING
- MATCH ADJC @ REMODELED AREAS ONLY
- MIN DISTANCE FROM (N) SIDING TO GRADE/DRIVE @ 6" MIN PER CODE
- (N) DECORATIVE BALUSTRADE TO MATCH DECORATIVE BALUSTRADE @ DINING RM BAY
- WRAP CANTILEVERED BEAM
- BOX BEAM TO CANTILEVERED BEAM

MECHANICAL

- (N) HOOD VENT COVER
- (N) DRYER VENT COVER???

ELECTRICAL

- RECESSED EXTERIOR OUTLETS, TYP
- (N) SPACES CENTER BETWEEN CORNERS & CASING AS APPLICABLE @ 78" AFF OF IN

PLUMBING

- (N) WC VENT
- (N) GAS METER LOC
- (N) SPOUT IN (N) LOC. FINAL (BD BY CLIENT)

EXTERIOR PAINTING, STAINING & FINISHES

- CLOSELY MATCH ADJACENT

Project No.: 18038

Designer: ANNE DE WOLF

Drawer: ANNE DE WOLF & AMY JAMES

Junior Designer: AMY WIGGLESWORTH

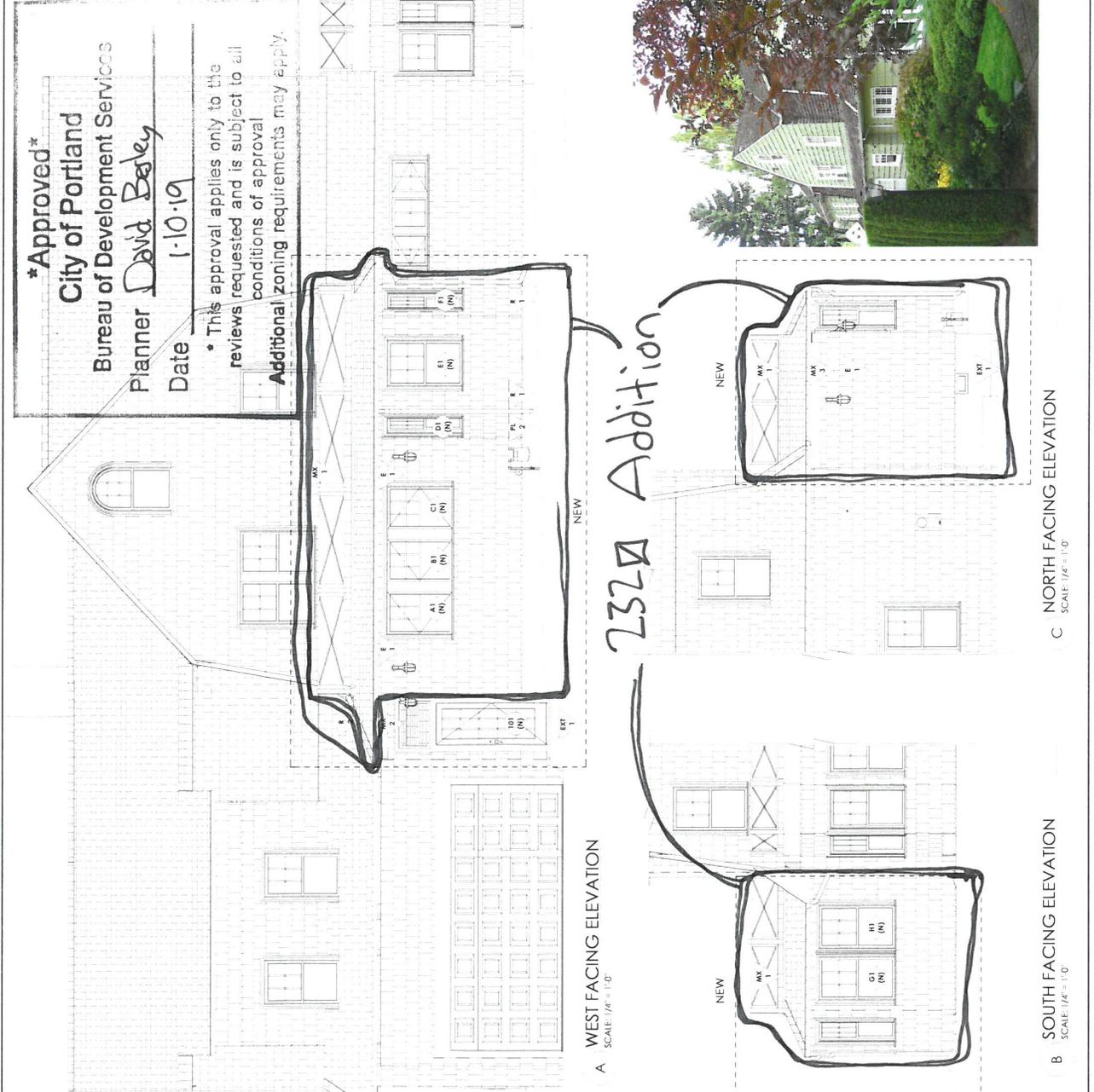
Date: 10/23/18 ENGINEER

Approved: MAXXAM CONSTRUCTION SET

Page Title:

EXTERIOR ELEVATIONS

Page No.: A3.1



CASE NO. 18-270537 AD
EXHIBIT C.2