



**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](http://www.portlandoregon.gov/bds)

**Date:** February 6, 2019  
**To:** Interested Person  
**From:** Don Kienholz, Land Use Services  
503-823-7771/Don.Kienholz@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 27, 2019**. Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-265554 AD, in your letter. It also is helpful to address your letter to me, Don Kienholz. 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 18-265554 AD**

**Applicant:** David Grant  
David Grant Construction  
Po Box 16726  
Portland OR 97292

**Owners:** Heidi Schopen and Michael Pardew  
3916 SE 68th Ave  
Portland, OR 97206

**Site Address:** 3916 SE 68TH AVE

**Legal Description:** BLOCK 4 LOT 19, RESERVOIR PK  
**Tax Account No.:** R699402150  
**State ID No.:** 1S2E08CA 13300  
**Quarter Section:** 3437

**Neighborhood:** Foster-Powell, contact Shawn Morgan at 503-622-3933.  
**Business District:** None  
**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.  
**Plan District:** None

**Zoning:** R5a – Single-dwelling residential 5,000 with an Alternative Design Density ('a') overlay zone.

**Case Type:** AD – Adjustment Review

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

**Proposal:**

The applicant is proposing to convert an attached garage into additional living space for the dwelling and relocate the required parking space that was in the garage to the driveway. Portland Zoning Code Section 33.266.120.C.1 and D requires all provided parking space to be 9x18-feet and located outside of the 10-foot minimum front setback. As such, to locate the parking space in front of the former garage, the driveway length must be 28-feet from the front property line to the front of the building.

The applicant's driveway from the front property line to the wall of the former garage is 25-feet, 3-inches, which means the required 9x18-foot parking space will encroach 2.75-feet into the front building setback. Because the parking space is within the 10-foot minimum front setback, an Adjustment is required.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

**33.805.040 Approval Criteria**

**The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., 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 *(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 November 13, 2018 and determined to be complete on January 30, 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.

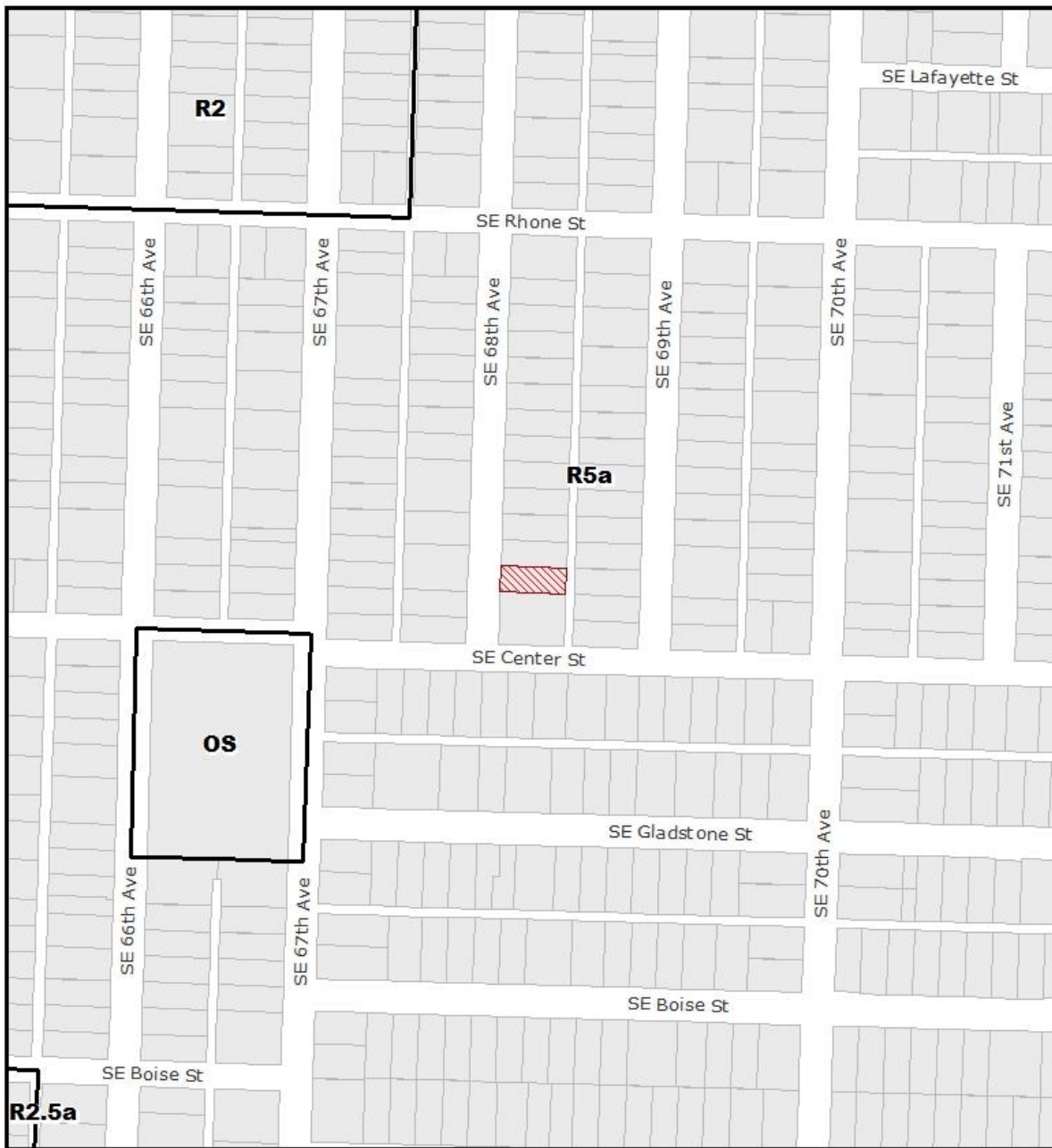
#### **APPEAL OF THE FINAL CITY DECISION**

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  
Elevation Drawings



# ZONING



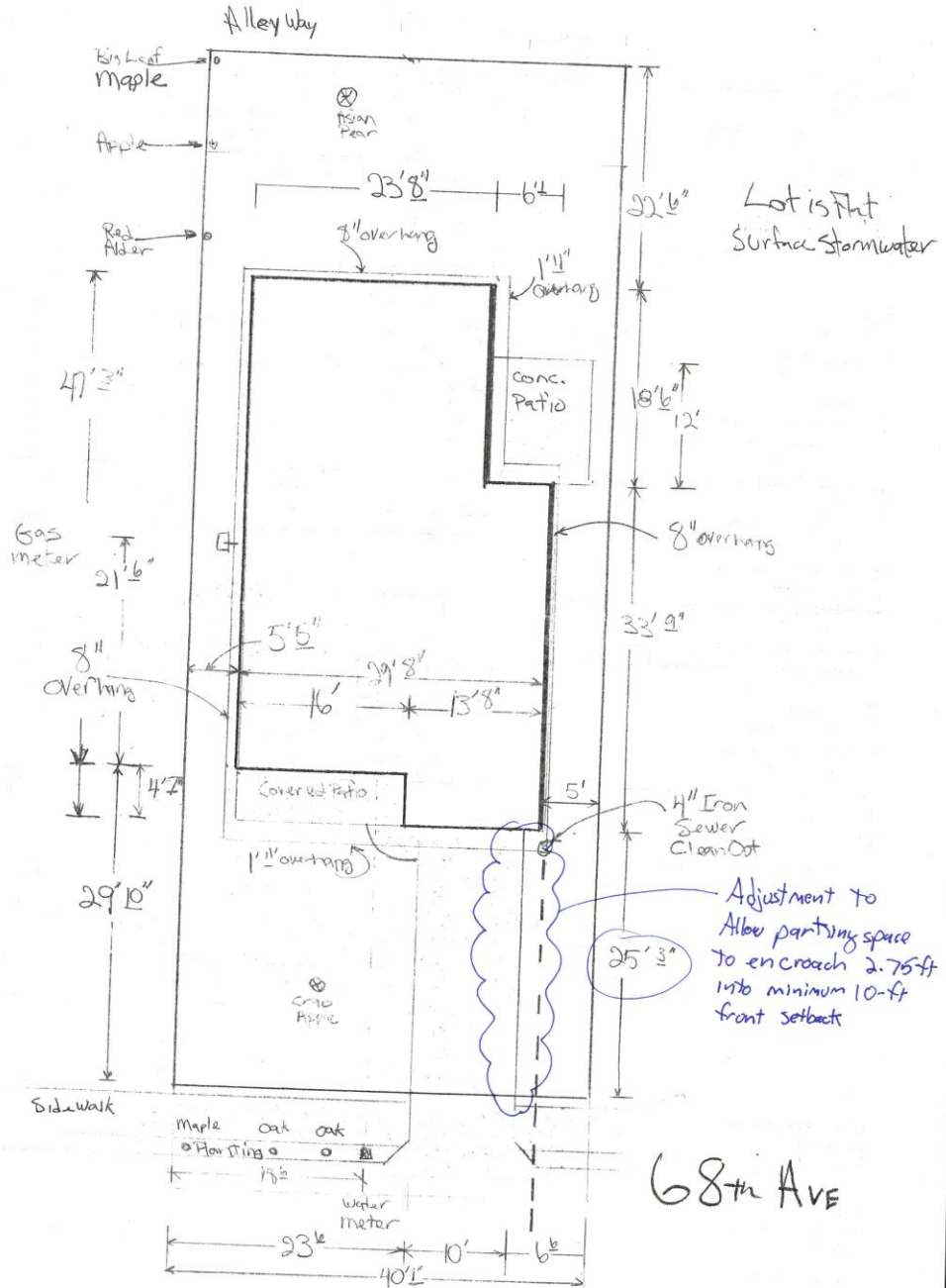
NORTH



Site

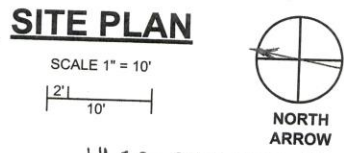
File No.	<u>LU 18-26554 AD</u>
1/4 Section	<u>3437</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1S2E08CA 13300</u>
Exhibit	<u>B</u> <u>Nov 16, 2018</u>

IMPERVIOUS AREA	BUILDING COVERAGE	LOT AREA
DRIVEWAY <u>252 SF</u>	BUILDING FOOTPRINT <u>1358 SF</u>	<u>4000 SF</u>
PATIO <u>120 SF</u>		
WALK <u>10 SF</u>		
ROOF AREA (INCL. OVERHANG) <u>1618 SF</u>		
TOTAL _____		

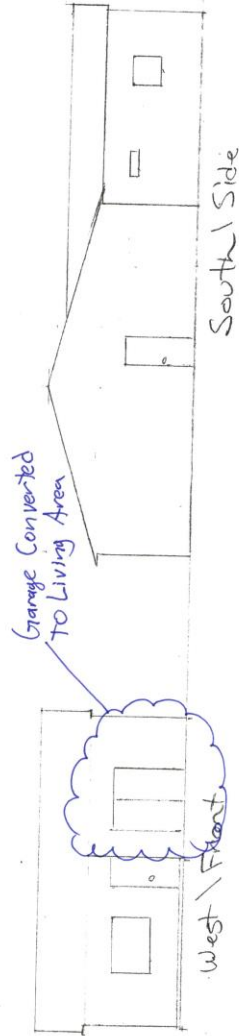
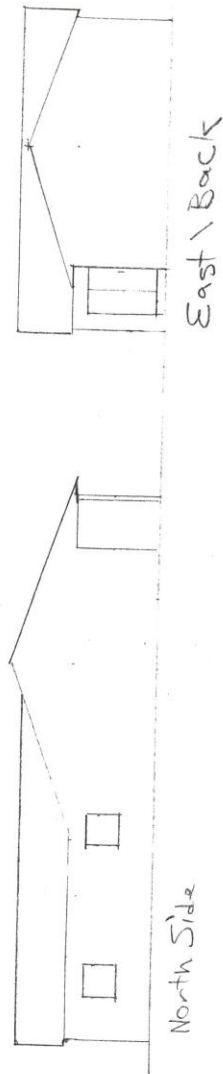


**PROJECT LEGAL**  
Lot 19, Block 4  
Reservoir Park  
Sec 8, T15, R 1E, Wm.

**PROJECT ADDRESS**  
3916 SE 68th Ave  
Portland, OR



LU 18-26554 AD



3916 SE 66th Ave  
Portland

Elevations

Scale = 1" = 10'

Davis Grant Const  
12.11.18



