



**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:** August 16, 2019  
**To:** Interested Person  
**From:** David Besley, Land Use Services  
503-823-7282 / [David.Besley@portlandoregon.gov](mailto: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 19-176101 AD**

#### **GENERAL INFORMATION**

**Applicant:** Willie Dean | Ground Up Design Works  
111 SW Oak St, Ste 400a | Portland, OR 97204

**Owner:** Debra Unruh  
9045 N Hamlin Ave | Portland, OR 97217

**Site Address:** 9045 N HAMLIN AVE

**Legal Description:** BLOCK 7 LOT 1, DAHLKE ADD  
**Tax Account No.:** R194103340  
**State ID No.:** 1N1E08AA 15000  
**Quarter Section:** 2126, 2127

**Neighborhood:** Kenton, contact at [knalanduse@gmail.com](mailto:knalanduse@gmail.com)  
**Business District:** Kenton Business Association, contact Mo Bachmann at [info@kentonbusiness.com](mailto:info@kentonbusiness.com).  
**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

**Zoning:** R7a (Single-Dwelling Residential 7,000 with an Alternative Design Density Overlay Zone)

**Case Type:** AD (Adjustment Review)

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

**Proposal:**

The applicant is proposing a 383 square foot addition (22 feet x 17 feet - 4.75 inches) on the north side of an existing 836 square foot single story residence. The Portland Zoning Code requires a 15-foot minimum front setback in this zone (Section 33.110.220, Table 110-3). The

addition is proposed to extend along the established west and east walls 10.105 feet from the north (front) property line. An Adjustment is therefore required to reduce the minimum front setback from 15 feet to 10 feet for a 383 square foot addition.

Note: This is a corner lot in which the north lot line is considered the front lot line because the front lot line is defined as the shortest of the lot lines that abut a street (per Definitions 33.910). The house itself is oriented to the east and set back over 15 feet from the eastern (side) lot line. The proposal also includes the removal of a 127 square foot shed north of the residence.

**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 7,380 square-foot site is located on the southwest corner N Hamlin Avenue and N Trenton Street. It is currently developed with an 836 square foot house, 484 square foot attached garage, and 440 square foot attached ADU (currently under inspection via Residential Permit 18-202273 RS). The surrounding vicinity is developed with primarily one and two-story single-dwelling residences. One block to the east is Trenton City Park.

**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. Regulations of the "a" zone overlay (Alternative Design Density Zone) are not applicable to the Adjustment proposal.

**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 **July 11, 2019**. The following Bureaus have responded with the following information:

- The Life Safety section of the Bureau of Development Services (BDS) responded with no concerns and included Building Code information (Exhibit E-1);
- The Bureau of Environmental Services responded with no concerns (Exhibit E-2); and
- The Portland Bureau of Transportation (PBOT) responded with no concerns and provided information on street classification and Title 17 requirements (Exhibit E-3).

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

- The Site Development Section of BDS;
- The Fire Bureau; 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 is requesting an Adjustment to reduce the minimum front setback from 15 feet to 10 feet for a 383 square foot addition to an existing 836 square foot single story residence. The relevant purpose statement 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 addition is proposed to expand the house farther to the north, in the same approximate location as an existing shed. While the reduction from 15 feet to 10 feet is substantial, the addition is proposed closer to a street lot line rather than a neighboring residence; light, air, and separation for fire protection will be maintained. The physical relationship between residences will be maintained and there will be no impacts to privacy. The subject property is on a corner lot and the main entrance faces east; furthermore, the eastern edge of the house will be over 25 feet from the side (eastern) lot line, where only a 5 foot setback is required. While not technically the front lot line due to the definition of lot lines (per Land Use Code Section 33.910 Definitions), the east side, with increased building setbacks and main entrance location, is effectively configured as the front, and will provide an open, visually pleasing front yard. To ensure this retains the appearance of a front setback over time, a condition of approval will require the maintenance of a setback from the east lot line of at least 15 feet.

Further, the portion of the addition within the setback is only about 110 square feet and; this is a relatively minor addition to a low-profile single story house in an area developed with primarily one and two-story single-dwelling residences.

The Fire Bureau has reviewed the request for reduced setbacks and offered 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, which does not include parking or driveway components. No changes are proposed to the driveway or garage.

*With the condition of approval, 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:** The subject lot is in the R7 zone, a residential zone. As noted above, the existing single story house and addition are relatively small, and is in a neighborhood with a mix of one and two-story houses. This house will remain one story and will have increased setbacks on the eastern side lot line, which reads as the front setback. Despite the reduced front setback from the north lot line, there is a reasonable physical relationship between residences that will retain privacy (consistent with the purpose of

setbacks). The proposal will not significantly detract from the livability or appearance of the residential 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 proposed; therefore, this criterion is not applicable

- D.** City-designated scenic resources and historic resources are preserved; and

**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 as the setback distances are the same before and after the remodel. As noted above, while the reduction from 15 feet to 10 feet is substantial, the eastern edge of the house will be about 25 feet from the side (eastern) lot line, where a 5-foot setback is required. Because of the increased building setbacks and main entrance location on the east, this façade is effectively configured as the front, and through a condition of approval will provide an open, visually pleasing front yard. Impacts resulting from the Adjustment are therefore mitigated to the extent practical.

*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 is requesting an Adjustment to reduce the minimum front setback from 15 feet to 10 feet for a 383 square foot addition to an existing 836 square foot single story residence. The addition is proposed closer to a street lot line rather than a neighboring residence; light, air, and separation for fire protection will be maintained. The physical relationship between residences will be maintained and there will be no impacts to privacy. The subject property is on a corner lot and the main entrance faces east; furthermore, the eastern edge of the house will be over 25 feet from the side (eastern) lot line, where only a 5 foot setback is required.

Because of the increased building setbacks and main entrance location on the east, this façade is effectively configured as the front, and will provide an open, visually pleasing front yard. The proposal meets the applicable approval criteria and should be approved.

### ADMINISTRATIVE DECISION

Approval of an Adjustment to reduce the minimum front/north setback from 15 feet to 10 feet (Section 33.110.220, Table 110-3) for a 383 square foot addition to an existing 836 square foot single story residence, per the approved site plans, Exhibits C-1 through C-3, signed and dated August 8, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File # LU 19-176101 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. A minimum setback of 15 feet shall be maintained over time from the east lot line.

**Staff Planner: David Besley**



**Decision rendered by:** \_\_\_\_\_ **on August 8, 2019.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: August 16, 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 June 10, 2019, and was determined to be complete on July 2, 2019.

*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 June 10, 2019.

*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: October 30, 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 August 30, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> 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](http://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 **August 30, 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:

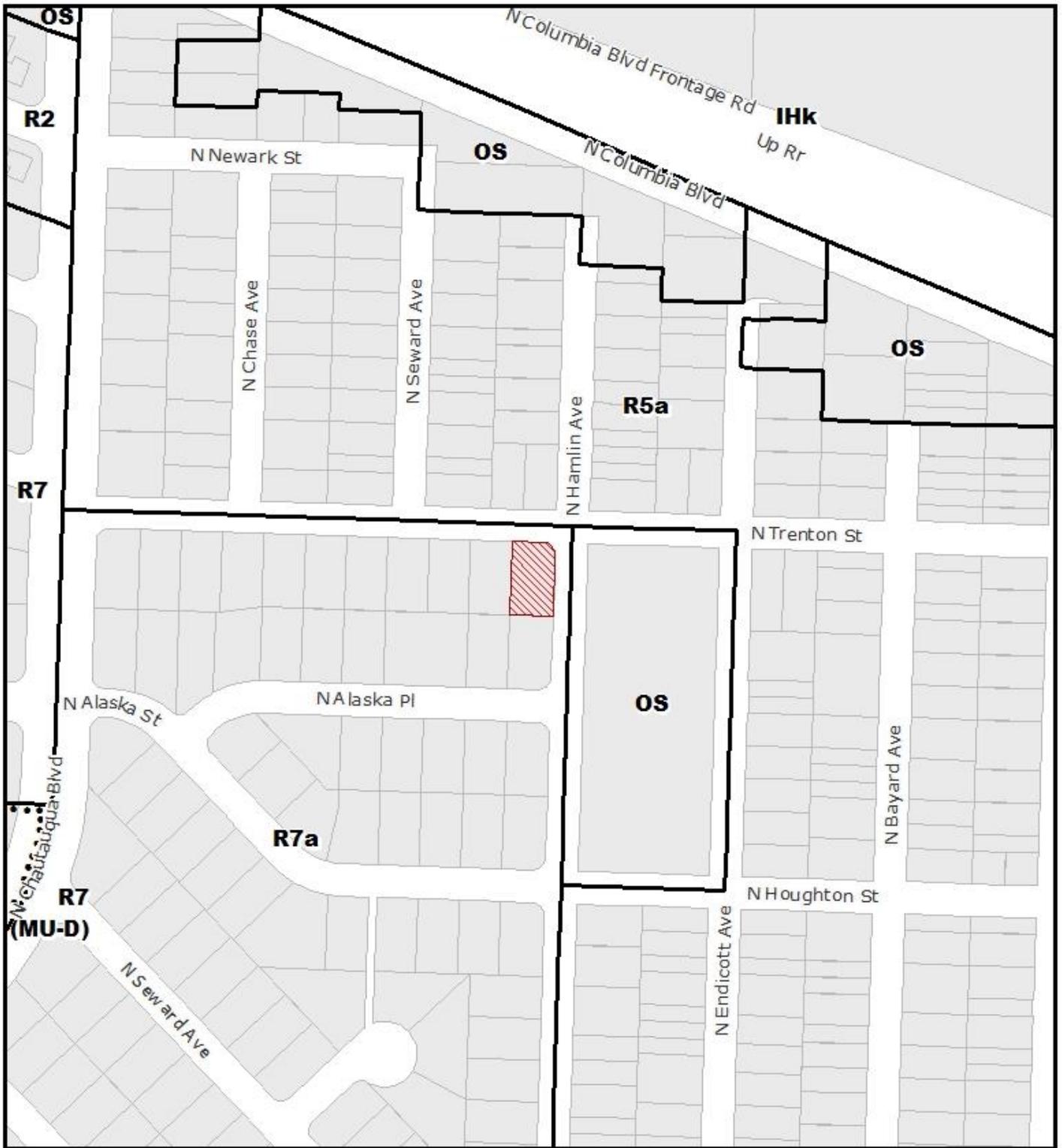
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. East and west Elevation Drawing (attached)
  - 3. North Elevation Drawing (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. The Life Safety section of the Bureau of Development Services
  - 2. Bureau of Environmental Services
  - 3. Bureau of Transportation Engineering and Development Review
  - 4. Agencies responding with no concerns
- F. Correspondence: None
- G. Other:
  - 1. Original LU Application and Receipt
  - 2. Incompleteness determination letter, dated June 24, 2019

**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**  NORTH

 Site

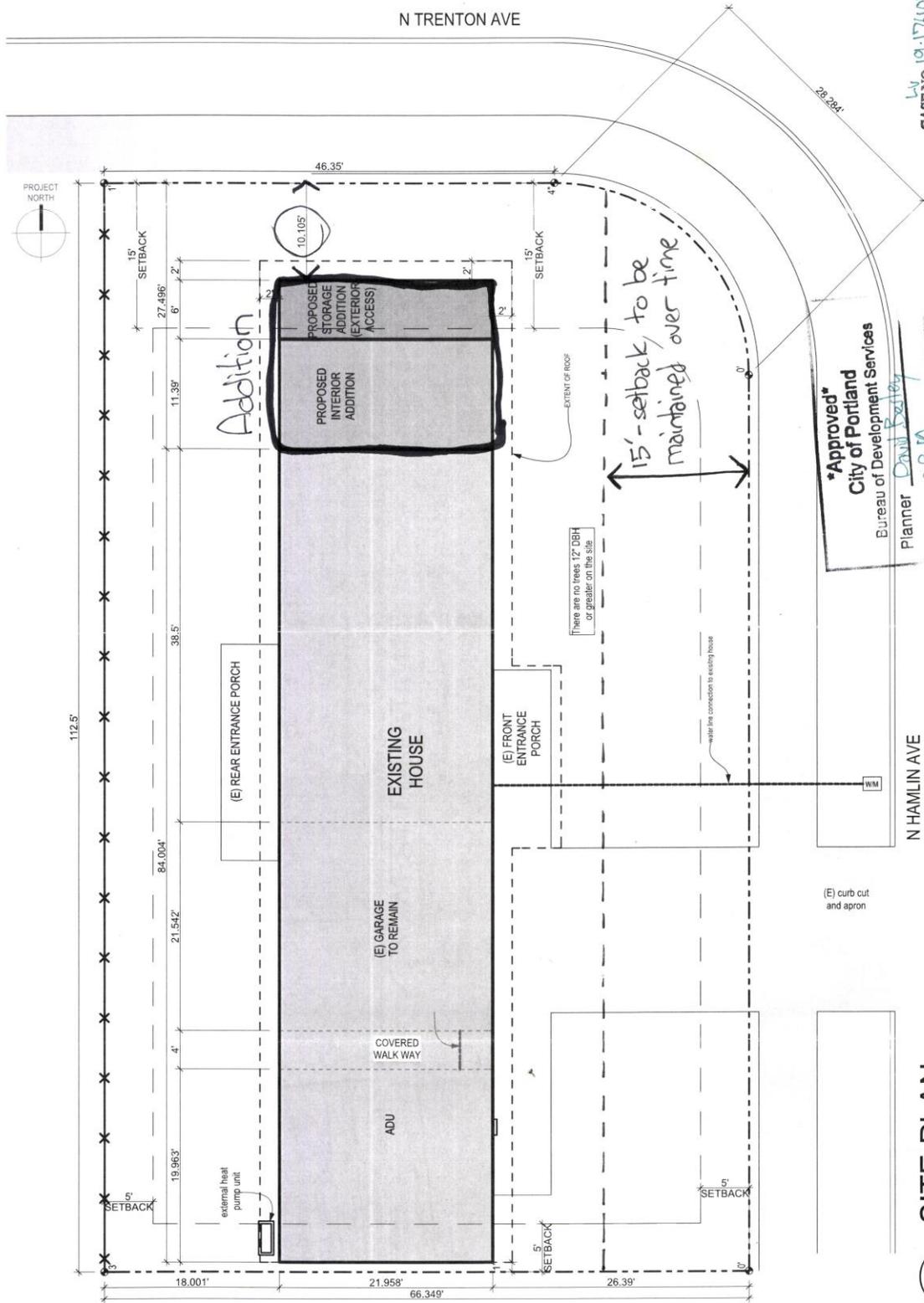
File No.	LU 19-176101 AD
1/4 Section	2126,2127
Scale	1 inch = 200 feet
State ID	1N1E08AA 15000
Exhibit	B Jun 13, 2019

GROUND UP DESIGN WORKS  
RESIDENTIAL AND COMMERCIAL DESIGN  
TINY HOUSE  
FURNITURE  
ADU  
WILLIE DEAN  
608-558-3117  
WILLIE@GROUNDUPDESIGNWORKS.COM

Unruh Addition  
Debra Unruh  
9045 N Hamlin Ave.  
Portland, OR 97217  
Plotted On: 7/2/2019

PROPOSED SITE PLAN  
**A-3**

SHEET NUMBER:  
DATE: 7/2/2019  
REVISIONS



**\*Approved\***  
City of Portland  
Bureau of Development Services  
Planner Danielle Bailey  
Date 8.8.19  
\* This approval applies only to the reviews requested and is subject to conditions of approval.  
Additional zoning requirements

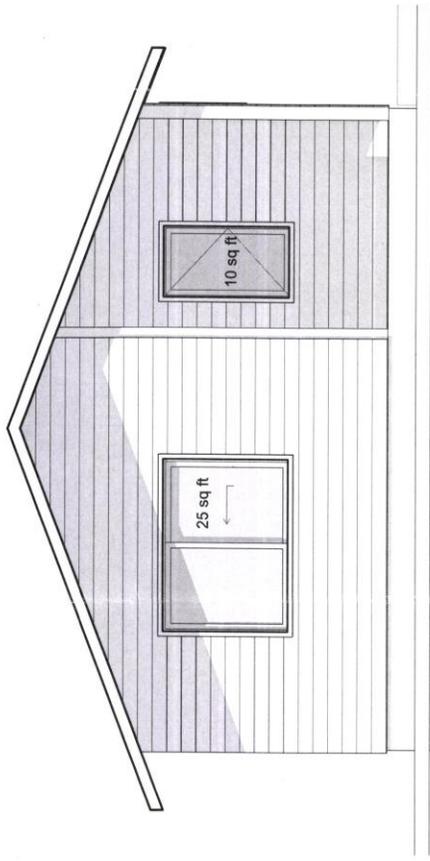
Case No. 19-17101 AD  
EXHIBIT C-1

**1** SITE PLAN  
SCALE: 1" = 10'

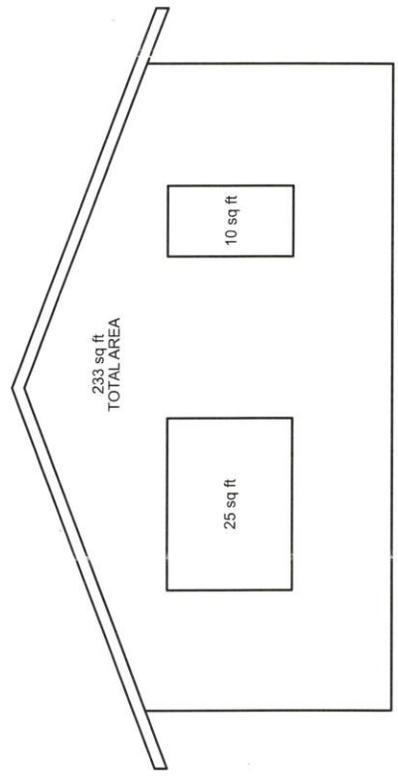


**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner Dani Baly  
 Date 8/8/19

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



**1** NORTH ELEVATION  
 SCALE: 1/4" = 1'-0"



**2** NORTH ELEVATION ((AREA DIAGRAM))  
 SCALE: 1/4" = 1'-0"



UNRUH ADDITION Debra Unruh 9045 N Hamlin Ave. Portland, OR 97217 Plotted On: 7/2/2019	ELEVATIONS <b>A-7</b>	DATE: 7/2/2019
		REVISIONS
UNRUH ADDITION Debra Unruh 9045 N Hamlin Ave. Portland, OR 97217 Plotted On: 7/2/2019	SHEET NUMBER: <b>A-7</b>	CASE NO. <u>19-17601 AD</u> EXHIBIT <u>CS</u>

GROUND UP DESIGN WORKS  
 RESIDENTIAL AND COMMERCIAL DESIGN  
 TINY HOUSE  
 FURNITURE  
 ADP  
 WILLIE DEAN  
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