



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

Ted Wheeler, Mayor
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Date: December 12, 2019
To: Interested Person
From: Rodney Jennings, Land Use Services
503-823-5088 / Rodney.Jennings@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 19-241717 AD

GENERAL INFORMATION

Applicant: Mary Valeant
Valeant Architecture, LLC
2318 SW Market Street Dr
Portland OR, 97201

Representative: Bernd Brandle and Anya Bailis
4110 SW Greenleaf Ct
Portland, OR 97221-3215

Site Address: 4110 SW GREENLEAF CT

Legal Description: BLOCK 7 W 1/2 OF LOT 4 LOT 5, GREEN HILLS
Tax Account No.: R340301450
State ID No.: 1S1E08BA 03300
Quarter Section: 3325

Neighborhood: Southwest Hills Residential League, contact at contact@swhrl.org.
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

Plan District: None
Other Designations: None

Zoning: R10 – Single Dwelling Residential 10,000 Zone

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

Proposal:

The applicant is proposing to construct a new attached garage east of the existing carport under the main (upper) level of the house at 4110 SW Greenleaf Ct and to convert the carport to enclosed interior living space. The proposal also includes altering the form and pitch of the roof over the main (upper) level of the house. In the R10 zone, Portland Zoning Code Section 33.110.220 requires a 20' setback from front lot lines and a 10' setback from side lot lines. Eaves are allowed to extend into the front setback up to 20% of the distance of the front setback, which in this case is a maximum of 4'. Features of the proposed new attached garage and eaves extending from the altered roof over the main (upper) level are proposed within the required 20' front setback and 10' east side setback (see Exhibit C.1). One of these features is a 16' long alcove along the east side of the garage that is proposed to be set back 5' from the east side lot line and 18' from the front lot line on SW Greenleaf Ct. The other feature is a portion of the new eave over the altered main (upper) level that extends 6' 10" into the required 20' front setback from SW Greenleaf Ct, which is 2' 10" beyond the 4' allowed. The applicant is requesting Adjustments to the front and east side setback standards for the 16' long garage alcove and to the front setback standard for a portion of the eave.

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 site is an 11,000 square foot through lot located between two sections of the loop street named SW Greenleaf Ct located north and south of the lot. The north section of the SE Greenleaf Ct is unimproved, and the existing house faces and obtains vehicle access from the south section of SW Greenleaf Ct. The lot is located at the top of a hill that slopes down towards the respective sections of SW Greenleaf Ct on both the north and south sides. The existing main entrance to the house is located on the west side of the house and does not face the street. No changes to the location of the main entrance are proposed.

Lots in the surrounding vicinity are also zoned R10 and, generally, range in size from about 7,000 square feet to about ½ acre in size and are developed with single-family homes. The two lots on either side of the subject lot, and the lot south across SW Greenleaf Ct are also through lots.

Zoning: R10 Single-dwelling Residential 10,000 – The R10 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 6,000 square feet, with minimum width and depth dimensions of 50 and 60 feet, respectively. Newly created lots must have a maximum density of 1 lot per 10,000 square feet of site area.

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 **November 15, 2019**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation (Exhibit E.2);
- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4);
- Site Development Section of BDS (Exhibit E.5); and
- Life Safety Review Section of BDS (Exhibit E.6).

The Bureau of Environmental Services (BES) also responded with no issues or concerns with the Adjustment requests (Exhibit E.1). However, BES also notes in their response that there is no public storm-only sewer available to this property and that private stormwater will be

required to meet all applicable standards of the Stormwater Management Manual at the time building permits are reviewed.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 15, 2019. 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 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

Findings: The applicant is requesting Adjustments to the front and east side setback standards. Two Adjustments are for the 16' long garage alcove that is proposed to be set back 5' from the east side lot line and 18' from the front lot line on SW Greenleaf Ct. The 3rd Adjustment is for a portion of the new eave over the altered main (upper) level of the house that is proposed to extend 6' 10" into the required 20' front setback from SW Greenleaf Ct, which is 2' 10" beyond the maximum 4' (20%) allowed. The purposes of the setback regulations in the single-dwelling zones are located in Zoning Code Section 3.110.220.A. They are listed individually below followed by findings addressing how the proposed Adjustments equally or better meets each purpose:

They maintain light, air, separation for fire protection, and access for fire fighting;

- Like the remainder of the proposed garage, the 16' long garage alcove that is proposed to be set back 5' from the east side lot line and 18' from the front lot line on SW Greenleaf Ct, is located below the main level of the house and is also located below the front yard and house on the lot immediately east of the site. Due to this placement, impacts to light and air on the neighboring lot are minimized. The front yard and 5' within the east side yard will remain open for access for fire fighting and the Life Safety Review section of BDS has responded with no concerns (Exhibit E.7) indicating that building code requirements for fire protection can be met by the garage alcove.

Similarly, shade from the portion of the new eave that is proposed to extend 2' 10" beyond the maximum 4' allowed within the front setback will fall entirely on the subject site and the structure will be accessible from SW Greenleaf Ct for fire fighting. The Fire Bureau reviewed the proposal and has no concerns (Exhibit E.4). Also, the Life Safety Review section of BDS has responded with no concerns (Exhibit E.6) indicating that building code requirements for fire protection can be met for the eave as well.

They reflect the general building scale and placement of houses in the City's neighborhoods;

They promote a reasonable physical relationship between residences;

- A physical separation of 20' between houses on neighboring lots is a reasonable and expected placement in the R10 zone. The garage alcove proposed in the east side setback is opposite an open pool deck area on the neighboring lot and will be located at least 70' from the neighboring house. It is also located on a slope below the pool deck area on the neighboring lot, which makes the garage alcove in the setback appear of smaller scale relative to the development on the neighboring property.

- The south front lot line facing SW Greenleaf Ct is not perpendicular with the east and west side lot lines, such that the westernmost side of the house is set back over 30' from the street. Thus, the front yard is deeper on the west side of the lot than the right side. The visual effect of this deeper west portion of the front yard more than balances the minimal effect of the extension into the 20' front setback of the corner of the garage alcove by 2 feet and of the eave by 2' 10".

They promote options for privacy for neighboring properties;

- No windows or doors are proposed on the east facing wall of the 16' garage alcove proposed to extend 5' into the east side setback. An exterior deck is proposed above the new garage, but this deck does not extend onto the garage alcove proposed in the setback; the deck will be located outside the minimum required 10' east side setback. The extended eave within the front setback will have no impacts on privacy. These elements retain options for privacy on the adjacent properties including the property that neighbors the site on the east.

They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;

- The required front setback in the R10 zone is 20'. The south front lot line facing SW Greenleaf Ct is not perpendicular with the east and west side lot lines such that the westernmost side of the house is set back over 30' from the street. Thus, the front yard is deeper on the west side of the lot than the right side. The visual effect of this deeper west portion of the front yard more than balances the minimal effect of the extension into the 20' front setback of the corner of the garage alcove by 2 feet and of the eave by 2' 10".

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

- The subject lot is unusual in that it is a through lot with two frontages on the north and south on SW Greenleaf Ct, a loop street, and with topography that slopes up from both frontages. To the extent this purpose is applicable to the requested Adjustments, it is met, as approval of the Adjustments will allow flexibility to build a garage and eaves on the site that provide architectural diversity and that provide outdoor areas that meet the dimensional standards of the R10 zone.

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 proposal will result in over 20' between the garage door and the street. As the standard depth of a required parking space for a single-dwelling home is 18', this will provide more than enough room to park a car in front of the garage door without overhanging the street.

As demonstrated in the findings above, the proposal equally or better meets each applicable purpose of the setback regulations. 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 site is in a residential zone. Livability concerns in residential zones include access to light and air, and impacts to privacy. The following demonstrate that the proposal will not significantly detract from the availability of light and air, or impact privacy:

- Like the remainder of the proposed garage, the 16' long garage alcove that is proposed to be set back 5' from the east side lot line and 18' from the front lot line on SW Greenleaf Ct is located below the main level of the house, and is also located below the front yard and house on the lot immediately east. Due to this placement, impacts to light and air on the neighboring are minimized. Similarly, shade from the portion of the new eave that is proposed to extend 2' 10" beyond the maximum 4' allowed within the front setback will fall entirely on the subject site and will cause no impacts to availability or air or light on neighboring properties.
- No windows or doors are proposed on the east facing wall of the 16' garage alcove proposed to extend 5' into the east side setback. An exterior deck is proposed above the new garage, but this deck does not extend over the garage alcove proposed in the setback. The extended eave within the front setback will have no impacts on privacy. These elements retain options for privacy on adjacent properties, including the property that neighbors the site on the east.

The following demonstrate that there proposal will not significantly detract from the residential appearance of the area:

- A physical separation of 20' between houses on neighboring lots is a reasonable and expected placement in the R10 zone. The garage alcove proposed in the east side setback is opposite an open pool deck area on the neighboring lot and will be located at least 70' from the neighboring house. It is also located on a slope below the pool deck area on the neighboring lot, which makes the garage alcove in the setback appear of smaller scale relative to development on the neighboring property.
- The south front lot line facing SW Greenleaf Ct is not perpendicular with the east and west side lot lines such that the westernmost side of the house is set back over 30' from the street. Thus, the front yard is deeper on the west side of the lot than the right side. The visual effect of this deeper west portion of the front yard more than balances the minimal effect of the extension into the 20' front setback of the corner of the garage alcove 2 feet and of the eave by 2' 10".

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: More than one adjustment is requested, therefore this criterion is applicable. The single-dwelling zones, including the R10 zone, are intended to preserve land for housing and to provide housing opportunities for individual households. The different zones implement the policies of the comprehensive plan designations for single-dwelling housing. The cumulative effect of the Adjustments is consistent with this purpose as the existing development with a house provides housing for an individual household and matches the type of use intended by the R10 single-dwelling residential comprehensive plan designation.

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

Findings: City designated resources are shown on the zoning map by the 's' overlay; historic resources are designated by a large dot, and by historic and conservation districts. 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 adjustment. 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 Maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). As the site is not within an environmental zone, 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 proposed garage alcove extending into the front and east side setbacks and the proposed eave extending into the front setback will not have significant impacts on the availability of light and air, options for privacy, or ability to provide fire services to the site or to neighboring properties. The proposed garage alcove in the east side and front setback and eave in the front setback will not detract from the appearance or livability of the neighboring residential area.

ADMINISTRATIVE DECISION

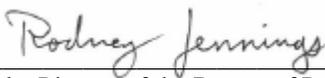
Approval of the following Adjustments:

- reduce the minimum required building setback from the east side lot line (33.110.220 and Table 120-4) from 10' to 5' for the garage alcove;
- reduce the minimum required building setback from the front lot line (33.110.220 and Table 120-4) from 20' to 18' for the garage alcove;
- reduce the minimum required building setback from the front lot line (33.110.220 and Table 120-4) to allow a portion of the eaves to extend 6' 10" into the required 20' front setback;

per the approved site plans, Exhibits C.1 through C.2, signed and dated December 10, 2019, subject to the following conditions:

- 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 19-241717 AD. No field changes allowed."

Staff Planner: Rodney Jennings

Decision rendered by:  **on December 10, 2019.**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 12, 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 October 17, 2019, and was determined to be complete on November 13, 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 October 17, 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: March 12, 2020.**

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 December 26, 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 **December 26, 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:

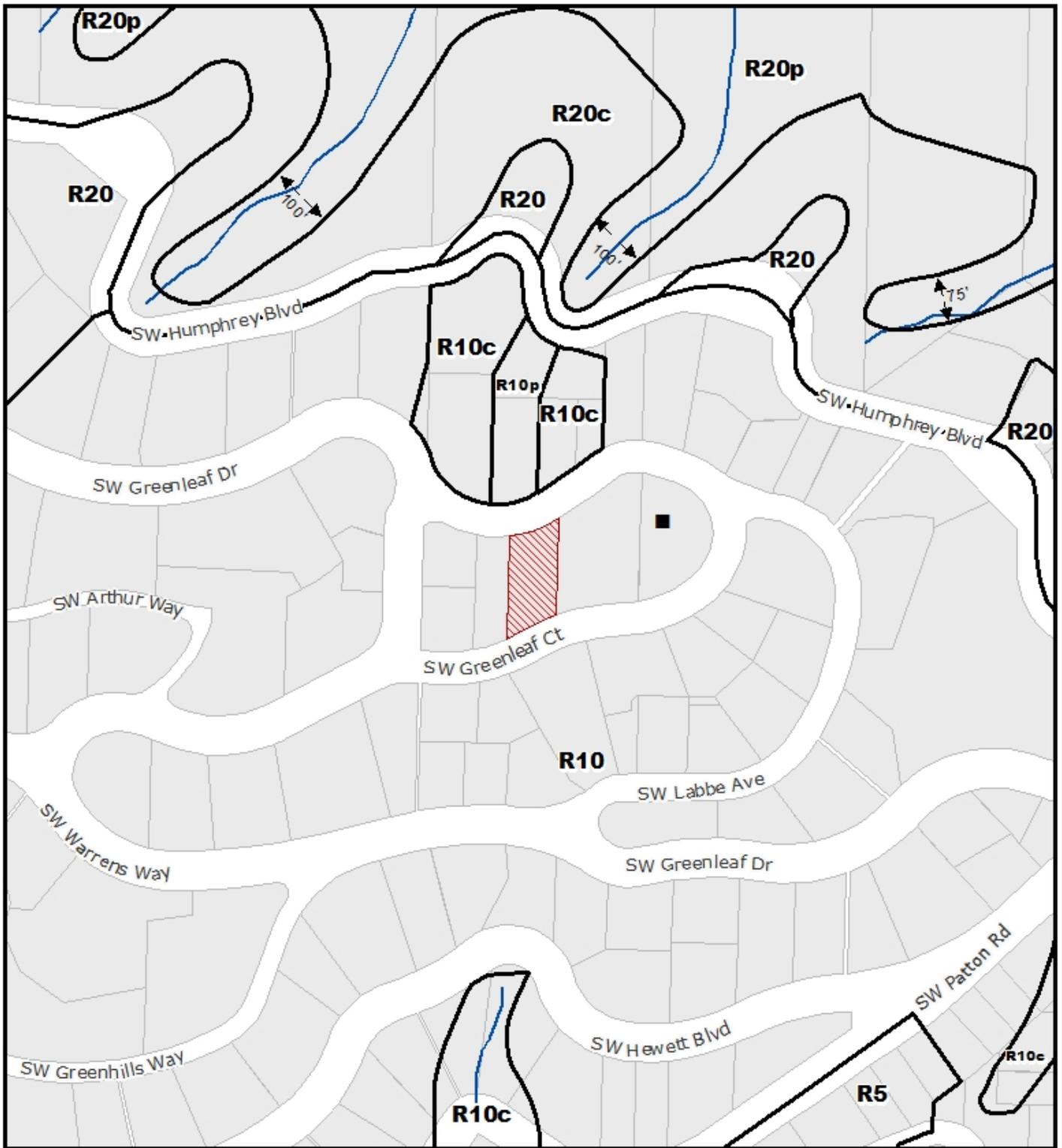
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
 1. Applicant's original statement and plans
 2. Revised applicant's statement and plans, received 11/04/19
 3. Revised applicant's statement and plans, received 11/07/19
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Elevations (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation
 3. Water Bureau
 4. Fire Bureau
 5. Site Development Review Section of BDS
 6. Life Safety Review Section of BDS
- F. Correspondence:
- G. Other:
 1. Original LU application and receipt
 2. Incomplete letter

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).

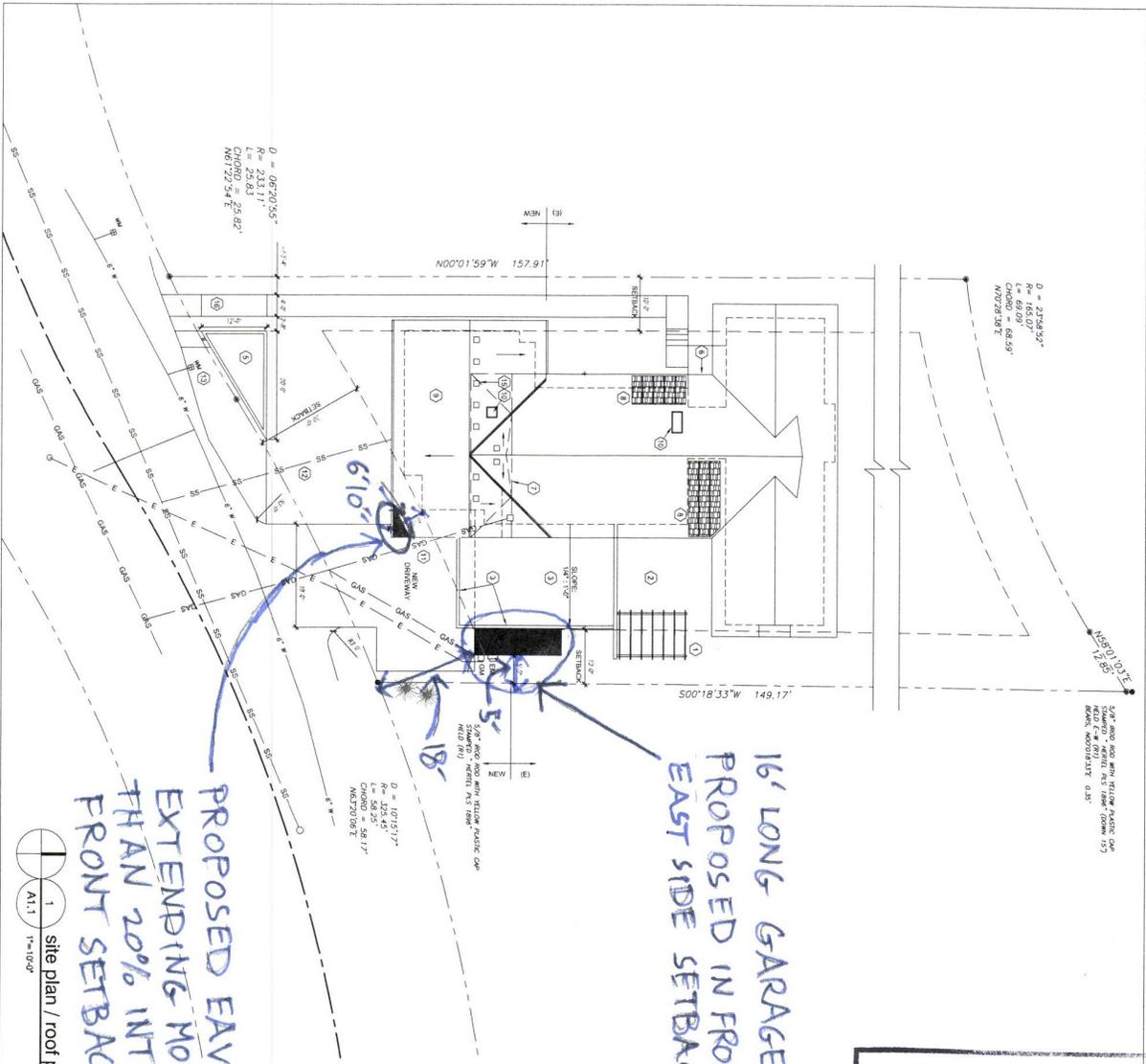


ZONING



-  Site
-  Stream
-  Historic Landmark

File No.	LU 19-241717 AD
1/4 Section	3325
Scale	1 inch = 200 feet
State ID	1S1E08BA 3300
Exhibit	B Oct 21, 2019



1 site plan / roof plan
A1.1 1"=16'-0"

19-241717 AD

*** Approved ***

City of Portland
Bureau of Development Services

Planner *Rodney Jensen*

Date 12/10/19

* This approval applies only to the reviews requested and is subject to all conditions of approval

Additional zoning requirements may apply.

LEGEND

	PROPOSED RETIRED ENCROACHMENT AREA
	NEW ROOF COVERING OVER EXISTING OPEN ROOF JOISTS
	SAWFLY LINE
	WATERLINE
	GAS LINE
	ELECTRICAL LINE

SEE KEYNOTES BELOW FOR SCOPE OF WORK

- KEYNOTES:**
- 1) EXISTING TO REMAIN
 - 2) EXISTING W/ FINISHES ON GRADE
 - 3) NEW WOOD DECK ON RIPPED WOOD SLEEPERS OVER NEW SINGLE-PLY GABLE ROOF
 - 4) EXISTING TO REMAIN UNLESS OTHERWISE SPECIFIED
 - 5) NEW 3/4" TALL WAX LINED FLOOR PLANIFIER FOR STORM WATER SEE TYP DETAIL
 - 6) EXISTING ENTRY
 - 7) EXISTING PORTION OF ROOF TO BE REMOVED
 - 8) COVER EXISTING ROOF STRUCTURE W/ ROOFING TO MATCH EX
 - 9) SCOUR FACING PORTION OF GABLE ROOF TO BE COVERED W/ PIPING
 - 10) NEW ROOF OVER THE NEW AND EXISTING GABLE AND RELOCATE AS SHOWN. COMPONENTS IN UTILITY COMPANY
 - 11) EXISTING GABLE WITH NEW GABLE AND EXISTING GABLE CLADDING FINISH
 - 12) REMOVE EXISTING WATER HEATER AND RENEW WITH NEW WATER HEATER
 - 13) BURIED NEW ELECTRICAL SERVICE FROM THE UTILITY COMPANY. COORDINATE WITH UTILITY COMPANY
 - 14) LOCATE ROOF VENTS ON NORTH SIDE OF GABLE TYP
 - 15) NEW WALKWAY TO EXISTING ENTRY
 - 16) MIN. 3/4" TALL CABLE RAIL DIMENSION TYPICAL AT ROOF DECK'S SHOWN

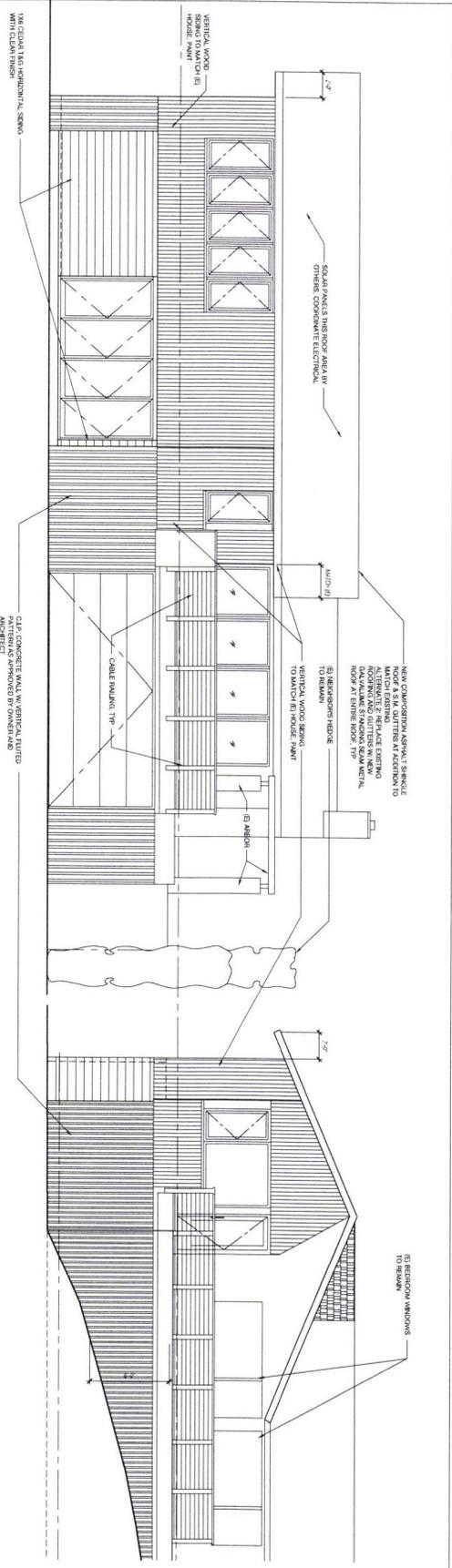
CASE NO. 19-241717 AD
EXHIBIT C.1

brandle - baillis addition
4110 sw greenleaf court, portland, or 97201

valeant architecture llc

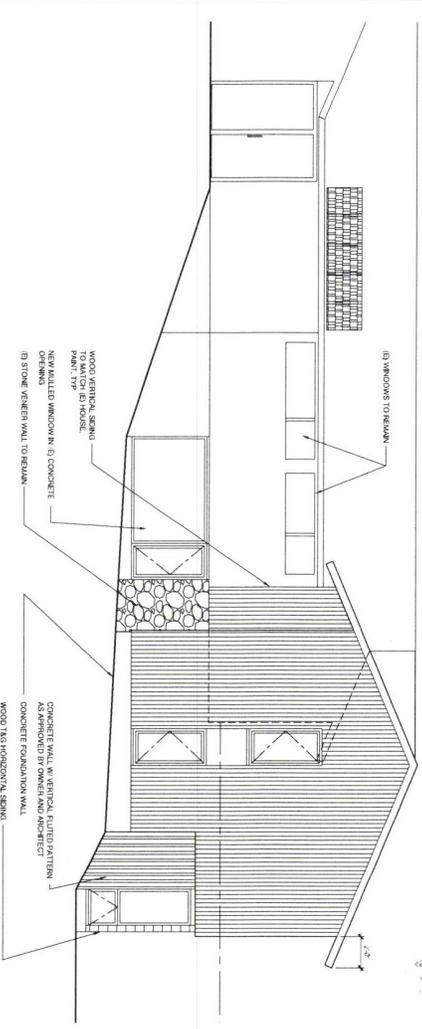
job number: 1824
date issued: 10.04.19
revision 1:
revision 2:
revision 3:

A1.1

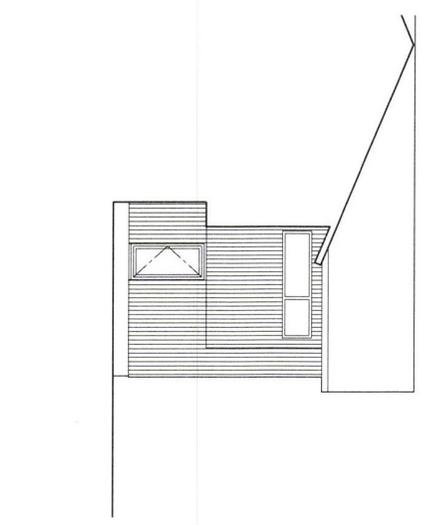


1 south elevation
A3.1 1/4"=1'-0"

2 partial east elevation
A3.1 1/4"=1'-0"



3 partial west elevation
A3.1 1/4"=1'-0"



4 partial north elevation at addition
A3.1 1/4"=1'-0"

City of Portland - Bureau of Development Services
Reddy Jennings
 12/10/19

LV 19-241717 AD

job number: 1824
 date issued: 10.04.19
 revision 1:
 revision 2:
 revision 3:
A3.1

brande - baillis addition
 4110 sw greenleaf court, portland, or 97221

valeant architecture llc

2318 sw market street olva, portland, or 97201
 v: 503.241.2727 www.valearch.com

CASE NO. 19-241717 AD
 EXHIBIT C-2