



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: April 13, 2020
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 20-108536 AD

GENERAL INFORMATION

Applicant: Jeremy Jernigan
Neil Kelly Company
804 N Alberta Street
Portland OR, 97217

Owners: Peter and Marjorie Arvidson
4347 SW Flower St
Portland, OR 97221-3554

Site Address: 4347 SW FLOWER ST

Legal Description: BLOCK 1 LOT 3, ELIZABETH
Tax Account No.: R244300080
State ID No.: 1S1E17CB 01400
Quarter Section: 3625

Neighborhood: Hayhurst, contact at contact-hayhurst@swni.org
Business District: None
District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

Plan District: None
Other Designations: None

Zoning: R7 – Single-dwelling Residential 7,000

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

Proposal:

The applicant proposes to replace the existing attached carport in front of the house at 4347 SW Flower Street with a new attached garage. The existing carport is 17 feet wide and set back 15.5 feet from the SW Flower Street lot line.

Zoning Code Section 33.110.120 and Table 110-3 require that garages be setback at least 18' from a street lot line. The applicant is requesting an Adjustment to this standard to allow the new garage to be set back 15.56 feet from the SW Flower Street lot line and the eaves of the garage to be set back 15.06 feet.

Zoning Code Section 33.110.253.E.3 requires that a garage wall facing the street be no closer to the street lot line than the longest street-facing wall of the house. The applicant is requesting an Adjustment to this standard to allow the new wall that faces SW Flower Street to be closer to the street lot line than the longest street facing wall of the house.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are 33.805.040.A. through F, Approval Criteria for Adjustments.

ANALYSIS

Site and Vicinity: The site is a 14,000 square foot lot. It is a flat lot that is developed with a one story ranch style house with a 17 feet wide attached carport in front that will be removed as part of this project. The site fronts on SW Flower St, which is a center paved street with no curbs or sidewalks. Development in the vicinity on both sides of SW Flower St and nearby streets consists of mostly one and two-story single-dwelling houses on lots ranging in size from 7,000 square feet to 14,000 square feet.

Zoning: R7 - The R7 Single-dwelling Residential zone is a single-dwelling zone which allows 1 dwelling unit per 7,000 square feet. The major types of new housing development will be limited to single-dwelling houses, accessory dwelling units (ADU) and duplexes on corners.

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 **March 2, 2020**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1);
- 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).

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

ZONING CODE APPROVAL CRITERIA**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

Findings: The applicant is requesting 2 adjustments to build a new attached garage at the location of an existing carport in front of the existing house at 4347 SW Flower St. The requested adjustments are to the minimum front setback requirement to allow the garage and garage eaves to be less than 18 feet from the SW Flower St. street lot line, and to the requirement that the garage to be no closer to the street than the longest street-facing wall of the house. The purposes of the setback regulations, as stated in Zoning Section 33.110.220, are listed below, followed by findings demonstrating that the proposal equally or better meets the purpose:

- *They maintain light, air, separation for fire protection, and access for firefighting;*

The required front setback in the R7 zone for structures other than garages, is 15 feet. The proposed garage will be set back 15.56 feet and the garage eaves 15.06 feet from the front street lot line, so the impacts on light, air, separation for fire protection, and access for firefighting will be no different than other structures that could be built at this location. Also, shadows from the new garage will fall generally in the front of the site where it neighbors the 50 foot wide SW Flower St. right-of-way, not on adjacent residential properties. Additionally, the garage will be 10 feet from the closest side lot line, double the minimum distance required and therefore will have no impact on the amount of light and air reaching properties on either side. The Fire Bureau (Exhibit E.4) responded with no concerns regarding the request and fire fighters and equipment can be easily moved onto the site from SW Flower Street. The Life Safety Review section of BDS (Exhibit E.6) also responded with no concerns, indicating that the proposal provides adequate separation to meet building code requirements for fire protection. This purpose is equally met.

- *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;*

As noted above, the garage will exceed the minimum required 5 foot side building setback from the closest (east) side lot line, which assures maintenance of a reasonable physical distance and options for privacy from adjacent houses in this R7 zoned neighborhood. The minimum required front setback in the R7 zone for structures other than garages is 15 feet and the proposed garage will be set back 15.56 feet and the eaves 15.06' from the front lot line. As the larger front setback than side and rear setbacks is retained, the ability to provide open, visually pleasing front yards is retained. These purposes are equally met.

- *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*

To the extent this purpose is applicable to the proposal, it is met, as approval of the Adjustment will provide the flexibility to site a garage that fits the topography of the site.

- *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.*

SW Flower St. is a 50 foot wide right-of-way that is improved with a center paved roadway, but no sidewalk. The existing driveway between the edge of the paved roadway and the front lot line of this site is about 20 feet long. The combination of this driveway and the 15.56 feet between the front lot line and the garage provides

approximately 35 feet of depth in which to park a car. This is ample room to park a car without overhanging the paved area of the street and to provide visibility up and down the street when backing out a car. This purpose is equally met.

This criterion is met for the Adjustment to reduce the garage setback from SW Flower St. from 18 feet to 15.56 feet and the garage eaves to 15.06 feet.

The purposes of the standard requiring garages to be no closer to the street lot line than the longest street-facing wall of the dwelling unit, as stated in Zoning Section 33.110.253.A, are:

- Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
- Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
- Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and;
- Enhance public safety by preventing garages from blocking views of the street from inside the residence.

The SW Flower St. street-facing façade of the house is 62 feet wide and the width of the proposed garage is 21.5 feet, or about 1/3 of the total length. More than 15% of the SW Flower street-facing façade is windows or main entrance doors, so the minimum window standard in the Zoning Code is met. The proposal also includes adding a new colonial style covered front porch that will enhance and accentuate the main entrance.

The street-facing windows and the new front porch provide a physical and visual connection between the living area and the street that balances the impact of the garage wall that is closer to the street. As the garage width is only 1/3 the total length of the façade, the living area of the residence remains more prominent than the garage as seen from SW Flower St.

As noted above, the new colonial style covered front porch will also enhance the main entrance, increasing its visibility and making it clear that it is the prominent entrance from the street rather than the garage. Due to the combination of the street-facing windows, the new covered main entrance porch, and the small proportion of the street facing garage façade relative to the living area façade, the garage and vehicle areas will not dominate views of the neighborhood from the street.

The street-facing windows and the small proportion of the street facing garage façade relative to the living area façade also will enhance public safety because the garage will not block views of the street from inside the residence.

With a condition of approval that the colonial style covered porch be built along with the garage, this purpose is equally met and this criterion will be met for the Adjustment to allow the garage to be closer to the street than the longest street-facing wall of the dwelling unit.

- 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 the R7 single-dwelling residential zone, so findings are required to show that the proposal will not significantly detract from the livability or appearance of the residential area. The proposal will not detract from the appearance of the residential area because:

- The required front setback in the R7 zone for structures other than garages, is 15 feet and the proposed garage will be set back 15.56 feet and the garage eaves 15.06 feet from the front street lot line. As a front setback that is larger than the side and rear setbacks is retained, the ability to provide open, visually pleasing front yards is retained.
- The garage will exceed the minimum required 5 foot side lot line setback, which assures maintenance of a reasonable physical distance between houses in this residential area.
- The house on the adjacent lot west of the site is set back about 15 feet from SW Flower St., about the same distance as the proposed garage. Given the presence of the house, the garage will not appear nearer to the street than other structures in the area.
- The subject house has windows and doors that meet or exceed the minimum standard that 15% of the street-facing façade be windows or doors. The applicant is also proposing a new covered porch over the main entrance. A condition of approval is required to ensure that this porch is constructed along with the garage. Also, the width of the garage is only 1/3 of the entire width of the street facing-façade of the house. Due to the combination of the street-facing windows, the new covered main entrance porch, and the small proportion of the street-facing garage façade relative to the living area façade, the garage and vehicle areas will not dominate views of the neighborhood from the street.

Typical livability concerns in residential areas are access to light and air and impacts on privacy. The impacts of the garage on the light and air available to adjacent properties will be insignificant because the garage will substantially exceed the side setback requirements thus restricting shadows mostly to the subject property. For the same reason, the garage impacts on privacy will be insignificant.

With a condition of approval that the colonial style covered porch be built along with the garage, 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: Two Adjustments are requested, so this criterion is applicable. The purpose of the R7 zone and the other single-dwelling zones is in Section 33.110.010. The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The use regulations are intended to create, maintain and promote single-dwelling neighborhoods. The development standards preserve the character of neighborhoods by providing six different zones with different densities and development standards. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The cumulative effect of the two adjustments to allow a garage that is closer than 18 feet from SW Flower St. and that is closer to SW Flower St. than the longest street-facing wall of the house are consistent with this purpose because:

- They have no effect on providing housing opportunities for individual households;

- As discussed in detail under the findings under Criterion B., above, they do not detract from the character of the surrounding R7 zoned neighborhood or impact privacy in the neighborhood; and
- They have no effect on safety, energy conservation or recreational opportunities.

This criterion is met.

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

Findings: There are no City-designated scenic resources or historic resources on this site. This criterion is not applicable.

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

Findings: As described in the findings above for Criterion A and Criterion B, a condition is required to ensure that the new covered main entrance porch is constructed at the same time as the garage to mitigate impacts from placing the garage in front of the longest street facing wall of the house. With this condition, 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: 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 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 garage will not impact access to light and air, options for privacy, access for firefighting or the ability to provide adequate fire protection. Because the garage does not extend into the required side setbacks, the residential pattern of relative equal spacing between houses in this residential neighborhood will not be compromised. There are also other nearby houses that are as close to the street as the garage, so it will not be a dominating presence in front of the house. The width of the garage is small relative to the total width of the street-facing façade of the house, and the house façade includes street-facing windows and doors. The applicant also proposes to enhance the façade of the house by adding an attractive covered porch over the main entrance to the house. A condition of approval is required to assure that the covered porch is constructed. Because of the narrow garage width relative to the total house facade, the street-facing windows, and the new porch over the main entrance, the garage will not dominate the view of the house from the street and the main entrance will remain the focal point for pedestrians who enter the home.

ADMINISTRATIVE DECISION

Approval of the following Adjustments:

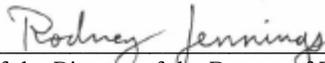
- Reduce the depth of the garage entrance setback (33.110.220 and Table 110-3) from the SW Flower street lot line from 18 feet to 15.56 feet for the garage wall and 15.06 feet for the garage eave;

- Allow the garage wall to be closer to the street lot line than the longest street-facing wall of the dwelling unit (33.110.253.E.3);

per the approved site plans and building elevations, Exhibits C.1 through C.4, and 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 20-108536 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The covered porch over the main entrance shown in Exhibits C.1 through C.3 shall be permitted and constructed at the same time as the garage.

Staff Planner: Rodney Jennings

Decision rendered by:  **on April 10, 2020.**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 13, 2020

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 January 22, 2020, and was determined to be complete on March 2, 2020.

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 January 22, 2020.

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: June 30, 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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received by 4:30 PM on April 27, 2020. **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to BDSLUSTeamTech@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. An appeal fee of \$250 will be charged. Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

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 April 28, 2020 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:

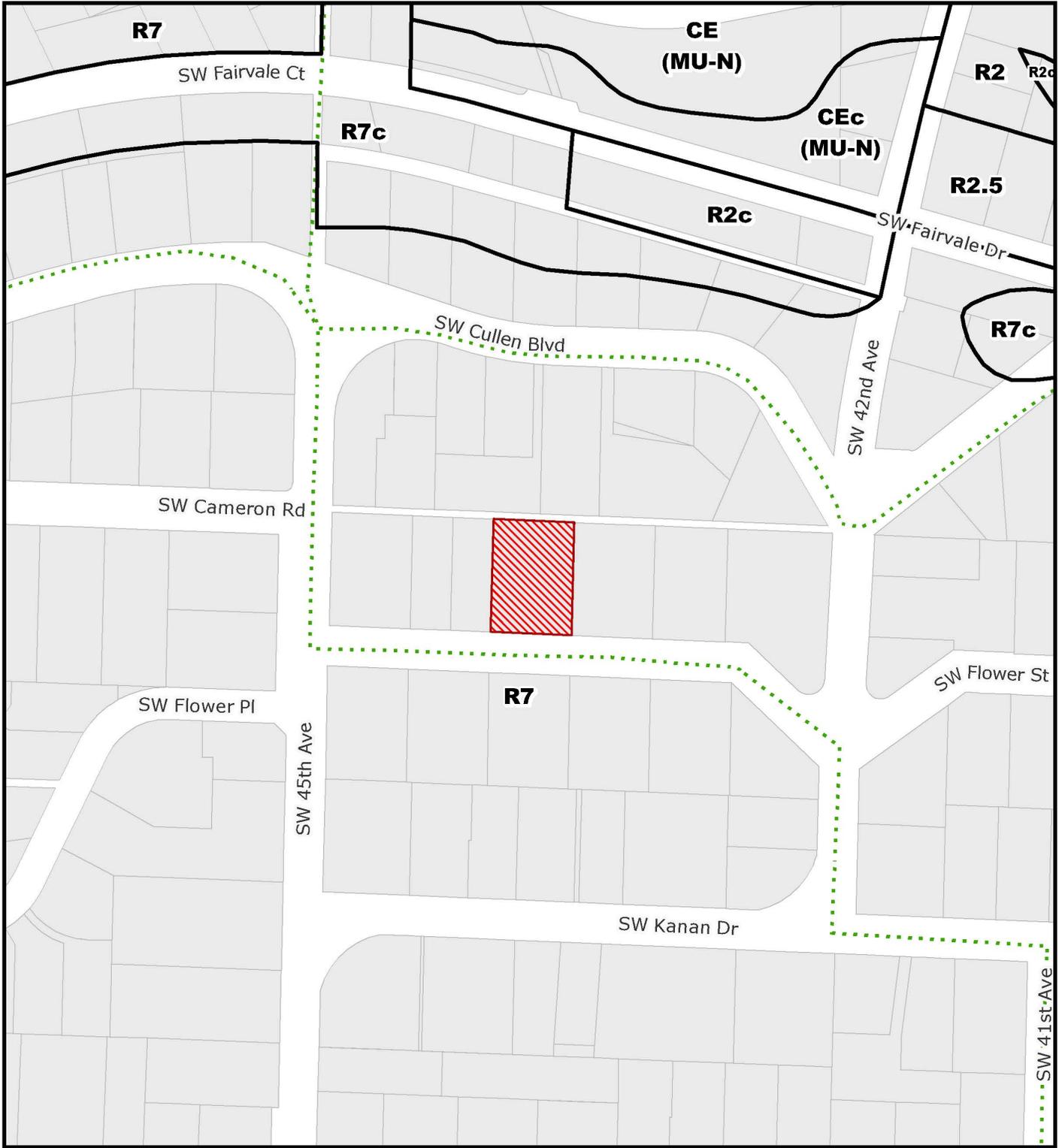
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Front Elevation (attached)
 - 3. Left Side Elevation (attached)
 - 4. Right Side Elevation (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).

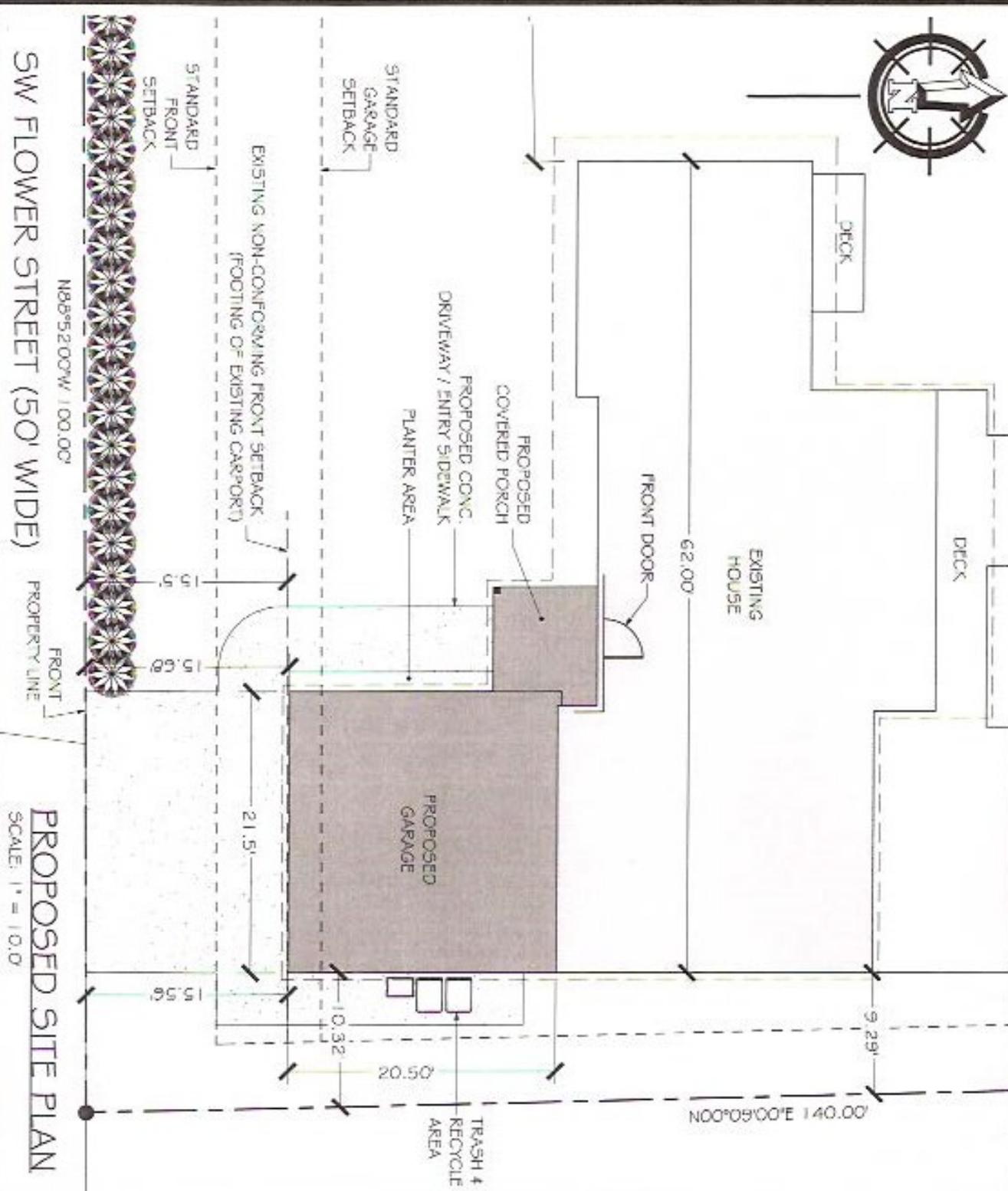


ZONING


NORTH

-  Site
-  Recreational Trails

File No.	LU 20 - 108536 AD
1/4 Section	3625
Scale	1 inch = 163 feet
State ID	1S1E17CB 1400
Exhibit	B Jan 24, 2020



PROPOSED SITE PLAN
 SCALE: 1" = 10.0'

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 PROPOSED
 SITE PLAN
 1/22/2020

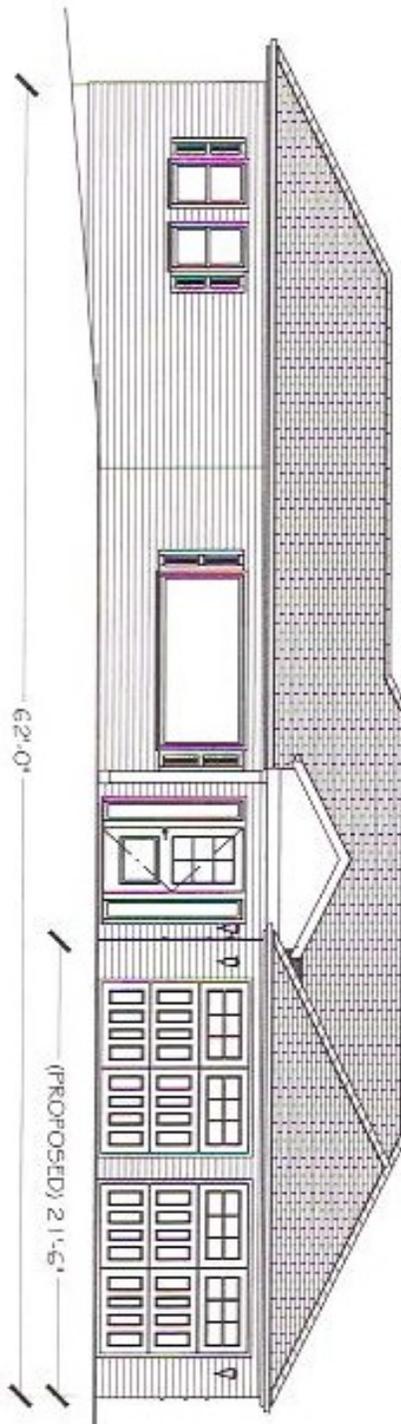
Remodeling Project For:
Pete Arvidson
 4347 SW Flower Street
 Portland, OR, 97221
 Consultant: Fabian Genovesi
 Project Manager: Paul Louis

Drawn: 01 21 20 JU
 Revised:
 Revised:
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 Revised:

Neil Kelly
 Design/Build Remodeling
 804 North Alberta Street; Portland, OR 97217
 (503) 288-7461
 OR CCB# 001663 / WA L&I# NEILKCI 18702

PROPOSED FRONT ELEVATION

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



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PROPOSED
FRONT ELEVATION

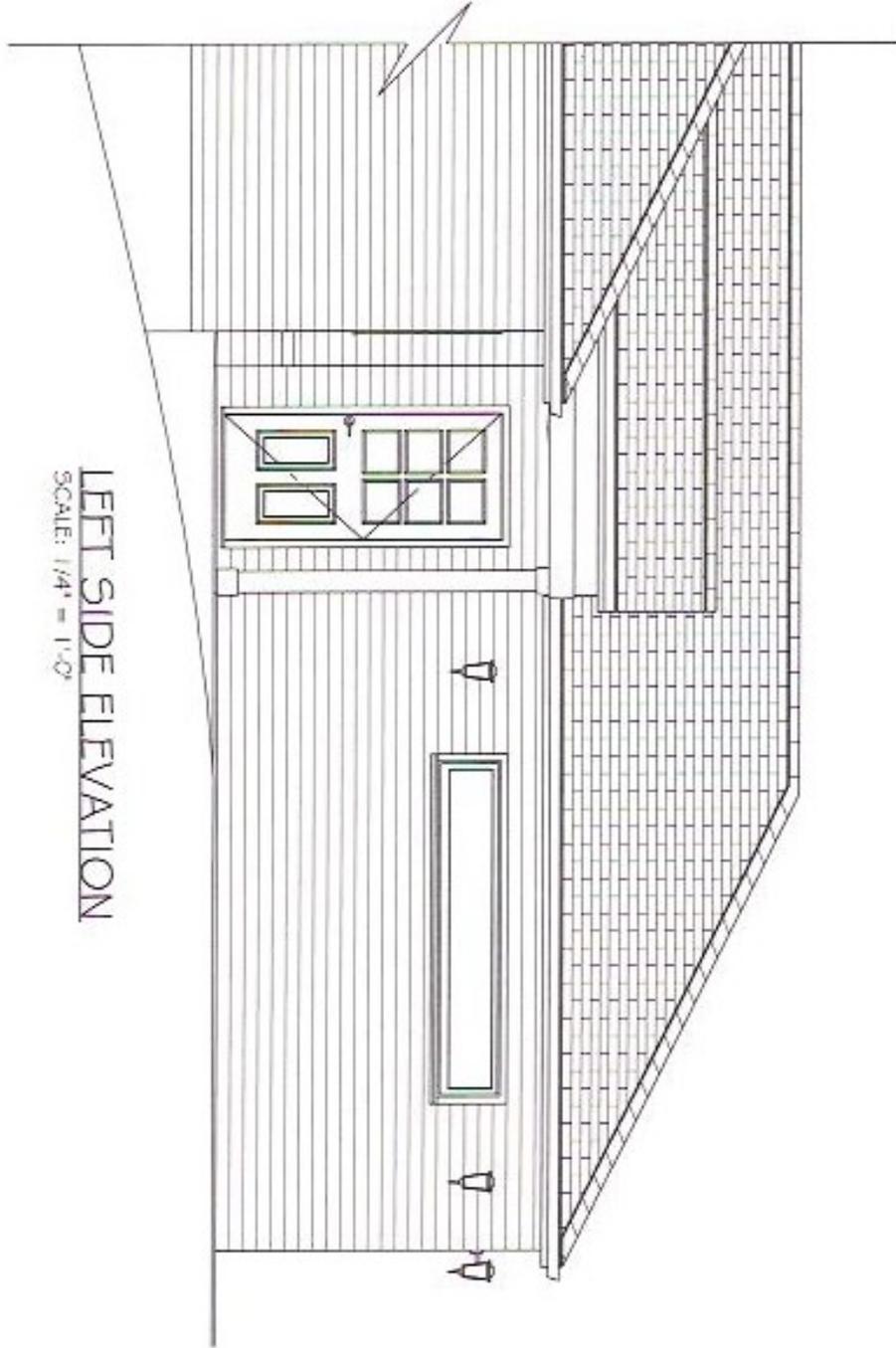
1/22/2020

Remodeling Project For:
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4347 SW Flower Street
Portland, OR, 97221
Consultant: Fabian Genovesi
Project Manager: Paul Louis

Drawn: 01-21-20-JJ
Revised:
Revised:
Revised:
Revised:
Revised:
Revised:

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LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

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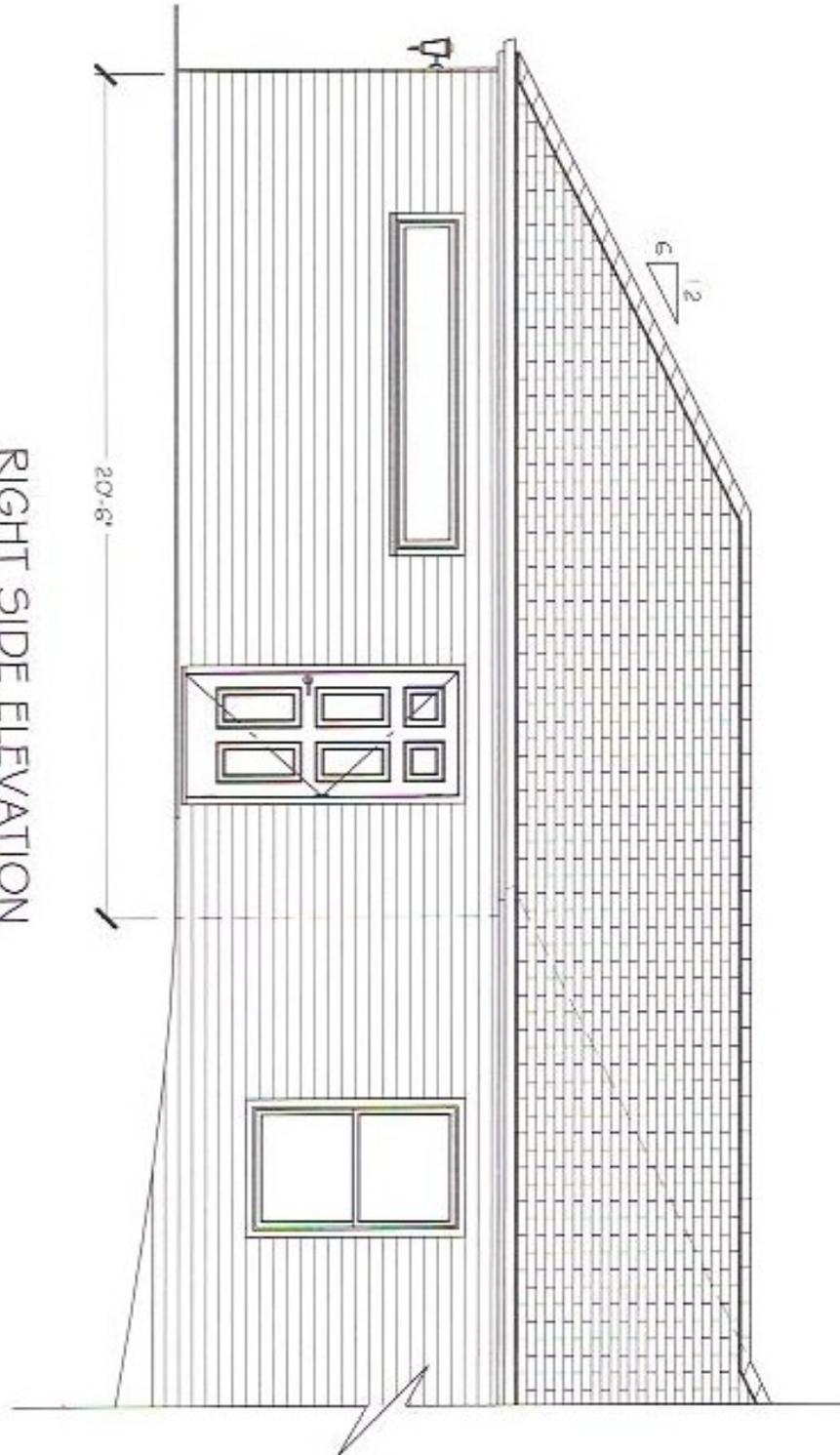
2/20/2020

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Drawn: 01.21.20 JJ
Revised:
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Revised:

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RIGHT SIDE ELEVATION
 SCALE: 1/4" = 1'-0"



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2/20/2020

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Drawn: 01-21-20 JJ
 Revised:
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