



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

Ted Wheeler, Mayor  
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**Date:** July 14, 2020  
**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 20-137594 AD**

#### **GENERAL INFORMATION**

**Applicant:** Stephanie Linck  
JDL Development  
2314 NW Savier Street  
Portland, OR 97210

**Owners:** Patricia Blanco and Carlos Blanco-Sanchez  
1635 SW Palatine St  
Portland, OR 97219-7665

**Site Address:** 1635 SW PALATINE ST

**Legal Description:** LOT 16 TL 3300, ALDERCREST 2  
**Tax Account No.:** R013400750  
**State ID No.:** 1S1E33BA 03300  
**Quarter Section:** 4127

**Neighborhood:** Arnold Creek, contact at [contact@arnoldcreek.org](mailto:contact@arnoldcreek.org)  
**Business District:** None  
**District Coalition:** Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592

**Zoning:** R20 (Single-Dwelling Residential 20,000)

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

**Proposal:**

The applicant is proposing to construct a new 552 square foot (23 feet by 24 feet) 2-car garage on the southeast corner of the site which will attach to the primary dwelling via a breezeway. The Portland Zoning Code requires a minimum side building setback of 10 feet in this zone (Section 33.110.220, Table 110-3). The garage is proposed to be 5 feet from the southern (side)

property line; an Adjustment is therefore required to reduce the minimum side (south) setback from 10 feet to 5 feet.

**Relevant Approval Criteria:**

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 11,760 square-foot site is located on the northeast corner SW Palatine Street and SW 16<sup>th</sup> Drive. It is currently developed with a 2,141 square foot single-story house located on the east side of the relatively flat site. The surrounding vicinity is developed with primarily one and two-story single-dwelling residences.

**Zoning:** The R20 zone is a single-dwelling zone that is intended to preserve land for housing, and to provide housing opportunities for individual households. Development standards are intended to allow for flexibility of development while maintaining compatibility within the City's various neighborhoods.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **May 29, 2020**. 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 noted that exterior walls less than three feet to a property or implied property line "between the proposed garage and existing house" shall be one-hour fire-rated with no openings allowed. Roofs and eaves may project not closer than two feet to a property line. Eaves less than three feet to a property line must be protected on the underside as required for one-hour fire-rated construction (Exhibit E-1);
- The Bureau of Environmental Services responded with no concerns and noted that they will require a detailed stormwater management plan for this project during building permit review (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 south side setback from 10 feet to 5 feet for a new 552 square foot garage. 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 new 2-car garage is proposed to be located on the southeast corner of the site which will attach to the primary dwelling via a breezeway. While the reduction from 10 feet to 5 feet is substantial, the garage is proposed to be closer to a street lot line rather than a neighboring residence; light, air, and separation for fire protection will therefore 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 western edge of the house will be over 50 feet from the front (western) lot line, where only a 20 foot setback is required. This increased distance helps offset the setback reduction while allowing a larger front setback. Further, garages built within street facing lot line setbacks are common in this area, including the neighboring property directly to the southwest of the subject property. This proposal will therefore be reflective of the building scale and placement of houses in this neighborhood.

The Fire Bureau has reviewed the request for a reduced setback 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.

*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 R20 zone, a residential zone, and is in a neighborhood with a mix of one and two-story houses. As noted above, garages built within street facing lot line setbacks are common in this area and the proposed one-story garage will therefore be consistent with the appearance of the residential area. In order to improve the appearance, staff recommends a condition of approval requiring that a minimum of two evergreen trees be planted and maintained between the south façade of the detached garage and SW Palatine Street to the south.

*With the condition of approval, 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:** As noted above, the western edge of the house will be over 50 feet from the front (western) lot line, where only a 20 foot setback is required. This increased distance helps mitigate impacts from the setback reduction. Additionally, the condition that two evergreen trees must be planted and maintained between the south façade of the detached garage and SW Palatine Street to the south will further mitigate impacts resulting from the Adjustment.

*With the condition of approval, 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 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 side setback from 10 feet to 5 feet for a 552 square foot garage, which will be attached to the existing house via breezeway. The setback reduction is from a street lot line rather than a neighboring residence; light, air, and separation for fire protection will therefore be maintained. The physical relationship between residences will be maintained and there will be no impacts to privacy. Garages build within street facing lot line setbacks are common in this area, including the neighboring property directly to the southwest of the subject property. This proposal will therefore be reflective of the building scale and placement of houses in this neighborhood.

In order to improve the appearance, a condition of approval will require a minimum of two evergreen trees to be planted and maintained between the south façade of the detached garage and SW Palatine Street to the south. As conditioned, the proposal meets the applicable approval criteria and should be approved.

## **ADMINISTRATIVE DECISION**

Approval of an Adjustment to reduce the minimum side (south) building setback from 10 feet to 5 feet (Section 33.110.220, Table 110-3) for a new 552 square foot garage, per the approved site plans, Exhibits C-1 through C-3, 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 20-137594 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. A minimum of two evergreen trees must be planted and maintained between the south façade of the detached garage and SW Palatine Street to the south.

**Staff Planner: David Besley**



**Decision rendered by:** \_\_\_\_\_ **on July 7, 2020.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: July 14, 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 April 16, 2020, and was determined to be complete on May 19, 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 April 16, 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: September 16, 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 July

28, 2020 **Towards promoting social distancing during the COVID-19 pandemic, the completed appeal application form must be e-mailed to [BDSLUSTeamTech@portlandoregon.gov](mailto: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>.

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 paper 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 **July 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:

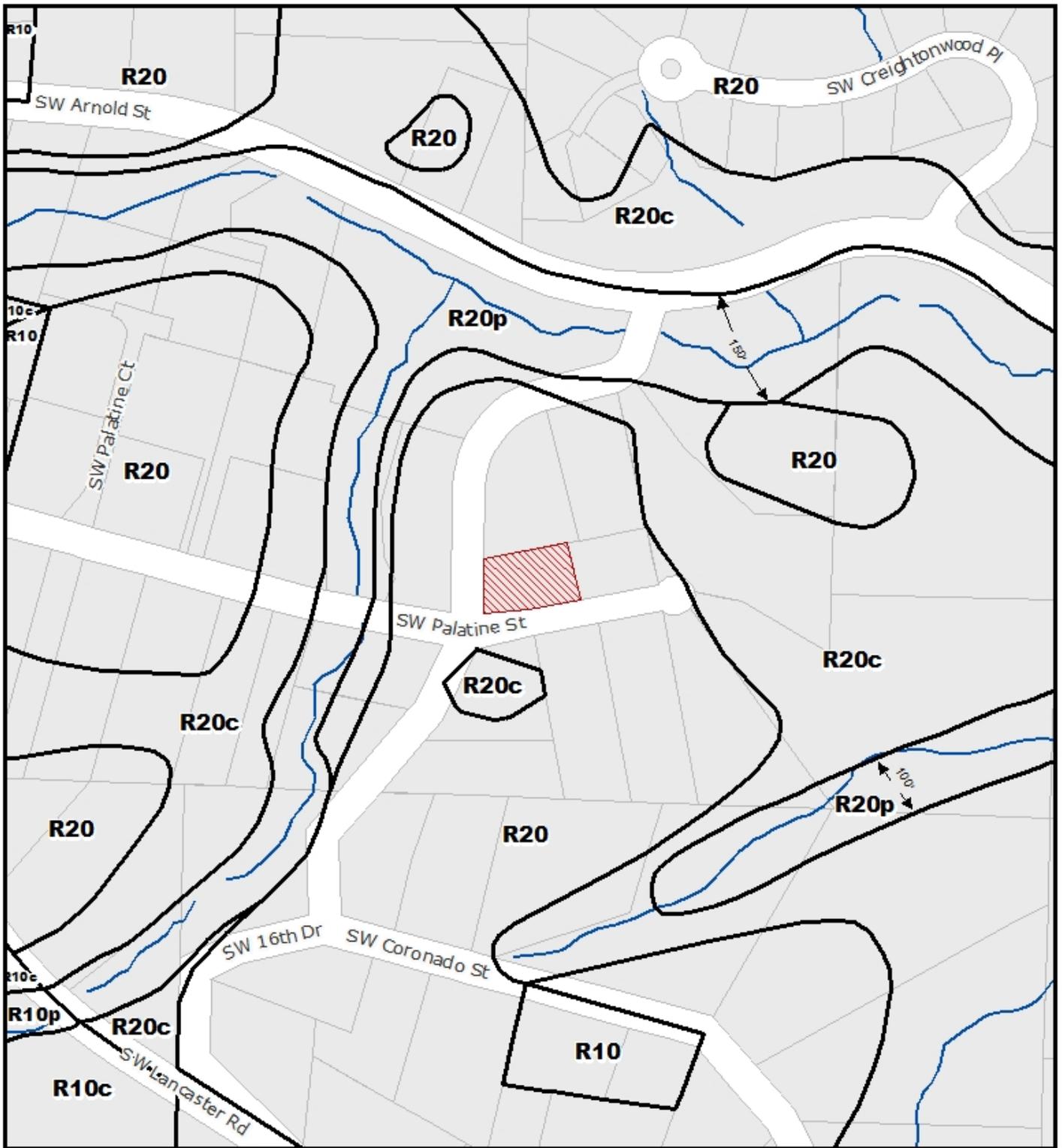
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Enlarged Site Plan (attached)
  - 2. Elevation Drawings (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 letter from staff to applicant, dated April 30, 2020

**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  
 Stream

File No.	LU 20 - 137594 AD
1/4 Section	4127
Scale	1 inch = 200 feet
State ID	1S1E33BA 3300
Exhibit	B Apr 20, 2020

VICINITY MAP



**SCOPE OF WORK**  
 NEW CONSTRUCTION OF A 1000 SQUARE FOOT GARAGE  
 LOCATED AT THE SOUTHWEST CORNER OF THE  
 PROJECT AT 8'-0" FROM THE SIDE PROPERTY LINE  
 AND 10'-0" FROM THE FRONT PROPERTY LINE  
 AND DESIGN TO MATCH EXISTING ZONING.

**BUILDING COVERAGE**  
 BUILDING AREA 11,700 SQ. FT.  
 TOTAL GARAGE AREA 10,000 SQ. FT.  
 (9) COVERAGE 90% R.F.  
 (1) COVERAGE 100% R.F.  
 ALLOTTABLE COVERAGE 3244 SQ. FT.

**SHEET INDEX**  
 A0.0 TITLE SHEET & SITE PLAN  
 A1.0 EXTERIOR ELEVATION  
 A2.0 INTERIOR ELEVATION  
 A3.0 COVERED WALKWAY  
 B0.0 FLOOR PLAN



**1 SITE PLAN**  
 A0.0 SCALE 1/8" = 1'-0" (GRID PAPERS) OR SCALE 1/16" = 1'-0" (TYP. PAPERS)



**BUILDERS & REMODELERS**  
 JDL DEVELOPMENT, INC.  
 GENERAL CONTRACTORS  
 1000 S.W. PALATINE ST.  
 PORTLAND, OR 97219

**OWNER:**  
 Clarence Barron  
 1805 SW Palatine St  
 Portland, OR 97219

**JDL Development, Inc.**  
 2014 NW Stewart Street  
 (503)248-2020 Phone  
 (503)248-1122 Fax

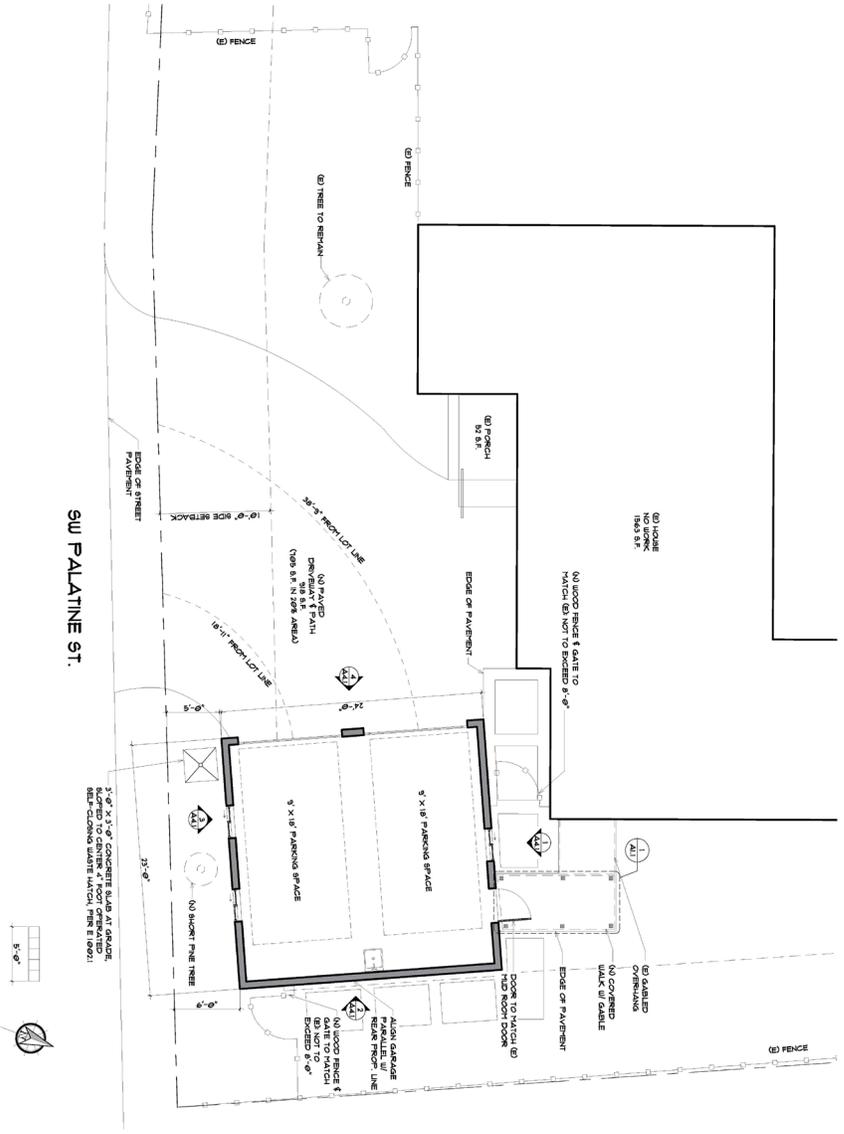
**Structural:**  
 N/A

**Issue Date:**  
 Review Set 04.13.2020  
 Review Set 04.13.2020  
 Review Set 04.13.2020

**Bianco Garage**  
 1805 SW Palatine St  
 Portland, OR 97219

**Title Sheet & Site Plan**  
**A0.0**

1 ENLARGED SITE PLAN  
 ALL SCALE 1/4" = 1'-0" (EXCEPT WHERE NOTED OTHERWISE)



**JDL**  
 JDL DEVELOPMENT, INC.  
 2014 NW Stewart Street  
 Portland, OR 97219

**BUILDERS & REMODELERS**  
 JDL DEVELOPMENT, INC.  
 GENERAL CONTRACTORS  
 2014 NW STEWART STREET  
 PORTLAND, OR 97219

**Owner:**  
 JDL Development, Inc.  
 2014 NW Stewart Street  
 Portland, OR 97219

**Contractor:**  
 JDL Development, Inc.  
 2014 NW Stewart Street  
 Portland, OR 97219

**Structural:**  
 N/A

**Issue Date:** 04.13.2020  
**Review Set:** 04.13.2020  
**Revision Set:** 04.13.2020

**Blanco Garage**

1826 SW Palatine St.  
 Portland, OR 97219

**Enlarged Site Plan**

**A1.1**

