



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

Dan Ryan, Commissioner
Rebecca Esau, Director
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TTY: (503) 823-6868
www.portland.gov/bds

Date: February 23, 2021
To: Interested Person
From: Don Kienholz, Land Use Services
503-865-6716/Don.Kienholz@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 28 days, **we need to receive your written comments by 5 p.m. on March 16, 2021.** Your comments must be e-mailed to the assigned planner listed above; please include the Case File Number, LU 21-001455 AD, in your e-mail. If you do not have access to e-mail, please telephone the planner listed above about submitting comments. Note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 21-001455 AD

Applicant: Zac Horton
Faster Permits
2000 SW 1st Ave Suite 420
Portland, OR 97201

Owner: Thomas Gilkey
3823 SE Lexington St
Portland, OR 97202

Site Address: 3823 SE LEXINGTON ST

Legal Description: BLOCK 29 LOT 29&30, BERKELEY
Tax Account No.: R070908110
State ID No.: 1S1E24DA 13000
Quarter Section: 3834

Neighborhood: Eastmoreland, contact Rod Merrick at president@eastmorelandpdx.org
Business District: None
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010 x313

Plan District: None
Zoning: R5 – Single-Dwelling Residential, 5,000

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

Proposal:

The applicant is proposing to convert an existing garage attached to a house into additional living space for the house. Because the garage is being converted, the proposal includes removing the parking space from the site rather than relocating it. The site is far from frequent transit service and therefore is required to have one on-site parking space under Portland Zoning Code Section 33.266.110 and Table 266-2. The applicant is therefore requesting an Adjustment to waive the one required on-site parking space.

Relevant Approval Criteria:

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

33.805.040 Approval Criteria

All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and**
- B. If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and**
- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and** *(Not applicable)*
- D. City-designated scenic resources and historic resources are preserved; and** *(not applicable)*
- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and**
- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;** *(Not applicable)*

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. This application was submitted on January 6, 2021 and determined to be complete on February 16, 2021.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal. After we consider your comments we will do one of the following:

- Approve the proposal;
- Approve the proposal with conditions; or
- Deny the proposal.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be extended at the request of the applicant.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

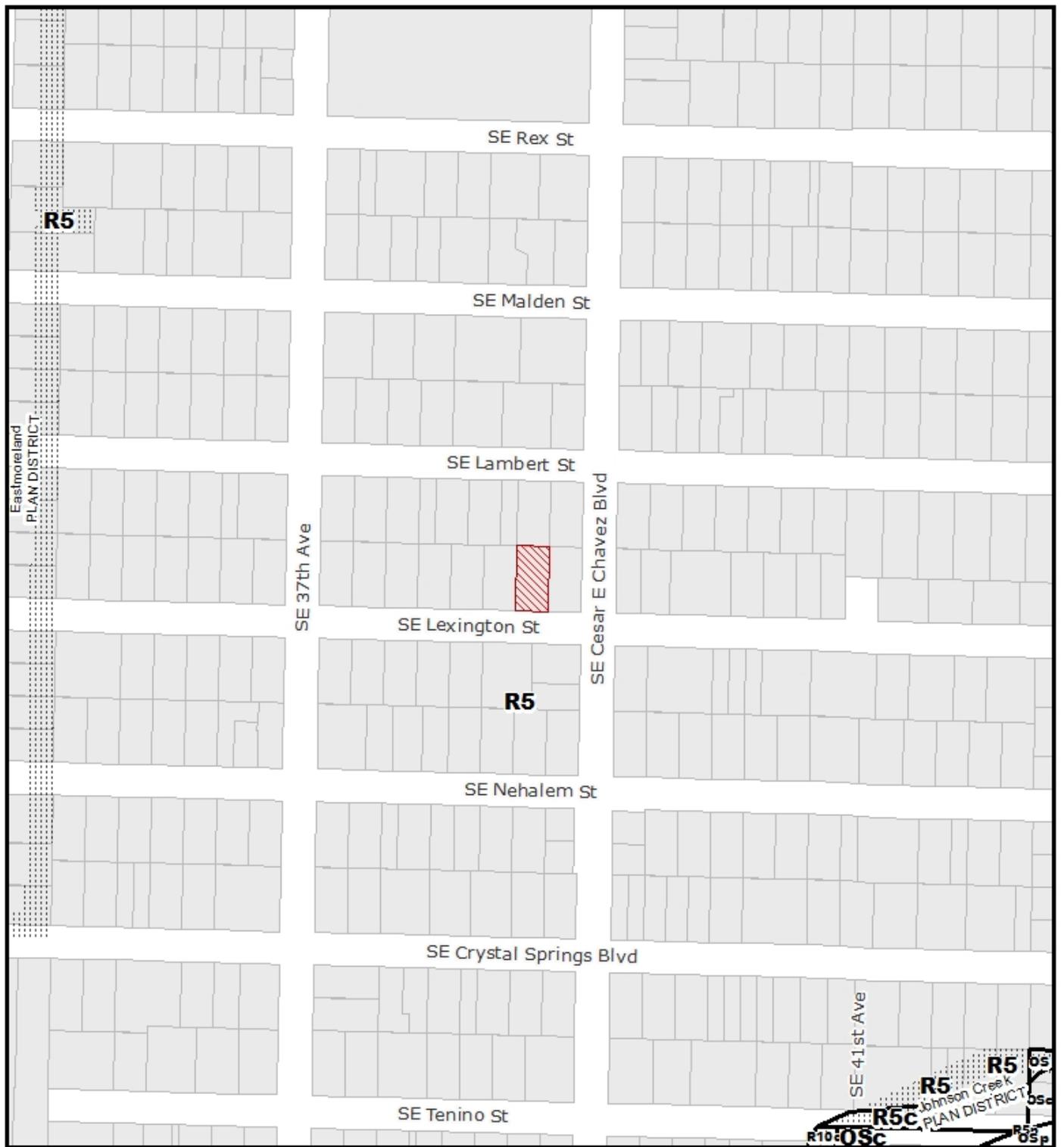
APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

Enclosures:

Zoning Map
Site Plan



ZONING 
NORTH

 Site

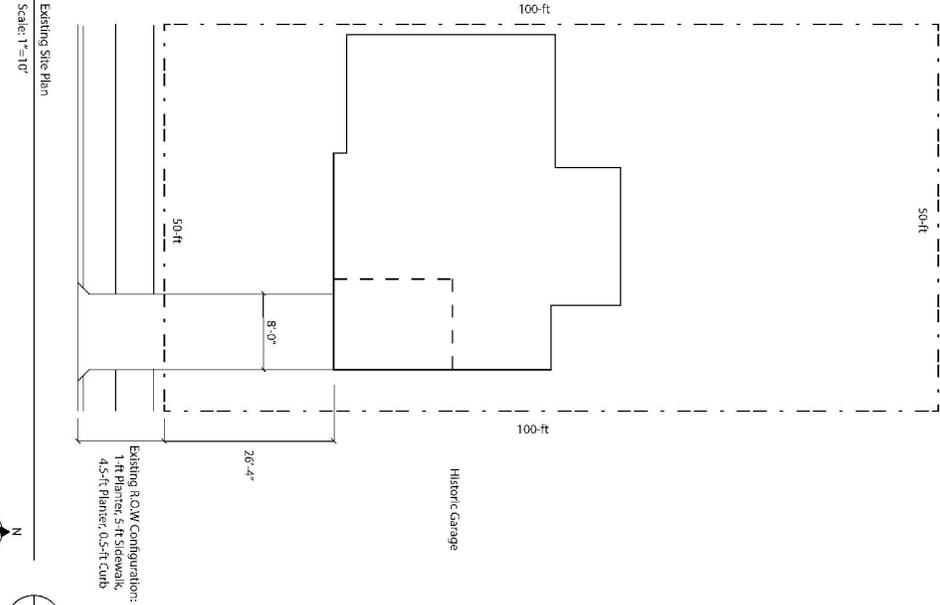
File No.	LU 21 - 001455 AD
1/4 Section	3834
Scale	1 inch = 200 feet
State ID	1S1E24DA 13000
Exhibit	B Jan 12, 2021

Property Information

3823 SE LEXINGTON ST
 PORTLAND, OR 97202
 R115281
 BERKELEY, BLOCK 29, LOT 29830
 OWNER: GILKEY, THOMAS D



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2
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