



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

Dan Ryan, Commissioner
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www.portland.gov/bds

Date: November 8, 2021
To: Interested Person
From: Marguerite Feuersanger, Land Use Services
503-823-7619/Marguerite.Feuersanger@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 November 29, 2021. Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 21-046672 AD, in your e-mail. If you do not have access to e-mail, please telephone the planner listed above about submitting comments. Please note that all correspondence received will become part of the public record.

CASE FILE NUMBER: LU 21-046672 AD

Applicant: Ellen Crivella and Daniel Jaynes
2411 NE 48th Ave.
Portland, OR 97213-1921
(503) 505-2336 dan.jaynes@gmail.com

Site Address: 2411 NE 48TH AVE

Legal Description: BLOCK 26 LOT 5, ROSE CITY PK
Tax Account No.: R723101160
State ID No.: 1N2E30CA 06300
Quarter Section: 2835

Neighborhood: Rose City Park, contact Tamara DeRidder at 503-249-6977.
Business District: Hollywood Boosters, contact hollywoodboosters@gmail.com.
District Coalition: Central Northeast Neighbors, contact Alison Stoll at 503-823-2778.

Zoning: R2.5, Residential 2,500 Zone

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

Proposal: The applicant proposes to add a second story to the existing house on the subject 5,000 square-foot lot. The north wall of the existing house is 3 feet-8 inches from the side (north) property line, with an existing eave measuring 2 feet-9 inches. In the R2.5 zone,

buildings must be located at least 5 feet from side and rear property lines and eaves can be no closer than 3 feet (Section 33.110.220.B and Table 110-4). Because the new second story wall is proposed at the same distance to the side property line as the existing house wall, the applicant is requesting an Adjustment to reduce the side (north) setback from 5 feet to 3 feet-8 inches, with a new 1-foot eave (located 2 feet-8 inches from the side property line).

Chapter 33.110 contains building setback regulations for sites within the R2.5 zone:
<https://www.portland.gov/sites/default/files/code/110-sd-zone.pdf>

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in Section 33.805.040. A through F:
<https://www.portland.gov/sites/default/files/code/33.805-adjustments.pdf>

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 May 12, 2021 and determined to be complete on November 1, 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

Proposed North and East Elevations