



**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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www.portland.gov/bds

**Date:** December 22, 2021  
**To:** Interested Person  
**From:** Amanda Rhoads, Land Use Services  
503-865-6514 / Amanda.Rhoads@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 21-083608 AD**  
**ATTACH GARAGE IN SETBACKS AND CONVERT TO LIVING SPACE**

**GENERAL INFORMATION**

**Applicant:** Regan Sorenson  
1602 SE Miller St | Portland, OR 97202  
503-360-8708 | reganallie28@gmail.com

**Owners:** Alexandra & Regan Sorenson  
1602 SE Miller St | Portland, OR 97202

**Site Address:** 1602 SE MILLER ST

**Legal Description:** BLOCK 5 W 50' OF LOT 12&13, MILLERS ADD  
**Tax Account No.:** R571200830  
**State ID No.:** 1S1E23DB 08500  
**Quarter Section:** 3832  
**Neighborhood:** Sellwood-Moreland, contact David Schoellhamer at chair.landuse.smile@gmail.com  
**Business District:** Sellwood-Westmoreland, contact at 503 232-3330.  
**District Coalition:** Southeast Uplift, contact Nancy Champlin at Nanci@seuplift.org  
**Plan District:** NONE  
**Zoning:** R2.5 – Single-Dwelling Residential 2,500  
**Case Type:** AD – Adjustment Review  
**Procedure:** Type II, an administrative decision with appeal to the Adjustment Committee.

**Proposal:**

The applicant proposes to convert the existing garage on the property to a bedroom with bathroom, connecting it to the primary house with a 5-foot by 14-foot hallway and closet. The on-site parking would be removed and the driveway would become a patio area; no off-street parking is required. The existing detached garage is located in both the side and rear setbacks. Attaching the garage to the house means the primary structure would now be located in the

side and rear setbacks. Therefore, the applicant requests an Adjustment to Zoning Code Section 33.110.220.B and Table 110-3 to reduce the rear (south) building setback from 5 feet to 2 feet and reduce the side (east) building setback from 5 feet to 1 foot for the primary structure. Existing eaves on the garage will be removed.

**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 a 3,634-square-foot corner lot developed with a one-and-a-half story house constructed in 1930 with a detached garage. Surrounding development is primarily single-dwelling residences, with a school, churches, and some multi-dwelling development nearby and commercial streets to the east, west, and south within two-three blocks.

**Zoning:** The Residential 2,500 (R2.5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. The minimum density for new lots in this zone is 1 unit per 5,000 square feet and the maximum density is based on lot size and street configuration. Both detached and attached single-dwellings are allowed. Minimum lot size for both types of development is 1,600 square feet with minimum front lot line of 30 feet and minimum depth of 40 feet. There is no required minimum lot width or front lot line for lots that are developed with structures that meet certain additional development standards related to design.

**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 9, 2021**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1);
- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4); and
- Site Development Section of BDS (Exhibit E.5).

The Life Safety (Building Code) Plans Examiner responded with information about building code requirements for exterior walls within three feet of the property line, stating, “Life Safety Plan Review does not object to the approval of this proposal” (Exhibit E.6).

The Bureau of Transportation indicated no objection to the proposed Adjustment and stated the applicant shall close the existing curb cut at time of permit (Exhibit E.2).

**Neighborhood Review:** One written response has been received from a notified neighbor. That letter indicated support of the project because the location and size of the existing garage are not changing, so impacts on neighbors should be negligible. Further, the neighbor supported the reuse of the garage instead of replacing structures with new buildings on the property (Exhibit F.1). The Sellwood-Moreland Improvement League Land Use Committee Chair also wrote in to say the committee reviewed the land use notice and had no comments (Exhibit F.2).

## ZONING CODE APPROVAL CRITERIA

### 33.805.010 Purpose (Adjustments)

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review

process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue providing certainty and rapid processing for land use applications.

### **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 requests an Adjustment to reduce the rear (south) building setback from 5 feet to 2 feet and reduce the side (east) building setback from 5 feet to 1 foot for the primary structure. The purposes of the building setback requirements in the R2.5 zone are stated in Zoning Code Section 33.110.220.A:

*Purpose. The setback regulations for buildings and garage entrances serve several purposes:*

- *They maintain light, air, separation for fire protection, and access for firefighting;*
- *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 proposal meets the relevant purpose statements listed above. The existing garage is already in the proposed location. The change is that this accessory structure, which is allowed in the setbacks, is becoming part of the primary structure, which is not allowed in the setbacks. The area where the structure is connecting to the house is outside of the setbacks; therefore, the relationship of structures in the setbacks with abutting properties and to other nearby structures is not changing. There will be no change to the light, air, and separation of this structure from other properties for fire protection and access for firefighting.

The garage is in a typical part of the site – the rear corner – for accessory structures in neighborhoods. The connection of the garage to the house still maintains a reasonable relationship of the site to other sites and retains privacy. This is because, first, the garage is not moving, growing larger, or getting taller; and second, because no openings are proposed on the walls that face the property lines, so no new views to other properties are created. In fact, attaching the garage provides additional privacy to the house to the east by fully separating activities in the backyard of the subject site from the adjacent site. The conversion of the driveway to outdoor recreation area and the addition of a fence along the side (street-facing) property line will also improve privacy between the subject site and other properties, specifically those across the street.

The proposal does not affect the front setback, and removal of parking on the site means the statement regarding parking a car in front of a garage is irrelevant. Visible

changes to development will be limited and will have no impact on the site's compatibility with the neighborhood. Because of the placement of the existing house and the driveway, the site currently does not have adequate room to accommodate the required outdoor area, which requires a contiguous space at least 12 feet by 12 feet in area totaling 250 square feet. The new proposal, which removes the parking on the site, will bring the site in conformance with this standard.

For the reasons stated above, the proposal equally meets the purpose of the regulation being Adjusted. 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:** Because the subject site is in a single-dwelling residential zone, the applicant must demonstrate that the proposal will not detract from the livability or appearance of the surrounding residential area. As discussed in the findings for Criterion A above, the proposal will not lead to reduced privacy for adjacent sites, and the new 6-foot-tall fence in the backyard and wall connecting the garage to the house will offer some privacy enhancements to neighboring properties. With no openings on the walls facing the property lines, no extra noise or activity impacts are expected. The appearance of the site will change very little with the addition of the 5-foot by 14-foot connection between the house and current garage. The new fence where the driveway used to be will limit views into and out of the site. For these reasons, the proposal does not significantly detract from neighborhood livability or appearance. 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 requested. This criterion is not applicable.

- 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 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 proposal to renovate and attach the existing garage to the primary house does not have significant adverse impacts on the livability and appearance of the surrounding residential neighborhood. The garage footprint will not be expanded outside of the new connection to the house, nor will its height be increased. The strength of the proposal is its modest alterations that will substantially increase the usable space for the household, while maintaining the low profile of the original garage and limiting impacts to neighbors.

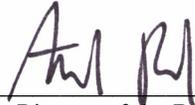
The applicant has demonstrated that the applicable approval criteria are met. Therefore, the proposal merits approval.

## ADMINISTRATIVE DECISION

Approval of an Adjustment to Zoning Code Section 33.110.220.B and Table 110-3 to reduce the rear (south) building setback from 5 feet to 2 feet, and reduce the side (east) building setback from 5 feet to 1 foot for the primary structure, per the approved plans, Exhibits C.1 through C.3, signed and dated December 20, 2021, 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 21-083608 AD."

**Staff Planner: Amanda Rhoads**

**Decision rendered by:**  **on December 20, 2021**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: December 22, 2021**

**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 September 2, 2021, and was determined to be complete on November 4, 2021.

*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 September 2, 2021.

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 4, 2022.**

**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, 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 January 5, 2022. The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@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 Office of Community and Civic Life 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 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>.

**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 **January 5, 2022** 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
  1. Original Plan Set, submitted September 12, 2021
  2. Applicant Narrative, submitted October 4, 2021
  3. Landscape Plans, submitted October 18, 2021
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
  2. East and West Proposed Elevations (attached)
  3. Proposed Floor Plans
- 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 (Building Code) Plans Examiner
- F. Correspondence:
  1. Angela Zehava, November 14, 2021, in support of proposal
  2. David Schoellhamer, Sellwood-Moreland Improvement League Land Use Committee Chair, November 30, 2021, with no comments
- G. Other:
  1. Original Land Use Application
  2. Incomplete Letter, sent September 24, 2021

**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



For Zoning Code in effect Post August 1, 2021



Site



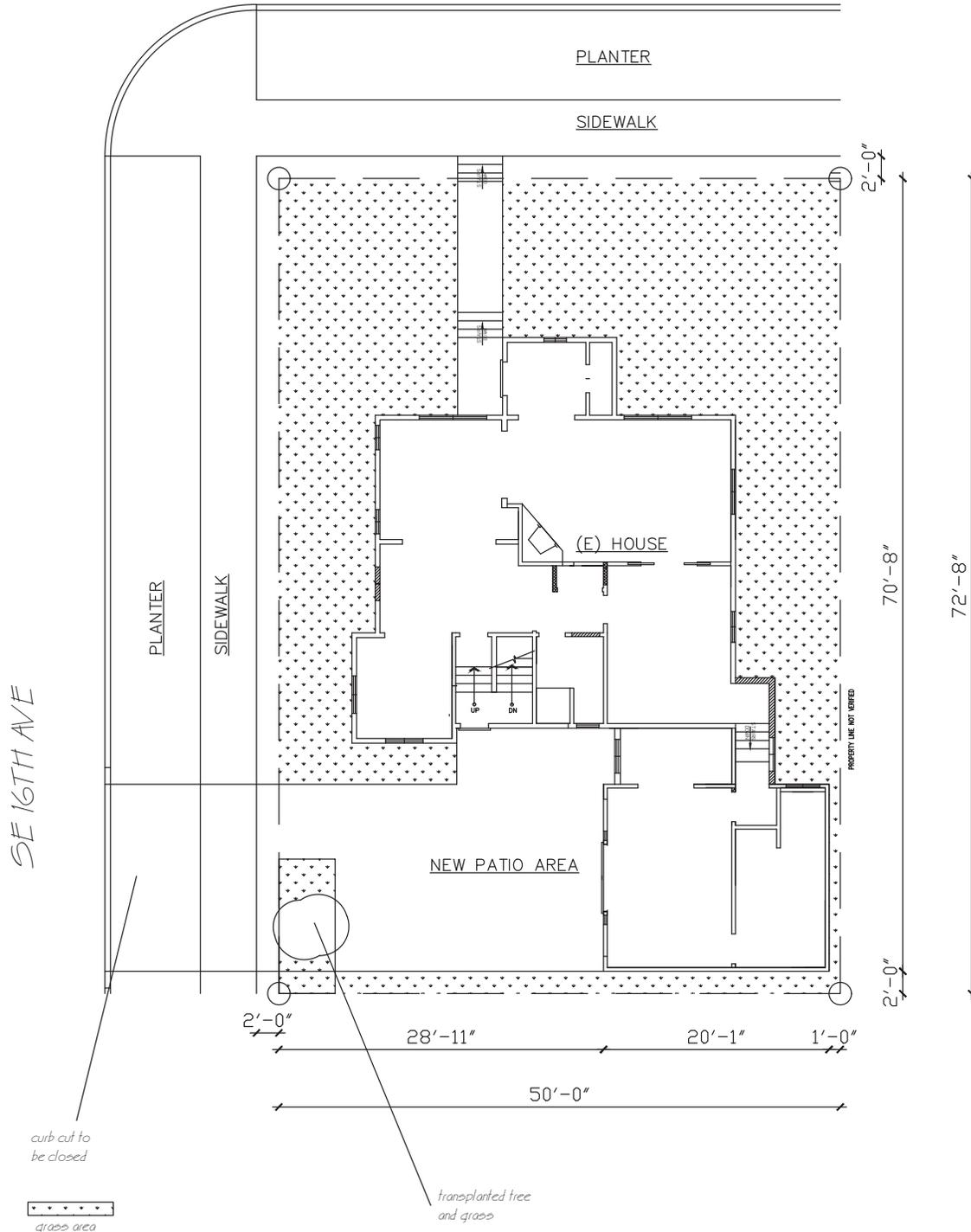
Historic Landmark

File No.	LU 21 - 083608 AD
1/4 Section	3832
Scale	1 inch = 200 feet
State ID	1S1E23DB 8500
Exhibit	B Sep 03, 2021

\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner A. Rhoads  
 Date 12/20/2021  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



1602 SE MILLER ST



LU 21-083608 AD  
 Exhibit C.1

SHEET 1 OF 1	MAC CONSULTING, LLC dba Simpl Home Designs 4931 SW 76TH AVE, PMB211 PORTLAND OR 97225 (503) 515-6495, (FAX) 719-4825 www.ezpermits.biz email: niker@ezpermits.biz	DESIGNED: rwm DATE: 10/17/21R SCALE: 1"=10'-0" FILE NAME: rad	Regan and Allie Sorensen 1602 SE Miller St. Portland, OR 97202
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MAC CONSULTING, LLC, dba SIMPL HOME DESIGNS IS NOT LIABLE FOR THE ACCURACY OF THE TOPOGRAPHY INFORMATION. IT IS THE SOLE RESPONSIBILITY OF THE BUYER TO VERIFY ALL SITE CONDITIONS, INCLUDING ANY FULL PLACED ON THE SITE, AND REPORT OWNERS OF ANY POTENTIAL FIELD MODIFICATIONS.

SMART HOME DESIGNS ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF ANY INFORMATION OR OWNER SUPPLIED INFORMATION. THE CONTRACTOR/OWNER IS RESPONSIBLE TO CHECK THE PLANS, EXISTING SITE CONDITION, DIMENSIONS, AND TO NOTIFY THE DESIGNER OF ANY ERRORS, OMISSIONS OR DISCREPANCIES PRIOR TO THE START OF CONSTRUCTION. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY CHANGES OR DISCREPANCIES THAT RESULT IN ADDITIONAL COST TO THE OWNER.



503.515.6495 OFFICE  
503.718.4828 FAX  
4931 SW 76TH AVE.  
PMB 211  
Portland OR 97225  
[www.ezpermits.biz](http://www.ezpermits.biz)  
[mikem@ezpermits.biz](mailto:mikem@ezpermits.biz)

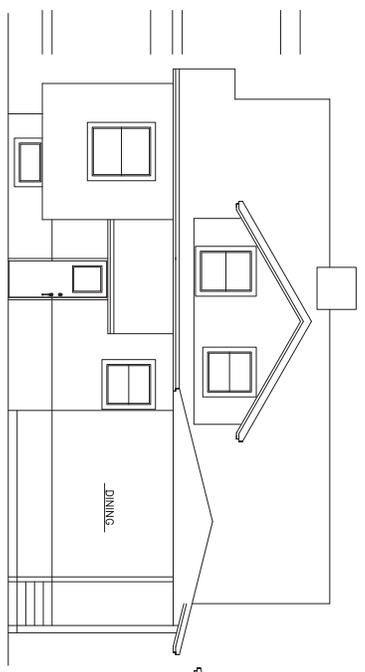
Drafting & Design  
Custom Plans  
Remodels  
Site plans  
Permit Management

**REGAN & ALLIE SORENSON**  
1602 SE MILLER STREET  
PORTLAND OR 97202

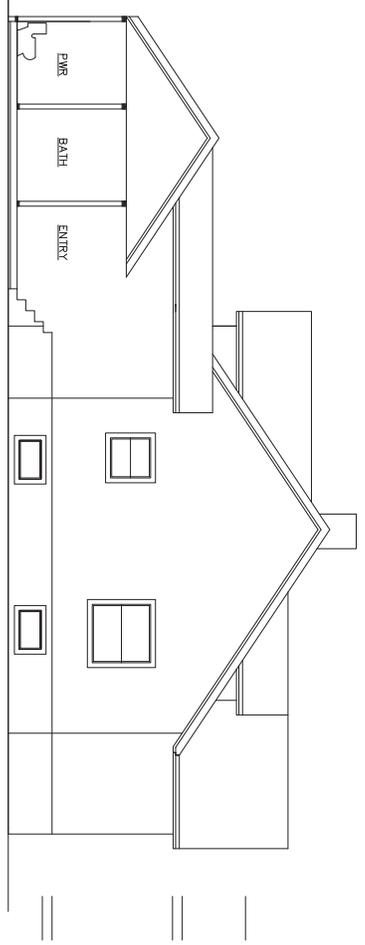
THIS SET OF PLANS REPRESENTS THE DESIGN OF THE ROOF AS SHOWN ON THESE PLANS. THE ROOF SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PERMITS AND ALL APPLICABLE CODES AND REGULATIONS. THE ROOF SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PERMITS AND ALL APPLICABLE CODES AND REGULATIONS. THE ROOF SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PERMITS AND ALL APPLICABLE CODES AND REGULATIONS.

DATE	11/20/21
SCALE	1/4" = 1'-0"
PROJ. NO.	1602
DRAWN	CREATED
MM	RS

4 of 4

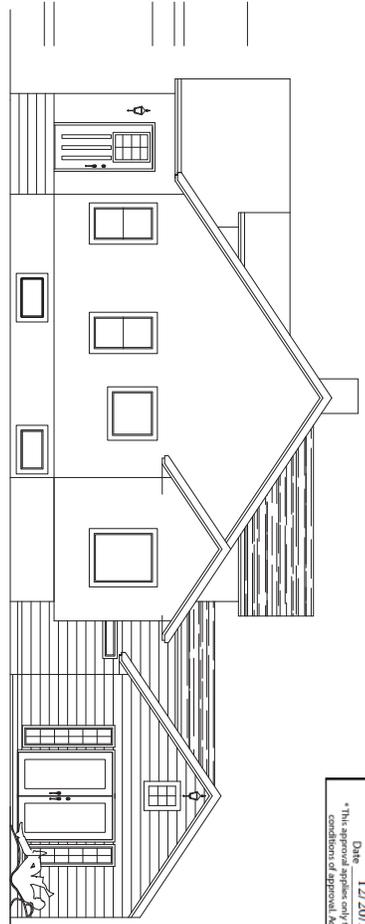


CROSS SECTION B/D4.0  
1/4"=1'-0"

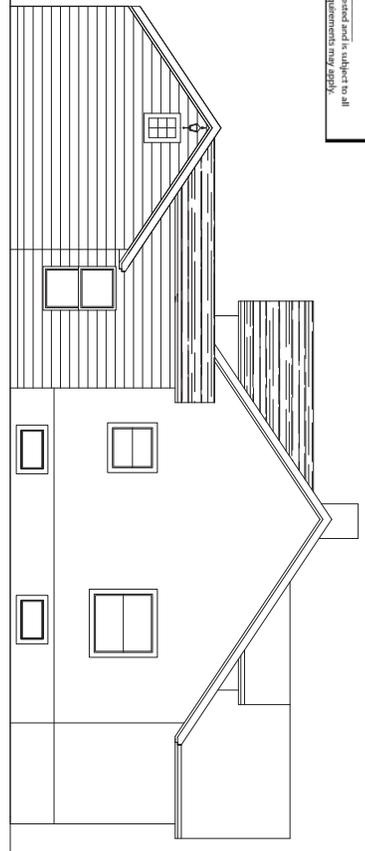


CROSS SECTION A/D4.0

\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner: **A. Rhoads**  
Date: **12/20/2021**  
\*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.\*



PROPOSED RIGHT ELEVATION ( WEST )  
1/4"=1'-0"



PROPOSED LEFT ELEVATION (EAST)  
1/4"=1'-0"

LU 21-083608 AD  
Exhibit C.2

D4.0