



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

Carmen Rubio, Commissioner  
Rebecca Esau, Director  
Phone: (503) 823-7310  
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[www.portland.gov/bds](http://www.portland.gov/bds)

**Date:** March 16, 2023  
**To:** Interested Person  
**From:** Amanda Rhoads, Land Use Services  
503-865-6514/Amanda.Rhoads@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 April 6, 2023. Your comments must be e-mailed to the assigned planner listed above;** please include the Case File Number, LU 23-011492 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 23-011492 AD**

**Applicant:** Mathieu Deraspe | Made Partnership, LLC  
P.O. Box 86664 | Portland, OR 97286  
808-639-0227 | [mathieu@deraspedesign.com](mailto:mathieu@deraspedesign.com)

**Owners:** Tyler and Chiara Townley  
1904 SE 43rd Ave | Portland, OR 97215

**Site Address:** 1904 SE 43RD AVE

**Legal Description:** BLOCK 4 S 40' OF LOT 3, MALLORY ADD; BLOCK 4 S 1/2 OF LOT 9, MALLORY ADD

**Tax Account No.:** R528700620, R528700700

**State ID No.:** 1S2E06CB 12600, 1S2E06CB 11700

**Quarter Section:** 3235

**Neighborhood:** Richmond, contact Heather Flint Chatto at [richmond.pdx.lutc@gmail.com](mailto:richmond.pdx.lutc@gmail.com)

**Business District:** Hawthorne Blvd. Bus. Assoc., contact at [explore@hawthornepdx.com](mailto:explore@hawthornepdx.com)

**District Coalition:** Southeast Uplift, contact Matchu Williams at [matchu@seuplift.org](mailto:matchu@seuplift.org)

**Plan District:** NONE

**Zoning:** R5 – Residential 5,000

**Case Type:** AD – Adjustment Review

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

**Proposal:**

The applicant has applied for a building permit to construct a 36.5-foot by 12.5-foot detached accessory structure behind the existing house on this site. The building is located 1.5 feet from the north lot line for a length of 24 feet, which is 3.5 feet into the required building setback. The applicant therefore requests an Adjustment to Zoning Code Section 33.110.220.B and Table 110-4 to reduce the required setback for the building wall from 5 feet to 1.5 feet. No eaves are proposed.

**Relevant Approval Criteria:**

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

**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
- 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 in Historic, Conservation and National Register Districts and within the boundaries of Historic, Conservation and National Register Landmarks 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 February 8, 2023 and determined to be complete on March 9, 2023.

**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  
Elevations