City of Portland, Oregon
Bureau of Development Services
Land Use Services

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: June 2, 2009

To: Interested Person

From: Nan Stark, Land Use Services
503-823-7828 / nstark@ci.portland.or.us

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 June 23, 2009**. Please mail or deliver your comments to the address above and include the Case File Number, LU 09-129297 AD, in your letter. It also is helpful to address your letter to me, Nan Stark.

CASE FILE NUMBER: LU 09-129297 AD

Applicant/Purchaser: Ronald M. Jimmerson
618 NE Laurelhurst Place
Portland OR 97232 Telephone: 503-590-5290

Current Owner: Barbara Rains
3827 NE Stanton Street
Portland, OR 97212

Site Address: 3827 NE STANTON STREET

Legal Description: BLOCK 24 LOT 6, BEAUMONT
Tax Account No.: R060804170
State ID No.: 1N1E25AD 04900
Quarter Section: 2734

Neighborhood: Beaumont-Wilshire, contact Michael Rounds at 503-936-0740
District Coalition: Central Northeast Neighbors, contact Alison Stoll at 503-823-3156

Zoning: R5h – High Density Single-Dwelling 5,000
Case Type: AD – Adjustment Review
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee

Proposal: The applicant proposes to construct a 555 square foot garage on the west side of the property. As shown on the attached site plan and elevation drawings, the proposed garage is 18.5 feet wide and 30 feet long, and 19 feet in height measured to the top of the gabled roof. The location of the proposed garage is similar to where the original garage stood on the

property. The original garage has been removed and there is now an open area that is used for parking and storage.

Section 33.110.220 and Table 110-3 of the Zoning Code require a minimum 5-foot side setback in the R5 zone. The applicant requests an Adjustment to this standard, to reduce the setback from 5 feet to 0, to allow the garage to be built on the side (west) property line.

Relevant Approval Criteria:
In order to be approved, this proposal must comply with the approval criteria of Section 33.805.040 of the Zoning Code. The relevant criteria are the following:

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Purpose 33.110.220 Setbacks

- 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; and 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.

B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area;

E. Any impacts resulting from the adjustment are mitigated to the extent practical.

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 18, 2009 and determined to be complete on May 27, 2009.

DECISION MAKING PROCESS

- The Bureau of Development Services will make a decision on this proposal. We will consider your comments and will either 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.

The file and all evidence of this case are available for your review by appointment. Please contact the support staff at our office, 1900 SW Fourth Ave., Suite 5000, phone 503-823-7967, to schedule a time. Copies of information in the file can be obtained for a fee equal to the City's cost for providing those copies. I can provide some information over the phone. You may also find additional information about the City of Portland and City Bureaus, as well as a digital

copy of the Portland Zoning Code, by visiting the City's homepage on the Internet at www.portlandonline.com.

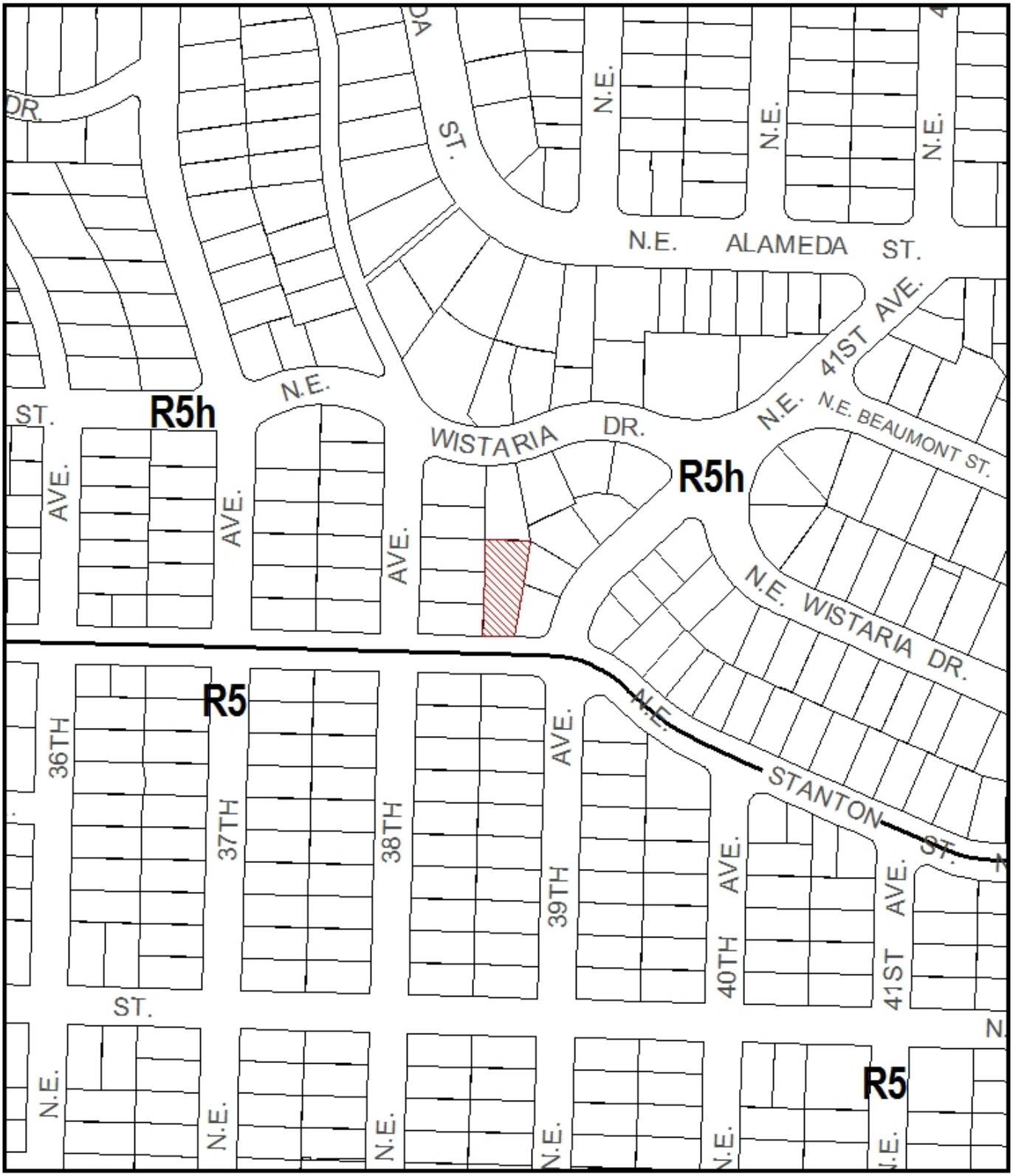
APPEAL PROCESS
If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Adjustment Committee. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how 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 and low-income individuals appealing a decision for their personal residence 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 550 Capitol St. NE, Suite 235, Salem, OR 97301. 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, which 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. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).

Enclosures:
Zoning Map
Site Plan and Elevation Drawings

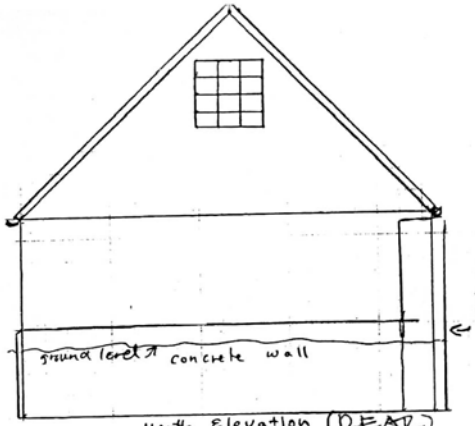


ZONING

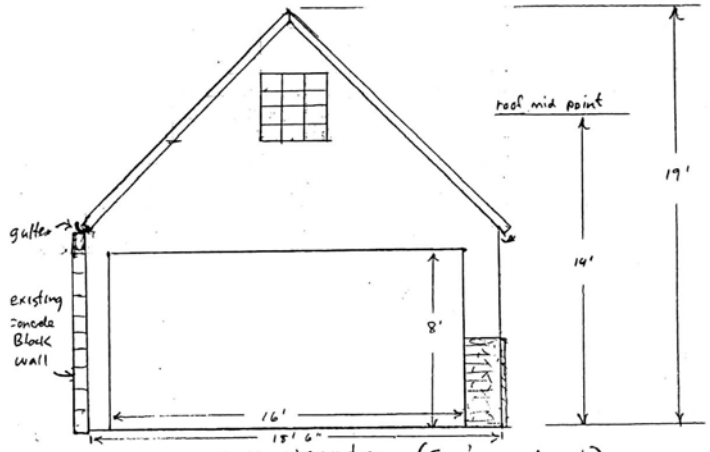
Site

NORTH

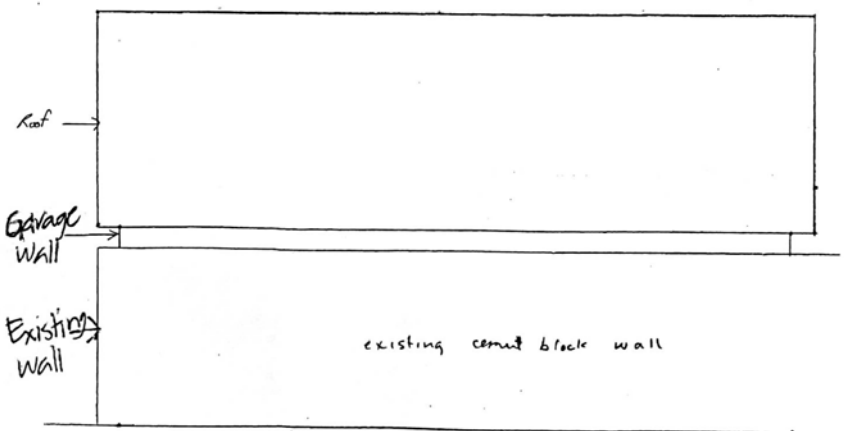
File No.	LU 09-129297 AD
1/4 Section	2734
Scale	1 inch = 200 feet
State_Id	1N1E25AD 4900
Exhibit	B (May 19,2009)



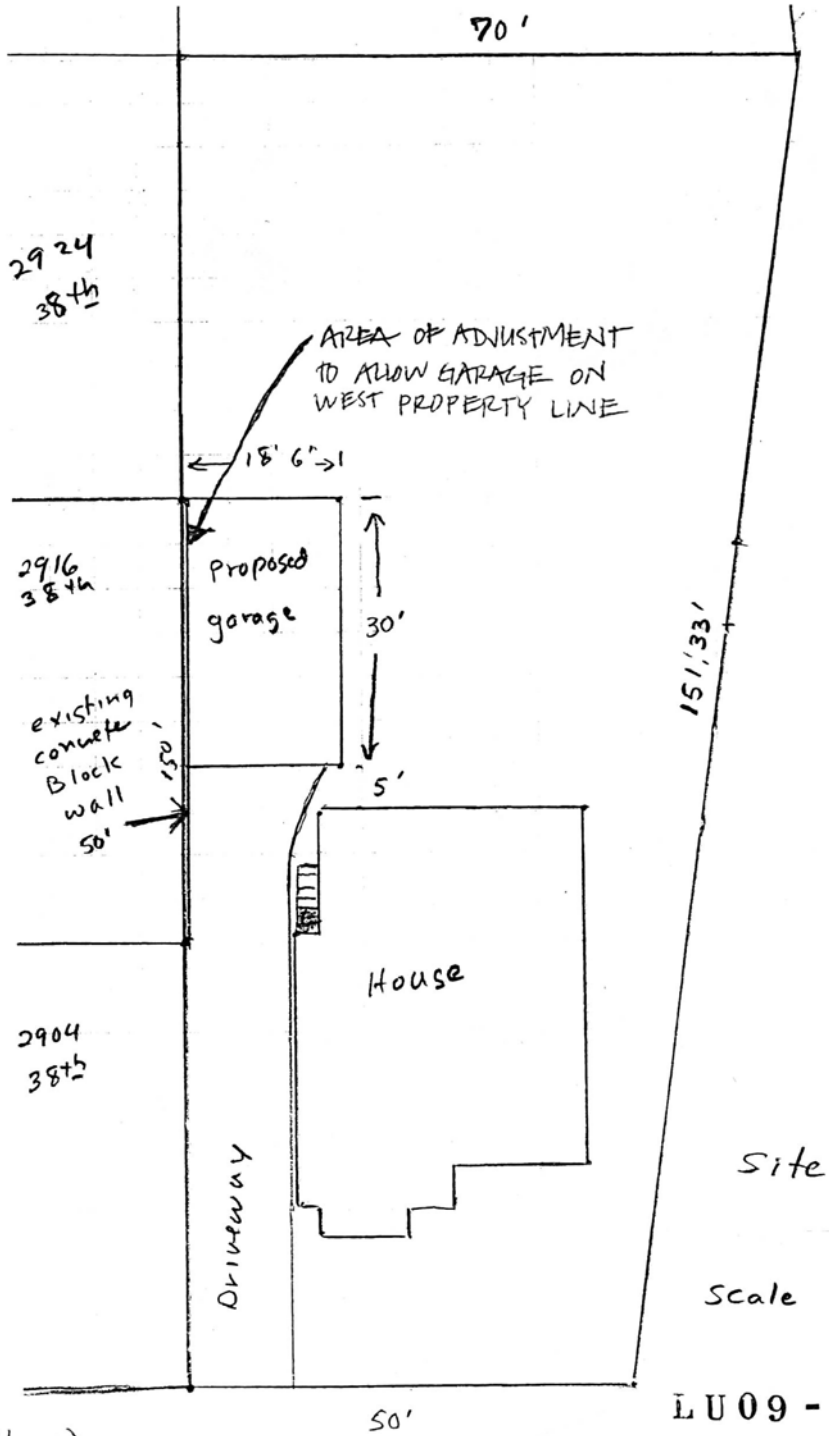
North Elevation (REAR)



South elevation (facing street)



WEST ELEVATION (SIDE of reduced setback)



Site Plan

Scale 1/4" = 5 ft.

LU09-129297AD