



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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www.portlandoregon.gov/bds

Date: October 20, 2011
To: Interested Person
From: Kathy Harnden, Land Use Services
503-823-3581 / Kathy.Harnden@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 10, 2011.** Please mail or deliver your comments to the address above, and include the Case File Number, LU 11-183313 AD, in your letter. It also is helpful to address your letter to me, Kathy Harnden.

CASE FILE NUMBER: LU 11-183313 AD

Applicant: Anne De Wolf
Arciform LLC
2303 N Randolph Ave
Portland, OR 97227

Owners: Philip and Paris Schaefer
2900 NE Brazee Ct
Portland, OR 97212-4947

Site Address: 2900 NE BRAZEE CT

Legal Description: BLOCK 4 LOT 14-18, CHARLESTONS ADD
Tax Account No.: R150300440
State ID No.: 1N1E25BD 24200
Quarter Section: 2733
Neighborhood: Grant Park, contact Geoff Hyde at 503-281-4097.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-823-4575.

Plan District: None
Other Designations:
Zoning: R5 – Residential 5,000
Case Type: AD – Adjustment
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal:

The applicants propose to construct an L-shaped storage building and garbage enclosure area on the west side of their property, approximately one foot from their west property line. The structure, as seen from the property to the west, will look much like a wooden fence, approximately 8 feet tall and 25.25 feet long, and will be stained black with a “standing-seam” metal roof. The structure will also screen an existing carport area on the subject property.

This structure will intrude 4 feet into the 5-foot wide side-yard setback area on the property, and the 4-inch eave will be 8 inches from the property line. The adjoining property is a 5-foot wide strip of land, belonging to, and running the length of, the neighboring property located at 2835 NE Brazee Court. Because the neighbor’s house is set back 5 feet from its east property line, and because of the additional 5-foot wide property between 2835 and 2900 NE Brazee Court, the proposed structure will be located 11 feet from the house on the adjacent property.

The Portland Zoning Code, Title 33, requires that accessory structures over 6 feet tall be located a minimum of 5 feet from side and rear property lines in the R5 zone. It also requires eaves to be located at least 4 feet from side and rear property lines. Exceptions to these requirements are approved through Adjustment Reviews if all of the relevant approval criteria are met or if the criteria can be met through conditions of approval. Therefore, the applicant is requesting approval of Adjustments to Code Section 33.110.220, to reduce the minimum required building setback from the west side property line from 5 feet to 1 foot for the building wall and from 4 feet to 8 inches for the roof eaves of the structure.

The purpose of building setback requirements are to maintain light, air, separation for fire protection, and access for fire fighting. Setback standards also reflect the general building scale and placement of development in the City’s neighborhoods and promote a reasonable physical relationship between residences. They promote options for privacy for neighboring properties and 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.

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria of 33.805.040 A.-F., Adjustments, cited below.

- A.** Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a OS, C, E, or I 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
- D.** City-designated scenic resources and historic resources are preserved; and
- 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.

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 October 6, 2011 and determined to be complete on **October 19, 2011.**

DECISION MAKING PROCESS

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

- Approve the proposal.
- Approve the proposal with conditions.
- 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 on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available 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 may qualify for an appeal fee waiver.

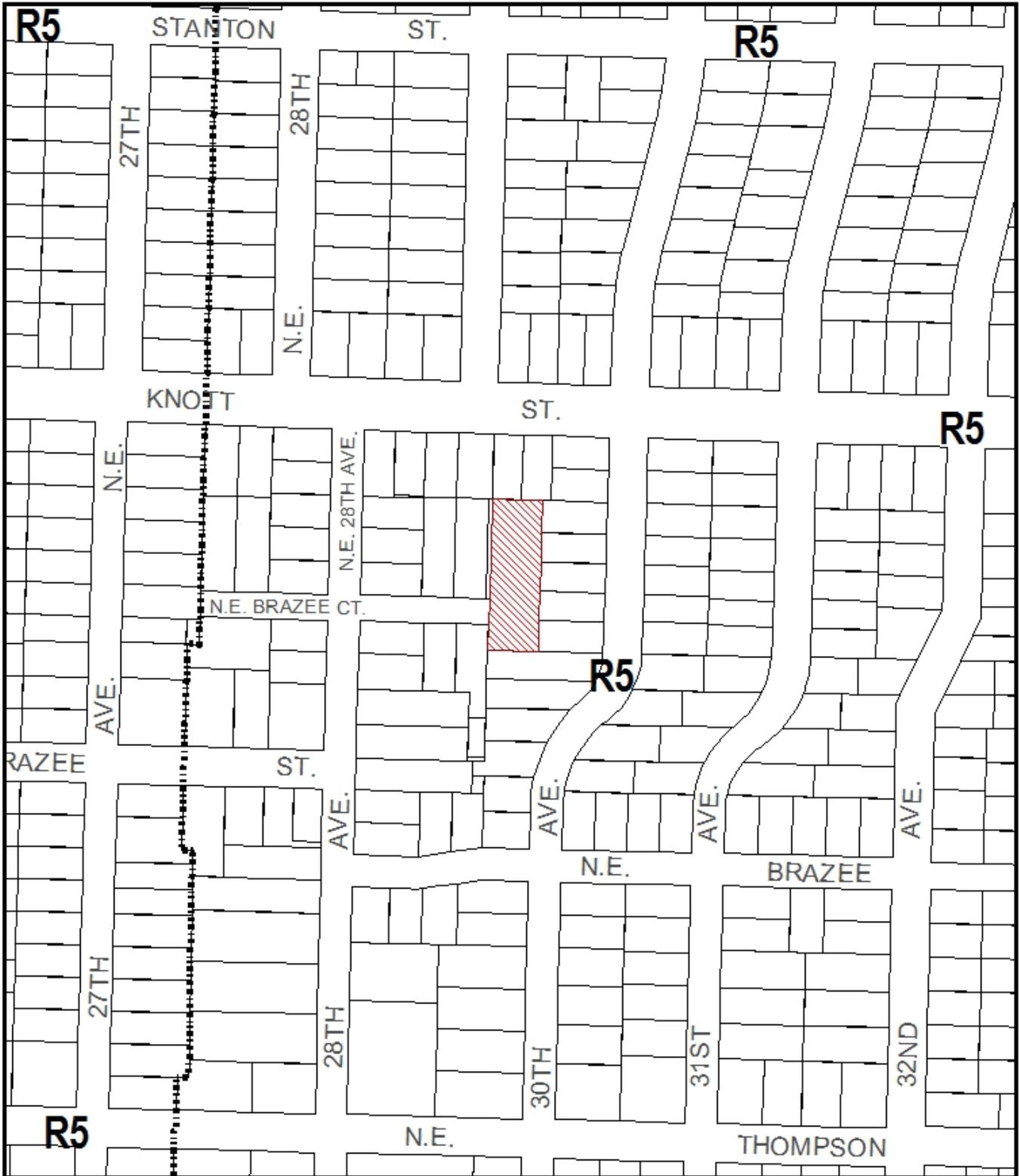
APPEAL OF THE FINAL CITY DECISION

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, 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

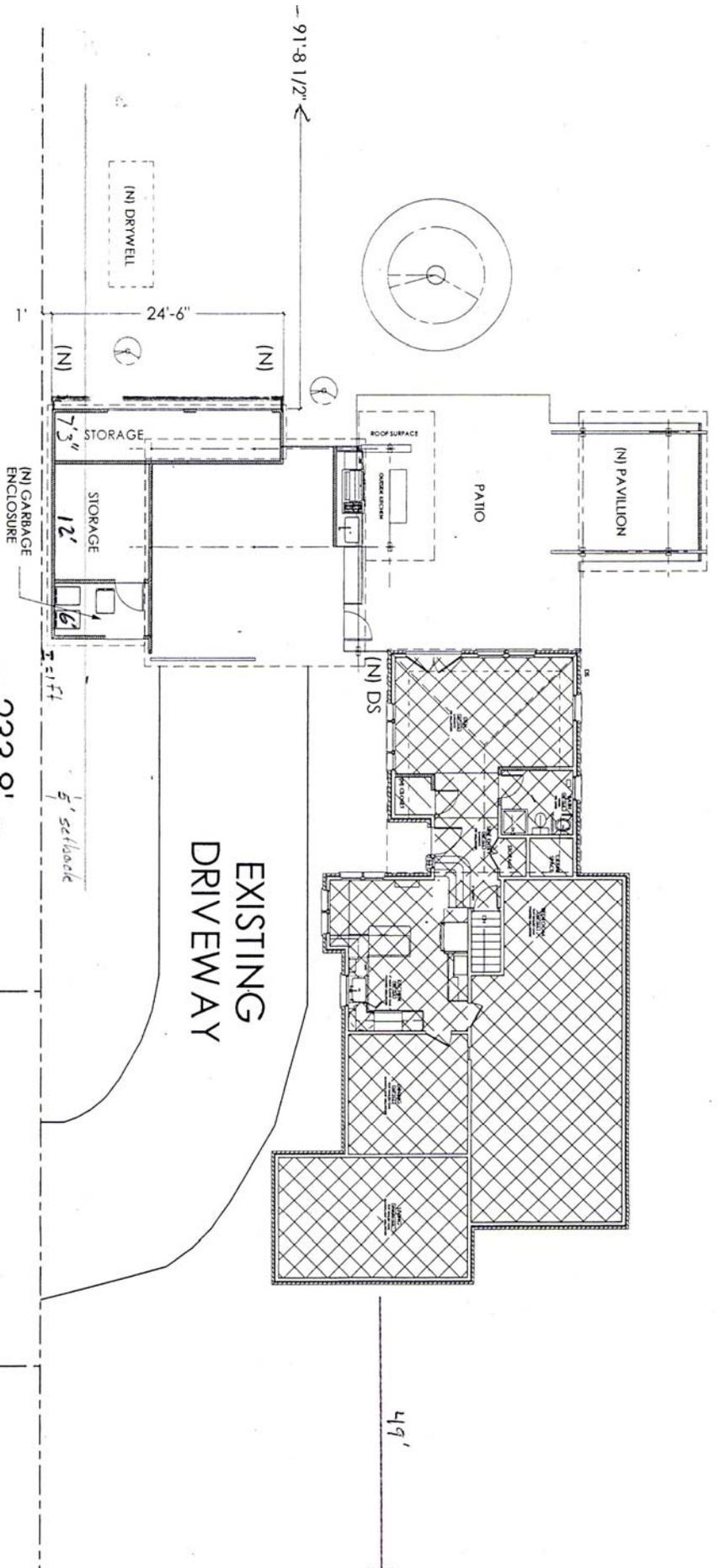


ZONING

 Site



File No.	<u>LU 11-183313 AD</u>
1/4 Section	<u>2733,2833</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E25BD 24200</u>
Exhibit	<u>B (Oct 07, 2011)</u>



ZONING INFORMATION & LOT COVERAGE:

ZONE INFORMATION:
 ZONE R5
 MAX BUILDING HT 30'
 SETBACKS FRONT 10'
 SIDE 5'
 REAR 5'

LOT COVERAGE = 2,250 SF + 15% AREA OVER 5,000 SF

LOT COVERAGE INFORMATION:
 LOT AREA = 17,094 SF
 MAX ALLOWABLE COVERAGE = 2,250 + 2564.1 (17,094 x 15%) = 4814.10 SF

(E) COVERAGE = RESIDENCE = 1,824.65 SF
 CARPORT = 558.21 SF
 TOTAL (E) = 2,382.86 SF

PROPOSED (N) = OUTDOOR KITCHEN = 119.84 SF
 SHED & STORAGE = 295.00 SF
 PAVILION = 243.00 SF
 TOTAL (N) = 657.84 SF

TOTAL LOT COVERAGE (E) + (N) = 3040.70 SF



2900 NE BRAZEE COURT

LU 11-188313 AD