



February 17, 2016

VIA EMAIL AND US MAIL

Mark Walhood
mark.walhood@portlandoregon.gov
Bureau of Development Services
City of Portland
1900 SW Fourth Avenue, Suite #5000
Portland, OR 97201-5380

Dear Mr. Walhood:

I write on behalf of the Land Use & Transportation Committee of the Sabin Community Association, regarding Case File No. LU 15-267134 AD for 4224 NE 19th Avenue. We recommend that the City deny the proposal for modifications to the side and rear setback, for two reasons.

First, this is an after-the-fact request to legalize construction that was done without a permit by the former owner. The former owner is a contractor doing business under the assumed business name of Husky Construction and Remodel. If his business had not already made him aware of the need to comply with permitting requirements and land use regulations, the Sabin Community Association published an article in its newsletter (hand-delivered to every home in Sabin) in 2013 about the need to obtain permits before commencing construction. In that article, we warned homeowners that the Sabin Land Use & Transportation Committee would be less inclined to endorse any future requests for after-the-fact adjustments. Accordingly, we are not in favor of granting this adjustment.

Second, the requested adjustment does not comply with the approval criteria of City Code § 33.805.040.A, which allows an adjustment to be granted only if it will at least equally meet the purpose of the regulation to be modified. Here, the regulation to be modified is City Code § 33.110.220.B and Table 110-3, which prescribe side and rear setbacks. Among the purposes of the setback requirements are to maintain separation for fire protection and firefighting access. *See* City Code § 33.110.220.A. The applicant is requesting that the setbacks be dramatically reduced, from the required five feet to as little as one foot for the west side setback and fourteen inches for the north rear setback. As can be seen from the Portland Maps website, <http://tinyurl.com/h5lff57>, there are houses to the west and north that are located relatively close to the unpermitted structures here. The request to reduce the setbacks to approximately one foot

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does not equally meet City Code § 33.110.220.B's purpose of maintaining safe access between structures for firefighting. Therefore, the adjustment would be improper under City Code § 33.805.040.A, and the Sabin Community Association recommends denying it.

Please feel free to contact me at (503) 964-8417 or at rach.c.lee@gmail.com should you have any questions about the recommendation of the Sabin Land Use & Transportation Committee. Thank you for considering our comment on this proposal.

Sincerely,



Rachel Lee
Chair, Sabin Land Use & Transportation Committee

cc via email: Sabin Community Association Board
Sabin Land Use & Transportation Committee