



City of Portland, Oregon  
 Planning and Development Department  
 Zoning Board of Appeals  
 Practical Difficulty Variance Application

Applicant Information:

Tom + Karen Paradis  
 Name

Business Name

62 Westminister Ave.  
 Address

Portland 04103

305-5956 761-9685  
 Telephone Fax

Applicant's Right, Title or Interest in Subject Property:

Owners  
 (e.g. owner, purchaser, etc.):

Current Zoning Designation: R-3

Existing Use of Property:

Single Family Home  
with Home Occ.

Subject Property Information:

62 Westminister Ave  
 Property Address

181 A 005  
 Assessor's Reference (Chart-Block-Lot)

Property Owner (if different):

Name

Address

Telephone Fax

Practical Difficulty Variance from Section 14 - 90(d)3a

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a Practical Difficulty Variance as above described, and certified that all information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.

Tom Paradis  
 Signature of Applicant

10/27/11  
 Date

Notwithstanding the provisions of subsections 14-473(c)(1) and (2) of this section, the Board of Appeals may grant a variance from the dimensional standards of this article when strict application of the provisions of the Ordinance would create a practical difficulty, as defined herein, and when all the following conditions are found to exist:

“Practical Difficulty” Variance standards pursuant to Portland City Code §14-473(c)(3):

1. The need for the variance is from dimensional standards of the Land Use Zoning Ordinance (lot area, lot coverage, frontage, or setback requirements).

Satisfied \_\_\_\_\_ Not Satisfied \_\_\_\_\_ (deny the appeal)

Reason and supporting facts:

The variance of dimensional standard in side setbacks is requested to allow the living area of a full second floor that is 17 feet wide is due to the unique situation of the lot being situated on a side street. The addition as originally proposed would be acceptable if the lot was not situated on a side street since a 14 foot setback on both sides would leave 17 feet available for the width of the addition, and the lot meets all conditions stated in the ordinance as quoted here. Section 14-90(d) 3a.

In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than eight (8) feet.

2. Strict application of the provisions of the Ordinance would create a practical difficulty, meaning it would **both (1)** preclude a use of the property which is permitted in the zone in which it is located and also would **(2)** result in significant economic injury to the applicant. “Significant economic injury” means the value of the property if the variance was denied would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land.

Satisfied \_\_\_\_\_ Not Satisfied \_\_\_\_\_ (deny the appeal)

Reason and supporting facts:

The strict applications of this provision would preclude the use of the property as living area that would be reasonably and adequately suitable as the space available in rooms on the second level would be significantly reduced by knee walls and sloping ceilings. There would be significant economic injury due to the property value being substantially lower with an addition of only one story or 1 1/2 stories having knee walls on the second level with reduced headroom and angled ceilings compared to a full second story which had full level ceiling heights.

3. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

Satisfied \_\_\_\_\_ Not Satisfied \_\_\_\_\_ (deny the appeal)

Reason and supporting facts:

This request is solely the unique circumstances of the property having a side street abutting the property as opposed to a neighboring lot.

4. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on wither the use or fair market value of abutting properties.

Satisfied \_\_\_\_\_ Not Satisfied \_\_\_\_\_ (deny the appeal)

Reason and supporting facts:

Given the current mix of properties in this neighborhood, the granting of this variance would have no unreasonably detrimental effect on wither the use or fair market value of abutting properties. The current mix includes single family dwellings of various sizes and style, three story multi-dwelling units and an assisted living group home. In addition, with consideration of the mix of the neighborhood we planned the addition to use the same roof height as the existing roof ridge.

5. The practical difficulty is not the result of action taken by the applicant or a prior owner.

Satisfied \_\_\_\_\_ Not Satisfied \_\_\_\_\_ (deny the appeal)

Reason and supporting facts:

Neither ourselves nor the previous owners have taken any action that has resulted in this need for a variance.

6. No other feasible alternative is available to the applicant, except a variance.

Satisfied \_\_\_\_\_ Not Satisfied \_\_\_\_\_ (deny the appeal)

Reason and supporting facts:

Consideration has been given to alternative designs and none have been found to satisfy the code in full that would allow the use of the property to reasonably meet the needs of the current occupants or likely meet the needs of a future occupant since the use of a half story would greatly reduce the comfort and appeal of the property for normal use due to reduced ceiling height and angles, the reduction of width of the addition to meet the dimensional standards of a full two stories would place the building width at 11' and usable floor space width at only 10' 1", and the reduction to only one story leaves the building with a less than appealing look as well as significantly reducing the living area. Consideration in the submitted design has been made in keeping the overall height of the residence at the current roof height of the existing home.

7. The granting of a variance will not have an unreasonably adverse effect on the natural environment.

Satisfied \_\_\_\_\_ Not Satisfied \_\_\_\_\_ (deny the appeal)

Reason and supporting facts:

There would be no adverse natural environmental effect caused by granting this variance.

8. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. §435, nor within a shoreland zone or flood hazard zone.

Satisfied \_\_\_\_\_ Not Satisfied \_\_\_\_\_ (deny the appeal)

Reason and supporting facts:

This property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. 435 nor within a shoreland zone or flood hazard zone.

The following words have the meanings set forth below:

- a.) **Dimensional Standards:** Those provisions of the article which relate to lot area, lot coverage, frontage and setback requirements.
- b.) **Practical Difficulty:** A case where strict application of the dimensional standards of the Ordinance to the property for which a variance is sought would **both** preclude a use of the property which is permitted in the zone in which it is located **and** also would result in significant economic injury to the applicant.
- c.) **Significant Economic Injury:** The value of the property if the variance were denied would be substantially lower than its value if the variance was granted. To satisfy this standard, the applicant need not prove that the denial of the variance would mean the practical loss of all beneficial use of the land.

A Practical Difficulty Variance may not be used to grant relief from the provisions of Section 14-449 (Land Use Standards) to increase either volume or floor area, not to permit the location of a structure, including, but not limited to, single-component manufactured homes, to be situated on a lot in a way which is contrary to the provisions of this article.