



CITY OF PORTLAND

December 18, 2000

TO: William Neleski, Jr., Chair and Appeal Board Members

FROM: Marge Schmuckal, Zoning Administrator

SUBJECT: 41 Whitney Avenue 186-C-012 - R-5 Zone

This single family was constructed in 1955 on a lot that is 6,436 sq. ft. The current minimum lot size for the R-5 zone is 6,000 sq. ft. This lot is conforming to the present R-5 lot size requirements. The side setbacks are six (6) feet and nine (9) feet. The current required side setback for a single story is eight (8) feet. The front and rear setbacks are more than the twenty foot required setbacks. Therefore, this property is conforming to lot size, but legally nonconforming as to side setbacks.

Section 14-436(2) states that a structure conforming as to lot size but legally nonconforming as to any yard setback, shall be limited to an expansion of no more than eighty (80) percent of the first floor footprint.

The applicant is proposing an approximate 97 percent second floor addition . Using the Assessor s records, I have calculated that the first floor area (including the porch) is 1080 sq. ft. Eighty (80) percent of the first floor footprint would be 864 sq. ft. The proposed second floor is to be 1048 sq. ft.

I determined that this appeal would not be considered a Practical Difficulty Variance because it is not specifically requesting a variance from the lot size, or lot coverage, or setback dimensions. Instead it is asking to increase the percentage of second floor allowance as described in section 14-436(2).