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B-Corp Certified

GFAK Properties legally existing non-conforming use

May 13, 2024

Dear Zoning Board of Appeals,

IT has been brought to our attention while in the process of applying for modification of an existing residence to become a legal Boarding House for seasonal workers that the structures existing on the site are a legally existing non-confirming use as multi-family housing.

The structures now owned by GFAK LLC are located at 7547 7th Street and 2827 Cadotte Ave and are comprised of an original home, often referred to as a cottage, and an adjacent previous barn that was remodeled around the year 1994 into two apartments.

We understand that the client must demonstration to the Zoning Board of Appeals that the nonconforming use shall not change in the type or nature of the original nonconforming use per the following zoning code section:

Section 5.06 - Regulations for nonconforming uses.

- A. A nonconforming use shall not change in the type or nature of the original nonconforming use, including, but not limited to, expansion of the structure in which the use is conducted, unless the owner demonstrates to the zoning board of appeals that the change will not materially change the nonconformity of the use.
- B. The nonconforming use is allowed to continue until it has been voluntarily surrendered by the owner as evidenced by a written notice of surrender or by the discontinuance of the use for a period of two years. A nonconforming use shall not be affected by any damage or destruction of the structure in which it is located.

For the change in use of the the cottage from one of the multi-family units into a boarding house use, the existing cottage structure is proposed to remain the same footprint with no expansion and no additions to the exterior of the structure.

As a multi-family unit, a family of any size is legally allowed to live in this unit. The change to a boarding house designation reduces the number of people that are allowed to live in the unit, in this case limiting to four people, but does allow a group of individuals whose association is temporary and seasonal in character or nature. While this could be considered a material change, it is reducing the number of

occupants possible and does not create a material change of having people live in the unit.

We believe the proposed use will meet the intent of all relevant zoning codes and does not change in type or nature of the original nonconforming use, but rather restricts the use. Since we are not adding area to the structure, we believe that this is not a material change

We understand the Zoning Board of Appeals is made up of the City Council. We look forward to the next steps and presenting virtually at the upcoming City Council meeting if possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'CO', with a stylized flourish at the end.

Corey Omey  
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