



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** March 8, 2013  
**To:** Interested Person  
**From:** Hillary Adam, Land Use Services  
503-823-3581 / [Hillary.Adam@portlandoregon.gov](mailto:Hillary.Adam@portlandoregon.gov)

## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 13-103411 HDZ – NEW GARAGE**

#### **GENERAL INFORMATION**

**Applicant:** Michael Rusnak, Applicant  
7460 SW Leslie St  
Portland OR 97223

Julie Colbert, Owner  
Craig Colbert, Owner  
2042 SE Ladd Ave  
Portland, OR 97214-5419

**Site Address:** 2042 SE LADD AVE

**Legal Description:** BLOCK 25 NLY 10' OF LOT 18 SLY 30' OF LOT 19, LADDS ADD  
**Tax Account No.:** R463305740  
**State ID No.:** 1S1E02DC 04400  
**Quarter Section:** 3232

**Neighborhood:** Hosford-Abernethy, contact Joanne Stainbrook at 503-231-9245.  
**Business District:** Division-Clinton Business Association, contact Darice Robinson at 503-233-1888.  
**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.

**Plan District:** None  
**Other Designations:** Contributing resource in the Ladd's Addition Historic District, listed in the National Register of Historic Places on August 31, 1988.

**Zoning:** R5 – Residential, 5,000

**Case Type:** HDZ – Historic Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Historic Landmarks Commission.

**Proposal:**

The applicant proposes a new garage to be located at the rear of the property, with beveled cedar siding and front-gabled roof to match the existing house, with two wood single-hung windows on the west elevation interior to the property, a paneled fiberglass man door on the north elevation, and an insulated steel roll-up garage door. A portion of the existing fence will be removed to accommodate access to the garage.

The Notice of Proposal indicated that the applicant proposed two vinyl windows on the west façade of the garage. These have since been revised to wood.

Because the proposal is for new construction in a historic district, historic design review is required.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- Ladd's Addition Historic District Design Guidelines

**ANALYSIS**

**Site and Vicinity:** The subject property, known as the Charles and Anna McKee Residence is a 1-½-story Bungalow with a moderately-pitched roof, weatherboard siding and wood windows, either double-hung or fixed sash with divided lights. It was built on speculation by Richard Currier in 1924. A single-car garage facing the alley was constructed concurrently with the house, but has since been demolished. Nearby properties are a variety of residential properties of 1 to 2½ stories, ranging from early 20<sup>th</sup> century Craftsman Bungalows to mid-century Minimal Tract style houses, many of which also have garages fronting on their respective alleys. A couple hundred feet away, to the northwest, is the old Ladd Circle Grocery building and Ladd Circle.

SE Ladd Avenue is the northwest-southeast main road bisecting Ladd's Addition on the diagonal. It is a City Walkway, City Bikeway, Community Transit Street and a Local Service Traffic Street. SE Cypress Ave-Ladd Avenue Alley is the alley at the rear of the property between SE Ladd and SE Cypress Avenues.

Ladd's Addition is characterized by its unique layout of diagonal streets, the circular public garden in the center of the district, and four smaller diamond-shaped public gardens. Platted in 1891, Ladd's Addition is one of the first planned suburban communities in Portland, and also one of the only subdivisions with rear alleys. With the vehicle access at the rear, there are few curbcuts on the street side of the blocks, making for a pleasant pedestrian environment along the heavily canopied avenues. The majority of the buildings are residences constructed during the years 1905-1939, primarily in Bungalow, Craftsman, and Period-Revival styles with a typical front-yard setback, front porches and rear garages. Multi-dwelling buildings and commercial properties are located at the edges of the district along SE Division, SE 12<sup>th</sup> Avenue and SE Hawthorne, with the exception of a sprinkling of churches and a school, and the Ladd Circle Grocery, since converted, at the center of the district. Ladd's Addition is unique among planned communities on the west coast, primarily due to its diagonal street pattern, and was listed on the National Register in 1988.

**Zoning:** The Residential 5,000 (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

**Land Use History:** City records indicate that prior land use reviews include the following:

- LU 01-007670 (ref. file #LUR 01-00271) – Historic Design Review approval for a new shed dormer addition to the rear of the existing house.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed February 5, 2013. The following Bureaus have responded with comments:

The Life Safety Division of BDS responded, stating that a separate permit was needed for the proposed work and recommended that the applicant visit the Development Services Center. In addition, the Life Safety Plans Examiner noted that the plan locates the eave for the garage in the alley and recommended coordination with PBOT. Please see Exhibit E-1 for additional details.

*Staff Response: The proposed development shown in the alley right-of-way is actually new concrete for the driveway, rather than a roof eave. The garage is proposed to be located 1'-6" behind the rear property line, in line with the existing fence.*

The Bureau of Environmental Services responded with the following comments: BES stated no objections to the proposal but noted that the proposed development will be subject to BES standards and requirements during the permit review process. Please see Exhibit E-2 for additional details.

The Water Bureau responded with comments noting the existence of metered service in the Alley between SE Cypress and SE Ladd Avenues. Please see Exhibit E-3 for additional details.

The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS
- Bureau of Transportation Engineering
- Fire Bureau
- Bureau of Parks-Forestry Division

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 5, 2013. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Joanne Stainbrook, Chair of the Historic resources Subcommittee for the Hosford-Abernethy Neighborhood Development Association wrote on February 25, 2013, stating: "The group felt the garage design was in keeping with the historic guidelines, except for the windows. Ideally the windows would be wood and not vinyl. Fiberglass with historic double hung proportions would be a second choice option. Also, it looks like there are divided lites shown. If these are the faux plastic strips that are glued to the glass surface, it would be better to not have them at all and just have the upper half of the windows be clear glass. Also, placing the windows either right next to each other or spaced further apart would be more in keeping with historic layouts."

*Staff Response: Though vinyl windows with simulated divided lights were originally proposed, the applicant has since agreed to install wood single hung windows with no divided lights. In*

addition, a condition has been added that the windows will be paired, rather than separated as shown in the drawing.

## **ZONING CODE APPROVAL CRITERIA**

### **Chapter 33.846.060 - Historic Design Review**

#### **Purpose of Historic Design Review**

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### **Historic Design Review Approval Criteria**

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** The site is located within the Ladd's Addition Historic District and the proposal is for a non-exempt treatment requiring a new foundation. Therefore Historic Design Review approval is required. The approval criteria are the *Ladd's Addition Conservation District Design Guidelines – New Construction*.

*Staff has considered all guidelines and addressed only those applicable to this proposal.*

### **Ladd's Addition Conservation District Guidelines - New Construction**

- 1. Siting.** All new buildings should face the street. Commercial buildings should be pedestrian oriented and have a zero front yard setback. All other buildings should maintain the historical front yard setback on the block, usually fifteen to twenty feet. The original topography and grade of building sites should be maintained.
- 4. Parking.** Parking areas and driveways are discouraged in the front yard. Required on-site parking should be located in the rear yard or beneath new construction. Parking areas, providing space for three or more cars, should be screened from adjacent properties: hedges and canopy trees are recommended as screens. No lot within the district should be converted solely for parking use.

**Findings for 1 and 4:** The proposed building is located at the rear of the property. Setbacks for existing garages in the historic district range from 0' to about 20'. In addition some garage openings are located perpendicular to the alley, while others are parallel. The proposed garage is designed to accommodate two vehicles, setback 1'-6" with a garage door parallel to the alley on a relatively flat site. The existing topography will be maintained. The siting for the proposed garage is in keeping with many other garages in the historic district. *These criteria are met.*

- 5. Building Height.** In areas zoned for single family residential use, new buildings should not be less than one and one-half stories or more than two and one-half stories or thirty-five feet in height. In all other areas, new buildings should not exceed three stories or forty-five feet in height.

**Findings:** The proposed garage is designed to be 16'-10" high with a front gable roof at the same pitch as the primary roof on the existing house. *This criterion is met.*

- 6. Building Façade Proportions.** The front façades of non-commercial buildings should be vertical, i.e., higher than they are wide.

**Findings:** The proposed garage is designed to accommodate two vehicles with room to maneuver within the building when it is occupied by two vehicles. If the height of the building were required to be higher than it is wide, the peak of the roof would be more than 24'-0" above the ground, with either a steeply pitched roof which would not match

the existing house, or the garage would have to be designed to accommodate a second story. The proposed garage is at the rear of the property, designed at an appropriate scale in relation to the historic house and the front-gabled roof adds to the perception of verticality. There are several examples of similarly designed garages in the district. *This criterion is met.*

**8. Exterior Siding Materials.** Materials used on new buildings should be consistent with predominant materials used on buildings of a similar use within the district. On single family residences and duplexes: stucco, horizontal wood siding, wood shingles, brick, or a combination of these materials. On commercial and multi-family residences: stucco and brick. The following materials are discouraged: plywood, used brick, shakes, exposed concrete block and metal.

**Findings:** The proposed siding for the new garage will be beveled cedar siding with corner boards to match that on the existing historic house. *This criterion is met.*

**9. Roof Form.** Non-commercial buildings should have gable or hip roofs with medium to steep pitch. Dormers and gable roof projections are encouraged. Commercial buildings should have flat roofs with parapets or false fronts.

**Findings:** The proposed roof form is front-gabled with a medium 7/12 pitch, equal to that of the primary roof on the existing historic house. With the exception of a 2001 rear shed dormer and an original pedimented cross gable over the front entry, the existing house is devoid of roof projections. The proposed garage roof includes deep eaves like those on the existing house, but without eave returns, which will help differentiate it from the historic resource. *This criterion is met.*

**11. Development Impacts.** All new development should be designed and operated to minimize potential adverse impacts upon surrounding residences and to reduce conflicts with residential uses. Factors to be considered are traffic generation, deliveries, parking, noise, lighting, crime prevention, hours of operation and activity, visual effects and buffering.

**17. Crime Prevention.** Crime prevention elements should be included in the design with specific attention to landscaping, parking areas, walkways, lighting, entries, and visibility. Windows and entries should not be obscured. Parking areas, walkways, and entries should be adequately illuminated for visibility.

**Findings for 11 and 17:** Garages are accepted accessory structures to residential properties. Construction of the garage at the rear of the property will redirect household traffic to the back alley where it was originally intended. Providing a secure space for the homeowner to park their vehicles will help to reduce the potential for crime. Lighting is shown to be provided above the garage door and the man door on the north façade. *These criteria are met.*

**12. Front Façade Detailing.** Primary entrances to buildings should be oriented to the street rather than to a rear yard or interior side yard. Front porches and projecting features such as balconies, bays and dormer windows are encouraged. Blank façades with no windows are discouraged.

**Findings:** The primary entrance for the garage faces the street for ease of vehicular access. The west façade has a pair of windows and the north façade has a man door to break up the façade and provide access. The only blank façade is to the south, which will be, for the most part, screened by the property line fence and a stand of birch trees. *This criterion is met.*

**13. Windows and Doors.** Window sashes and doors should be wood frames and detailed with wood trim. For commercial buildings, storefront windows with large fixed panes below and smaller frames above are encouraged. For other buildings, vertical, double-hung windows, as

well as groups of vertical windows, which may be horizontal in overall expression, are encouraged.

**Findings:** The proposed windows on the west façade are to be wood double hung sashes. Though they are shown to be separated in the drawing, a condition has been added that the windows be paired in response to the grouped ordering of windows commonly found in the district. As shown in Exhibit C-6, the man door proposed on the north façade will be constructed of fiberglass with a textured finish and panel insets, to give the appearance of a wood door. As shown in Exhibit C-5, the garage door is proposed to be insulated steel with a textured finish and panel insets. The garage door, through both its purpose and nature will most likely receive the most abuse over time. The three layers of insulation will provide resistance to dents while the steel construction will provide a relatively light weight door resistant to sagging and damp weather. The proposed garage door is in keeping with other non-contributing garage doors in the district, many of which are of metal construction. *With the conditions of approval that the two windows on the west façade be paired with no separation between them and with no divided lights as shown in Exhibit C-4, that the proposed man door on the north façade be paneled as shown in Exhibit C-6, and that the steel garage door be paneled as shown in Exhibit C-5, this guideline is met.*

**15. Color.** Restoration of original colors, or colors appropriate to the style and era of the building, is encouraged.

**Findings:** The proposed siding, roofing and fenestration are proposed to match the existing house, which is a pale neutral tone with white trim with gray roof shingles. *This criterion is met.*

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The proposed garage will continue the tradition of vehicular access at the alley and will provide the homeowners with a secure place to park their vehicles on their property. The garage will match the proportions and siding of the existing house but utilizes modern technology and is simplified in detail to distinguish it from the historic resource.

## ADMINISTRATIVE DECISION

Approval of a new construction in Ladd's Addition Historic District, to include:

- A new garage, located at the rear of the property, with:
  - beveled cedar siding and front-gabled roof to match the existing house;
  - a pair of wood double-hung windows on the west elevation interior to the property;
  - a paneled fiberglass man door on the north elevation; and
  - an insulated steel roll-up garage door.

A portion of the existing fence will be removed to accommodate access to the garage. This approval is per the approved site plans, Exhibits C-1 through C-6, signed and dated March 4, 2013, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 required site plans or included as

a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 13-103411 HDZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. The windows on the west façade shall be paired in order to match window patterns commonly found in the district.
- C. The man door on the north façade shall be paneled, as represented in exhibit C-6.
- D. The garage door shall be paneled, as represented in exhibit C-5.

**Staff Planner: Hillary Adam**

**Decision rendered by:**  **on March 4, 2013**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 8, 2013**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on January 10, 2013, and was determined to be complete on January 31, 2013.

*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. Therefore this application was reviewed against the Zoning Code in effect on January 10, 2013.

*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 waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on March 22, 2013** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Historic Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Historic Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **March 25, 2013 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034  
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

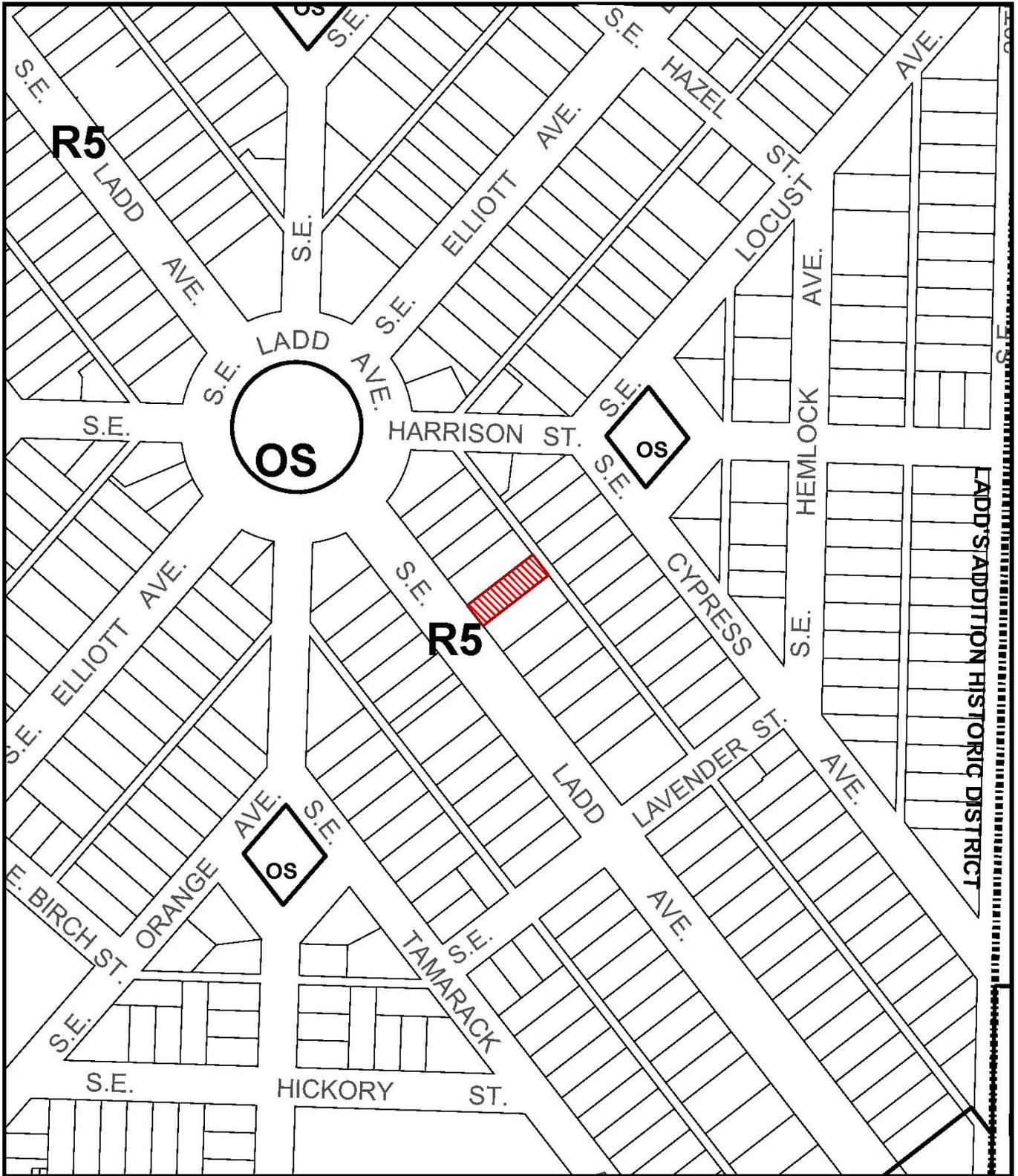
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan and Elevations (attached)
  - 2. Garage Details
  - 3. Garage Sections
  - 4. Jeld-Wen Wood Double Hung Window Cutsheet
  - 5. Clopay Steel – Premium Series Garage Door Cutsheet
  - 6. Jeld-Wen Textured Fiberglass Door Specifications
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Division of BDS
  - 2. Bureau of Environmental Services
  - 3. Water Bureau
- F. Correspondence:
  - 1. Joanne Stainbrook, Chair of the Historic Resources Subcommittee of the Hosford-Abernethy Neighborhood Development Association, wrote on February 25, 2013, suggesting paired or further-spaced wood windows rather than the vinyl windows originally proposed.
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete Letter, dated January 25, 2013
  - 2. National Register Information

**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).**



# ZONING



Site



This site lies within the:  
LADD'S ADDITION HISTORIC DISTRICT

File No. LU 13-103411 HDZ  
 1/4 Section 3232  
 Scale 1 inch = 200 feet  
 State\_Id 1S1E02DC 4400  
 Exhibit B (Jan 11, 2013)

