



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

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**Date:** September 13, 2012  
**To:** Interested Person  
**From:** Dave Skilton, Land Use Services 503-823-0660  
dave.skilton@portlandoregon.gov

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

The Bureau of Development Services has **denied** 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 12-139918 HDZ - REPLACE FRONT WINDOWS AND REPLACE SIDING**  
**GENERAL INFORMATION**

**Applicant:** Portland Redevelopment LLC  
PO Box 11930 / Portland, OR 97211-0930

**Representative:** Vladimir Ozeruga  
PO Box 11778 / Portland, OR 97211-1778

**Site Address:** 2327 NE 8<sup>th</sup> Avenue

**Legal Description:** BLOCK 118 LOT 8, IRVINGTON  
**Tax Account No.:** R420425740  
**State ID No.:** 1N1E26CB 10600  
**Quarter Section:** 2831  
**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.  
**District Coalition:** Northeast Coalition of Neighborhoods, Chris Lopez at 503-823-4575.  
**Other Designations:** Contributing resource in the Irvington Historic District, which was listed in the National Register of Historic Places on October 22, 2010.

**Zoning:** R5a, Single Dwelling Residential 5000, with Historic Resource Protection and Alternative Design Density Overlays

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

**Proposal:**  
The applicant is seeking Historic Design Review approval for a proposal to replace the recently installed non-historic windows on the front of the house with new wood windows and legalize the installation of new fiber cement clapboard-style siding with a 5" reveal over the entire body of the building. Historic Design Review is required because the proposal is for non-exempt exterior alterations on a primary structure in a historic district.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria specified in the Zoning Code (Title 33 of the Portland City Code). The relevant criteria are:

- 33.846.060 G – Other Approval Criteria

**ANALYSIS**

**Site and Vicinity:** The subject property, a vernacular two story structure with a full-width front porch in the traditional "Foursquare" form, was built in about 1910. It is identified as the Margaret Roberts house, presumably after its first owner, in the National Register documentation for the Irvington Historic District, and was evaluated as a contributing resource in spite of being fully clad with vinyl siding.

Platted in the late Nineteenth Century, today's Irvington Historic District represents the first additions to Portland that employed restrictive covenants from the outset. These included the exclusion of most non-residential uses from the interior of the neighborhood, and where non-residential uses were allowed, such as the fire station and the telephone exchange, the buildings were purposely disguised to appear more residential in character. Other deed restrictions excluded minority groups, established uniform front setbacks, and required minimum expenditure on new buildings. The area developed generally from southwest to northeast and its growth was greatly influenced by the installation of streetcar lines that introduced an easy commuting option to downtown.

The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. Original development in many cases included garages or other accessory structures, typically facing side streets on corner lots and accessed by a variety of driveway types on mid-block sites. Garages that were added after original construction, but still within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

**Zoning:** The single-dwelling zones, including R5, are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.

The Historic Resource Protection Overlay zone 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.

The purpose of the Alternative Design Density Overlay Zone is to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Public Notice:** A "Notice of Proposal in Your Neighborhood" was mailed on August 21, 2011.

**Agency Review:** None of the notified Bureaus has responded with issues or concerns.

**Neighborhood Review:** One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

Dean Gisvold, Chair, wrote on behalf of the Irvington Community Association Land Use Committee on September 2, 2012, finding that none of the applicable approval criteria are met by the proposed retention of replacement windows, siding, and porch alterations which were installed without benefit of Historic Design Review approval.

## 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 within the Irvington Historic District and the proposal is for non-exempt exterior alterations. Therefore Historic Design Review approval is required. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

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

### 33.846.060 G - Other Approval Criteria

**1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.

**Findings:** With the exception of the installation of new wood windows on the street-facing facade, the proposal is essentially to legalize the unpermitted removal of original wood windows and replacement with fin-mounted vinyl units; the cladding of the entire house with fiber-cement siding (either after removal of original siding or over it); and reconfiguration of the front porch and columns. The historic materials of the house have been substantially replaced, altered, or obscured. *Therefore, this criterion is not met. However, if any remaining historic fabric on the structure were re-exposed and repaired; and new elements that match the removed historic ones, were proposed, it could be met.*

**3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.

**Findings:** Non-historic vinyl siding, applied over the original combination of double-drop lap siding and shingles, was removed from the house. The installation of the vinyl siding took place outside the period of significance and before listing of the district, and had therefore not achieved significance in its own right. *This criterion is met.*

**4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

**Findings:** The historic windows, siding, and front porch elements may have been significantly deteriorated but no evidence has been presented to substantiate their condition and the replacement elements, i.e. fin-mounted vinyl windows, fiber-cement clapboard siding, and four columns on tall bases replacing three full height columns, do not replicate the visual characteristics, installation, or materials of the originals. *This criterion is not met.*

**8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

**10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings for 8 and 10:** The completed alterations have substantially obliterated the architectural character and materials of the house's exterior and the proposal is to maintain all these changes with the exception of replacing the street facing windows with double-hung wooden units. Although the documentation of the resource in the National Register nomination found it contributing in spite of secondary vinyl siding visually similar to the currently installed fiber-cement siding, that non-significant material is no longer in place and the original siding material and configuration is known. In addition, retention of the alterations to the windows and porch would make the structure non-contributing to the historic district. *Therefore, these criteria are not met. However, if any remaining historic fabric on the structure were re-exposed and repaired; and new elements that match the removed historic ones, were proposed, it could be 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

At best the unfortunate wholesale obliteration of historic character might be partially reversible through the uncovering and repairing of any intact historic siding under recently applied fiber cement clapboards. Although the historic windows and porch columns have been discarded, there is reasonably good photographic evidence of the historic configuration that could guide a reconstruction. The purpose of the Historic Design Review process is to ensure that additions, new construction, and exterior alterations to historic resources, including historic districts, do not compromise their ability to convey historic significance. This proposal does not meet the applicable Historic Design Review criteria and therefore warrants denial.

## ADMINISTRATIVE DECISION

Denial of a proposal, in the Irvington Historic District, to replace recently installed vinyl street-facing windows with new wood windows, and legalize other alterations made without benefit of Historic Design Review approval.

**Staff Planner: Dave Skilton**

**Decision rendered by:**  **on September 12, 2012.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: September 13, 2012**

**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 May 11, 2012, and was determined to be complete on **August 17, 2012.**

*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 May 11, 2012.

*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 September 27, 2012** 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.

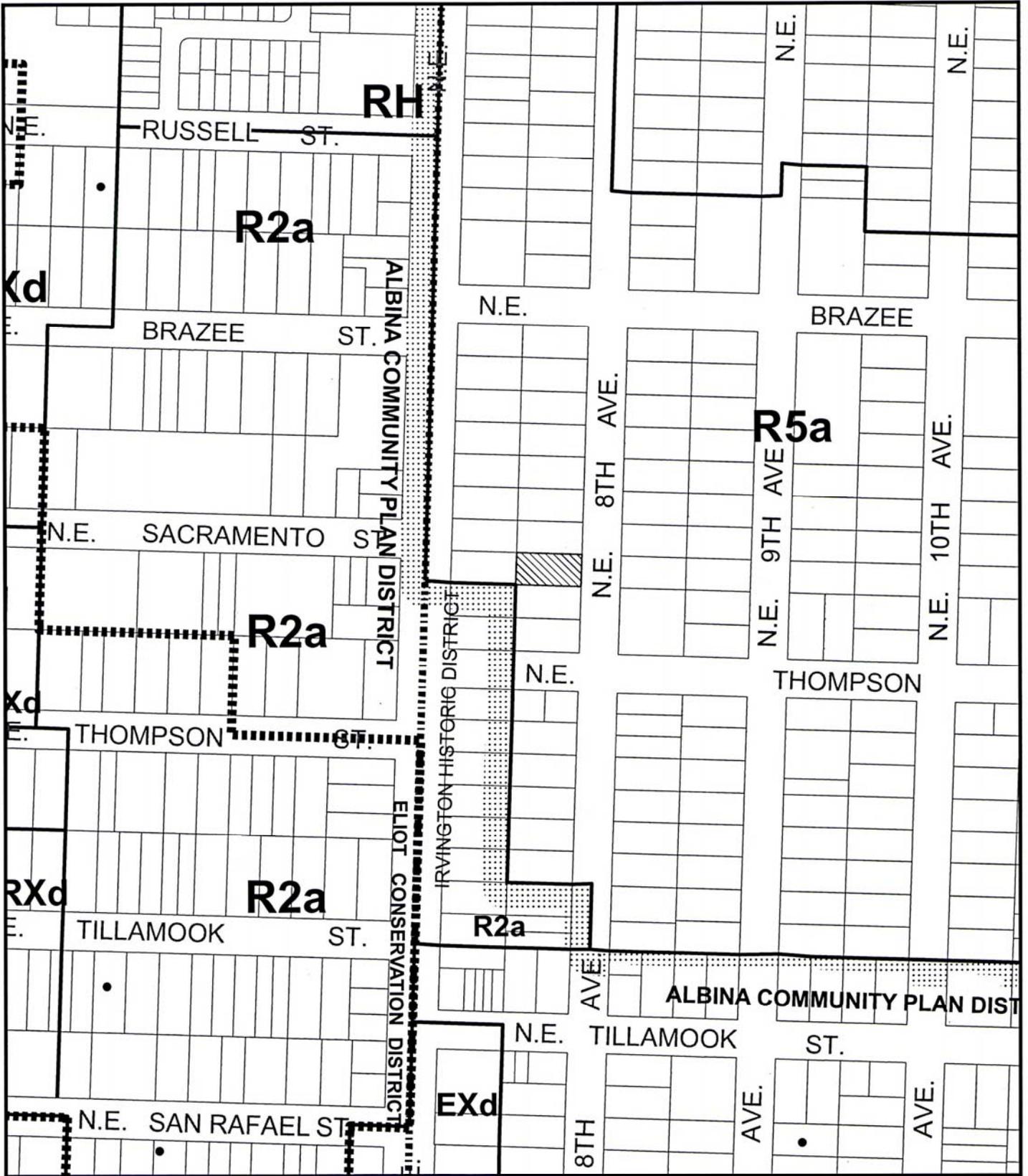
Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Historic Landmarks Commission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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. East Elevation (attached)
  - 3. South Elevation (attached)
  - 4. West Elevation
  - 5. North Elevation (attached)
  - 6. Window Details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Review Section of BDS
- F. Correspondence:
  - 1. Dean Gisvold, Chair, wrote on behalf of the Irvington Community Association Land Use Committee on September 2, 2012, finding that none of the applicable approval criteria are met by the proposed retention of replacement windows, siding, and porch alterations which were installed without benefit of Historic Design Review approval.
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research

**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).**



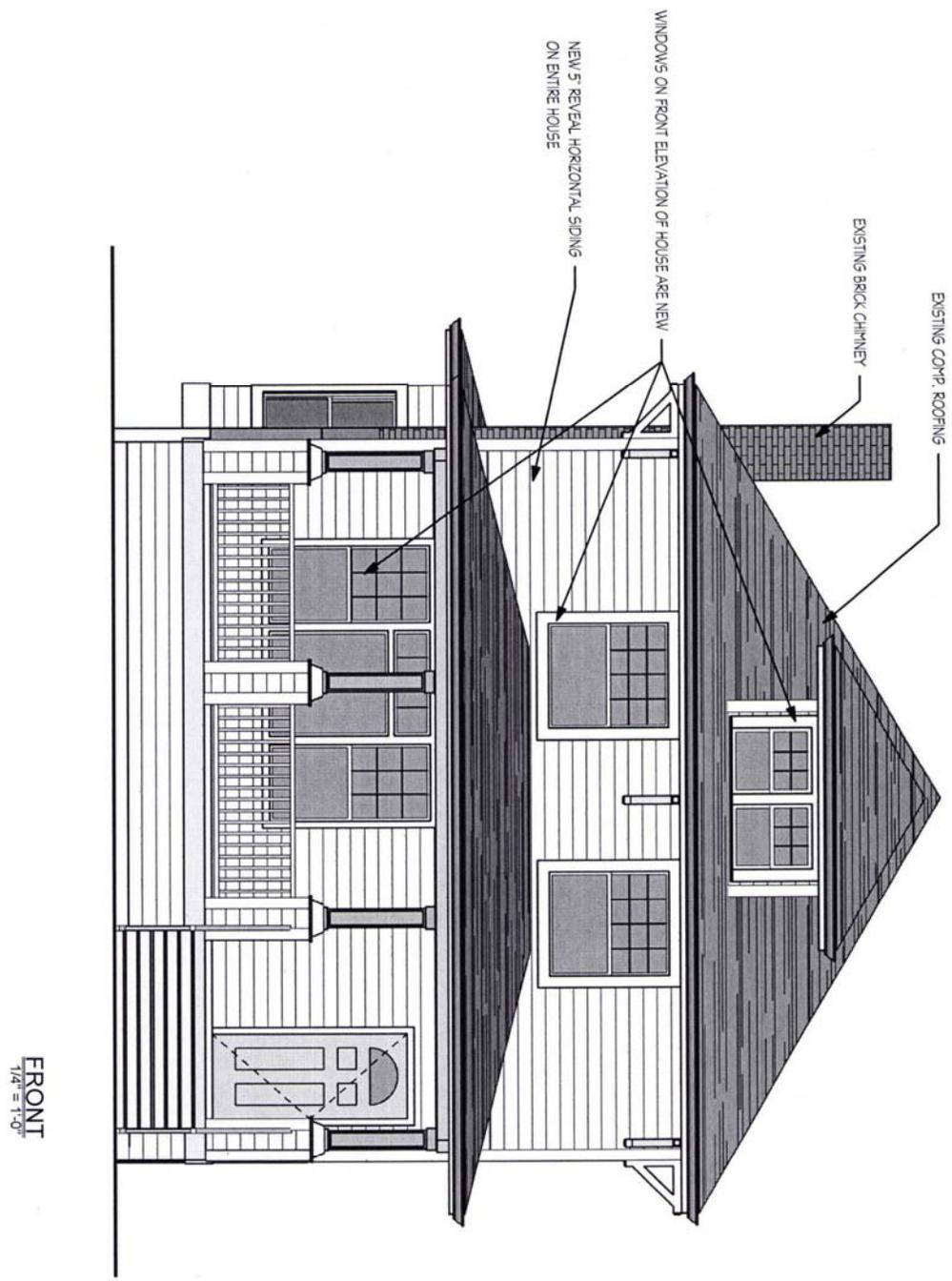
# ZONING

 Site



This site lies within the:  
IRVINGTON HISTORIC DISTRICT

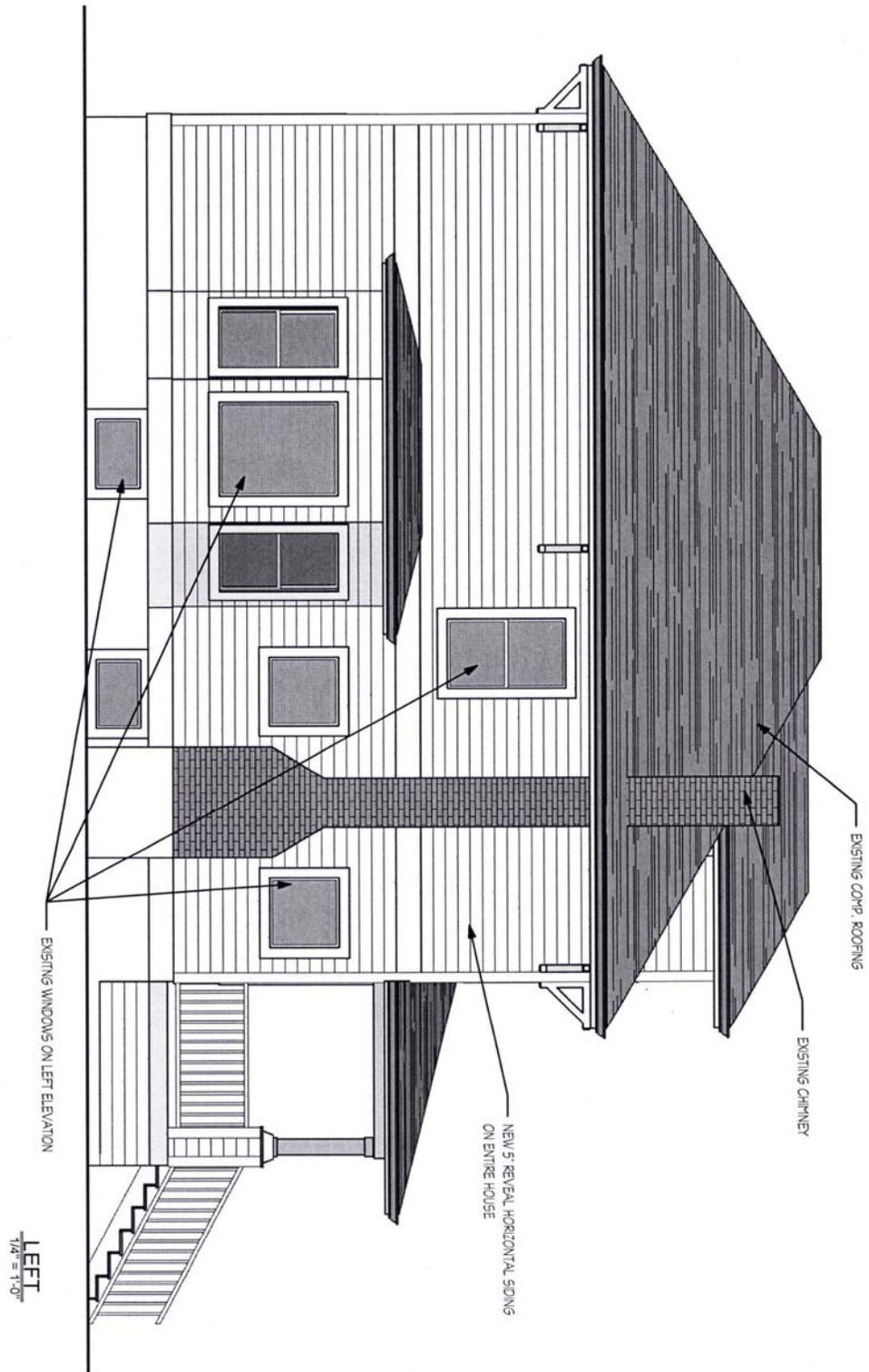
File No. LU 12-139918 HDZ  
 1/4 Section 2831  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E26CB 10600  
 Exhibit B (May 17, 2012)



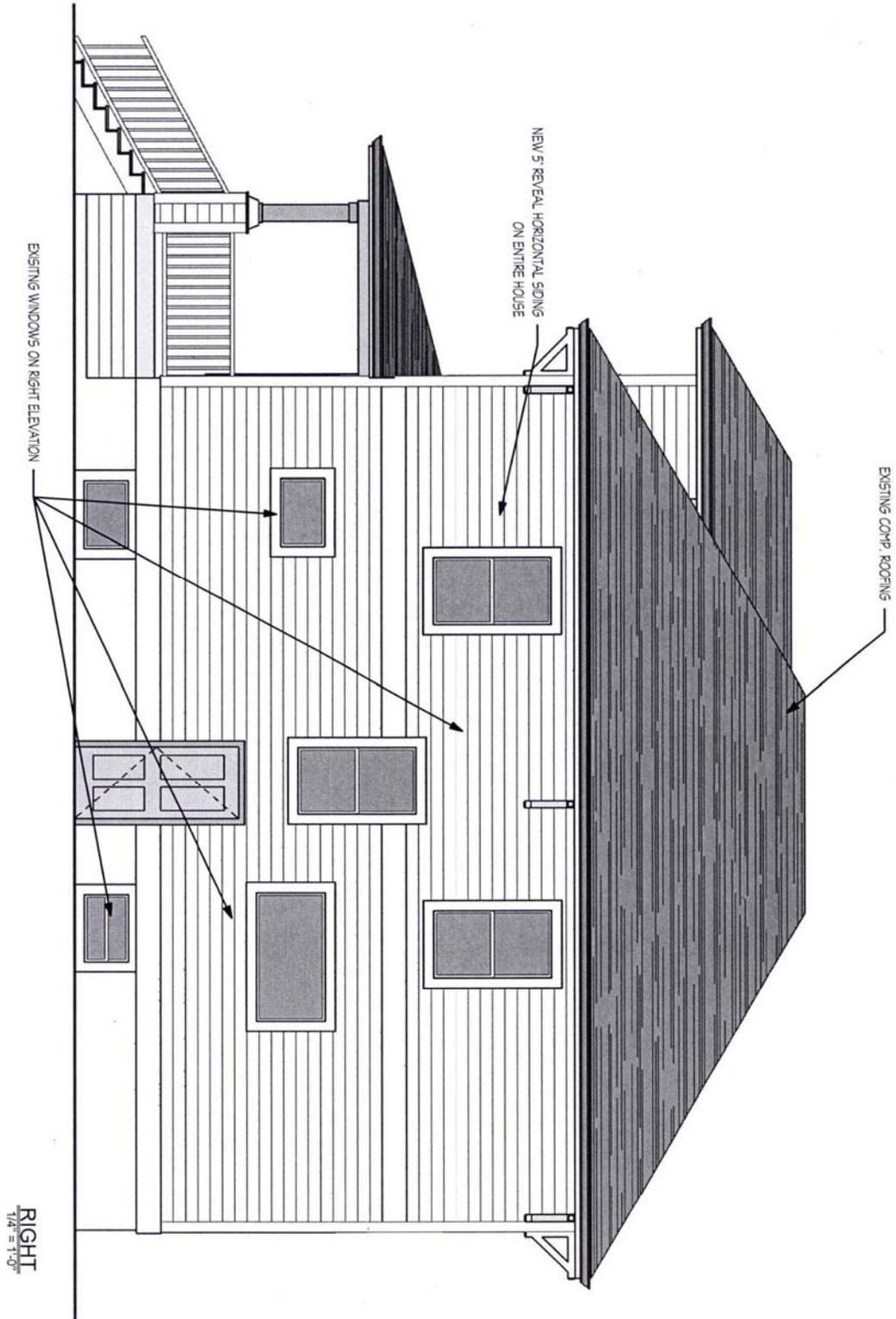
FRONT  
1/4" = 1'-0"

<p><b>VLADIMIR OZERUGA</b></p>		<p><b>BUILDERS DESIGN INC</b> COMMERCIAL · RESIDENTIAL · REMODELING 11125 NE WEIDLER ST. · PORTLAND, OR 97220 PHONE: (503) 252-3453 · FAX: (503) 252-3454 EMAIL: BUILDERSDESIGN@GMAIL.COM</p>
<p>FRONT ELEVATION</p>		
Project number:	9695	
Date:	6/5/2012	
Drawn by:	BSY	
Checked by:		
Area:		
Scale:	1/4" = 1'-0"	
<p><b>1</b></p>		

C-2



<b>2</b> LEFT 1/4" = 1'-0"	<b>VLADIMIR OZERUGA</b>	<b>BUILDERS DESIGN INC</b> <small>COMMERCIAL · RESIDENTIAL · REMODELING          11125 NE WEIDLER ST. · PORTLAND, OR 97220          PHONE: (503) 252-3453 · FAX: (503) 252-3454          EMAIL: BUILDERSDESIGN@GMAIL.COM</small>
	<b>LEFT ELEVATION</b>	
Project number: 96995 Date: 6/5/2012 Drawn by: BSY Checked by:		
Area: Scale: 1/4" = 1'-0"		



RIGHT  
1/4" = 1'-0"

3	Project number:	9695	<b>BUILDERS DESIGN INC</b> <small>COMMERCIAL · RESIDENTIAL · REMODELING</small> <small>11125 NE WEIDLER ST. · PORTLAND, OR 97220</small> <small>PHONE: (503) 252-3453 · FAX: (503) 252-3454</small> <small>EMAIL: BUILDERSDESIGN@GMAIL.COM</small>
	Date:	6/5/2012	
	Drawn by:		
	Checked by:		
	Area:		
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VLADIMIR  
OZERUGA  
RIGHT ELEVATION

e-5