



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

Charlie Hales, Mayor
Paul L. Scarlett, Director
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Date: May 3, 2013
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 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 12-168541 HDZ – DORMER EXPANSION

GENERAL INFORMATION

Applicant: Shawn Edwards
1415 E Ocean Boulevard #202 / Long Beach, CA 90802-5861

Representative: R Gerald Edwards / Sheila Reilly Design
PO Box 14601 / Portland, OR 97293

Site Address: 2436 NE 27TH AVE

Legal Description: TL 9500 0.17 ACRES, SECTION 25 1N 1E
Tax Account No.: R941250140
State ID No.: 1N1E25CB 09500
Quarter Section: 2833
Neighborhood: Grant Park, contact Ken Peterson at gpnalanduse@gmail.com.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004.
Other Designations: Contributing resource in the Irvington Historic District, which was listed in the National Register of Historic Places on October 22, 2010.

Zoning: R5, Single Dwelling Residential 5000, with Historic Resource Overlay.
Case Type: HDZ, Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

This proposal originated in response to a compliance case regarding work undertaken without a required review. The work performed without review included addition of a "bump-out" for an internal fireplace and the alteration of existing, historic front porch columns. The applicant is seeking Historic Design Review approval for a proposal to:

- expand an existing dormer above the attached garage;
- bring an existing, non-historic balcony railing at the rear of the house into compliance with the Building Code;
- replace an existing, non-historic aluminum sliding window with a wooden double-hung window in the same opening;
- replace a non-historic garage door with a more appropriate "carriage house" type door;

- restore the front porch columns to previous configuration; and
- legalize an installed exterior box structure on the north side of the house to accommodate an interior gas fireplace.

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 of the Portland 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, built in approximately 1925, is in the Colonial Revival style with a gambrel roof. Notwithstanding a substantial, conspicuous, and non-historic rear addition, the property is evaluated as a contributing resource in the Irvington Historic District.

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 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.

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 September 6, 2012.

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

Neighborhood Review: Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, representing the Irvington Community Association Land Use Committee, wrote on September 18, 2012, with concerns that the proposed extension of the existing dormer above the garage roof was out of character.
- Nathan Corser, representing the Irvington Community Association Land Use Committee, wrote on April 26, 2013, in support of a revised proposed extension of the existing dormer above the garage roof.

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

Findings for 1 and 3: The subject house is evaluated as a contributing resource in the Irvington Historic District even though it includes a substantial and unsympathetic, non-historic, rear addition, that is highly visible from the street. This addition includes a small but similarly out-of-character dormer on the roof of the attached garage where it abuts the house. The proposed alteration of this dormer will not affect historic materials or any significant alteration, but it will help to break up the continuous plane of the addition wall where it is most visible. With the return of the front porch columns to their historic configuration and replacement of the garage door with a more period appropriate type, the net effect of the changes will be positive. *These criteria are 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: As noted above, while the proposed expansion of the existing small dormer will not have a substantial effect on historic materials or spaces, it will serve to improve on the incompatibility of the existing house relative to the character of the Irvington Historic District. This will be accomplished by breaking up the visual dominance of the side wall of the non-historic rear addition as viewed from neighboring properties to the south. *These criteria are 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 purpose of the Historic Design Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations to a contributing resource in the Irvington Historic District;

Approval is per Exhibits C-1 through C-11, signed and dated April 30, 2013, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-11. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-168541 HDZ. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  on April 30, 2013.
By authority of the Director of the Bureau of Development Services

Decision mailed: May 3, 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 August 3, 2012, and was determined to be complete on August 31, 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 August 3, 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 May 17, 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.

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 **May 20, 2013**.
- 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.

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 (attached)
 2. Existing North Elevation
 3. Proposed North Elevation
 4. Existing West Elevation
 5. Proposed West Elevation (attached)
 6. Existing South Elevation
 7. Proposed South Elevation (attached)
 8. Existing East Elevation
 9. Proposed East Elevation
 10. Window Information
 11. Garage Door Information

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses:

1. Life Safety Review Section of BDS

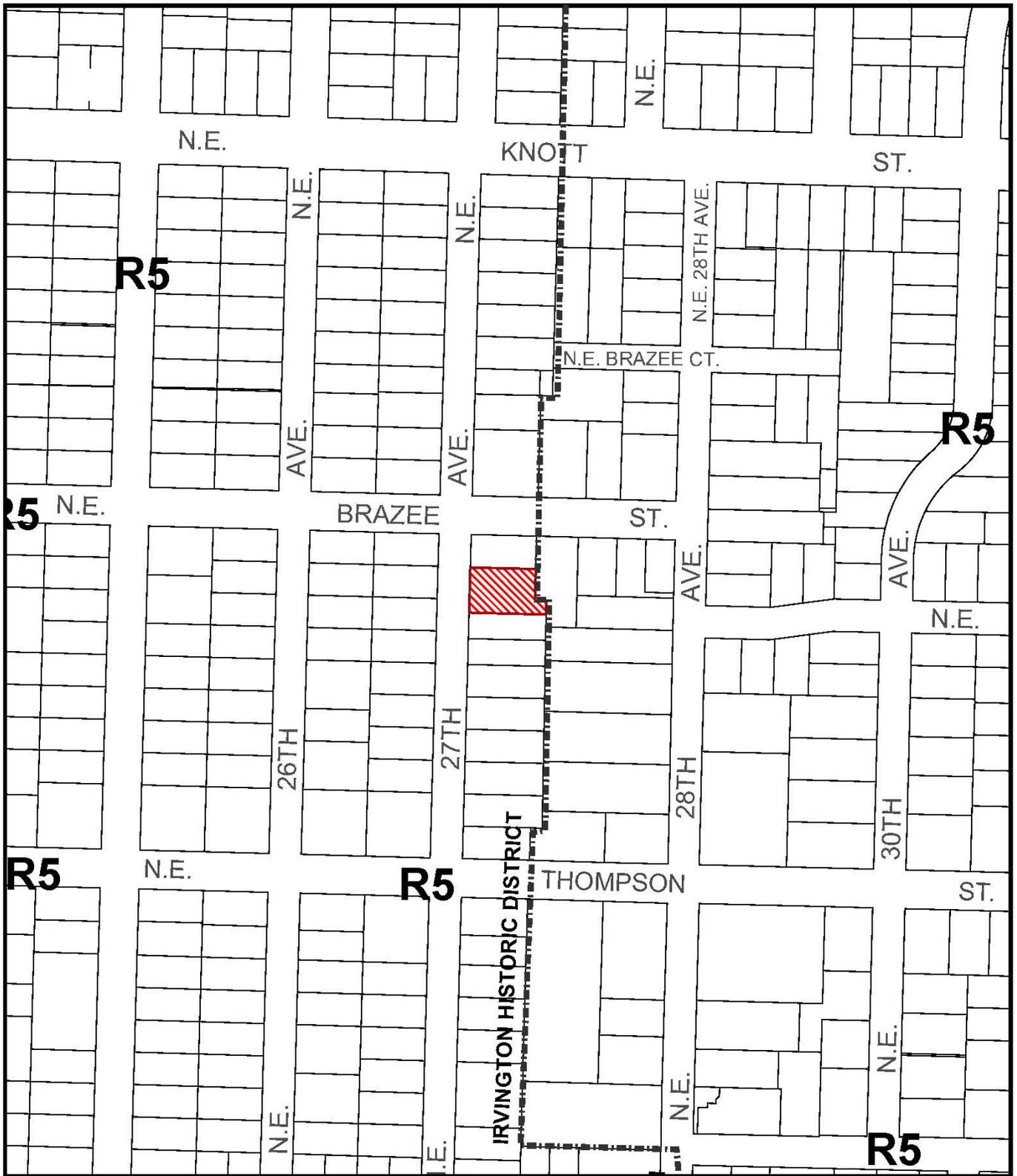
F. Correspondence:

1. Dean Gisvold, representing the Irvington Community Association Land Use Committee, wrote on September 18, 2012, with concerns that the proposed extension of the existing dormer above the garage roof was out of character.
2. Nathan Corser, representing the Irvington Community Association Land Use Committee, wrote on April 26, 2012, in support of a revised proposed extension of the existing dormer above the garage roof.

G. Other:

1. Original LU Application

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



NORTH

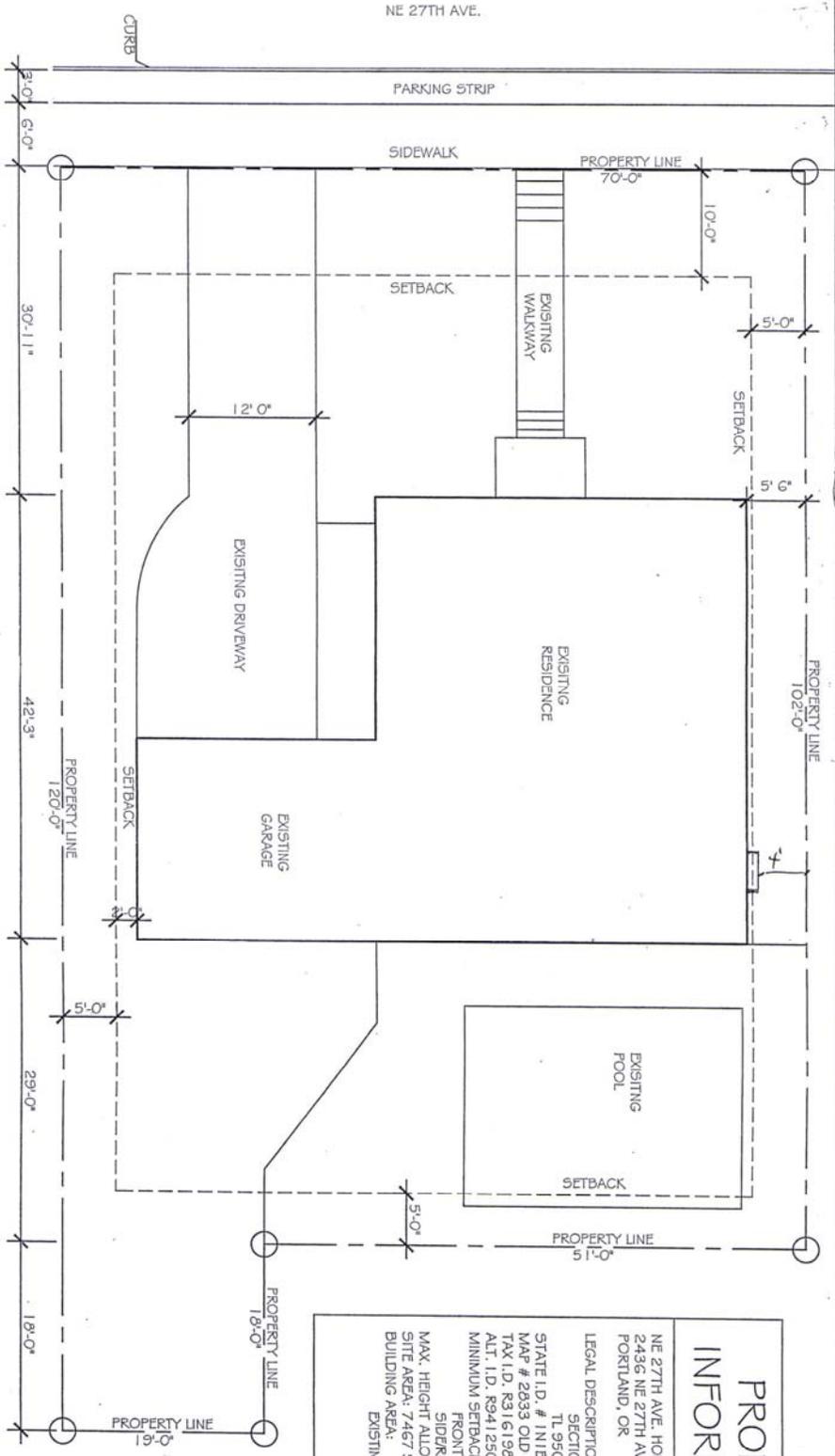
File No. LU 12-168541 HDZ

1/4 Section 2833

Scale 1 inch = 200 feet

State_Id 1N1E25CB 9500

Exhibit B (Apr 30, 2013)



SITE PLAN
SCALE: 1"=10'-0"

NE 27TH HOUSE
2436 NE 27TH AVE
PORTLAND, OR

PROPERTY INFORMATION

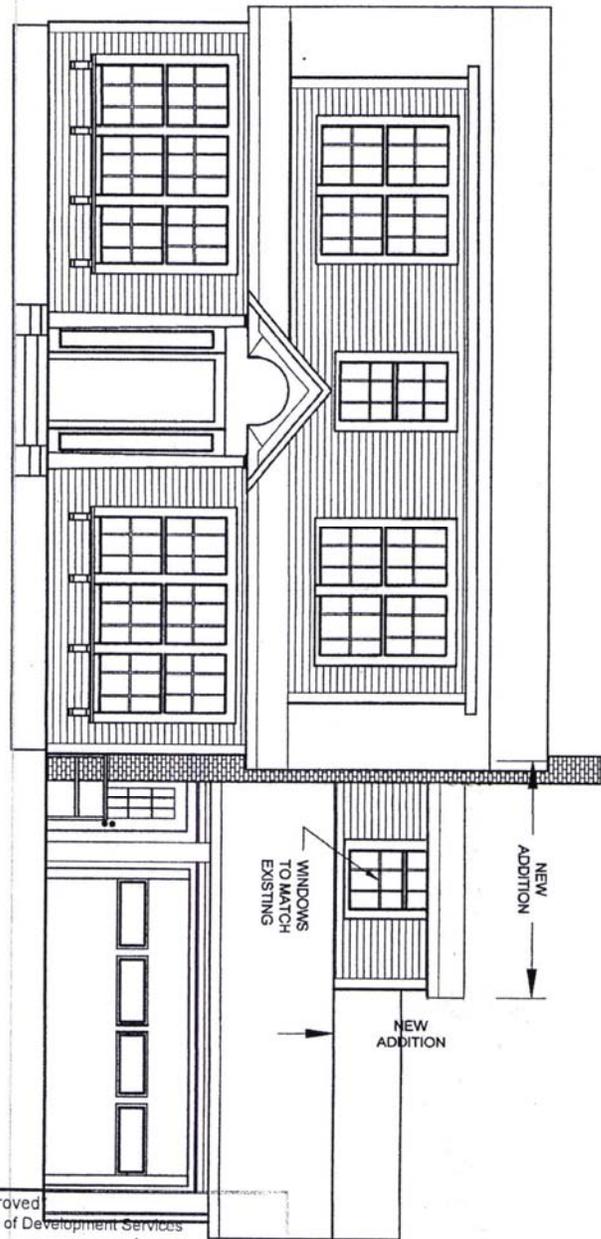
NE 27TH AVE. HOUSE
2436 NE 27TH AVE
PORTLAND, OR

LEGAL DESCRIPTION:
SECTION 23 1N 1E,
TL 9500 0.17 ACRES
STATE I.D. # 1N1E25CB 9500
MAP # 2833 OLD
TAX I.D. 8316198
ALT. I.D. 89412501.40
MINIMUM SETBACKS
FRONT: 10'
SIDE/REAR: 5'MAX. HEIGHT ALLOWED: 30'
SITE AREA: 7467 SF
BUILDING AREA:
EXISTING: APPROX. 1277

Approved
City of Portland - Bureau of Development Services
Planner: *Dave Fuller* Date: *4.30.13*
This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

L012-168541 HDZ C-1

1 WEST ELEVATION - PROPOSED
Scale: 3/16" = 1.0"



*Approved
City of Portland - Bureau of Development Services
Planner *Dore Shilton* Date *4.30.13*
This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

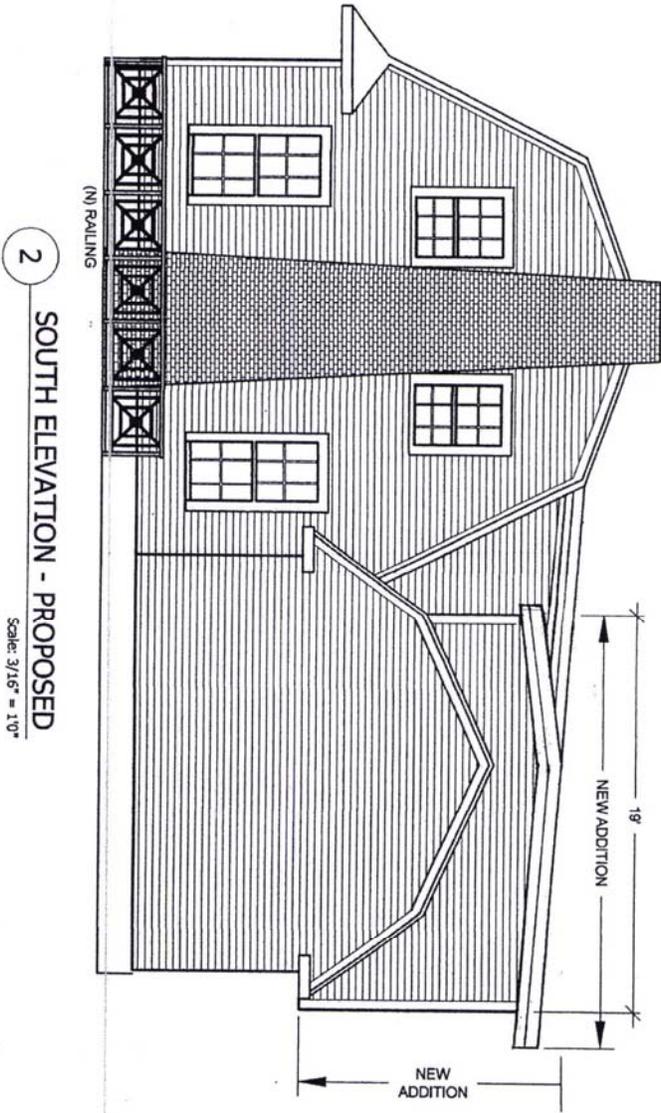
7

KERI SALIM
KLSALIM@GMAIL.COM
503.467.8018
Dwg DATE & REV 4.19.2013
1/20/2013

EDWARDS/REILLY
RESIDENCE
2436 NE 27TH AVE
PORTLAND, OR

12/10/12

C-5



Approved
 City of Portland - Bureau of Development Services
 Planner Dave Salton Date 4.30.13
 This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

10

KERI SALIM
 KLSALIM@GMAIL.COM
 503.467.8018

Dwg DATE & REV 4.19.2013
 1/20/2013

EDWARDS/REILLY
 RESIDENCE
 2436 NE 27TH AVE
 PORTLAND, OR

C-7