



City of Portland
Bureau of Development Services
Land Use Services Division

1900 SW Fourth Ave. Suite 5000
Portland, Oregon 97201
Telephone: 503-823-7300
TDD: 503-823-6868
FAX: 503-823-5630
www.portlandonline.com/bds

Date: August 12, 2008
To: Interested Person
From: Chris Beanes, Land Use Services
503-823-7983 / chris.beanes@ci.portland.or.us

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 this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-138442 HDZ, WINDOW REPLACEMENT AND DOOR ALTERATION

GENERAL INFORMATION

Applicant: Fufkin Vollmeyer, Owner 503-233-1804
4751 NE Davis
Portland OR 97213

Site Address: 2128-2130 SE Hemlock Ave.

Legal Description: Ladd's Addition , Lot 7 Block 27
Tax Account No.: R463306030
State ID No.: 1S1E02DD 18100
Quarter Section: 3232
Neighborhood: Hosford-Abernethy, contact Sean Mccusker at 503-961-4738.
Business District: Division-Clinton Business Association, Katherine Cosgrove at 503-234-8585.

District Coalition: Southeast Uplift, contact Cece Hughley Noel at 503-232-0010.
Plan District: None
Other Designations: Ladd's Addition Historic District
Zoning: R5, Single Dwelling Residential 5,000
Case Type: HDZ, Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant proposes a retroactive conversion from a duplex into a single family residence. The residence was originally built as a single family structure. The following are items which the applicant has proposed for review:

- Filling in a non-original front door with beveled wood lap siding to match the original siding. The existing original entry door will remain unchanged;

- Replacement of (2) 3rd floor 21” high by 32” wide paired attic windows on each side facade (north and south) of the home with (2) 39-1/8” high by 32” wide fiberglass/wood windows.

Because the proposal is for an exterior alteration to a home in the Ladd’s 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, Portland Zoning Code. The relevant approval criteria are:

- Ladd’s Addition Historic Conservation District Guidelines
- Chapter 33.846 Historic Reviews

ANALYSIS

Site and Vicinity: The site is located on SE Hemlock Avenue within the Ladd’s Addition Historic District. Ladd’s Addition is Portland’s oldest planned community (1891) and one of the oldest in the western United States. Ladd’s radial street plan marked a dramatic break in Portland’s typical grid street pattern. With a formal symmetry echoing Renaissance cities and gardens, the radial streets converge at five formal gardens, which are showpieces of the Ladd’s Addition community. The streets are arranged in a hierarchy of street types from two broad central boulevards (SE Ladd Ave. and SE Elliott) to narrower minor streets and service alleys, all with a central focus on SE Ladd Circle. The District is characterized by single-family homes that primarily were built between 1905 and 1930.

The subject property lies is at the southeastern edge of Ladd’s Addition. At 5,074 square feet, the rectangular site is located along the intersection of SE Hemlock and Cypress Avenues. Typical of the pattern of houses situated on lots within the district is the slightly elevated ground floor of the home, with mature plantings surrounding the property. A garage lies at the rear of the lot facing the alley. Built in 1916, the Primary Contributing home is an example of the Craftsman style of architecture. The 3,184 square foot two-and-one-half story home is characterized by a gable roof with generous eaves, a full length porch, truncated box columns, and double-hung wood windows.

Zoning: The subject property is within the R5 zone. The Residential 5,000 zone is limited to single-dwelling housing types in order to maintain the overall image and character of the City’s single-dwelling neighborhoods.

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

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **July 7, 2008**. The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS has responded with the following comment: “ A building permit has been applied for and is currently under review or has been issued, or Life Safety plans examiner has been in contact with the applicant”. Please see Exhibit E.1 for further information.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 7, 2008. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews 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. Therefore the proposal requires historic design review approval. The relevant approval criteria are the Ladd's Addition Conservation District Design Guidelines.

Ladd's Addition Conservation District Guidelines

The revised Ladd's Addition guidelines were adopted in 1988, with both the Ladd's Addition Conservation District Advisory Council and the Landmarks Commission and staff participating in their formulation. The basic intent of the guidelines is to ensure that new development in the district is compatible with the character and the architecture, which distinguish Ladd's Addition. The guidelines document is organized around three general topic areas: community design, new construction, and exterior remodeling.

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

Exterior Rehabilitation Guidelines

1. Windows and Doors. Original windows and doors, including trim, should be retained or restored. If repair is not feasible, new windows or windows on additions should match or be compatible with original windows in form, materials, type, pattern and placement of openings. On residences, the removal of original wood sash windows and replacement with aluminum sash is especially discouraged. Restoration of commercial storefront windows with large fixed glass panes below and smaller glass panes above is especially encouraged.

Findings: The applicant's need to provide legal egress has prompted alteration to the original third story windows, which are too small to meet the code requirement. The existing paired (total of 4) windows are a 3 over 2 divided multi-light configuration, with dimensions of 21" high by 32" wide. Proposed are (4) larger casement windows at 39-1/8" high by 32" wide, with accompanying trim to match the existing trim on the house façade. The windows will be 3 over 3 divided multi-light with dimensions of 39-1/8" high by 32" wide. The window is constructed of wood with a fiberglass exterior. The windows are currently side by side, the proposed window configuration will allow for a space between them in order to preserve the central bracket feature along the eave apex. Profiles of the existing window and proposed window show comparable measurements and depths to provide a consistent appearance.

Proposed alterations to the windows will affect non-primary north-south facing side elevations. As well, the windows are located at the attic level, within the apex of each uppermost gable on the 3rd floor. The applicant has reduced the size and proportion of the original proposal in keeping with consistency of subordinate third story windows. In addition, the proposed windows reflect the applicant's desire for consistency in regards to the existing multi-light windows on the first and second floors.

The reconversion of the home from a duplex to its original single family status had resulted in a remnant door header trim piece remaining beyond the main entry door. The remaining piece will be removed and replaced with lap siding to match

the original siding for consistency along the primary façade. *Thus this guideline 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 proposal reflects the applicant's desire to maintain consistency in regards to patterning, size, and placement of the new windows along the north and south facades of the home. The windows are of high quality and are a creative solution to meeting code requirements for egress at the third story as well as the Ladd's Addition Design Guidelines.

ADMINISTRATIVE DECISION

Approval of:

- Filling in a non-original front door with beveled wood lap siding to match the original siding. The existing original entry door will remain unchanged;
- Replacement of (2) 3rd floor 21" high by 32" wide paired attic windows on each side facade (north and south) of the home with (2) 39-1/8" high by 32" wide fiberglass/wood windows.

Approval per the approved site plans, Exhibits C-1 through C-5, signed and dated August 8, 2008, subject to the following conditions:

- 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-C.8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-138442 HDZ. No field changes allowed."



Decision rendered by: _____ **on August 8, 2008**

By authority of the Director of the Bureau of Development Services

Decision mailed: August 12, 2008

Staff Planner: Chris Beanes

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 June 18, 2008, and was determined to be complete on **July 1, 2008**.

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 June 18, 2008.

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 Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 26, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 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 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 **August 27, 2008– (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:

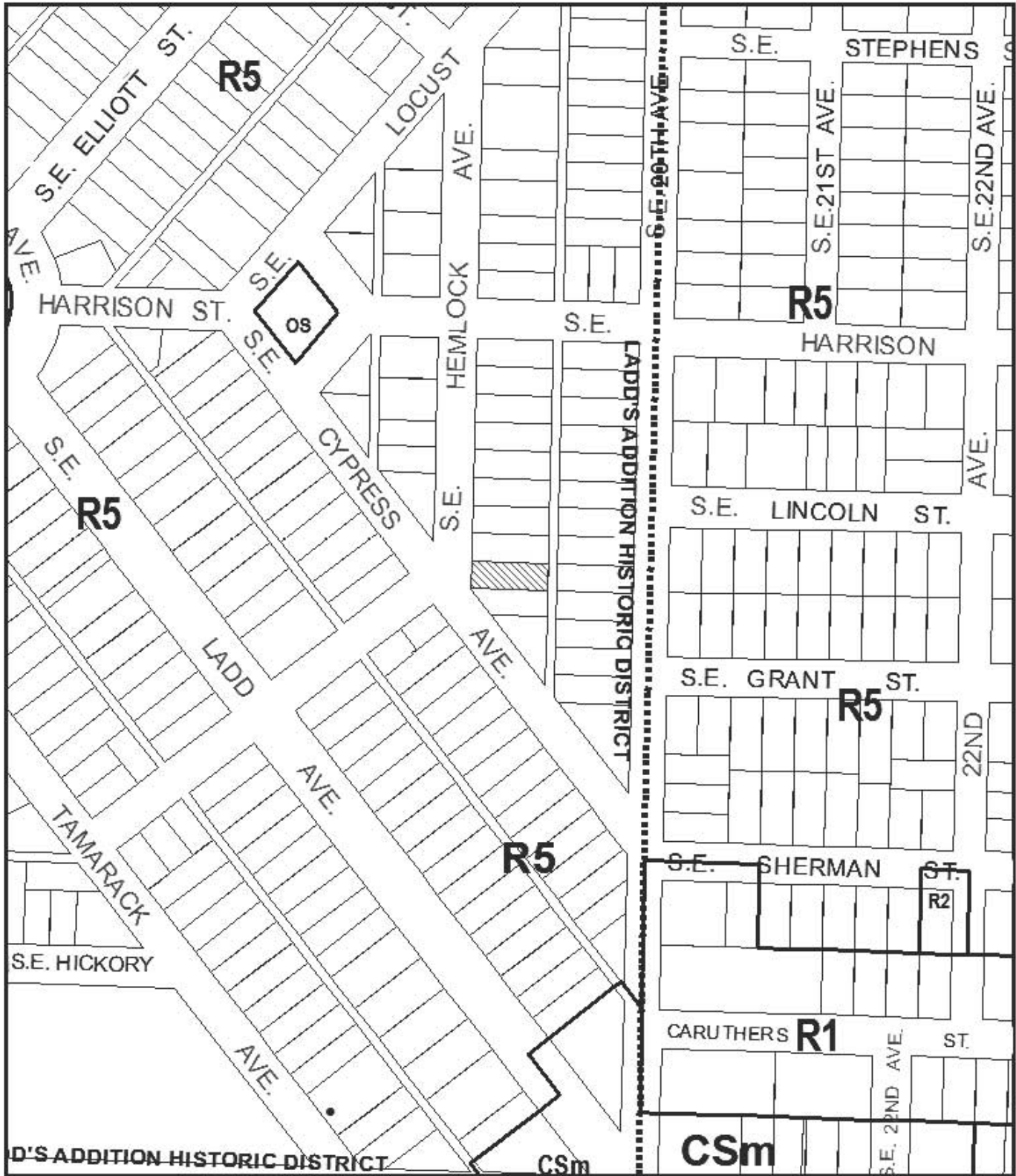
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. North Elevation (attached)
 - 3. South Elevation (attached)
 - 4. Window Details (attached)
 - 5. Front Door Photo and area of work (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Site Development Review Section of BDS
- F. Correspondence: None
- 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. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).

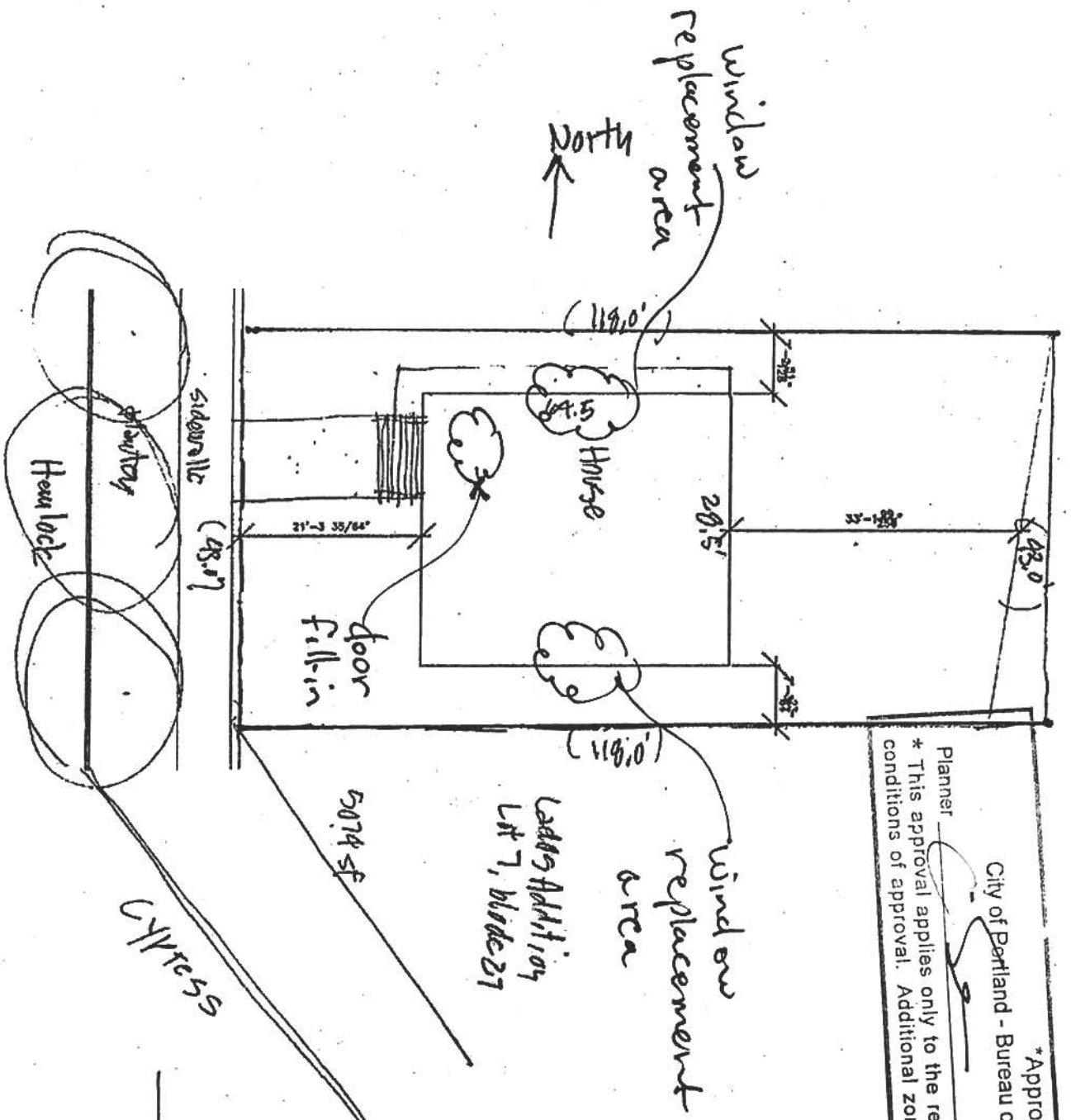


ZONING





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

File No. LU 08-138442 HDZ
 1/4 Section 3232
 Scale 1 inch = 200 feet
 State Id 1S1E02DD 18100
 Exhibit B (Jun 19,2008)



Planner _____
 City of Portland - Bureau of Development Services
 Date 2/8/02
 * Approved *
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

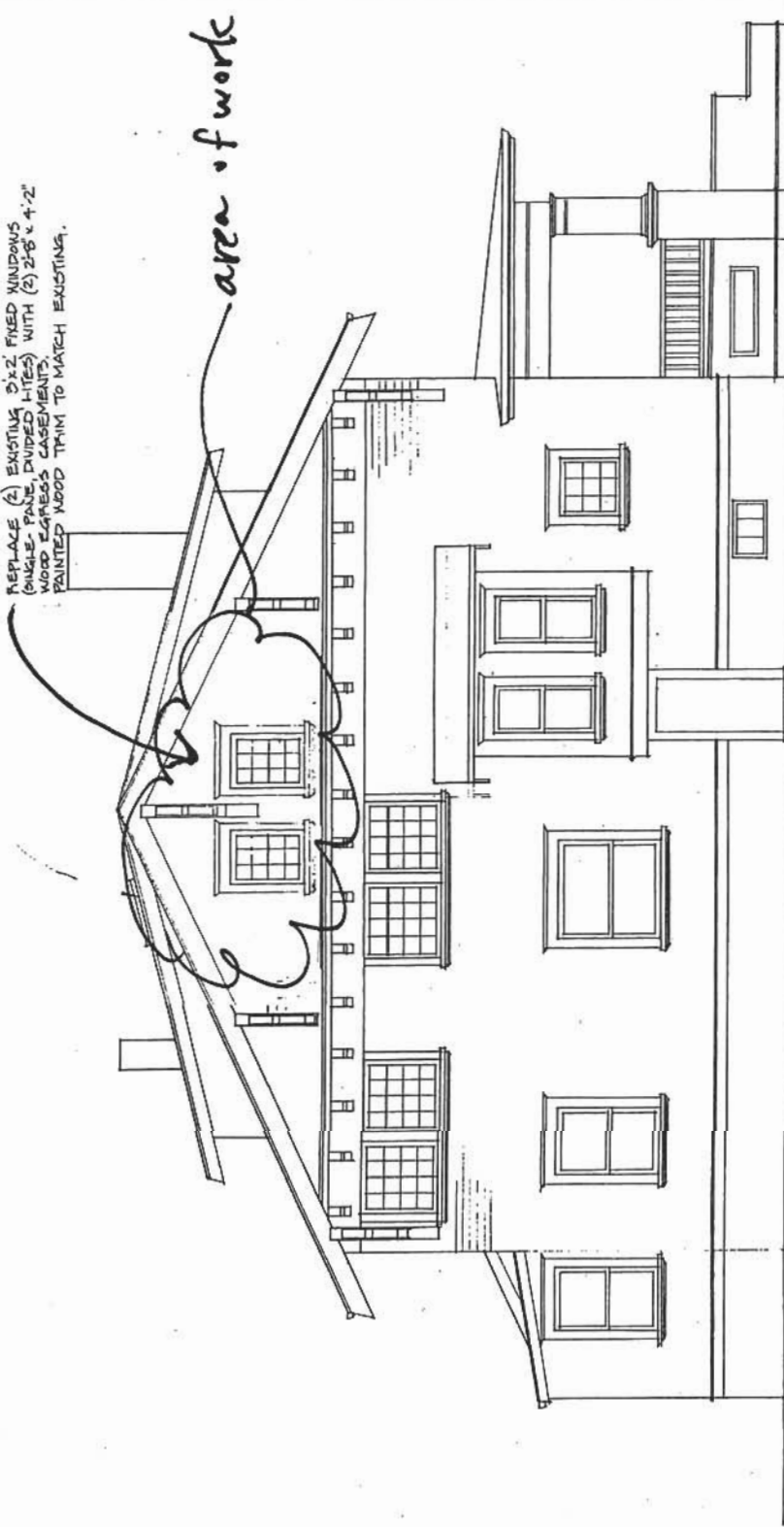
SITE PLAN
 2128 SE HAWKLOCK
 Exhibit C.1

 <p>in-house architecture Susan Collard 3734 SE Morrison Street, Portland OR 97214 (503) 238-6871</p>		<p>6-9-08</p>	<p>ATTIC REMODEL FOR FURKIN VOLLMAYER 2128 SE HEMLOCK PORTLAND OR 97214</p>	<p>NORTH ELEVATION 2 of 9</p>
--	---	---------------	---	---

(2) 2x3 SKYLIGHTS WILL NOT BE VISIBLE FROM STREET OR ALLEY

REPLACE (4) EXISTING 0'-2" FIXED WINDOWS (SINGLE-PANE, DIVIDED-LITES) WITH (2) 2'-6" x 4'-2" WOOD FRAME CASSEMENTS. PAINTED WOOD TRIM TO MATCH EXISTING.

area of work



NORTH ELEVATION
1/4" = 1'-0"

* Approved*
City of Portland - Bureau of Development Services
Planner _____ Date 8/8/08
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 08-138442 HDZ

LU 08-138442 HDZ Exhibit C-2

in-house
architecture
Susan Collard
3734 SE Morrison Street, Portland OR 97214
(503) 238-6871



5-8-08
6-9-08

ARTIC REMODEL FOR
FURKIN VOLLMAYER
2128 SE HEMLOCK
PORTLAND OR 97214

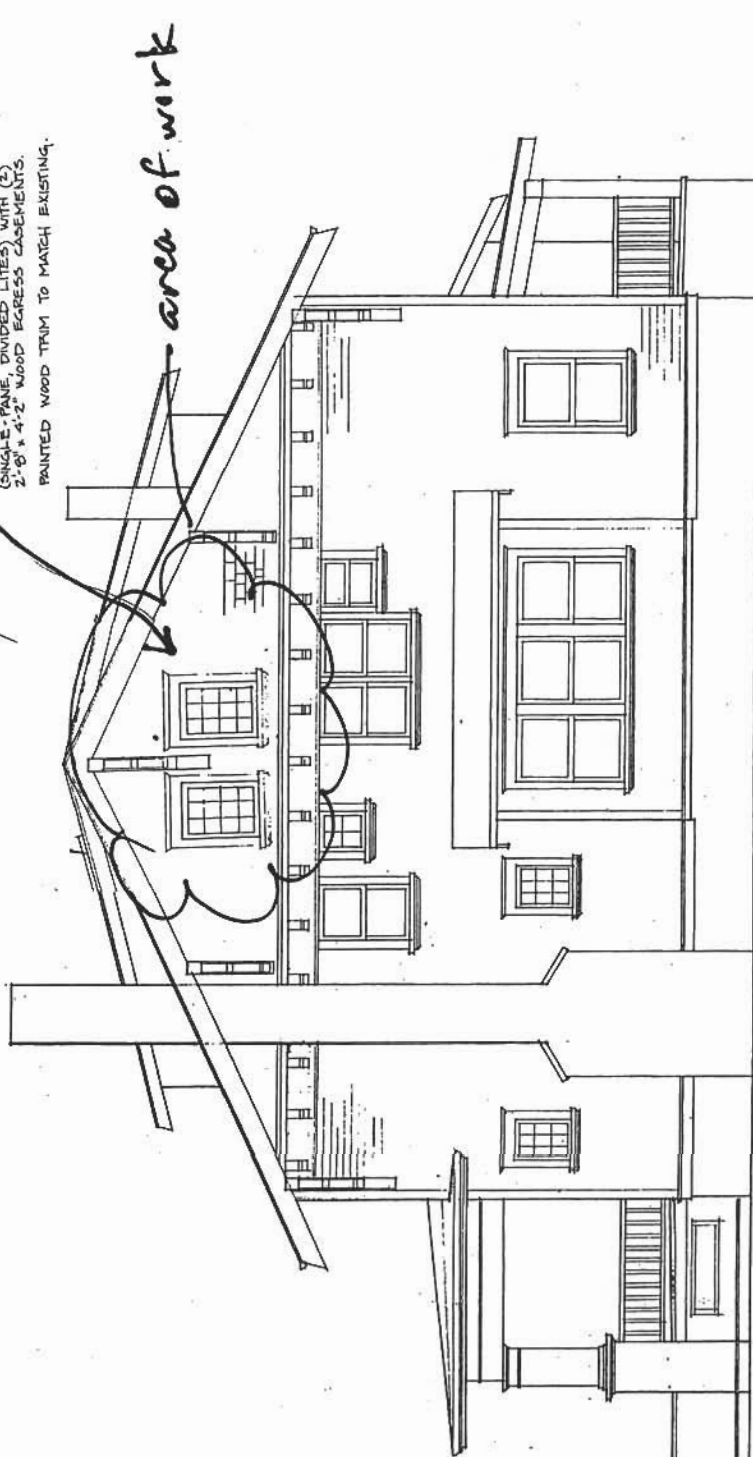
SOUTH
ELEVATION

OF 9

(2) 2x3 SKYLIGHTS WILL NOT BE VISIBLE FROM STREET OR ALLEY

REPLACE (2) EXISTING 3'x3' FIXED WINDOWS (SINGLE FRAME, DIVIDED LITES) WITH (2) 2'-8" x 4'-2" WOOD EGRESS CASEMENTS. PAINTED WOOD TRIM TO MATCH EXISTING.

area of work



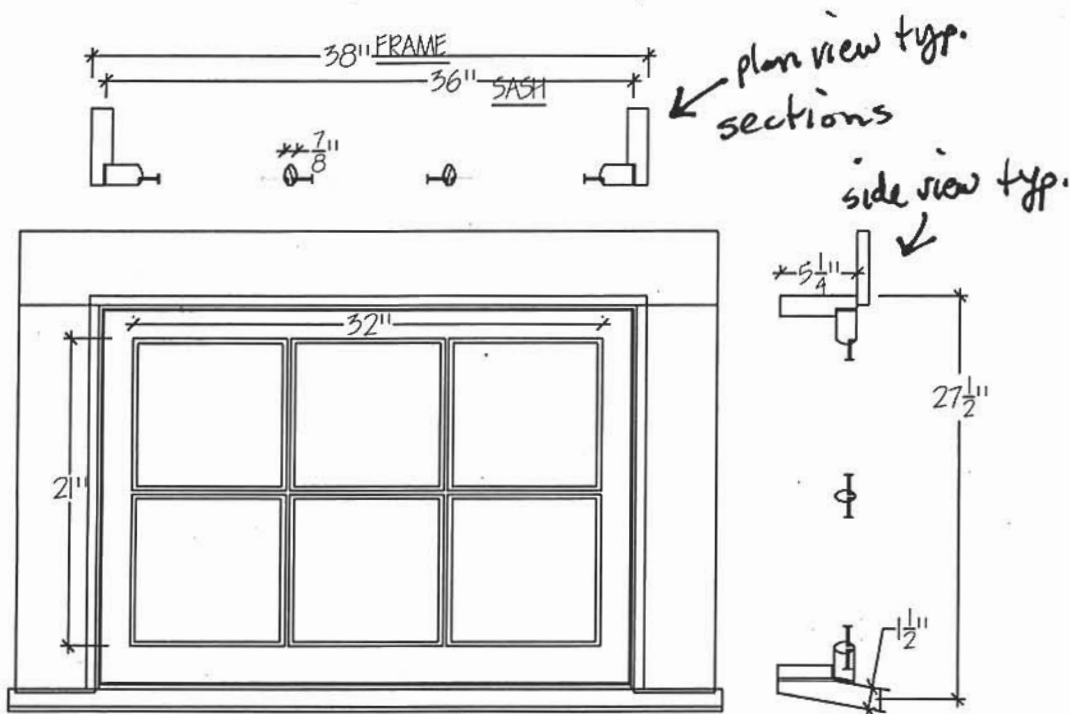
SOUTH ELEVATION
1/4" = 1'-0"

LW 08-138442 HDZ

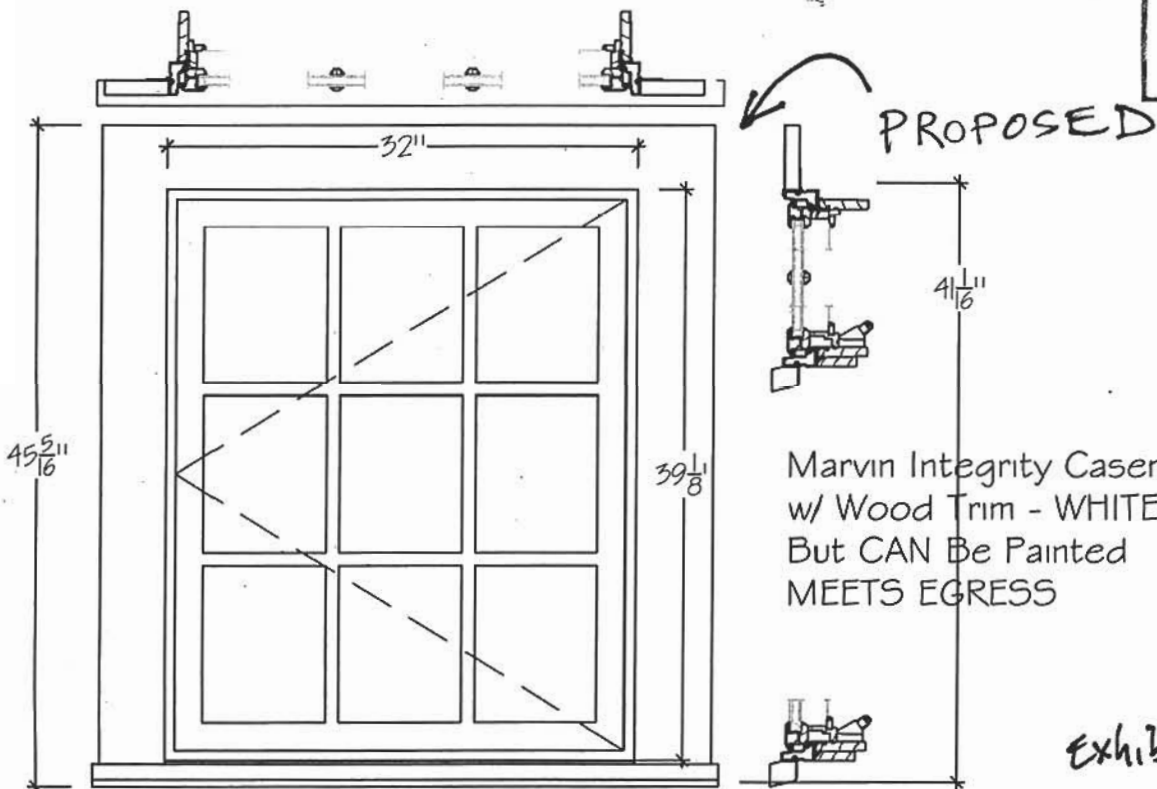
Approved
City of Portland - Bureau of Development Services
Planner: See Date: 8/3/08
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Exhibit C.3

Existing Frame And Sash
 $1 \frac{3}{8}$ " Single Glaze Putty



Doesn't Meet Egress ↗



Marvin Integrity Casement
 w/ Wood Trim - WHITE,
 But CAN Be Painted
 MEETS EGRESS

Exhibit C.4

Approved
 City of Portland - Bureau of Development Services
 Planner _____ Date 8/8/02
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

VERSATILE
 SASH
 WOOD
 WORK, INC.

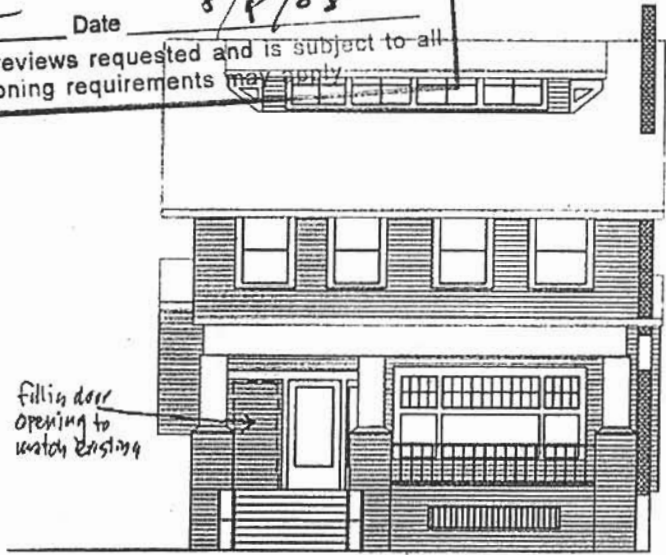
VERSATILE SASH
 1420 SE WATER AVE.
 PORTLAND, OR 97214

PLEASE EXAMINE THESE DRAWINGS CAREFULLY. ANY CHANGES MUST BE MADE IN WRITING & RETURNED TO VERSATILE SASH. YOUR SIGNATURE INDICATES THE ABOVE DRAWINGS & SPECIFICATIONS ARE CORRECT AND YOUR ORDER WILL BE PROCESSED AS DRAWN.
 NO RETURNS ON SPECIAL ORDERS.

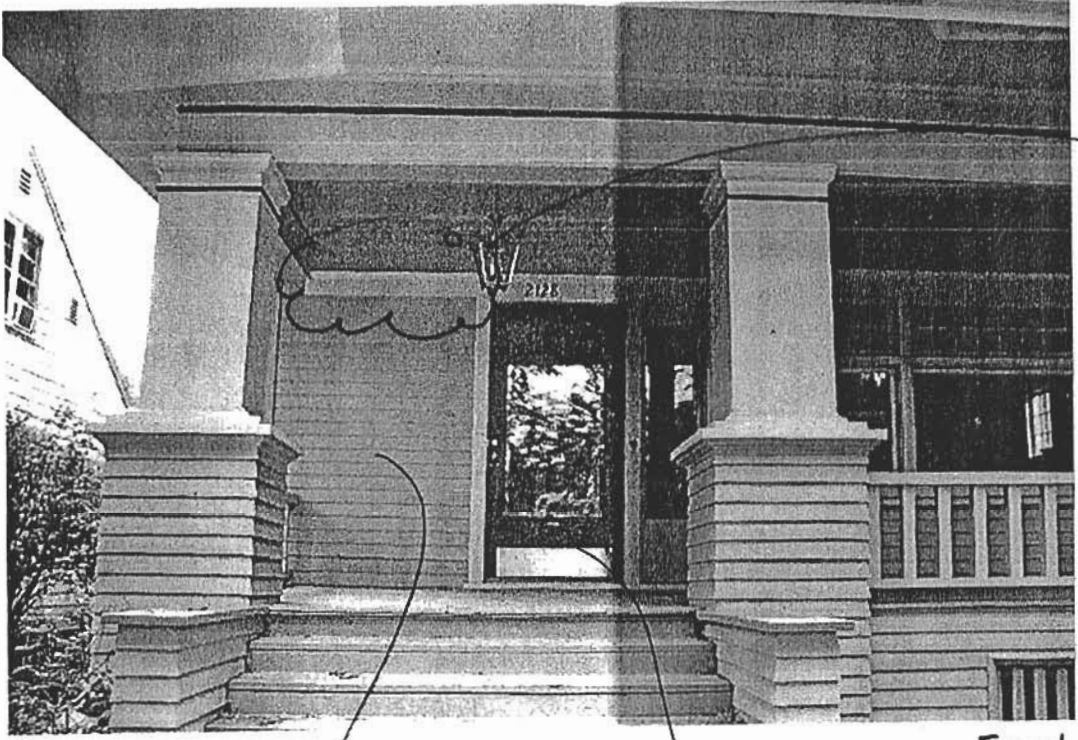
Approved
 City of Portland - Bureau of Development Services

Planner [Signature] Date 8/19/08

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



FRONT ELEVATION



header to be removed and replaced with lap siding to match original

Front porch detail

Filled-in door

original door to remain

Exhibit C.5