



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Date: May 29, 2009
To: Interested Person
From: Dave Skilton, Land Use Services (503-823-0660)
dave.skilton@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 09-125749 HDZ – NEW DORMER

GENERAL INFORMATION

Applicant: Tami Edwards and John Ryczek, Owners
1582 SE Poplar Avenue
Portland, OR 97214

Representative: Shawn O'Donahue, Designer (503-281-4135)
O'Donahue & Rubio
3906 NE 69th Avenue
Portland, OR 97213

Site Address: 1582 SE Poplar Avenue

Legal Description: BLOCK 20 LOT 26, LADDS ADD
Tax Account No.: R463304560
State ID No.: 1S1E02DB 01200
Quarter Section: 3232

Neighborhood: Hosford-Abernethy, contact Kina Voelz at 971-207-9243.
Business District: Hawthorne Blvd. Bus. Assoc., contact Peter Rossing at 503-775-7633.
District Coalition: Southeast Uplift, contact Leah Hyman at 503-232-0010.
Other Designations: Noncontributing resource in the Ladd's Addition Historic District, pursuant to listing in the National Register of Historic Places on August 31, 1988.

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

Proposal:
Applicant is seeking Historic Design Review approval for a proposal to demolish two, rear-facing, non-historic, roof dormers, and replace them with a single, wider dormer in approximately the same location. The new dormer will include two wood windows, matching

the windows currently in the non-historic dormers. Trims and siding will match those on the existing house. Historic Design Review is required because the proposal is for exterior alterations to a building within the Ladd's Addition Historic District.

Relevant Approval Criteria:

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

- 33.846.060 Historic Design Review
- Ladd's Addition Historic Design Guidelines

ANALYSIS

Site and Vicinity: Ladd's Addition Historic District is listed in the National Register of Historic Places for its unique contribution to the practice of community planning and landscape architecture. Its pattern of streets, alleys, and public gardens, skewed diagonally to the compass, was virtually without precedent when it was laid out by William Sargent Ladd in 1891. Several circumstances, including Ladd's untimely death in 1893 and a general economic downturn beginning at about the same time, contributed to a significant delay in the building up of the platted subdivision. Hence, the mean construction date for contributing buildings in the district is 1924, the year after the subject house was constructed.

This house, built for George and Bertha Hoffman in 1923, had been significantly altered by the time the Ladd's Addition Historic District was listed in the National Register in 1988. The principle alterations are removal of the front porch (known from Sanborn Insurance Company maps) and the excavation of a driveway and installation of a garage at the basement level. The garage door opening has subsequently been enclosed with French doors.

Zoning: The single-dwelling zones, in this instance 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.

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

- LU 08-149964 HDZ, approving a front porch and dormer addition. This case is adjunct to the earlier decision.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **May 6, 2009**. The following Bureaus have responded with no issues or concerns:

- Life Safety Review Division of the Bureau of Development Services, see Exhibit E-1.
- Water Bureau, see Exhibit E-2.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 6, 2009. 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 Historic 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.

Note: The New Construction Guidelines apply because this decision is adjunct to the earlier approval of LU 08-149964 HDZ. Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

New Construction Guidelines

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.

Building Additions. Building additions should be in keeping with the original architectural character, color, mass, scale, and materials. Additions should be designed to have the least impact upon character-defining features and should be located inconspicuously when viewed from the street.

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 shed-roofed dormer will replace two smaller existing but non-historic dormers on the rear-facing slope of the gable roof. It takes a traditional and subordinate form by centering on the roof width, sloping from the ridgeline, and stepping in substantially from the side walls of the house. The two square windows proposed are a traditional shape for windows in roof dormers. Their placement within the dormer wall, while less traditional due to considerations of building shear, is approvable because of the deviation is minor and they are located on a less public rear facing facade. *These guidelines are therefore 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

As with the earlier approval, this proposal will also provide usable new living space while moving a non-contributing resource closer to the general character of the historic district. The modest rear-facing roof dormer, centered on the roof width, sloping from the ridgeline, and stepped in substantially from the side walls of the house, will be compatible with the character

of the historic district and subordinate to its historic elements. The proposal therefore merits approval.

ADMINISTRATIVE DECISION

Approval of a rear-facing roof dormer addition, on a historic but non-contributing resource in the Ladd's Addition Historic District;

Approval, under the Ladd's Addition New Construction Guidelines per the approved drawings, Exhibits C-1 through C-4, signed and dated May 28, 2009, 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 through C-4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-125749 HDZ. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  on May 28, 2009
By authority of the Director of the Bureau of Development Services

Decision mailed: May 29, 2009

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 1, 2009, and was determined to be complete on **May 4, 2009**.

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 1, 2009.

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 June 12, 2009** 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 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 **June 15, 2009 – (the first weekday 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:

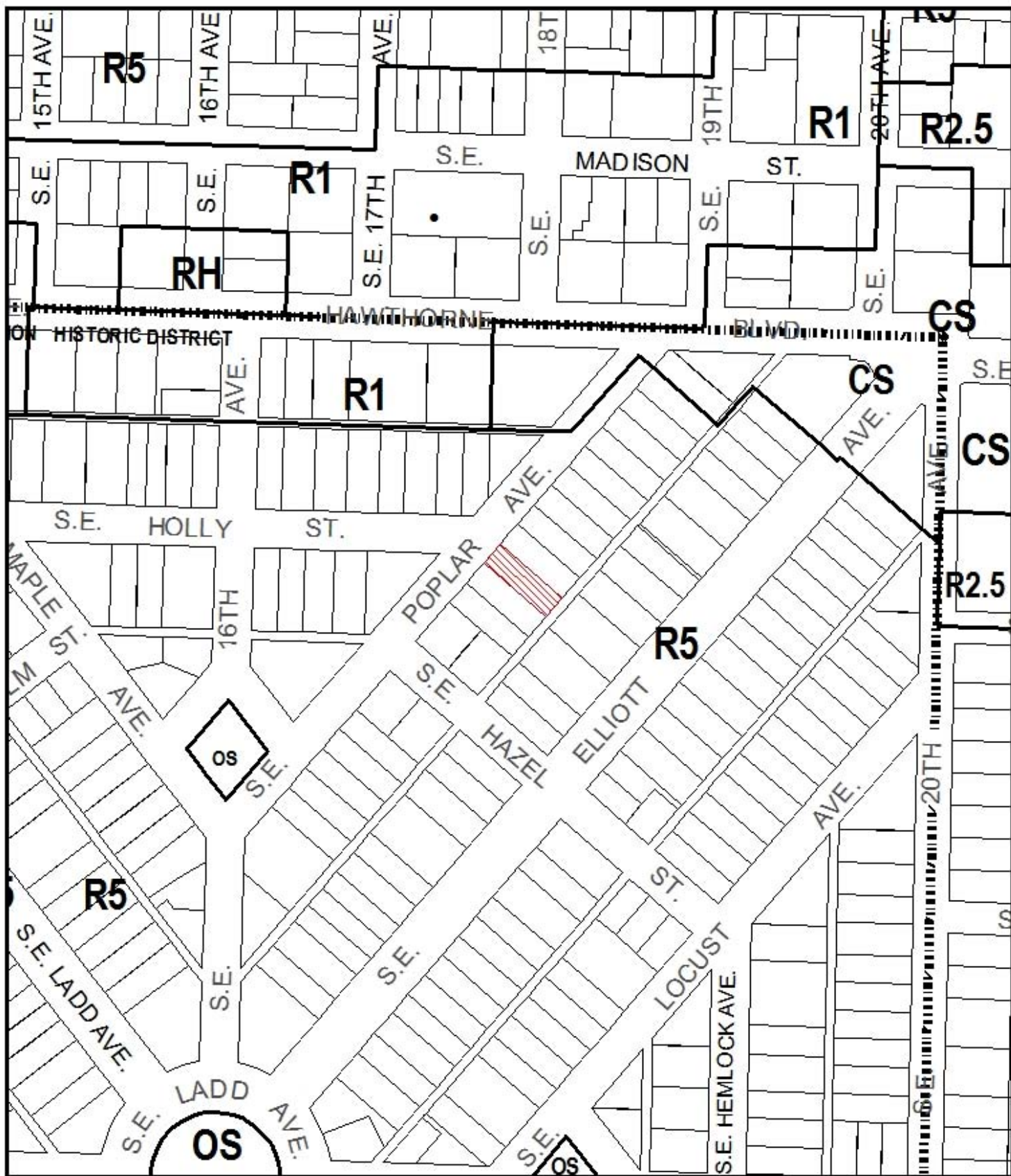
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement: None
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. East Elevation (attached)
 - 3. North Elevation (attached)
 - 4. South Elevation (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Review Section of BDS
 - 2. Water Bureau
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Case Communication Log

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



ZONING

 Site

File No. LU 09-125749 HDZ

1/4 Section 3232

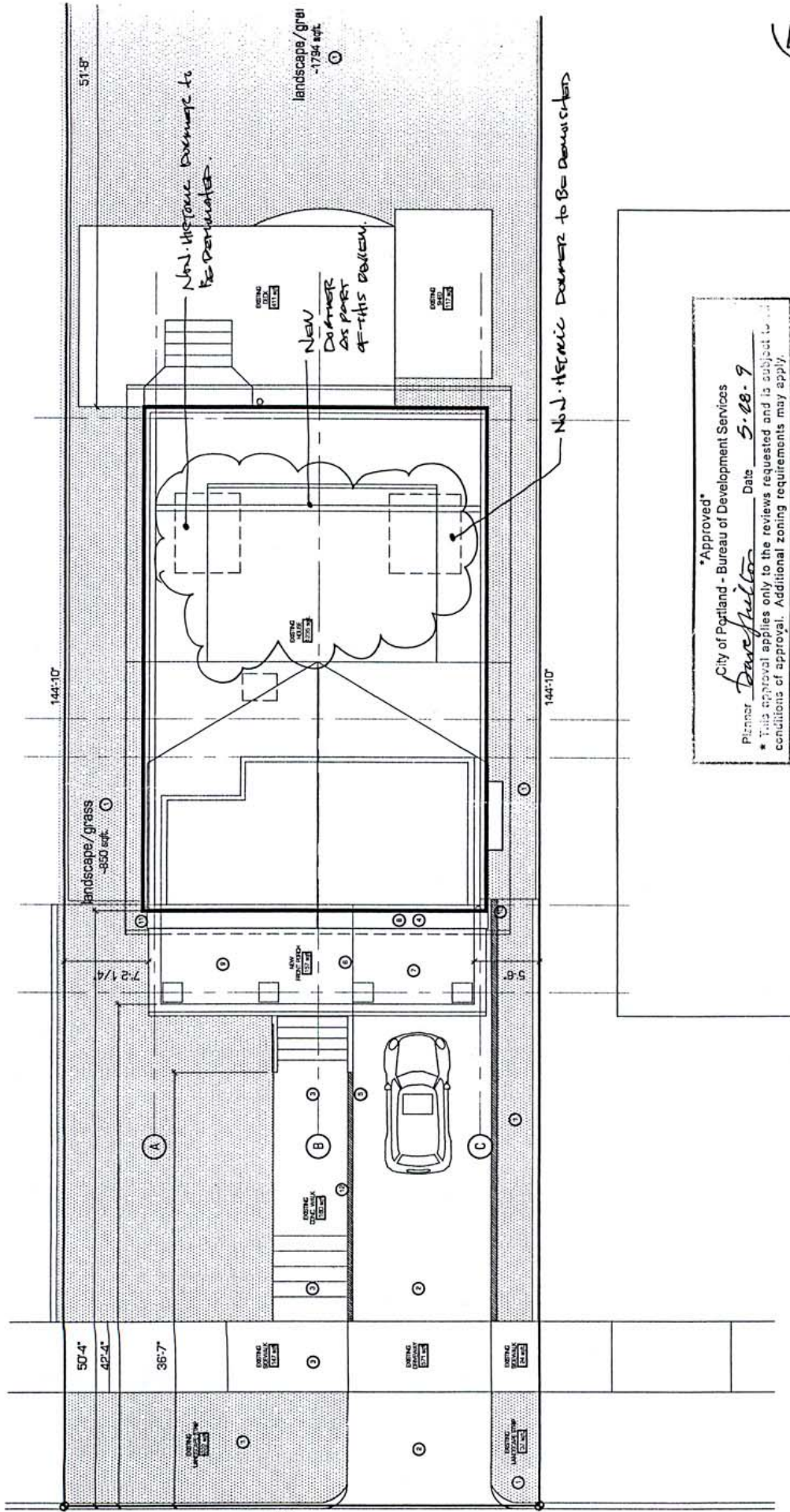
Scale 1 inch = 200 feet

State Id 1S1E02DB 1200

Exhibit B (May 04, 2009)



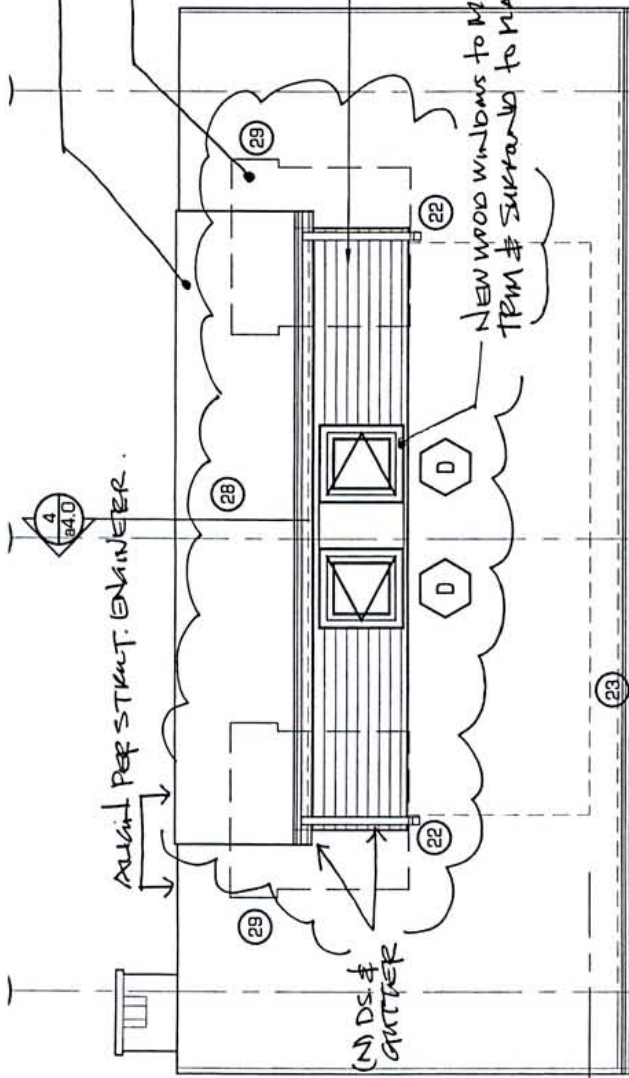
This site lies within the:
LADD'S ADDITION HISTORIC DISTRICT



Approved
 City of Portland - Bureau of Development Services
 Planner Dave Fulton Date 5-28-97
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



New Dormer Under this Review.
 New Historic Rear Family Dormer to be Demolished



AVAIL PER STANT. ENGINEER.
 4
 94.D

0'-0" T.O. EXISTING SECOND FLOOR

0'-0" T.O. EXISTING FIRST FLOOR

Approx. -7'-8" T.O.S. EXISTING BASEMENT

Approved
 City of Portland - Bureau of Development Services
 Planner *Dave J. Linton* Date *5.28.9*
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

2
 A3.1
 east exterior elevation
 scale: 1/4" = 1'-0"

Approved
 City of Portland - Bureau of Development Services
 Planner *Dorey*
 Date 5-28-9

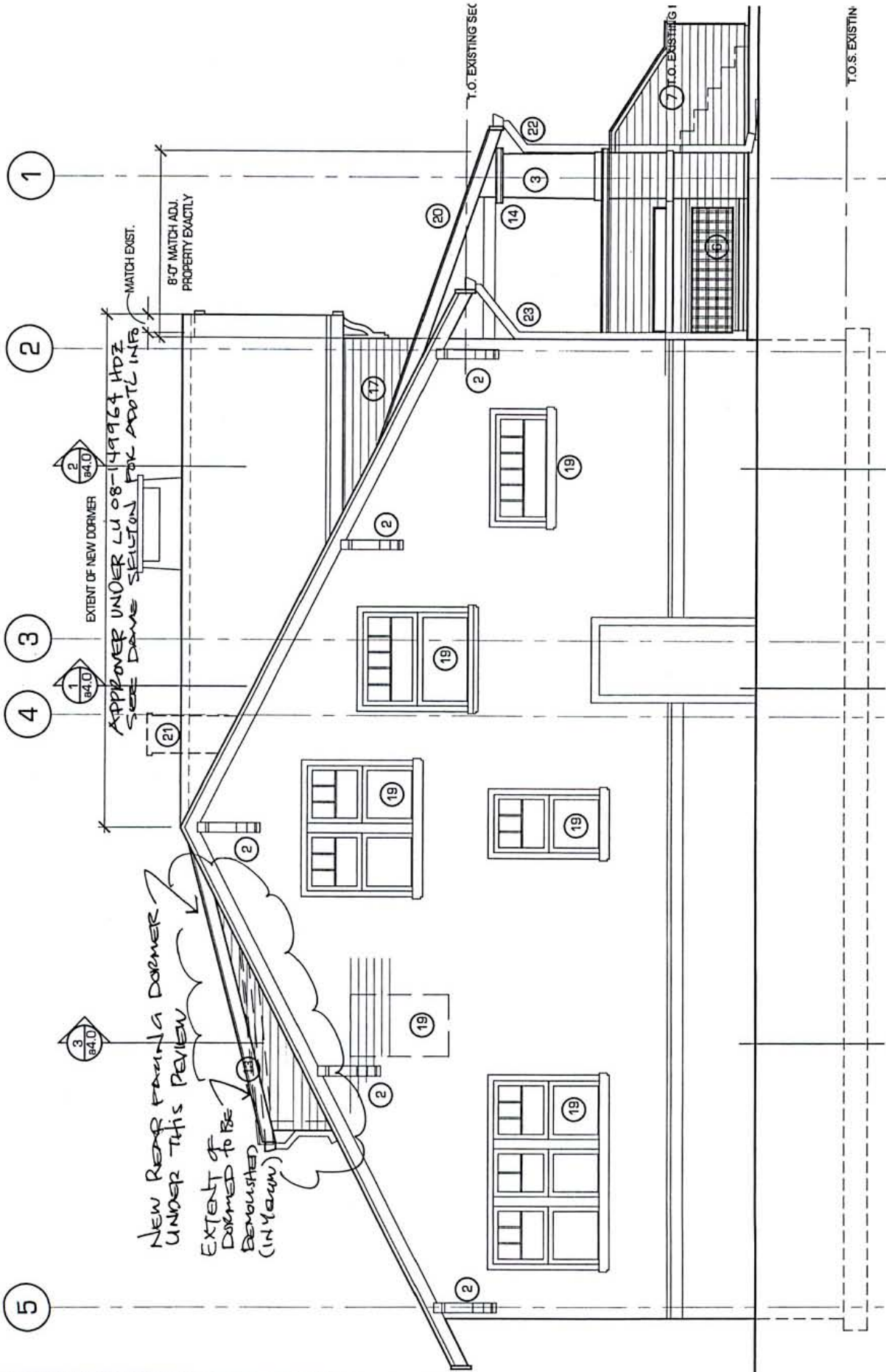
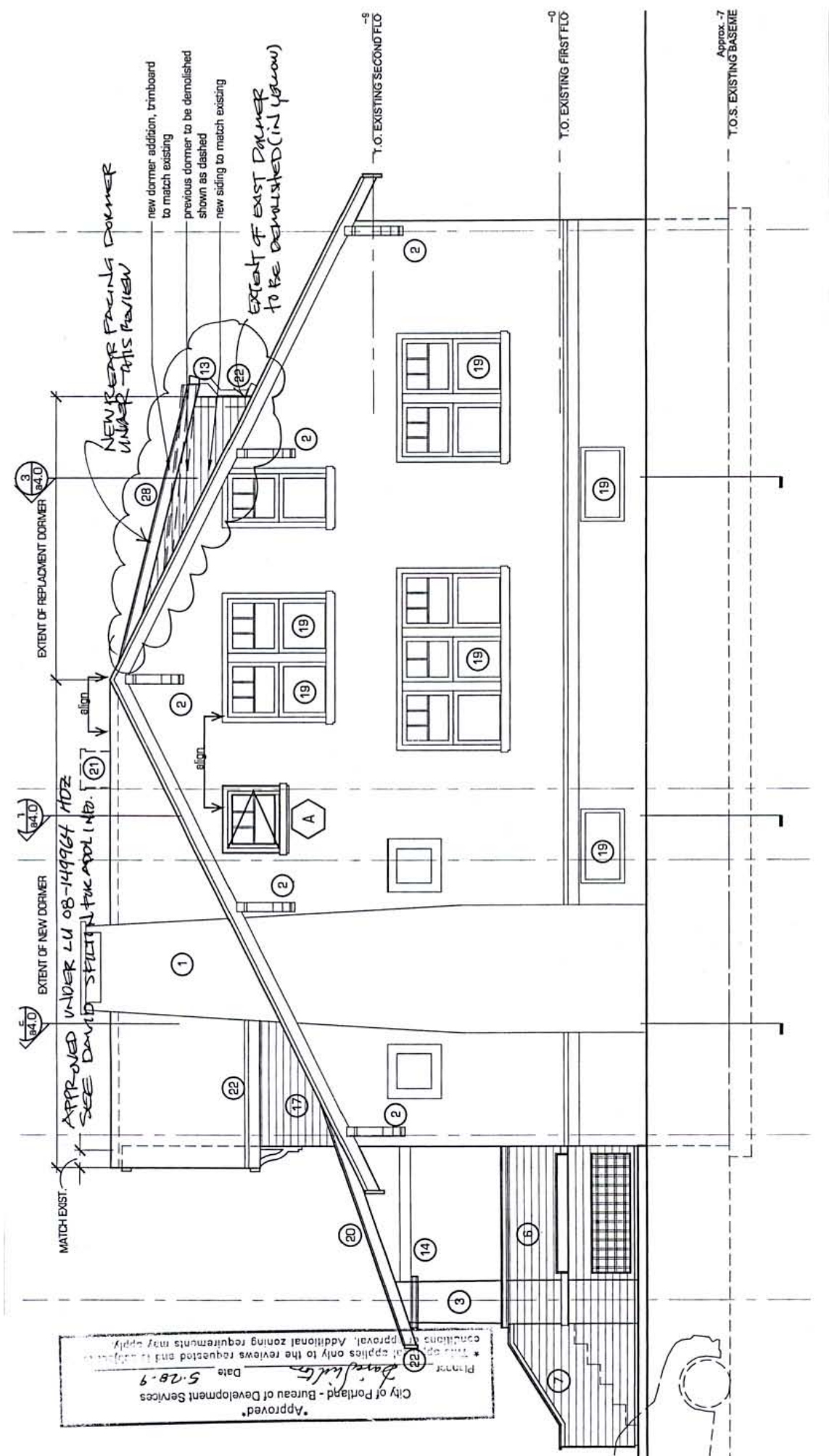


EXHIBIT C-3
 LU09-125749 HDZ

north exterior elevation



City of Portland - Bureau of Development Services
 Approved
 Planner: *David Miller*
 Date: 5.28.9
 * This approval applies only to the reviews requested and to the conditions of approval. Additional zoning requirements may apply.

MATCH EXIST.
 APPROVED UNDER LU 08-1419164 HDZ
 SEE DAVID MILLER FOR APPROVAL INFO.

NEW REAR FACING DORMER UNDER THIS REVIEW
 new dormer addition, trimboard to match existing
 previous dormer to be demolished shown as dashed
 new siding to match existing

EXTENT OF EXIST DORMER TO BE DEMOLISHED (IN YELLOW)

3 (4.0) EXTENT OF REPLACEMENT DORMER
 3 (4.0) EXTENT OF NEW DORMER
 T.O. EXISTING SECOND FLO
 T.O. EXISTING FIRST FLO
 T.O.S. EXISTING BASELINE
 Approx. -7