



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

FROM CONCEPT TO CONSTRUCTION

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Date: June 10, 2014
To: Interested Person
From: Jennifer Kenny, Land Use Services
503-823-7011 / Jennifer.Kenny@portlandoregon.gov

NOTICE OF A TYPE I 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 14-151489 HR- NEW GARAGE DOOR

GENERAL INFORMATION

Applicant/owner: Kenneth and Kathryn Tiekotter
2920 NE 25th Ave
Portland, OR 97212-3459

Site Address: 2920 NE 25TH AVE
Legal Description: BLOCK 2 LOT 5, STANTON ST ADD
Tax Account No.: R791500340
State ID No.: 1N1E25BC 05000
Quarter Section: 2733
Neighborhood: Alameda, contact Jim Brown at 503-284-6455.,Irvington, contact Dean Gisvold at 503-284-3885.

Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032

District Coalition: Northeast Coalition of Neighborhoods, contact Claire Adamsick at 503-388-9030.

Other Designations: A Contributing resource within the Irvington Historic District
Zoning: R5, a single-dwelling zone
Case Type: HR, Historic Resource Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant is seeking Historic Resource Review approval to replace an historic garage door on a Contributing property within the Irvington Historic District. The new door will closely match the original in material and design. Historic Resource Review is required because the proposal is for non-exempt exterior alterations within a historic district.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are: *33.846.060 G – Other Approval Criteria*

ANALYSIS

Site and Vicinity: The subject house is a Contributing property within the Irvington Historic District. Its type is noted as Tudor Revival in the late 19th and early 20th century period of revivals. It was built in 1932 by Max Shimshak.

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.

Zoning: The 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 there is a prior land use review for this site:

- LU 13-165406, Approval to replace window sashes

Agency Review: No response was required.

Neighborhood Review: A "Notice of Proposal in Your Neighborhood" was mailed on **May 15, 2014**. One written response was received. Dean Gisvold, on behalf of the Irvington Community Association Land Use Committee, wrote on May 28, 2014, stating no objections to the project.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

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

Historic Resource Review Approval Criteria

Requests for Historic Resource 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 Resource Review approval is required. The approval criteria are in City Code *33.846.060.G – Other Approval Criteria*.

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

- 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;
- 2. Record of its time.** The historic resource will remain a physical record of its time, place and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided;
- 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 for 1, 2 and 4: The house is a Contributing property within the Irvington Historic District and as such, retains much of its original materials. The proposed garage door is designed to be an historically-appropriate replacement. It will be made of wood, as is the existing garage door, and will replicate the pattern and profile in order to preserve the character of the site.

The house and garage will remain a record of their time because the replacement garage door closely matches the original door in material, style and profile. The new garage door's style and materials are consistent with the era of the house and will not add conjectural features.

The historic garage door is badly deteriorated, as verified by staff through pictorial evidence. While the first approach for historic structures is repair, in some cases the damage is such that replacement is necessary. The new garage door will be a close match to the existing door by using wood and a similar profile and design. *These criteria are therefore 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 proposed garage door will occupy the same size space and placement as the current door in order to maintain the existing massing, scale and size. Additionally, the replacement will be a close match to the existing door in terms of design and material so that it will be architecturally compatible with the historic home and garage.

Because of the attention to detail in replicating the historic garage door, the project maintains the historic character of the property. In terms of compatibility with the neighboring properties, the subject resource will retain its original setbacks, height, massing, materials, site coverage, and orientation to the street. Thus, there is no change to the existing compatibility with adjacent properties or the historic district. *These criteria 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

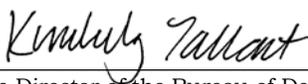
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a new garage door for a Contributing property in the Irvington Historic District, per the approved site plans, Exhibits C-1 through C-4, signed and dated June 4, 2014, 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-C.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-151489 HR."

Staff Planner: Jennifer Kenny

Decision rendered by:  **on June 4, 2014.**
By authority of the Director of the Bureau of Development Services

Decision mailed June 10, 2014.

Procedural Information. The application for this land use review was submitted on May 1, 2014, and was determined to be complete on May 8, 2014.

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, 2014.

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. Unless extended by the applicant, the 120 days will expire on **September 4, 2014.**

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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.

Recording the final decision. If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after June 10, 2014.

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:

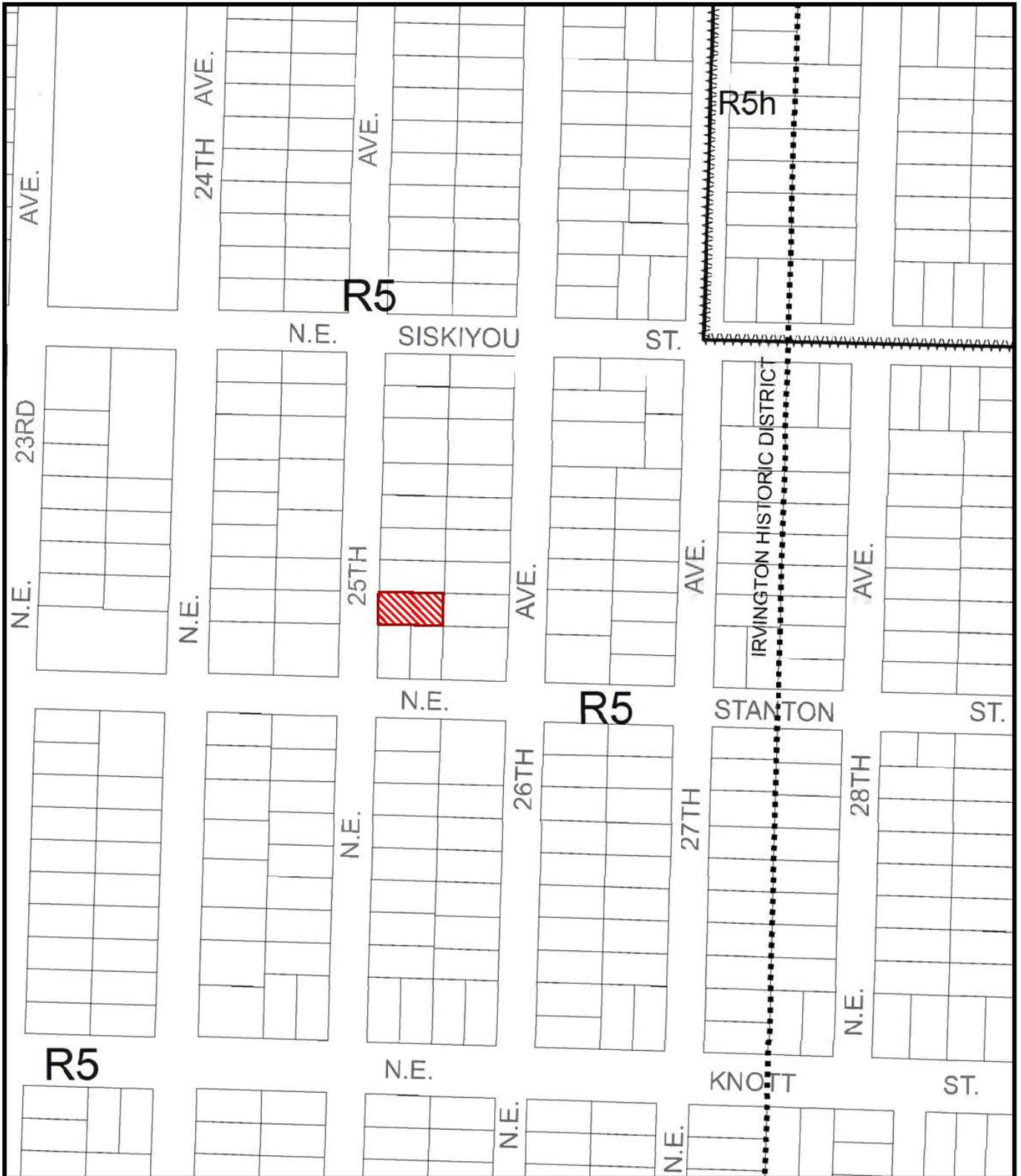
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Photograph of Existing Garage Door (attached)
 - 3. Proposed Garage Door Elevation (attached)
 - 4. Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were required.
- F. Correspondence: Dean Gisvold, on behalf of the Irvington Community Association Land Use Committee, May 28, 2014, no objections to the project.
- 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

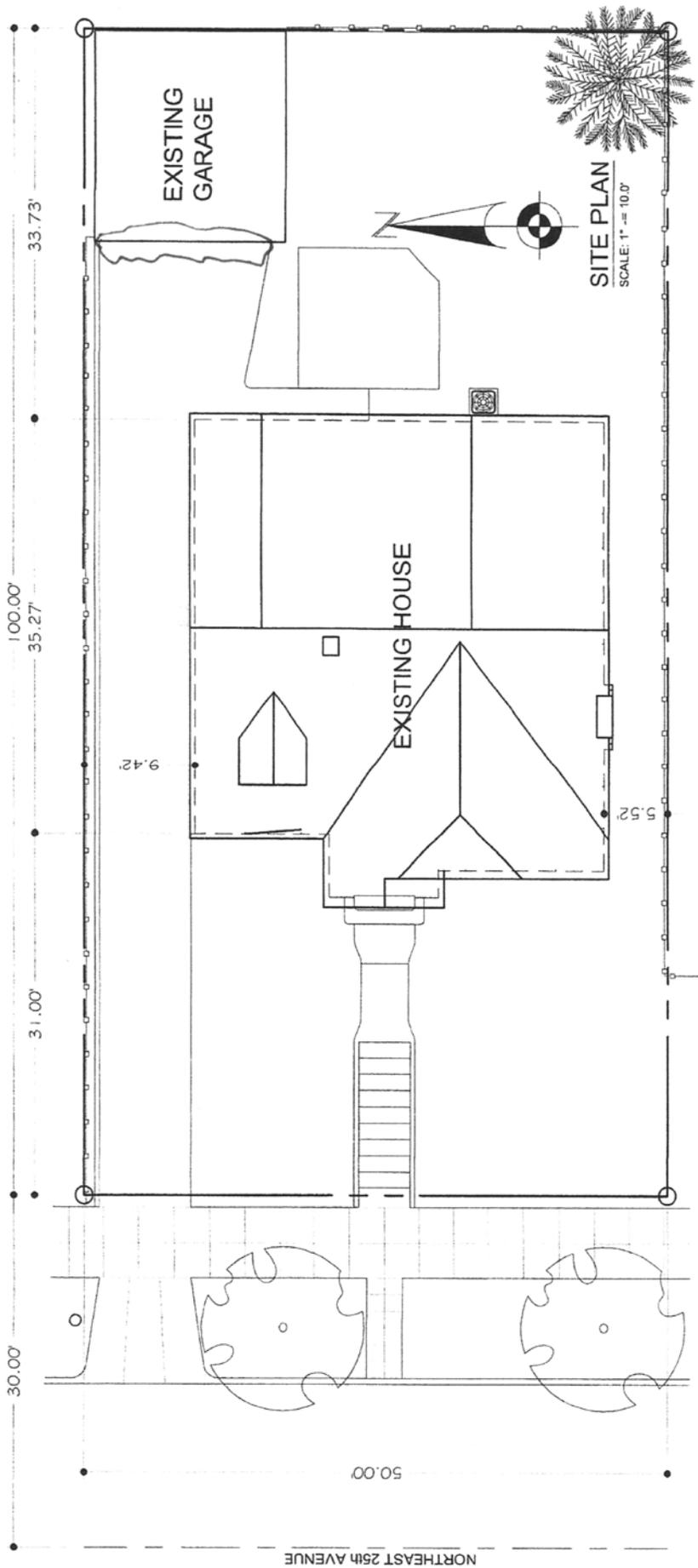


Site



This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No. LU 14-151489 HR
 1/4 Section 2733
 Scale 1 inch = 200 feet
 State_Id 1N1E25BC 5000
 Exhibit B (May 05, 2014)



☁ = AREA OF WORK

Approved
 City of Portland - Bureau of Development Services
 Planner Jenny Kury Date 6/4/14
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

EXHIBIT C-1

W 14 - 151489#R



Approved

City of Portland - Bureau of Development Services

Owner

James K. Ker

Date *6/4/14*

This approval applies only to the reviews requested and is subject to the terms and conditions of the City of Portland's Development Services Department. Additional requirements may apply.

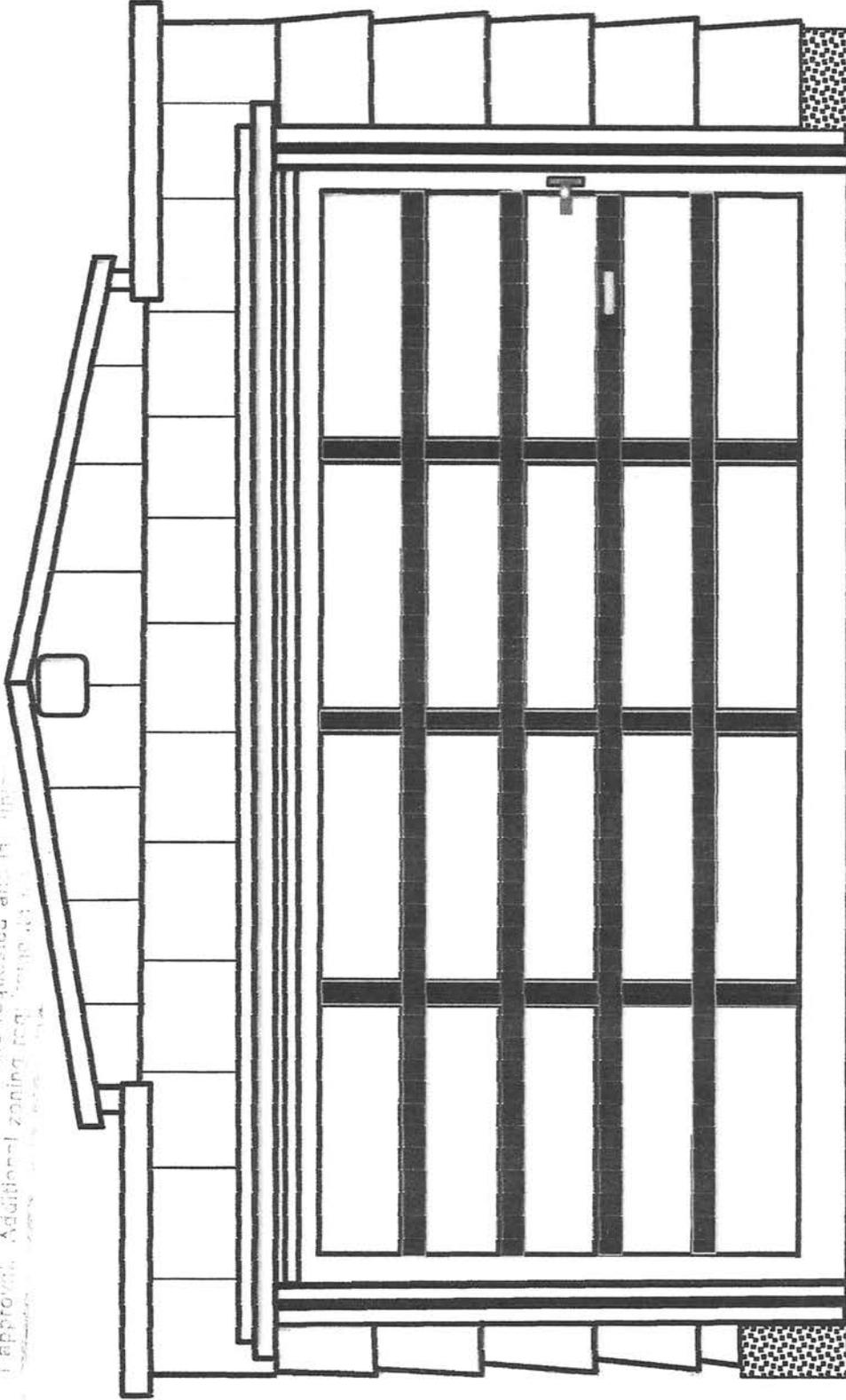
LU14-151489 HR EXHIBIT C-2

Approved

City of Portland - Bureau of Development Services

Project: *XXXXXXXXXX* Date: *6/14/14*

Approval applies only to the reviews requested and in effect at the time of approval. Additional zoning requirements may apply.



Scale: 1/2" = 1'0"

TIEKOTTER: 2920 NE 25th Avenue, Portland OR 97212

EXHIBIT C-3

W14-151489H