



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** September 13, 2016  
**To:** Interested Person  
**From:** Mike Gushard, Land Use Services  
503-823-5091 / [Mike.Gushard@portlandoregon.gov](mailto:Mike.Gushard@portlandoregon.gov)

## **NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has a approved proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. 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 16-190280 HR – REPLACEMENT OF VINYL WINDOWS WITH WOOD WINDOWS**

#### **GENERAL INFORMATION**

**Applicant:** Brian C Little, Owner  
1508 NE Stanton St  
Portland, OR 97212-3331

**Site Address:** 1508 NE STANTON ST

**Legal Description:** BLOCK 60 N 15' OF LOT 19 LOT 20, IRVINGTON  
**Tax Account No.:** R420413110  
**State ID No.:** 1N1E26AC 07600  
**Quarter Section:** 2732

**Neighborhood:** 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 Zena Rockowitz at 503-388-5070.

**Other Designations:** Contributing Resource – Irvington Historic District  
**Zoning:** R5 – Residential 5,000 – 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 proposes to replace 11 vinyl windows with double-hung Jeld-Wen custom wood windows. The applicant proposes four-over-one windows with the exception of two

narrow divided light windows at the center of the front elevation. Each of the windows will be painted to match the remaining windows in the house.

**Relevant Approval Criteria:**

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

- 33.846.060G – Historic Resource Review

## ANALYSIS

**Site and Vicinity:** The house is described as the R.L. Balzer house in the National Register nomination documentation. It is a two and a half story colonial revival home with a center stoop. ON either side of the stoop is horizontal board siding and two floors of paired windows. It was constructed in 1917.

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 a 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-foot 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 Residential 5,000 (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.

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

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **August 1, 2016**. The following Bureaus have responded with no issues or concerns about the proposal:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **August 1, 2016**. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Dean Gisvold, Irvington Community Association, August 19, 2016 – No objections. Project is a terrific improvement
2. Robert and Alison Belcher, August 4, 2016, No objections

## **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 a non-exempt treatment. Therefore Historic Resource 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.
- 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.
- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 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.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
- 6. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.
- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
- 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.

- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.
- 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 1-10:**

The proposal is to replace 11 vinyl windows with historically compatible wood double windows. Each of the windows replaced will have be multiple light above and single light below. This pattern currently exists on the house and follows the form and design of Colonial Revival houses in the districts period of significance. No major alterations to the form or character defining features of the house are proposed. In fact, the application proposes to enhance the historic character of the house by restoring its character defining wood windows. No subsurface disturbance is proposed. The house remains a record of its time with fewer elements that district from this quality. The vinyl windows to be replaced have not become historically significant in their own right separate from the house or district. *Therefore 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 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. The proposal to remove character eroding vinyl windows is and enhancement to the historic character of the property. This proposal meets the applicable Historic Resource Review criteria and *therefore warrants approval.*

### **ADMINISTRATIVE DECISION**

Approval to replace vinyl windows with wood windows per the approved site plans, Exhibits C-1 through C-5, signed and dated September 8, 2016, 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.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-190280 HR."

**Staff Planner: Mike Gushard**



**Decision rendered by:** \_\_\_\_\_ **on September 8, 2016**

By authority of the Director of the Bureau of Development Services

**Decision mailed September 13, 2016**

**Procedural Information.** The application for this land use review was submitted on June 17, 2016, and was determined to be complete on July 15, 2016.

*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 17, 2016.

*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 further extended by the applicant, **the 120 days will expire on: October 15, 2016**

**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](http://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 **September 14, 2016**.

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 503-823-7617.

**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.

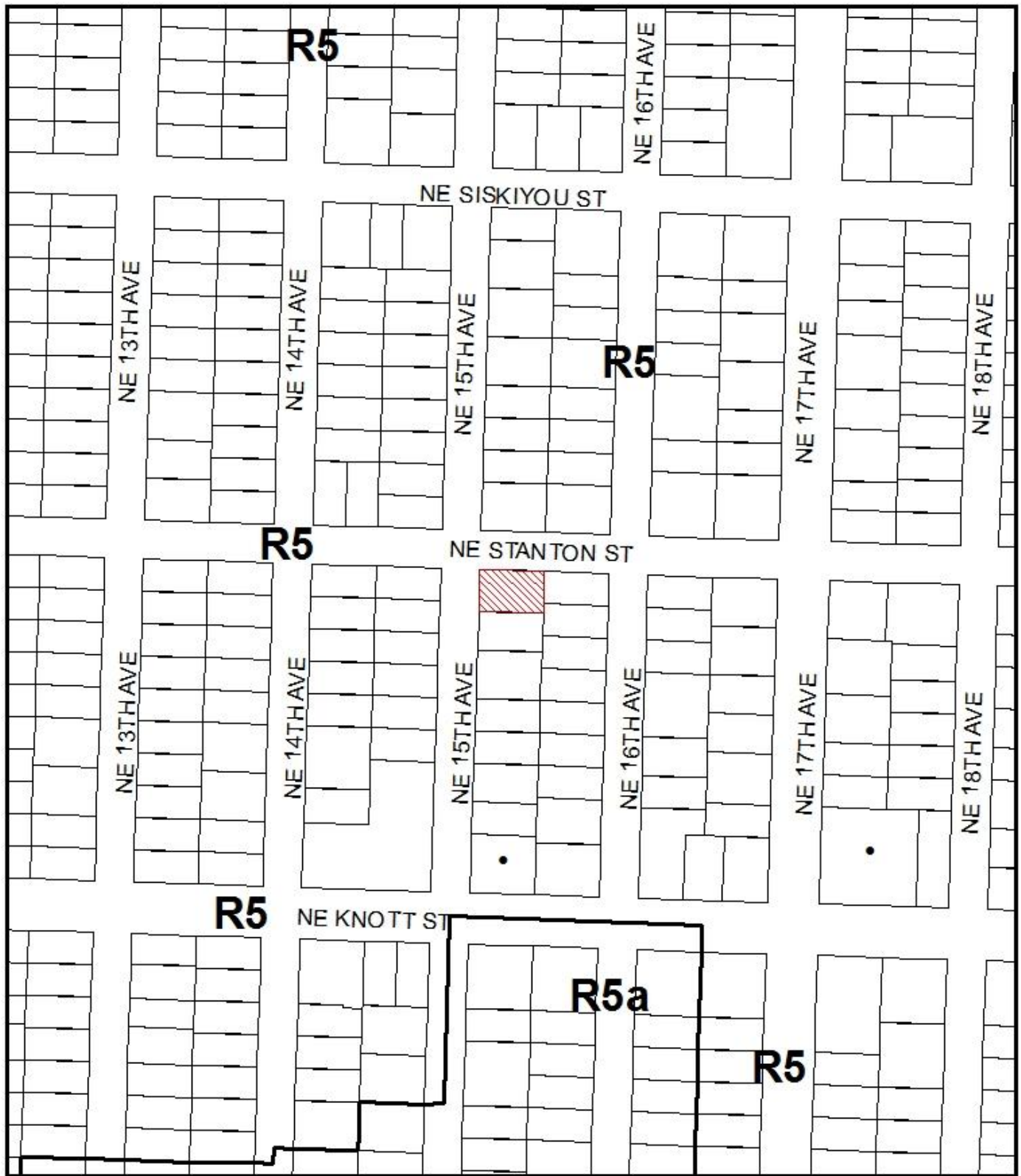
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Existing Elevation
  - 3. Windows proposed for replacement with sizes (attached)
  - 4. Installation wall detail in lap-siding (attached)
  - 5. Mullion Details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:

1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Water Bureau
  4. Fire Bureau
  5. Site Development Review Section of BDS
  6. Bureau of Parks, Forestry Division
- F. Correspondence:
1. Dean Gisvold of the Irvington Community Association, August 19, 2016, No objections. Proposal is an improvement.
  2. Robert and Allison Belcher, August 4, 2016, No objections
- 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
-  Historic Landmark

This site lies within the:  
IRVINGTON HISTORIC DISTRICT



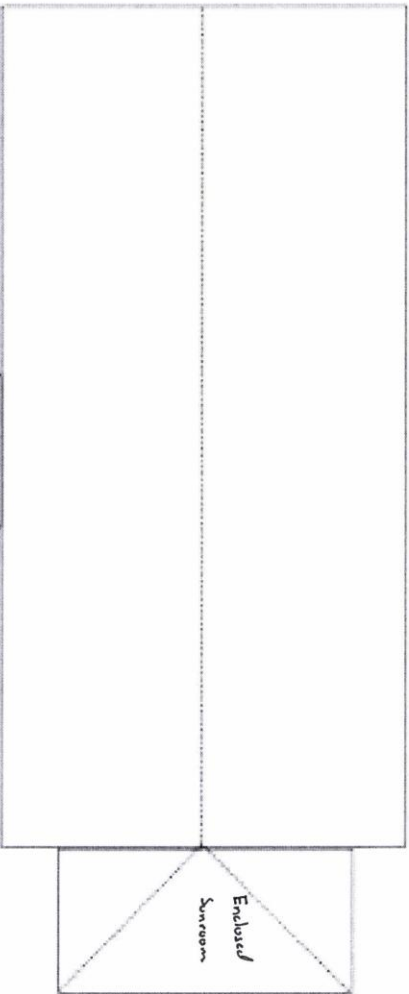
File No. LU 16-190280 HR  
 1/4 Section 2732  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E26AC 7600  
 Exhibit B (Jun 21, 2016)





Existing  
Garage

Site Plan  
1508 NE Stanton St  
Portland OR 97212



Existing  
Driveway

Covered  
Porch

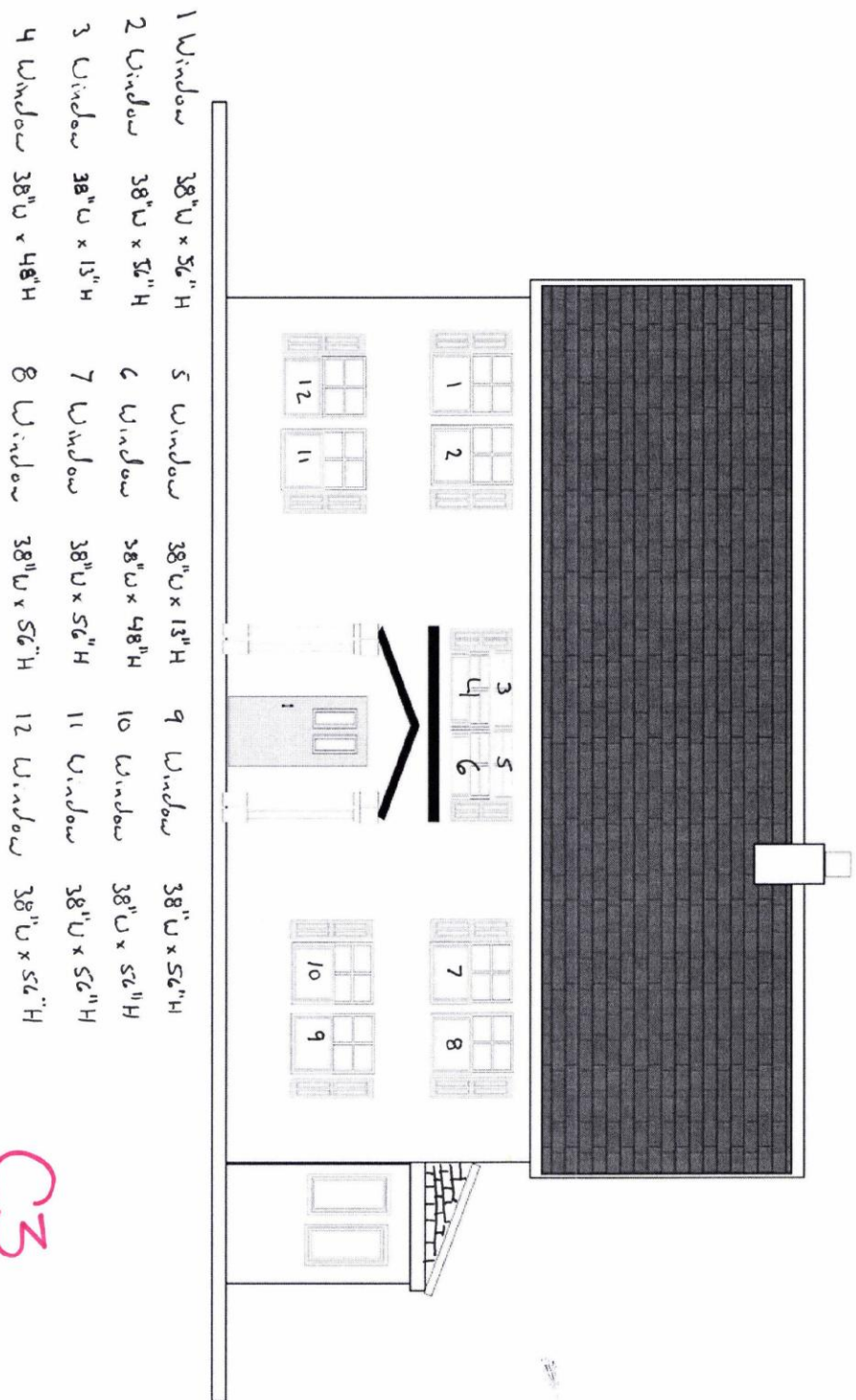
Enclosed  
Sunroom

Sidewalk

C1

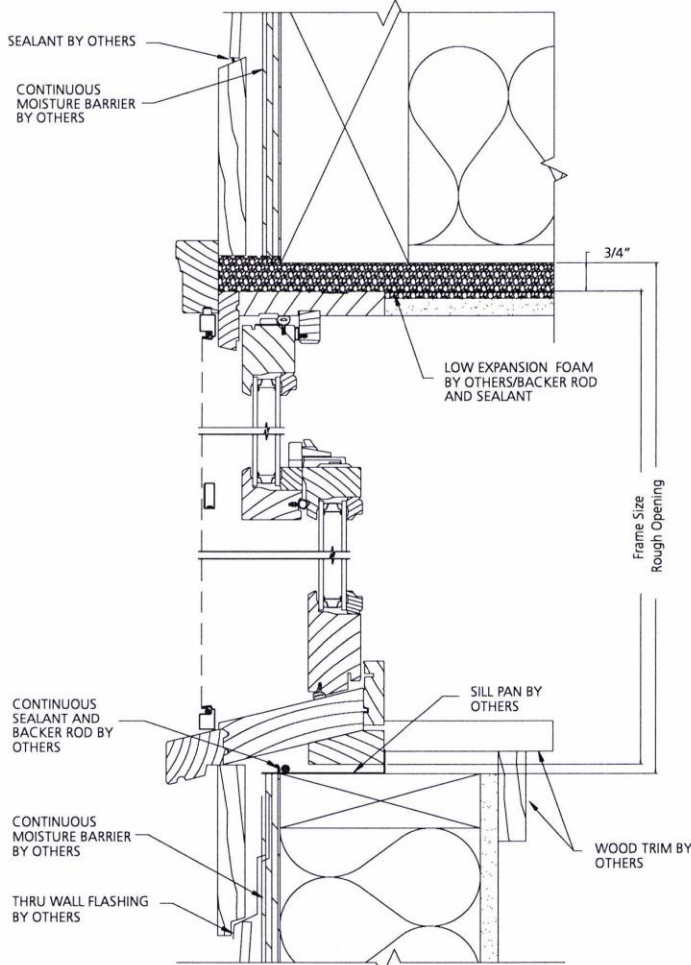
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1508 NE Stanton St  
 Portland OR 97212

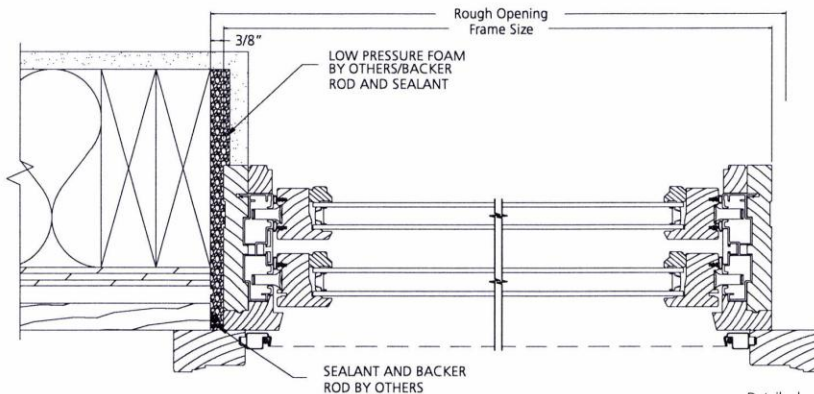


C3  
 LU16-19 0280 HR

**INSTALLATION WALL DETAIL  
LAP SIDING**



**VERTICAL SECTION**



**HORIZONTAL SECTION**

**INSTALLATION:**

Doors and windows to be installed per latest revision of ASTM E2112. STANDARD PRACTICE FOR INSTALLATION OF EXTERIOR WINDOWS, DOORS AND SKYLIGHTS.

Weather plane flashing must provide a continuous seal between weather plane of fenestration product and weather plane of wall system.

All metal to metal joints must be sealed after installation, this includes, but is not limited to drip caps and mullion covers.

Job site "Frame to Frame" Mull joints must be silicon sealed between frames.

JELD-WEN recommends all window products be installed with a sill pan or equivalent must include back dam and side dams @ 7/8".

**NOTE:** Please refer to the JELD-WEN web site for installation instructions at: [www.jeld-wen.com](http://www.jeld-wen.com)

C4

Details shown are for representation only and intended to reflect basic installation concepts. Proper installation and maintenance of JELD-WEN products are essential if optimum performance is to be fully attained. Written installation instructions that provide guidelines are available on our website at [www.jeld-wen.com/resources](http://www.jeld-wen.com/resources).