



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

Ted Wheeler, Mayor  
Rebecca Esau, Director  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** October 2, 2018  
**To:** Interested Person  
**From:** Tanya Paglia, Land Use Services  
503-823-4989 / [Tanya.Paglia@portlandoregon.gov](mailto:Tanya.Paglia@portlandoregon.gov)

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

The Bureau of Development Services has **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 18-210782 HR – CONVERSION OF A GARAGE TO AN ADU**

#### **GENERAL INFORMATION**

**Applicant:** James Kaczmarowski | James Kaczmarowski General Contractor Inc  
3026 NE 43rd Avenue | Portland, OR 97213  
[madkacz@hotmail.com](mailto:madkacz@hotmail.com)

**Owner:** Dietrich G. Seaman & Claire B. Seaman  
2715 NE 14th Avenue | Portland, OR 97212-3202

**Site Address:** **2715 NE 14<sup>th</sup> Avenue**

**Legal Description:** IRVINGTON, BLOCK 74, LOT 9  
**Tax Account No.:** R420415850  
**State ID No.:** 1N1E26BD 15100  
**Quarter Section:** 2731

**Neighborhood:** Irvington, contact Dean Gisvold at [deang@mcewengisvold.com](mailto:deang@mcewengisvold.com).  
**Business District:** Soul District Business Association, contact at [info@nnebaportland.org](mailto:info@nnebaportland.org)  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Jessica Rojas at [jessica@necoalition.org](mailto:jessica@necoalition.org).

**Plan District:** None  
**Other Designations:** Contributing Resource in the Irvington Historic District

**Zoning:** **R5** – Residential 5,000 with Historic Resource Protection Overlay  
**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 for a proposal to convert an existing non-contributing garage to an Accessory Dwelling Unit (ADU). The primary house is a 1910 built, contributing structure in the Irvington Historic District and will not be altered as part of the project. The existing garage is an approximately 440 square foot single story structure (approximate dimensions: 20'-2" x 22'-0") with a gable roof. The proposed design does not change the footprint of the existing building, reusing the exterior walls of the garage for the ADU to create a one level living space occupying the same square footage as presently occupied by the garage.

The proposed design includes maintaining an existing wood door and wood window facing the north elevation and removing a wood window on the west elevation adjacent to the rear property line. It proposes to replace the garage door on the east façade (which faces NE 14<sup>th</sup> Ave) with a wood person door, a wood casement window and twin double-hung wood windows. The structure's exterior wood clapboard siding will be retained with new wood clapboard siding to match existing filling in the area currently occupied by the garage door to be removed (the majority of this area will be the new door and windows).

Historic Resource Review is required because the proposal is for non-exempt exterior alterations in the Irvington Historic District.

**Relevant Approval Criteria:**

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

- 33.846.060.G: *Other Approval Criteria*

**ANALYSIS**

**Site and Vicinity:** The primary house located on the subject property is a two and a half story Craftsman style house with wood horizontal board siding built in 1910 that is a contributing building in the Irvington Historic District and will remain in its current condition. The house sits slightly back from the street on a 5,000 SF lot, facing east on NE 14<sup>th</sup> Avenue. The non-contributing garage, which is the subject of this review, is visible from the street, but at a distance. It sits at the back of the lot in its southwest corner behind the house and far (74') from the property's street frontage along NE 14<sup>th</sup> Ave. The only elevation of the garage visible from the street is the front façade (east elevation). It is an approximately 440 square foot single story structure (approximate dimensions: 20'-2" x 22'-0") with a gable roof.

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. 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 Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. 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. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

**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.

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.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. 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. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

**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 **September 6, 2018**. No agency review was provided given the scope of work.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **September 6, 2018**. Two written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, wrote on September 20, 2018, in support of the proposal.
- Christina Rusnak, Owner of 2712 NE 13<sup>th</sup> Ave, wrote on August 6<sup>th</sup>, 2018 outlining concerns with where the western property line was shown in the original plan set. Ms. Rusnak also wrote on August 21, 2018 and September 14, 2018 with follow-up information on the ongoing dialogue with the owners of the subject property about the property line location.

**Staff Response:** The findings below discuss how the project meets applicable Historic Resource Review Guidelines. City staff neither confirms nor denies the accuracy of the property lines shown in the stamped exhibits. The Land Use approval is for the conversion of the existing garage to an ADU to remain in its existing location. That the existing garage is located within the property boundary of the subject 2715 NE 14<sup>th</sup> Avenue property has not been disputed by any member of the public commenting on the proposed project. The dispute is regarding the property line's placement to the west of the structure, but the structure is within the property line by all accounts.

## **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 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.
- 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.
- 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.

**Findings for 1, 2, 3, 4, 5, 7 and 9:** The ADU project is a deferential alteration to a non-contributing garage using like materials and construction to synchronize with the original garage structure. The proposed addition to the non-contributing garage will not detract from the historic character of the primary house, which is a contributing resource in the Irvington Historic District. The existing character of the garage structure will also be preserved and enhanced. The integrity of both structures will be preserved with the proposed alterations. If the new windows and door were to be removed in the future, the form and integrity of the garage would remain intact.

The garage's conversion maintains the building's existing footprint and scale. The historic features of the garage, such as window trim, eave brackets, and fascia board, will be retained and restored, not replaced. The existing aluminum garage door is not an original feature of the building and will be replaced with new wood windows and

an entry door. These new features will be detailed with trim to match the existing windows and doors. All new windows, trim and clapboard siding will be wood to match existing. Where two materials come together, such as when new wood siding meets existing, the joints will be filled and sanded to create a seamless transition.

The visual impact of the ADU related alterations to the garage will be negligible as seen from the public right-of-way. The garage is set back 74' from the street property line and the only elevation which is street facing, the east/front elevation, will be sympathetic to the front façade of the primary house. Where new siding, windows, door, and trim occur, details are matched to the existing garage to maintain its historic character and cohesiveness. The contributing primary house will remain a physical record of its time, as will the non-contributing garage. The proposed alterations will not include conjectural additions to either building attempting to replicate historical elements of other buildings. No alterations to the garage have taken on historic significance which requires preservation. Historic materials will not be removed and the project will protect any original materials that are not deteriorated. As a new ADU use is introduced, it will be clear that windows and doors were added to the garage structure and they will not require differentiation to demonstrate that they were not original to the building.

*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:** The proposed alterations are compatible to- and respectful of- the architecture of the existing garage and the architectural integrity of the original structure will not be compromised. The building footprint and massing will remain the same respecting the original form of the garage and maintaining its existing scale. The exterior walls, roof form, trim and details will remain, and new conditions are to match the existing. The architectural style and materials proposed for the few elements to change (new windows and a new door) are deferential to- and compatible with- the original garage structure, as well as with the contributing house, adjacent properties and the district.

The main house is the primary historic element of the property as the garage is considered a non-contributing building. The ADU proposal will create a dwelling that matches the primary house but is smaller and visibly subordinate to it. The garage sits at the back of the lot in its southwest corner, far from the house's street frontage along NE 14th Ave. The only elevation of the garage visible from the street is the front façade (east elevation) so the impact to district character will be minimal. As the current proposal does not expand the garage's building envelope, the existing scale remains appropriate for the neighborhood and is suitably subordinate to the contributing house. The few exterior alterations proposed are sympathetic with the original garage resource, the primary house, adjacent properties and the rest of the district.

*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 requirements of Title 11 can be met, and 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

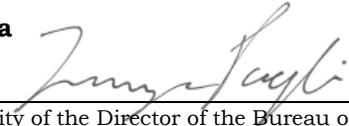
The proposed alterations will preserve the historic significance of the resource, while allowing the garage to modernize in order to accommodate a new function. The proposed project is respectful of the contributing house, the non-contributing garage structure, and the district. The ADU is subordinate to the house in both its size and design and its location at the back corner of the site also contributes to its secondary status. 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 conversion of a non-contributing garage to accommodate an ADU, per the approved site plans, Exhibits C-1 through C-6, signed and dated September 27, 2018, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 18-210782 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

**Staff Planner: Tanya Paglia**

**Decision rendered by:**  **on September 27, 2018**

By authority of the Director of the Bureau of Development Services

**Decision mailed: October 2, 2018**

**Procedural Information.** The application for this land use review was submitted on July 30, 2018, and was determined to be complete on August 31, 2018.

*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 July 30, 2018.

*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: December 31, 2018.**

**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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded on or after **October 3, 2018** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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:

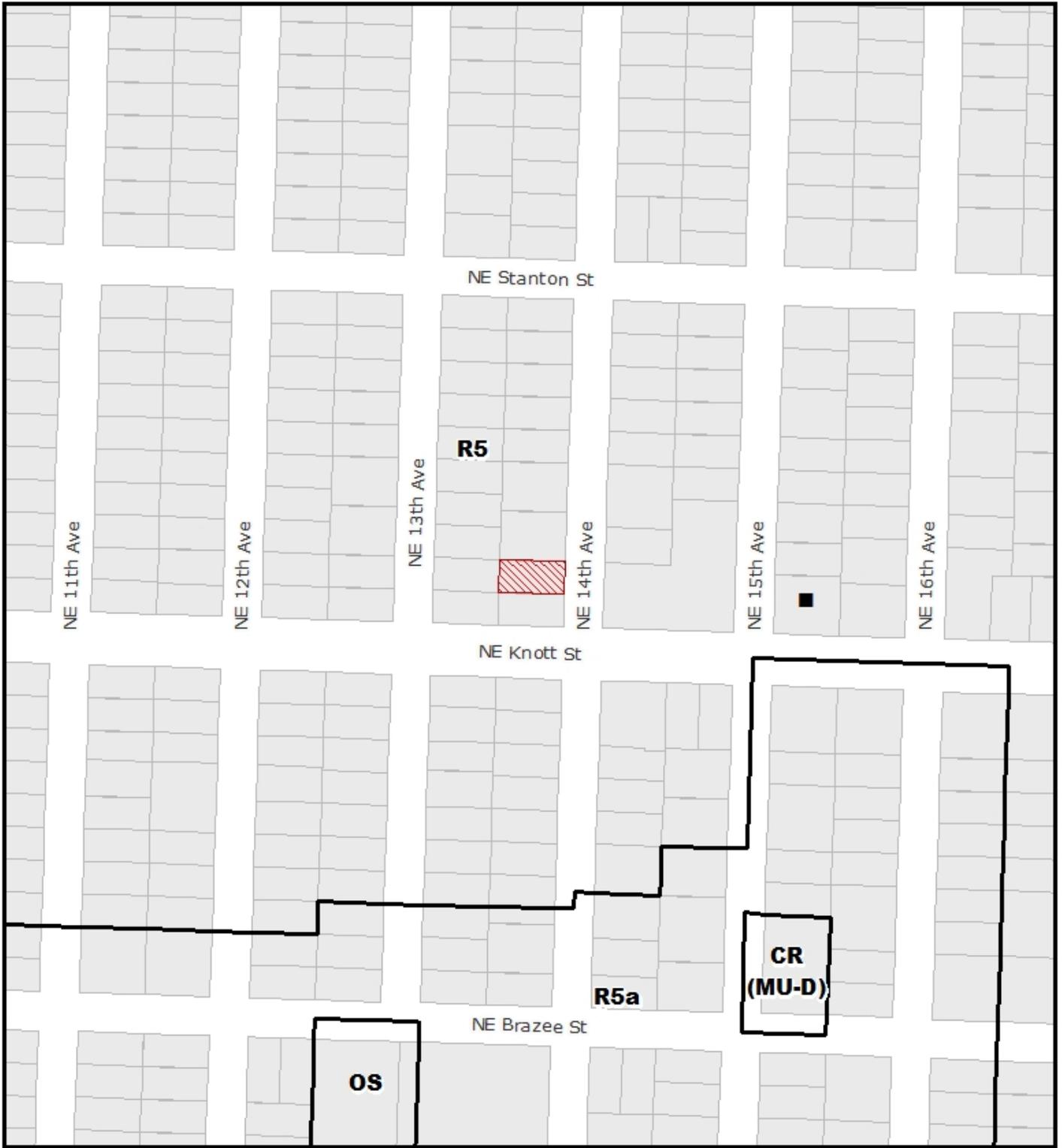
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
  - 1. Applicant's Written Statement and Response to Approval Criteria
  - 2. Photos of Existing Conditions
  - 3. Window and Door Product Information
  - 4. Original plan set – NOT APPROVED/reference only 7/10/2018
  - 5. Applicant's Post-Incomplete Letter Written Response
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. South & East Elevations – existing and proposed (attached)
  - 3. West & North Elevations – existing and proposed (attached)
  - 4. Door Details
  - 5. Double Hung Window Details
  - 6. Awning Window Details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: None
- F. Correspondence:
  - 1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, wrote on September 20, 2018, in support of the proposal.
  - 2. Christina Rusnak, Owner of 2712 NE 13th Ave, wrote on August 6th, 2018 outlining concerns with where the western property line was shown in the original plan set. Ms. Rusnak also wrote again on August 21, 2018 and September 14, 2018 with follow-up information on the ongoing dialogue with the owners of the subject property about the property line location.
- G. Other:
  - 1. Original LU Application
  - 2. Oregon Historic Site Record
  - 3. Historical Permit Information on Subject Property
  - 4. Incomplete Letter

**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).**



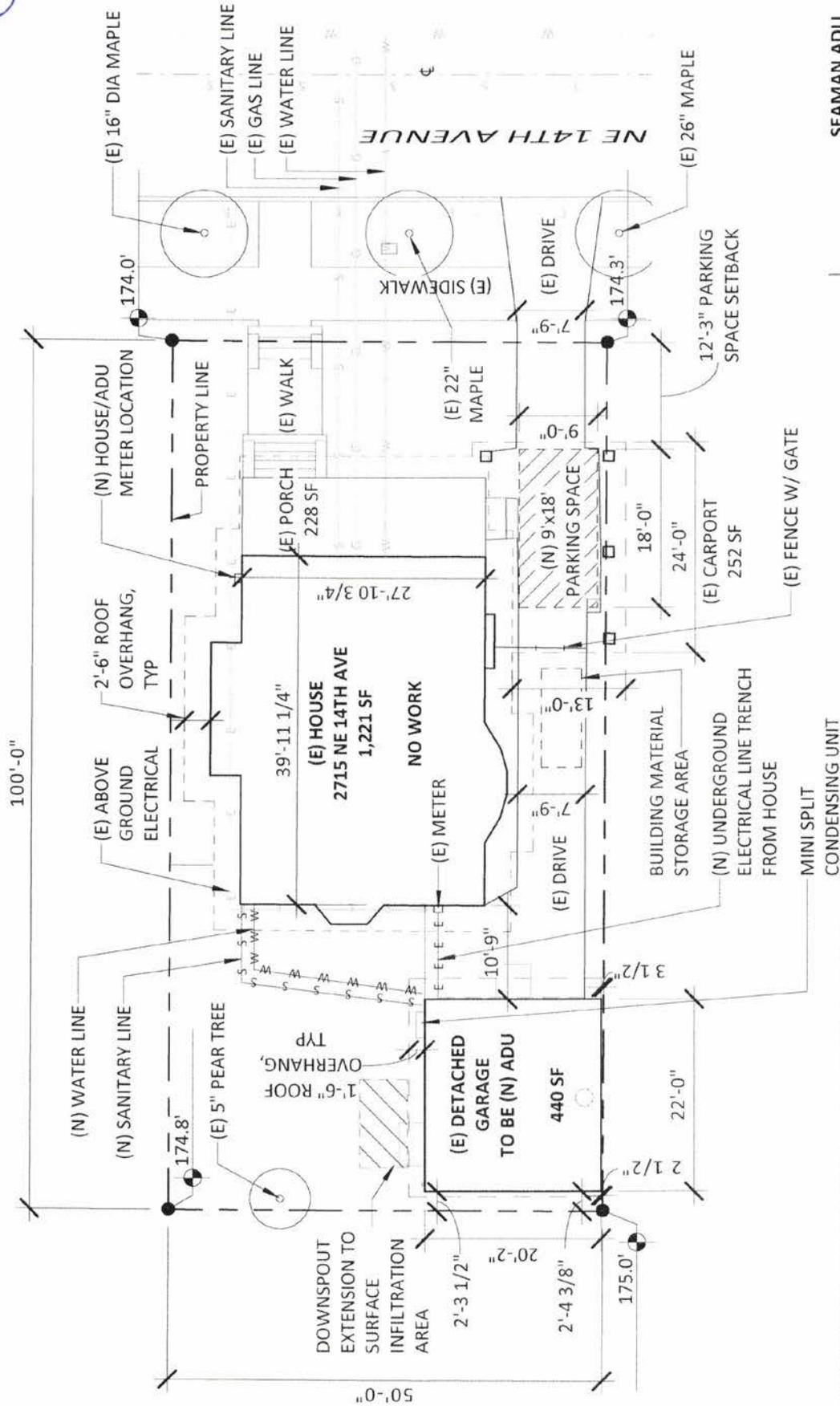
# ZONING

THIS SITE LIES WITHIN THE:  
IRVINGTON HISTORIC DISTRICT

-  Site
-  Historic Landmark

File No.	LU 18-210782 HR
1/4 Section	2731
Scale	1 inch = 200 feet
State ID	1N1E26BD 15100
Exhibit	B Aug 01, 2018

C-1

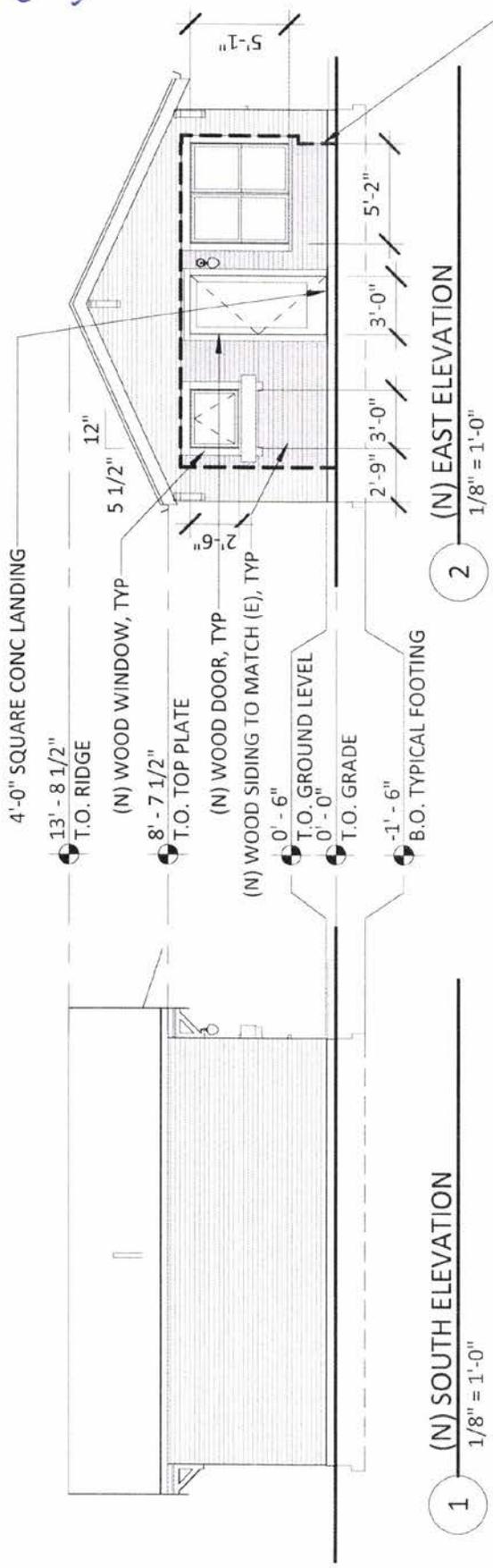


SEAMAN ADU  
2715 NE 14TH AVENUE  
HISTORIC LU REVIEW  
08.22.18  
SITE PLAN  
**LU2**  
LV 18-210782 HR

**em design**  
architecture and planning  
2715 NE 14TH AVENUE, SUITE 100  
PORTLAND, OR 97232  
(c) 2018 em architecture llc

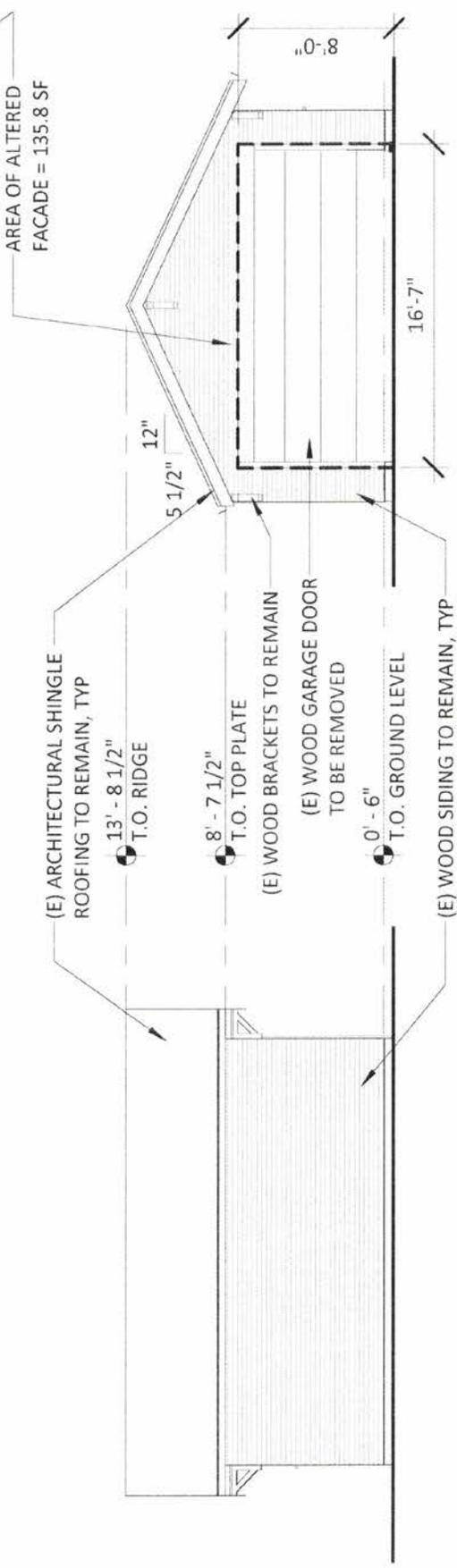
\*Approved\* 9/27/2018  
City of Portland - Bureau of Development Services  
Planner: [Signature] Date: 9/27/2018  
This approval applies only to the review requested and is subject to all other requirements for approval. Additional zoning requirements may apply.

C-2



1 (N) SOUTH ELEVATION  
1/8" = 1'-0"

2 (N) EAST ELEVATION  
1/8" = 1'-0"



3 (E) SOUTH ELEVATION  
1/8" = 1'-0"

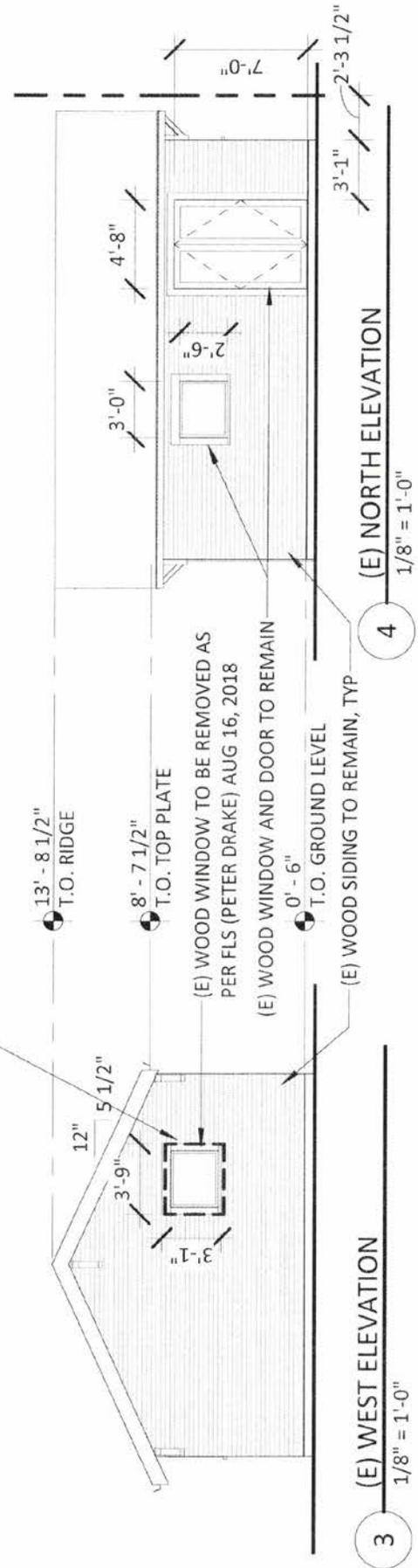
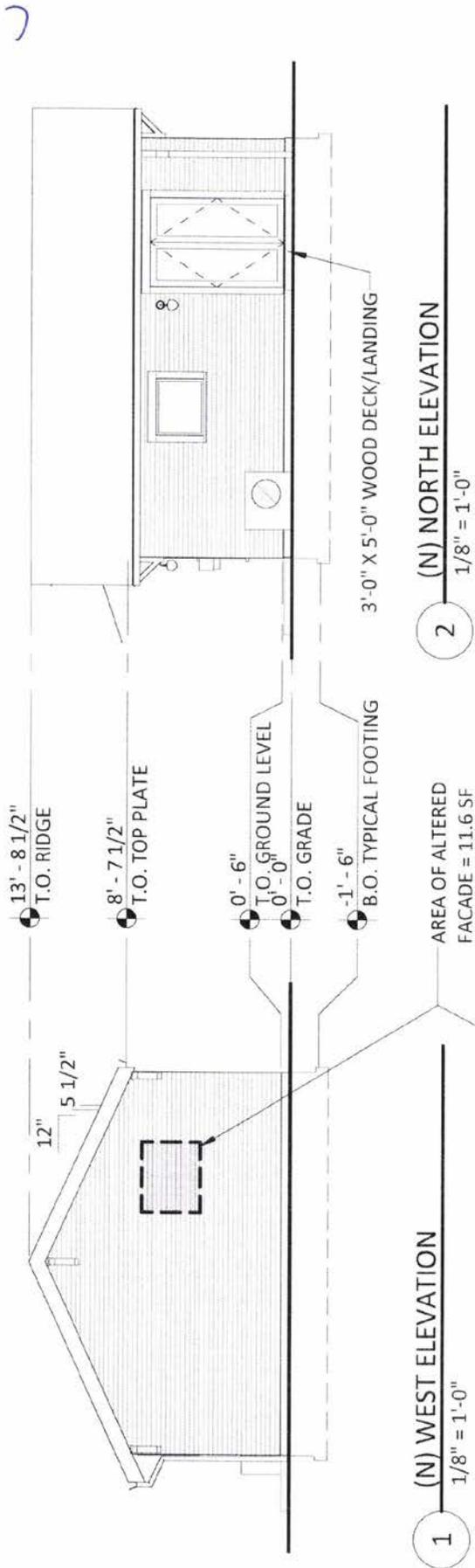
4 (E) EAST ELEVATION  
1/8" = 1'-0"

SEAMAN ADU  
2715 NE 14TH AVENUE  
HISTORIC LU REVIEW  
08.22.18  
ELEVATIONS  
LU 3  
architecture and planning  
em design  
2775 NE 15TH AVENUE SUITE 200  
PORTLAND, OR 97232  
(c) 2018 em architecture llc

\*Approved\*  
City of Portland - Bureau of Development Services  
Planner [Signature] Date 9/27/2018  
\* This approval applies only to the reviews requested and is subject to all  
City of Portland zoning requirements. Additional zoning requirements may apply.

LU 18-210782 HR

3-7



\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner [Signature] Date 9/27/2018  
 This application applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

SEAMAN ADU  
 2715 NE 14TH AVENUE  
 HISTORIC LU REVIEW  
 08.22.18  
 ELEVATIONS  
 LU 4  
 LU 18-210782 HR

em design  
 architecture and planning  
 2705 NE Fremont Street, Suite 200  
 Portland, OR 97212  
 (c) 2018 em architecture llc