



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

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Date: August 26, 2019
To: Interested Person
From: Hillary Adam, Land Use Services
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NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has denied a 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 19-191336 HR – CHIMNEY REMOVAL

GENERAL INFORMATION

Applicant/Owner: Lisa Hanemann, Owner
David Hanemann, Owner
2133 SE 20th Ave
Portland, OR 97214-5402

Site Address: 2133 SE 20TH AVE

Legal Description: BLOCK 27 LOT 4, LADDS ADD
Tax Account No.: R463305900
State ID No.: 1S1E02DD 17500
Quarter Section: 3232

Neighborhood: Hosford-Abernethy, contact chair@handpdx.org.
Business District: Division-Clinton Business Association, contact at info@divisionclinton.com
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Plan District: None
Other Designations: Contributing resource in the Ladd's Addition 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 proposes to remove the existing brick chimney, which is in disrepair and pulling away from the exterior wall. Newly revealed portions of the wall and roof will be patched to match the existing siding and roof material, respectively.

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

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:

- Ladd's Addition Conservation District Guidelines

ANALYSIS

Site and Vicinity: The subject property is a 1½-story Bungalow of modest design with beveled siding, and 5-over-1 picture windows flanking a single-bay centered gable entry porch with modified Tuscan columns. The house was built in 1924, as was the existing contributing garage which is in severe disrepair.

Ladd's Addition is Portland's oldest planned residential community (1891) and one of the oldest in the western United States. Ladd's radial street plan marked a dramatic break in Portland's typical grid street pattern. With a formal symmetry echoing Renaissance cities and gardens, the radial streets converge at five formal gardens, which are the showpieces of the community. Parking strips are lines with mature street trees, green archways of elms and maples. The architectural character of Ladd's Addition was established in the three decades following the turn of the century. Although the individual structures represent a variety of styles, including Bungalow, Mission, Tudor and Colonial Revival, they have a continuity of materials, scale, detailing, orientation and setback which creates a sense of architectural uniformity.

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.

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

Applicant's Summary: The applicant's proposal to remove the existing original chimney included some responses to approval criteria which closely matched a 2017 BDS approval (LU 19-152174 HR) for chimney removal at 2243 SE Cypress.

- The applicant indicated that the existing chimney is located on a "non-street-facing façade, in close proximity to the side property line adjacent to a small side yard between two buildings, and screened from the street by a fence to remain." The applicant also noted that "as seen in provided photo (Exhibit A-9), due to the presence of two large maple trees in the front parking strip which are to remain, the chimney is minimally visible from a street view."

- The applicant stated that they “provided documentation substantiating that the chimney is beyond repair and must be removed” and that “given that the retention of the original chimney is not an option, the orientation of the chimney limits visibility and results in minimal intersection in the roofline ensuring the retention of roof shape and pitch, the removal will have limited impact on the resource.”

Staff Response: Staff disputes the claim that the chimney is minimally visible from the street and has provided an alternate photo demonstrating relatively clear visibility of the chimney from the street (Exhibit G-2). Staff also disputes that the chimney is “beyond repair” and that “retention is not an option”. The applicant’s submittal included an inspection/estimate report from Russell Chimney Service, Inc. (Exhibit A-2) which states that “the chimney is not in good condition” and that they “do not recommend repair” but they also state that repair could be done and provide a cost estimate for doing the repair. Staff also notes that while BDS approved a chimney removal in 2017, that does not mean that we have to approve this proposal as each case is different and reviewed on its merits. The previous case was for chimney removal on a house with a much more steeply-pitched roof which also featured additional ornamental features such as front-facing dormers; whereas this roof has no other features other than the chimney rising above it. The previous case also featured dense landscaping immediately adjacent to the chimney which obscured most of the chimney structure; whereas this chimney is highly visible from the street. See Exhibit G-3 for photos of the subject property for the 2017 historic resource review.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **August 6, 2019**.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **August 6, 2019**. 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 33.846.060 - 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 located within the Ladd's Addition Historic District and the proposal is for a non-exempt treatment not requiring a new foundation. Therefore, Historic Resource Review approval is required. The approval criteria are the *Ladd's Addition Conservation District Design Guidelines – Exterior Rehabilitation*.

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

Ladd's Addition Conservation District Guidelines – Exterior Rehabilitation

1. Façades Oriented to a Street. In rehabilitating existing buildings, the architectural integrity of street-oriented façades should be maintained. Additions and structural alterations should be limited to the rear and side yard façades and be minimally visible from the street.

Findings: While primarily located on the side façade, the chimney is visible on the front elevation as it rises up the south façade and where it extends above the street-facing slope of the roof. Removal of the chimney would alter the integrity of the street-facing façade by removing a character-defining feature of this modestly-designed house. This guideline suggests that alterations should be minimally visible from the street but the chimney that is the subject of this review is highly visible

from the street as it is located close to the front of the house, unobscured by landscaping with only a wood fence blocking views of the base, a decorative brick band being just visible over the fence height. Staff notes that the chimney is flanked by two small windows and that this relationship of two windows flanking a centered primary element is repeated at the front façade with two picture windows flanking the gabled porch covering the glazed front entry door. The other facades do not share this level of formality. *With restoration and repair of the chimney, which is exempt from historic resource review, this guideline could be met; however, for the reasons noted, this guideline is not met.*

- 2. Foundations.** Changes to the foundation should match or be compatible with the original foundation in height and materials.

Findings: The applicant indicates that the existing concrete foundation would remain. *This guideline is met.*

- 3. Exterior Siding Material.** Restoration and maintenance of original siding materials is encouraged. Materials used on additions should match or be compatible with the predominant materials used on the original structure. Most single family residences and duplexes in Ladd's Addition feature stucco, horizontal wood siding, wood shingles, brick or a combination of these materials. Most commercial and multi-family structures feature stucco or brick. The following materials are discouraged: plywood, used brick, shakes, exposed concrete block and metal.

Findings: The applicant indicates that the area where the chimney is proposed to be removed would be patched with wood siding matching the existing in material, reveal, profile, and color. *This guideline is met.*

- 4. Roof Form.** Repair and alteration of roofs should retain:

- a. The original roof shape and pitch;
- b. Original structural and decorative features such as gables, dormers, chimneys, cornices, parapets, pediments, frieze boards, exposed rafters and other ornamental details; and,
- c. Whenever possible the original type, size, color, and pattern of roofing materials. New roof features including roof additions and new dormers should be compatible in size, scale, materials, and color with the original building. Skylights, solar, mechanical and service equipment, and new roof features should be inconspicuous from the street.

Findings: The applicant indicates that the area where the chimney proposed for removal intersects with the roof and eave would be patched to match the existing conditions. However, the chimney, which is an original structural and decorative feature, is not proposed to be retained. In order to meet this guideline, the original chimney must be retained. *With restoration and repair of the chimney, which is exempt from historic resource review, this guideline could be met; however, for the reasons noted, this guideline is not met.*

- 5. Front Façade Detailing.** Original entrances to buildings, front porches and projecting features, such as balconies, bays, and dormer windows should be retained or restored.

Findings: No changes are proposed to the front porch or entry, nor to balconies, bays, or dormers. *This guideline is met.*

- 6. Windows and Doors.** Original windows and doors, including trim, should be retained or restored. If repair is not feasible, new windows or windows on additions should match or be compatible with original windows in form, materials, type, pattern and placement of openings. On residences, the removal of original wood sash windows and replacement with

aluminum sash is especially discouraged. Restoration of commercial storefront windows with large fixed glass panes below and smaller glass panes above is especially encouraged.

Findings: No alterations are proposed to original windows or doors; thus, existing windows and doors will be retained. *This guideline is met.*

7. Awnings. On commercial structures, retractable fabric awnings, which are architecturally compatible with the historic integrity of the structure are encouraged. Awnings should fit within window bays. Existing traditional awnings should be rehabilitated.

Findings: This is not a commercial structure. *This guideline is not applicable.*

8. Color. Restoration of original colors, or colors appropriate to the style and era of the building, is encouraged.

Findings: No changes to color are proposed. New paint matching the existing is proposed to be applied to new siding installed where the chimney is proposed to be removed. *This guideline is met.*

9. Signs. Whenever possible retention or restoration of original pre-1940 signs is encouraged. For commercial buildings, wall signs, window signs, canopy, and projecting signs attached to the building are encouraged; freestanding signs are discouraged. Sign materials and design and letters appropriate to pre-1940 buildings, such as painted wood and neon are encouraged. Plastic sign faces are discouraged. Signs should not be the dominant feature of a building or site.

Findings: No signage is proposed. *This guideline is not applicable.*

10. Front Lawn. On sites of non-commercial structures, retention of front lawns, mature trees, and older shrubs and perennials are encouraged. Plants popular in the 1910's and 1920's are encouraged. The predominant use of ground covers, such as bark mulch and broadleaf evergreens, is discouraged. Original grades should be retained; berms and excavations are discouraged.

Findings: No alterations are proposed to the front lawn, thus the existing front lawn will be retained. *This guideline is met.*

11. Fences and Retaining Walls. Front and side yards, which abut a street should be visually open to the street. Hedges, retaining walls and fences, which visually obscure front yards are discouraged. Fences should be kept behind building lines, as viewed from the street.

Findings: No alterations are proposed to the existing fence. The front yard will remain visually open to the street. *This guideline is met.*

12. Parking. Required on-site parking should be located in the rear yard and within original garages, if possible. Original garages should be maintained for vehicle storage and parking and not converted to other uses. Parking areas, providing space for three or more cars, should be screened from adjacent properties; hedges and canopy trees are recommended for screening. Parking areas and driveways should not be placed in the front yard.

Findings: The original garage is located at the rear of the property and is in severe disrepair. Staff encourages the applicant to restore the existing garage. However, no alterations are proposed to the garage or parking areas on site. *Therefore, this guideline is not applicable.*

13. Crime Prevention. Crime prevention elements should be included in the design with specific attention to landscaping, parking areas, walkways, lighting, entries, and visibility.

Windows and entries should not be obscured. Parking areas, walkways, and entries should be adequately illuminated for visibility.

Findings: No alterations are proposed that would impact crime prevention in either a negative or positive manner. *This guideline is not applicable.*

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 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 the original brick chimney would significantly alter the character of this modest Bungalow, affecting its side and front facades as well as the roof form which does not have any other features beyond the chimney. Per the inspection report, repair is an option for the applicant. This proposal does not meet all applicable Historic Resource Review criteria and therefore does not warrant approval.

ADMINISTRATIVE DECISION

Denial.

Staff Planner: Hillary Adam

Decision rendered by:  on August 21, 2019
By authority of the Director of the Bureau of Development Services

Decision mailed: August 26, 2019

Procedural Information. The application for this land use review was submitted on July 11, 2019 and was determined to be complete on August 1, 2019.

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 11, 2019.

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: November 29, 2019.**

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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **August 26, 2019** 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.

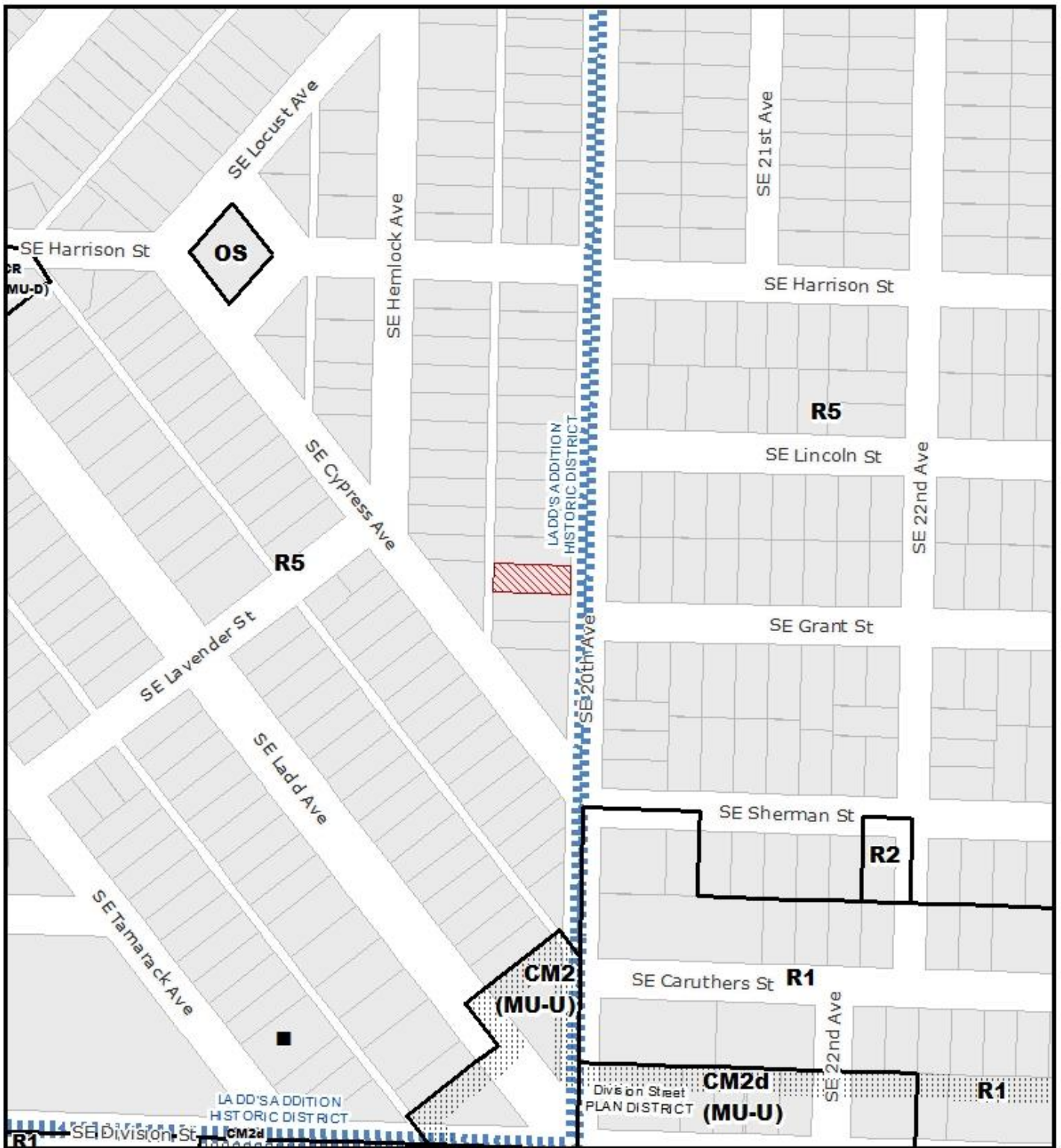
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Inspection/Estimate Report
 - 3. Tax Map
 - 4. Site Plan
 - 5. Existing East and West Elevations
 - 6. Proposed East and West Elevations
 - 7. Existing South and North Elevations
 - 8. Proposed South and North Elevations
 - 9. Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Existing and Proposed East Elevation
 - 3. Existing and Proposed South elevation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: No responses were received.
- G. Other:
 - 1. Original LU Application
 - 2. Streetview Image of subject property (2133 SE 20th)
 - 3. 2016 Streetview Image of 2243 SE Cypress

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  NORTH
 THIS SITE LIES WITHIN THE:
 LADD'S ADDITION HISTORIC DISTRICT

-  Site
-  Historic Landmark

File No.	LU 19-191336 HR
1/4 Section	3232
Scale	1 inch = 200 feet
State ID	1S1E02DD 17500
Exhibit	B Jul 15, 2019



Not Approved

REMOVE CHIMNEY →

SITE PLAN
 HANEMANN RESIDENCE
 2133 SE 20TH AVE
 PORTLAND OR 97214

19-191336 HR