



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: December 30, 2019
To: Interested Person
From: Benjamin Nielsen, Land Use Services
503-823-7812 / Benjamin.Nielsen@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The 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 19-248022 HR - ROOF REPLACEMENT

GENERAL INFORMATION

Applicants/Owners: Eric Heinle & Treasure Heinle
1828 NE Knott St
Portland, OR 97212
heile31@msn.com, 503-367-3516

Site Address: **1828 NE KNOTT ST**

Legal Description: BLOCK 38 LOT 1&2, IRVINGTON
Tax Account No.: R420408070
State ID No.: 1N1E26AC 13700
Quarter Section: 2732

Neighborhood: Irvington, contact Dean Gisvold at deang@mcewengisvold.com
Business District: Soul District Business Association, contact at chair@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088.

Plan District: None
Other Designations: Historic Landmark and 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 II – an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicants request Historic Resource Review to replace the roof on the historic landmark Barnhart – Wright House, which is also a contributing resource in the Irvington Historic District, and replacing the roof on the detached garage, which is also a contributing resource to both the landmark and in the historic district. The applicants indicate that the existing roofs,

which are comprised of diamond-shaped asbestos shingles, are failing and in need of major repair. Since asbestos shingles cannot be replaced, the applicants propose replacing the asbestos shingles with asphalt shingles, specifically the GAF Timberline model. The applicants also propose replacing the existing roof membrane on a low-sloped portion of the roof with a new roof membrane.

The original proposal which was mailed on November 20, 2019 indicated that the asbestos shingles would be replaced with similarly-shaped asphalt shingles (GAF brand, Sienna model). However, the applicants have since indicated that the manufacturer no longer produces this product, and that similar products from other manufacturers are of poorer quality and have requested to substitute the shingles originally proposed with a different style cited above.

Historic Resource Review is required for proposed non-exempt exterior alterations to historic landmark structures.

Relevant Approval Criteria:

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

- Portland Zoning Code Section 33.846.060.G, “Other approval criteria”

ANALYSIS

Site and Vicinity: The H. P. Barnhart/C. F. Wright House is a good example of an elite classed residence of the Arts & Crafts Style with a strong Prairie School Influence. It was constructed by prominent building Fred E. Bowman in 1913 through 1914. It sits at the southwest corner of NE Knott Street and NE 19th Avenue facing to the north towards Knott Street in the heart of the Irvington district in Northeast Portland. A two-car garage is situated at the rear of the house near the southwest corner of the property and faces east.

The 2-1/2 story house is a wood-framed structure with a smooth stucco exterior on all elevations. This house has a Prairie School form but contains unique Arts & Crafts features on the north (front) elevation. From this elevation, the house is very symmetrical, a common form for Prairie School and Craftsman houses. The roof is covered with asbestos shingles that appear like slate.

The H. P. Barnhart/C. F. Wright House is significant as a well-preserved example of an upper-class home of the Arts & Crafts Style with a strong Prairie School influence and for its construction by prominent builder Fred E. Bowman. Of the many Bowman homes surveyed, the subject house stands out as one of the most exceptional, and most-costly, examples of the master builder. Its original floor plan and use is well preserved. Of the Prairie School-styled houses surveyed, no other is textured and decorated with half timbers.

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 the following prior land use reviews for this site.

- LUR 01-00078 HDZ – Historic Design Review approval to remove three existing windows and replace with one window and one French door.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **November 20, 2019**. The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

The Life Safety Review Section of BDS responded with general life safety comments. Please see Exhibit E.1.

The Bureau of Environmental Services responded with no objections and with comments that a safe stormwater disposal location must be shown at the time of permit submittal. Please see Exhibit E.2.

The Bureau of Transportation responded with no objections and with comments about street classifications and Title 17 requirements. Please see Exhibit E.3.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 20, 2019. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- 1) Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, 12/09/2019. Email comment with no objections 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 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.

Findings for 1, 2, 3, 4, & 5: The historic landmark nomination for the house and garage only briefly describes the existing roofing as “asbestos shingles that appear like slate”, not even mentioning their shape. Thus, the shingles, while distinctive and somewhat unusual in Portland, are only minor historic features that define the house or garage.

Given the life expectancy of asbestos shingles—at least 30 years—it is unlikely that these asbestos shingles are original to the roof of either the house or garage. While the nomination form does not describe any exterior alterations that may have occurred over the years, it does document evidence of interior remodeling which occurred during the 1940s or 1950s. It is reasonable to extrapolate that exterior repairs have also occurred, during which the roof on both structures would likely have been replaced. Indeed, it seems unlikely that the existing low-pitched roof, which is currently roofed with a membrane system, would have employed that system originally, and that this was likely a later alteration employed to address water infiltration issues. For the reasons stated above, the roof elements have not acquired historic significance, and the distinguishing historic characteristics and materials of the house and garage, and their relationship to the builder Fred E. Bowman's body of work, will remain intact.

Therefore, these criteria are met.

- 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.

Findings: The proposed new asphalt shingles will replace what are likely non-original asbestos shingles that do not characterize either the house or the garage.

Therefore, this criterion is 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.

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 for 8, 9, & 10: The proposed new replacement shingles will preserve the critical form and integrity of both the landmark house and contributing garage as well as retaining the site as a representative work of builder Fred E. Bowman. The proposed GAF Timberline shingles will retain a slate-like appearance, consistent with the description of the house and garage in the landmark nomination, despite the change in shape of the shingles. The proposed shingles are also compatible with other roofs on similar Arts & Crafts Style and Prairie Style houses found in the Irvington Historic District. The proposed replacement membrane roof on one portion of low-pitched roof will be largely invisible from the ground, preserving the integrity of both the house and district and retaining architectural compatibility on that portion of the roof.

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 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. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval to replace the roof on the historic landmark Barnhart – Wright House with GAF Timberline asphalt shingles and to replace the roof on the detached garage, which is a contributing resource to the landmark, with GAF Timberline asphalt shingles. Approval to replace the existing roof membrane on a low-sloped portion of the roof with a new roof membrane.

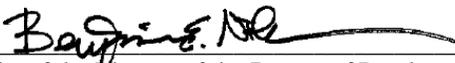
Approvals per the approved site plans, Exhibits C-1 through C.2, signed and dated 12/24/2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 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 19-248022 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: Benjamin Nielsen

Decision rendered by:  **on December 24, 2019.**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 30, 2019

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on November 1, 2019 and was determined to be complete on November 15, 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 November 1, 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: March 14, 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.

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on January 13, 2020** at 1900

SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please 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.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **January 13, 2020** 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:

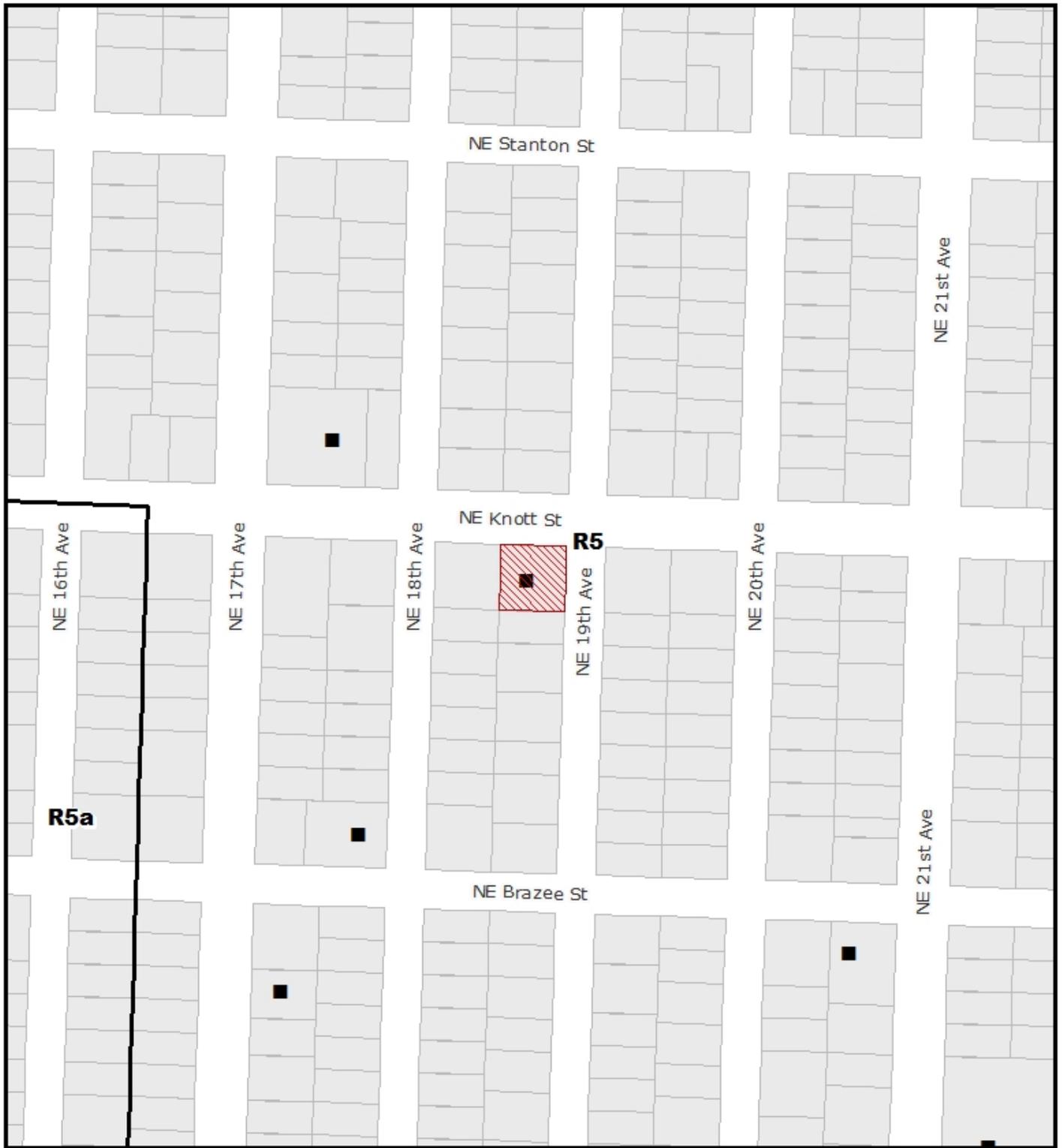
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Site/Roof Plan
 - 2. Narrative
 - 3. Information from contractor
 - 4. Roof plans and photos
 - 5. Site Photos
 - 6. Email clarifying location of low-pitch roof and discontinuance of GAF Sienna shingles
 - 7. Proposed GAF Timberline shingle system
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site/Roof Plan (attached)
 - 2. Shingle Cutsheets
- 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. Life Safety Review Section of BDS
- F. Correspondence:
 - 1. Dean Gisvold, 12/09/2019, no objections to original proposal
- G. Other:
 - 1. Original LU Application
 - 2. Email to applicant requesting additional information about roof membrane location and replacement shingles

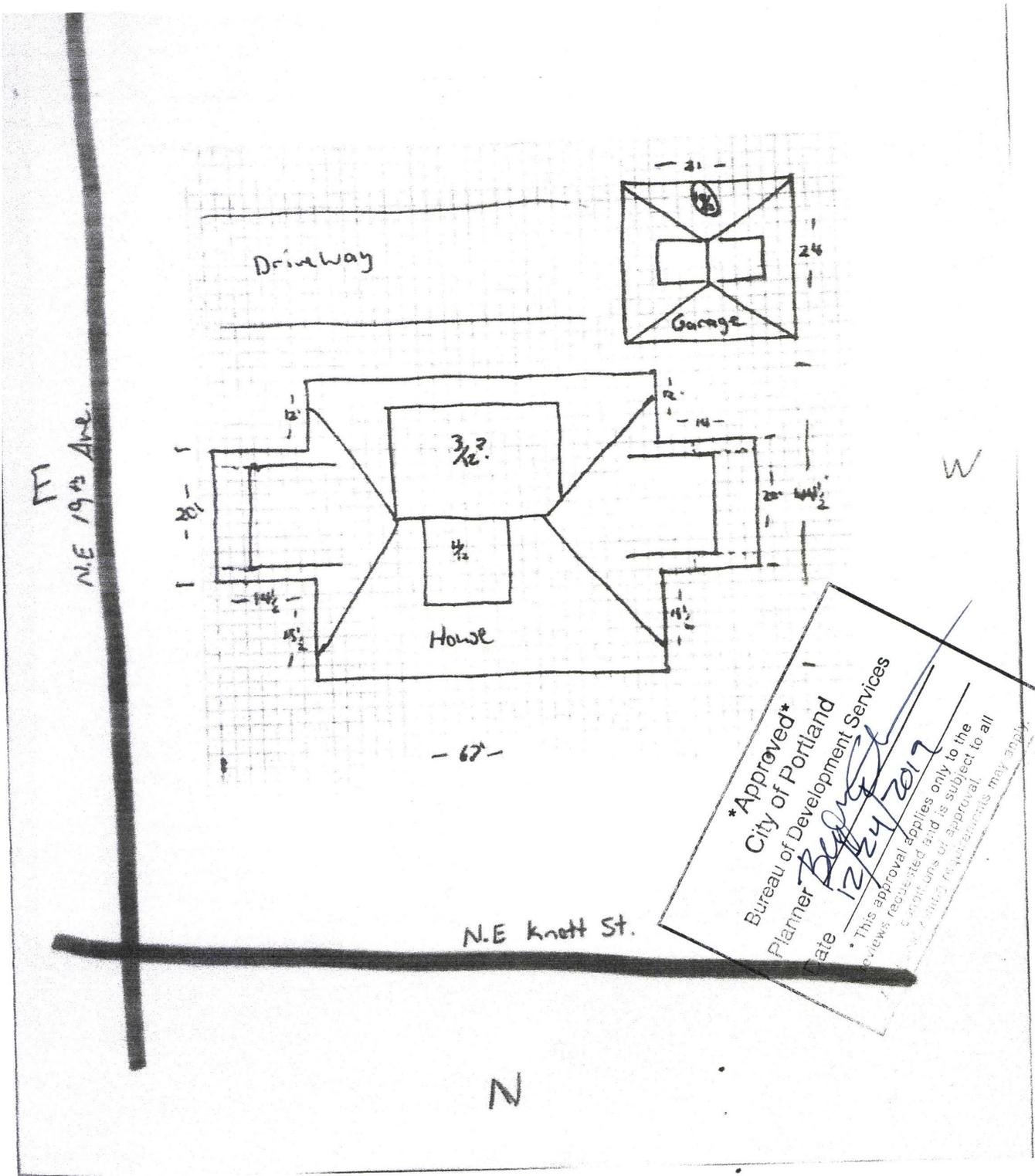
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING 
 NORTH
 IRVINGTON HISTORIC DISTRICT

-  Site
-  Historic Landmark

File No.	LU 19 - 248022 HR
1/4 Section	2732
Scale	1 inch = 200 feet
State ID	1N1E26AC 13700
Exhibit	B Nov 04, 2019



* Approved*
 City of Portland
 Bureau of Development Services
 Planner *Blair*
 Date *12/24/2017*

* This approval applies only to the reviews requested and is subject to all zoning requirements that may apply.

LU 19-248022 HR C.I