

# Development Services

## From Concept to Construction

Phone: 503-823-7300 Email: [bds@portlandoregon.gov](mailto:bds@portlandoregon.gov) 1900 SW 4th Ave, Portland, OR 97201

More Contact Info (<http://www.portlandoregon.gov/bds/article/519984>)



### APPEAL SUMMARY

**Status:** Decision Rendered - Building Code Board of Appeals, Big Board

<b>Appeal ID:</b> 16255	<b>Project Address:</b> 1836 NW Overton St
<b>Hearing Date:</b> 12/14/17	<b>Appellant Name:</b> Kent Correll
<b>Case No.:</b> B-002	<b>Appellant Phone:</b> 503-860-5123
<b>Appeal Type:</b> Building	<b>Plans Examiner/Inspector:</b> Natalie Davis
<b>Project Type:</b> commercial	<b>Stories:</b> NA <b>Occupancy:</b> 3-6 <b>Construction Type:</b> wood/steel frame
<b>Building/Business Name:</b>	<b>Fire Sprinklers:</b> Yes - interior/exterior
<b>Appeal Involves:</b> other: campground spacing	<b>LUR or Permit Application No.:</b> 17-221409-CO
<b>Plan Submitted Option:</b> pdf [File 1]	<b>Proposed use:</b> tiny house hotel

### APPEAL INFORMATION SHEET

#### Appeal item 1

<b>Code Section</b>	918-650-0055
<b>Requires</b>	10 feet spacing between tiny houses and other structures
<b>Proposed Design</b>	Our proposal is for closer spacing between tiny houses and other structures by providing an engineered fire suppression system. (see plans) The proposed spacing allows more than adequate egress and accessibility between structures.
<b>Reason for alternative</b>	<p>ORIGINAL TEXT: The lot would not allow 10 of space between tiny houses. The houses are constructed to exceed residential specialty code with closed cell foam insulation, steel framing, drywall interiors, and electrical wiring by licensed electricians. The proposed design allows access and egress for safety.</p> <p>RECONSIDERATION TEXT: due to the concerns about fire with regard to the original design, we have designed a fire suppression system with interior as well as exterior sprinklers. This system will be installed and maintained by a licensed fire suppression contractor.</p>

### APPEAL DECISION

The Building Code Board of Appeal met on December 14, 2017 and the following decision was reached:

**Reduction in spacing between existing structure and recreational vehicles within campsites: Granted provided each unit is sprinkled to 13D with dry sidewall protection in areas that are less than minimum spacing per OAR 918-650-0055. Hard connection for sprinkler system is required.**

**Note: separate permit is required from the Fire Marshal's Office.**

**Decision: Unanimous**

**Board Members: Sam Rodriguez, Dave Spitzer, and Jennifer Alger**

Pursuant to Oregon Revised Statutes 455.690, you may appeal this decision to the appropriate State of Oregon advisory board within 30 calendar days of the date this decision is published. For information on the appeals process and costs, including forms, appeal fee, payment methods and fee waivers, contact the Oregon Department of Consumer and Business Services, Building Codes Division.



**The Overton Group**  
4055 SW Garden Home Rd  
Portland, Oregon 97219  
(971) 703-7703

December 1, 2017

Dear Oregon Building Codes Division,

This letter of appeal offers an alternative spacing concept for the three tiny homes on wheels we plan to install in our commercial parking lot in the Slabtown neighborhood of NW Portland. The state code for Recreation Parks and Organizational Camps (918-650-0055 - the applicable code) recommends spacing of 10 feet between existing structures and other RVs within campsites. This spacing requirement is a recommendation, and the code allows for practical alternative solutions to be approved by the building official so long as it does not adversely impact fire and life standards. This letter will present our alternative plan that meets these objectives.

**Existing Conditions** - We are writing you today as the owners of the real property located at 1822, 1828 and 1836 NW Overton St, Portland, OR 97209. The property consists of three small historic residences dating back to 1875. There is a combined building area of just 1,936 SF on a total site area of 4,875 SF across three tax parcels. The existing improvements were all constructed as residences, and have since been converted to commercial use for the past multiple decades. The corner parcel at 1836 NW Overton **(subject of this appeal)** is the largest parcel (1,948 SF) that is improved with the smallest building (432 SF), leaving room for an existing asphalt-paved L-shaped parking lot that supports three tandem off-street parking stalls for a total six vehicle capacity. Below are pictures of the existing buildings.



**The Plan** - We are in the process of converting the entire property to a Tiny Home Community (Slabtown Village) that will allow us to keep the integrity of the historic homes intact and add to our property with tiny houses on wheels. Not having to tear-down and build-up like our neighbors was important for us and helps prove that there are viable substitutes to complete redevelopment. Opening our small quaint homes as short-term rentals and adding to them with tiny modern homes on wheels will allow us to fill a void in our neighborhood by providing places to stay that are not part of the big-box projects currently happening.

Below are pictures of the tiny homes on wheels being constructing offsite. These are the units we plan to bring onsite; completion of the interior outfitting will be about four weeks of the date of this letter.



**Almost There!** - After some back and forth with the City of Portland, we are just ONE hurdle away from moving forward with the sitework for completion of our project. This last hurdle is to agree upon the allowed spacing between the tiny houses, existing structures and property lines to ensure adequate fire and life safety. This letter is to address these space requirements so that we can move forward with installation of the three tiny homes in our parking lot between 1828 and 1836 NW Overton Street.

**Applicable Code** - Given the lack of specific City of Portland code providing support for the tiny home concept, we have been asked to use the “Division 650” codes for “Recreation Parks and Organizational Camps.” We want to express our willingness to complete all necessary steps to abide by the state code. However, we have compiled this appeal letter to help you better determine that our project will not be a standard “campsite” and the specific characteristics of our project warrant consideration to an alternative urban interpretation for how tiny homes layout on a commercial parking lot.

**Basis for Appeal** - The campsite standard that we are being asked to conform with prescribes spacing of at least 10 feet between units, structures and property lines. Given the dimensions of our small parking lot, this rule would be prohibitive to bringing tiny homes onto the property. We believe this standard was developed for a uniquely different setting than the urban environment in which we are now trying to apply the code. Our basis for appeal relies on the following provision that allows for alternative applications of the code. Item (1) conveys that the existing guidelines are not intended to prohibit alternative applications so long as the building official approves. Item (2) gives the authority to the building official to approve modifications for individual cases so long as it is determined carrying out the provisions are impractical, and fire and life safety features are not lessened by the modifications.

918-650-0070

**Alternate, Materials and Interpretations; Appeals**

(1) These rules are not intended to prevent the use of any alternate material, design, or method of construction for recreation parks or organizational camps which the rules do not specifically prescribe, provided that the building official has approved such alternate.

(2) Modifications. Wherever there are practical difficulties involved in carrying out the provisions of these rules, the building official may grant modifications for individual cases, provided the building official:

(a) Determines that a special individual reason makes the strict compliance with the letter of OAR 918, division 650 impractical;

(b) Ensures that the modification does not lessen any fire protection requirements or any degree of structural integrity or create any health or safety hazards; and

(c) Maintains the details of any such action granting modifications in the files of the municipality.

Stat. Auth.: ORS 455.020, 455.110 & 455.680

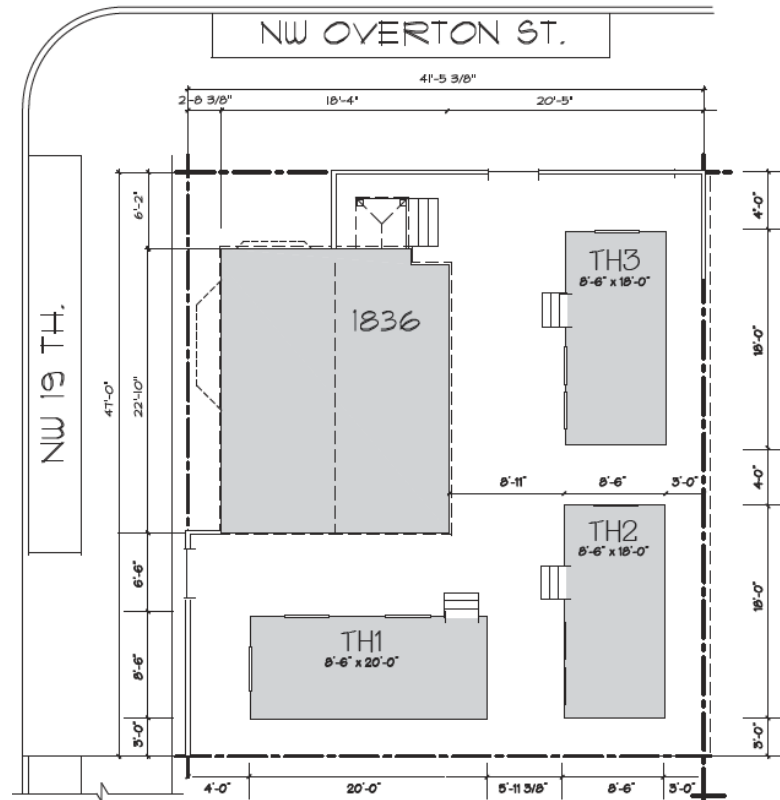
Stats. Implemented: ORS 455.680

Hist.: BCA 10-1987, f. & ef. 9-18-87, Renumbered from 814-029-0110; BCD 26-2011, f. 9-30-11, cert. ef. 10-1-11

**Alternate Spacing Request** - Attached there are multiple “1836 – Site Spacing Plans” covering (1) Distance Measurements, (2) Surrounding Areas, (3) Windows / Gates / Wall Notes, and finally (4) Exits. There is also a small version of the site plan below for visual assistance. The site plans depict the alternative spacing method that we propose for our specific project based on existing site conditions. Below is a list of a few specific line items that will better describe what we are doing to help make the space appeal decision easier:

**Privacy** - Because the tiny houses are being built like actual homes (walls, doors and characteristics of actual houses,) privacy will be easily attainable. No window-facing walls will be adjacent to other walls with windows (see Windows / Gates / Wall Notes exhibit). Each unit will be fully insulated with double pane windows and doors providing protection from noises within the complex and offsite noise caused by the city. We do not believe that privacy will be compromised by the alternative spacing concept.

**Exiting** - All units will have doors facing a common area that will provide ample width (approximate 9 feet width on average). There will be Exit gates on the northern and western property boundaries. The maximum distance one would need to travel to exit the property from one of the units is about 30 feet. The plan calls for at least 4 feet between each tiny home, and 3 feet between the tiny homes and adjacent property lines to provide adequate room to monitor service connections, debris removal, etc. It is stressed that the space between the tiny homes and adjacent properties will not be for guest access; rather, they will only offer a corridor for efficient maintenance. We believe the alternative spacing request will support efficient and safe exiting from the property.



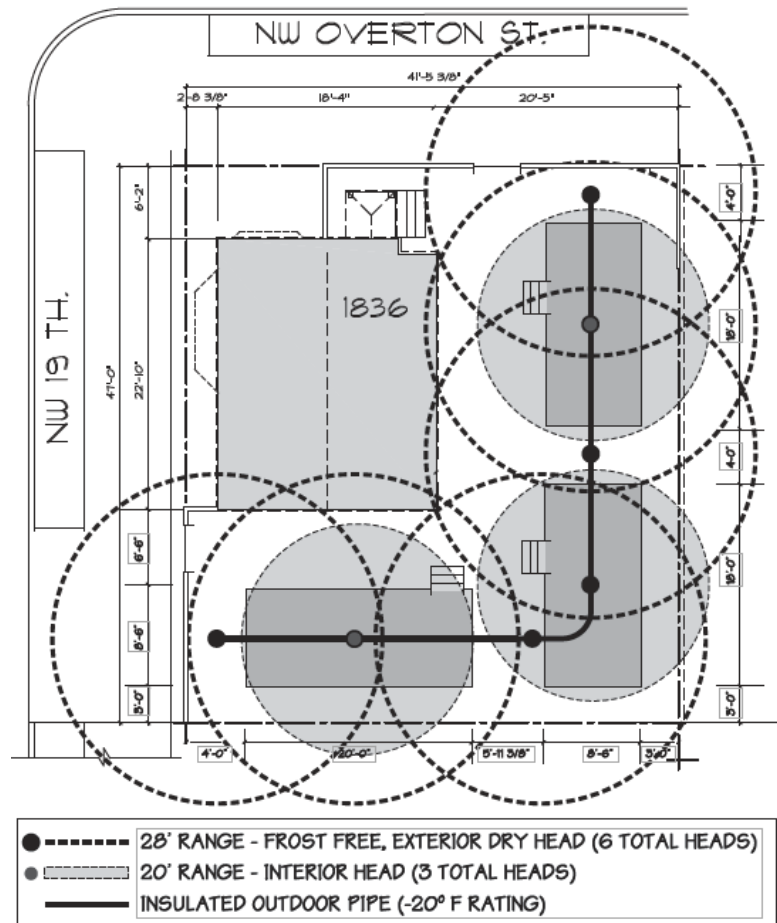
**Basic Fire Protection** - These units are being built like actual homes by state licensed & bonded contractors that are abiding by all applicable codes. Each unit will have a smoke alarm and fire extinguisher inside. We will have on-site hose outlets attached to every home. Each unit will have full running water with a bathroom and kitchen as well. We intend to connect each unit to City water and sewer services. We do not believe the proposed alternative spacing will materially impact best practices relating to fire protection.

**Wet Fire Suppression System** - Pursuant to emerging trends within the Oregon legislature relating to Tiny House construction, and in the interest of enhancing fire life safety on the property, we propose installing a wet fire suppression system the would include interior and exterior protection of the tiny houses, and all areas between the tiny houses and existing structures. We are consulting with multiple fire sprinkler specialists to find an effective wet sprinkler system that will provide as full interior and exterior coverage. The list of consultants includes Delta Fire Inc., Patriot Fire, Inc. and other fire sprinkler system professionals.



We propose a roof mounted sprinkler system with 6 exterior sprinkler heads and 3 interior sprinkler heads, 1 within each tiny house. Here is a summary of the scope of work we plan to pursue:

- All exterior pipes and heads will be freeze resistant. All exterior sprinkler heads will be frost free.
- There will be a water meter and service upgrade to 1" in conjunction with the site work.
- There will be a separate back-flow and shut-off valves for sprinkler system.
- Piping for the sprinkler system will be 1 1/4" and insulated (-20° F rating)
- The exterior sprinkler heads will have a total range of 28', while the interior heads will have a range of 20'
- The spray patterns will be designed to provide essentially full sprinkler coverage for all interior and exterior protection of the tiny houses, and all areas between the tiny houses and existing structures.
- The system will be designed and installed following all applicable licensing and code requirements



In conclusion, our proposed project is not in a standard campsite environment where open space is abundant. We are in an urban environment where increased density is one of the fundamental objectives. The existing code is not a practical application for our specific situation, and therefore, we ask you to please approve our alternative spacing and design concept, which is both practical and supportive of fire and life safety standards.

**Other Considerations** - In addition to addressing fire life and safety concerns regarding our alternate spacing request, we believe both zoning and the intent of emerging City of Portland policy are supportive of our project. Please consider the following evidence:

**Zoning Factors** - Our property has flexible EXd mixed-use zoning that allows and promotes urban density. Base zoning permits a 4:1 floor-to-area-ratio (FAR), with no building setbacks required. This indicates a total building area of (4,875 SF land area x 4:1 FAR) 19,500 SF could be constructed on our lot. Currently the historic residences account for 1,948 SF, or less than 10% of what zoning readily permits. Further, we plan to add a total of (170 SF TH1 + 153 SF TH2 + 153 SF TH3) 476 SF of non-permanent housing (3 units). We believe this small addition will extend the economic viability of the current improvements by 10 to 20 years. Further, when/if the time does come to redevelop the property, the tiny home units will be movable and will not require unnecessary demolition. General takes from zoning factors: (1) current zoning allows mixed-use including the proposed commercial nightly rental use; (2) zoning does not require setbacks from existing property lines or structures reducing the argument that a different setback requirement should be overlaid for the tiny home configuration; and (3) the scale of the proposed non-permanent expansion is a small fraction allowed density.

**The City's New Position on Tiny Homes** - City of Portland Commissioner Chloe Eudaly recently released a statement regarding Tiny Homes on October 16, 2017 that is material to our current project. Amongst other things, the statement conveys that the Bureau of Development Services (BDS) is working on development code language to permanently allow tiny homes in conformance with recently passed HB 2737. Further, moving forward BDS will adhere to guidelines as it relates safety and life standards for occupants of tiny homes. Specific to parking lots of non-residential occupied structures including "businesses" (like our property): "Property owner may grant permission for up to three vehicles (vehicle, motorhome, camper trailer, etc.) for sleeping."

The statement goes on to spell out general requirements for all overnight sleeping situations covering sanitation and electrical services. As previously stated, our project will provide sanitation and electrical service to each of the three tiny homes at a substantial site development cost in comparison to the alternative solutions provided in the statement. These alternatives include a vendor pump out holding tank (sanitation) and extension cords from an approved outlet (electrical). We aim to provide full and safe services for our project; obtaining this site work permit is vital for us fulfilling this goal. And in the absence of clear guidance on how all of this is supposed to work, we feel it prudent to demonstrate the best layout plan we have determined and why it will meet/exceed all practical fire and life safety standards.

In closing, our three tiny homes are being built with safety and privacy as a primary focus. Unlike a standard campsite, we are providing "Tiny Homes" that have all the safety features and amenities of a standard house. Although the proposed spacing between these units may not be up to 10 feet, we are providing privacy that is unparalleled to a standard campsite. Our development will provide an adequate level of fire protection, life safety and privacy that goes beyond a what a typical campsite provides in a distinctly different urban setting. We hope you will understand the reasoning behind this appeal, and we look forward to getting positive feedback and quick resolution.

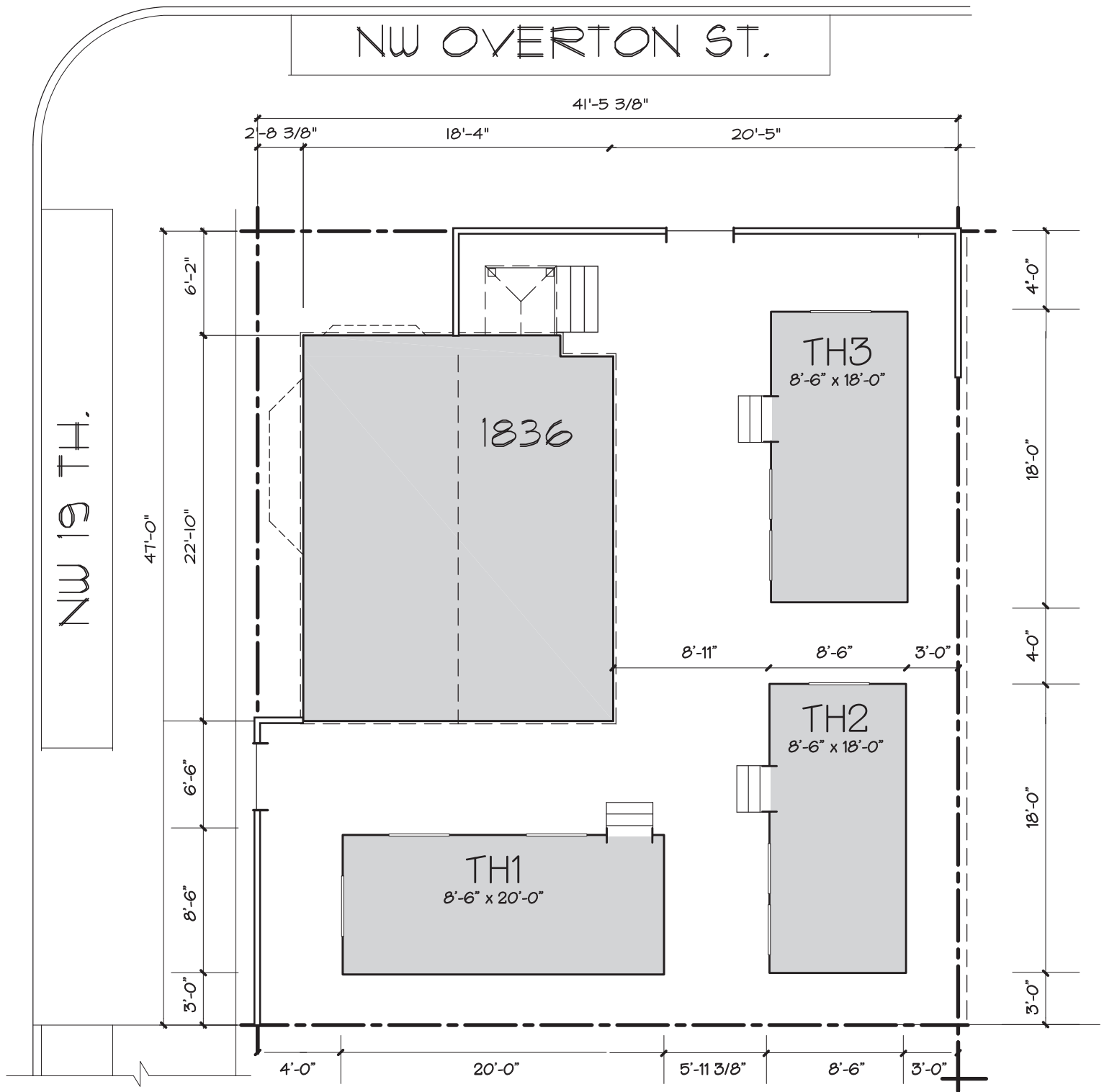
Thank you for consideration,

A handwritten signature in black ink, appearing to read 'John Jendritza', with a stylized, flowing script.

John Jendritza

The Overton Group

NW OVERTON ST.



## 1836 SITE - SPACING PLANS

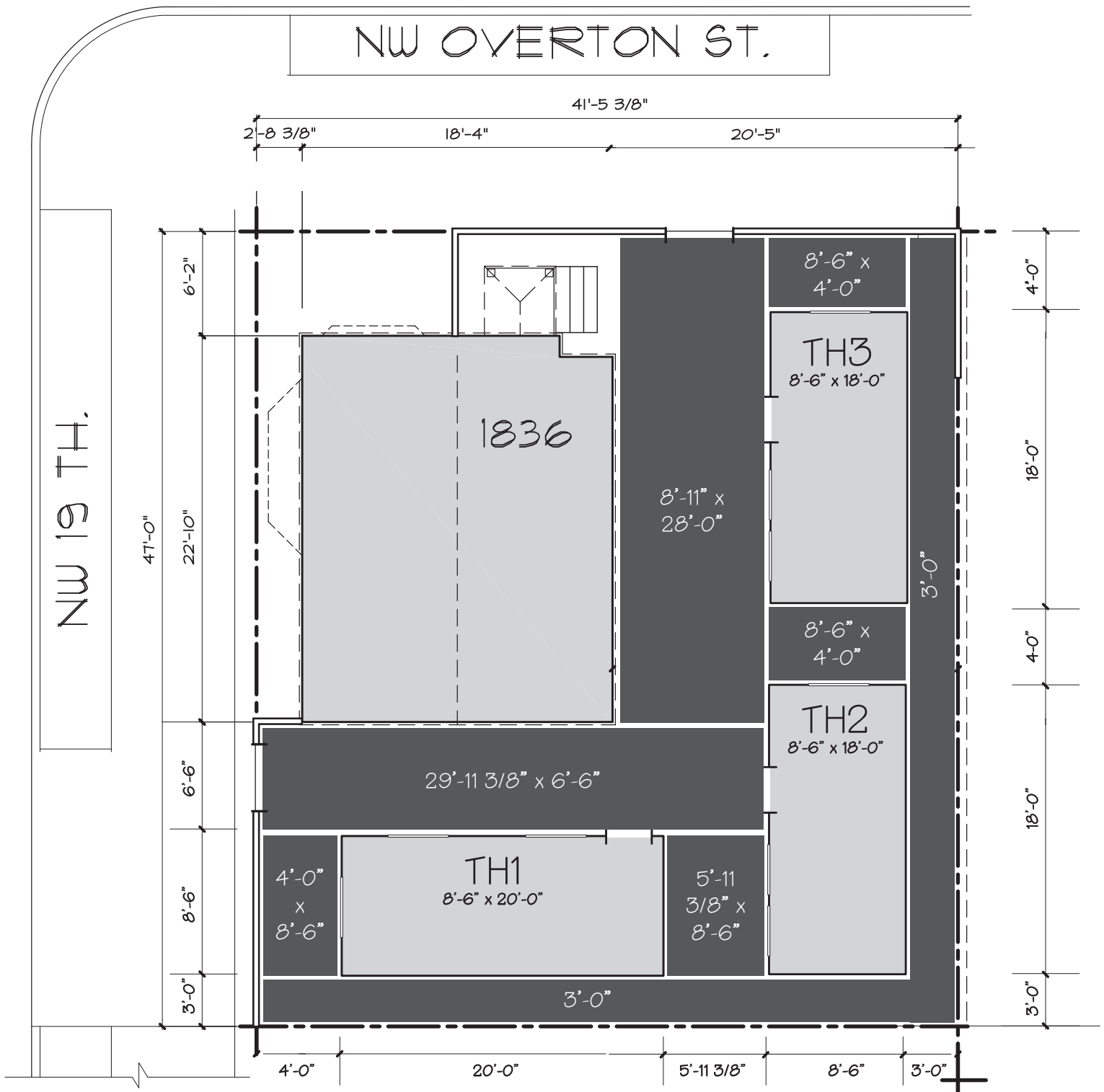
1836 NW OVERTON ST.  
PORTLAND, OR 97209

DATE: 11/10/2017  
REVISIONS:

DISTANCE MEASUREMENTS



NW OVERTON ST.



## 1836 SITE - SPACING PLANS

1836 NW OVERTON ST.  
PORTLAND, OR 97209

DATE: 11/10/2017  
REVISIONS:

SURROUNDING AREAS

NW OVERTON ST.

41'-5 3/8"

2'-8 3/8"

18'-4"

20'-5"

NW 19 TH.

47'-0"

22'-10"

6'-6"

8'-6"

3'-0"

4" WIDE  
EXIT GATE  
NON-LOCKING  
(ONE-WAY)

4" WIDE  
EXIT GATE  
NON-LOCKING  
(ONE-WAY)

WINDOW

TH3  
8'-6" x 18'-0"

WINDOWS

WINDOW

TH2  
8'-6" x 18'-0"

WINDOWS

WINDOW

WINDOW

WINDOW

TH1  
8'-6" x 20'-0"

SOUTH PROPERTY LINE HAS 10' EXISTING WALL

4'-0"

18'-0"

4'-0"

18'-0"

3'-0"

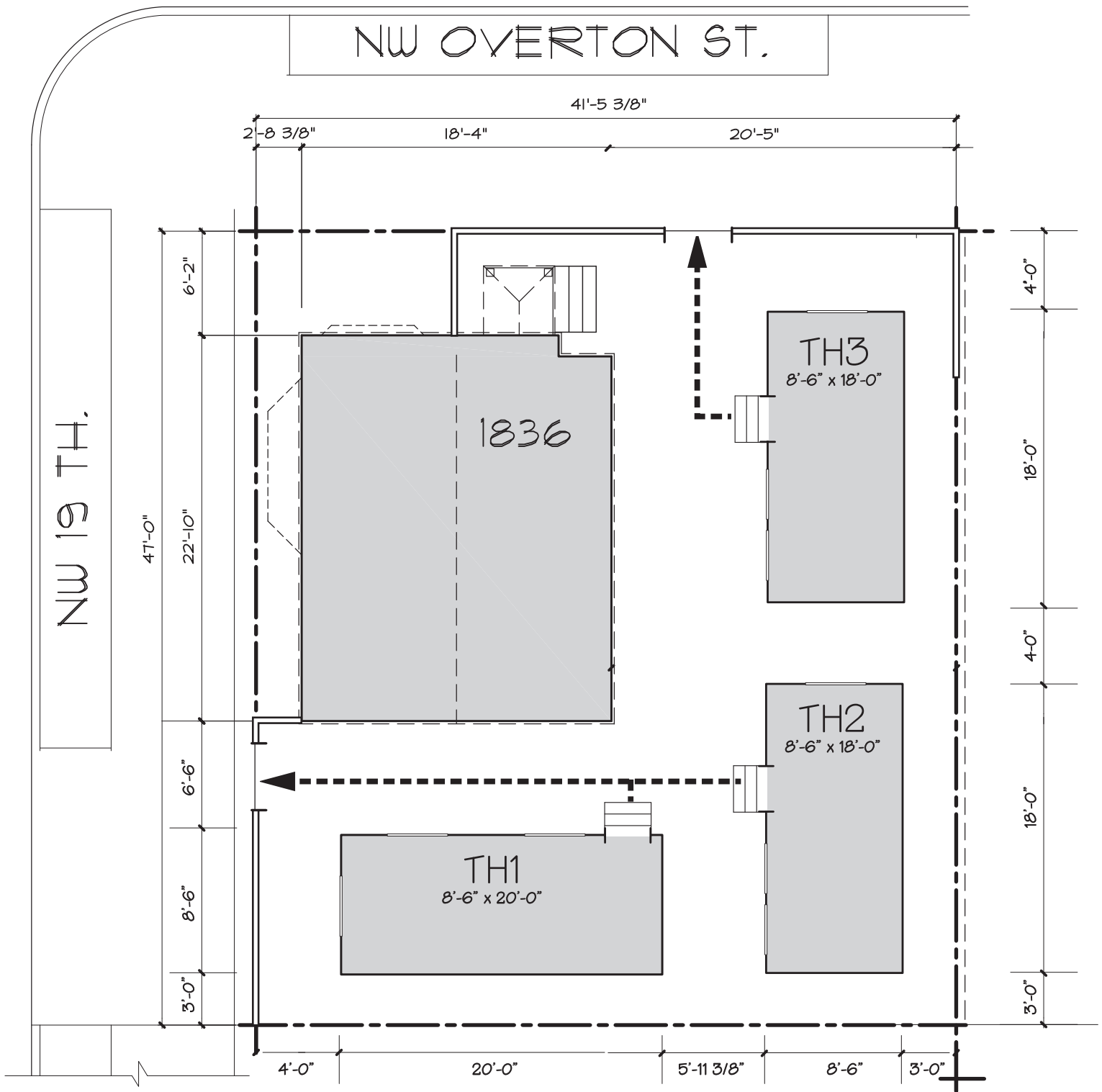
## 1836 SITE - SPACING PLANS

1836 NW OVERTON ST.  
PORTLAND, OR 97209

DATE: 11/10/2017  
REVISIONS:

WINDOWS / GATES / WALL NOTES (PRIVACY)

NW OVERTON ST.

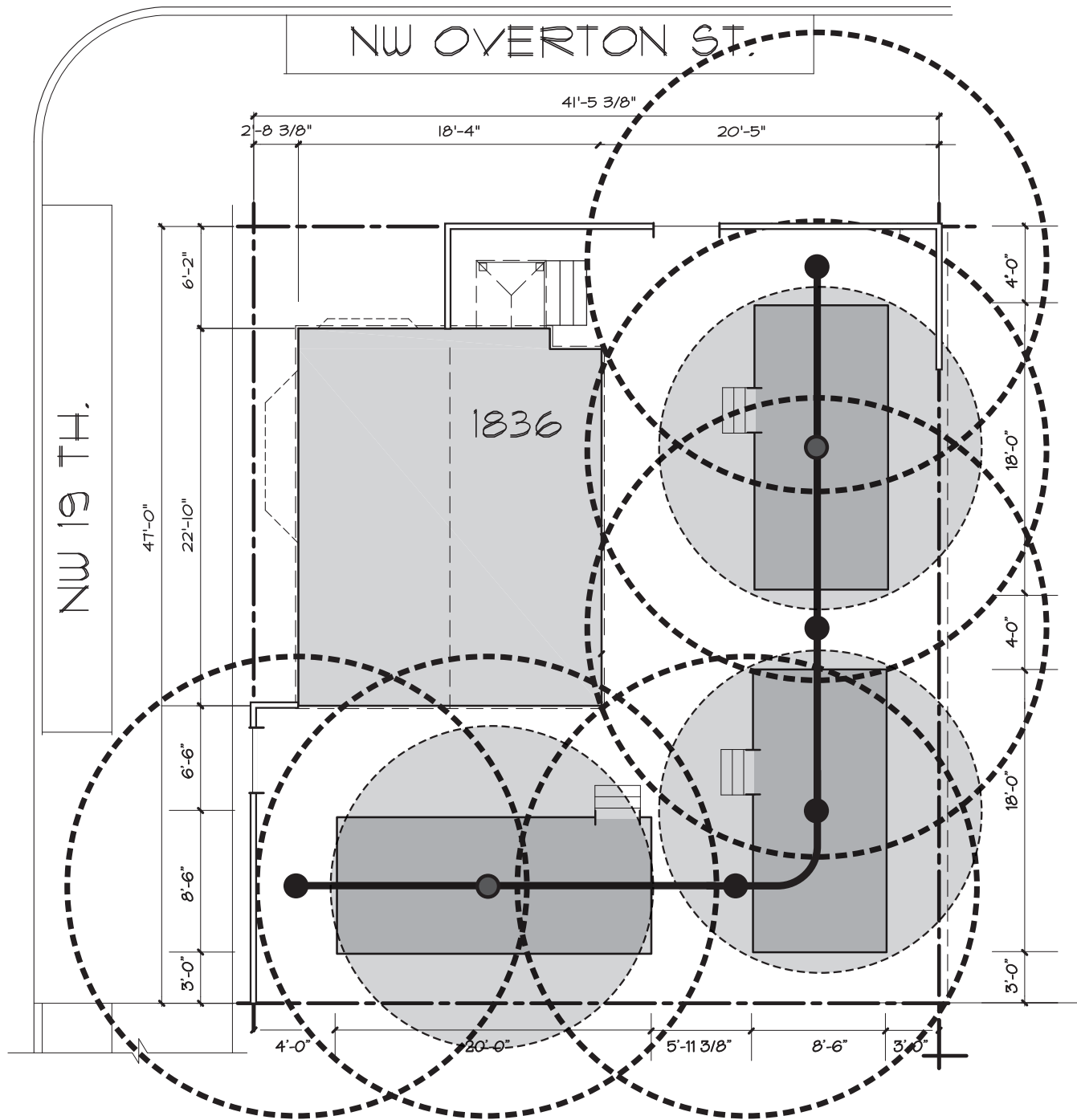


## 1836 SITE - SPACING PLANS

1836 NW OVERTON ST.  
PORTLAND, OR 97209

DATE: 11/10/2017  
REVISIONS:

EXITS



## 1836 SITE - SPACING PLANS

1836 NW OVERTON ST.  
PORTLAND, OR 97209

DATE: 11/10/2017  
REVISIONS:

SPRINKLERS - 6 EXTERIOR, 3 INTERIOR



**Commissioner Chloe Eudaly**  
City of Portland

### **Commissioner Eudaly Statement Regarding Tiny Home and RV Enforcement 10/16/17**

Commissioner Eudaly said, "Housing is a basic need and a human right. We have failed to keep up with demand for affordable housing for decades. As the City Commissioner with responsibility for the Bureau of Development Services, which enforces local building codes, I have asked the bureau to deprioritize enforcement against tiny homes and people sleeping in RVs parked on private property effective immediately." BDS staff will begin work on developing code language to permanently allow tiny homes in conformance with recently passed HB 2737 and will continue to deprioritize enforcement against sleeping RVs on private property throughout the housing emergency.

BDS staff will use the following guidelines to continue to uphold safety and health standards aimed at protecting occupants of tiny homes and RVs as well as residents and neighbors:

#### Parking lots of non-residential occupied structures (religious institution, place of worship, business, or public entity)

- Property owner may grant permission for up to three vehicles (vehicle, motorhome, camper trailer, etc.) for sleeping

#### Properties with Single Family Structures or Duplexes

- Property owner and tenant may grant permission for one vehicle or tent for sleeping.
- Vehicles must be located in legal parking areas on the property (Zoning requirements)

#### General requirements for all overnight sleeping arrangements

##### *Sanitation*

- Property owner shall make available sanitary facilities.
- Options include using sanitary facilities within the structure, pumping holding tanks off-site or having vendor pump out holding tank, or permitting and installing a legal sanitary dump station on site.
- Portable toilets (with ongoing service and maintenance) are only allowed at non-residential properties.

##### *Electrical*

- Property owner shall make available electrical connections.
- Options include extension cords from an approved outlet in the home or permitting and installing a pedestal for plug in.
- No hard connections are allowed.
- Use of generators is not allowed
- Property owner shall subscribe to and pay for garbage, recycling, and composting service.
- City may enforce Title 29.50.050 if it determines that the camping activity on the property constitutes a nuisance or other threat to the public welfare.