

Development Services

From Concept to Construction

Phone: 503-823-7300 Email: 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 - Held over from ID 24598 (2/10/21) for additional information

Appeal ID: 24640

Project Address: 5128 NE 18th Ave

Hearing Date: 2/24/21

Appellant Name: Andrew Shipley

Case No.: B-005

Appellant Phone: 5038511096

Appeal Type: Building

Plans Examiner/Inspector: Marguerite Feuersanger, Nancy Thorington

Project Type: residential

Stories: 2 **Occupancy:** single family **Construction Type:** residential

Building/Business Name:

Fire Sprinklers: No

Appeal Involves: Reconsideration of appeal

LUR or Permit Application No.: 20-184575-PR

Plan Submitted Option: pdf [File 1]

Proposed use: single family

APPEAL INFORMATION SHEET

Appeal item 1

Code Section

R302.1

Requires

1 hour fire Rated construction within 3' of the property line

Code Modification or Alternate Requested

Omission of fire rated construction within 3' of property line with a no build easement.

Proposed Design

Provide a 4 foot wide by 47 ft. 7 and 1/16" inch long no build easement to provide a minimum of 6 ft. clear width between existing building and any future construction. The porch on the east side of the house has no cover or eaves. The bay window eave is 6 inches wide. Please note that the 3 ft. 9 in. wide easement dimension on the attached plan is actually proposed as 4 feet to accommodate the 6 inch eave width.

Reason for alternative

Existing building eaves are within 3 ft. of the proposed property line between lot 1 and lot 2. The current bump out and eaves would require extensive modification to make it conform to the 1 hour fire rating requirement. A 6ft. wide no-build easement between existing structure and new property line provides equivalent fire separation distance by code.

APPEAL DECISION

Omission of fire rated construction within 3' of the property line with a no build easement: Granted provided the no build easement is a minimum of 4 feet wide, 47 feet 7 and 1/16 inches in length and beginning 9 feet 7 and 3/16 inches from the West property line. Appellant must contact Nancy Thorington (503-865-6438) for more information prior to writing the no build easement.

The unrecorded easement must be reviewed and approved by BDS prior to recording. A copy of the recorded easement must then be provided to BDS prior to plan review approval.

The easement must include language that prohibits the construction of fences and eaves in the easement.

The Administrative Appeal Board finds with the conditions noted, that the information submitted by the appellant demonstrates that the approved modifications or alternate methods are consistent with the intent of the code; do not lessen health, safety, accessibility, life, fire safety or structural requirements; and that special conditions unique to this project make strict application of those code sections impractical.

Pursuant to City Code Chapter 24.10, you may appeal this decision to the Building Code Board of Appeal within 90 calendar days of the date this decision is published. For information on the appeals process, go to www.portlandoregon.gov/bds/appealsinfo, call (503) 823-7300 or come in to the Development Services Center.

BUILDING LOCATION

5128 NE 18TH AVE
 PORTLAND OR 97211

CONTRACTOR

PROJECT INFORMATION

PROJECT LOCATION: PORTLAND, OREGON
 2017 OREGON RESIDENTIAL SPECIALTY CODE
 CONSTRUCTION TYPE: WOOD FRAMED
 OCCUPANCY GROUP: R-3
 PROJECT: LOT CONFIRMATION AND ADJUSTMENT



INDEX OF DRAWINGS

- A - 01: COVER & INFORMATION SHEET
- A - 02: SITE PLAN
- A - 03: BUILDING SECTION

ABBREVIATIONS:

- (N): NEW
- (E): EXISTING
- TYP.: TYPICAL
- FTG.: FOOTING
- A.F.F.: ABOVE FINISHED FLOOR
- SHTG.: SHEATHING
- O.C.: ON CENTER
- CONC.: CONCRETE
- BLK'N: BLOCKING



A-01

DATE:
2/16/2021

SCALE:

SHEET TITLE:
COVER AND
INFORMATION

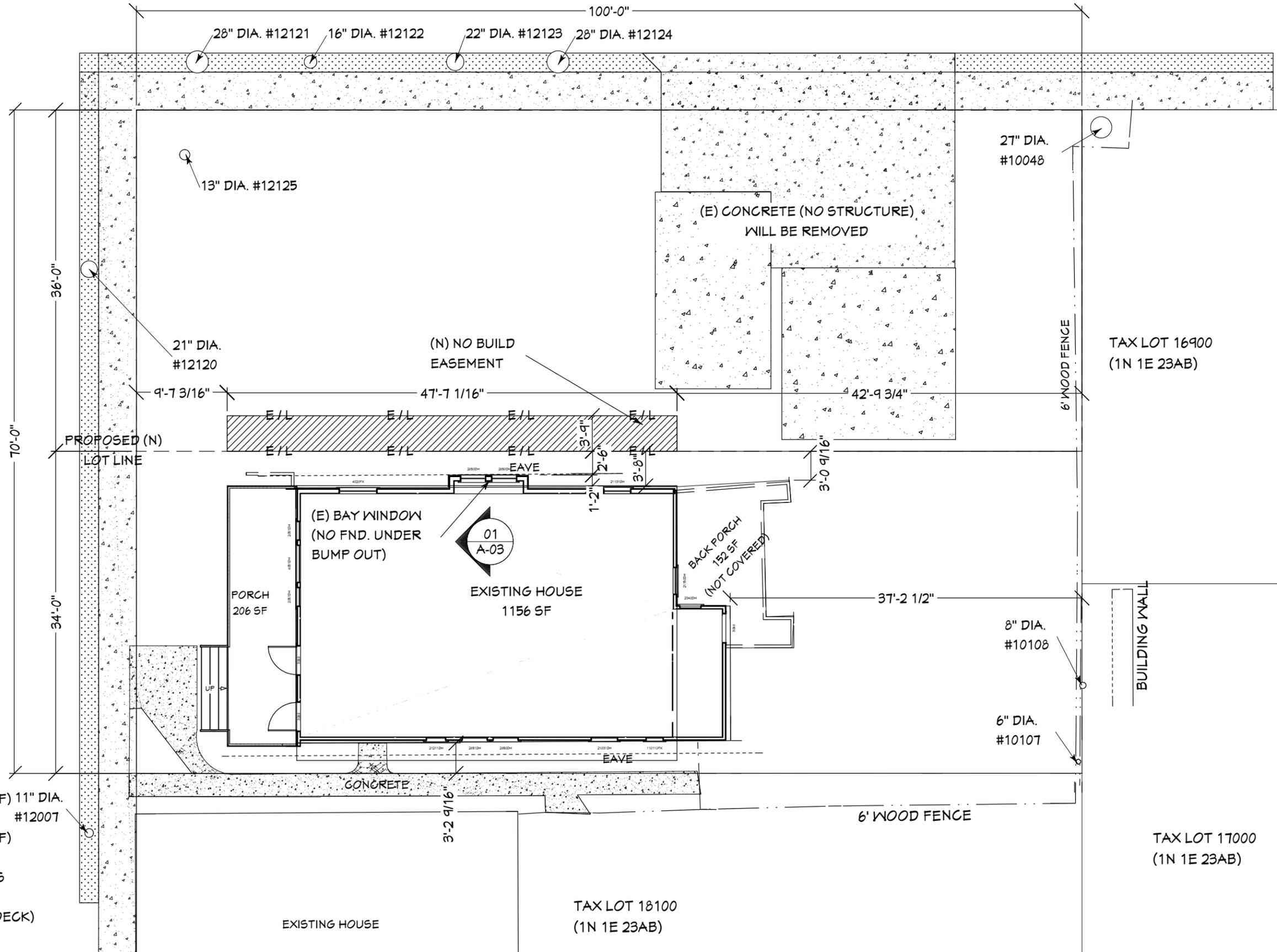
PROJECT DESCRIPTION:
5128 NE 18TH AVE
PORTLAND OR 97211

DRAWINGS PROVIDED BY:
SAB DESIGN AND DRAFTING LLC
SASHA.A.BECKWITH@GMAIL.COM
541-231-6318



NE SUMMER ST

NE 18TH AVE



ZONING: R2.5
 (E) LOT SIZE: 7,000 SF
 (E) LOT COVERAGE: 2,410 SF

(N) LOT 1 SIZE: 3,600 SF
 (ALLOWABLE COVERAGE 1,725 SF) 11" DIA. #12007

(N) LOT 2 SIZE: 3,400 SF
 (ALLOWABLE COVERAGE 1,650 SF)

(N) LOT 1 COVERAGE: NO STRUCTURES
 (N) LOT 2 COVERAGE: 1,514 SF
 (EXISTING HOUSE, PORCH AND BACK DECK)

A-02

DATE:

2/16/2021

SCALE:

3/32" = 1'-0"

SHEET TITLE:

PROPOSED: SITE PLAN
W/ EASEMENT

PROJECT DESCRIPTION:

5128 NE 18TH AVE
PORTLAND OR 97211

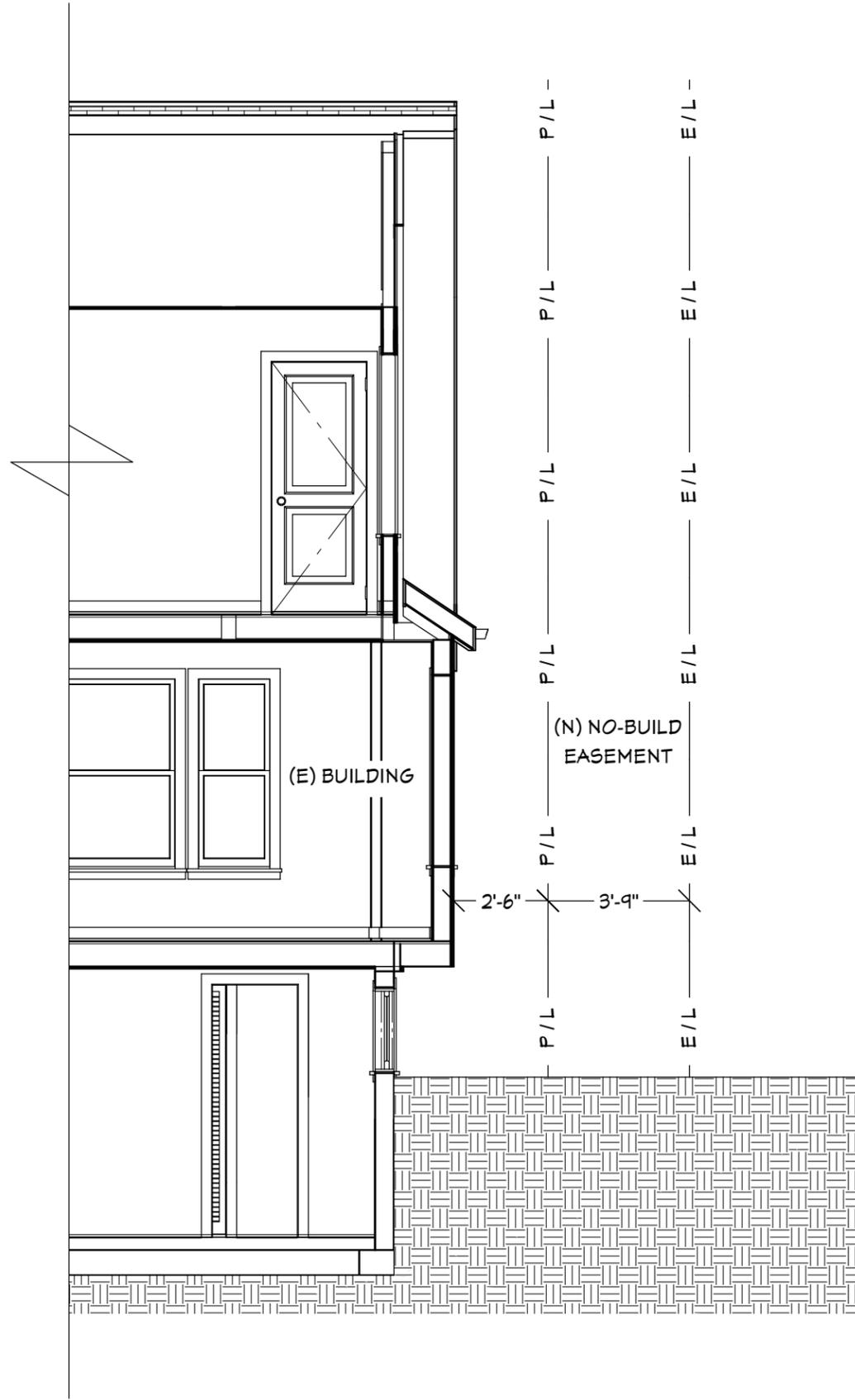
DRAWINGS PROVIDED BY:

SAB DESIGN AND DRAFTING LLC
SASHA.A.BECKWITH@GMAIL.COM
541-231-6318

TAX LOT 16900
(1N 1E 23AB)

TAX LOT 17000
(1N 1E 23AB)

TAX LOT 18100
(1N 1E 23AB)



01
A-03

BUILDING SECTION THROUGH EASEMENT AREA

SCALE: 1/4" = 1'-0"

DRAWINGS PROVIDED BY:
SAB DESIGN AND DRAFTING LLC
SASHA.A.BECKWITH@GMAIL.COM
541-231-6318

PROJECT DESCRIPTION:
5128 NE 18TH AVE
PORTLAND OR 97211

SHEET TITLE:
BUILDING SECTION

SCALE:

DATE:

2/16/2021

A-03

From: [Butler, John](#)
To: [Scholte, Cassandra](#)
Cc: [BDS Appeals](#); [Ruark, Donna](#)
Subject: FW: 5128 NE 18th Bay window / Appeal 24640 / B-005 / Easement / Hearing Date 02-24-21
Date: Thursday, May 6, 2021 4:02:19 PM

Hi Cassandra,

Here is the e-mail I referenced in a previous e-mail. This could wait for Donna but it needs to be attached to our copy of Appeal 24640 in the H drive. We also need to send a copy of the revised online appeal language to the appellant.

Thanks,

*John Butler
Senior Plans Examiner
Bureau Wide Projects Section
Bureau of Development Services
1900 SW 4th Ave, Suite 5000
Portland, OR 97201*

John.Butler@portlandoregon.gov
(503)823-7339
Work Hours: M - Th 7:00 am - 4:30 pm
Alt. Fri: 7:00 am – 3:30 pm

From: Mike Nuss (503-789-9821) <mike@myrarebird.com>
Sent: Wednesday, May 5, 2021 2:03 PM
To: Maintenance Supervisor <andrew@rarebirdproperties.com>; Butler, John <John.Butler@portlandoregon.gov>
Subject: Re: 5128 NE 18th Bay window

Hi John,

Per our conversation regarding the eave for the bay window on 5128 NE 18th Ave. There is a 6" eave on the bay window. This has been accounted for with P&Z's review of our adjustment. However, in order to meet building code requirements, we will need to revise our "no build easement" to be 3" wider for the new proposed lot on the corner of 18th and Sumner. The additional 3" will give us our 6' clearance from the edge of the no build easement to the edge of the 6" eave.

Thanks so much for your time on the phone and helping us figure the best course on this, and for adjusting our appeal verbiage.

Make it a great day!

Mike Nuss
Co-Founder

Rarebird Acquisitions

mike@myrarebird.com

503.789.9821 cell

800 NE Broadway Street

Portland, OR 97232

[@rarebirdrealestate](#)

On Wed, May 5, 2021 at 1:51 PM Maintenance Supervisor <andrew@rarebirdproperties.com> wrote:

Andrew Shipley
Maintenance Supervisor

Rarebird Property Management

andrew@rarebirdproperties.com

503.851.1096

800 NE Broadway Street

Portland, OR 97232

[@rarebirdrealestate](#)

----- Forwarded message -----

From: **Maintenance Supervisor** <andrew@rarebirdproperties.com>

Date: Wed, May 5, 2021 at 1:46 PM

Subject: 5128 NE 18th Bay window

To: Butler, John <john.butler@portlandoregon.gov>

The bay window has no eve on it.

The minimum fire separation distance with the easement is 6 feet 3 inches separation.

There is no eve shown on the section view.

Andrew Shipley
Maintenance Supervisor

Rarebird Property Management

andrew@rarebirdproperties.com

503.851.1096

800 NE Broadway Street

Portland, OR 97232

[@rarebirdrealestate](#)