



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
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TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: March 13, 2014
To: Interested Person
From: Jennifer Kenny, Land Use Services
503-823-7011 / Jennifer.Kenny@portlandoregon.gov

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

The Bureau of Development Services has a approved proposal in your neighborhood. 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 14-104820 HR – REPLACEMENT OF WINDOWS AND FRONT STEPS

GENERAL INFORMATION

Applicant/Owner: Serin Van Dyke
2611 NE 17th Ave / Portland, OR 97212

Site Address: 2611 NE 17TH AVE

Legal Description: BLOCK 52 LOT 4, IRVINGTON **Tax Account No.:** R420411320
State ID No.: 1N1E26AC 16000 **Quarter Section:**2732

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.

Business District: North-Northeast Business Assoc, Joice Taylor at 503-445-1321.

District Coalition: NE Coalition of Neighborhoods, Claire Adamsick at 503-388-9030.

Other Designations: Contributing property in the Irvington Historic District

Zoning: R5, a single-dwelling zone 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.

Case Type: 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 the following alterations to a Contributing property within the Irvington Historic District:

- Replace non-historic front steps with wooden steps and handrails;
- Replace two vinyl windows on the west side with two wood double hung windows;
- Replace non-historic aluminum storm windows (no actual windows exist) on the north side with two wood slider windows that have a grid pattern on the upper portion, replicating four divided light, double hung windows in general appearance;
- Replace a vinyl window on the south side with a double hung wood window; and
- Replace two original but badly damaged single hung windows on the east side with a wood slider that has a grid pattern on the upper portion, replicating the original divided light windows in general appearance.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations in a historic district.

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

- 33.846.060.G – Other Approval Criteria

ANALYSIS

Site and Vicinity: The subject property is a Contributing resource within the Irvington Historic District. The house is a Craftsman bungalow built in 1908, known historically as, the Thompson House.

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. Other deed restrictions excluded minority groups, established uniform front setbacks, and required minimum expenditure on new buildings. 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 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.

Zoning: The single-dwelling zones, including R5, are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.

The Historic Resource Overlay zone 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.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **February 20, 2014**. No written responses were received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 20, 2014**. Jim Barta, on behalf of the Irvington Community Association's Land Use Committee, expressed support for the project. The second comment was from neighbors, Jeanne Gabriel and David Morton, who asked that the replacement windows on the north side be double hung to match the other windows.

Staff Response: Regarding the window type, slider vs. double hung, certain conditions specific to this building were considered as part of the approval process. Additional information is in the Findings section below.

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.

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 1, 8, and 10: The historic character of the home will be restored by the replacement of vinyl and aluminum windows with wood windows; and by the replacement of non-historic front steps with replica wood steps and railings. Wood windows are the most compatible material for this property and within this district, as noted in the National Register Nomination for the Irvington Historic District, as are wood constructed stairs, railings and other porch elements.

The architectural character of the resource will be maintained by installing replacement windows in existing openings; and, by the approximation of the original wood window muntins. The windows on the east and north sides are both missing, and currently the openings are covered with aluminum storm windows. In order to meet City Codes related to egress, replacement windows must allow at least a 5.7 total square foot opening, or an approximately 2-feet by 3-feet clear window opening.

Within historic districts the preferred replacement style is typically single or double hung windows. Sometimes however, particularly in smaller dormers that serve as bedroom windows for historic homes, single and double hung windows cannot meet current required egress openings. An approvable alternative to meet egress standards can also be a casement window, as it typically allows a larger area of window opening, while using an otherwise common window type. However, in this particular case, the

low angle of the overhanging exterior rafters would prevent the full swing of the casement window, and therefore the full egress opening required is not met.

Therefore, as a final compromise to allow the homeowner the required egress opening for these bedroom windows, the proposed replacements are slider windows. The historic and architectural character will be maintained because the windows will be made of wood and include muntins that approximate the profile of the original windows. Both of the windows are partly obscured by a large overhanging eave, thus minimizing visibility. However, the neighborhood has also provided evidence to the file to substantiate historically detailed slider window examples in the district, so the addition of these sliders to these two dormer locations will not be far out of character while allowing the homeowner full use of their upstairs bedrooms.

In terms of compatibility with the neighboring properties and the district, the subject resource will retain its original setbacks, height, massing, materials, site coverage, and orientation to the street. Thus, there is no change to the existing compatibility with adjacent properties.

These guidelines are therefore 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 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

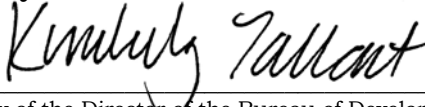
Approval of several exterior alterations to a Contributing building in the Irvington Historic District, approved alterations include:

- Replace non-historic front steps with wooden steps and handrails;
- Replace two vinyl windows on the west side with two wood double hung windows;
- Replace non-historic aluminum storm windows (no actual windows exist) on the north side with two wood slider windows that have a grid pattern on the upper portion, replicating four divided light, double hung windows in general appearance;
- Replace a vinyl window on the south side with a double hung wood window; and
- Replace two original but badly damaged single hung windows on the east side with a wood slider that has a grid pattern on the upper portion, replicating the original divided light windows in general appearance.

Approval per the approved site plans, Exhibits C-1 through C-3, signed and dated March 7, 2014, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-104820 HR."

Staff Planner: Jennifer Kenny

Decision rendered by:  **on March 7, 2014.**

By authority of the Director of the Bureau of Development Services

Decision mailed March 13, 2014.

Procedural Information. The application for this land use review was submitted on January 14, 2014, and was determined to be complete on February 10, 2014.

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 January 14, 2014.

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 July 11, 2014.**

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 must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **March 14, 2014**.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
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:

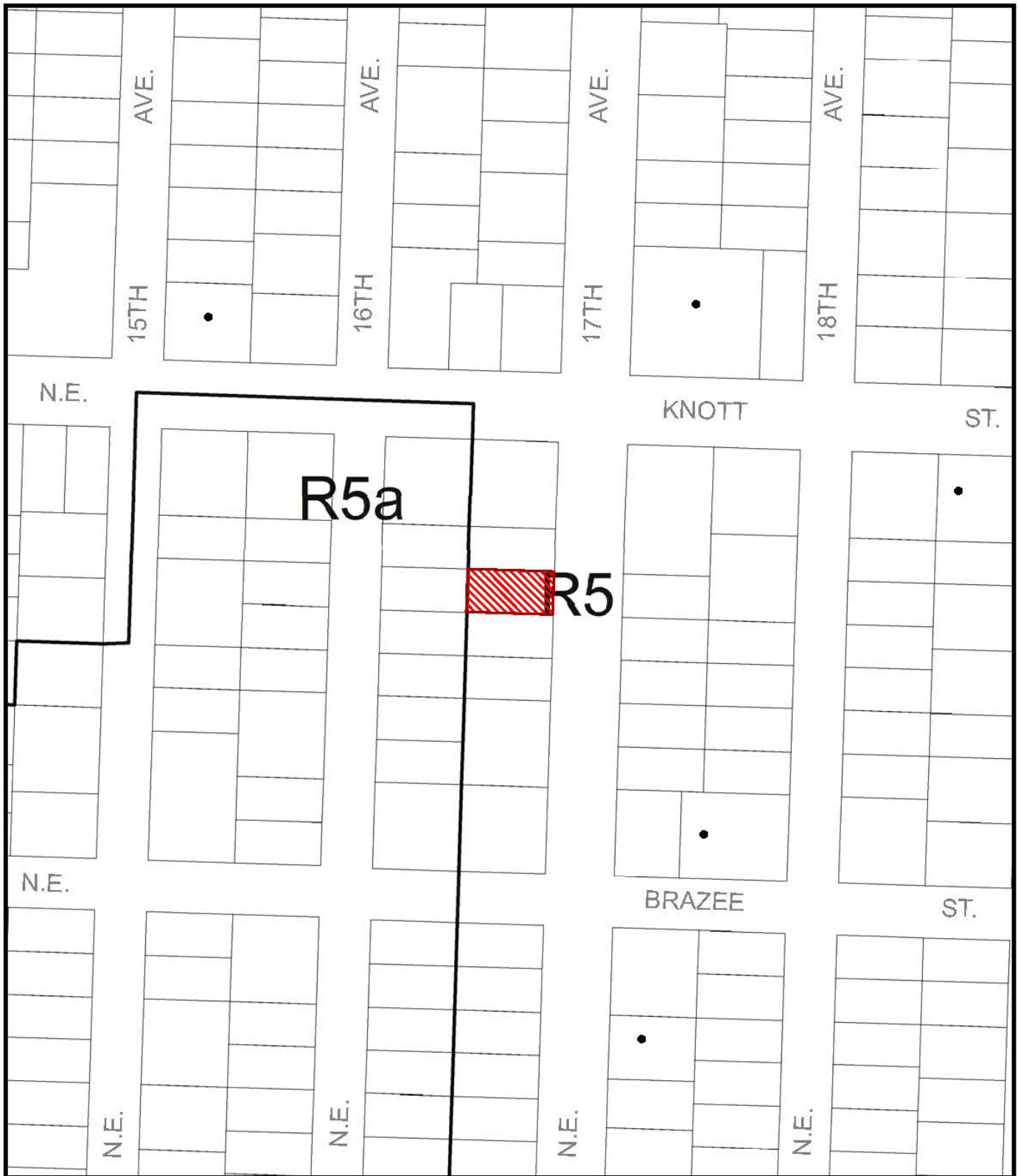
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Elevations (attached)
 3. Details (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence:
 1. Jeanne Gabriel and David Morton, February 24, 2014, preference for double hung windows on the north side.
 2. Jim Barta, on behalf of the Irvington Community Association Land Use Committee, March 5, 2014, supports project.
- G. Other:
 1. Original LU Application

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



Site



Historic Landmark



This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No. LU 14-104820 HR
 1/4 Section 2732
 Scale 1 inch = 150 feet
 State_Id 1N1E26AC 16000
 Exhibit B (Jan 15,2014)

VAN DYKE RESIDENCE REMODEL

2611 N.E. 17TH AVENUE, PORTLAND, OR 97212

PROJECT TEAM

OWNER: DAN AND SARA VAN DYKE
 2611 NE 17TH AVENUE, PORTLAND, OR 97212
 DAN VAN DYKE: 503.281.1313
 SARA VAN DYKE: 503.281.1313

DESIGNER: J.J. NORTH HOLMAN DESIGNER
 2700 NE 15TH AVENUE, SUITE 100
 PORTLAND, OREGON 97232
 TEL: 503.281.0396

PROJECT DATA SUMMARY:

APPROXIMATE: PORTLAND, OREGON
ZONE: R-5
OCCUPANCY: SINGLE-FAMILY
CONSTRUCTION TYPE: NO
SPRINKLER: NO
STORIES: TWO + BASKINYP
USE: SINGLE FAMILY

GENERAL PROJECT NOTES

- GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE COORDINATION AND COMPLETION OF WORK BY ALL TRADES AND FOR ALL PERMITS.
- ALL WORK TO CONFORM TO LATEST APPLICABLE CODES.
- GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL LAUNCH, RESURFACING OF ALL DIMENSIONS AND SITE CONDITIONS AND SHALL GUARANTEE THE WORK OF ALL TRADES.
- PROTECT EXISTING TREES AND PLANTS REMOVED TO BE REPLANTED.
- ALL DIMENSIONS TO FACE-TO-FACE, UNLESS INDICATED OTHERWISE.
- VERIFY FINISHES / STRUCTURAL / MECHANICAL WORK BY ARCHITECTURAL PLANS. ANY DISCREPANCIES TO BE REPORTED TO ARCHITECT IMMEDIATELY UPON DISCOVERY.
- VERIFY ALL DIMENSIONS ON SITE. ANY DISCREPANCIES TO BE REPORTED TO ARCHITECT IMMEDIATELY UPON DISCOVERY.
- VERIFY ALL ELECTRICAL (OUTLETS, SWITCHES, PANELS, TERMINALS) AND SIGNAL SYSTEMS PRIOR TO INSTALLATION.
- WORK AND VERIFY / RECONSTRUCT LOCATIONS OF PLUMBING ENTITIES INSURE ALL LINES LOCATED IN UNDISCOVERED SPACES.
- VERIFY AND VERIFY / RECONSTRUCT LOCATIONS OF ALL SERVICES, TELEPHONE, CABLE, AND ELECTRICAL SERVICES AND THEIR VERTICAL OR HORIZONTAL ORIENTATION PRIOR TO CONSTRUCTION OF THIS WORK.
- MECHANICAL AND PLUMBING ENTITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. ALL DIMENSIONS TO FACE-TO-FACE UNLESS OTHERWISE NOTED.
- VERIFY ALL DIMENSIONS ON SITE. ANY DISCREPANCIES TO BE REPORTED TO ARCHITECT IMMEDIATELY UPON DISCOVERY.
- VERIFY THE COPY OF ALL EQUIPMENT MANUALS CONTAINING OPERATING INSTRUCTIONS AND ONE COPY OF ALL WARRANTIES.
- FINISHES TO BE IDENTIFIED BY OCCUPANCY.
- FINISHES SHALL BE IDENTIFIED BY OCCUPANCY.
- REMOVE DEBRIS FROM SITE. CLEAR ALL SURFACES. LEAVE BUILDING READY FOR USE BY OCCUPANCY.

DRAWING INDEX

1. SITE PLAN AND SITE PLAN
2. FLOOR PLAN
3. EXTERIOR ELEVATIONS
4. SECTION/WINDOW/DOOR/PAINT

LOT INFORMATION

- PROPERTY ID: 10000000000000000000
- LOT SIZE: 5000.00 SQ. FT.
- LOT AREA: 5000.00 SQ. FT.
- LOT COVERAGE: 100.00%
- MAXIMUM FLOOR AREA: 5000.00 SQ. FT.
- MAXIMUM HEIGHT: 35.00 FT.
- MAXIMUM SETBACK: 5.00 FT.
- MAXIMUM FRONT SETBACK: 5.00 FT.
- MAXIMUM REAR SETBACK: 5.00 FT.
- MAXIMUM SIDE SETBACK: 5.00 FT.
- MAXIMUM FRONT YARD SETBACK: 5.00 FT.
- MAXIMUM REAR YARD SETBACK: 5.00 FT.
- MAXIMUM SIDE YARD SETBACK: 5.00 FT.
- MAXIMUM FRONT SETBACK: 5.00 FT.
- MAXIMUM REAR SETBACK: 5.00 FT.
- MAXIMUM SIDE SETBACK: 5.00 FT.
- MAXIMUM FRONT YARD SETBACK: 5.00 FT.
- MAXIMUM REAR YARD SETBACK: 5.00 FT.
- MAXIMUM SIDE YARD SETBACK: 5.00 FT.

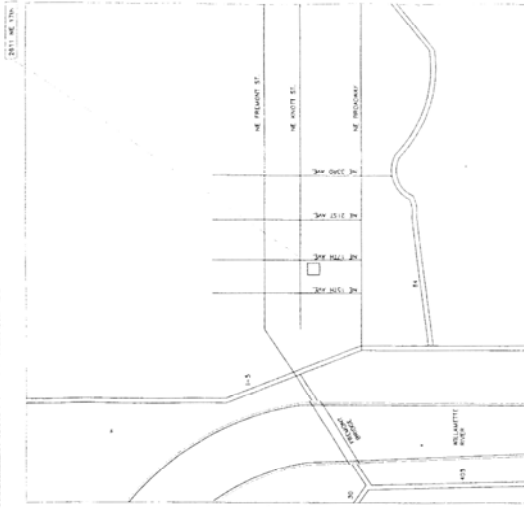
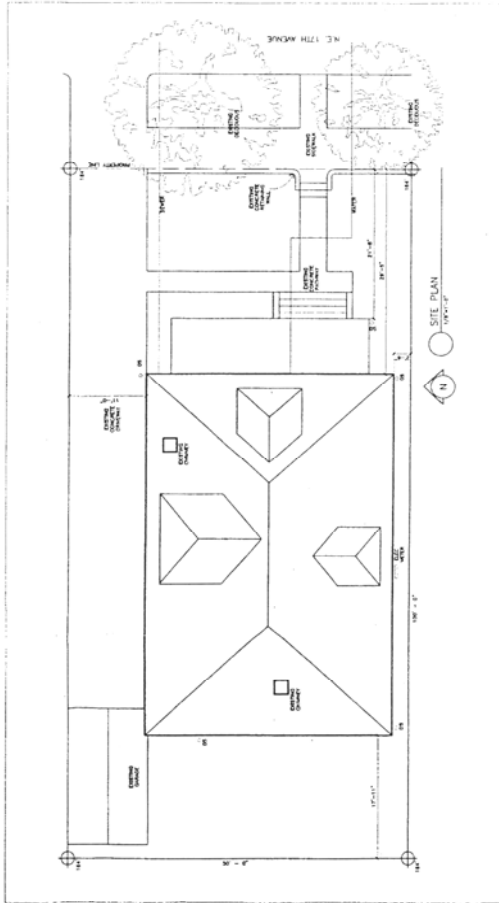


EXHIBIT C-1

LN 14-104820 HR

MARIA FLOYD COHEN
 DESIGNER
 J.J. NORTH HOLMAN
 PORTLAND, OREGON
 503.281.0396

VAN DYKE REMODEL

COVER

02/13

A1

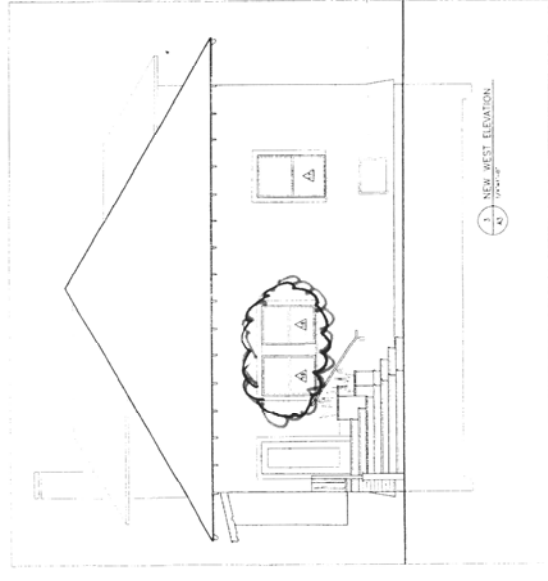
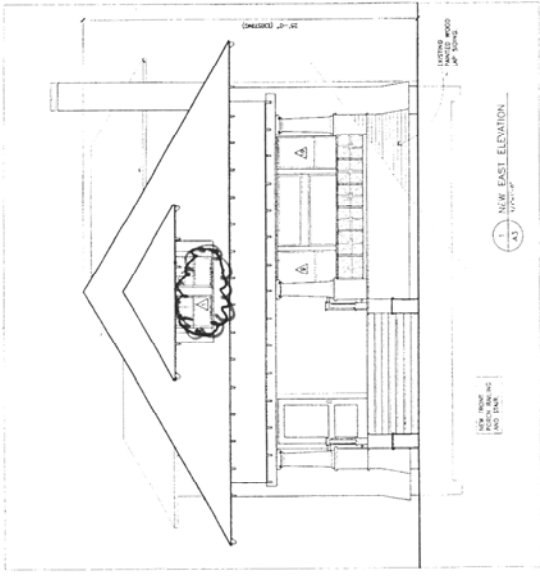
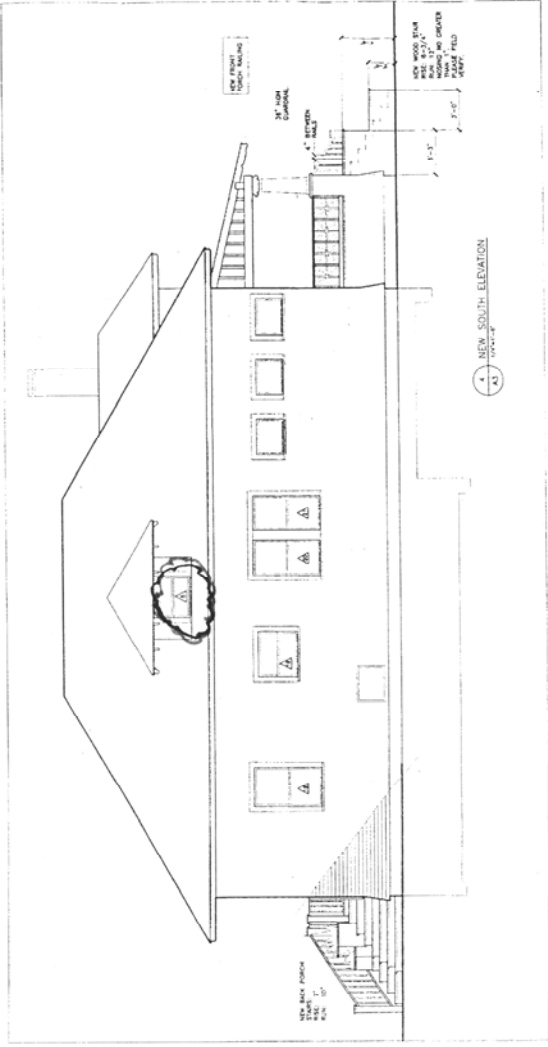
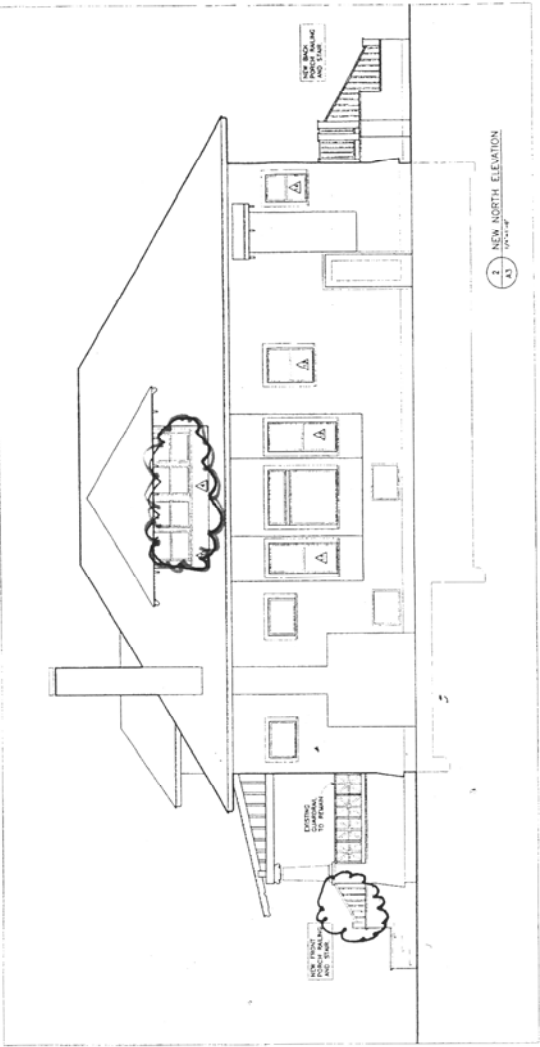
Empty rectangular boxes for identification.

MARIA FLOYD COHEN
DESIGNER
33 NORTH HOVANN
PORTLAND OREGON
97217 503.281.0366

VAN DYKE REMODEL
ELEVATIONS

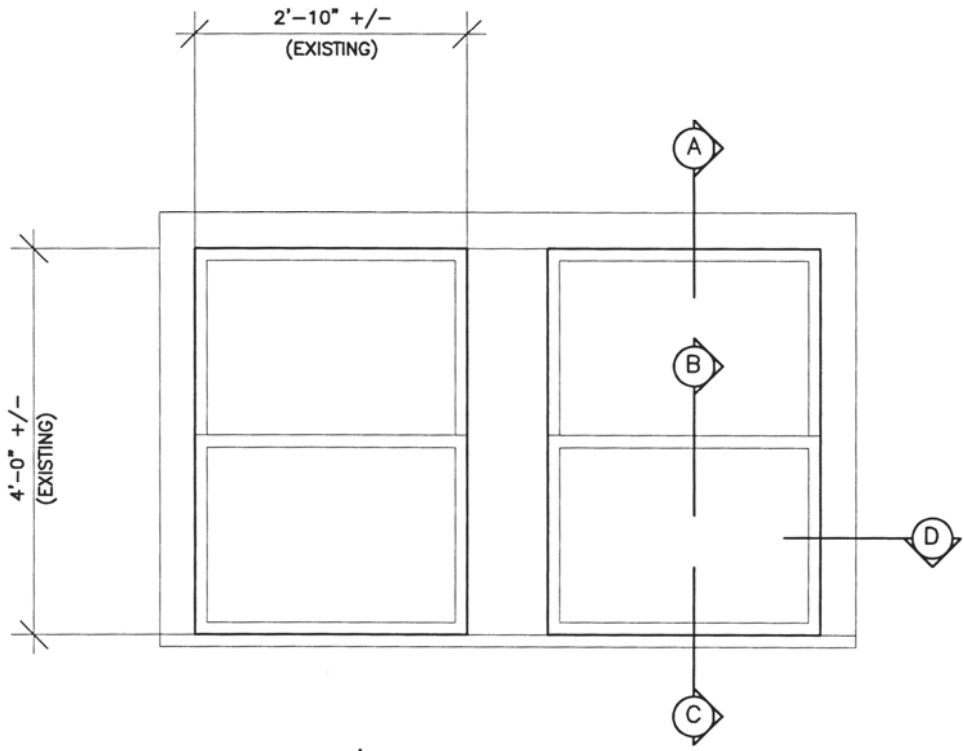
©2013



A3



Scalloped circle = area of work

SINGLE HUNG

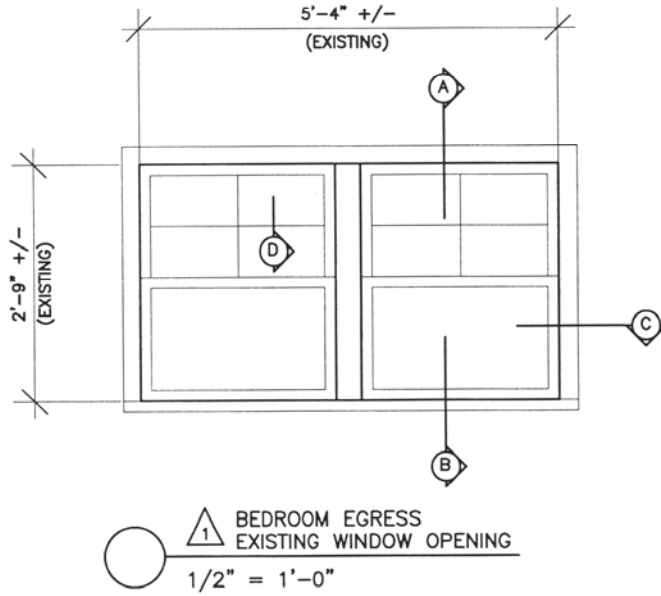


  KITCHEN EXISTING WINDOW OPENING
1/2" = 1'-0"

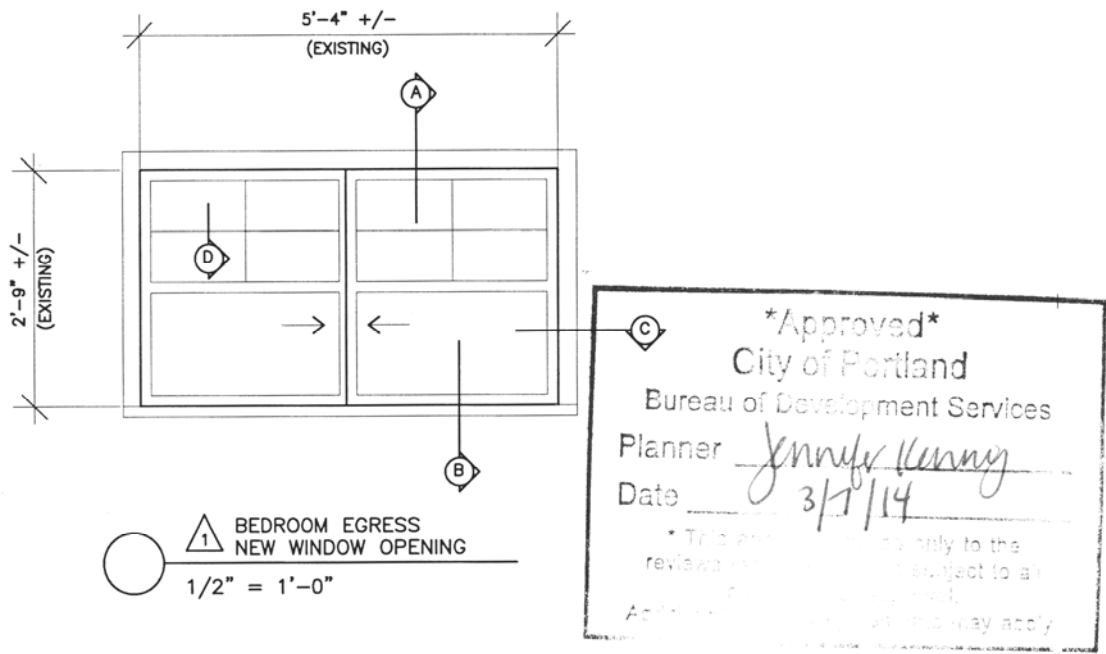
Approved
City of Portland
Bureau of Development Services
Planner Jennifer Kenny
Date 3/7/14
* This approval is only to the
reviewed items and is subject to all
other applicable codes and regulations.
Additional conditions may apply.

LU14-104820 HR EXHIBIT C-3a.

EXISTING SINGLE HUNG WITH MULLIONS

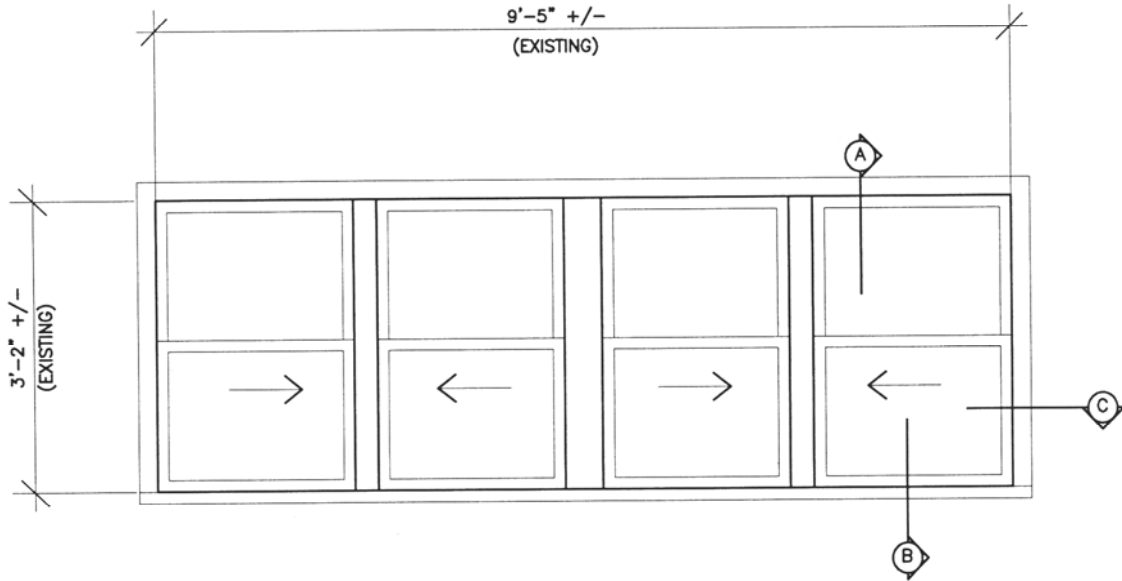


NEW GLIDER WITH MULLIONS



LA-104820 HR EXHIBIT C-3b.

ADDITION OF (2) SIDE BY SIDE GLIDERS






 BEDROOM EGRESS
 EXISTING WINDOW OPENING
 1/2" = 1'-0"

Approved
 City of Portland
 Bureau of Development Services
 Planner Jennifer Kenney
 Date 3/7/14
 * This action
 revision
 Additional

LU-14-104820 HR EXHIBIT C-3e