



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

Dan Saltzman, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** March 15, 2016  
**To:** Interested Person  
**From:** Amanda Rhoads, Land Use Services  
503-823-7837 / [Amanda.Rhoads@portlandoregon.gov](mailto:Amanda.Rhoads@portlandoregon.gov)

## **NOTICE OF A TYPE I 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 16-108268 HR** ***NEW DETACHED GARAGE WITH WORKSHOP***

#### **GENERAL INFORMATION**

**Applicant:** Jack Barnes  
Jack Barnes Architect  
615 SE Alder St. Suite 304  
Portland, OR 97214-2253

**Owners:** Regan Duffy and Joel Sherman  
2726 NE 8th Ave  
Portland, OR 97212-3123

**Site Address:** 2726 NE 8TH AVE

**Legal Description:** BLOCK 109 LOT 13, IRVINGTON  
**Tax Account No.:** R420423980  
**State ID No.:** 1N1E26BC 12700  
**Quarter Section:** 2731  
**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Lokyee Au at 503-388-9030.  
**Plan District:** None  
**Zoning:** R5 – Single-Dwelling Residential 5,000  
**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 demolish the existing detached garage, a noncontributing resource in the Irvington Historic District, and replace it with a new, 21-foot by 23-foot accessory structure which will serve as a garage/shop in the same general location on the site. The garage will be located 2 inches from the east property line, and 1 foot, 8 inches from the south property line. The existing concrete driveway will remain and be widened somewhat in front of the garage.

The proposed materials and architectural details will be similar to those on the existing house. The cedar lap siding pattern, roof pitch and style, and door and window trims will match those on the existing house. A wood trim band at the base of the siding is also proposed to match the house. The new structure will include wood carriage doors to face the street. The windows will be aluminum-clad wood, and painted wood French doors will open from the shop to the backyard.

Historic Resource Review is required because the proposal is for a new accessory structure for a contributing resource in the Irvington 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 5,000-square-foot lot is developed with a single-dwelling residence in the Foursquare style, constructed in 1908, and a detached, one-car garage. The house has been identified as contributing to the Irvington Historic District, while the garage has been classified as noncontributing. All but two of the houses on either side of NE 8<sup>th</sup> on this block are also contributing, and two street trees on the west side of the street are listed as Heritage Trees, formally recognized by City Council.

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 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.

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

**Public Review:** A Notice of Proposal in your Neighborhood was mailed on **February 17, 2016**. Comments from other City Bureaus were not solicited. One written response has been received from the Irvington Community Association Land Use Committee, stating 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.
- 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.
- 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.

**Findings for 1, 2, 4, 5, and 9:** While the subject property was constructed in 1908 during the period of significance for the district, the detached garage that is proposed to be removed is designated as non-contributing to the significance of the historic district. Therefore, no historic element or features will be affected by its removal, and by definition, no historic materials associated with this property will be altered within the scope of this review. The proposed accessory structure will be constructed separate from the existing house, with no impact on historic materials. Future removal or modifications of the accessory structure would be able to be completed without affecting the integrity of the historic home. *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 design for the new accessory structure will pick up on several design cues from the primary house, including window and door trim, roof style and pitch, a matching trim band at the base. However, the new structure will be differentiated from the existing house based on construction style, and the proposed alterations will be differentiated from the historic materials with subtle and not so subtle differences in technology. In addition, this decision will also serve as a record of these changes. *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.

**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:** The new accessory structure is designed for compatibility primarily with the primary house on the site by using the same siding exposure and trim details, high-quality windows and doors, and materials. Windows will be recessed rather than mounted at the wall surface as is common in new construction. The recess will match or exceed existing windows on the garage. Carved rafter tails will have a decorative shape as on the house, but will have a shorter extension.

The new garage will be set at the rear of the lot. Its diminutive size and location is consistent with the existing garage and many of the garages in the district. Compatibility with the historic district is bolstered by the fact that the addition to this structure (the north wing) has a roofline that is lower than the garage roof and will be difficult to see from the public right-of-way due to its placement behind the larger existing house. *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 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 removal of the non-contributing detached garage and replacement with new garage with shop wing allows for the accessory structure to better serve current needs while ensuring the historic resource retains full prominence on the lot. The new structure is compatible with the resource, adjacent properties, and the district as a whole. 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

Historic Resource Review approval for a new accessory structure housing a garage and shop on the site of a contributing resource in the Irvington Historic District, per the approved

plans, Exhibits C.1 through C.10, signed and dated March 11, 2016, subject to the following condition:

- 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.10. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-108268 HR."

**Staff Planner: Amanda Rhoads**

**Decision rendered by:**  **on March 11, 2016**

By authority of the Director of the Bureau of Development Services

**Decision mailed: March 15, 2016**

**Procedural Information.** The application for this land use review was submitted on January 20, 2016, and was determined to be complete on **February 11, 2016**.

*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 20, 2016.

*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: June 10, 2016.**

**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](http://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 15, 2016**.

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 503-823-7617.

**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.

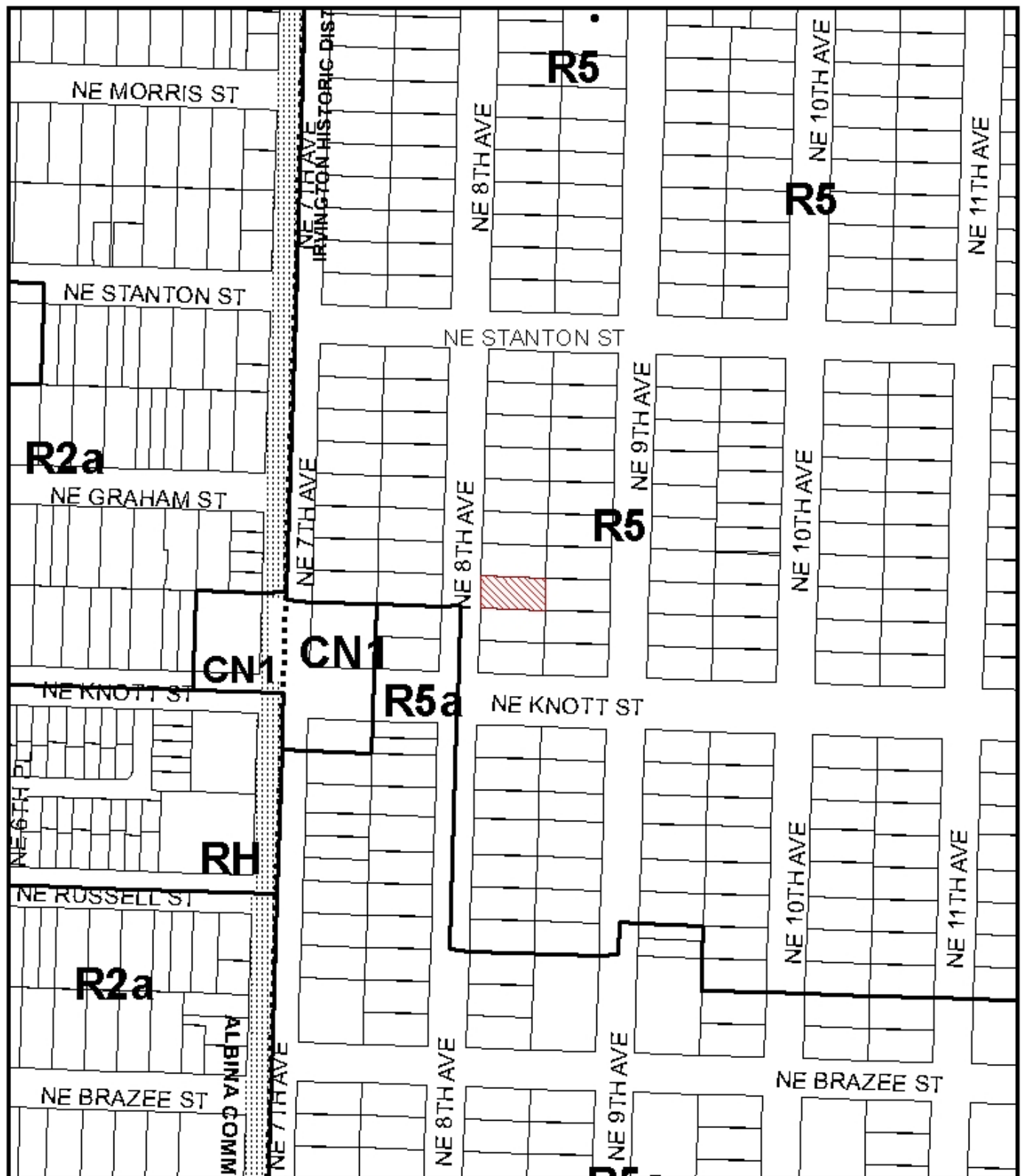
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Applicant Narrative
  - 2. Reference Photos
  - 3. Original Plan Set (superseded)
  - 4. Revised Plan Set (superseded)
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. North and West Elevations (attached)

3. South and East Elevations (attached)
4. Floor Plan
5. Roof Plan
6. Window and Door Details
7. Eave Details
8. Garage Door Details
9. Window Details
10. French Door Details
11. Existing Site Plan
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses: none requested or received
- F. Correspondence:
  1. Dean Gisvold, Irvington Community Association Land Use Committee Chair, February 27, 2016, no objections
- G. Other:
  1. Original Land Use Application and Receipt
  2. Incomplete Letter, February 3, 2016
  3. Oregon Historic Site Record

**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



NORTH

This site lies within the:  
IRVINGTON HISTORIC DISTRICT

File No. LU 16-108268 HR

1/4 Section 2731

Scale 1 inch = 200 feet

State\_Id 1N1E26BC 12700

Exhibit B (Jan 22, 2016)



JACK BARNES  
ARCHITECT  
615 SE Alder Street, Suite 304  
Portland, Oregon 97214

T 503.232.1620

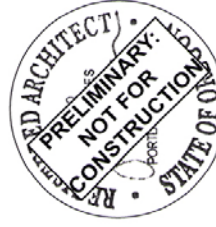
jack@jackbarnesarchitect.com  
www.jackbarnesarchitect.com

DUFFY-SHERMAN  
GARAGE  
2726 NE 8th Avenue  
Portland, OR 97212

clients:  
Regan Duffy & Joel Sherman

ISSUE DATE: 2/11/2016

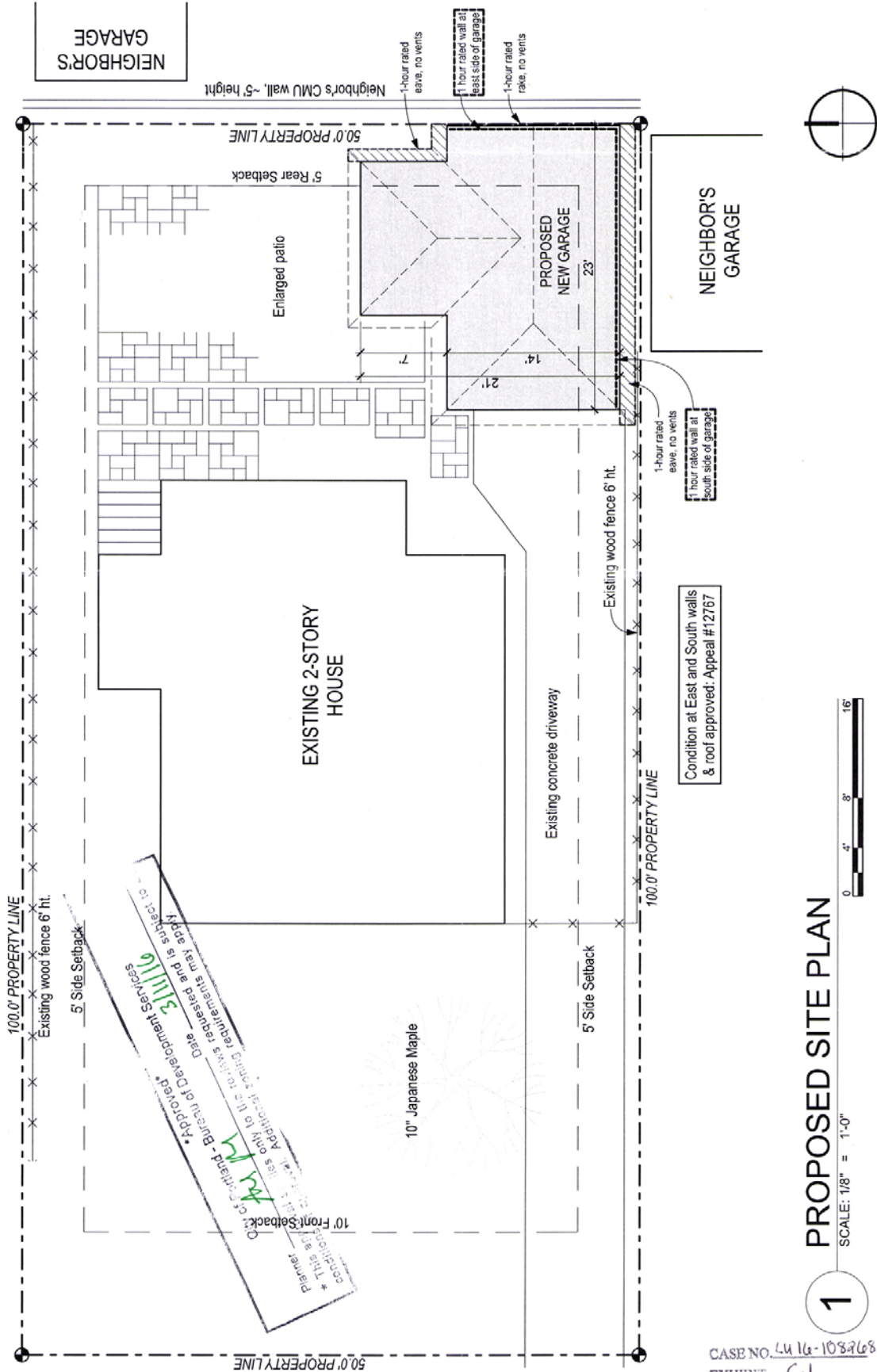
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Proposed Site  
Plan

HR-2

Plotted On: 2/11/16

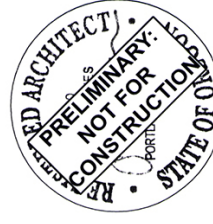


JACK BARNES  
ARCHITECT  
615 SE Alder Street, Suite 304  
Portland, Oregon 97214  
T 503.232.1620  
jack@jackbarnesarchitect.com  
www.jackbarnesarchitect.com

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GARAGE  
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Portland, OR 97212

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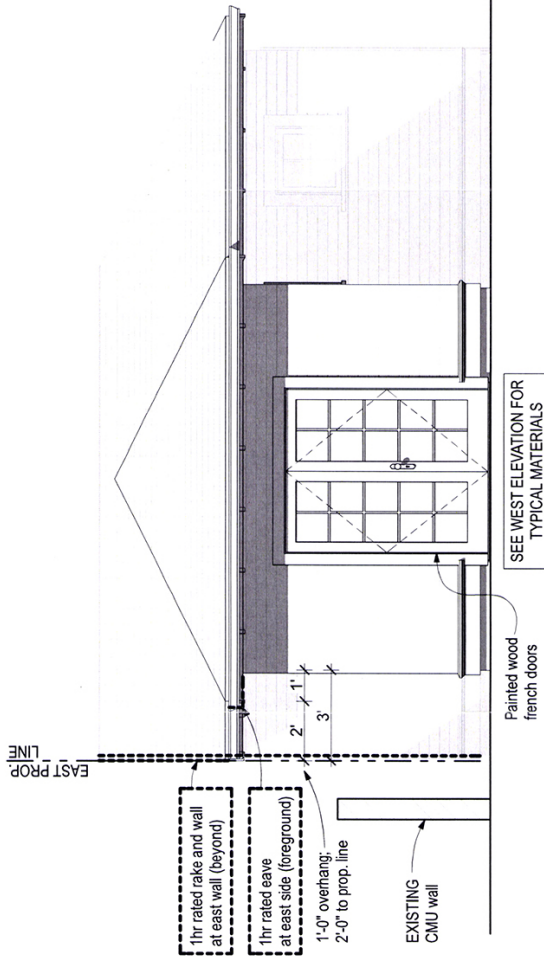
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Elevation

HR-5

Plotted On: 2/11/16

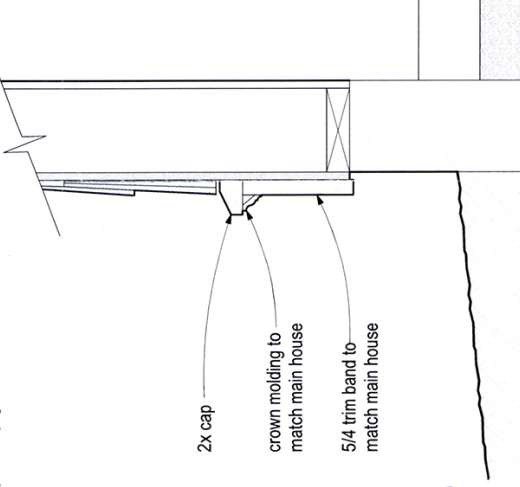


## NORTH ELEVATION

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

2

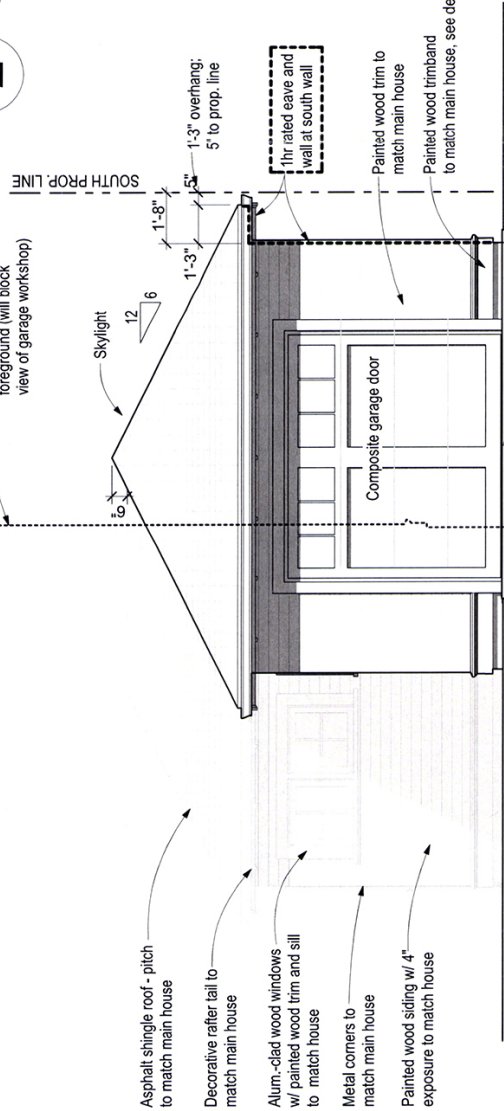
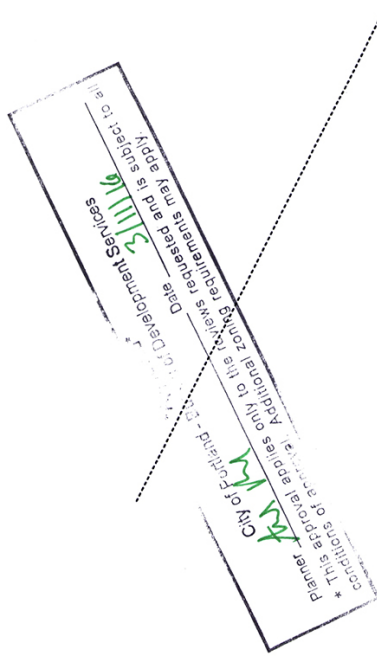
Outline of existing house in foreground (will block view of garage workshop)



## TRIM BAND

SCALE: 1 1/2" = 1'-0"

3



## WEST ELEVATION

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

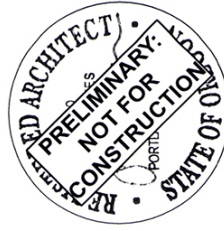
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JACK BARNES  
ARCHITECT  
615 SE Alder Street, Suite 304  
Portland, Oregon 97214  
T 503.232.1620  
jack@jackbarnesarchitect.com  
www.jackbarnesarchitect.com

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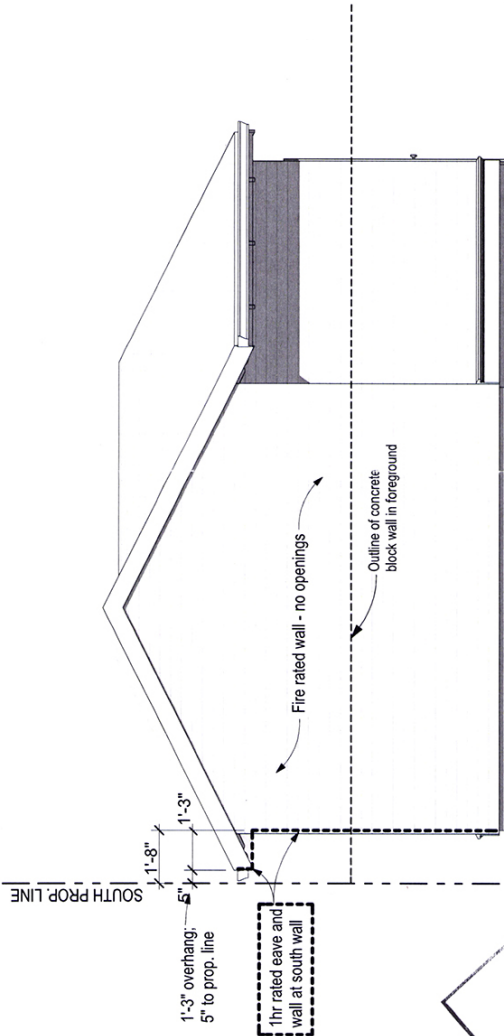
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Elevations

HR-6

Plotted On: 2/11/16

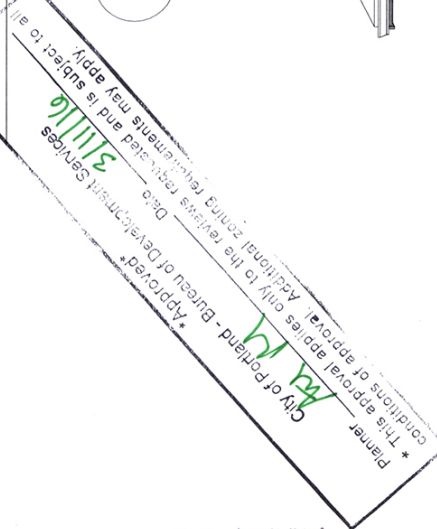


SEE WEST ELEVATION FOR  
TYPICAL MATERIALS

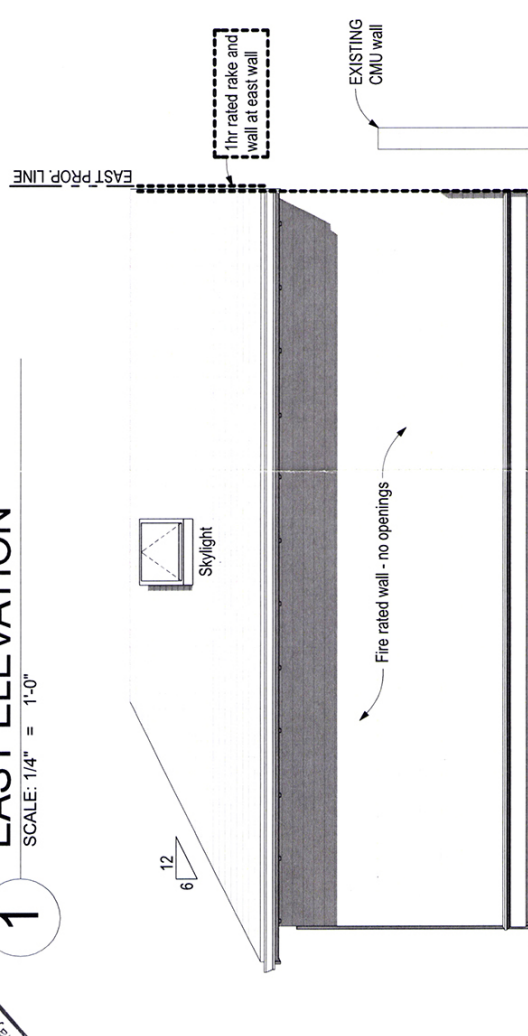
## EAST ELEVATION

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

1



CASE NO. 14-16-108268 HR



SEE WEST ELEVATION FOR  
TYPICAL MATERIALS

## SOUTH ELEVATION

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

2

EXHIBIT C.3