

**Case # LU 23-098235 HR – 2214 NE 19<sup>th</sup> Ave. – Exterior Alterations**

**Landmarks Appeal – March 24, 2025**

**Irvington Community Association – Land Use Committee**

**Testimony**

The Irvington Community Association (ICA) Land Use Committee (LUC) supports PP&D's May 28, 2024 decision denying LU 23-098235 HR for 2214 NE 19th Ave and strongly opposes this "make legal" appeal. As noted in the proposal section of the appeal, this exterior alteration was built "without a building permit or Historic Resource Review". Further, the applicants did not take advantage of the free LUC review prior to submission, because nothing was submitted. Finally, it is noted that there is no exemption in the Code for this exterior alteration. It was illegal to begin with and is illegal now.

The two most relevant criteria from 33.846.060 G are subsections 8 Architectural Compatibility and 10 Hierarchy of Compatibility, which are foot noted in full below. In reviewing compliance with the two criteria, non-contributing resources are irrelevant. Both criteria refer only to landmark and contributing resources. Thus, the two resources adjoining the applicants' property are both non-contributing, and therefore not relevant to this discussion.

**First** some context.

The original intent of Elizabeth Irving when she had the neighborhood platted and put the restrictive covenants on it was that houses had to be set back 25' from the front lot line -- a number set out specifically in the restrictions. The intent of this was to encourage the homeowners to create beautiful gardens. Many other residential developments followed with similar rules all over the city, including Rose City Park to the east of 39th Avenue where the developers required 25' setbacks and sponsored contests for the most beautiful front gardens in their neighborhood in 1910.

The unity of setbacks resulting from Mrs. Irving's mandate is absolutely one of the defining characteristics of the neighborhood and the Irvington Historic District. If anything is to be built closer to the street than the 25', there must be a compelling reason why it is compatible with the overall architectural features of the neighborhood context.

BDS has repeatedly refused to allow protruding garages out at the sidewalk under the compatibility rules where the predominant pattern adheres to the 25' rule. And the key is what is the pattern of contributing resources. There is no requirement for new construction to be compatible with non-contributing resources, regardless of their proximity, but they must be compatible with nearby contributing structures and with the District as a whole.

**Second**, another key aspect of this review is that it is not a porch expansion. It is an addition to the house with a porch built above it. There is a room with a roof below the deck. Calling it a "porch" is misleading.

**Third**, the proposal does not meet the relevant criterion.

As noted above, the original neighborhood platting and restrictive covenants dictated that houses had to be set back 25' from the front lot line. In this case, when compared with the contributing resources across the street, the structure at 2214 NE 19th encroaches on the 25 ft setback and is incompatible with these contributing structures.

BDS has repeatedly refused to allow protruding garages and similar structures out at the sidewalk under the compatibility rules where the predominant pattern adheres to the 25' rule. There are no requirements for new construction to be compatible with non-contributing resources, regardless of their proximity, but they must be compatible with nearby contributing structures and with the District as a whole. Although there are a number of garage structures on the block which come right up to the sidewalk, they were not original to the structures, and are not relevant to this discussion.

**In summary**, the proposed alteration encroaches on the typical 25' setback, is not compatible with contributing houses in the immediate area or in the District as a whole, does not comply with relevant criteria, and therefore this Type II proposal must be denied, and the subject exterior alteration removed.

*Relevant Criteria Subsections 8 & 10 from City Code 33.846.060 G:*

*8. Architectural compatibility. New additions, exterior alterations, or new construction will be compatible with the massing, size, scale, and architectural features of the landmark or contributing resource and, if in a district, the district as a whole. When retrofitting to improve accessibility for persons with disabilities or accommodate seismic improvements, design solutions will not compromise the architectural integrity of the landmark or contributing resource;*

*10. Hierarchy of compatibility. New additions, exterior alterations, or new construction will be designed to be compatible primarily with the landmark or contributing resource and, if located within a district, secondarily with contributing resources located within 200 feet and, finally, with the rest of the district. Where practical, compatibility in districts will be pursued on all three levels.*