

Development Services

From Concept to Construction

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APPEAL SUMMARY

Status: Decision Rendered - Held over from ID 15334 (7/5/17) for additional information

Appeal ID: 15376	Project Address: 5306 NE 15th Ave
Hearing Date: 7/12/17	Appellant Name: Mike Nedelisky
Case No.: B-026	Appellant Phone: 503-936-5586
Appeal Type: Building	Plans Examiner/Inspector: John Butler
Project Type: residential	Stories: 1 Occupancy: Single family Construction Type: 2x4 exterior wall
Building/Business Name: MJN Builder	Fire Sprinklers: No
Appeal Involves: other: propose no-build easement so existing structure to be in compliance with building code per 302.1	LUR or Permit Application No.: 15334
Plan Submitted Option: pdf [File 1]	Proposed use: single family residential

APPEAL INFORMATION SHEET

Appeal item 1

Code Section	302.1
Requires	This is a revised Exhibit D per John Butler meeting on 7-10-17. Please submit to be heard this wednesday...
Proposed Design	<p>Reconsideration of an appeal # 15334</p> <p>proposal to add no build easement to Lot 11 only per revised exhibit 'D'. Area shown with hatch marks where easement impacts the existing structure on Lot 10 of parcel. A 3' set back is required off of the existing building to the centerline of the fire separation line shown on plans. This will allow the existing structure to be in compliance with building codes per section 302.1. Therefore both the existing single family home on Lot 10 and the future structure on Lot 11 will be in compliance with building prescribed codes. The existing garage will be removed by demo permit.</p>
Reason for alternative	

APPEAL DECISION

Omission of Fire rated construction within 3' of the property line: Granted as proposed with 4 foot no-build easement.

The easement must include language that prohibits the construction of fences and eaves in this width and that establishes the centerline of the easement as the implied property line for the purpose of determining fire separation distance for future development on the adjacent lot. The easement must be reviewed and approved by BDS prior to recording.

Note that eaves and fences may not be located in the easement.

Appellant may contact Nancy Thorington (503-823-7023) for more information.

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 180 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, go to www.portlandoregon.gov/bds/appealsinfo, call (503) 823-7300 or come in to the Development Services Center.

EXHIBIT 'D'

SCALE 1" = 10'



LOT 10

NE 15TH AVE

21'-2"

HOUSE (c)
5306 NE 15TH AVE

4' NO-BUILD EASEMENT

SEE DETAIL BELOW

BUILD LINE

3' MIN (EAVE TO CL OF FSL)
2' FROM EAVE

REAL PROP. LINE

FIRE SEPARATION LINE

FSL
CL
FSL

LOT 11

NO-BUILD EASEMENT AREA

RESIDENCE EAVE DETAIL

PROP LINE

ROOF

2x6 FASCIA BO

2x4 EXT. WALL

FIRE SEPARATION C/LINE

10"

24"

2"

36" MIN