

## Development Services

### From Concept to Construction

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#### APPEAL SUMMARY

**Status:** Hold for Additional Information

<b>Appeal ID:</b> 20774	<b>Project Address:</b> 200 NW Royal Blvd, Lot #5
<b>Hearing Date:</b> 8/21/19	<b>Appellant Name:</b> Robert Oshatz
<b>Case No.:</b> B-010	<b>Appellant Phone:</b> 5036354243
<b>Appeal Type:</b> Building	<b>Plans Examiner/Inspector:</b> Jason Butler-Brown
<b>Project Type:</b> residential	<b>Stories:</b> 3 <b>Occupancy:</b> R <b>Construction Type:</b> V-B
<b>Building/Business Name:</b> RHO LLC	<b>Fire Sprinklers:</b> No
<b>Appeal Involves:</b> Erection of a new structure	<b>LUR or Permit Application No.:</b> 06-109711-LU
<b>Plan Submitted Option:</b> pdf [File 1] [File 2]	<b>Proposed use:</b> Single family residence

#### APPEAL INFORMATION SHEET

##### Appeal item 1

**Code Section** R302

**Requires** Openings are not allowed less than 3 feet from property line.

**Proposed Design** Hearing Officer Ian Simpson approved the subdivision on Lot 7 Block5, Royal on March 28, 2007 (see LU 06-109711). In June of 2008, a similar appeal request was approved for Lot #1 of this subdivision (see Appeal ID: 5247).

At this time, I am applying for a building code appeal on Lot #5 to cantilever as shown in the attach drawings into the subdivision private common green area. The steeply sloping downhill site requires steel H-piling supports. Horizontally at street level and supported by the piling will be a steel and wood bridge. The house will be built on top, hung from and cantilever out from the bridge. The cantilevering in a cantilever easement area beyond the individual property lines (see reason for alternate) will be of conventional wood frame construction supported by steel and engineered lumber beams. The finish exterior walls and roof will be of sheet-metal, wood and stucco siding.

As part of the approval process for the subdivision the finished houses will be at least 20 feet from any structure associated with Lot 4.

**Reason for alternative** Code Guides, OSSC/7#7 and OSSC/32#1 are concerned with public and fire safety. It allows a 4 ft cantilever into common green space but limits total area to 50% of its area into that cantilever space. In this situation, the house on Lot #5 after its cantilevering will be at least 20 feet away from the future finish house on Lot #4. This house is in a R20 zone which normally requires a separation of 20 feet between houses. This appeal will maintain that separation. In addition being in an area requiring 90% forest canopy, to protect against fire the exterior walls and roof (as part of the conditions of approval for the subdivision all roofs shall be Class B roofing materials) will be of

sheet-metal and there will be no new planting of landscape material under the cantilever area or within 40 feet of the structure (except the approved mitigation plan requires Kinnickinnick above stormwater drainage line).

As stated above the Bureau of Development Services, Land Use Service Division on Land Use Review LU 06-109711 has approved a five-lot subdivision. This is a parcel of steeply sloping downhill land at the intersection of NW Royal and NW Skyline Blvd. The site is 102,101 sf parcel which has received approval to be subdivided into 5 lots varying in size but totaling 10,201 sf. The remainder of the site will become an open space environmental tract. Because of the sensitivity of the site, the proposed subdivision has gone through an environmental review. Basically, 90% of the parcel must remain in tree covered forest canopy. As only 10% of the footprint is available for construction, for the subdivision to succeed, the houses will have to cantilever over their property lines. As a house has been design for Lot #5 which will end up being bit more of less than 2,000 sf, this appeal is to cantilever that house a full 4 feet over each property line without limiting the area of cantilever.

Section R302.1 of the 2005 Oregon Residential Specialty Code is concerned with public safety. It requires that openings are not permitted less than 3 feet from a property line. Essentially this results in a separation of openings between structures of at least 6 feet to prevent fire spreading. In this appeal, for Lot #5 will be at least 20 feet away from any future structure on Lot #4 (as required by the subdivision approval). This is greatly exceeding the 6 feet suggested by R302.1. Thus, the design follows the intent of the code and more than satisfies it.

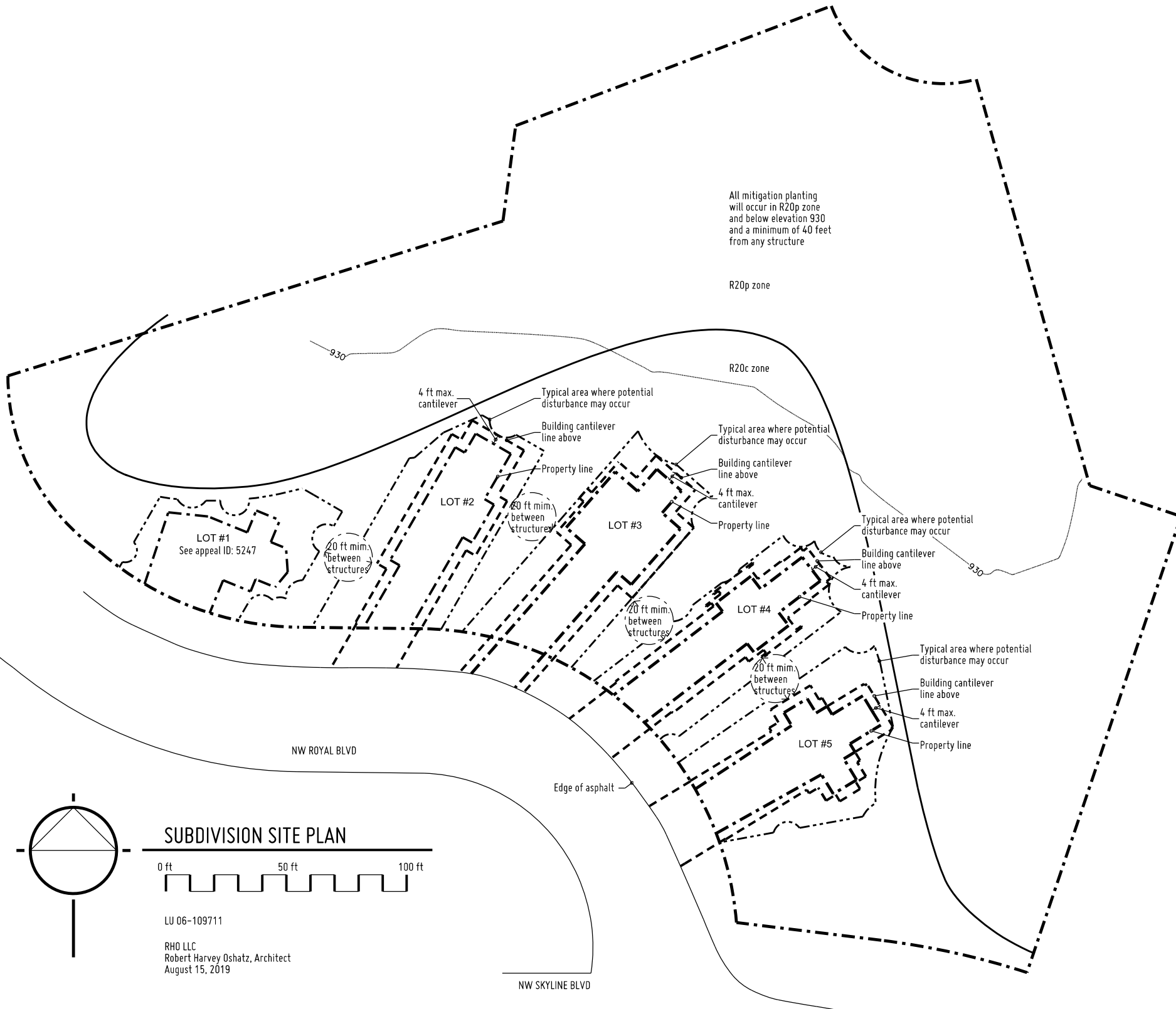
I feel code guide OSSC/32/#1 should not apply in this case. In the past it has been targeted for cantilevering into public common areas that is used by the public. This is a case where the structure is cantilevering into its own privately not open to the public green space. When the subdivision is look at with its private common green space (which is not open to use by the public and since the site is steeply sloping and the structures are not design for their occupants to use the private common green space) in essence the house is meeting the concerns of a residence built in a R20 zone. In reality except to meet zoning requirements of an environmentally sensitive site the property lines are imaginary (in essence the planning department is saying this by going along with the concept of cantilevering over the property lines and requiring the residence to be a minimum of 2,000 sf).

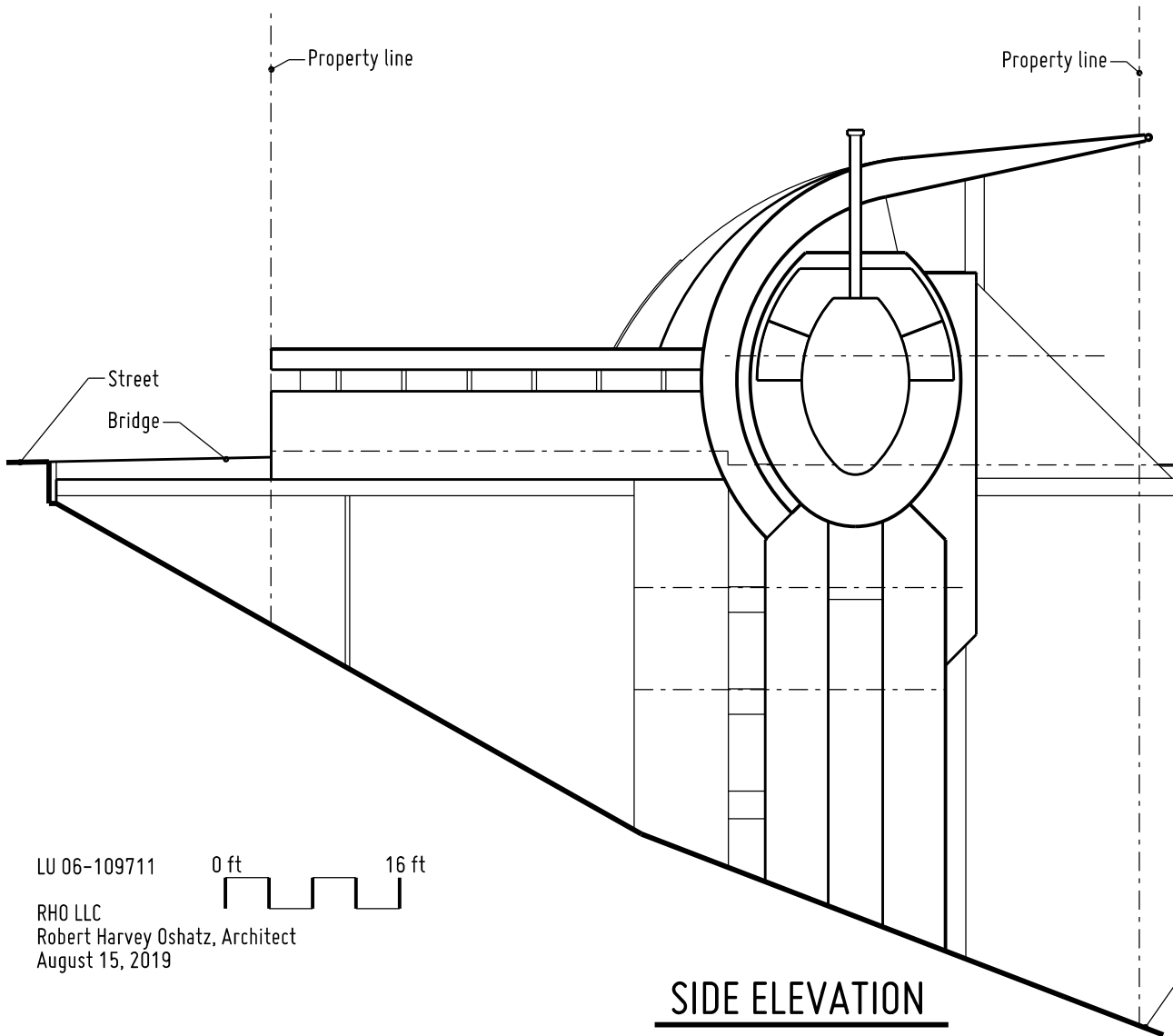
The cantilever deck which will be constructed of steel beams, 4x14 joist and 2x6 outdoor decking; the roof will be Class B materials, the walls are cad in sheet-metal, wood and stucco and soffits will be 5/8" fire rated gypsum board; making the structure at least as safe as any other residence in the neighbor. In addition, I am willing to work with the Fire Marshall's office to mitigate any of their concerns.

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## APPEAL DECISION

**Openings in exterior walls at property line: Hold for additional information.**  
**Appellant may contact John Butler (503 823-7339) with questions.**





LU 06-109711

0 ft

16 ft

RHO LLC  
Robert Harvey Oshatz, Architect  
August 15, 2019

