

# Development Services

## From Concept to Construction

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More Contact Info (<http://www.portlandoregon.gov/bds/article/519984>)



### APPEAL SUMMARY

**Status:** Decision Rendered - Held over from ID 20772 (8/21/19) for additional information

<b>Appeal ID:</b> 21941	<b>Project Address:</b> 200 NW Royal Blvd, Lot #3
<b>Hearing Date:</b> 10/2/19	<b>Appellant Name:</b> Robert Oshatz
<b>Case No.:</b> B-004	<b>Appellant Phone:</b> 5036354243
<b>Appeal Type:</b> Building	<b>Plans Examiner/Inspector:</b> Jill Grenda, Nancy Thorington, Stacey Castleberry, Eric Engstrom
<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> Reconsideration of appeal	<b>LUR or Permit Application No.:</b> 06-107711-LU
<b>Plan Submitted Option:</b> pdf [File 1] [File 2] [File 3] [File 4] [File 5]	<b>Proposed use:</b> Single family residence

### APPEAL INFORMATION SHEET

#### Appeal item 1

<b>Code Section</b>	R302
<b>Requires</b>	Openings are not allowed less than 3 feet from a property line.
<b>Proposed Design</b>	<p>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).</p> <p>At this time, I am applying for a building code appeal on Lot #3 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.</p> <p>As part of the approval process for the subdivision the finished houses will be at least 20 feet from any structure associated with Lot #2 and Lot #4.</p>
<b>Reason for alternative</b>	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 #3 after its cantilevering will be at least 20 feet away from the future finish house on Lot #2 and 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 #3 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 #3 will be at least 20 feet away from any future structure on Lot #2 and 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.

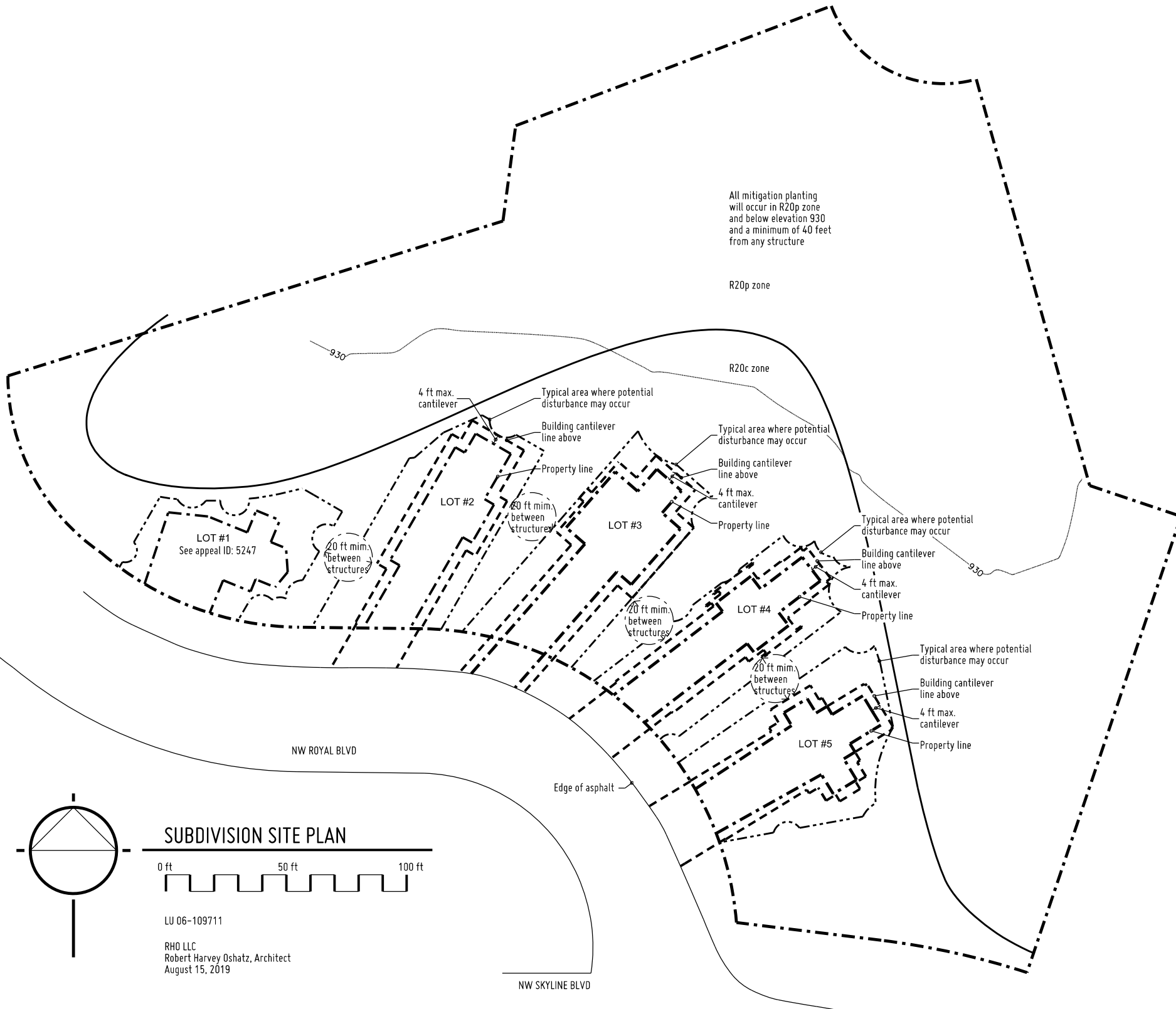
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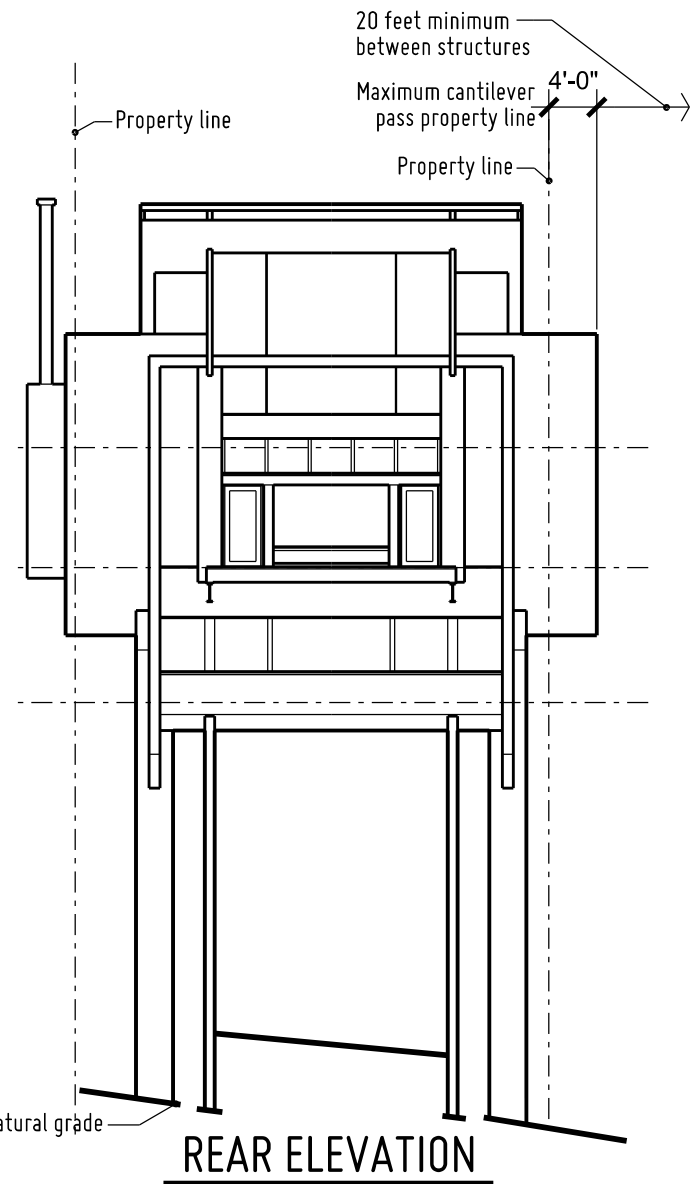
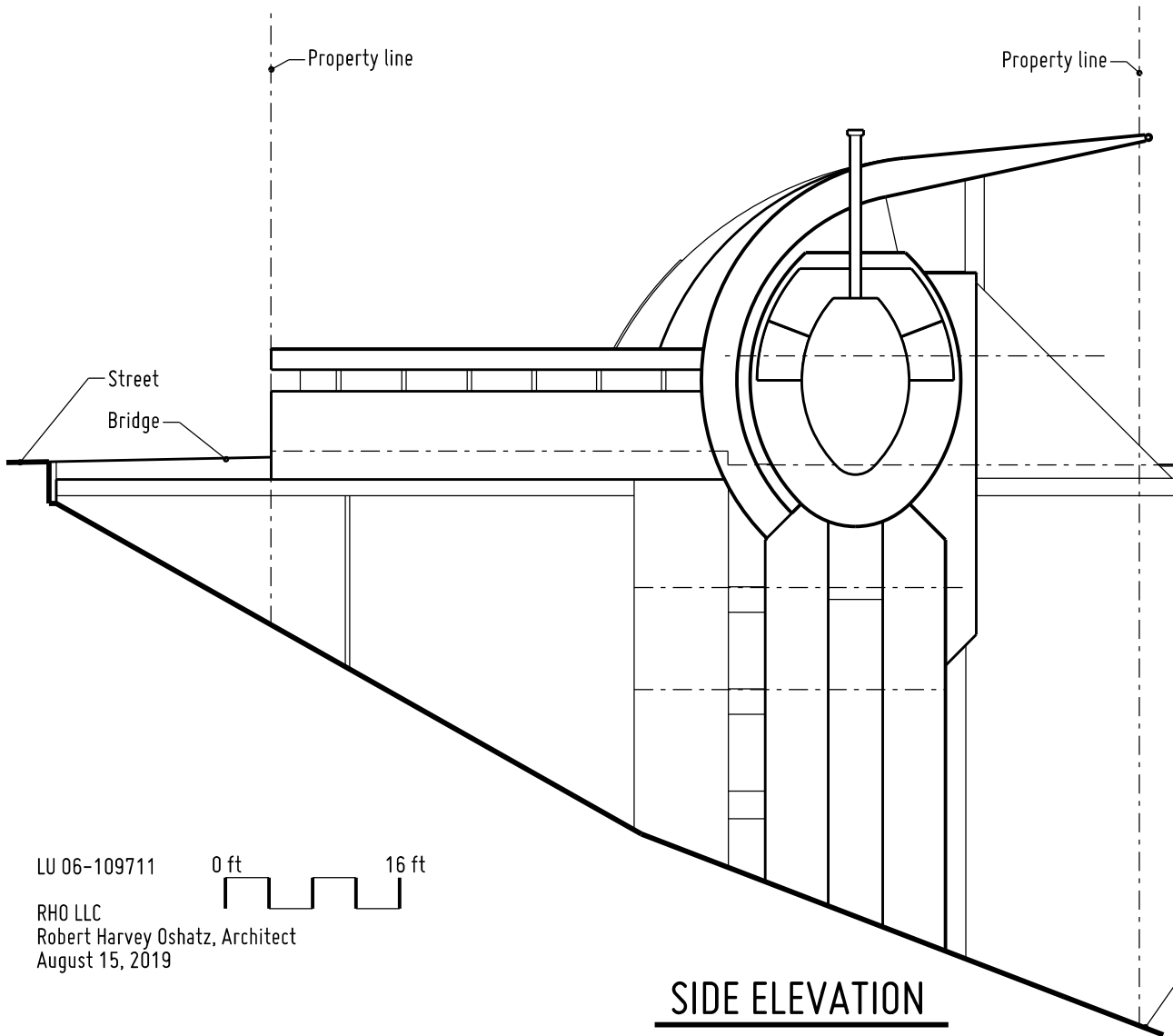
## APPEAL DECISION

### **Openings in exterior walls at property line: Granted as proposed.**

The Administrative Appeal Board finds 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 90 calendar days of the date this decision is published. For information on the appeals process, go to [www.portlandoregon.gov/bds/appealsinfo](http://www.portlandoregon.gov/bds/appealsinfo), call (503) 823-7300 or come in to the Development Services Center.





LU 06-109711

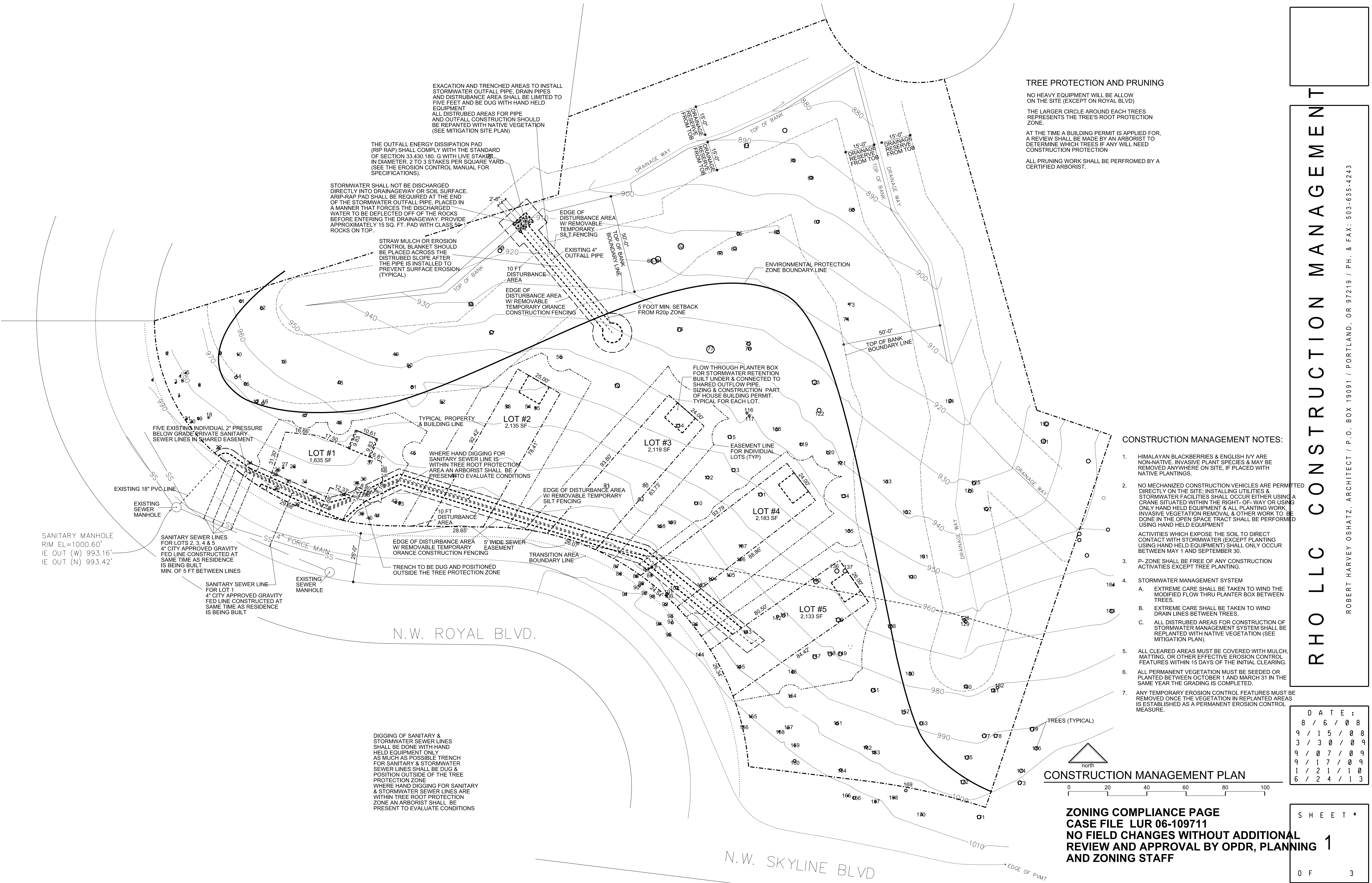
0 ft

16 ft

RHO LLC  
Robert Harvey Oshatz, Architect  
August 15, 2019

SIDE ELEVATION

REAR ELEVATION



TREE PROTECTION AND PRUNING

NO HEAVY EQUIPMENT WILL BE ALLOW ON THE SITE (EXCEPT ON ROYAL BLVD)

THE LARGER CIRCLE AROUND EACH TREES REPRESENTS THE TREE'S ROOT PROTECTION ZONE.

AT THE TIME A BUILDING PERMIT IS APPLIED FOR, A REVIEW SHALL BE MADE BY AN ARBORIST TO DETERMINE WHICH TREES IF ANY WILL NEED CONSTRUCTION PROTECTION

ALL PRUNING WORK SHALL BE PERFORMED BY A CERTIFIED ARBORIST.

CONSTRUCTION MANAGEMENT NOTES:

- HIMALAYAN BLACKBERRIES & ENGLISH IVY ARE NON-NATIVE, INVASIVE PLANT SPECIES & MAY BE REMOVED ANYWHERE ON SITE, IF PLACED WITH NATIVE PLANTINGS.
- NO MECHANIZED CONSTRUCTION VEHICLES ARE PERMITTED DIRECTLY ON THE SITE. INSTALLING UTILITIES & STORMWATER FACILITIES SHALL OCCUR EITHER USING A CRANE SITUATED WITHIN THE RIGHT-OF-WAY OR USING ONLY HAND HELD EQUIPMENT & ALL PLANTING WORK, INVASIVE VEGETATION REMOVAL & OTHER WORK TO BE DONE IN THE OPEN SPACE TRACT SHALL BE PERFORMED USING HAND HELD EQUIPMENT
- ACTIVITIES WHICH EXPOSE THE SOIL TO DIRECT CONTACT WITH STORMWATER (EXCEPT PLANTING USING HAND HELD EQUIPMENT) SHALL ONLY OCCUR BETWEEN MAY 1 AND SEPTEMBER 30.
- P-ZONE SHALL BE FREE OF ANY CONSTRUCTION ACTIVITIES EXCEPT TREE PLANTING.
- STORMWATER MANAGEMENT SYSTEM
  - EXTREME CARE SHALL BE TAKEN TO WIND THE MODIFIED FLOW THRU PLANTER BOX BETWEEN TREES.
  - EXTREME CARE SHALL BE TAKEN TO WIND DRAIN LINES BETWEEN TREES
  - ALL DISTURBED AREAS FOR CONSTRUCTION OF STORMWATER MANAGEMENT SYSTEM SHALL BE REPLANTED WITH NATIVE VEGETATION (SEE MITIGATION PLAN).
- ALL CLEARED AREAS MUST BE COVERED WITH MULCH, MATTING, OR OTHER EFFECTIVE EROSION CONTROL FEATURES WITHIN 15 DAYS OF THE INITIAL CLEARING.
- ALL PERMANENT VEGETATION MUST BE SEEDED OR PLANTED BETWEEN OCTOBER 1 AND MARCH 31 IN THE SAME YEAR THE GRADING IS COMPLETED.
- ANY TEMPORARY EROSION CONTROL FEATURES MUST BE REMOVED ONCE THE VEGETATION IN REPLANTED AREAS IS ESTABLISHED AS A PERMANENT EROSION CONTROL MEASURE.

DATE :  
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CONSTRUCTION MANAGEMENT PLAN

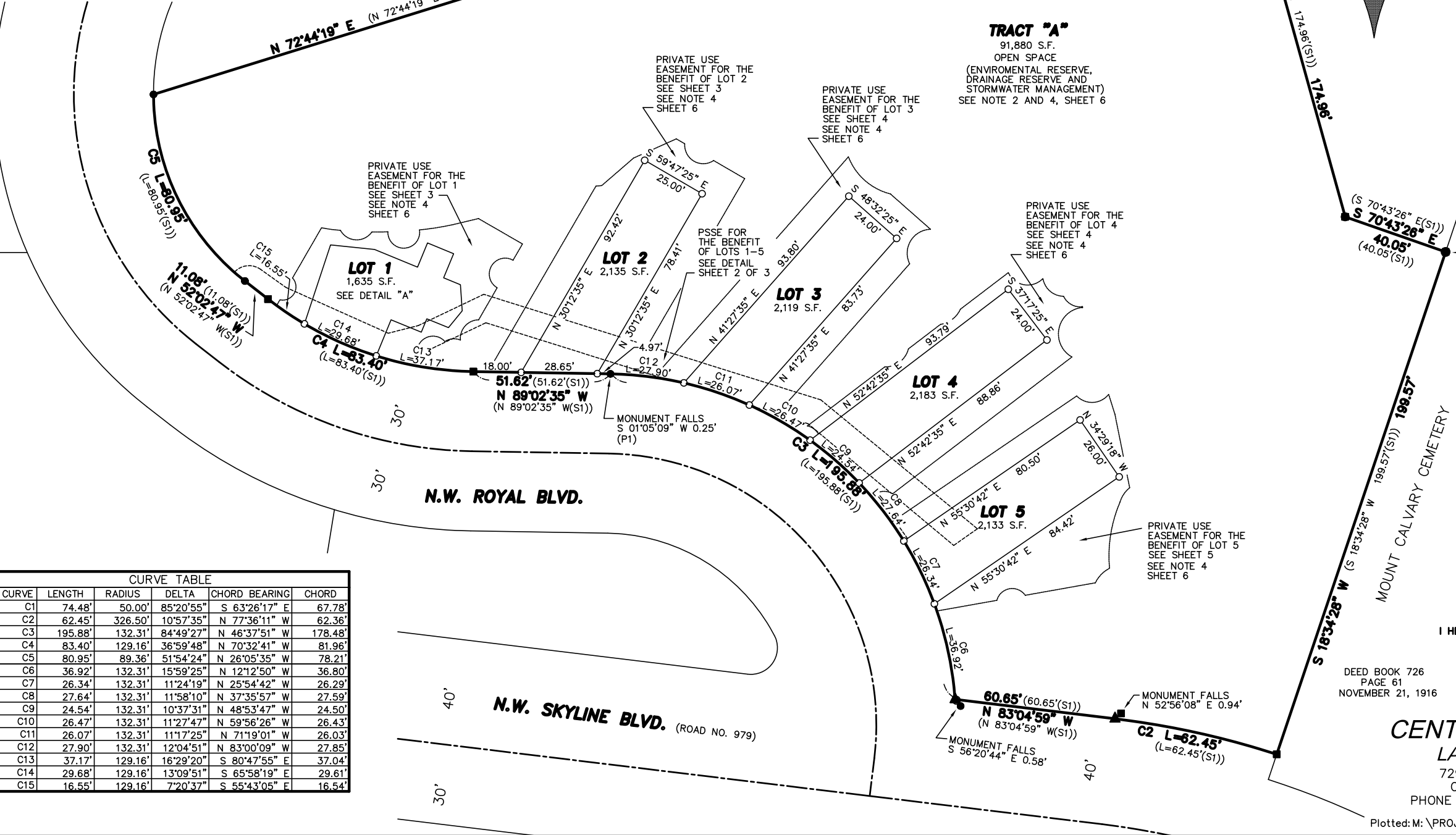
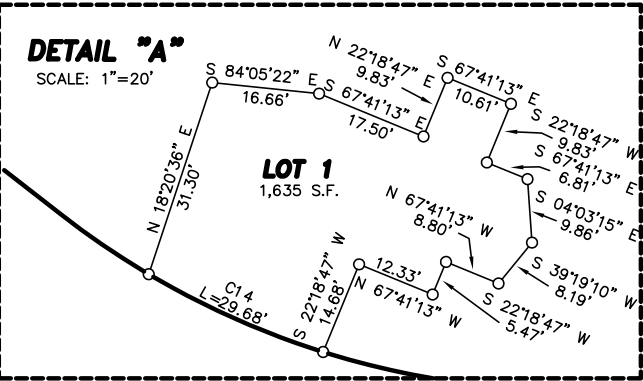
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ZONING COMPLIANCE PAGE  
CASE FILE LUR 06-109711  
NO FIELD CHANGES WITHOUT ADDITIONAL  
REVIEW AND APPROVAL BY OPDR, PLANNING AND ZONING STAFF



# ROYAL FIVE

A RE-PLAT OF LOT 7, BLOCK 5, "ROYAL, FRACTIONAL BLOCKS 3, 5, & 6",  
LOCATED IN THE S.W. 1/4 OF SECTION 31, T.1N., R.1E., W.M.,  
CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON  
DATE: AUGUST 27, 2013 SCALE: 1"=30'  
PLANNING FILE NO. LU 06-109711 LDS EN M  
SHEET 1 OF 6



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	74.48'	50.00'	85°20'55"	S 63°26'17" E	67.78'
C2	62.45'	326.50'	10°57'35"	N 77°36'11" W	62.36'
C3	195.88'	132.31'	84°49'27"	N 46°37'51" W	178.48'
C4	83.40'	129.16'	36°59'48"	N 70°32'41" W	81.96'
C5	80.95'	89.36'	51°54'24"	N 26°05'35" W	78.21'
C6	36.92'	132.31'	15°59'25"	N 12°12'50" W	36.80'
C7	26.34'	132.31'	11°24'19"	N 25°54'42" W	26.29'
C8	27.64'	132.31'	11°58'10"	N 37°35'57" W	27.59'
C9	24.54'	132.31'	10°37'31"	N 48°53'47" W	24.50'
C10	26.47'	132.31'	11°27'47"	N 59°56'26" W	26.43'
C11	26.07'	132.31'	11°17'25"	N 71°19'01" W	26.03'
C12	27.90'	132.31'	12°04'51"	N 83°00'09" W	27.85'
C13	37.17'	129.16'	16°29'20"	S 80°47'55" E	37.04'
C14	29.68'	129.16'	13°09'51"	S 65°58'19" E	29.61'
C15	16.55'	129.16'	7°20'37"	S 55°43'05" E	16.54'

PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

**INDEX:**  
SHEET 1: LOTS 1-5 AND TRACT "A", DETAIL "A" OF LOT 1  
SHEET 2: DETAILS OF PRIVATE SANITARY SEWER EASEMENTS  
SHEET 3: DETAILS FOR PRIVATE USE EASEMENTS FOR LOTS 1 AND 2  
SHEET 4: DETAILS FOR PRIVATE USE EASEMENTS FOR LOTS 3 AND 4  
SHEET 5: DETAIL FOR PRIVATE USE EASEMENT FOR LOT 5  
SHEET 6: NARRATIVE, RESTRICTIONS, DECLARATION, ACKNOWLEDGEMENT, CERTIFICATE AND APPROVALS

**LEGEND:**  
○ SET 5/8" x 30" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" ON \_\_\_\_\_ 2013  
● FOUND 5/8" IRON ROD, FROM SN 34706, UNLESS OTHERWISE NOTED  
■ FOUND 1/2" IRON PIPE, INSIDE DIAMETER, 3/4" OUTSIDE DIAMETER, FROM (P1)  
▲ FOUND 5/8" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS, INC." FROM SN 60795  
( ) = RECORD DISTANCES & BEARINGS  
IR = IRON ROD IP = IRON PIPE  
FD = FOUND W/ = WITH  
YPC = YELLOW PLASTIC CAP  
S.F. = SQUARE FEET  
SN = SURVEY NUMBER  
MULTNOMAH COUNTY SURVEY RECORDS  
S1 = SN 60795  
P1 = "ROYAL, FRACTIONAL BLOCKS 3, 5, & 6"  
PSSE = PRIVATE SANITARY SEWER EASEMENT

SIGNED ON:

**REGISTERED PROFESSIONAL LAND SURVEYOR**

OREGON  
NOVEMBER 30, 2007  
**JAMES BURTON BROWN**  
60379

VALID THROUGH DECEMBER 31, 2013

I CERTIFY THAT THIS PLAT WAS PREPARED USING HP PRODUCT #51640A ON WMF FILM

I HEREBY CERTIFY, THIS IS A TRUE AND EXACT COPY OF THE ORIGINAL SUBDIVISION PLAT

DEED BOOK 726  
PAGE 61  
NOVEMBER 21, 1916

**CENTERLINE CONCEPTS LAND SURVEYING, INC.**  
729 MOLALLA AVE., SUITE 1 & 2  
OREGON CITY, OREGON 97045  
PHONE 503.650.0188 FAX 503.650.0189

Plotted: M:\PROJECTS\OSHATZ-4404\dwg\OSHATZ-SUB.dwg