

Development Services

From Concept to Construction

Phone: 503-823-7300 Email: bds@portlandoregon.gov 1900 SW 4th Ave, Portland, OR 97201

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APPEAL SUMMARY

Status: Decision Rendered - Reconsideration of ID 23426

Appeal ID: 23490

Project Address: 9551 SW 62nd Dr

Hearing Date: 2/26/20

Appellant Name: James Johnstone

Case No.: B-004

Appellant Phone: 9713171560

Appeal Type: Building

Plans Examiner/Inspector: Robert Bigelow

Project Type: residential

Stories: 2 **Occupancy:** Residential **Construction Type:** Wood Frame

Building/Business Name:

Fire Sprinklers: No

Appeal Involves: Alteration of an existing structure, Reconsideration of appeal, occ Change from to

LUR or Permit Application No.: 18-251393-RS

Plan Submitted Option: pdf [File 1] [File 2] [File 3] [File 4]

Proposed use: ADU

APPEAL INFORMATION SHEET

Appeal item 1

Code Section 33.205.010

Requires

Openings in walls separating an Auxiliary Dwelling Unit (ADU) and the Main Unit within an existing structure.

Code Modification or

Alternate Requested

I request that two existing doors remain between the proposed ADU and the Main Unit.

'Reconsideration text'.

I request that one of the existing doors (to the stair well) remain between the proposed ADU and the Main Unit.

'Reconsideration text 2'

I request that the existing door opening be replaced with a 20 minute door not one hour.

Proposed Design

I wish to retain the existing solid core doors that are between the ADU and Main Unit.

#1 I propose that on the storage room door I add a dead bolt so this door can remain locked when the space is being used as an ADU. I also propose that I add a smoke detector to each side of the opening.

#2 I propose that the existing solid core door with dead bolt remain at the bottom of the stairs. I also propose that I add a smoke detector to each side of the opening for this location also.

Both walls are constructed with wood stud framing, 1/2" shear ply, R19 batt insulation, and 1/2" Sheetrock on each side.

'Reconsideration text'.

#1 Remove existing door to storage room and infill with framing, insulation and drywall.

#2 Retain existing door opening between the area at bottom of the stairs but replace the door with one that is 20 minute fire rated.

I wish to retain the existing solid core doors that are between the ADU and Main Unit.

#1 I propose that on the storage room door I add a dead bolt so this door can remain locked when the space is being used as an ADU. I also propose that I add a smoke detector to each side of the opening.

#2 I propose that the existing solid core door with dead bolt remain at the bottom of the stairs. I also propose that I add a smoke detector to each side of the opening for this location also.

Both walls are constructed with wood stud framing, 1/2" shear ply, R19 batt insulation, and 1/2" Sheetrock on each side.

'Reconsideration text 2'

The following is an excerpt from the IBC.

How do I know what fire resistance rating I need?

The building code mandates the required fire resistance rating of a wall in a particular location, and also states the required rating of the opening protective, or fire door assembly. The fire resistance requirements for various types of fire walls, fire barriers, and fire partitions, as well as smoke partitions and smoke barriers can be found in Chapter 7 of IBC.

The 2012 edition of the International Building Code includes new tables that help clarify the opening protective requirements. For example, Table 716.5 states a two-hour exit enclosure requires a 1 ½-hour fire door assembly, and lists requirements for the glass used in that assembly. The rating of the door assembly is often less than the required rating of the wall, because it is assumed the door will have a lower fuel load since no combustibles (e.g. furniture, storage, etc.) will be piled in front of the door. If a fire door is no longer needed, it should be removed and replaced with construction of the same rating as the wall to accommodate the potentially higher fuel load.

The following is an excerpt from the Bureau of Development Services Portland Program Guide - Accessory Dwelling Units
Page 12 of 17
March 15, 2019

Separation Between Dwellings and between a Dwelling and Common Space. Except as modified within this program guide, dwellings shall be separated from each other and from common space by wall and floor assemblies having not less than one-hour fire-resistance rating, 45-STC, and a 45-IIC rating for floor / ceiling assemblies.

a. New Construction. Where a new wall or floor/ceiling is constructed, such new wall or floor/ceiling shall be constructed to comply with the Oregon Residential Specialty Code (ORSC) requirements for two-family dwellings.

A door between dwelling units in newly constructed buildings shall be allowed provided that door is:

- Minimum sixty-minute fire-resistance rated; and

- Self-closing; and
- Smoke gasketed.

A door between a dwelling unit and common space must be a minimum of 1-3/8 inch thick solid wood, honeycomb core steel, or 20-minute fire-resistance rated.

Reason for alternative #1 We wish to be able to easily assess the basement level storage without having to go the workshop area.

#2 We wish to be able to easily assess the basement level space without having to go outside.

The intent of the building permit application is to remodel the existing bathroom and bedrooms. During this process we realized that if we applied for an ADU then we would not need to revisit the application process again if we ever wanted to rent the space out. It is not our intent to rent this space as an ADU at anytime in the foreseeable future as we use it for guests, parents-in-law and our adult children when they are home, so the space remains unlocked to the the rest of the house for the convenience of everyone.

If you cannot accept both openings then please consider allowing the one at the bottom of the stairs as this is the most important one for use and our accessibility. I could also change the door slab to one with a 20 min rating if required.

'Reconsideration text'.

We wish to be able to easily assess the basement level space without having to go outside.

Comment on the Appeal Decision:

The appeal decision asked for additional doors to be fire rated also.

I would appeal that this is not a necessary requirement for the following reasons:

- A) The ADU cannot get any larger (currently at 793 sq') to encapsulate these areas as it is already nearly at its maximum allowable area of 800 sq'. This is the reason that the storage / study is not part of the space and it's access now has to be through the work shop.
- B) The wall between the study and workshop does not need to be rated as it is part of the common / main house space.
- C) No wall or door exists at the top of the stairs to put a door in. The stairs and the hall at the bottom of the stairs are also part of the common / main house space and not part of the ADU.

Additional Attachments:

Updated ADU floor plan highlighting the area of the ADU

Ground (1st) floor plan clarifying that no wall or door exists at the top of the stairs

'Reconsideration text 2'

In summary of the information provided above, I wish to contest that the door opening (that we agree can remain at the bottom of the stairs) should be replaced with a 20-minute fire rated door and not a 1-hour door for the following reasons:

The rating of the door is typically lower than the wall it is in as it is not expected that combustible materials will be stacked at this location.

The Portland 'Program Guide' allows for a 1-3/8 inch thick solid wood, honeycomb core steel, or 20-minute fire-resistance rated when it is not a newly constructed building as is the case with this project.

The occupancy type is the same on both sides; residential.

I have allowed for smoke detectors on both sides of the door which exceeds code requirements.

The cost of a 1-hour rated door is excessive and the supply market is limited in providing one that matches the character of the existing space.

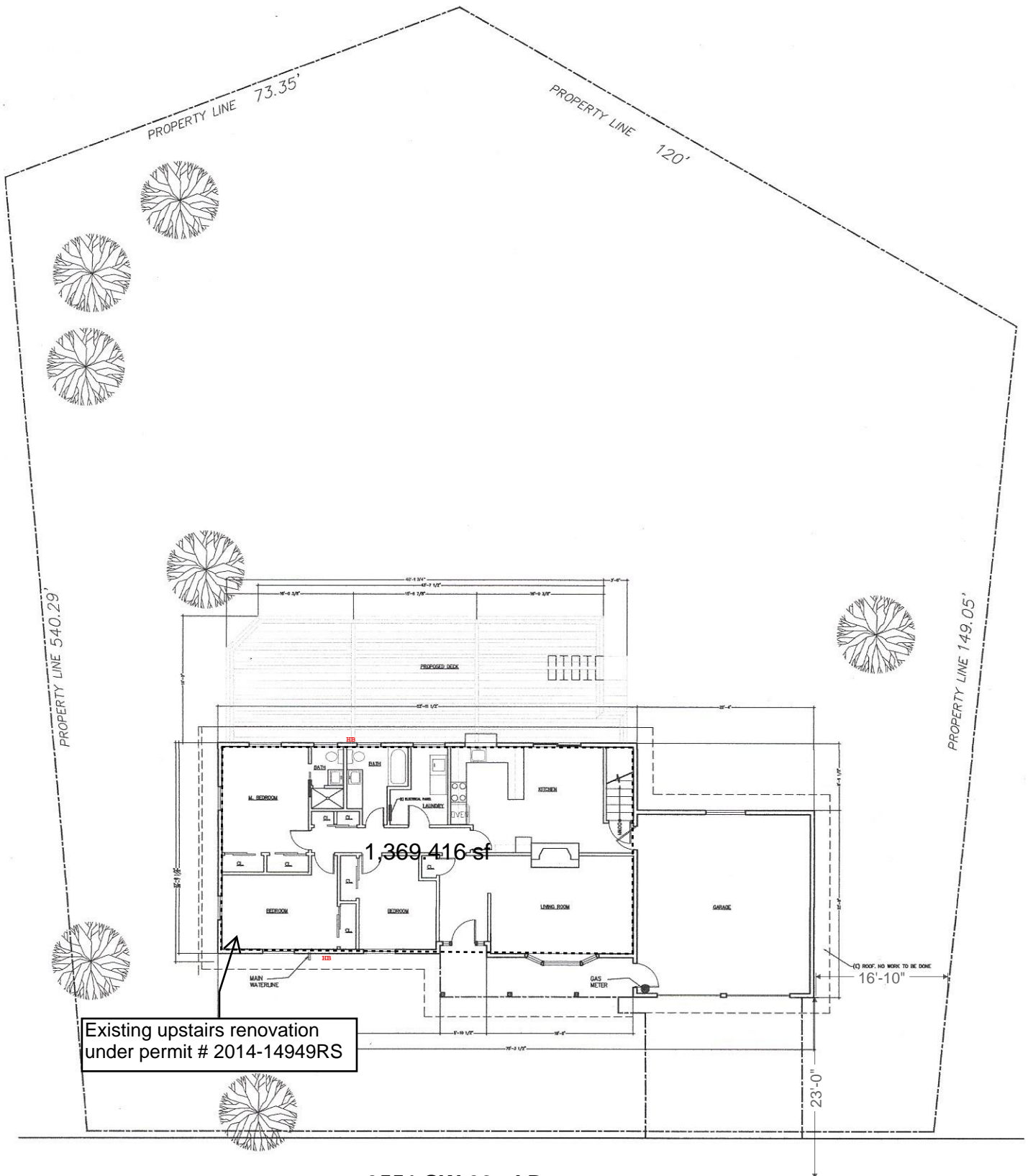
APPEAL DECISION

Use of solid core 20 minute door between main unit and ADU: Denied. Proposal does not provide equivalent Life Safety protection.

Appellant may contact John Butler (503 823-7339) with questions.

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, call (503) 823-7300 or come in to the Development Services Center.

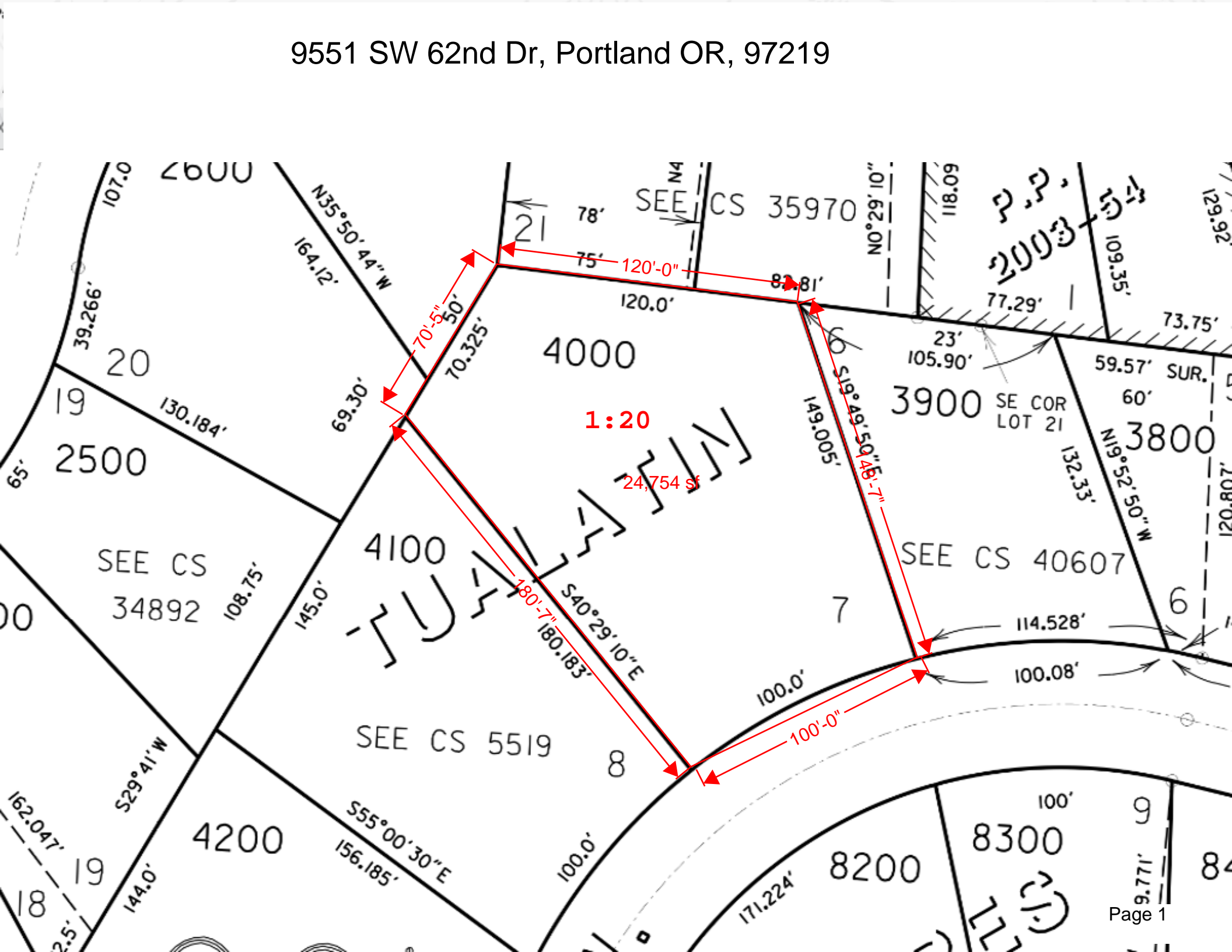
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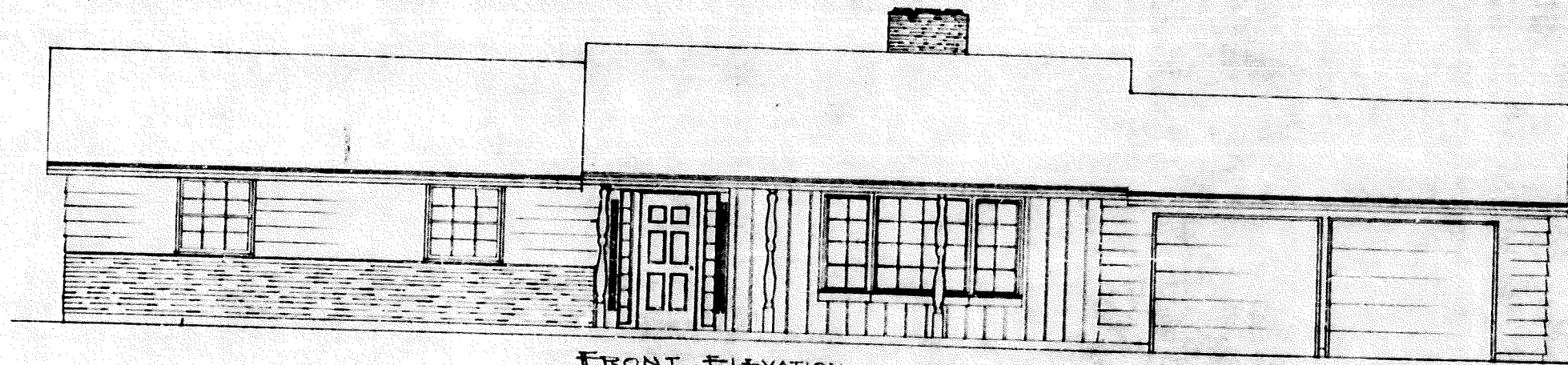


SITE PLAN
SCALE: NO SCALE



JOHNSTONE RESIDENCE BASEMENT BATHROOM RENOVATION

[illegible]



FRONT ELEVATION



Exterior rear elevation

Existing deck constructed under permit
#2014-163428RS

Downstairs (e) French door
entrance

PLANNING L
JUN 2 - 1961
PERMIT NO. 23630

CLARK SANDERSON REALTY
PORTLAND, OREGON

5-23-61

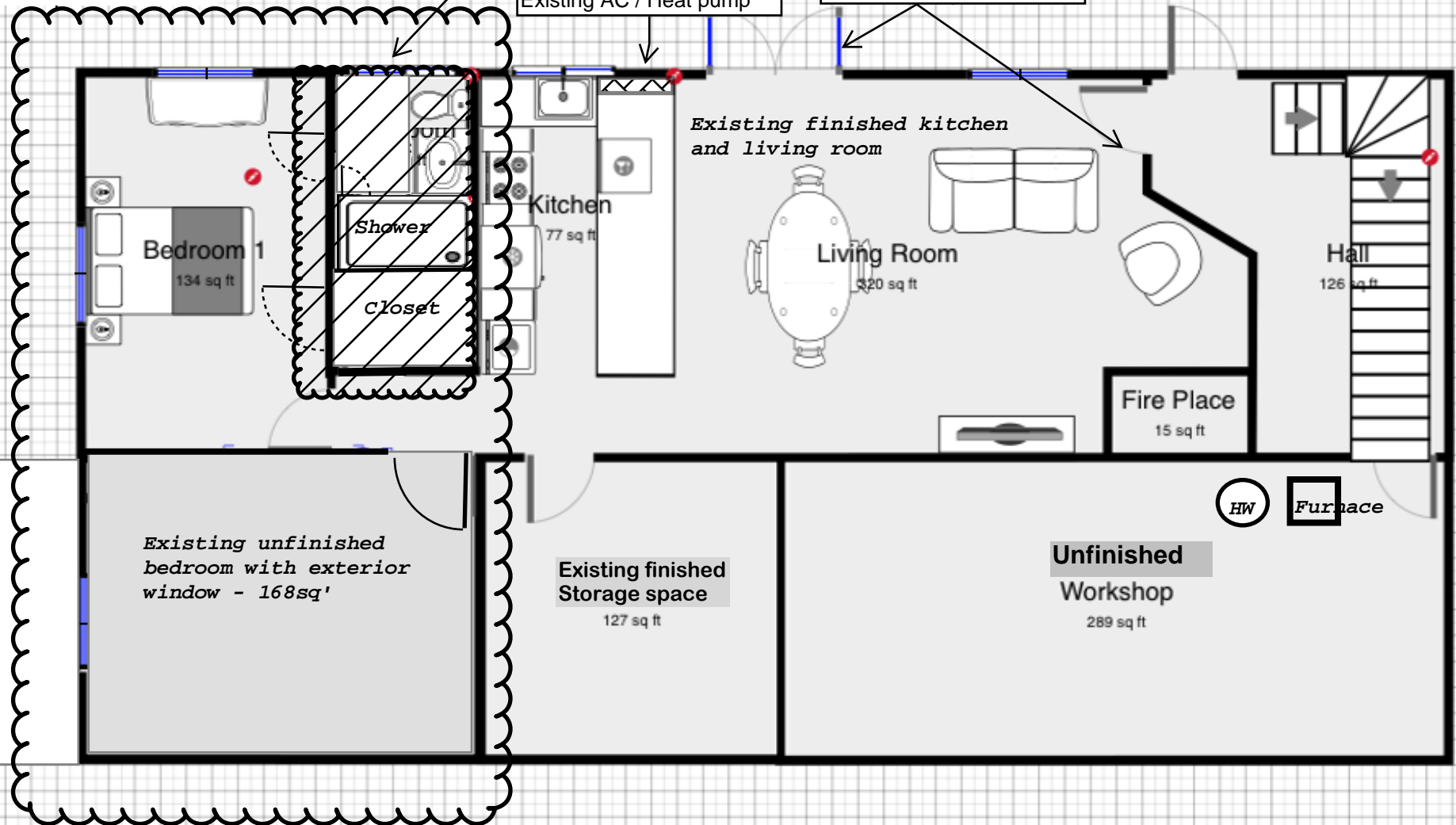
Downstairs 'Day-Light' basement existing conditions

Area of renovation

Remove existing walls and bathroom fixtures

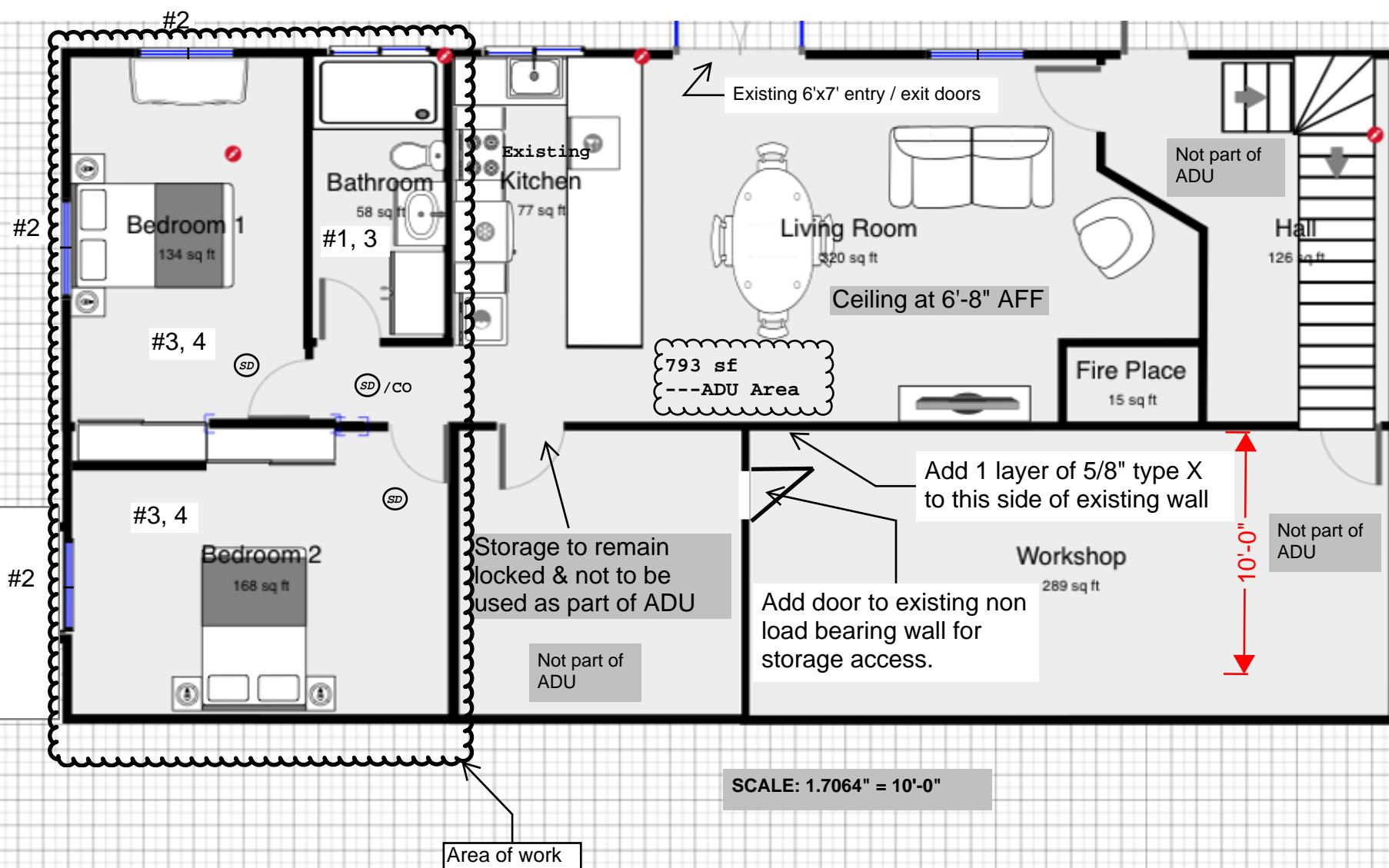
Existing AC / Heat pump

Existing french doors and wall constructed under permit #2014-149495RS



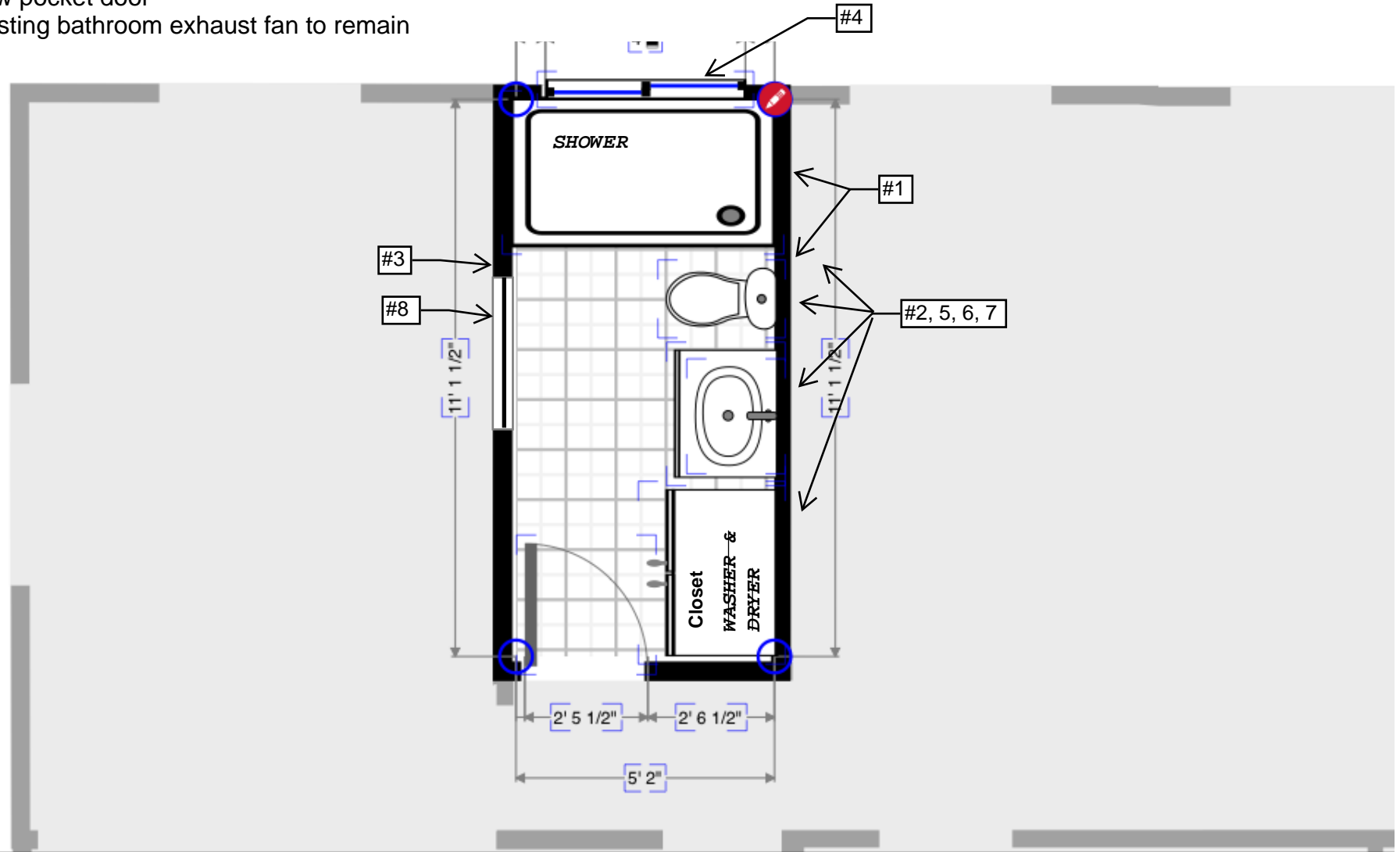
JOHNSTONE BASEMENT BATHROOM / BEDROOM RENOVATION DETAILS:

1. Replace (E) bathroom (see page 6 for enlargement)
2. Replace (E) windows with dual glazed operable units. No changes to existing header sizes. Bedroom windows to have clear openings of 5.7 sq'. New windows are 30"x30" casements. Window sill to be no greater than 44" AFF.
3. Remove and reinstate (E) wall and ceiling finishes in bedroom #1 and add new finishes to bedroom #2. Exterior concrete walls to be furred out with 2x4" framing (pressure treated where in contact with concrete) and insulated with R15.
framing (pressure treated where in contact with concrete) and insulated with R15.
New ceilings to be sound and fire rated to 1 hour using 5/8" 'Quite-Rock' type X on 1-1/2" suspended ceiling grid (Armstrong Fireguard.)
4. Remove existing carpet and install new vinyl plank flooring
5. Add battery powered smoke detectors to bedroom ceilings & SD/CO in hallway



JOHNSTONE BASEMENT BATHROOM RENOVATION DETAILS:

1. Relocate (E) toilet and shower. Cut concrete slab and route waste to accommodate new locations
2. Modify existing water supply to new bathroom configuration and add isolation valves for all water supplies.
3. Relocate (E) non-load bearing demising wall to allow for additional clearance in bathroom
4. Replace window with smaller dual glazed unit with sill above 5' AFF and fill in framing below. Header to remain as is.
5. Modify lighting to accommodate revised configuration
6. Provide for GFIC outlet within 24" of sink
- ~~7. Provide waste and vent within wall cavity to accommodate washer and dryer~~
8. New pocket door
9. Existing bathroom exhaust fan to remain



#1 Existing solid core door to storage room



**#2 Existing solid core door to enter ADU
at the bottom of the stairs**



Ground (1st) floor renovation
permitted 14-149495 RS

