Development Services

From Concept to Construction

APPEAL SUMMARY







Status: Decision Rendered - Held over from ID 24120, item #1 (11/4/20) for additional information				
Appeal ID: 24296	Project Address: 123 SE 11th Ave			
Hearing Date: 11/25/20	Appellant Name: Neil Lee			
Case No.: B-001	Appellant Phone: 5036444222			
Appeal Type: Building	Plans Examiner/Inspector: Guy Altman, Amit Kumar			
Project Type: commercial	Stories: 2 Occupancy: R Construction Type: V-B			

Building/Business Name: 123 SE 11th bldg Fire Sprinklers: No

Appeal Involves: Reconsideration of appeal,occ Change LUR or Permit Application No.: 19-2110200-CO

from R to B/M

Plan Submitted Option: pdf [File 1] [File 2] [File 3] Proposed use: Commercial

APPEAL INFORMATION SHEET

Appeal item 1

Code Section	City of POrtland Title 24, 24.85.060	
Requires	Seismic Upgrade:	
	City Code 24.85.060 Change of occupancy or Use may require a seismic upgrade.	
Code Modification or	Seismic upgrade:	
Alternate Requested	Proposed Alternate-a permit was issued in 1965 to change occupancy from R-3 to B but there	
	there were no records of final completion from city records found at that time.	
Proposed Design	description from original appeal is the same.	
	This appeal (item 1) was put on hold for additional information. Additional information is provided	

Reason for alternative Description from original appeal is the same.

with this reconsideration.

See attached additional information to add to original item 1 appeal

APPEAL DECISION

Omission of seismic upgrades: 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, call (503) 823-7300 or come in to the Development Services Center.

https://www.portlandoregon.gov/bds/appeals/index.cfm?action=entry&appe... 12/3/2020

But Dr. G. A. Bentley - new clinic - 7980-88 SE Dvision - exterior walls & openings

- denied

American Recrow, Inc. - 123 SE 11th - conversion of dualling to office building - exterior sells

- greated

Migutes of Meeting

Building Code Board of Appeal

October 18, 1962

A meeting of the Building Code Roard of Appeal use held Thursday, October 18, 1962, at 11 A.M. in room 200 City Sall Annex. Those present were:

Shafi Benduray Seary House th. C. Poster Dr. O. A. Bantler Chas. W. Attig & Armold Edge Cast. Russing Al Clere Buth despetant

Chairman of Board Member of Board Member of Roard Appellent Representing American Eccros, Inc. Fire Merebel's office Bureau of Buildiage Secretary

The chairman called the meeting to order.

Dr. G. A. Bentley. This appeal involves enterior calls and openings in new disse building to be erected at 7980-7988 S.E. Division. The letter of appeal and cheek shoot reed as follows:

This is my request for release from the fire code back mall requirements for following reasons:

- 1. Now Clinic and Professional Building will be owned by myself and my wife.
 2. Myself and my associate will occupy lower floor on long term lease.
 3. Now well and cade of building will be concrete block construction.
 4. Let is now 0-4 Zone.
 5. Nock well of building will be on 7-feet line.
 6. Defeating models and a profession of the construction of the construction of the construction.

- 6. Existing residence next to my property will be approximately 25 feet from clinic building at the elesset point.
- 7. Opper floor will also be occupied by doctors and professional new

6. Window appearance both in and outside of clinic will be very greatly detracted from 1f fire windows are required with mire-mesh reinforced glass.

In view of the above memod reasons, I de therefore request that the re-

(signed) Dr. G. A. Bestley.

Greek Shoot, propaged by Mr. Dunnigan:

Mat. 4, Zone C-4, Type V, Group P-2

On the plane submitted for approved to construct this office building, the following violations are noted:

- 1. E or F rated openings are required in exterior malls 5' to 10' from the property line. Table 5A.
- 2. Rear porches are not 1-hour rated construction as required by Table 5-A. Appellant wishes to appeal the above points.

Plane once agreed before the numbers. Dr. Bentley indicated on the plane the back porches and the private entrances in the back of the building; he also indicated the openings in the enterior calls and stated the circ glass could be the especiate inside. Mr. Bentley; adviced with misco-circ glass it isn't ten bad; they use it all ever the hospital, they don't object to it; the chicken size glass case't so good. Dr. Bentley said he has seen some is clinics and they don't look as good as ordinary glass. Mr. Benberry said, it is a matty of posteotion. Dr. Bentley and they have so dangerous things in the building, their is an entrance of posteotion of the building, the store like a paint store. The residence on the building is building. The Benberry said, it might not be there forever.

thus. Hr. Poster asked, that some is the adjoining property? Hr. Chere said, these this is a C-1, he presumes the adjoining property? Hr. Chere said, the Mr. Share asked if the perches give required ante. Dr. Beatley said the perches are on the second level, giving as exit here, here, and here (indicating. Hr. Chere, assisting the plane, stated, if the 2nd floor is left ask of it is not, it does not necessarily require more entrances, but if it seems as though it is designed for a small operation. Hr. Beatley and, they will put a partition here (indicating) and here. Hr. Restory and, as though it is designed for a small operation. Hr. Restory and, as though it is designed for a mail operation. Hr. Chere said it looks as though it is designed for a mail operation. Hr. Chere said it looks as though it is designed for a Mr. Poster moted there are 3 sets of plumbing. Hr. Restory said Dr. Beatley if there are to be 3 occupancies? Hr. Restley made, on the 2nd looks, yes.

Mr. Poster noted the windows on the let floor and stated the exposure to the stairs is pretty severe from those windows below, this would block any use of the stairway. Mr. Memberry cited an apartment house case where the Board required the installation of protected windows; he can see no reason for emiving the requirement here.

Mr. Poster saked about the construction of the porches. Dr. Bentley replied, they are frame construction; Mr. Resherry added, they are cantilevered out. Mr. Poster said, is addition to the windows, we have the problem of approving or disapproving the frame construction of those porches. He asked if the Dr. Ross building is on the next corner west of this? Dr. Bentley said it is two blocks west. Mr. Poster said there is a court spartment back of Dr. Ross' building; it is entirely conseivable with the number of small court spartments in that neighborhood, if the adjoining property is in an A-ross you could have construction on the adjoining property, which would expose your building and you would be an exposure to them.

Dr. Bentley said originally they had planned to set the building 3' to the line and sloping the lot with the slope of the street so that they would have more space for another stairs going down to this lower erea, they were planning to ask for a variance on that, but the contractor said if they do that they will have to comply with the fire code requirements, and if it was back to 7', they wouldn't have to; but they were short of time, and they didn't cant to take the time involved to go through that.

Hr. Bosbarry said, from an architectural standpoint I see no problem, I feel they should have aire pleas and 1-hour porches, it sould be a metal stairs and metal beak, there souldn't be any problem. The other numbers agreed.

Mr. Poster moved:

That the appeal be domied

Mr. Meson seconded the motion. The motion was unanimously carried. The \$10 deposit fee is to be turned over to the City Treasurer.

12) S. E. 11th Ave.

The letter of appeal and shock shoet read as follows:

10-18-02

Letter of Appeal - American Eseror, Inc 123 S. E. 11th Ave. - conversion of dwelling into effice building:

We have purchased a residence building, which formerly was occupied by 5 Temilies as an apartment structure at the corner of FE 11th, Ankeny and Casty.

To have submitted our plane to the City Building Fermit Mission, and they have been returned to us with many changes required by the City codes. We are willing to make all changes, except we feel that one phase would not be justified cost-wise to us in the remodeling of this structure for one tenant use. The one point that we object to is the point of putting plaster on I faces of the building which face only on street frontages. We are willing to do the south wall, occase this is within 5' of an existing residence.

The cost for jutting ement pleater on the other 3 faces of the building spuld amount to approximately \$2500, which we feel is unfair because of the temperary nature of the structure. We are planning to remove this building from the site in approximately 3 years and replacing it with a modern fire-proof structure at that time. Therefore we request a variance be allowed us on this bar's. We shall provide adequate fire extinguishers at the interior wherever specifies by the Fire Marghal if so approved.

Over the years there has been such talk about helping beautify Portland, by remodeling these older residences that are located in commercial areas. We feel that our proposed remodeling will do such.

AMENICAN PEGROT , INC.

By (signed) Sezel M. Attig.

Chest Sheet, prepared by Mr. Pullers

Fire Dist 2 - Zone M-2, Conut. Type V - 2 story - change of Occupancy from

building plane submitted for the conversion of a legal two-family dwelling to an office building results in building code violation, the owner desires to appeal the following point:

1. See ?-1603 requires Type V buildings men located in Fire Dist 2 to provide 1 hour fire remistive exterior male.

Appellant has indicated the south wall - 1' of the property line - will have the one-hour construction, but desires approval of other 3 exterior calls as indicated on the plans.

This check sheet covers only the store point.

Date: The building department records show this to be legally a 2-family dwelling.

Plans were spread before the aembers. Mr. Namberry asked about the parking. Mr. Clerc said the parking is adequate for the property. Mr. Attig stated they have an option on a portion of the edjacent property on which there is a residence and hope to purchase the rest of the property in the block so that in the next 'years they will be in a position to erect a new building.

Mr. Esks indicated the well which they are willing to make 1-hour fire resistive because it is within 5' of an elisting residence. This building which they wish to convert into office use is an old frame 2-stery building, it had 5 families in it. They took out all the illegal plumbing, they wired the entire building, put bestwall in the basement, put the furnace room exactly as required, the only think they would like to be able to do is to save covering these 3 wells here (indicating).

Mr. Meson asked if they do purchase the existing residence on the adjacent lot, shat do they propose to do with it until they build their new building. Mr. Attig said there is a tenent in it now, they propose to leave him there. Mr. Mason said he thought if they removed the residence, they probably would be saved from fire-proofing that wall.

Mr. Eaks said if the City approves the 12th & Sandy depressed or overhead routing, the preliminary plans show ramps here (indicating); they don't must to do enything until they know what will happen there. Mr. Attig said, we are at a standatill, we are halfway through the building. Mr. Newberry asked why they didn't get this settled before they started? Mr. Eaks said, the contractor want sheed when we were out of the city.

Capt. Rinning called attention that the cares of this building extend over the adjacent property. Mr. Eska said they propose to cut that off, actually the cornice is overhanging about 10" or 12". They mill cut it off regardless of whether or not they buy the property; they were going to take the roof off, but decided to leave it on.

Hr. Poster caked, what are you doing about the window openings? Are the openings in that south wall being filled in? Hr. Eaks replied, they are entirely filled. Attention was called that the letter of appeal states they are willing to make all changes except the exterior malls. Hr. Hewberry maked about the 2nd seems of agrees, he noted a drafting room on the 2nd floor which sould accommodate 2 or 3 people, asveral offices. Hr. Attig said one of those officer is him, and he won't occupy it more than 1 day a month. Mr. Clere end the stairs from the second floor goes directly out. Hr. Hemberry maked if that is all enclosed? Hr. Mason said, thy sorry about it, it has already been stated they will comply with the code.

Mr. Hemberry said, at long as they are complying with everything else be does not see any exposure on the struct sides. Mr. Attig said, we will comply with everything they want faside, we guerantee that. Mr. Poster said the exit is so close to the line. Mr. Hemberry said not only that, but it would be better for that door to swing out instead of in. Mr. Attig said they will change that. Capt. Running said, the code doesn't call for a building of that size to have the door to swing out.

10-16-62

Mr. Mason: In view of the fect appallant, state they will comply with all other requirements, I move

That the appeal to granted.

Mr. Poster seconded the motion. The motion was untrinously carried. The \$10 deposit fee is to be returned to appellents.

There being no further business, the meeting adjourned.

RE

MICROFICHE AJAILABLE Date 10-24-62 BUREAU OF BUILDINGS Permit No. 400548 REPORT OF BUILDING INSPECTION 123 SE 11th Ave. Lot 7 & N 2 of 6 Block 225 in East Portland Between SE Ash St. and SE Sandy Blvd. Addition Owner Chuck Alteg Address 7046 SE 36th Contractor Gordon Skimmer Address 35 NE 22nd Plan Examiner Fuller

Story, Type V , Group F 2 , F. D. 2 Zone M 2 __Cost_\$1906 BIRE Cole Bd of JPA Appeal ou ext DATE HOUR Change window opernings & doors plaster up to new windows Install plywood on one wall in reception rm. Bldg porch top on N side over exist. porch. Trimm all windows No change of exis. wiring or plumbing. Change of Occ. form MI to F2M 11 2062 1/100

Trace Affirmation and the	The same of the sa	
DATE	HOUR	REMARKS
1-18-63	10:35	the court of the property by
1-20-63	12:50	ext. south side lend letter in
		plaster orise gub del port show
2-14-64		Scalator called gaid blde sold laston
		forewall an gouth side will pail
		aget a get up meeting pu into
1-18-64	7:30	Ourser's agent called went ever blag
		e explained ve & Potential and sulfine
-4-14	Con S	soil he would comply it he buys, &
- 4	10:55	No deaufe here on fire suit 1010
		Est Hall a little langer of and letter
		cuith ce to Lie. Divi

Alman LAITZIA INSPECTOR

FORM W-206 CITY OF PORTLAND, OREGON (8-83) 1-13-65 BUREAU OF BUILDINGS Date 417317 REPORT OF BUILDING INSPECTION 123 SE 11TH 123 SE 11TH

Between SE ASH and SANDY BLVD.

Lot 7 & N½ OF 6

Block 225 in EAST PORTLAND

Address 2109 NW WALMER DR. Addition Contractor C: M. EMEIS __ Address_ 2 Story, Type V , Group F-2 , F. D. II Zone an Examiner WORTHINGTON Structural Engin \$2000 ____Structural Engineer SEE 400548 Plan Examiner DATE HOUR DESCRIPTION OF ALTERATIONS AND REPAIRS RENEW PER. 400548 TO COMPLETE PREVIOUS PLANS; THIS IS CHG. OF OCC. FROM "1" TO "F-2"; (SEE PLAN & APPL. 400548 FOR ALL DETAILS & SPECS OF APPIL. NEWORK BEING CONE 50074 WIII

APPLICATION FOR PERMIT TO ALTER EXISTING STRUCTURE BUREAU OF BUILDINGS, CITY OF PORTLAND, OREGON OCCUPANCY GROUPS FIRE DISTRICT PERMIT NO. 190600 303/ BUILDING CODE LAND USE ZONE PLANNING & ZONING CODE 2-14 CONSTRUCTION TYPE NUMBER OF FAMILY UNITS_ NUMBER OF ROOMS___ HOUSE NO. FEE DRIVEWAY SPACES ABOVE HEAVY LINE FOR OFFICE USE ONLY PERMIT FEE APPLICANT MUST FILL IN ALL SPACES BETWEEN HEAVY LINES TOTAL FEE PRINT IN INK AND SUBMIT IN DUPLICATE RECEIPT NO. NUMBER AND STREET 122 E. ask st. BETWEEN (NAME CROSS STREETS) SIZE OF LOT SIZE OF BUILDING OCCUPIED AS OFFICE NUMBER OF STORIES 2 VALLATION = 1602. ASPMALT PARK LOT = 304 ESTIMATED VALUATION OF LABOR AND MATERIAL RECORDED OWNER DESIGNER **ADDRESS** SIGNATURES BELOW THIS LINE IDENTIFY PERSON RESPONSIBLE FOR APPROVAL OF SPECIFIED ITEM PLUMBING DIVISION INDUSTRIAL WASTE HOUSE NUMBER ASSIS TRAFFIC ENGINEERING PRINEWAY SIZE & LOCATION PLAN EXAMINATION By Withur Laurelion 10-23-62

STRUCTURAL ENGINEERING

10-24-62

APPLICATION COMPLETION

OCT 24 1962

Ma boss STAPPLICANT MUST SIGN ON REVERSE

FIRE CODE COMPLIANCE

616-10-4-62 Who

Corrected

CITY SIDEWALK

CITY SIDEWALK

PLOT PLAN

1"-50"

HEAVILY LINED SQUARE REPRESENTS A CITY BLOCK.

INDICATE THEREON IN INK:

STREET, AVENUE

- 1. SIZE AND LOCATION OF LOT OR LOTS.
- 2. SIZE AND LOCATION OF BUILDING ON THE LOT AND GIVE DISTANCE TO LOT LINES.
- 3. GIVE FARTHEST PROJECTION OF ROOF BY DOTTED LINE.
- 4. INDICATE NORTH DIRECTION.

NOTICE!

PLANS AND APPLICATION
ON PREMISES UNTIL JOB IS
COMPLETED.

STREET, AVENUE

Print BELOW, IN INK, A VERBAL DESCRIPTION OF WORK TO BE DONE

Change with the new living a form of the printing and planting the planting the printing and planting the printing and planting the printing and planting the planti

APPROVED PERMIT INCLUDES ONLY WORK DESCRIBED ABOVE AND/OR ON PLANS AND SPECIFICATIONS BEARING THE SAME PERMIT NUMBER AND WILL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES OF THE CITY OF PORTLAND, OREGON. SEPARATE PERMITS ARE REQUIRED FOR PLUMBING, HEATING AND ELECTRICAL INSTALLATIONS.

AND MODELLEYM THANKS

OWNER_

BUILDER

DESIGNER

(SIGN IN OWN HANDWRITING)

APPLICATION FOR PERMIT TO ALTER EXISTING STRUCTURE

801	TEAU OF BUILDINGS, CITT OF FORTEAND,	JREGON				
FIRE DISTRICT II CHR'D BY	OCCUPANCY GROUPS	PERMIT NO. 417317				
LAND USE ZONE M-2 303	BUILDING CODE F 2	VALUATION 20000				
CONSTRUCTION TYPE	P&Z CODE 2-14	PERMIT FEE /250				
NUMBER OF FAMILY UNITS NUMBER OF ROOMS HOUSE NO. FEE						
MOVE WRECK REPAIR ADD	DRIVEWAY PERMIT FEE					
APPLICANT MUST FILL IN ALL SP	TOTAL FEE					
PRINT IN INK AND	RECEIPT NO. 81021					
NUMBER AND STREET						
BETWEEN (NAME CROSS STREETS) S. E. ach & Sandy BLVD.						
LOT 79 N Half of 6 BLOCK 225						
ADDITION East Port	tond					
SIZE OF LOT 68×71 (1RREG) SIZE OF BUILDING 20×45						
NUMBER OF STORIES 2 OCCUPIED AS Office						
ESTIMATED VALUATION OF LABOR AND MATERIAL						
RECORDED OWNER arthur E. Clinton						
ADDRESS 2109 n. W. Walmer Dr. Port. Ore.						
BUILDER * C.M. EMEIS						
ADDRESS						
PLANS BY						
ADDRESS						
SIGNATURES BE	LOW THIS LINE IDENTIFY PERSON RESPONSIBLE FOR APPROVA	L OF SPECIFIED ITEM				
SEWER AVAILABILITY	PLUMBING DIVISION FIXTURES APPROVED	INDUSTRIAL WASTE				
NO NEW CONNECTION RE	av Do we Seeprevious	BY NONE RE				
12-9-64	DATE 12-9-64 SINK Demit	DATE 12-9-64				
HOUSE NUMBER ASSIGNED	* LICENSE BUREAU	TRAFFIC ENGINEERING				
EXHTING RF	BY	BY SEF 400548				
ATE 12-9-64	DATE	DATE				
DRIVEWAY SIZE & LOCATION	PLANNING & ZONING	PLAN EXAMINATION				
SEE 400548	BY SEE 400548	BY Allasthington				
ATE	DATE	DATE 12-9-64				
FIRE CODE COMPLIANCE	STRUCTURAL ENGINEERING	APPLICATION COMPLETION PERMIT ISSUED BY				
АТБЭ	DATE	JAN 13 1965				

APPLICANT MUST SIGN ON REVERSE

STREET, AVENUE

PLOT PLAN CITY SIDEWALK 1" - 50" HEAVILY LINED SQUARE REPRESENTS A CITY BLOCK. STREET, AVENUE INDICATE THEREON IN INK: 1. SIZE AND LOCATION OF LOT OR LOTS. 2. SIZE AND LOCATION OF BUILDING ON THE LOT AND GIVE DISTANCE TO LOT LINES. 3. GIVE FARTHEST PROJECTION OF ROOF BY DOTTED LINE. 4. INDICATE NORTH DIRECTION. NOTICE KEEP DUPLICATE COPY OF PLANS AND APPLICATION ON PREMISES UNTIL JOB IS COMPLETED. STREET, AVENUE PRINT BELOW, IN INK, A BRIEF DESCRIPTION OF WORK TO BE DONE THIS IS A CHANCE OF OCCUPANCY FROM "I" TO F-Z" SEE PLAN & APPLICATION # DETAILS & SPECS OF APPROVA

APPROVED PERMIT INCLUDES ONLY WORK DESCRIBED ABOVE AND/OR ON PLANS AND SPECIFICATIONS BEARING THE SAME PERMIT NUMBER AND WILL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES OF THE CITY OF PORTLAND, OREGON.

SEPARATE PERMITS ARE REQUIRED FOR PLUMBING, HEATING AND ELECTRICAL INSTALLATIONS.

PLANS BY_______(APPLICANT, SIGN IN OWN HANDWRITING)

BUILDER