

# 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 - Reconsideration of ID 26163

**Appeal ID:** 26355

**Project Address:** 6015 NE 42nd Ave

**Hearing Date:** 12/8/21

**Appellant Name:** Rebekah Anderson

**Case No.:** B-017

**Appellant Phone:** 5033099077

**Appeal Type:** Building

**Plans Examiner/Inspector:** Robert Bigelow

**Project Type:** residential

**Stories:** 3 **Occupancy:** Residential **Construction Type:** Residential

**Building/Business Name:**

**Fire Sprinklers:** No

**Appeal Involves:** Alteration of an existing structure, Reconsideration of appeal

**LUR or Permit Application No.:** 21-077712-RS

**Plan Submitted Option:** pdf [File 1]

**Proposed use:** ADU

### APPEAL INFORMATION SHEET

#### Appeal item 1

##### Code Section

ORSC/2/#1 & ORSC/3/#4

##### Requires

Per the City of Portland's Code Guide: ORSC/2/#1 & ORSC/3/#4 Additional Dwelling Units and Common Spaces within Townhouse Structures, NFPA 13-D fire sprinklers are required throughout the townhome with the ADU.

##### Code Modification or Alternate Requested

We would like to appeal the requirement for "NFPA 13-D fire sprinklers are required throughout the townhome with the ADU" because even though the primary dwelling is classified as a townhouse, it does not directly share any walls with the other townhouse and so this extra requirement does not seem to apply in our situation.

##### Proposed Design

The proposed ADU is within a townhouse, but it is a non-traditional townhouse. The Townhouses are connected via a 15 foot wide shed, and there is an existing 2-hour fire rating where the shed connects the two homes.

Townhouse #1 (TH1) is connected to the townhouse #2 (TH2) with a 2-hour firewall between the two homes, via the shed connection to TH2. The shed is part of TH1.

The code requires: NFPA 13-D fire sprinklers shall be installed throughout the townhouse structure, under a permit from the Bureau of Development Services.

Our proposal is to also add an additional 2-hour fire rating on the shed connection where the shed connects to TH1. This would provide an additional 2 hour fire rating to prevent fires from spreading from either house in either direction through the shed connection.

Reconsideration Text:

Based on the feedback from appeal denial, we attempted to disconnect the two townhouses by providing revised plans that proposed the removal of the shed connection, however were instructed by the Planning & Zoning department that:

"These two properties went through a land division to be on their own lots. The only way the land division could be approved for lots this small in the R5 zone is when the development is attached houses. It is not possible to change the development to detached houses."

Also based on feedback from appeal denial about concerns of building additional units in the future on this property, we researched and found that this is not allowed because of minimum lot size requirements:

Zone R5:

Min lot size for 1-2 units = 3000sf

Min lot size for 3+ units = 4500sf

Since the ADU will be the second unit on partition plat 2020-68 Lot 2, and this lot is only 3,121 SF we will never be allowed to create additional units on this lot.

In addition to our original alternate method of adding an additional 2-hour fire rating between the two townhouses, we will also add a 1-hour firewall between the main unit and ADU to increase fire protection.

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**Reason for alternative** The primary dwelling of the proposed ADU is a townhouse by BDS definition, however is really a Single Family Dwelling in nearly every aspect, and especially when it comes to converting the basement to an ADU. The code that requires sprinklers for townhouses when converting an ADU is intended for townhouses directly sharing walls, with inadequate fire rating for an additional dwelling, but in our case there is/will be adequate fire separation between the two "townhouses" without a sprinkler system.

In addition, retro-fitting of a sprinkler system into the primary dwelling (TH1) would be cost-prohibitive due to the existing house was built in the 1920's.

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## APPEAL DECISION

**Omission of 13D sprinkler requirement in existing townhouse where new ADU is proposed: Granted provided Type 13D sprinklers are installed within the ADU portion of the townhouse on a separate permit through the Fire Marshal's office.**

**Appellant may contact John Butler (503 865-6427) or e-mail at [John.Butler@portlandoregon.gov](mailto:John.Butler@portlandoregon.gov) with questions.**

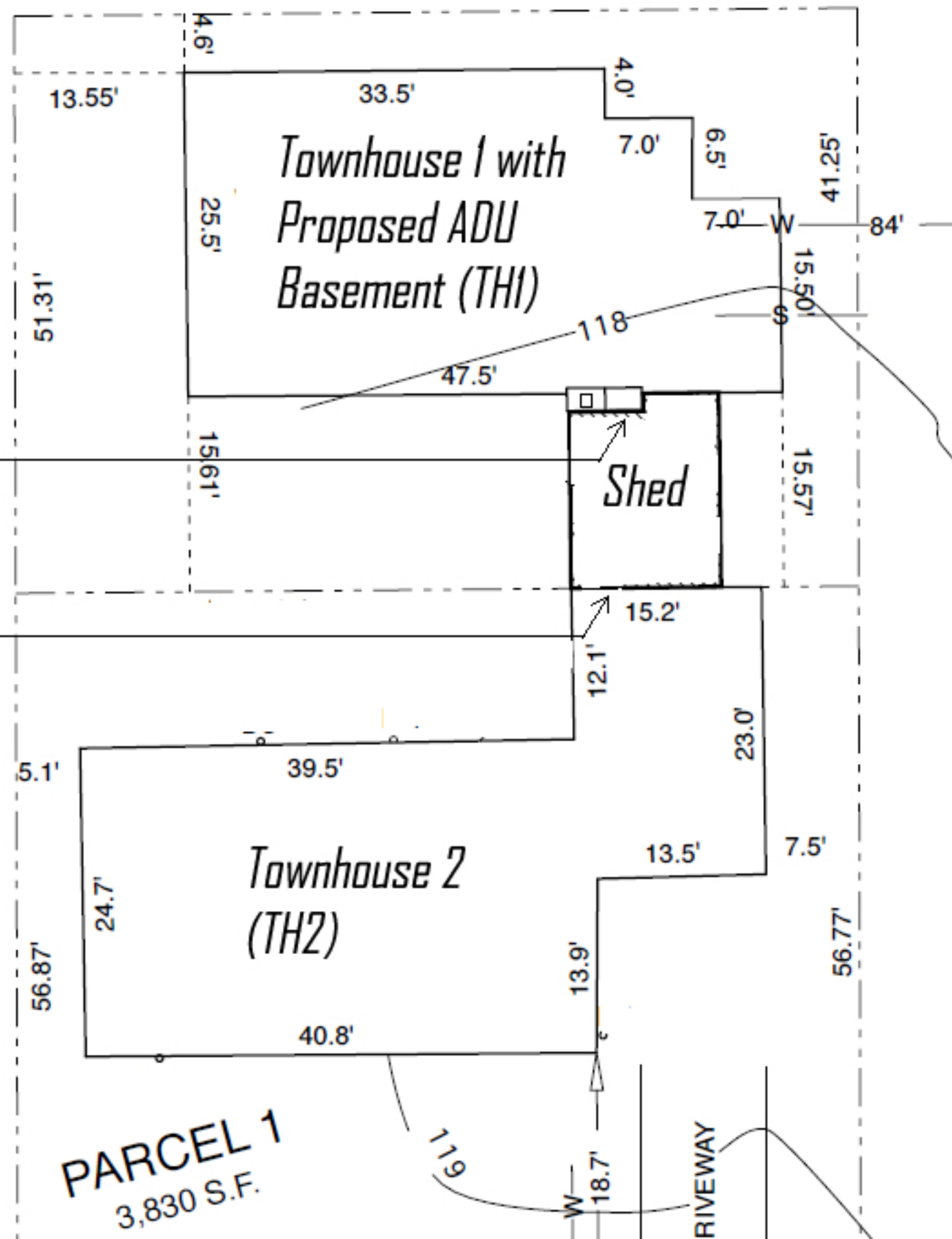
The Administrative Appeal Board finds with the conditions noted, that the information submitted by the appellant demonstrates that the approved modifications or alternate methods are consistent with the intent of the code; do not lessen health, safety, accessibility, life, fire safety or structural requirements; 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 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.

*Sprinkler Appeal Proposal for  
6015 NE 42nd Ave*

*Proposed additional 2 hour fire rating*

*Existing 2 hour fire rating*



**PARCEL 1**  
3,830 S.F.

SIDEWALK

PLANTER STRIP

NE 42ND AVE.