

Development Services

From Concept to Construction

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APPEAL SUMMARY

Status: Mixed Decision. Items 1, 2, 3: Decision Rendered. Item 4: Hold for Additional Information.

Appeal ID: 27629

Project Address: 1616 NW Northrup St

Hearing Date: 3/30/22

Appellant Name: Eli Metcalf

Case No.: B-013

Appellant Phone: 9716782531

Appeal Type: Building

Plans Examiner/Inspector: Steven Freeh

Project Type: commercial

Stories: 3 **Occupancy:** R-3 **Construction Type:** V-B

Building/Business Name:

Fire Sprinklers: Yes - NFPA 13D throughout

Appeal Involves: occ Change from to ,other: Change of use from residential duplex to (2) residential transient living units with less than 10 occupants each (Unit A = 5occ, Unit B = 9occ).

LUR or Permit Application No.: 22-103397-CO

Plan Submitted Option: pdf [File 1]

Proposed use: Residence –Transient Living (R3)

APPEAL INFORMATION SHEET

Appeal item 1

Code Section Table 602

Requires Exterior walls less than 5' from the property line shall have a 1-hour rated assembly.

Code Modification or Alternate Requested We are asking to allow the south wall to remain as-is without a listed 1 hr rated assembly.

Proposed Design We are proposing to convert this property from a duplex (R3) to a residential transient living R3 with 10 or fewer occupants. We are proposing to install a new NFPA 13D fire sprinklers system throughout the home. The system will be installed on all three levels (ground floor, first story, second story). The south wall will remain as is: 2x4 construction with a single layer of gypsum wallboard on the interior and sheathing and fiber vinyl siding over wood siding on the exterior.

Reason for alternative The building was built per residential code allowing exterior walls to be unrated and have a fire separation distance of 3' or more. These are single family dwelling units, intended to be rented to a single group (no more than 5-6 people). The occupancy is R3 and the hazard is nearly identical to it's currently R3 use. Therefore, we feel that we are exceeding the intention of the code by adding a sprinkler system. To reconstruct the walls to be 1 hr rated would pose an undue and unnecessary burden.

Appeal item 2

Code Section Table 705.8

Requires The maximum area of unprotected and protected openings permitted in an exterior wall in any

story of a building shall not exceed the percentages specified in Table 705.8 based on the fire separation distance of each individual story. Per 705.8, we are not allowed any openings. A sprinklered building would be allowed 15% openings.

Code Modification or Alternate Requested On the south wall, we are requesting 4.5% unprotected openings in the ground floor, 4% unprotected openings in the first story, and 9% unprotected openings in the second story.

Proposed Design We are proposing a NFPA 13D sprinkler system throughout the house. There are no changes to the existing openings.

Reason for alternative Although the proposed NFPA 13D sprinklers do not qualify as "Sprinklered" protection in Table 705.8, they still provide a strong degree of safety, and are more appropriate in a residential setting. Given that the area of unprotected openings is low, and that these are dwelling units with residential use, allowing the openings to remain as-is with the new proposed NFPA 13D sprinkler system sufficiently protects the life and safety of the users. This is not a commercially scaled building and should not have to adhere to the stricter standards of the commercial code. 3 out of 4 windows on the south facade are the only means of egress windows for bedrooms on each floor. Infilling the windows or replacing them with "Protected" openings would pose an undue and unnecessary burden, reduce south facing light, reduce air ventilation to the users, and eliminate means of egress.

Appeal item 3

Code Section 1027.5

Requires Exterior exit stairways serving individual dwelling units in Group R-3 shall have a minimum fire separation distance of 5 feet.

Code Modification or Alternate Requested Requesting less than 5-foot separation along stair from main floor to side yard and side yard to public right of way.

Proposed Design We propose to maintain the existing 3-foot separation along the exterior wood stair from grade to main floor deck, and no separation along the concrete stair from grade to the public right of way.

Reason for alternative The adjacent lot is currently a vacant parking lot. If developed, the building would be required to have a fire rating along the property line. Thus, the existing and future developments pose less danger to the egress stair and exiting occupants. The concrete stair to the public right of way is non-combustible and does not pose a danger to the adjacent property. These are single family dwelling units, intended to be rented to a single group (no more than 5-6 people). The occupancy is R3 and hazard is nearly identical to it's currently R3 use. The residential code specifies that a 3' separation is sufficient for residential use. The wooden stairway to the main floor from the side yard is located 3' from the property line. Additionally, a second egress stair is located at the north facade and exists more than 5' from the property line. We feel that the cost to add a 7' one hour wall on top of the existing 3'6" retaining wall along the east property line would outweigh the minimal benefit gain.

Appeal item 4

Code Section 1207.2

Requires Occupiable spaces, habitable spaces and corridors shall have a ceiling height of not less than 7'-6" above the finished floor. Bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall have a ceiling height of not less than 7 feet above the finished floor.

Code Modification or Alternate Requested Requesting lower than 7'-6" ceilings in the basement unit.

Proposed Design We propose a 6'-9.5" ceiling.

Reason for alternative Since a 6'-8" ceiling height is permitted in the Portland code guide for residential basements, we believe that the use of these units matches the intention of the residential ceiling height requirement, rather than the 7'-6" commercial requirement. These are single family dwelling units, intended to be rented to a single group (no more than 5-6 people). The occupancy is R3 and hazard is nearly identical to it's currently R3 use. Excavating the basement slab to add 8.5" represents an unreasonable burden.

APPEAL DECISION

1. Existing non-fire rated South wall to remain: Granted as proposed with 13D sprinkler system on separate permit through the Fire Marshal's office.

2. Change of use with existing South wall non-fire protected openings to remain: Granted as proposed with 13D sprinkler system on separate permit through the Fire Marshal's office.

3. Reduction in minimum fire separation distance of exterior exit stair from 5 feet to 3 feet: Granted provided the 13D sprinkler system is monitored and provided horn strobes are installed per Fire Marshal on separate permit.

4. Reduction in minimum required headroom in basement unit from 7 feet 6 inches to 6' 9.5 inches: Hold for additional information.

See note below regarding the process for submitting additional information.

For questions specific to Item #3 appellant may contact Michael Silva (503 793-4641) with questions.

For other questions appellant may contact John Butler (503 865-6427) or e-mail at John.Butler@portlandoregon.gov with questions.

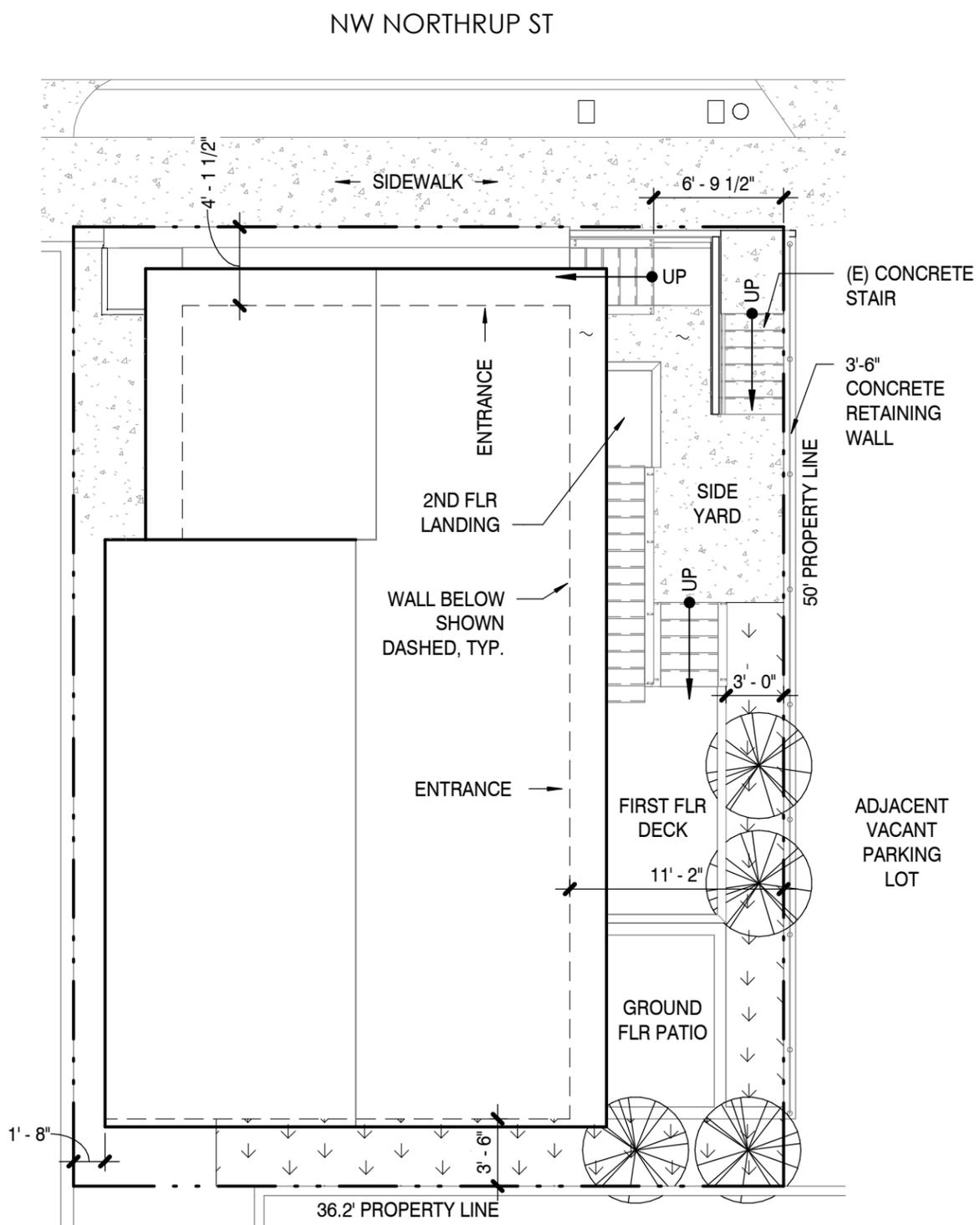
For items 1, 2, 3: The Administrative Appeal Board finds with the conditions noted, that the information submitted by the appellant demonstrates that the approved modifications or alternate methods are consistent with the intent of the code; do not lessen health, safety, accessibility, life, fire safety 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, call (503) 823-7300 or come in to the Development Services Center.

For item 4: Additional information is submitted as a no fee reconsideration, following the same submittal process and using the same appeals form as the original appeal. Indicate at the beginning of the appeal form that you are filing a reconsideration and include the original assigned Appeal ID number. The reconsideration will receive a new appeal number.

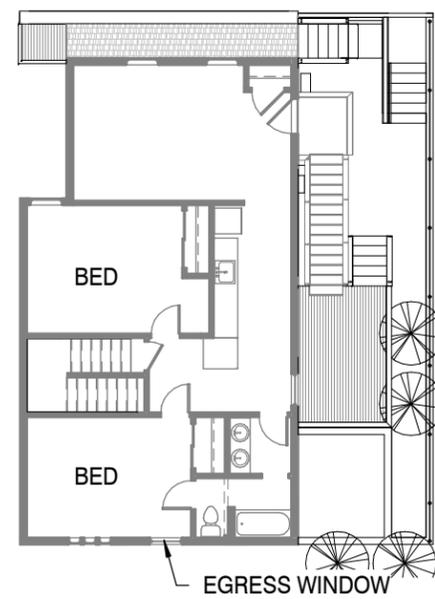
Include the original attachments and appeal language. Provide new text with only that information that is specific to the reconsideration in a separate paragraph(s) clearly identified as "Reconsideration Text" with any new attachments also referenced. Once submitted, the appeal cannot be revised.

No additional fee is required.



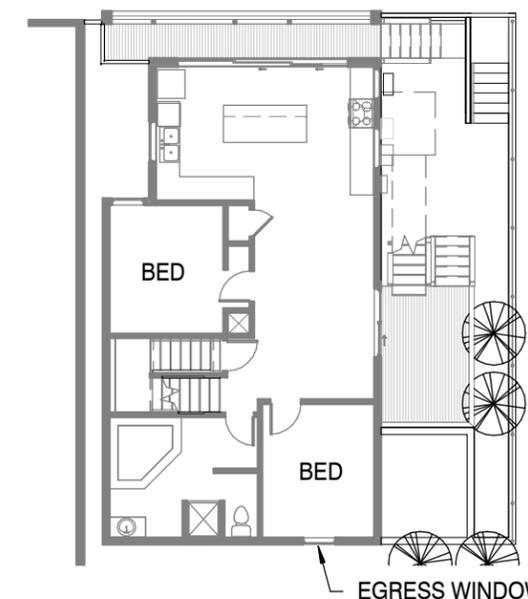
SITE PLAN

SCALE: 1/8" = 1'-0"



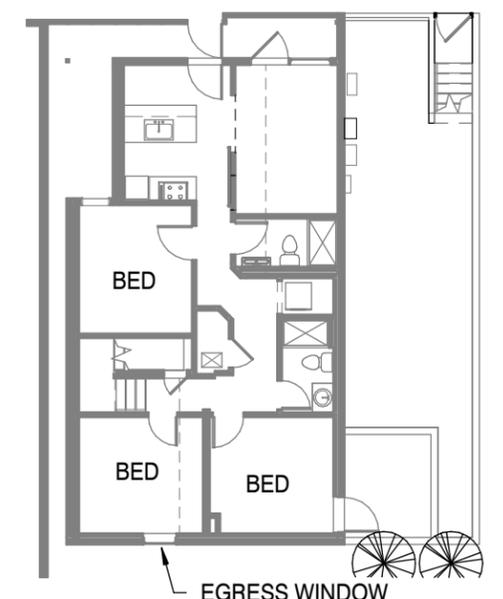
SECOND FLOOR PLAN (UNIT B)

SCALE: 1/16" = 1'-0"



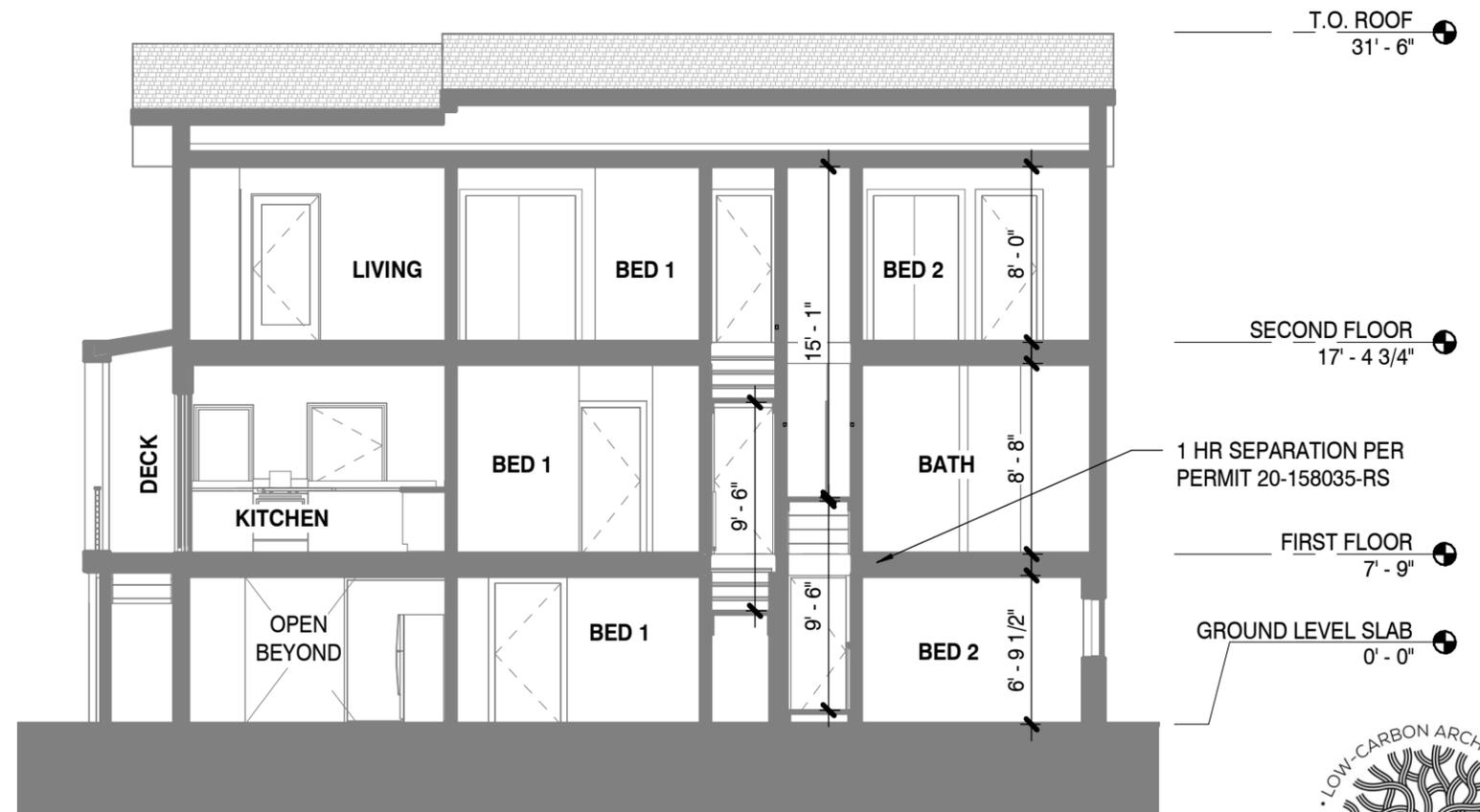
FIRST FLOOR PLAN (UNIT B)

SCALE: 1/16" = 1'-0"



GROUND FLOOR PLAN (UNIT A)

SCALE: 1/16" = 1'-0"



LONGITUDINAL SECTION

SCALE: 1/8" = 1'-0"

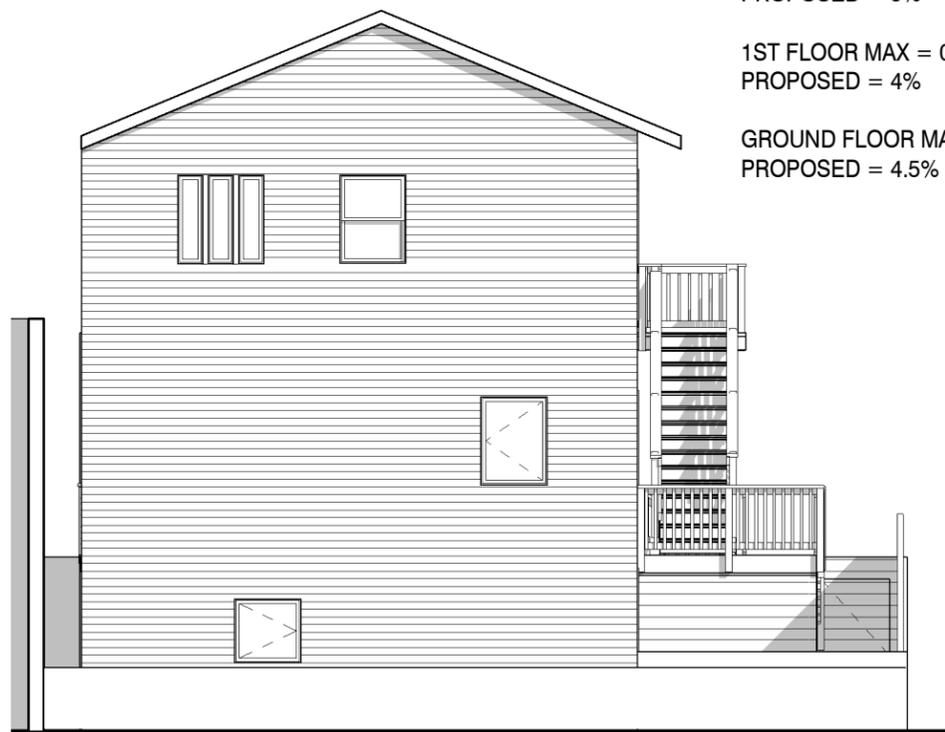


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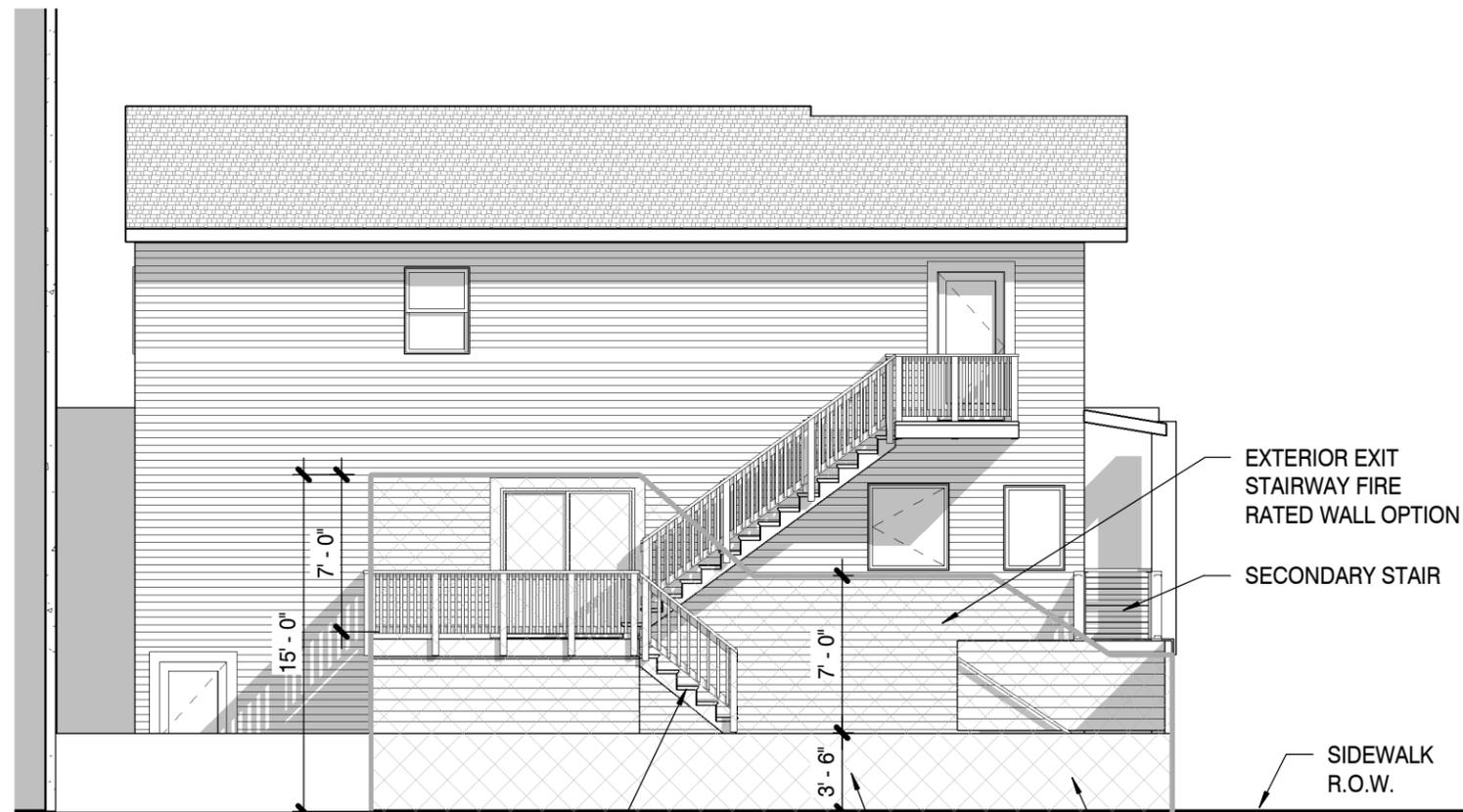
FACADE OPENINGS
 2ND FLOOR MAX = 0%
 PROPOSED = 9%

1ST FLOOR MAX = 0%
 PROPOSED = 4%

GROUND FLOOR MAX = 0%
 PROPOSED = 4.5%



SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



EAST ELEVATION
 SCALE: 1/8" = 1'-0"

