

Development Services

From Concept to Construction

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APPEAL SUMMARY

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

Appeal ID: 27666	Project Address: 6215 NE 34th Ave
Hearing Date: 4/13/22	Appellant Name: Daniel W Keller
Case No.: B-006	Appellant Phone: 2252445900
Appeal Type: Building	Plans Examiner/Inspector: Ken Lee
Project Type: residential	Stories: 2 Occupancy: R-2 Construction Type: V-B
Building/Business Name:	Fire Sprinklers: No
Appeal Involves: Alteration of an existing structure, Correction of a violation	LUR or Permit Application No.: 21-089077-HS
Plan Submitted Option: pdf [File 1] [File 2] [File 3]	Proposed use: SFR and ADU

APPEAL INFORMATION SHEET

Appeal item 1

Code Section	R305.1 Minimum Height
Requires	R305.1 - Exception 2: Not more than 75% of floor area of a bathroom or toilet room is permitted to have a sloped ceiling less than 7 ft in height, provided an area of 21 inches by 24 inches in front of toilets and lavatories has a minimum of 6'-4" in height, measured from the finished floor. An area of 24 inches by 30 inches in front of and inside a tub or shower shall have a minimum of 6'-4" in height, measured from the standing surface of the fixture.
Code Modification or Alternate Requested	The intent of the appeal is to add a skylight above the toilet to meet head height requirements in a bathroom with a sloped ceiling.
Proposed Design	<p>The bathroom is located under a sloping roof. Total floor area is 62 SF. Ceiling height at 6'-4" and above equals 35 SF or 56%. Thus, the bathroom meets the dimensional requirements for spaces with sloped ceilings; however, the head height at the toilet does not meet a minimum 6'-4" over the entire required clearance.</p> <p>We propose to install a 30"x 30" skylight over the toilet, sitting on a 5 1/2" curb, thereby adding 11 inches to total head height. The resultant head height on the high side of the required 21"x24" toilet clearance area would be 7'-3" and the low side would be 6'-10".</p>
Reason for alternative	The bathroom is already built and functioning well using existing space and roofline. We are proposing limited alterations to the fixture locations in order to meet 305.1 requirements for sink clearances. However, there is no wall in this space on which both the toilet and sink could fit per 305.1, therefore, the skylight will be necessary to provide equivalent life safety for the necessary head clearance at the toilet.

Appeal item 2

Code Section	R302.1 Exterior Walls
Requires	302.1 - Code requires that walls of accessory structures that have less than 3' of fire separation distance are required to have 1 hour fire-rated exterior walls tested in accordance with ASTM E119 or UL 263 with exposure from both sides.
Code Modification or Alternate Requested	We are proposing an equivalent double layer of fire protection be added to the exterior side of a required fire wall in lieu of providing rating with exposure from both sides. The appeal is being sought to legalize a non-permitted conversion of a detached garage to an ADU.
Proposed Design	<p>For the walls that are closer than 3' to the property line we propose to use two layers of 5/8" Type-X Gypsum wall board on the exterior side of the framing rather than one layer on either side of the framing. This Type-X gypsum will be continuous to the underside of the roof sheathing.</p> <p>No built elements including gutters and footings will cross the property line and stormwater will remain and be disposed of on site. Existing openings, including an existing window and vents, on this wall will be capped and rerouted as necessary to maintain continuity of the membrane.</p>
Reason for alternative	This appeal is being sought in conjunction with a legalization of a garage conversion to ADU. It would require significant disassembly of the structure, including removal and replacement of the existing siding/sheathing on two sides of the building, to get the Type-X Gypsum wall board on both sides of the framing. In addition to this, the interior side of the wall that is within 3' of the property line has loft framing, wall framing, and plumbing fixtures which make the addition of gypsum at the interior very difficult and would not provide continuity of the assembly. The alternative provides equivalent fire protection because it provides a double layer of continuous fire protection on one side of the assembly.

Appeal item 3

Code Section	R311.1 Means of Egress & R311.7.5.2 Treads
Requires	<p>R311.1 and R311.7.5.2</p> <p>Dwellings shall be provided with a means of egress that provides a continuous and unobstructed path of vertical and horizontal egress travel from all portions of the dwelling to the required egress door.</p> <p>The tread depth at egress stairs shall be not less than 9 inches. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch.</p>
Code Modification or Alternate Requested	The intent of the appeal is to allow an existing, original non-compliant interior stair to remain in place by providing an exterior code-compliant stair as part of a legalization of an attic conversion.
Proposed Design	A new code-compliant egress stair will be added to the existing exterior deck. This exterior deck is accessed by a man door from the attic, which has been converted to habitable space and is in the process of legalization. The existing original stair is non conforming because the tread depth is 8". We propose that the upgraded conforming exterior stair be considered the primary means of egress and the interior stair be allowed to remain in its existing condition
Reason for alternative	Replacing the interior stair will require significant cost and significant structural changes to the home since a conforming stair will not fit in the current opening. The interior stair and exterior star

are on opposite sides of an exterior wall with the door that accesses the exterior stair at the top of the interior stair landing, so travel distance and ease of access is not significantly different in this alternative. The existing non-conforming interior stair is original to the building and was not changed during the alterations made to the attic. The proposal provides equivalent life safety by providing at least one code compliant means of vertical egress from the level. Finally, the home is to be owner-occupied.

APPEAL DECISION

1. Use of skylight for minimum headroom in bathroom: Granted provided headroom dimensions are verified at time of plan review.

2. Alternate 1 hour exterior wall detail: Hold for additional information.
See note below regarding the process for submitting additional information.

3. Non-compliant interior stair to remain: Denied. Proposal does not provide equivalent Life Safety protection.

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

For Items 1, 3: For the item granted, 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.

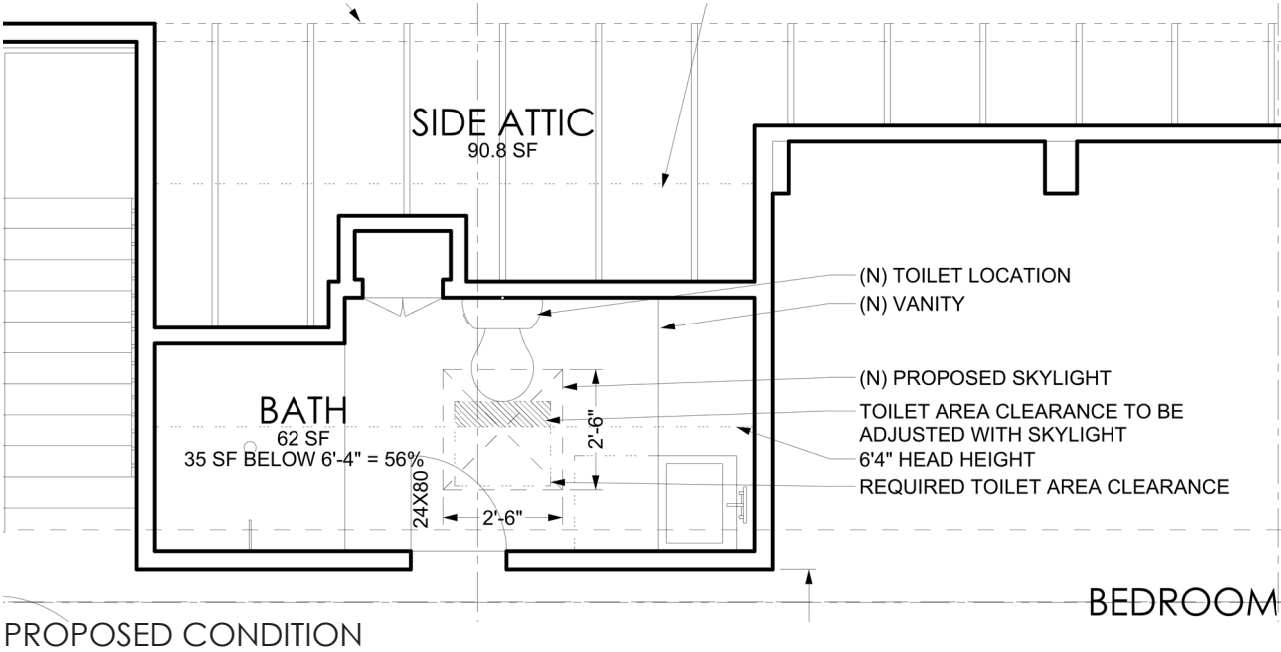
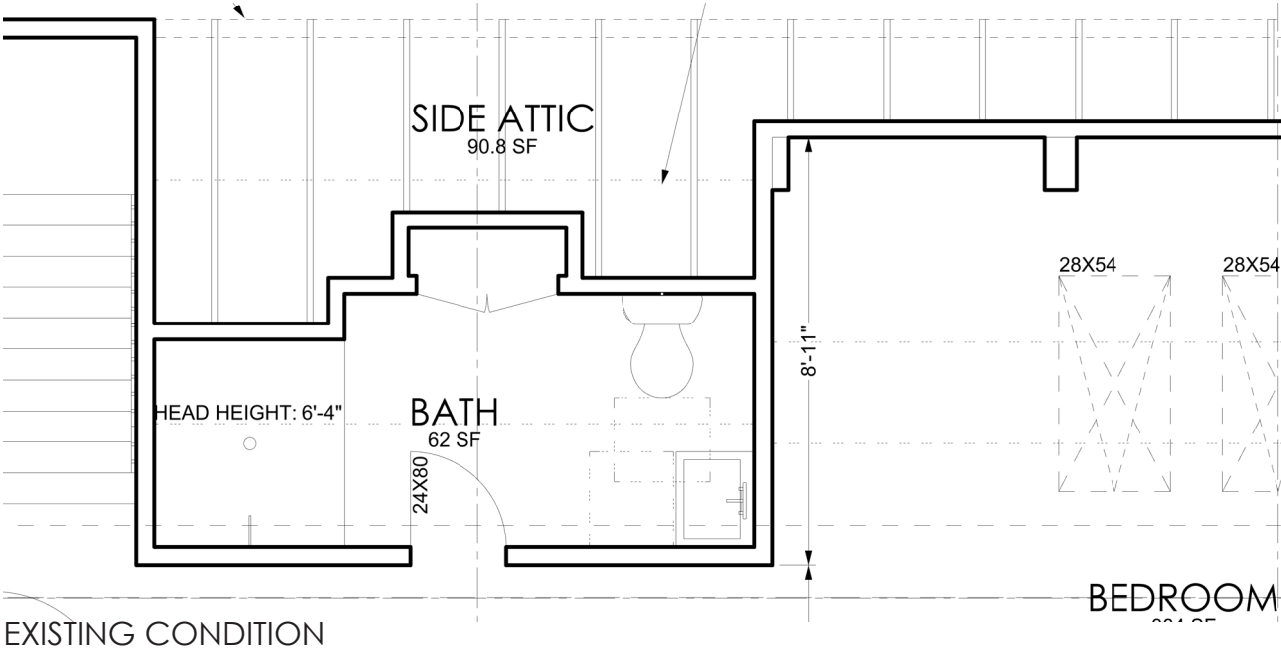
Pursuant to City Code Chapter 24.10, you may appeal this decision to the Building Code Board of Appeal within 90 calendar days of the date this decision is published. For information on the appeals process, go to www.portlandoregon.gov/bds/appealsinfo, call (503) 823-7300 or come in to the Development Services Center.

For Item 2: 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.

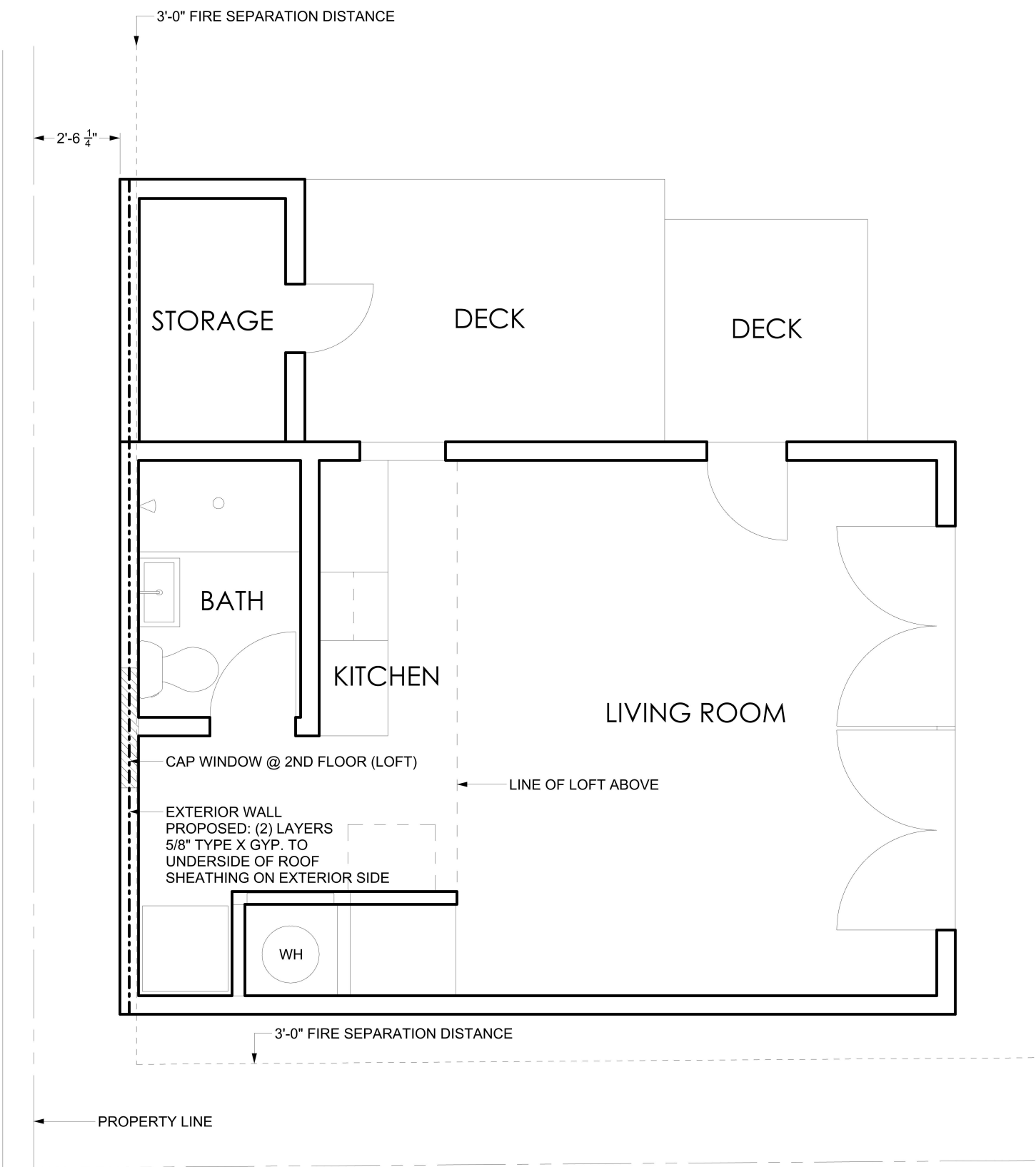
Include the original attachments and appeal language. Provide new text with only that information that is specific to the reconsideration in a separate paragraph(s) clearly identified as "Reconsideration Text" with any new attachments also referenced. Once submitted, the appeal cannot be revised.

No additional fee is required.

APPEAL FOR ADJUSTMENT FOR HEAD HEIGHT AT TOILET FIXTURE



APPEAL TO ALLOW 1-HR FIRE PROTECTION FROM EXTERIOR SIDE



APPEAL FOR NEW EXTERIOR EGRESS STAIR TO ALLOW EXISTING NON-CONFORMING INTERIOR STAIR TO REMAIN

