

# 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

<b>Appeal ID:</b> 27736	<b>Project Address:</b> 3315 NE 44th Ave
<b>Hearing Date:</b> 5/11/22	<b>Appellant Name:</b> Silvia M. Larco
<b>Case No.:</b> B-003	<b>Appellant Phone:</b> 7819297293
<b>Appeal Type:</b> Building	<b>Plans Examiner/Inspector:</b> Preliminary
<b>Project Type:</b> residential	<b>Stories:</b> 1 <b>Occupancy:</b> Residential <b>Construction Type:</b> Wood Frame
<b>Building/Business Name:</b> N/A	<b>Fire Sprinklers:</b> No
<b>Appeal Involves:</b> Alteration of an existing structure	<b>LUR or Permit Application No.:</b>
<b>Plan Submitted Option:</b> pdf [File 1]	<b>Proposed use:</b> ADU

### APPEAL INFORMATION SHEET

#### Appeal item 1

<b>Code Section</b>	R302.1
<b>Requires</b>	Section R302.1 requires that any exterior wall parallel to a property line must comply with the requirements of Table R302.1 for Fire Resistant Construction. Table 302.1 requires that any wall less than three feet from a property line, the Fire Separation Distance, must be constructed with a fire resistance time period of 1-hour with exposure from both sides. No openings are allowed in the 1 hour fire resistant wall.
<b>Code Modification or Alternate Requested</b>	<p>We are proposing to convert structure to a detached ADU. It is 10" from the North property line and 10" from the West property line. We are requesting: in lieu of 5/8" type X drywall on the exterior and interior of these walls, to be allowed to install 2 layers 5/8" type X drywall on the inside surface of the North and West wall up to the top of the bottom of the roof sheathing. There is no roof overhang.</p> <p>The existing cedar siding is in good condition and the owner would like to keep as much of the existing structure intact as is possible.</p>
<b>Proposed Design</b>	On the North and West interior walls: two layers of 5/8" type X drywall on the interior and continuous to the under side of the roof sheathing to provide fire rating.
<b>Reason for alternative</b>	<p>We believe this alternative will provide the intent of the code for fire protection at property line and the city has approved similar appeals to this request.</p> <p>Reference: similar previous approved appeals: # 15382, 12072, 18143</p>

### APPEAL DECISION

**Alternate one hour assembly for North and West walls of existing shed within three feet of property line: Granted provided a full wall section is provided at time of plan review and provided;**

**Where roof framing is perpendicular to the wall.**

- a. Two layers of Type X gypsum are installed on the interior side of the wall continuous to the top of the double top plate.**
- b. Two layers of 2x blocking are provided between the top of the double top plate and underside of the roof sheathing, beveled where required, to fit tight against the sheathing.**
- c. The underside of the roof adjacent to the property line is provided with one layer of 5/8" Type X gypsum board installed directly against the underside of the roof sheathing between the roof joists or trusses with support provided by a minimum of 2 x ledgers attached to the side of the roof joists or truss members for a minimum distance of four feet measured from the inside face of the finished wall surface.**
- d. No openings including eave vents may be installed in the soffit and no openings including windows, roof vents or skylights may be installed in that portion of the wall or roof that is within three feet of the property line.**
- e. No built elements including gutters and footings may cross the property line and stormwater must remain and be disposed of on site.**

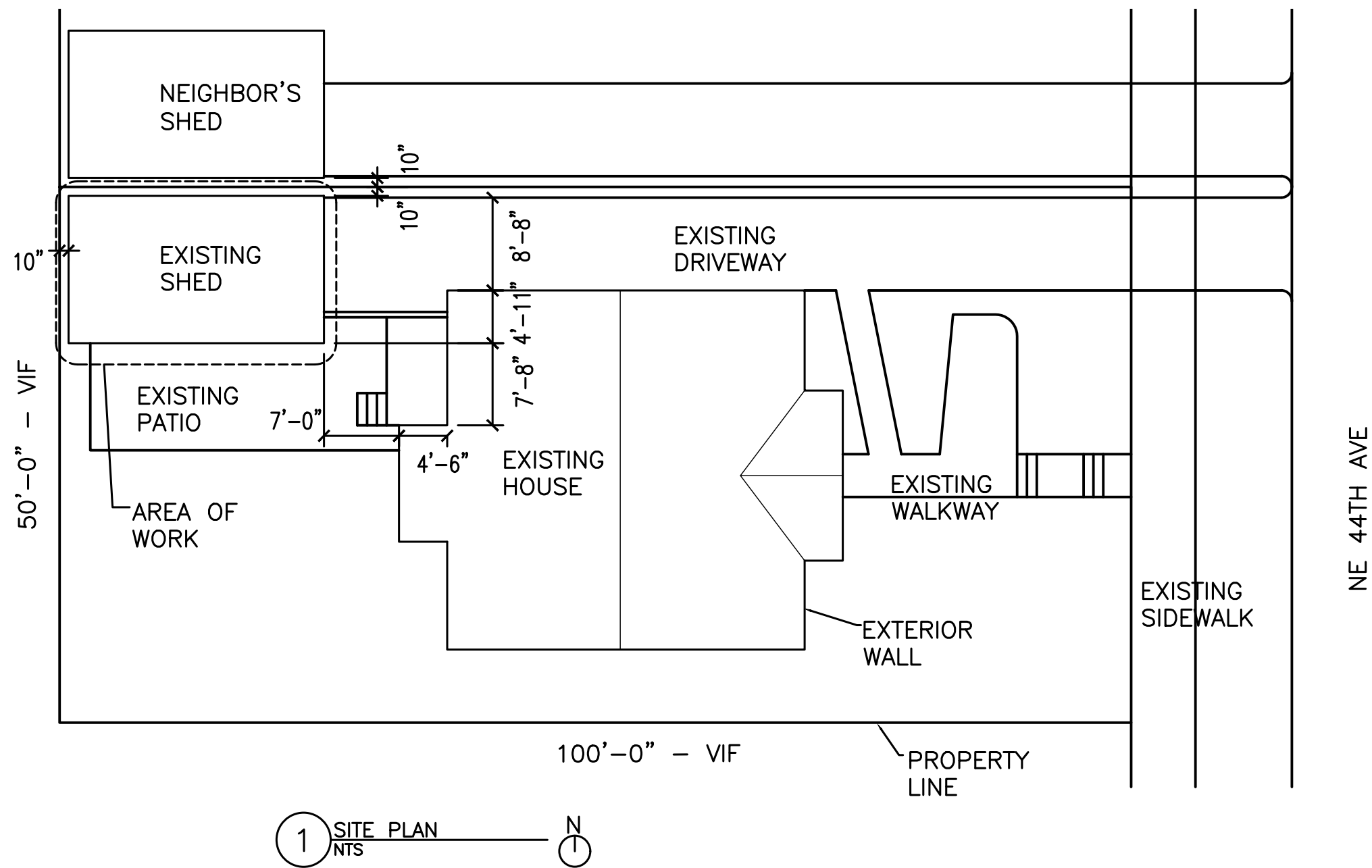
**Where roof framing is parallel to the wall.**

**Same as above except at condition (a) the Type X is continuous to the bottom of the roof sheathing and condition (b) may not apply.**

**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.



**silvia larco  
addition**

3315 NE 44th Avenue  
portland, or 97213  
781.929.7293

*nicolarco design*

3935 ne stanton st  
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541.335.1117

**Site Plan**

scale: 1/4" = 1'-0"  
date: 04.01.2022

**a0.2**