



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** April 19, 2012  
**To:** Interested Person  
**From:** Staci Monroe, Land Use Services  
503-823-0624 / [staci.monroe@portlandoregon.gov](mailto:staci.monroe@portlandoregon.gov)

## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 12-100082 HDZ - HISTORIC DESIGN REVIEW FOR EXTERIOR ALTERATION TO RESIDENCE**

#### **GENERAL INFORMATION**

**Applicant:** Benjamin A. May  
P O Box 20926  
Portland, OR 97294

**Representative:** Christine Richey, 503-246-1250  
Miller Consulting Engineers, Inc.  
9570 SW Barbur Bld., Ste 100  
Portland, OR 97219

**Site Address:** 1026 NE KNOTT STREET

**Legal Description:** BLOCK 94 LOT 1, IRVINGTON  
**Tax Account No.:** R420421230  
**State ID No.:** 1N1E26BD 20000  
**Quarter Section:** 2731  
**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-823-4575.

**Other Designations:** Irvington Historic District  
**Zoning:** R5 – Single Family Residential 5000 zone  
**Case Type:** HDZ – Historic Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

#### **Proposal:**

The applicant is seeking Historic Design Review approval for the following alterations to an existing single-family residence within the Irvington Historic District. Some of the work has already occurred, as indicated below:

- Vinyl siding has been removed and repair of the original ½” x 8” beveled cedar siding and shakes underneath on all facades has occurred.
- All original wood windows have been removed and vinyl windows have been installed. The proposal includes replacing the vinyl windows with new fiberglass clad wood windows of same type on the west, east and south facades and one window on the north façade. Custom wood windows are proposed for the casement windows in the upper and lower bays on the north (front) facade.
- On front (north) façade – the two person doors have been removed and a new metal garage door with a composite overlay and row of windows has been installed to restore the original garage door opening.
- On side (west) façade:
  - Window has been removed and replaced with a steel French door;
  - Install an vinyl egress window in basement; and
  - Add new railing along the stairs at the base of the new French door for safety along the window well.
- New 6’-0” tall fence adjacent to front building façade along NE Knott.

Historic Design Review is required because the proposal is for non-exempt exterior alterations in a historic district.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33 of the Portland Zoning Code. The relevant approval criteria are:

- 33.846.060.G – Other Approval Criteria

## ANALYSIS

**Site and Vicinity:** The subject property, a single family residence built in 1926, is evaluated as non-contributing within the Irvington Historic District since it has been significantly altered. The survey of the property in the nomination notes the house was enlarged, garage removed and the roofline altered. The original style of the house is noted in the nomination as English Cottage with Craftsman features and included horizontal board siding. The original wood siding was covered by vinyl siding installed sometime in the past, which the current owner has already removed to expose the original wood siding and shingles. The wood windows that included fixed, casement and double-hung, and leaded muntins in the lower bay on the north facade, were removed and disposed of without the benefit of review. Vinyl windows have since been installed throughout the residence.

Platted in the late Nineteenth Century, today's Irvington Historic District represents the first additions to Portland that employed restrictive covenants from the outset. These included the exclusion of most non-residential uses from the interior of the neighborhood, and where non-residential uses were allowed, such as the fire station and the telephone exchange, the buildings were purposely disguised to appear more residential in character. Other deed restrictions excluded minority groups, established uniform front setbacks, and required minimum expenditure on new buildings. The area developed generally from southwest to northeast and its growth was greatly influenced by the installation of streetcar lines that introduced an easy commuting option to downtown.

The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. Original development in many cases included garages or other accessory

structures, typically facing side streets on corner lots and accessed by a variety of driveway types on mid-block sites. Garages that were added after original construction, but still within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

**Zoning:** The Residential 5,000 (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **February 14, 2012**.

The following Bureaus provided responses with no issues:

- Plan Review Section of BDS (Exhibit E-1)
- Water Bureau (Exhibit E-2)

The following Bureaus have no concerns:

- Fire Bureau
- Site Development Section of BDS
- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Bureau of Parks-Forestry Division

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 14, 2012. A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, March 6, 2012, in opposition of the proposal, specifically the windows and doors (Exhibit F-1).
- James Heuer, March 7, 2012, in opposition of the proposal, specifically the windows doors (Exhibit F-2)

*Staff Response:* The comments received are focused on the window replacement throughout the house, primarily that the original windows were removed, disposed of, and replaced with vinyl. The applicant has met with the Irvington Neighborhood Association (INA) at their meeting on March 29, 2012. At this meeting, the applicant presented a sample of the Milgard fiberglass clad wood window. There was agreement that the window presented would be a comparable replacement for all the windows matching the type and grid pattern for each. Regarding the front door, they desired a replication or responsive replacement that is keeping in character with the house. The current proposal reflects the preferences of the INA. Additional information regarding the details of the windows and doors can be found in the findings below.

## **ZONING CODE APPROVAL CRITERIA**

### **Chapter 33.846.060 - Historic Design Review**

#### **Purpose of Historic Design Review**

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### **Historic Design Review Approval Criteria**

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

**Findings:** The site is within the Irvington Historic District and the proposal is for non-exempt treatment. Therefore Historic Design Review approval is required. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

*Staff has considered all guidelines and addressed only those applicable to this proposal.*

### **33.846.060 G - Other Approval Criteria**

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

**Findings for 1, 4, 5 and 7:** The designated property is the Irvington Historic District, and the individual resource within that context is evaluated as non-contributing due significant alterations that affect size, roofline and removal of a garage. Although the individual resource is non-contributing, it does contain elements and materials that are consistent with the character-defining features of the historic district, including the wood siding and wood windows. The original ½" x 8" beveled cedar siding and shakes that was underneath the vinyl siding has been exposed and repaired. Unfortunately, the original wood windows have already been removed and disposed. The replacement windows (both fiberglass clad wood *and* wood systems) will contain the visual qualities of the original wood windows in terms of windows type, profile (sash and muntin dimensions), placement within the window opening and trim (which is the original). *These criteria are met.*

**2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.

**Findings:** The addition of conjectural features or architectural features from other buildings is not proposed. *This criterion is not applicable.*

**3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.

**Findings:** The addition of the vinyl siding and two person doors on the north elevation, are the only non-original changes proposed to be removed. Neither the siding nor the doors have acquired historic significance as they are not materials or features that are consistent with the historic character of the English Tudor style of the house or the historic district. Their removal is therefore not significant. *This criterion is met.*

**4. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

**Findings:** No ground disturbing activity is proposed. *This criterion is not applicable.*

**8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

**9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

**10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings for 8, 9 and 10:** The alterations to this non-contributing resource are compatible with the residence, and more importantly, respect the architectural integrity and character of the Irvington Historic District. The same window types as the original windows will be used within each opening (double hung, casement and fixed). The design (solid pane, prairie grid pattern and 16 divided light) as well as the profiles (sash and muntin dimension) of both window systems proposed are comparable to the originals and those found in the district. The wood custom windows on the upper and lower bay of the front (north) façade will be near reproductions of the originals. Typically, the windows on the front of a house, especially the lower level, were more decorative than the others. The lower bay is believed to have contained leaded muntins in a 16-divided light pattern. Metal muntins are typically thinner than their wood counterparts since the strength of metal warrants less material. Customizing these lower casement windows with 5/8" thick muntins retains the character of the leaded glass windows typical of the English Tudor style. Given the close proximity and visibility on the front façade, the upper bay windows are also wood, however with a muntin dimension of 7/8" thick which is comparable to the 3/4"- thick muntins on the fiberglass clad wood windows proposed on the rest of the house. All the windows will be recessed within each opening to match the depth of the original window, which varies for the different window types, from 1" to 1.5". The original 1"x4" window trim will be retained. The new wood front door with side lights and metal garage, both which have

upper windows and raised panels that match one another, are visually compatible with those found in the district.

Most of the minor alterations on the west façade (basement vinyl window and new metal railing) will not be visible from the street, and therefore will not impact the district, given the partial sub-grade location of the window and new 6'-0" fence along the north side. The new metal French door on this elevation will be partially screened by the fence, but nonetheless will compliment the fiberglass clad wood windows. The fence will sit in plane with the front (north) façade retaining an open front yard which is a common feature in the district. *These criteria are met.*

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

The purpose of the Historic Design Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Design Review criteria in that the replacement windows, repaired siding and other visible alterations (front and garage door) compliment the originals and compatible with those in the district and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of an exterior remodel including window replacement per the approved site plans, Exhibits C-1 through C-17, signed and dated 4/16/2012, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.17. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-100082 HDZ. No field changes allowed."

**Staff Planner: Staci Monroe**

**Decision rendered by:**  **on April 16, 2012**

By authority of the Director of the Bureau of Development Services

**Decision mailed: April 19, 2012**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on January 3, 2012, and was determined to be complete on January 19, 2012.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the

application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 3, 2012.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended for 30 days (Exhibit G-2). Unless further extended by the applicant, **the 120 days will expire on: June 17, 2012.**

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 3, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that

issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **May 4, 2012 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034  
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  1. Project Summary
  2. Applicant's Response date 1/19/2012 to Incomplete Letter
- B. Zoning Map (attached)
- C. Plans/Drawings:

1. Site Plan (attached)
  2. Existing North Elevation
  3. Proposed North Elevation (attached)
  4. Existing West Elevation
  5. Proposed West Elevation (attached)
  6. Existing South Elevation
  7. Proposed South Elevation (attached)
  8. Existing East Elevation
  9. Proposed East Elevation (attached)
  10. Fence Elevation & French Door & Wall Section
  11. Existing & Proposed Window /Wall Sections
  12. Front Door Detail
  13. Garage Door Detail
  14. French Door Detail
  15. Basement Vinyl Window Details
  16. Fiberglass Clad Wood Single Hung & Casement Window Details
  17. Wood Casement Window Details
- D. Notification information:
1. Mailing list
  2. Mailed notice
  3. Revised notice mailing list
  4. Revise Mailed Notice
- E. Agency Responses:
1. Plan Review Section of BDS
  2. Water Bureau
  3. Fire Bureau
- F. Correspondence:
1. Dean Gisvold, March 6, 2012, in opposition of the proposal, specifically the windows and doors.
  2. James Heuer, March 7, 2012, in opposition of the proposal, specifically the windows and doors.
- G. Other:
1. Original LU Application
  2. 120-day Extension Form
  3. Incomplete Letter
  4. Letter from Residential Inspections Services (12-110665 AL) regarding work done without permit.
  5. Photos

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING

 Site



This site lies within the:  
IRVINGTON HISTORIC DISTRICT

File No.	<u>LU 12-100082 HDZ</u>
1/4 Section	<u>2731</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E26BD 20000</u>
Exhibit	<u>B</u> (Jan 03,2012)

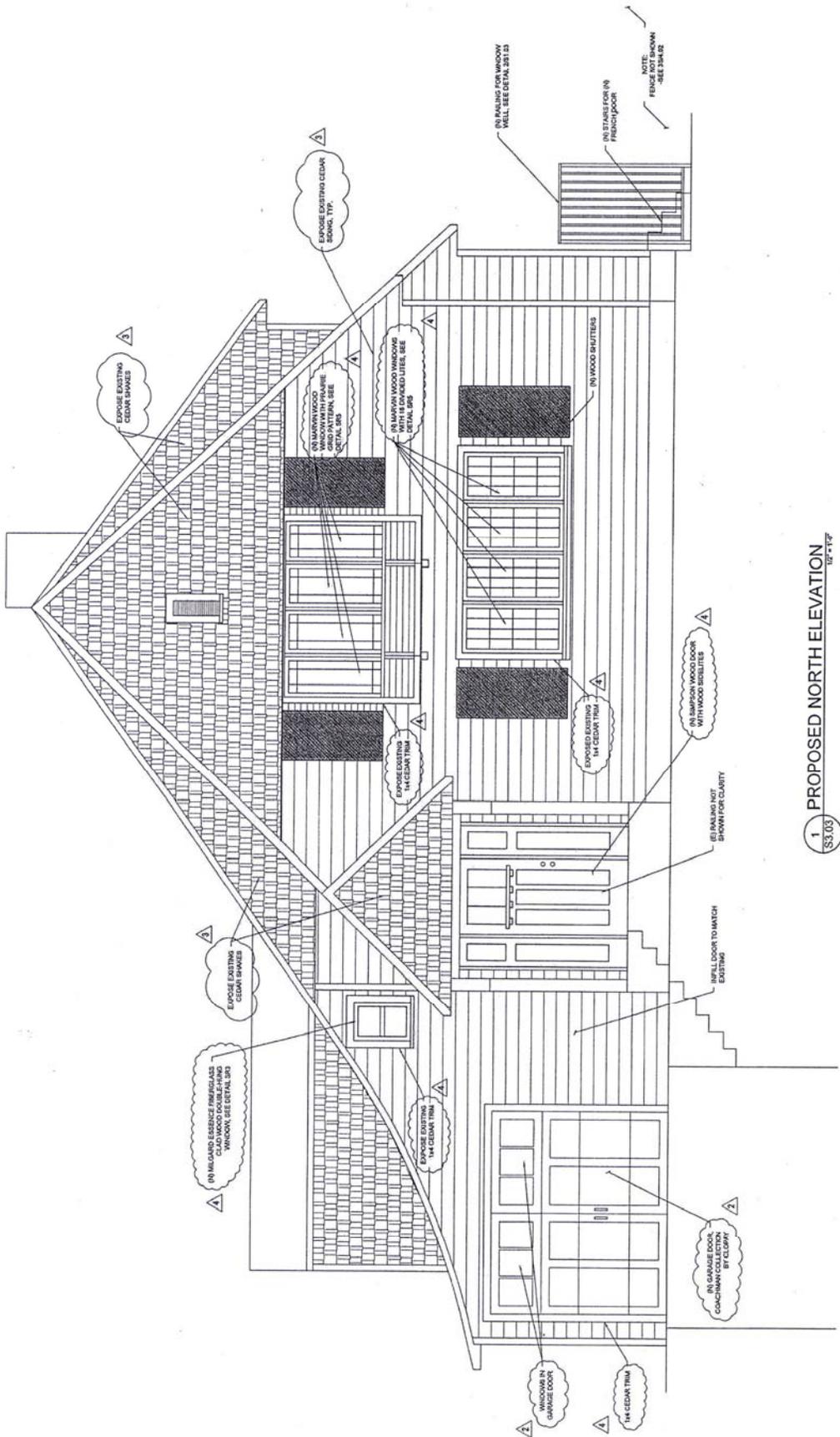


**BEN MAY  
RESIDENTIAL REMODEL**

1026 NE KNOTT STREET  
PORTLAND, OREGON

DRAWN BY:	CMR	
CHECKED BY:	11/8/12	
PROJECT NO.:	12.13.11	
ISSUE DATE:	12.13.11	
REV.	DATE	DESCRIPTION
1	12.13.11	ISSUED FOR PERM REVIEW
2	1.14.12	REVISIONS TO GARAGE DOOR AND FRONT WINDOW
3	2.12.12	ADD WINDOW
4	04.05.12	REVISIONS TO TRIM

**S3.03**



**1** PROPOSED NORTH ELEVATION  
1/8" = 1'-0"

LINE IS 2 INCHES  
AT FULL SCALE  
(BY REF. SCALE ONLY)

W 11-100082 HNS  
EX-C-3

**\*Approved\***  
City of Portland - Bureau of Development Services  
Planner *Sullivan* Date **4-16-12**  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.





