

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

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

FROM CONCEPT TO CONSTRUCTION

**Date:** June 23, 2015

To: Interested Person

From: Gina Tynan, Land Use Services 503-823-7271 / Gina.Tynan@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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website

<u>http://www.portlandonline.com/bds/index.cfm?c=46429</u>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

# CASE FILE NUMBER: LU 15-113737 HR – ALTERATIONS AND ADDITION TO EXISTING DETACHED GARAGE

## **GENERAL INFORMATION**

Applicant:	Michelle Jeresek / Ivon Street Studio 1524 SE Ivon St / Portland OR 97202			
Owner:	Cory J Comstock 2424 NE 22nd Ave / Portland OR 97212			
Site Address:	2424 NE 22ND AVE			
Legal Description:	BLOCK 9 N 1/2 OF LOT 17 LOT 18, IRVINGTON			
Tax Account No.:	R420401890			
State ID No.:	1N1E26DA 06500			
Quarter Section:	2832			
Neighborhood:	Irvington, contact Dean Gisvold at 503-284-3885.			
<b>Business District:</b>	North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.			
<b>District Coalition:</b>	Northeast Coalition of Neighborhoods, contact info@necoalition.org			
Other Designations:	Contributing resource in the Irvington Historic District, listed in the National Register of Historic Places on October 22, 2010.			
Zoning:	R5 – Single Family Reisdential 5,000 zone with a Historic Resource			
	Overlay			
Case Type:	HR – Historic Resource Review			
Procedure:	Type II, an administrative decision with appeal to the Landmarks Commission.			

#### **Proposal:**

The applicant proposes an addition of 60 sq. ft. to the existing 204 sq. ft. one-story garage at the northeast corner of the property at 2424 NE 22nd Ave. Both the house, a Craftsman style residence constructed in 1911, and the existing garage are contributing resources to the Irvington Historic District.

Note: The proposal has changed from the original April 14, 2015 submittal. The scope of work has been reduced to include only an addition to the existing detached garage, a contributing resource to the Irvington Historic District. The project will not convert the use of the existing detached garage to storage, relocate the driveway nor construct a new detached garage at the southeast corner of the lot. As garages are allowed within side and rear setbacks when meeting the standards of Zoning Code Section 33.110.253.D, the revised proposal will not require a Modification as the structure's use as a garage will be maintained and it will continue to meet the standards of 33.110.253.D. The revised proposal will only require Historic Resource Review to alter the contributing garage.

The proposed addition (4' x 15') to the existing garage would extend four feet from the south side of the existing structure and would maintain the existing 1'-7" setback from the rear lot line. The addition would be constructed to match the design elements and exterior materials of the house and garage. The hinged carriage doors facing NE 22nd Ave will be replaced with new painted wood doors to match the existing style, materials and color. The existing widow on the south elevation will be replaced by the addition and new hinged carriage doors will be added, facing the interior of the site. The new doors and trim will match the design and materials of the existing street-facing garage doors.

The height of the wall of the garage will be raised by one foot (from 8'-0" to 9'-0") and a cross gable will be added to the roof structure to accommodate the proposed addition. The new roof will include  $2 \ge 4$  wood knee braces,  $1 \ge 8$  wood fascia and  $2 \ge 4$  wood rafter tails at 24 inches on center all painted and designed to match the existing roof and eaves. The project will raise the total height of the roof, as measure from grade to the top of the roof peak, from the existing height of 10'-9 <sup>3</sup>/<sub>4</sub>" to 12'-7" (an increase of 1'-9 <sup>1</sup>/<sub>4</sub>"). The new roof will be asphalt composition to match the existing roofing color and material.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations to an existing historic resource in the Irvington Historic District.

#### **Relevant Approval Criteria:**

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

■ 33.846.060G – Other Approval Criteria

#### **ANALYSIS**

**Site and Vicinity:** The subject resource is identified in the National Register documentation as a 1911 Craftsman style residence and an associated detached garage at the northeast corner of the 7,500 sq. ft. lot. Both structures are contributing structures within the Irvington Historic District. The site is on the east side of NE 22<sup>nd</sup> Ave, south of NE Brazee St and North of NE Thompson St, and across the street from the Irvington Club. The Portland Transportation System Plan designates NE 22nd Ave as a Local Service Walkway and Local Service Bikeway. There are no Transit or Traffic designations for NE 22<sup>nd</sup> Ave and the site is not within a Pedestrian District.

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 <u>Residential 5,000</u> (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 <u>Historic Resource Protection</u> 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.

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 **April 14, 2015**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering
- Fire Bureau
- Site Development Section of BDS
- Bureau of Environmental Services general comments about stormwater and sewer service to the site. (Exhibit E-1)
- Water Bureau general comments about available water service to the site. (Exhibit E-2)
- Life Safety Division of BDS general life safety comments. (Exhibit E-3)

Bureau of Parks-Forestry Division responded with concerns regarding addition of a second driveway at the site, which would preclude the frontage from meeting the street tree planting requirements of 11.50.060.C.1: Please see Exhibit E-4 for additional details.

Staff response: The proposal for relocation of the driveway is no longer part of the proposed project. The existing driveway will remain in place. Street trees will not be removed as part of the proposal.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on April 14, 2015. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on May 5, 2015, wrote with objections to the scale, massing and height of the proposed addition to the contributing resource. Clarifications regarding the design of the new garage (no longer part of this proposal) and the proposed Modification (no longer required for this proposal due to the change in scope) were also requested. See Exhibit F-1 for additional details.

Staff response: The existing detached garage is located in the northeast corner of the lot and is more than 80 feet from the street lot line. The proposed 60 sq. ft. (4' x 15') addition and total 1'-9

<sup>1</sup>/4" increase in height at the new cross gable do not compete with the original design and structure of the contributing resource. The existing street facing gable will be retained and the garage wall height increased by one foot. The peak of the proposed cross gable at the roof to accommodate the addition will be approximately 11 feet behind the existing front gable. The proposed addition at the south elevation will be 4 feet wide; views of the addition will be fully obscured from the street by the existing residence. As staff finds the proposed alterations to meet the approval criteria, the proposal has been approved. See findings below for additional information.

Staff forwarded all comments to the applicant.

## **ZONING CODE APPROVAL CRITERIA**

#### Chapter 33.846.060 - Historic Resource Review

#### **Purpose of Historic Resource Review**

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

#### Historic Resource Review Approval Criteria

Requests for Historic Resource 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 nonexempt treatment. Therefore Historic Resource 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.

**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 for 1 and 2: The proposed addition and alterations to the detached garage will remove existing deteriorating doors from the contributing resource and replace them with new wood doors (see Exhibit C-2) of the same size, in the same location, ensuring that the historic character of the garage remains intact and architecturally correct. The street facing gable and eave details will be retained and the proposed height increase is modest (one foot) in order to preserve the original garage's scale. The proposed addition is setback 4 feet from the west/street-facing facade to preserve the original facade in place. The two new wood carriage doors will include wood rails and stiles, wood panels that will be setback 3/8" from the rails and stiles, and three-over-three divided light windows at the top of the doors to match the existing doors. Exterior lap siding and corner trims will be retained. New insulated glass in the new doors will replace single pane glass lights, which are broken or missing in the existing doors. The new doors on the south façade will replace one 2'-4" x 2'-11" window and trim, which is currently deteriorated and missing its glazing. Lastly, the proposed addition is consistent in scale, style and massing with other garages found on adjacent contributing resources, also in the Craftsman style. Collectively these alterations will improve the usefulness and utility of the garage while maintaining the overall character, mass and style of the contributing resource. Therefore these criteria are met.

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

**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.

**Findings for 3, 4 and 5:** The existing carriage doors at the street face of the garage and window on the south façade are being replaced due to age and deterioration. The proposed new doors will match existing deteriorating doors in style, size and dimension so as to be consistent with the historic character of the resource. No historic changes to the resource have been discovered or noted and so no historic changes have acquired historic significance requiring preservation. No chemical or physical treatments are proposed. *Therefore these criteria are met.* 

**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.

**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 7, 8, 9 and 10: The existing garage is approximately 80 feet from the front property line along NE 22<sup>nd</sup> Ave. The proposed 60 sq. ft. addition will project 4 feet from the existing south wall of the garage and will be 15 feet deep. Views of the addition will be fully obscured from the street by the existing residence. The new wood carriage doors proposed for this contributing resource will not alter the original character of the property as they will be placed within the same location as existing door openings. The new wood doors will match existing original doors on the garage in form and type, making them compatible with the size, scale, and architectural features present in this 1911 Craftsman styled house. New carriage doors at the addition, on the south elevation, will be identical in design and materials and will be surrounded with matching trim and infill wood siding. The alterations will raise the existing garage walls and roof line 12 inches and a cross gable will be added to the roofline. The proposed new cross gable is compatible with the resource in that it is consistent with roof types found on other Craftsman style contributing resources of the same era in the area. The new gable does not compete with the original structure due to its setback from the original street facade. This alteration will increase the height of the garage by 1'-9 1/4" for a total height of 12'-7" as measured from grade at the garage's exterior to the highest peak of the roof. Materials such as siding and trim on the addition will also be consistent with materials and trim found on the structure. While the proposed addition and new doors at the south facade make considerable effort to integrate into the original style and character of the resource they will be fabricated out of new material. This will give them a less weathered appearance which will differentiate them from older elements on the building. These criteria are therefore met.

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 Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. The proposed alterations to the existing detached garage do not compromise the character of the Irvington Historic District or the garage itself. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Approval of exterior alterations to a contributing garage in the Irvington Historic District including:

- A 60 sq. ft. addition to the southeast corner of the existing detached garage in the rear yard; and
- Alteration of the detached garage to raise the existing garage wall height and roof line 12 inches and add a cross gable to the roofline to extend over the proposed addition.

Approval, per the approved site plans, Exhibits C-1 through C-9, signed and dated June 15, 2015, 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 through C-9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-113737 HR. <u>No field changes allowed</u>."

#### Staff Planner: Gina Tynan

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Decision rendered by				on June 15, 2015
В	y authority of the Di	rector of the Bu	reau of Development Se	ervices

#### Decision mailed: June 23, 2015

**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 February 3, 2015, and was determined to be complete on April 3, 2015.

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 February 3, 2015.

*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 by 30 days to allow them to prepare revisions to the plans to reflect the scope of the project as reduced from the original proposal. Unless further extended by the applicant, **the 120 days plus the 30-day extension will expire on: August 31, 2015.** 

#### Decision Notice for LU 15-113737 HR 2424 NE 22ND AVE - ALTERATIONS AND ADDITION TO GARAGE

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 July 7, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> 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 <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

**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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 July 8, 2015.
- 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.

**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.

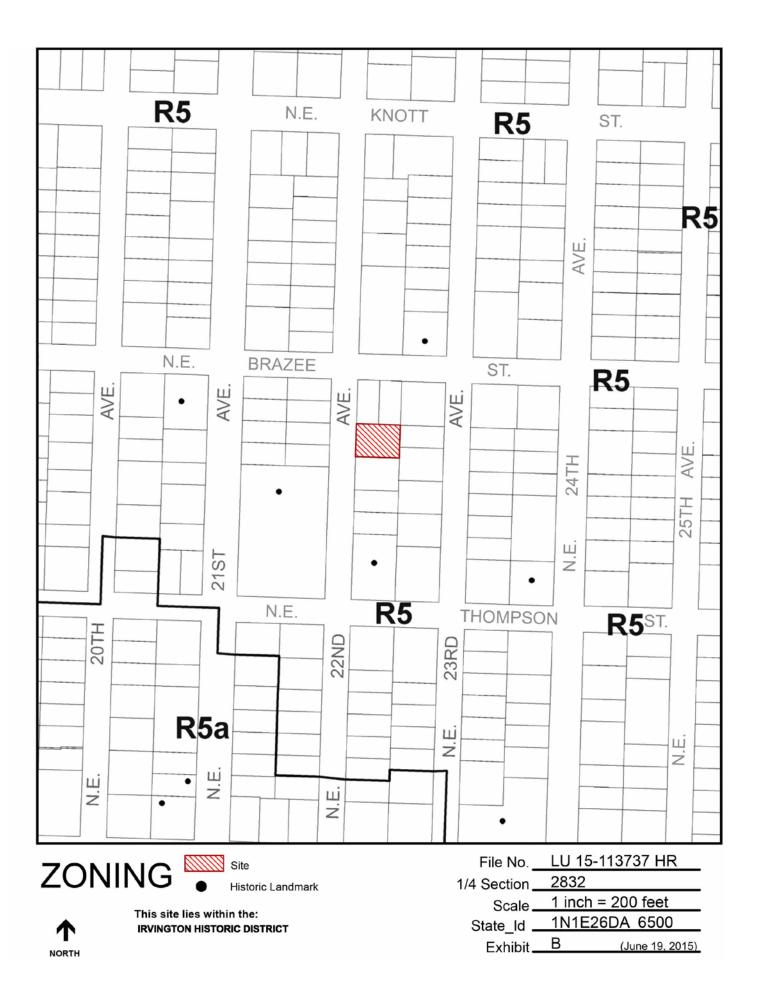
#### EXHIBITS

#### NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Existing Floor Plan
  - 3. Existing Elevations (attached)
  - 4. Existing Section and Door Detail (attached)
  - 5. Proposed Floor Plan (attached)
  - 6. Proposed Elevations (attached)
  - 7. Proposed Section and Door Detail (attached)
- F. Correspondence:

- 8. Typical Details
- 9. Door Section Details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Section of BDS
  - 2. Water Bureau
  - 3. Bureau of Environmental Services
  - 4. Bureau of Parks, Forestry Division
- 1. Dean Gisvold, Chair, Irvington Community Association Land Use Committee, May 5, 2015 objections to the scale, massing and height of the proposed addition to a contributing resource.
- G. Other:
  - 1. Original LU Application

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).



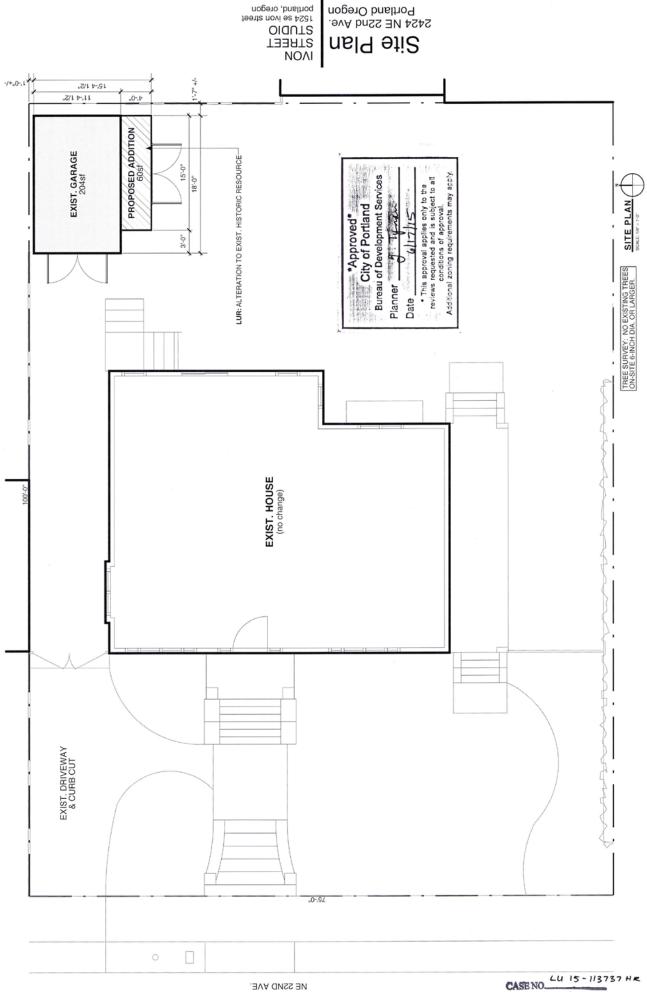
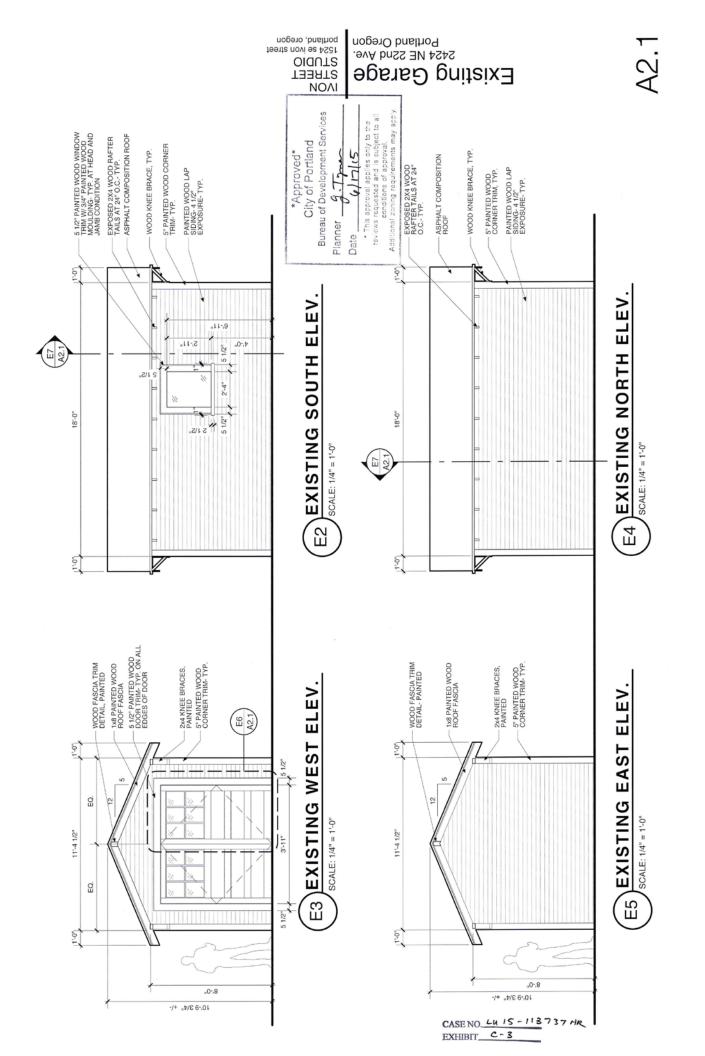
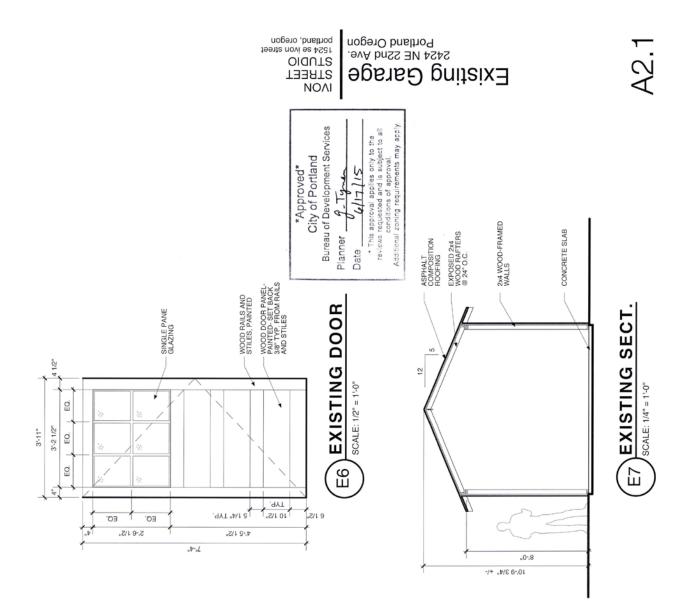
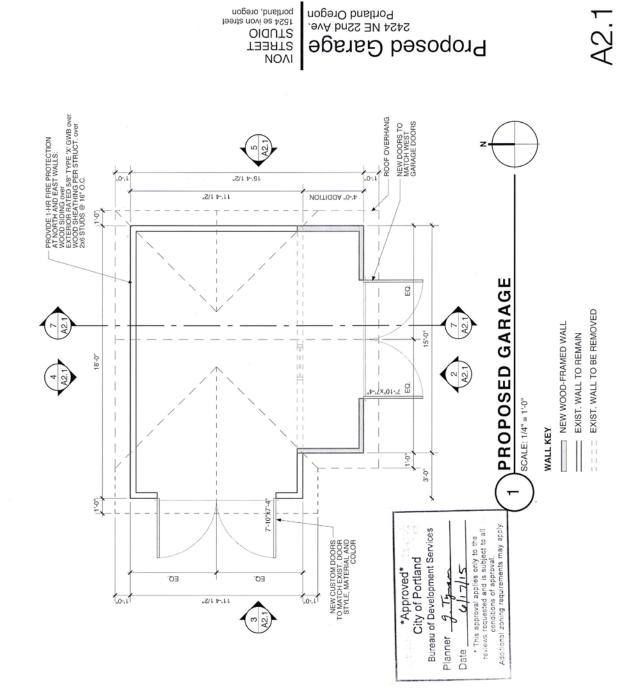
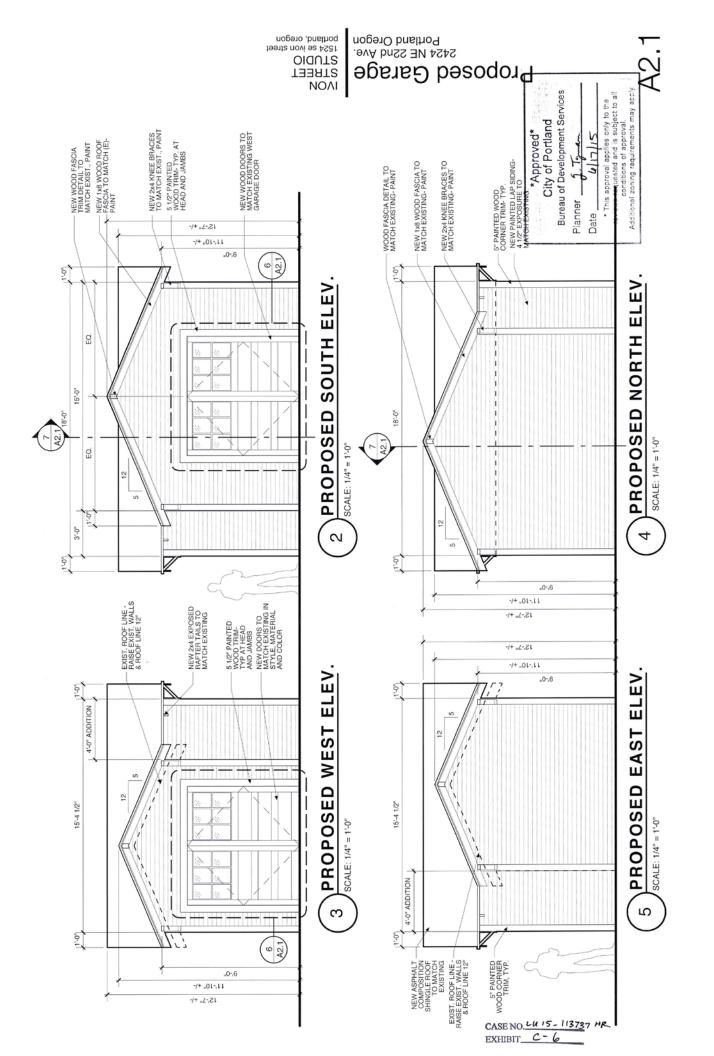


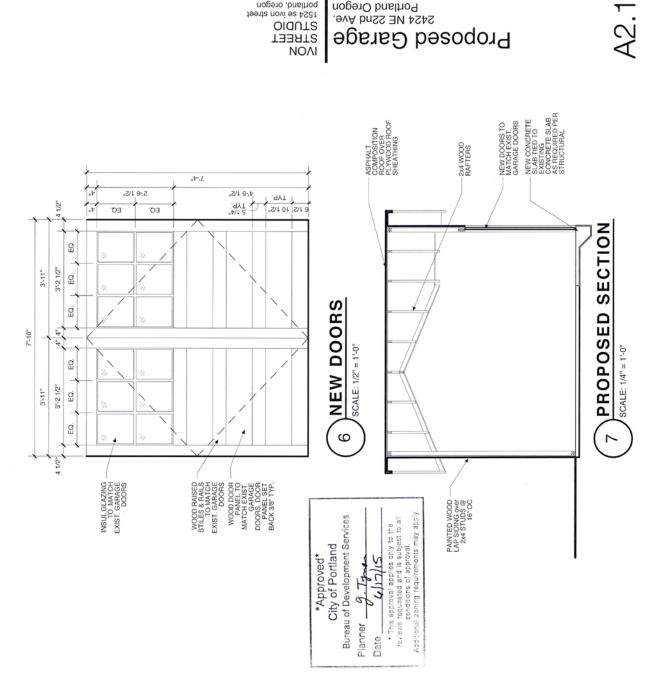
EXHIBIT C . 1











CASE NO. LU 15-113737 HR EXHIBIT C-7

1524 se ivon street portland, oregon NON NON

2424 NE 22nd Ave. Portland Oregon Proposed Garage