



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner  
Paul L. Scarlett, Director  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** May 4, 2015  
**To:** Interested Person  
**From:** Marguerite Feuersanger, Land Use Services  
503-823-7619 / [Marguerite.Feuersanger@portlandoregon.gov](mailto:Marguerite.Feuersanger@portlandoregon.gov)

## **NOTICE OF A TYPE I 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 <http://www.portlandonline.com/bds/index.cfm?c=46429>. 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 15-129156 HR**

#### **GENERAL INFORMATION**

**Applicant:** Chris Davis / Chris Davis Design  
3435 NE 45th Ave Suite H / Portland OR 97213

**Owners:** Stephen and Barbara Weber  
2442 NE 22nd Ave / Portland OR 97212-4812

**Site Address:** 2442 NE 22ND AVE

**Legal Description:** BLOCK 9 W 1/2 OF LOT 19&20, IRVINGTON  
**Tax Account No.:** R420401910  
**State ID No.:** 1N1E26DA 06300  
**Quarter Section:** 2832  
**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.

**District Coalition:** Northeast Coalition of Neighborhoods, contact [info@necoalition.org](mailto:info@necoalition.org)  
**Historic District:** Irvington  
**Zoning:** R5, Single Dwelling 5,000 Zone  
**Case Type:** HR, Historic Resource Review  
**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

#### **Proposal:**

The applicant seeks Historic Resource Review approval for exterior alterations to a house that is a contributing resource in the Irvington Historic District. The proposed work includes:

- Removing two double-hung windows on the east facade;
- Adding two new wood casement windows with 9 divided lites in new openings on the east facade;
- Repairing and replacing wood siding, stucco and wood trim in altered openings as required, matching existing material and profiles on the house.

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

**Approval Criteria:**

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

- 33.846 Historic Resource Review
- 33.846.060 G Other Approval Criteria

**ANALYSIS**

**Site and Vicinity:** The site is within the Irvington Neighborhood and Irvington Historic District. It is developed with a two-story Tudor Revival style house and detached garage. Designed and built by Robert B. Beat in 1925, the house features a stucco exterior with half timbering. The house and detached garage are identified as contributing resources in the National Register of Historic Places documentation for the Irvington Historic 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 within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

**Zoning:** The site and surrounding properties are located in an R5, Single-Dwelling Residential 5,000 zone. Single dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.

The Historic Resource Overlay zone 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.

**Public Notice:** A "Notice of Proposal in Your Neighborhood" was mailed April 9, 2015.

**Neighborhood Review:** Two written responses were received in response to the proposal:

Dean Gisvold on behalf of the Irvington Community Association sent a letter in support of the proposal. See Exhibit F-1.

Jane Stackhouse sent a letter stating she has no concerns about the project. See Exhibit F-2.

## **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 non-exempt 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.

**Findings:** The site is a corner lot – the two street-facing facades will be unaffected by this proposal. The house is designed to face the longer side street, NE Brazee. Affected historic materials include windows on the rear facade (east). While these windows do not face the street, they are visible from the adjacent sidewalk. Inherently, houses on corner lots are more exposed to public view. Because of these conditions, the house does not have a true "rear" yard where alterations would be out of public view.

Existing windows on the east façade that interrupt a horizontal trim board will be removed. Two new windows will be located under the trim board to align with other existing windows and provide a more balanced façade. The trim board and stucco will be repaired to match existing historic features. These changes are consistent with and support the historic character of the house.

New casement windows are proposed to replace the existing double hung windows. While double hung windows are a predominant feature of the house, casement windows exist on the west and south elevations. The proposal for casement windows therefore maintains the historic character. On balance the proposal meets the intent of this criterion because the listed resource is the historic district (as opposed to this individual property) and the changes, while visible from the street, are minor in character. *This criterion is 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.

**Findings:** The house's predominant window type is single or double-hung vertical windows with 6 divided lites above. Originally, the applicants proposed casement windows designed to replicate the original double-hung design, with 6 divided lites above a false rail. To better meet this approval criterion, new casement window design should reflect casement window function and therefore be differentiated from the historic double-hung windows. Casement design options that meet this criterion include casement with no division or a mullion pattern throughout the frame – such as 9 divided lites. While generally detailed to match the existing house, the new casement windows can be differentiated as new both by their materials and their

slightly uncharacteristic form. The owners are proposing a divided grid overall with 9 lites. *Therefore, this criterion is met.*

**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.

**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 & 10:** A relatively small area of the house (less than 150 square feet of the east facade) will be changed. While double-hung windows are prominent on the house, leaded casement windows are found on two facades.

The placement, size, and massing of the new casement windows are compatible with the house. Existing and proposed window details, however, show that the new casements will not match the depth of existing double-hung windows. Existing windows are recessed 4 inches from the exterior façade while the proposed casement windows are recessed only 2.7 inches. And as a consequence, the new sill is reduced in width from 7 inches to 4.1 inches. This is a result of the design of the casement itself and cannot be easily remedied to match the existing historic condition without significant alteration and cost to interior features. As such, the casement window design should be either divided throughout, or without division, following the function of the window.

Proposed casement windows, with 9 divided lites, are a compatible replacement option for the house. The proposal is successful in uniting the features of the affected façade. Given the construction constraints and resulting details cited above, new window design will be compatible with the house. *Therefore, 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 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 proposal to remove existing windows and replace them with casement windows satisfies this purpose. New window design be divided lites overall, resulting in a proposal that meets the applicable Historic Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

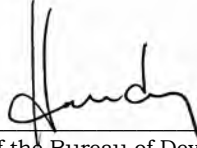
Approval of window alterations on a contributing resource in the Irvington Historic District that include the following:

- Removing two double-hung windows on the east facade;
- Adding two new wood casement windows with 9 divided lites overall, in new openings on the east façade;
- Repairing and replacing wood siding, stucco and wood trim in altered openings as required, matching exiting materials and profiles on the house.

Approval is per Exhibits C-1 through C-6, signed and dated April 27, 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-6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-129156 HR."

**Staff Planner: Marguerite Feuersanger**

**Decision rendered by:**  **on April 29, 2015.**

By authority of the Director of the Bureau of Development Services

**Decision mailed (within 5 days of dec.) May 4, 2015**

**Procedural Information.** The application for this land use review was submitted on March 5, 2015, and was determined to be complete on **April 7, 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 March 5, 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 did not waive or extend the 120-day review period.

**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.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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).

**Recording the final decision.**

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **May 5, 2015**. 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:

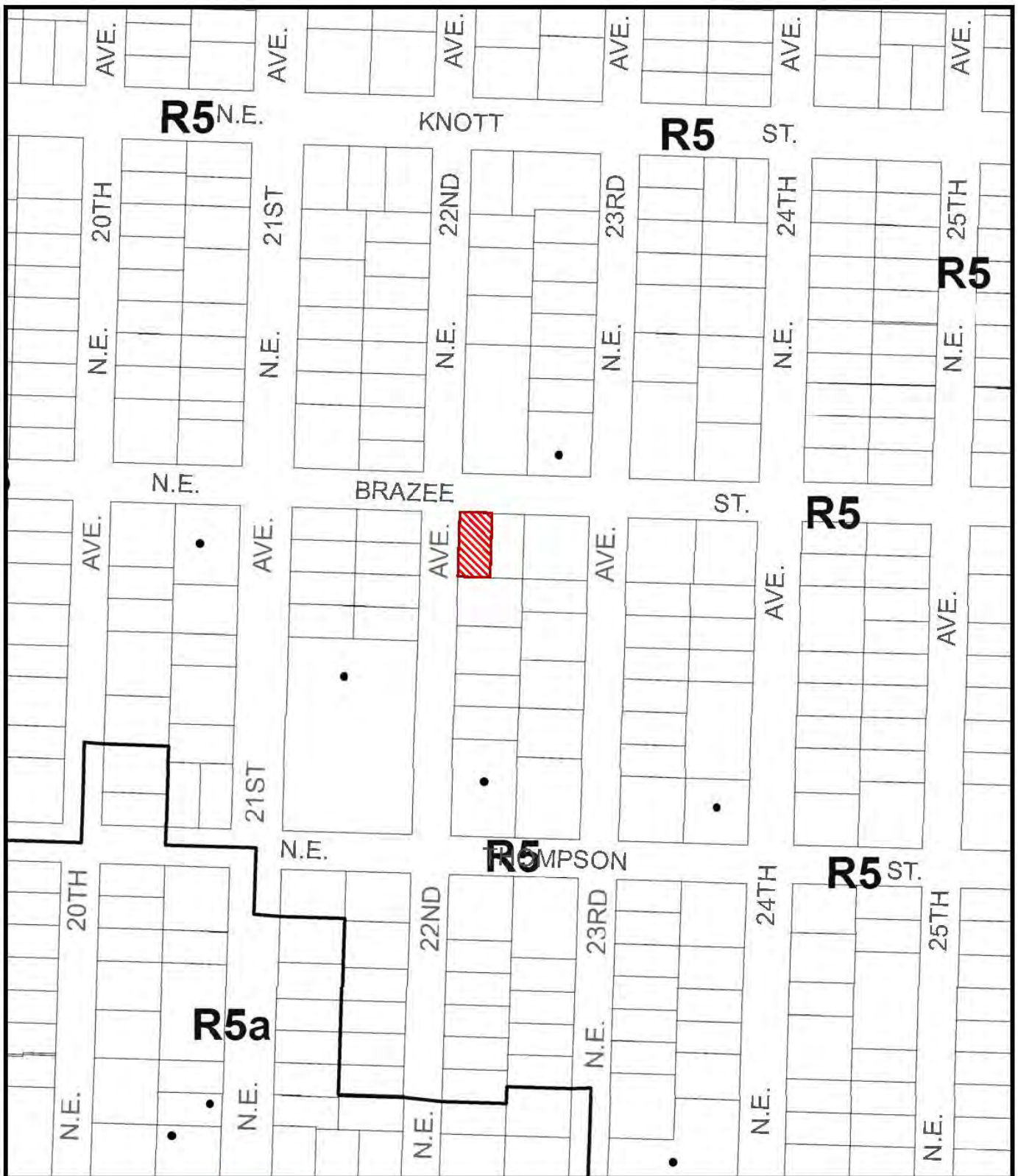
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Partial Main Floor Plan
  - 3. East Exterior Elevation (attached)
  - 4. Exterior Elevation at Proposed Casement Windows (attached)
  - 5. Existing and Proposed Window Sections
  - 6. Marvin Window Schedule
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Correspondence:
  - 1. Dean Gisvold, ICA Land Use Committee, letters dated March 27, 2015 and April 20, 2015
  - 2. Jane Stackhouse, letter dated April 11, 2015
- F. Other:
  - 1. Original LU Application
  - 2. Incomplete Application Letter to Applicant, March 18, 2015
  - 3. Supplemental Information and Photos from Applicant, April 7, 2015

**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



Historic Landmark



NORTH

This site lies within the:  
IRVINGTON HISTORIC DISTRICT

File No. LU 15-129156 HR  
 1/4 Section 2832  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E26DA 6300  
 Exhibit B (Mar 09,2015)



Development Services  
By *[Signature]* 4/28/15  
Planning Review

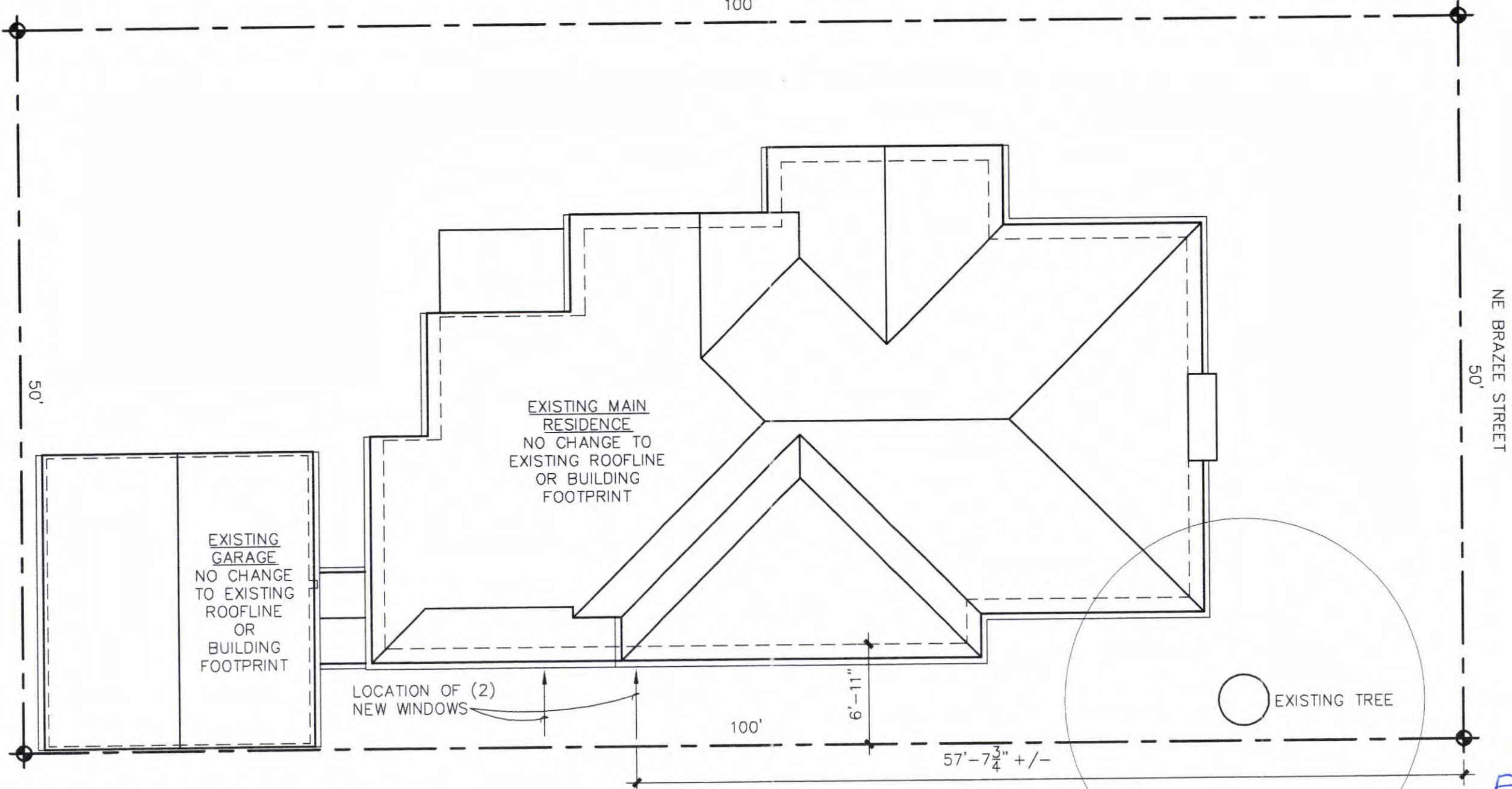


LAND USE REVIEW  
2442 NE 22ND AVE.  
PORTLAND, OR 97212  
WEBER RESIDENCE  
3-4-15

CHRIS DAVIS DESIGN  
ARCHITECTURE & INTERIORS

3435 NE 45th AVENUE, SUITE H • PORTLAND, OREGON 97213 • 503-281-5282

NE 22ND AVENUE  
100'



1 SITE PLAN / ROOF PLAN  
1 SCALE: 1/8" = 1'-0"



NE BRAZEE STREET  
50'

EXHIBIT C-1  
15.129156 HR

W 15-129156 HR



City of Portland  
Bureau of  
Development Services  
By *[Signature]* Date 4/28/15  
Approved by  
Planning & Zoning Review



LAND USE REVIEW  
2442 NE 22ND AVE.  
PORTLAND, OR 97212  
WEBER RESIDENCE  
3-4-15

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3435 NE 45th AVENUE, SUITE H • PORTLAND, OREGON 97213 • 503-281-5282

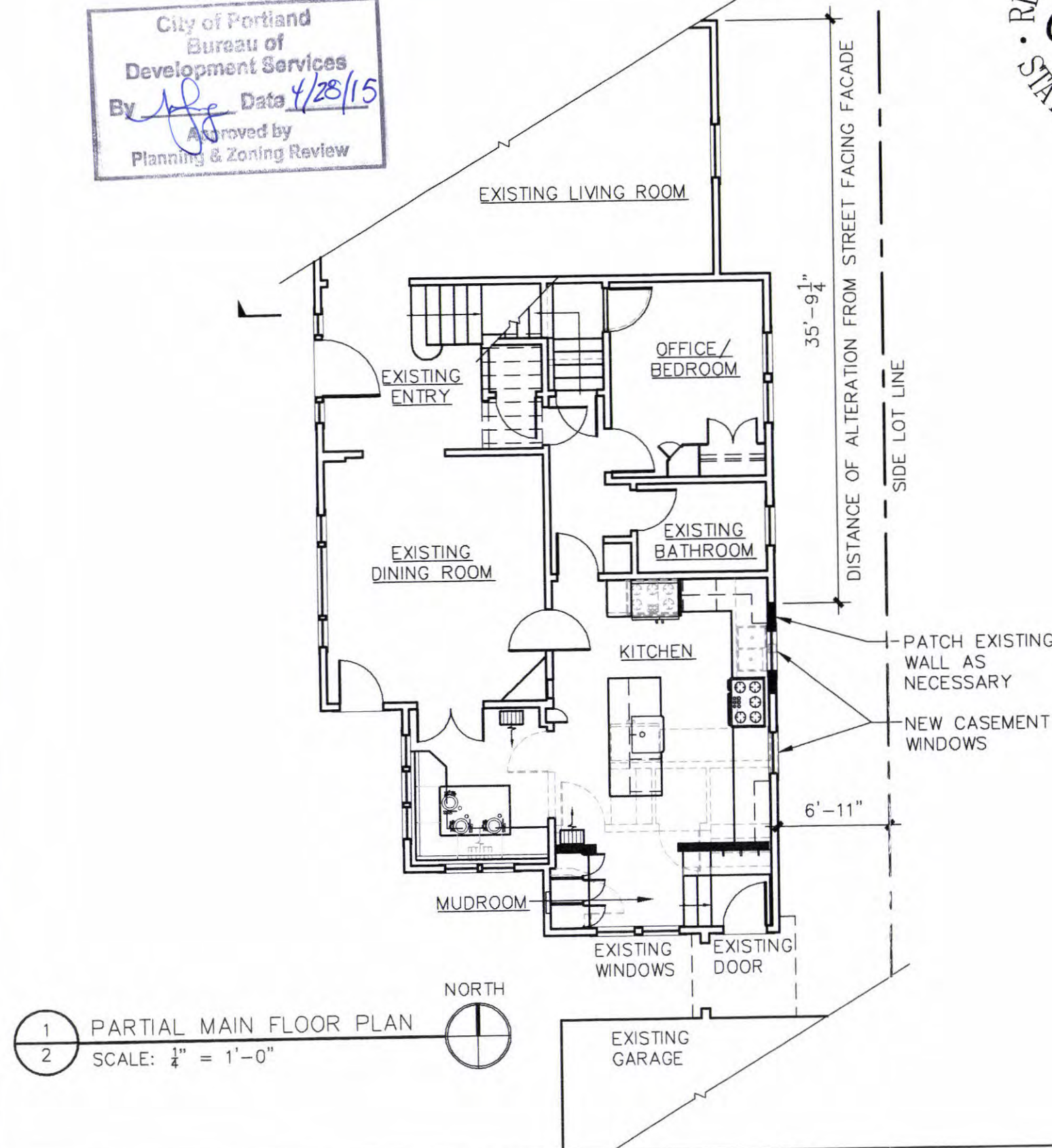
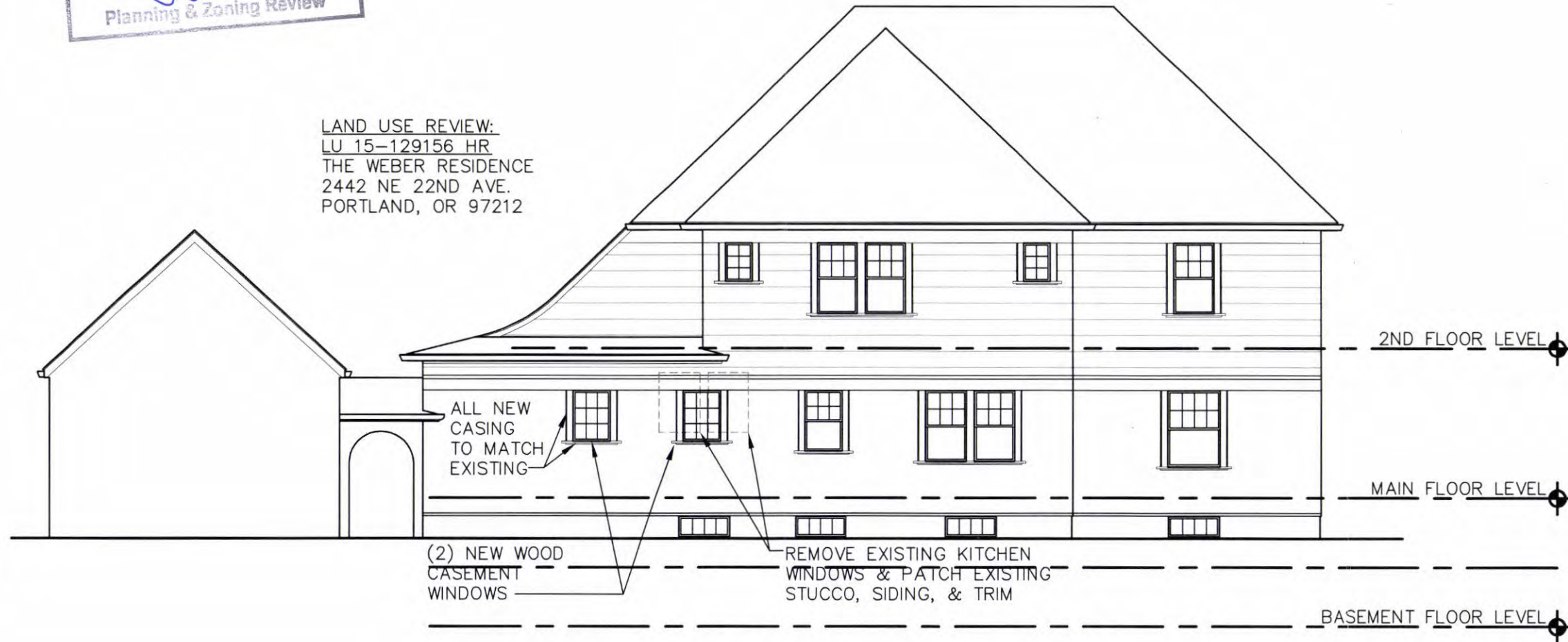


EXHIBIT C.2



LAND USE REVIEW:  
LU 15-129156 HR  
THE WEBER RESIDENCE  
2442 NE 22ND AVE.  
PORTLAND, OR 97212

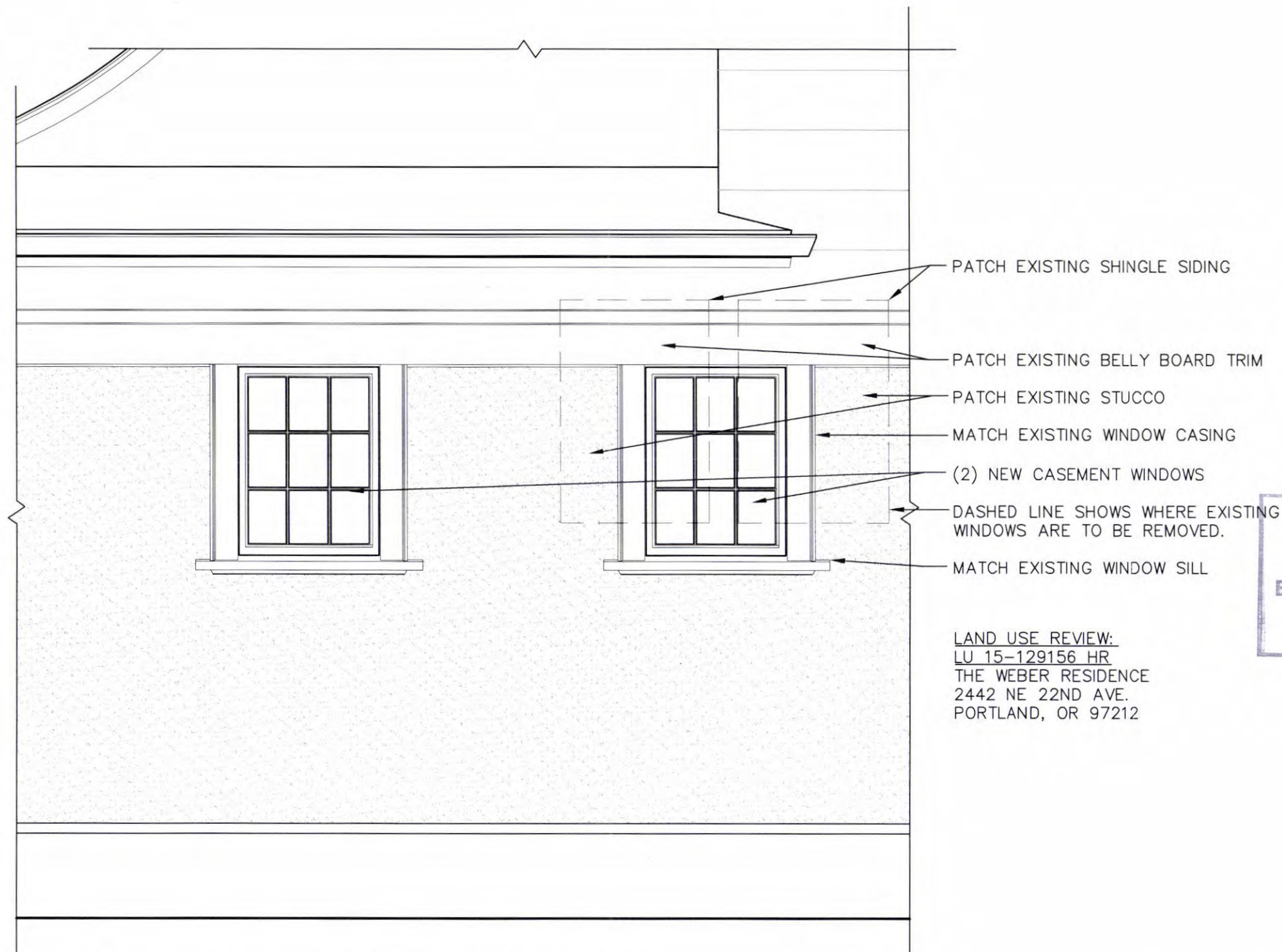


1 EAST EXTERIOR ELEVATION - SHORTER WINDOW WITH 9 DIVIDED LITES  
3 SCALE:  $\frac{1}{8}$ " = 1'-0"

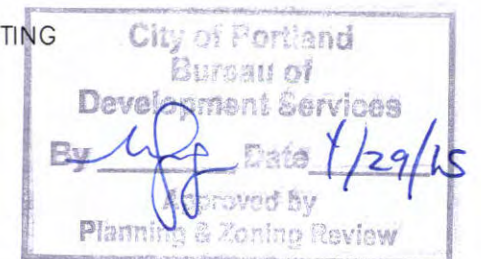
rec. 4/29/15

EXHIBIT C-3  
15-129156 HR





LAND USE REVIEW:  
 LU 15-129156 HR  
 THE WEBER RESIDENCE  
 2442 NE 22ND AVE.  
 PORTLAND, OR 97212



EXTERIOR ELEAVATION @ PROPOSED CASEMENT WINDOWS

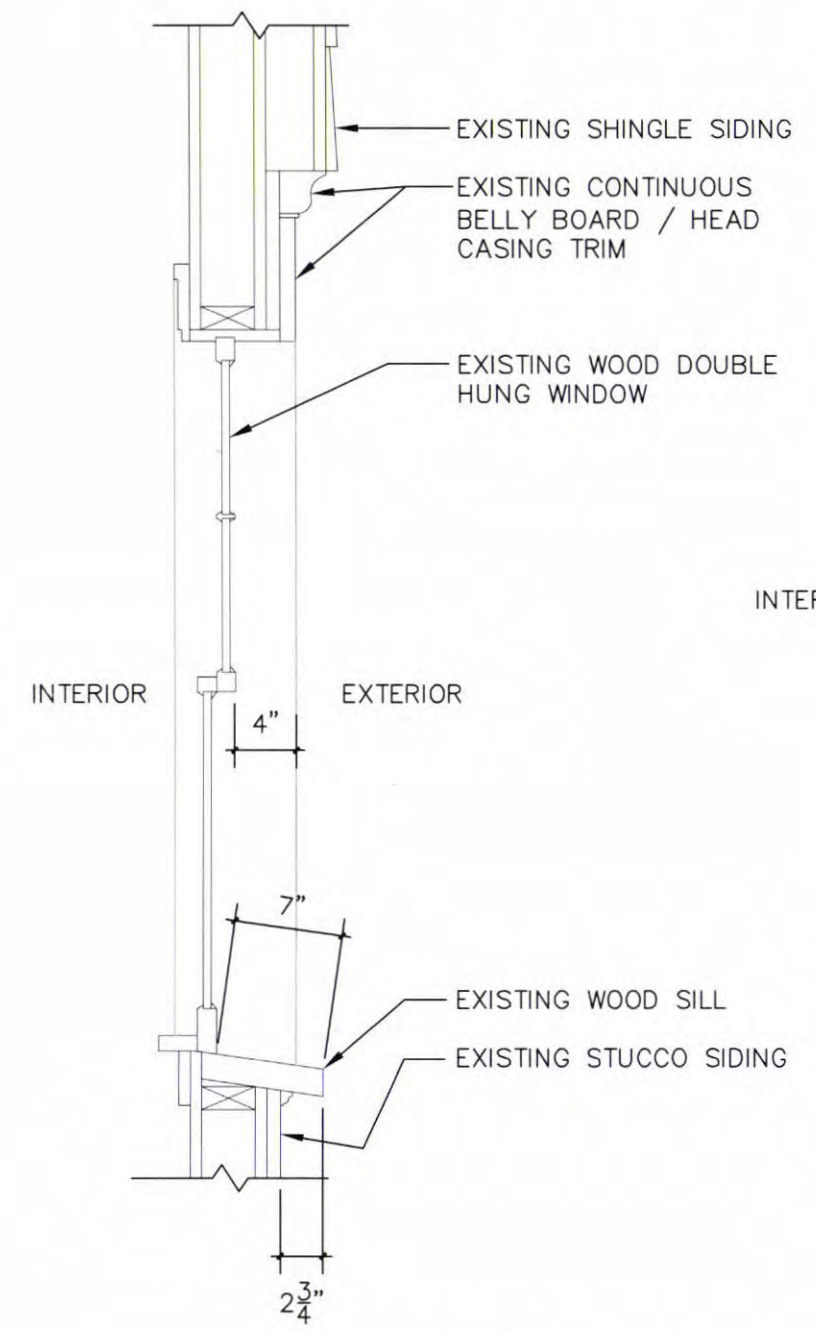
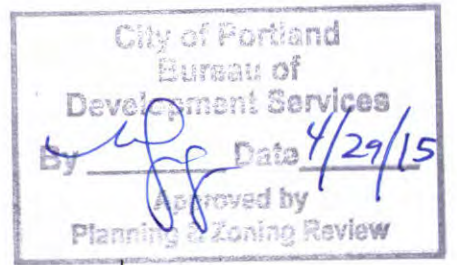
SCALE:  $\frac{1}{2}$ " = 1'-0"

rec. 4/29/15

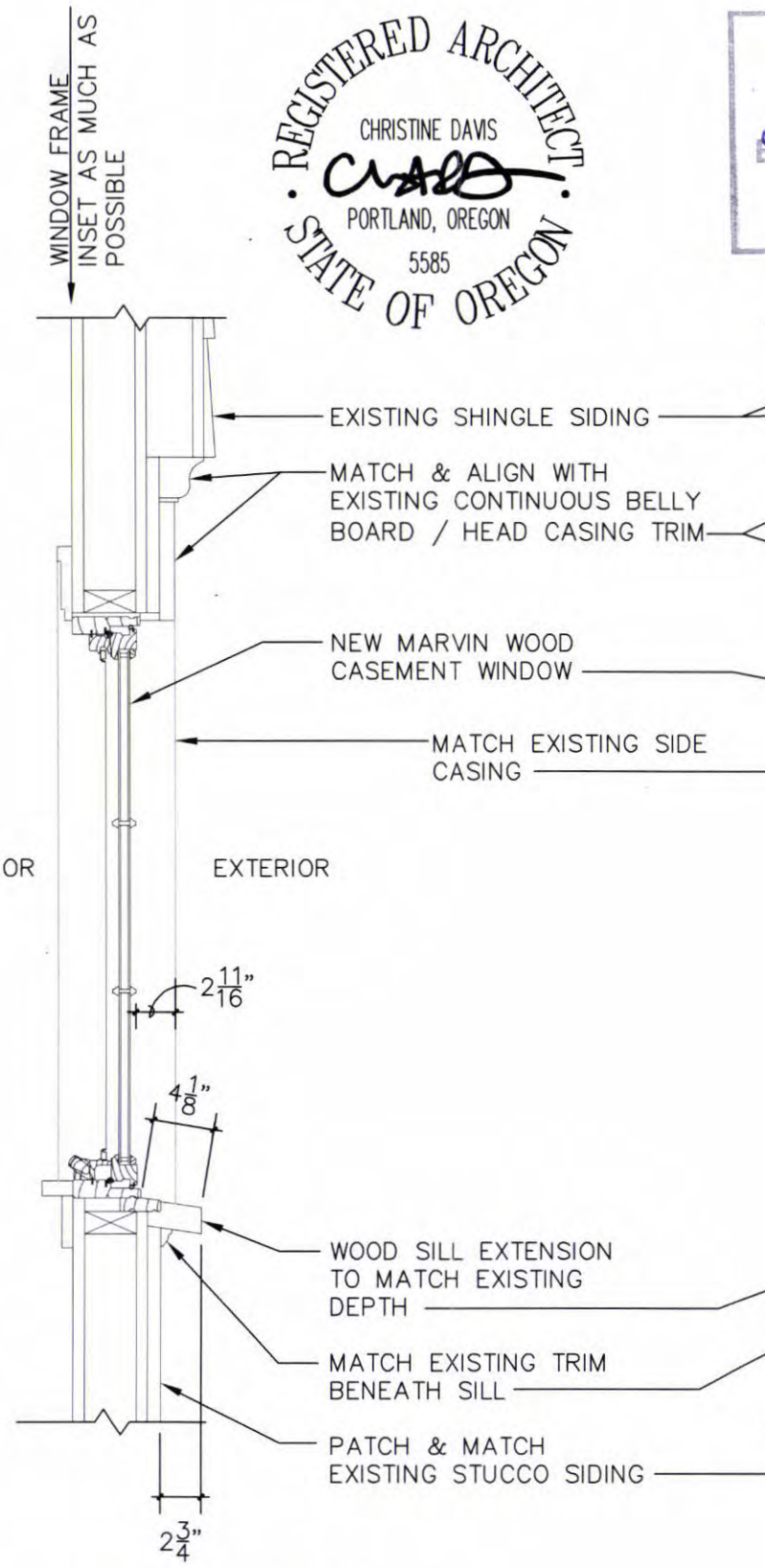
EXHIBIT C-4  
 15-129156 HR



LAND USE REVIEW: LU  
15-129156 HR  
THE WEBER RESIDENCE  
2442 NE 22ND AVE.  
PORTLAND, OR 97212

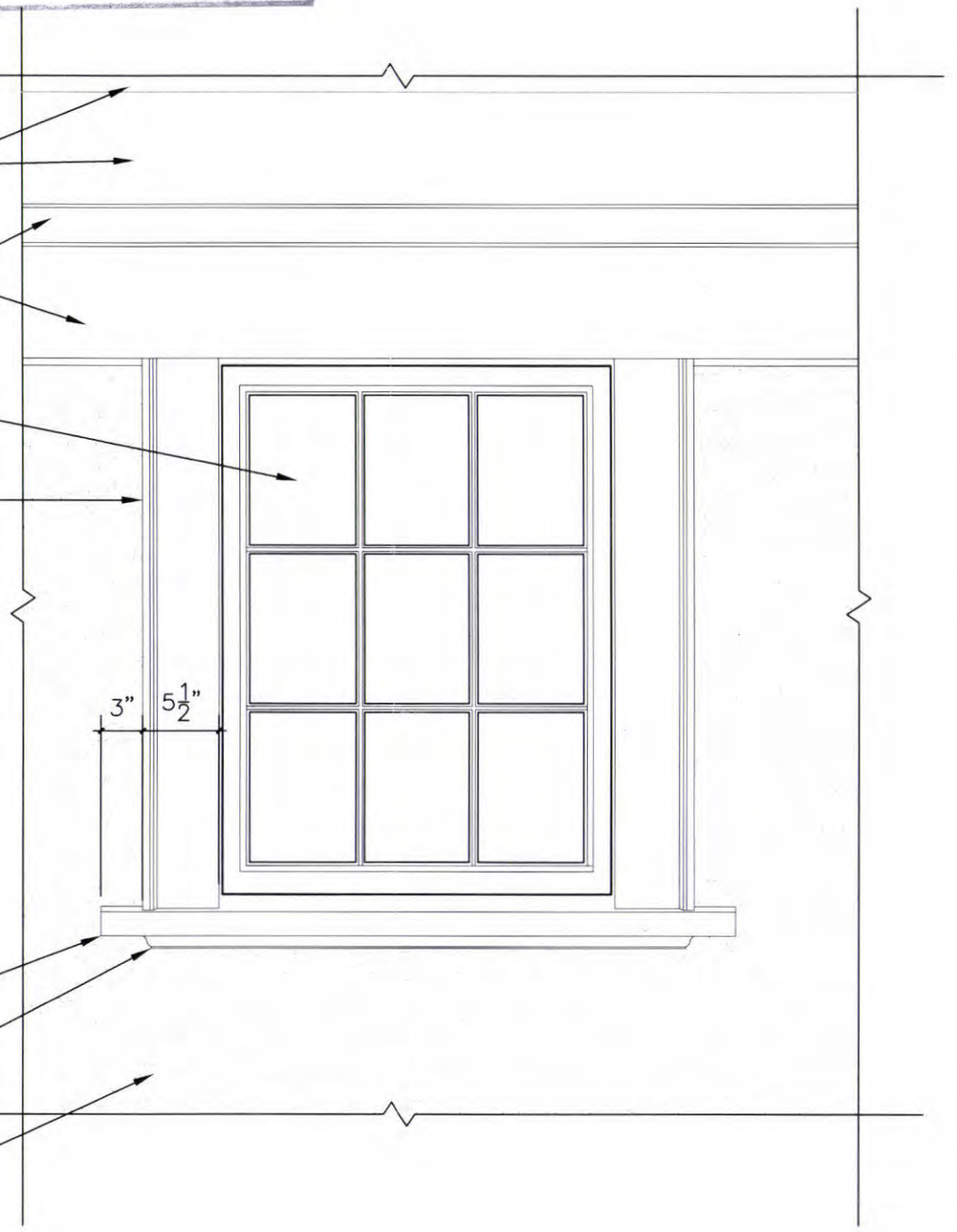


EXISTING DOUBLE HUNG WINDOW SECTION  
SCALE: 1" = 1'-0"



PROPOSED CASEMENT WINDOW SECTION  
SCALE: 1" = 1'-0"

rec. 4/29/15



PROPOSED CASEMENT WINDOW EXTERIOR ELEVATION  
SCALE: 1" = 1'-0"

WINDOW SECTIONS

EXHIBIT C-5  
15-129156 HR

# Weber Residence Design Options

Quote #: SU27GV3

**Shipping Address:**  
VERSATILE WOOD PRODUCTS LLC  
2303 N RANDOLPH AVE  
PORTLAND, OR 97227

**Featuring products from:**



GERALD WIENS  
VERSATILE WOOD PRODUCTS LLC  
2303 N RANDOLPH AVE  
PORTLAND, OR 97227  
Phone: (503) 238-6403

Email: gerald@versatilewp.com

This report was generated on 4/29/2015 7:37:21 PM using the Marvin Order Management System, version 0002.02.01 (Current). Price in USD. Unit availability and price are subject to change. Dealer terms and conditions may apply.

## LINE ITEM QUOTES

Additional charges, tax or Terms and Conditions may apply. Detail pricing is per unit.

Line #1	Mark Unit:	Net Price:	1,603.80
Qty: 1		Ext. Net Price:	USD 1,603.80



As Viewed From The Exterior

**CN 3040**  
**FS 30" X 40 1/16"**  
**RO 31" X 40 9/16"**  
**Egress Information**  
Width: 22 57/64" Height: 32 23/32"  
Net Clear Opening: 5.20 SqFt  
**Performance Information**  
U-Factor: 0.28  
ENERGY STAR: N, NC, SC, S  
Solar Heat Gain Coefficient: 0.25  
Condensation Resistance: 59  
Visible Light Transmittance: 0.43  
CPD Number: MAR-N-347-02806-00001

Bare VGR Douglas Fir Exterior  
Bare VGR Douglas Fir Interior  
Wood Ultimate Casement - Left Hand  
CN 3040  
Rough Opening w/ Subsill  
31" X 40 9/16"  
Frame Size w/ Subsill  
30" X 40 1/16"  
Bare VGR Douglas Fir Sash Exterior  
Bare VGR Douglas Fir Sash Interior  
IG - 3/4 in  
Low E2 w/Argon  
Black Perimeter and Spacer Bar  
5/8" SDL - With Spacer Bar - Black  
Rectangular - Standard Cut 3W3H  
Bare VGR Douglas Fir Ext - Bare VGR Douglas Fir Int  
Ogee Interior Glazing Profile  
Standard Bottom Rail  
White Weather Strip  
Polished Chrome Folding Handle  
\*\*\*Handles/Covers Ship Loose  
Polished Chrome Multi - Point Lock  
Aluminum Screen  
Charcoal Fiberglass Mesh  
White Surround  
\*\*\*Screen/Combo Ship Loose  
Solid Wood Covers  
4 9/16" Jambs  
Exterior Casing - None  
Bare VGR Douglas Fir Simulated Thick Subsill  
6" Long Sill Horns  
Loose Installation Brackets

EXHIBIT C-6

15-129156 HR  
P 1 of 2

rec. 4/30/15



Line #2	Mark Unit:	Net Price:		1,603.80
Qty: 1		Ext. Net Price:	USD	1,603.80



Built around you.



As Viewed From The Exterior

CN 3040

FS 30" X 40 1/16"

RO 31" X 40 9/16"

**Egress Information**

Width: 22 57/64" Height: 32 23/32"

Net Clear Opening: 5.20 SqFt

**Performance Information**

U-Factor: 0.28

ENERGY STAR: N, NC, SC, S

Solar Heat Gain Coefficient: 0.25

Condensation Resistance: 59

Visible Light Transmittance: 0.43

CPD Number: MAR-N-347-02806-00001

Bare VGR Douglas Fir Exterior  
Bare VGR Douglas Fir Interior  
Wood Ultimate Casement - Right Hand  
CN 3040  
Rough Opening w/ Subsill  
31" X 40 9/16"  
Frame Size w/ Subsill  
30" X 40 1/16"  
Bare VGR Douglas Fir Sash Exterior  
Bare VGR Douglas Fir Sash Interior  
IG - 3/4 in  
Low E2 w/Argon  
Black Perimeter and Spacer Bar  
5/8" SDL - With Spacer Bar - Black  
Rectangular - Standard Cut 3W3H  
Bare VGR Douglas Fir Ext - Bare VGR Douglas Fir Int  
Ogee Interior Glazing Profile  
Standard Bottom Rail  
White Weather Strip  
Polished Chrome Folding Handle  
\*\*\*Handles/Covers Ship Loose  
Polished Chrome Multi - Point Lock  
Aluminum Screen  
Charcoal Fiberglass Mesh  
White Surround  
\*\*\*Screen/Combo Ship Loose  
Solid Wood Covers  
4 9/16" Jambs  
Exterior Casing - None  
Bare VGR Douglas Fir Simulated Thick Subsill  
6" Long Sill Horns  
Loose Installation Brackets

Project Subtotal Net Price: USD	3,207.60
0.000% Sales Tax: USD	0.00
Project Total Net Price: USD	3,207.60