



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner  
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**Date:** March 11, 2016  
**To:** Interested Person  
**From:** Puja Bhutani, Land Use Services  
503-823-7226 / [Puja.Bhutani@portlandoregon.gov](mailto:Puja.Bhutani@portlandoregon.gov)

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

The Bureau of Development Services has a approved proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision 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 16-107530 HR – NEW ACCESSORY DWELLING UNIT**

#### **GENERAL INFORMATION**

**Applicant:** Jack Barnes  
Jack Barnes Architect, PC  
615 SE Alder Street, #304  
Portland, OR 97214  
  
Daniel M Weston  
2614 NE 17th Avenue  
Portland, OR 97212-4240

**Site Address:** 2614 NE 17TH AVENUE  
**Legal Description:** BLOCK 47 LOT 17, IRVINGTON  
**Tax Account No.:** R420410400  
**State ID No.:** 1N1E26AC 15600  
**Quarter Section:** 2732  
**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 Lokyee Au at 503-388-9030.  
**Other Designations:** Contributing Resource in the Irvington Historic District  
**Zoning:** R5, Single-Dwelling Residential, 5000  
**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 is proposing a new 375 sqft Accessory Dwelling Unit (ADU) in the Irvington Historic District. The ADU is located in the rear south-east corner of the property and is 3

feet from the south and east property lines, within the required building setbacks. It will replace an existing non-contributing detached shed that is built with zero lot line setbacks along both south and east property lines. The proposal includes:

- ADU roof pitch, shape and style will match that of the existing house. Carved rafter trails will flare out at a shallow pitch, similar to that of the main house. The roof overhang will be 15 inches, and fire-rated rafter tails are provided as they are located 1'-9" from the property line.
- Wood windows and door.
- Cedar siding will be used with the same profile and exposure as the main existing house.

Site improvements include a new 6 feet high wood privacy fence along parts of the south and east property lines, to be aligned with the existing wood fence.

The proposed ADU is allowed within the 5 feet setbacks as it meets all the standards of the revised Detached Accessory Structures chapter 33.110.250.C.b.

Historic design review is required because the proposal is for non-exempt new construction in the Irvington Historic District.

**Relevant Approval Criteria:**

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

- 33.846 Historic Resource Review
- 33.846.060G Other Approval Criteria

## ANALYSIS

**Site and Vicinity:** The subject property has the historical name of W.J. Holman House, a contributing structure within the Irvington Historic District. The house is a 2.5-story (including attic), craftsmen style house with wood shingle siding, and it was built in 1913. The house has a hipped roof with a full front porch. The site has an existing non-contributing shed built right to the south and east property lines. The site is located on the rectangular block bounded by NE 17<sup>th</sup> Avenue to the west, NE Knott Street to the north, NE 18th Avenue to the east, and NE Knott Street to the north.

The immediate neighborhood contains a collection of predominantly single-dwelling homes with detached garages. As in other parts of the neighborhood, styles vary and include, among other styles, Craftsman, Foursquare, Arts & Crafts, colonial revival styles, and Prairie Style homes. There is a small retail center within two blocks at the corner of NE 15<sup>th</sup> Ave & Brazee St, and Irvington Elementary School is yet two blocks farther west along NE Brazee.

**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 no prior land use reviews for this site.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **February 16, 2016**. Bureau response was not required for this proposal.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **February 16, 2016**. Three (3) written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Timothy Mitchell, 2625 NE 18<sup>th</sup> Avenue, 2/23/2016; wrote to inquire if the review process addressed concerns regarding impacts of the removal of the garage on an original concrete wall on the adjacent property on the east. Please refer to Exhibit F1 for more details.

Staff response: The applicant is entitled to develop their property. However, staff encouraged the neighbor to contact the applicant to coordinate the stability of the concrete wall during demolition of the shed.

2. David Morton, 2627 NE 17<sup>th</sup> Avenue, 2/28/2016; was concerned that the increased street parking requirements would adversely affect the neighborhood character. They also stated that the process for changing ADU standards were not transparent and afforded insufficient opportunities for public comment. Please refer to Exhibit F2 for more details.

Staff response: On-site parking is not required for Accessory Dwelling Units as per 33.205.040.C.2. The Accessory Structures Zoning Code Update was approved after a comprehensive outreach effort. The opportunities for involvement are briefly itemized below, but can be reviewed in greater detail at [Accessory Structures Zoning Code Update Discussion Draft](#).

- The Bureau of Planning and Sustainability (BPS) staff worked with a focus group to review and discuss the issues while developing the initial concepts of these code amendments. Their experience and input helped staff to create a set of amendments for public review.
- The *Accessory Structures Zoning Code Update Discussion Draft* was released to the public on June 9, 2015. During the 7 week public review period staff presented the project to the land use/transportation subcommittees of the District Neighborhood Coalition offices, as well as the Citywide Land Use Group. Staff also presented the proposal to building groups including the Oregon Remodelers Association, the Development Review Advisory Committee (DRAC) and a class on accessory dwellings units.
- On July 9, staff held a Project Open House which was attended by approximately 20 members of the public.
- The Planning and Sustainability Commission (PSC) held a public hearing on September 22<sup>nd</sup> on the staff proposal.
- On November 12 the Portland City Council held a public hearing on the Planning and Sustainability Commission's recommendations

- On Wednesday, Dec. 2, 2015, Portland City Council voted 4-1 to accept the Planning and Sustainability Commission's recommendation on the Accessory Structures Zoning Code Update project without any amendments.
- 3. Dean Gisvold, ICA Land Use Committee, 2/27/2016; wrote with no objections to the proposal. Please refer to Exhibit F3 for more details.

## **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.
- 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.
- 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.
- 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.
- 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.

**Findings for 1, 2, 3, 4, 5, 7 & 9.** The proposal is to demolish an existing detached shed in the south-east corner of the site. The shed is a non- contributing resource

and its removal will have no impact on the historic character of the property or the primary resource. No historical material is being removed from the site, and no alterations are proposed for the residence, which is the primary contributing resource on the site.

**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:** The proposed ADU is located in roughly the same area as the existing shed, but has been setback 3 feet from the south and east property lines. It will be only partially visible from NE 17<sup>th</sup> Avenue as it is screened by the existing house. At a size of 346 square feet, the proposed ADU will only be slightly larger than the structure that it is replacing (305 interior square feet). The ADU is proposed to be clad and constructed in a compatible architectural character, with materials similar to the main house. The roof shape, pitch, and style will match the house. All windows and doors will be trimmed out to match the existing residence. Window openings in the proposed ADU have been designed to match the proportion and style of windows in the main home, and will be installed within similar wall depths to maintain consistent shadow lines and detailing. Exterior trim & moulding details (e.g. horizontal trim band) are designed to match the current house details. Wood windows and doors will be used to match those used originally on the house. Carved rafter tails will flare out at a shallow pitch as on the main house, but will have a shorter extension and be of 3-by lumber instead of 4-by widths to be more in proportion with the smaller ADU. Cedar siding will be used with the same profile and exposure as on the existing home. The proposed ADU is compatible with the massing, size, scale, materials and architectural features of the original resource, adjacent properties and the rest of the district. *These criteria are therefore 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 proposed ADU has been designed to be compatible with the massing, size, scale, materials and architectural features of the original resource, adjacent properties and the rest of the district. Windows, doors, and eave details will match the proportions, details and profiles of those on the primary resource. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of new 375 sqft Accessory Dwelling Unit (ADU) in the in the rear south-east corner of the property. The proposed ADU is allowed within the required 5 feet setbacks, and is 3 feet from the south and east property lines. It will replace an existing non-contributing


detached shed that is built with zero lot line setbacks along both south and east property lines. The proposal includes:

- ADU roof pitch, shape and style will match that of the existing house. Carved rafter trails will flare out at a shallow pitch, similar to that of the main house. The roof overhang will be 15 inches, and fire-rated rafter tails are provided as they are located 1'-9" from the property line.
- Wood windows and door.
- Cedar siding will be used with the same profile and exposure as the main existing house.
- Site improvements include a new 6 feet high wood privacy fence along parts of the south and east property lines, to be aligned with the existing wood fence.

Approved, per the approved site plans, Exhibits C-1 through C-11, signed and dated 3/4/2016, 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.11. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-107530 HR."

**Staff Planner: Puja Bhutani**

**Decision rendered by:**  **on (March 4, 2016.)**  
By authority of the Director of the Bureau of Development Services

**Decision mailed (within 5 days of dec.) March 11, 2016**

**Procedural Information.** The application for this land use review was submitted on January 13, 2016, and was determined to be complete on **January 26, 2016.**

*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 13, 2016.

*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 **March 11, 2016**. 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 503-823-7617.

**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

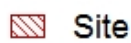
- A. Applicant's Statement
  - 1. Original narrative
  - 2. Revised narrative, received 2/8/16
  - 3. Original plan set before revisions – NOT APPROVED/reference only
  - 4. Manufacturers Cut sheets
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan
  - 2. Proposed site plan (attached)
  - 3. ADU Floor and Roof Plan
  - 4. North and West Elevation (attached)
  - 5. South and East Elevation (attached)
  - 6. Window Details
  - 7. Door Details
  - 8. Fire rated overhang details
  - 9. ADU perspective
  - 10. Existing house, North and West Elevations
  - 11. Existing house, South and East Elevations
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: None
- F. Correspondence:
  - 1. Timothy Mitchell, 2625 NE 18<sup>th</sup> Avenue, 2/23/2016; wrote to inquire if the review process addressed concerns regarding impacts of the removal of the garage on an original concrete wall in the adjacent property on the east.
  - 2. David Morton, 2627 NE 17<sup>th</sup> Avenue, 2/28/2016; was concerned about the increased street parking requirements would adversely affect the neighborhood character. They also stated that the process for changing ADU standards were not transparent and afforded insufficient opportunities for public comment.
  - 3. Dean Gisvold, ICA Land Use Committee, 2/27/2016; wrote with no objections to the proposal.
- G. Other:
  - 1. Original LU Application
  - 2. Oregon Historic Site Record
  - 3. Site photographs
  - 4. Modification Refund request form
  - 5. Re-notification Refund request form.

**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



• Historic Landmark

This site lies within the:  
IRVINGTON HISTORIC DISTRICT

File No.	<u>LU 16-107530 HR</u>
1/4 Section	<u>2732</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E26AC 15600</u>
Exhibit	<u>B</u> (Feb 12, 2016)

JACK BARNES  
ARCHITECT

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Portland, Oregon 97214

T 503.232.4620

jack@jackbarnesarchitect.com  
www.jackbarnesarchitect.com

\*Approved\*  
City of Portland  
@MABLE Development Services  
TREES  
Planner *W*  
Date *3/4/16*  
This approval applies only to the  
review requested and is subject to all  
revenue conditions of approval.  
As to other conditions, the applicant may apply.

Weston-Theriault  
ADU  
2614 NE 17th Avenue  
Portland, OR 97212

client:  
Dan Weston & Catherine Theriault  
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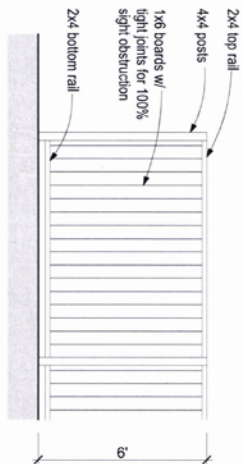
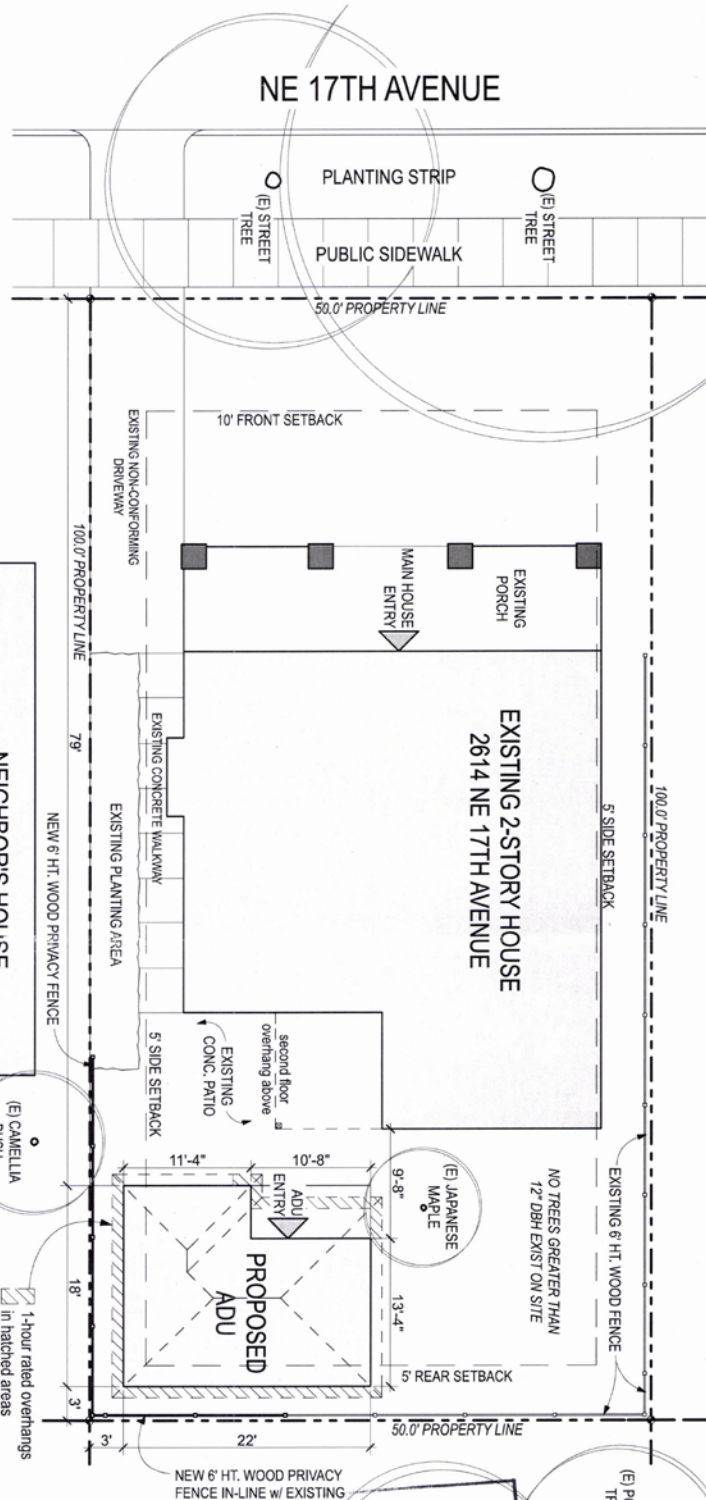


Proposed Site  
Plan

HR-2

Plotted On: 2/8/16

EXHIBIT C-2



FENCE DETAIL

SCALE: 1/4" = 1'-0"

PROPOSED SITE PLAN

SCALE: 1" = 10'



jack@jackbarnesarchitect.com  
www.jackbarnesarchitect.com

\* This approval applies only to the reviews requested and is subject to a conditions of approval.

2614 NE 17th Avenue  
Portland, OR 97212

Plotted On: 2/8/16

SCALE: 1/4" = 1'-0"

**JACK BARNES  
ARCHITECT**

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**\*Approved\***  
City of Portland  
Bureau of Development Services  
Planner *plm*  
Date *3/4/16*

\* This approval applies only to the  
reviews requested and is subject to  
conditions of approval.  
Additional zoning requirements apply.

2614 NE 17th Avenue  
Portland, OR 97212

client:  
Dan Weston & Catherine Theriault  
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Elevations

**HR-5**

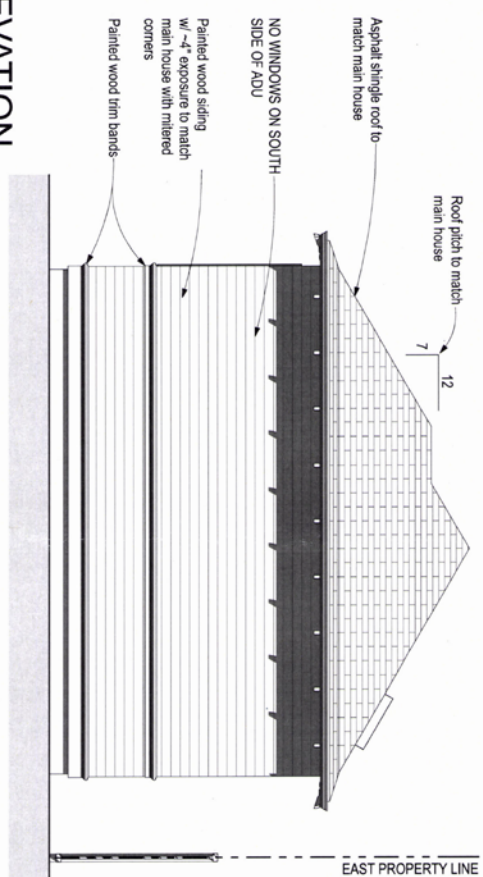
Plotted On: 2/8/16

EXHIBIT C5

**1**

**SOUTH ELEVATION**

SCALE: 1/4" = 1'-0"



**2**

**EAST ELEVATION**

SCALE: 1/4" = 1'-0"

