



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

Dan Saltzman, Commissioner  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** July 11, 2016  
**To:** Interested Person  
**From:** Megan Sita Walker, Land Use Services  
503-823-7294 / [MeganSita.Walker@portlandoregon.gov](mailto:MeganSita.Walker@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 16-105696 HR – ATTACHED GARAGE TO ADU CONVERSION**

#### **GENERAL INFORMATION**

**Applicant:** Jamie M Elsbury  
3142 NE 20th Ave  
Portland, OR 97212

**Owners:** Jamie M Elsbury & Nicholas D Nunley  
3142 NE 20th Ave  
Portland, OR 97212

**Site Address:** 3142 NE 20TH AVE

**Legal Description:** BLOCK 27 LOT 15, IRVINGTON  
**Tax Account No.:** R420405880  
**State ID No.:** 1N1E26AA 10600  
**Quarter Section:** 2723

**Neighborhood:** Sabin Community Assoc., contact Rachel Lee at 503-964-8417, 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 Zena Rockowitz at 503-388-5070.

**Plan District:** None

**Other Designations:** Contributing property in the Irvington Historic District

**Zoning:** R5 – Residential 5,000  
**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 seeking Historic Resource Review approval to convert an existing attached garage (with one bedroom above) into living space.

The original house is a bungalow with shake siding, built in 1922, and is a contributing property in the Irvington Historic District. In 1955, an attached double garage with a bedroom above it was added to the rear of the house.

All proposed alterations are to the east and south facades, facing rear and side property lines, and are limited to the previous addition at the rear of the property. No alterations are proposed to the street facing (west) façade, and no historic material is proposed to be altered. On the south façade of the addition, the existing 16'-10" wide by 7'-8" tall roll-up garage door is proposed to be replaced with 3 wooden French doors (one operable and two fixed) that together are approximately 11' wide and 7'-6" tall. The remaining portion of the south façade will be infilled and patched to match the all-wood shake siding on the addition, which matches the original shake siding on the main house. The applicant is also proposing to install two new wood windows on the east (rear) façade of the addition that, together are approximately 5'-6" wide by 3'-6" tall. The current proposal results in approximately 149.3 square feet of affected façade area.

Historic Resource Review is required for non-exempt exterior alterations within 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:

- 33.846.060.G *Other approval criteria*

**ANALYSIS**

**Site and Vicinity:** The subject property on NE 20<sup>th</sup> Avenue is a bungalow style home with shake siding constructed in 1922. The property is listed as a contributing resource in the Irvington Historic District, a registered historic district with the National Register of Historic Places on October 22, 2010. The property was altered in 1955 when the garage with living space was added on to the rear of the property. It is noted that the detailing and massing of the addition did not compromise the historic character of the resource.

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.

**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.

**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 on **February 12, 2016**. No responses were received.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **February 12, 2016**. Two written response have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Rachel Lee on behalf of the Land Use & Transportation Committee of the Sabin Community Association, on February 17, 2016, wrote in support of the proposal. Please see Exhibit F-1 for additional information.
- Dean Gisvold on behalf of the Irvington Community Association (ICA), on February 22, 2016 wrote in support of the proposal, and expressed that the new windows proposed to be located on the rear (east) elevation of the addition should be all wood windows.

## **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.
- 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, and 9:** All proposed alterations are to the east and south facades, facing rear and side property lines, and are limited to a previous garage addition at the rear of the property. No alterations are proposed to historic material. The proposed alterations are considerate of the massing and detailing of this historic home and do not compromise the historic character of the resource or how it is perceived in the district. *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.
- 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, and 10:** The proposal includes work to a previous addition, to include: the replacement of the existing roll-up metal garage door with three pairs of wooden French doors, the patching of the remaining portion of the existing garage door opening with all wood siding to match existing conditions, and the installation of two new wood windows on the rear elevation of the addition facing the property line to be set into the window assembly by a minimum of 2" from the face of exterior cladding to the face of glazing to match existing conditions. The proposed work does not compromise the compatibility of the previous addition to the rest of the structure and will maintain the architectural integrity of the resource. *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 proposal includes the replacement of the existing roll-up metal garage door with three pairs of wooden French doors, the patching of the remaining portion of the existing garage door opening with all wood siding to match existing conditions, and the installation of two new wood windows on the east (rear) elevation of the previously added addition. The proposed work does not compromise the compatibility of the resource within the district and therefore warrants approval. 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. This proposal meets the applicable Historic Resource Review guidelines and therefore warrants approval.

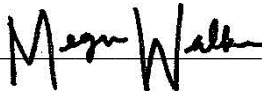
## ADMINISTRATIVE DECISION

Approval of the replacement of the existing roll-up metal garage door with three pairs of French doors, the patching of the remaining portion of the existing garage door opening with all wood siding to match existing conditions, and the installation of two new all wood windows on the east elevation, per the approved site plans, Exhibits C-1 through C-9, signed and dated 07/06/2016, subject to the following conditions:

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 16-105696 HR."

- A. As part of the building permit application submittal, the following development-related condition B must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 16-105696 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED". No field changes allowed."

**Staff Planner: Megan Sita Walker**

**Decision rendered by:**  **on July 6, 2016**

By authority of the Director of the Bureau of Development Services

**Decision mailed July 11, 2016.**

**Procedural Information.** The application for this land use review was submitted on January 14, 2016, and was determined to be complete on February 2, 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 14, 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. Unless further extended by the applicant, **the 120 days will expire on: June 1, 2016.**

**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 **July 12, 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. Project Narrative & response to Approval Criteria
  - 2. Site Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Existing South Elevation (attached)
  - 3. Proposed South Elevation (attached)
  - 4. Existing East Elevation (attached)
  - 5. Proposed East Elevation (attached)
  - 6. Floor Plan – Ground Level
  - 7. Floor Plan – Upper Level
  - 8. Door Specifications
  - 9. Window Specification
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence:
  - 1. Rachel Lee on behalf of the Land Use & Transportation Committee of the Sabin Community Association, on February 17, 2016, wrote in support of the proposal.
  - 2. Dean Gisvold on behalf of the Irvington Community Association (ICA), on February 22, 2016 wrote in support of the proposal, and expressed that the new windows proposed to be located on the rear (east) elevation of the addition should be all wood windows.
- 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).**



# ZONING



This site lies within the:  
IRVINGTON HISTORIC DISTRICT

File No.	LU 16-105696 HR
1/4 Section	2732
Scale	1 inch = 200 feet
State_Id	1N1E26AA 10600
Exhibit	B (Jan 15, 2016)



NE 20TH AVE.

WATER & SEWER  
CONNECT IN NE  
20TH AVE.

(E) PARKING STRIP

(E) SIDEWALK

ELEC  
OVERHEAD

NO CHANGES TO  
EXISTING HOUSE OR  
PORCH FOOTPRINT.  
PROPERLY SLOPES  
GENTLY UP FROM  
FRONT PORCH TO  
BACK AND FALLS OFF  
STEEPLY FROM FRONT  
PORCH TO STREET.

GAS  
METER

(E) SHARED DRIVEWAY

100'-0"

(E) WALL

NO GROUND WORK  
WITHIN 36 FT RAD.  
OF CEDAR REZ

19'-2"

50'-0"

ADD.  
WINDOW

AREA OF  
INTERIOR  
WORK  
FACED  
MODIFICATION

9'X8' CAR  
PARK AREA



SITE PLAN

1/8"=1'-0"

**\*Approved\***  
City of Portland  
Bureau of Development Services  
Planner *HeWe*  
Date *07.06.16*  
\* This approval applies only to the  
reviews requested and is subject to all  
conditions of approval.  
Additional zoning requirements may apply.

EXH C-1  
16-105696 *hr*

SHEET HD1	DRAWN KWB DATE 01/11/15	ELSBURY-NUNLEY RESIDENCE 3142 NE 20th AVE. PORTLAND, OR 97212  SITE PLAN	KATHRYN BASH, ARCHITECT 3205 NE 18TH AVE. PORTLAND, OR 97212  OFFICE 503-282-1569	REGISTERED ARCHITECT KATHRYN W. BASH Kathryn W. Bash PORTLAND, OREGON 5505 STATE OF OREGON
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 1  
 HD2 (E)

EXISTING SOUTH ELEVATION

1/8" = 1'-0"

\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner He-We  
 Date 07.06.16  
 \* This approval applies only to the  
 reviews requested and is subject to all  
 conditions of approval.  
 Additional zoning code provisions may apply.

LU 16-105696 HK

EXH C-2

DRAWN KWB DATE 01/11/15 SHEET HD2 (E)	ELSBURY-NUNLEY RESIDENCE 3142 NE 20th AVE. PORTLAND, OR 97212 SOUTH ELEVATION EXISTING	KATHRYN BASH, ARCHITECT 3205 NE 18TH AVE. PORTLAND, OR 97212 OFFICE 503-282-1569	REGISTERED ARCHITECT KATHRYN W. BASH 10/10/13 PORTLAND, OREGON 15005 STATE OF OREGON
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Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner HH-Ve  
 Date 07.06.16  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval.  
 Additional zoning requirements may apply.



DASHED LINE INDICATES  
 GARAGE DOOR TO BE  
 REMOVED AND INFILLED

AREA OF INTERIOR WORK  
 124 SF OF MODIFIED  
 EXTERIOR SURFACE AREA

NEW  
 FRENCH  
 DOORS,  
 2 FIXED,  
 1 OPER-  
 ABLE

EXISTING DORMER  
 TO REMAIN

LV 16-105696 HK

EXH C-3

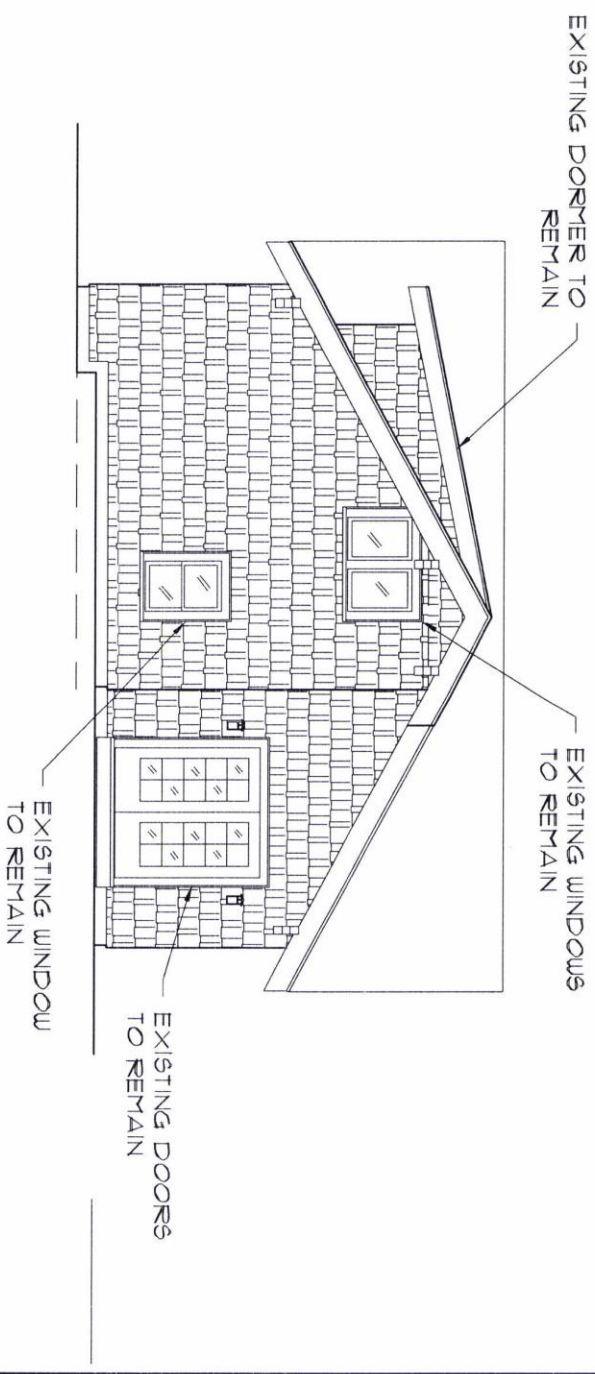
DRAWN KWB DATE 01/11/15 SHEET HD2	ELSBURY-NUNLEY RESIDENCE 3142 NE 20th AVE. PORTLAND, OR 97212 SOUTH ELEVATION PROPOSED	KATHRYN BASH, ARCHITECT 3205 NE 18TH AVE. PORTLAND, OR 97212 OFFICE 503-282-1569	REGISTERED ARCHITECT KATHRYN W. BASH 10/11/15 PORTLAND, OREGON 5505 STATE OF OREGON
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**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner KW  
 Date 07.06.16


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

 **EXISTING EAST ELEVATION**  
 1/8" = 1'-0"



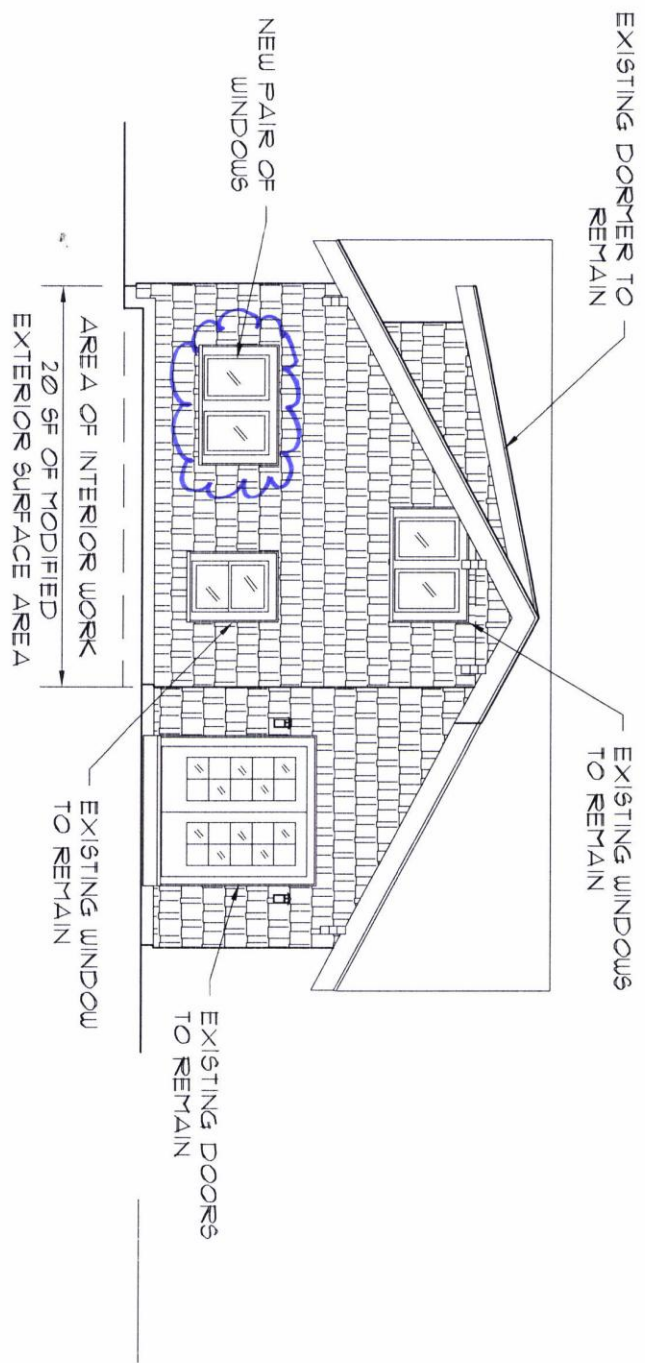
LO 16-105696 HK

**EXH C-4**

DRAWN KWB DATE 01/11/15 SHEET HD3(E)	<b>ELSBURY-NUNLEY RESIDENCE</b> 3142 NE 20th AVE. PORTLAND, OR 97212 <b>EAST ELEVATION EXISTING</b>	<b>KATHRYN BASH, ARCHITECT</b> 3205 NE 18TH AVE. PORTLAND, OR 97212 OFFICE 503-282-1569	
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**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner MP-LL  
 Date 07.06.16

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



LU 16-105696 MP

**EXH C-5**

DRAWN KWB DATE 01/11/15 SHEET HD3	ELSBURY-NUNLEY RESIDENCE 3142 NE 20th AVE. PORTLAND, OR 97212 EAST ELEVATION PROPOSED	KATHRYN BASH, ARCHITECT 3205 NE 18TH AVE. PORTLAND, OR 97212 OFFICE 503-282-1569	REGISTERED ARCHITECT KATHRYN W. BASH 16849 NE 18th Ave. PORTLAND, OREGON 97212 STATE OF OREGON
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