



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

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**Date:** March 29, 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 16-122990 HR – NEW GARAGE IN SETBACKS**

### **GENERAL INFORMATION**

**Applicant:** Bonnie Harold, Applicant  
BWH Design  
1705 Fern Place  
Lake Oswego, OR 97034  
  
Christopher J Healy, Owner  
2517 NE 21st Avenue  
Portland, OR 97212

**Site Address:** 2517 NE 21ST AVENUE  
**Legal Description:** BLOCK 24 N 30' OF LOT 9, IRVINGTON  
**Tax Account No.:** R420405180  
**State ID No.:** 1N1E26DA 01400  
**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 Lokyee Au at 503-388-9030.  
**Other Designations:** Contributing house 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 to build a new garage in the southwest corner of the subject lot, approximately 80 feet from the front setback line. The garage is 22 feet x 20 feet in area and will be accessed from an existing curb cut and driveway. Please note that a historic resource review was recently approved for the proposed garage, to be located within the setbacks. However, the current proposal is to locate the garage closer to the south and west property lines, specifically 12 inches from the south property line and 6 inches from the west property line. Both the south and west garage walls will have 1-hour firewalls and 4" maximum eaves. The proposed materials, colors and architectural details will be similar to those on the existing house. The beveled cedar siding pattern, roofing material, door and window trim, corbel details, corner boards will match those on the existing house.

The proposed location of the garage within the side and rear setbacks is allowed under both the old code for detached garages and the current revised code for detached covered accessory structures, 33.110.250.C.

Historic Resource Review is required because the proposal is for non-exempt new construction in an 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
- 33.846.060 G Other Approval Criteria

**ANALYSIS**

**Site and Vicinity:** The subject property, a two-story Craftsman-style house, was built in 1913 on a 3,000-square-foot lot. The primary siding is a horizontal board applied in a 2-1 pattern, with two slats at a 3-inch reveal, then one with a 6-inch reveal. The house also has a mosaic and pebble front gable. The National Register of Historic Places documentation for the Irvington Historic District identifies the building as the J.J. Armstrong House, and evaluates it as a contributing resource within the historic context.

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 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 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 two prior land use reviews for this site as follows:

- LU14-175282HR- approval for exterior alterations including rear expansion and new doors and windows.
- LU15-174182HR- approval of the subject garage within the setbacks.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **March 7, 2016**. No comments were required from the service bureaus.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **March 7, 2016**. Two written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Bob and Ann Philips, 3/11/2016; wrote with questions and concerns about the garage setbacks being reduced from 18 inches to 6 inches from the west property line. They were concerned about whether the reduced garage setbacks would affect the placement of their fence, restoration of the fence to be included in the historic resource review, ability to build an accessory structure within setbacks on their lot in the future and ICA review. Please refer to Exhibit F1 for additional details.

Staff clarified that fences on neighboring lots and fences less than 7 feet in height do not require a permit and are therefore exempt from historic resource review. Staff noted that the same accessory structure standards would apply to their property, unless the standards were revised in the future. They were also advised to meet with a plans examiner in order to clarify any building code requirements for separation between two adjacent garage structures. Staff advised them to contact the ICA committee and the applicant to get additional information. Subsequently, the applicant informed staff that they had met with Bob and Ann Phillips in order to resolve their concerns.

2. Dean Gisvold, ICA Committee, 3/21/2017 wrote with a letter of no objection to the proposal as long as it complied with all the requirements of a detached accessory dwelling unit. He noted that the 30 foot lot was unusual for Irvington and that the committee had earlier approved the proposal. Please refer to Exhibit F1 for additional 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**

- 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:** While the new garage will match the architectural style and design of the house it will be clearly differentiated from original resource by its materials and construction methods. In order to maintain the primacy of the house, the door and window surrounds details of the garage will be simpler, but similar to those on the rear elevation of the main house. No historic material will be destroyed or removed by the garage addition. *This criterion is therefore 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;
- 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; and
- 10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings for 8, 9 & 10:** The proposed detached garage is located in the rear and southwest corner of the subject property and will be accessed from an existing driveway along the south property line. It has a total height of 17'8" with a covered area of 440 sf. Both the size and location of the new garage would be consistent with the existing garages in the Irvington Historic District. It will also not entail creating new curb cuts along the street lot line.

The garage has been designed to be compatible with the primary residence's architectural style, design details color and materials. The gable roof for the garage closely matches that of the primary residence. The gable end and corbel details, as well as the gutter and associated crown pieces will be similar to that of the contributing resource. The proposed materials are of high quality and include Simpson 6 lite over beaded panel wood door, carriage house style wood garage door, and Marvin metal clad wood window. The proposed window and door will closely replicate the original windows in their profile, shadow lines and material. Architectural elements like the corbels, corner boards, beveled cedar siding, doors and windows trims also match those of the existing house. In order to maintain the primacy of the house, the door and window surrounds of the garage will be simpler, but similar to those on the rear elevation of the main house. The proposed garage will be compatible with the original resource, adjacent properties and the rest of Irvington Historic 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 project utilizes compatible materials and design elements that respect the character of the Craftsman-style residence and the surrounding Historic District. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

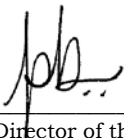
## ADMINISTRATIVE DECISION

Approval of a new garage in the Irvington Historic District, 22 feet x 20 feet in area, in the southwest corner of the subject lot, approximately 80 feet from the front setback line. The garage will be located 12 inches from the south property line and 6 inches from the west property line. Both the south and west garage walls will have 1-hour firewalls and 4" maximum eaves. The proposed materials, colors and architectural details will be similar to those on the existing house. The beveled cedar siding pattern, roofing material, door and window trim, corbel details, corner boards will match those on the existing house.

Approved per the approved site plans, Exhibits C-1 through C-10, signed and dated 3/24/2016, 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.10. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-122990 HR."

**Staff Planner: Puja Bhutani**

**Decision rendered by:**  **on March 24, 2016**

By authority of the Director of the Bureau of Development Services

**Decision mailed- March 29, 2016**

**Procedural Information.** The application for this land use review was submitted on February 18, 2016, and was determined to be complete on March 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 February 18, 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 30, 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 **March 29, 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:

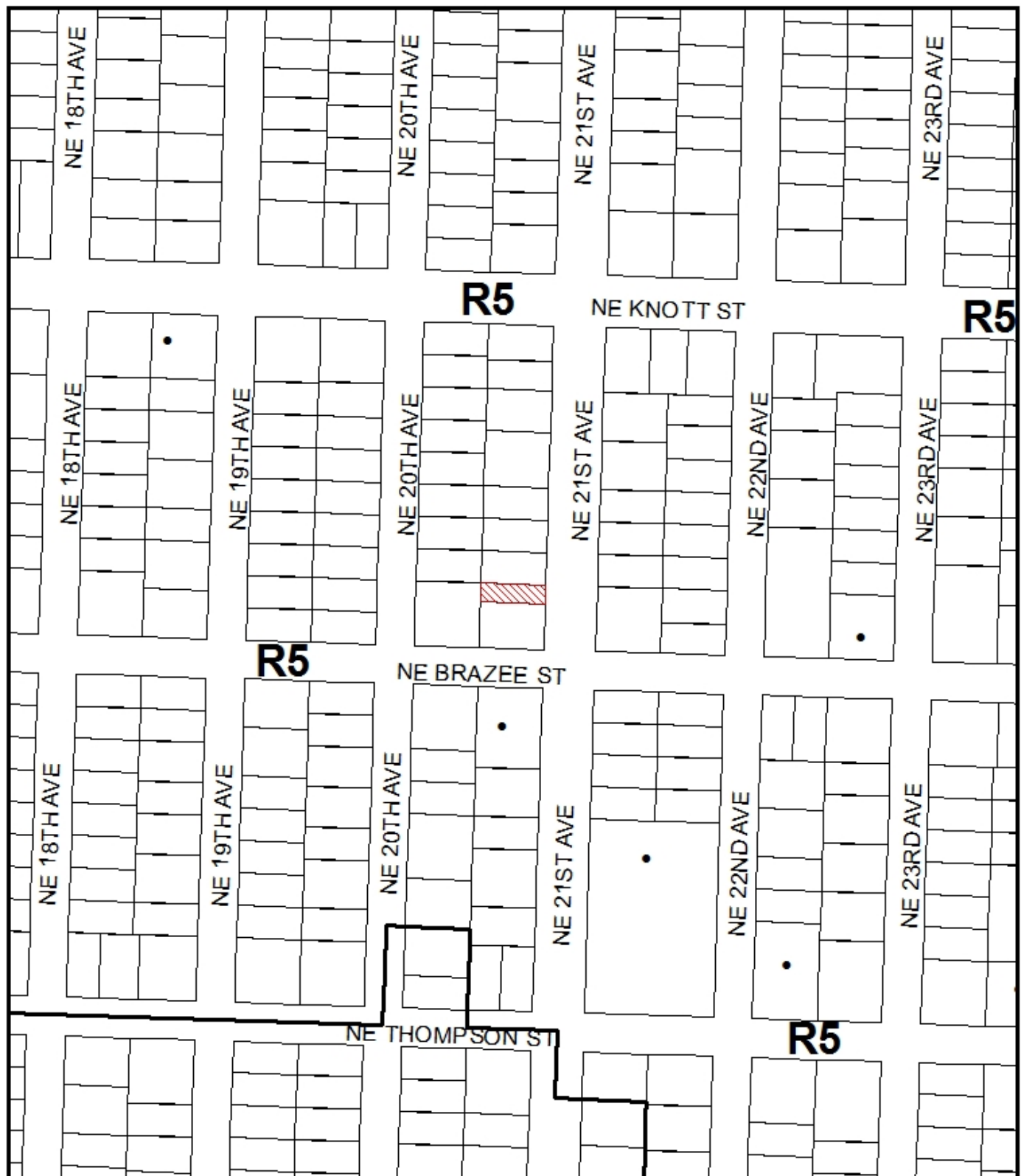
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

### **EXHIBITS**

#### **NOT ATTACHED UNLESS INDICATED**

- A. Applicant's Statement
  - 1. Applicant narrative
  - 2. Photographs of existing house, siding and window details
  - 3. Manufacturers cut sheets for Marvin window, Simpson door and Northwest garage door.
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Front Elevation (attached)
  - 3. North Elevation (attached)
  - 4. Garage foundation plan
  - 5. Garage floor plan
  - 6. Attic floor plan
  - 7. Typical section through garage and house showing siding details
  - 8. Roof plan and garage section
  - 9. Detailed sections through garage door, existing and proposed window
  - 10. Garage door and crown details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: No responses were required.
- F. Correspondence:
  - 1. Bob and Ann Philips, 3/11/2016; wrote with questions and concerns about the garage setbacks being reduced from 18 inches to 6 inches from the west property line. They were concerned about whether the reduced garage setbacks would affect the placement of their fence, restoration of the fence to be included in the historic resource review, ability to build an accessory structure within setbacks on their lot in the future and ICA review.
  - 2. Dean Gisvold, ICA Committee, 3/21/2017 wrote with a letter of no objection to the proposal as long as it complied with all the requirements of a detached accessory dwelling unit. He noted that the 30 feet lot was unusual for Irvington and that the committee had earlier approved the proposal. Please refer to Exhibit F1 for additional details.
- G. Other:
  - 1. Original LU Application
  - 2. Photographs of site

**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 16-122990 HR

1/4 Section 2832

Scale 1 inch = 200 feet

State\_Id 1N1E26DA 1400

Exhibit B (Feb 19, 2016)

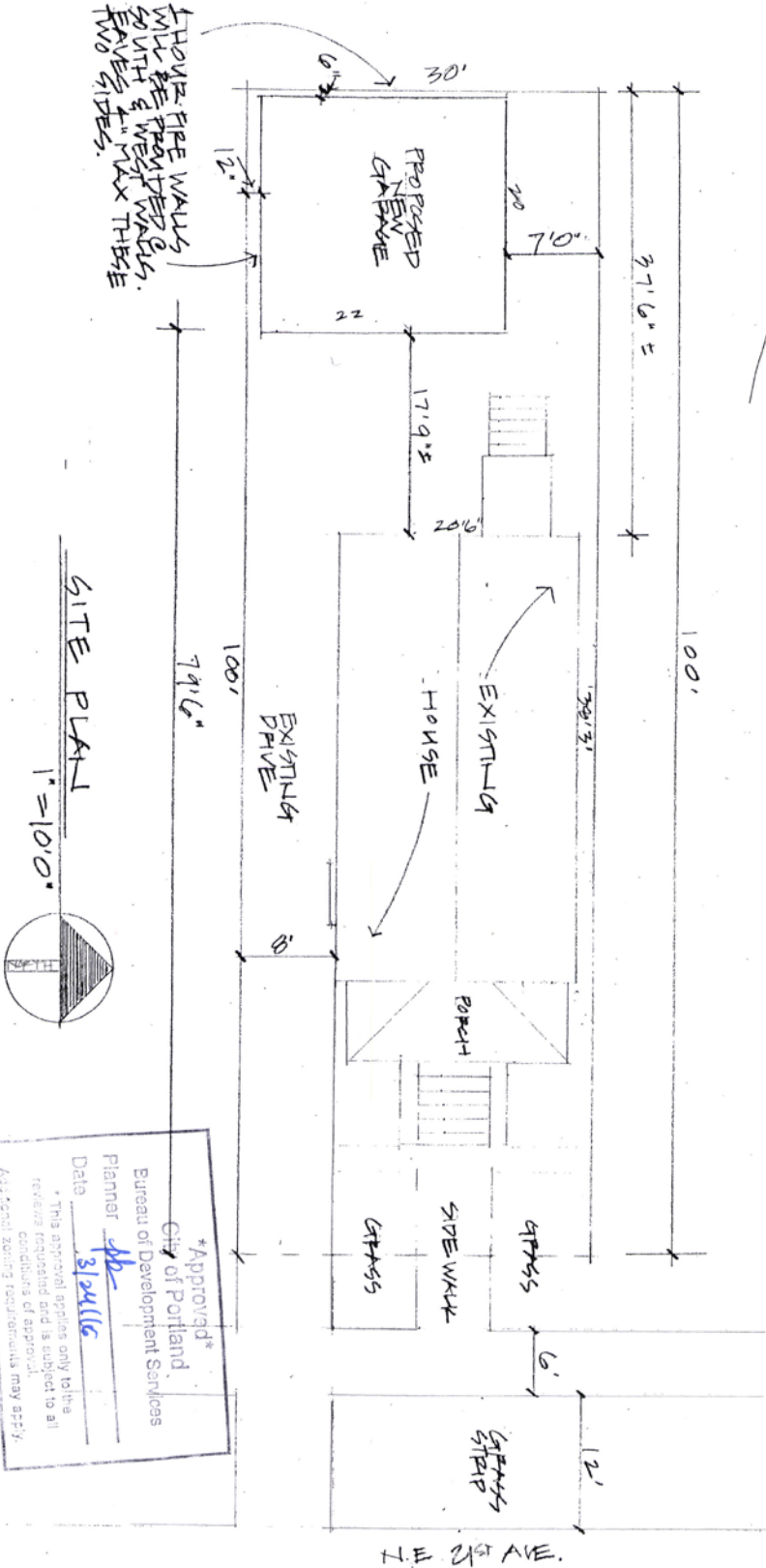


# 2517 NE 21st Avenue Portland OR 97221

Property Id: R187885  
State Id: INE26DA 1400  
Alt Acct: R40405180  
2832 Old Irvington block 24, north 30' of lot 9

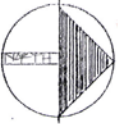
Main floor	748
Finished 2nd floor	680
Finished basement	680
Exist Black top drive	800
Covered porch	126

Scope of work: New 440 sq. ft. garage  
matching architecture and details of existing home.  
LOT: 3000 ft



SITE PLAN

1"=10'0"

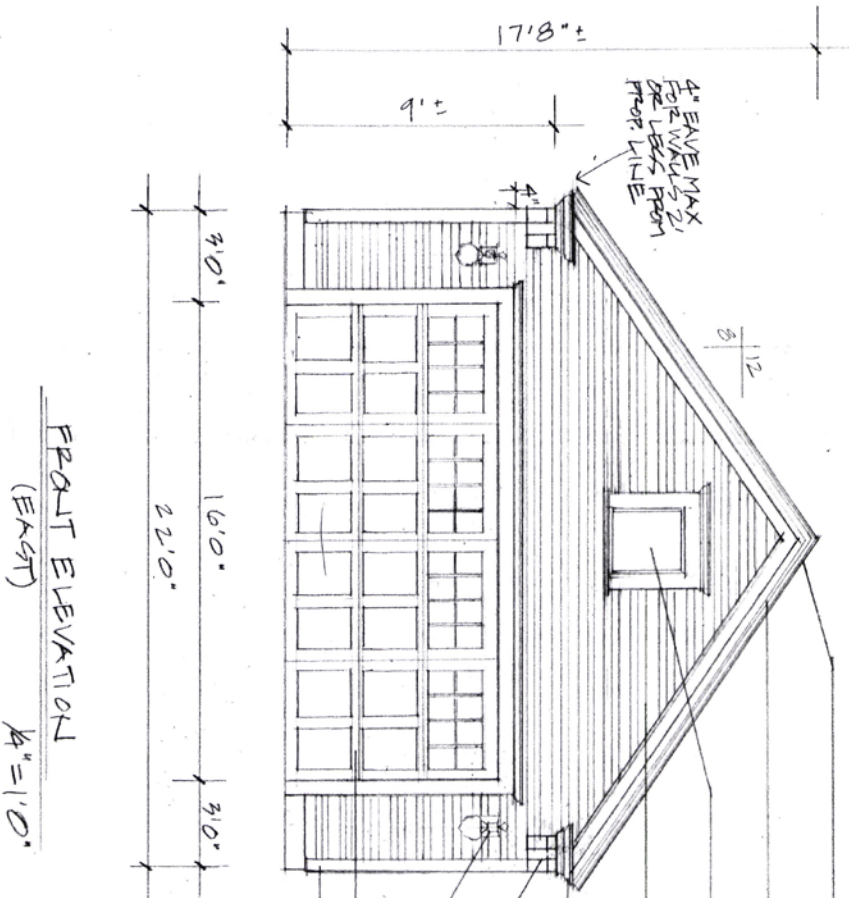


\*Approved\*  
City of Portland,  
Bureau of Development Services  
Planner *ph*  
Date *3/24/16*  
\* This approval applies only to the  
revisions requested and is subject to all  
Additional zoning requirements may apply.

EXHIBIT C.1.

11116-12290HR

SHEET 1/1	• bwh• design BONNIE WILSON HAROLD 1705 FERN PLACE LAKE OSWEGO OR 97034 503-789-2770	CLIENT: Christopher Healy 2517 NE 21st Avenue Portland OR 97212 SHEET: SITE PLAN	DATE: 10 FEB 2016 REVISIONS:
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FRONT ELEVATION  
(EAST) 1/4"=1'-0"

\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner hbs  
Date 2/24/16  
\* This approval applies only to the  
revisions requested and is subject to all  
conditions of approval.  
Personnel of the Bureau may not be used.

EXHIBIT C2

LU16-122990HR

SHEET 7/14	• bwh·design BONNIE WILSON HAROLD 1705 FERN PLACE LAKE OSWEGO OR 97034 503-789-2770	CLIENT: Christopher Healy 2517 NE 21st Avenue Portland OR 97212 SHEET: FRONT ELEVATION	DATE: 10 FEB 2016 REVISIONS:
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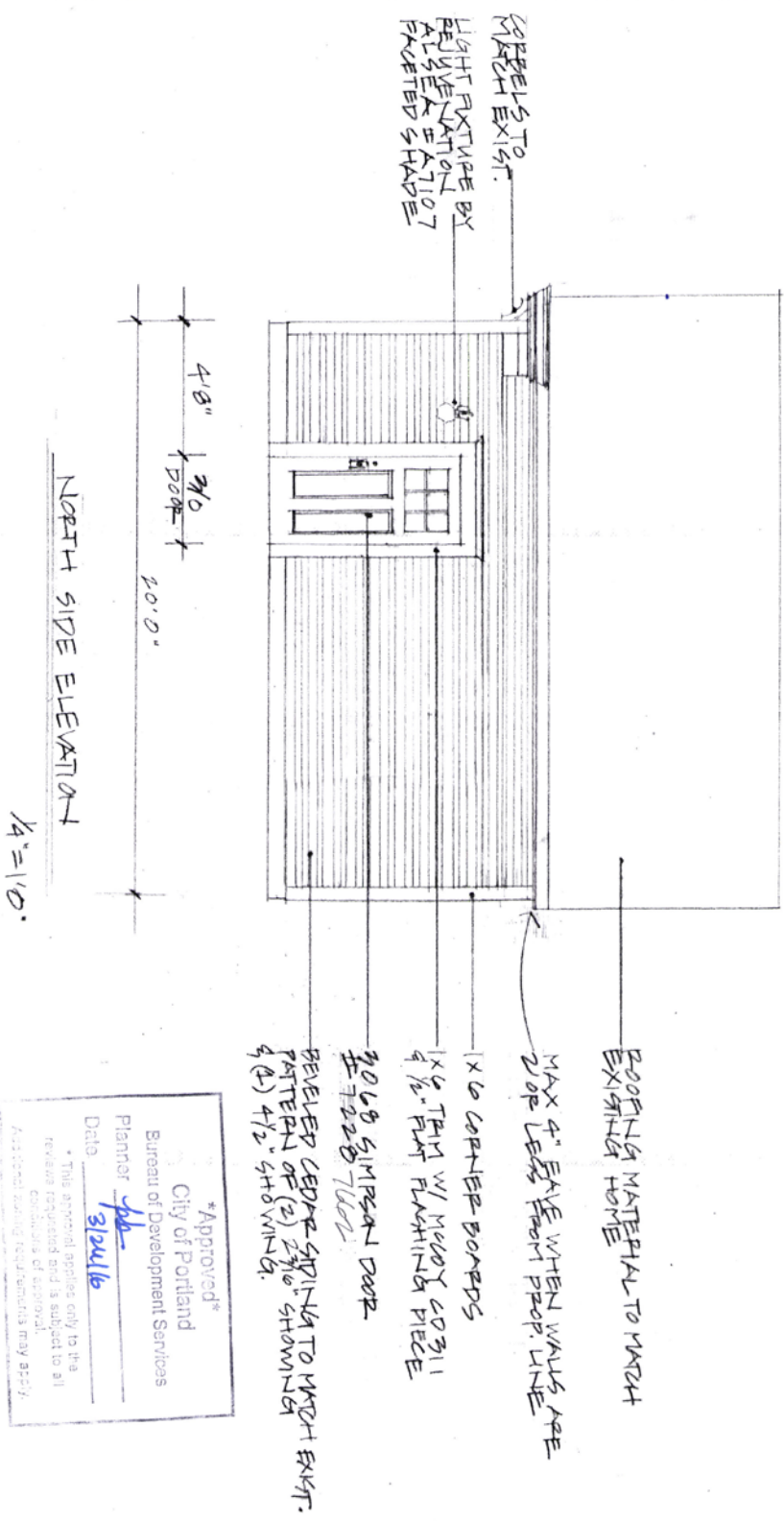


EXHIBIT C3  
LU16-122990HR

SHEET 7/14	• bwh • design BONNIE WILSON HAROLD 1705 FERN PLACE LAKE OSWEGO OR 97034 503-789-2770	CLIENT : Christopher Healy 2517 NE 21 <sup>st</sup> Avenue Portland OR 97212 SHEET : NORTH SIDE ELEV.	DATE: 10 FEB 2016 REVISIONS:
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