


[Home](#) / [Appeals](#)

## Appeal 34829

### Appeal Summary

**Status:** Decision Rendered - Reconsideration of 34808

**Appeal ID:** 34829

**Submission Date:** 5/29/25 1:27 PM

**Hearing Date:** 6/4/25

**Case #:** R-2

**Appeal Type:** Building

**Project Type:** residential

**Building/Business Name:** Timothy D Finnigan

**Appeal Involves:** Reconsideration of appeal

**Proposed use:** Detached ADU

**Project Address:** 3440 SW Falcon St., Portland OR 97219

**Appellant Name:** Timothy Finnigan

**Appellant Phone:** 9252707265

**LUR or Permit Application #:** Permit 25-027199 and 25-040811

**Stories:** 2 **Occupancy:** R-3 **Construction Type:** V-B

**Fire Sprinklers:** No

**Plans Examiner/Inspector:** David Bartley

**Plan Submitted Option:** pdf [\[File 1\]](#) [\[File 2\]](#) [\[File 3\]](#) [\[File 4\]](#)
**Payment Option:** electronic

### Appeal Information Sheet

#### Appeal item 1

**Code Section**

ORSC R302.1 R302.3 R403.1

**Requires**

Fire-rated exterior walls must be supported by continuous foundation walls with properly sized footings consistent with the structural load path and adjacent grade.

**Code Modification or Alternate Requested**

Substitute a continuous foundation wall with a 5/8 Type X GWB-wrapped triple 2x6 wood beam supported by 5/8 Type X GWB-wrapped 4x8 wood beam segments on reinforced piers, preserving utility clearance and meeting fire-rated structural requirements.

**Proposed Design**

Original Appeal Language:  
 Appeal #2: Pier and Beam Support Instead of Foundation Wall  
 Code section being appealed:  
 ORSC R302.1 and R403.1 (Footings), R302.2 (Exterior walls near property lines)  
 Regulation requirement:  
 Fire-rated walls must be supported by continuous foundation walls with

properly sized footings per the structural load path.

Code modification or alternate requested:

Use of reinforced piers and structural steel beams (C8x10.5), including fire-rated decking, to support a 2" wide firewall in lieu of a continuous foundation wall.

Proposed design:

- Retain and reinforce existing piers.
- Bolt short sections of galvanized C8x10.5 beams to piers.
- Span a continuous galvanized C8x10.5 beam (~13'6.5") under the firewall.
- Mount a 2" wide fire-rated wall above this beam (¾" plywood + 2 layers ?" Type X + non-combustible cladding).
- Infill 15" between stair stringer and ADU with fire-rated galvanized plate supported on beam and steel angle.
- Maintain utility clearance under assembly.

Reconsideration Text:

Reconsideration Overview:

This reconsideration is submitted in response to the denial of Appeal ID #34808. It applies to the fire-rated wall support assembly associated with Permits 25-027199 and 25-040811, which together govern the stair firewall construction and adjacent structural modifications.

The original appeal was reviewed based on an outdated design involving steel beam supports. This reconsideration provides the correct and current design, which uses a wood beam wrapped in 5/8 Type X GWB, supported by 5/8 Type X GWB wrapped short horizontal 4x8 beam segments attached to support piers, and paired with a horizontal fire-rated steel plate to enclose the utility zone.

Proposed design:

- Retain and reinforce as needed existing piers.
- Support the fire-rated wall on a triple 2x6 beam, fully wrapped in 5/8" Type X gypsum board (GWB) on all exposed sides.
- The beam bears on short horizontal 4x8 beams, also fully wrapped in 5/8" Type X GWB, anchored to existing concrete piers (rear piers enlarged if required).
- Enclose the 15" utility gap between the stair stringer and ADU wall with a galvanized steel plate underlain with 5/8" Type X GWB, supported on the GWB-wrapped triple 2x6 beam on the stair side and a GWB-wrapped 2x6 joist mounted to the ADU foundation. This plate supports the fire-rated wall above and forms part of the continuous fire-rated structural base. All seams are sealed for fire integrity.
- Mount the 2" wide fire-rated wall (¾" plywood + 2 layers ?" Type X + non-combustible cladding) directly atop the plate, anchored to the stair stringer, support posts, and added 2x4 wood framing on the protected side.
- Maintain utility clearance under the assembly.
- All GWB seams are sealed with fire-rated caulking.

## Reason for alternative

- The revised design replaces the steel beam with wood members fully wrapped in 5/8" Type X GWB, maintaining a fire-rated and structurally continuous load path using non-combustible and fire-resistant assemblies.



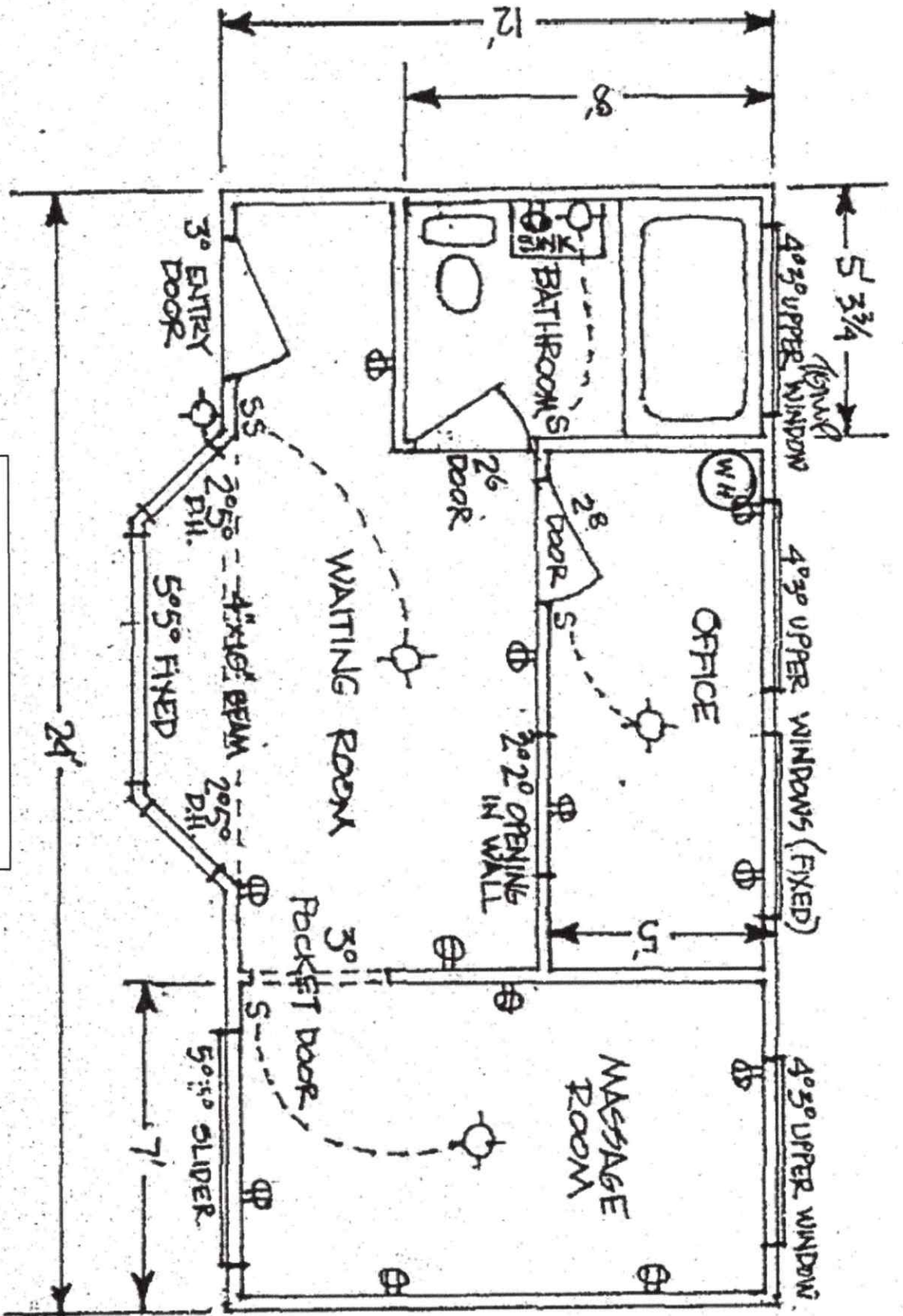
- GWB-wrapped 4x8 horizontal members provide code-compliant vertical load transfer from the GWB-wrapped triple 2x6 beam to the reinforced concrete piers.
  - This configuration avoids disturbing sewer, gas, and water lines between the stair and ADU fire-rated walls, preserving existing and permitted utility alignments.
  - The design minimizes tenant disruption and satisfies the intent of ORSC R302 and R403 for structural stability, fire separation, and life safety.
- 

## Appeal Decision

**"Allow an alternate path to meeting the requirement for 1-hour fire-resistance rated construction at an egress stairway: Denied. Proposal does not provide equivalent fire and life safety. Appellant may contact David Bartley (503-865-6529) with questions."**

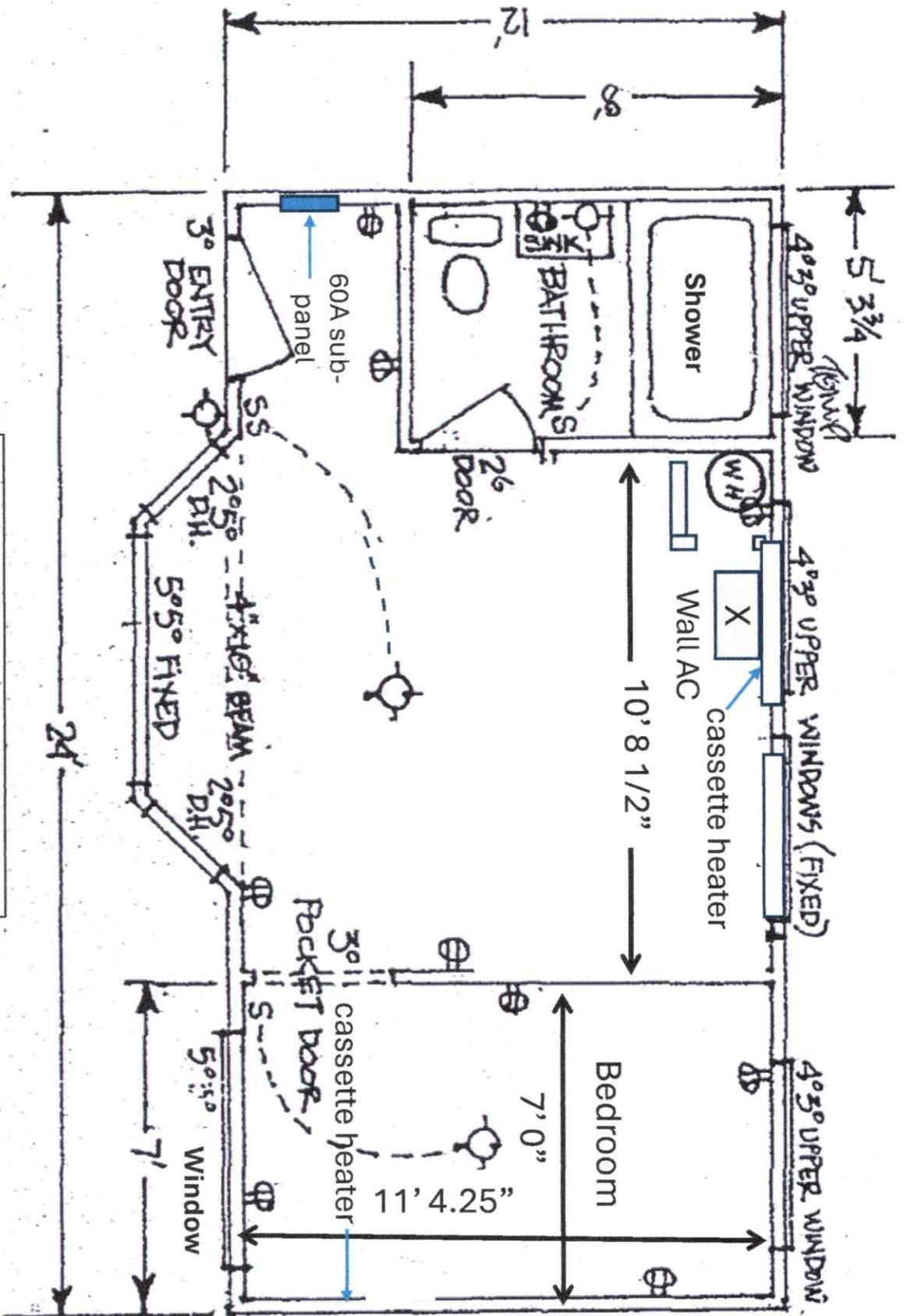
"Pursuant to City Code Chapter 24.10, you may appeal this decision to the Building Code Board of Appeal within 90 calendar days of the date this decision is published. For information on the appeals process, how to file a reconsideration, and appealing to the Building Code Board of Appeal, go to <https://www.portland.gov/ppd/file-appeal/appeal-process> or email [PPDAppeals@portlandoregon.gov](mailto:PPDAppeals@portlandoregon.gov).

"



Original Permit 1992

FLOOR PLAN 1/4" = 1'



Existing March 21, 2025

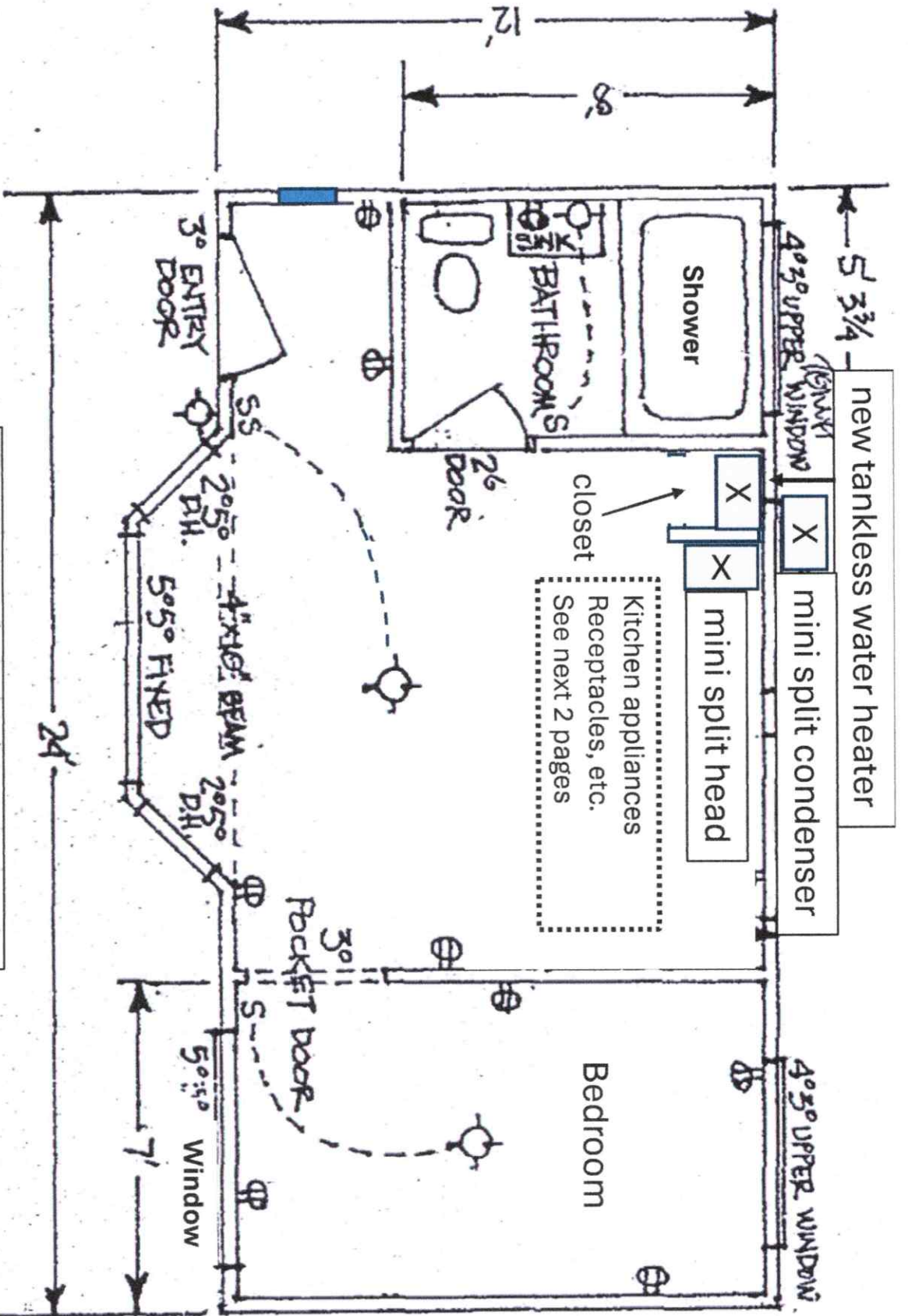
3440 SW Falcon St.,  
Portland, OR 97219  
Owner Tim Finnigan

FLOOR PLAN 1/4" = 1'

2

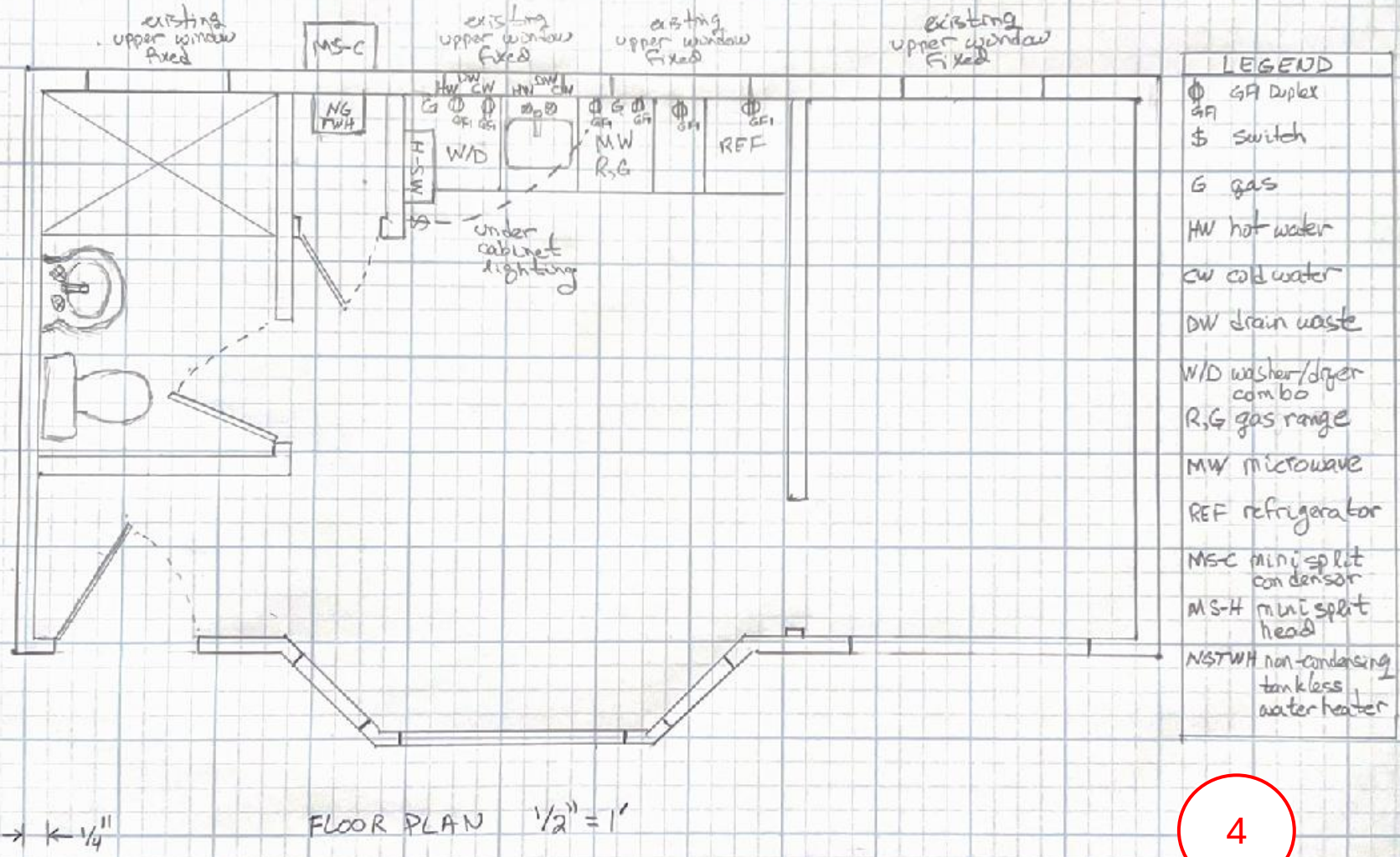


FLOOR PLAN  $\frac{1}{4}'' = 1'$



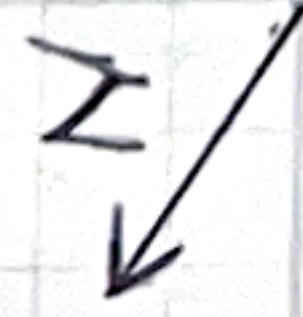
3440 SW Falcon St.,  
Portland, OR 97219  
Owner Tim Finnigan

New Components





Permit 25-027199



# New Components

existing upper window fixed

existing upper window fixed

existing upper window fixed

existing upper window fixed

Imaginary Property Line

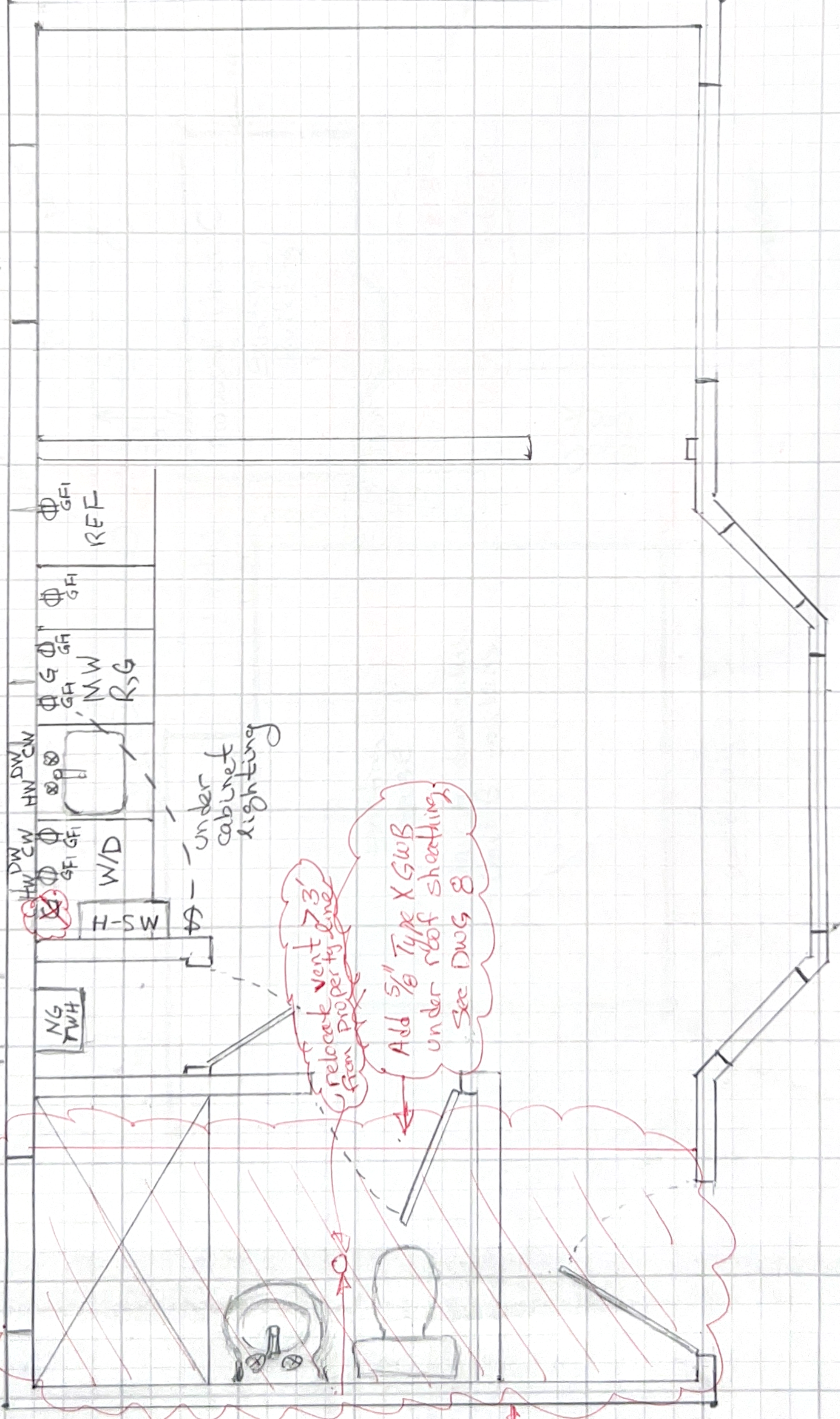
Stairs  
Fire protection  
See DWG 7

Remove Ears  
See DWG 8

add 2 sheets  
Type X SWB  
See DWG 8

relocate vent 7'3"  
from property line

Add 5" Type X SWB  
under roof sheathing  
See DWG 8



FLOOR PLAN 1/2" = 1'

1/4"

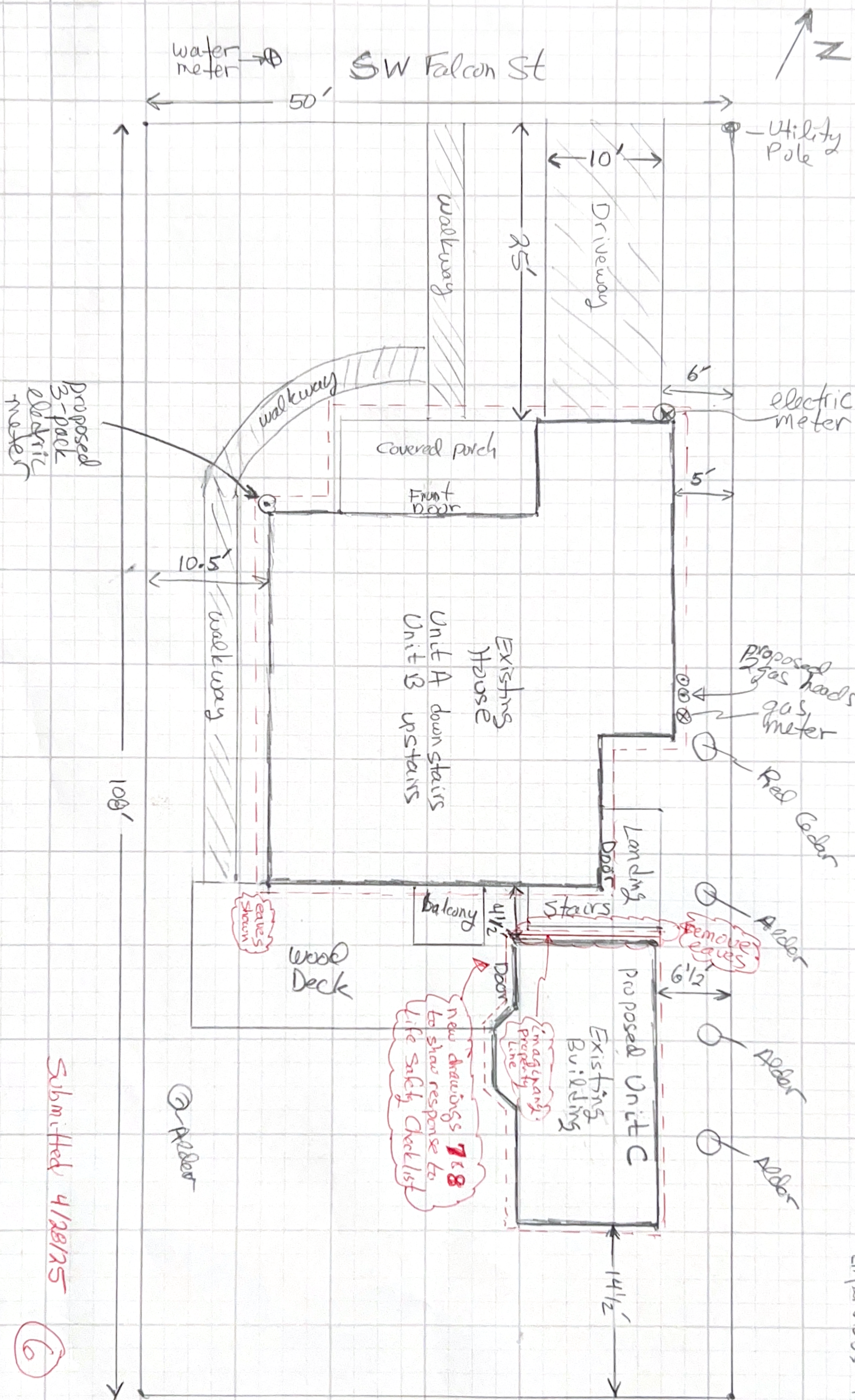
Submitted 4/28/25

LEGEND	
⊕	GFI Duplex
\$	Switch
G	gas
HW	hot water
CW	cold water
DW	drain waste
W/D	washer/dryer combo
RSG	gas range
MW	microwave
REF	refrigerator
MSC	mini split condensor
MS-H	mini split head
NGTWH	non-condensing tankless water heater



Permit 25-027199  
 3440 SW Falcon St  
 Portland, OR 97219  
 Site Plan

Scale  
 1"=8'



lot area	5400 sf
driveway	250 sf
walkway	250 sf
100 ft area	1250 sf
improvements	1750 sf

Submitted 4/28/15

6



Permit 25-027199

← N

- Fire rated "wall" assembly
- remove existing balusters & handrail
  - frame 2x4 sideways aligned w/ stringer
  - attach  $\frac{3}{4}$ " CDX plywood to stringer & studs using corrosion resistant screws 8"  $\Phi$
  - attach two layers  $\frac{5}{8}$ " Type X GWB staggered w/ corrosion resistant screws 8"  $\Phi$
  - attach Tyvek or similar weather barrier
  - attach sheet metal cladding (26-24ga) horizontal, top overlaps bottom, corrosion resistant screws 12"  $\Phi$
  - butyl tape all seams.
  - metal angle bracket all edges, sealed

main house

imaginary property line

ADU

existing stairs

wall assembly

Simpson  
straps  
typ.

$\frac{1}{2}" = 1'$   
 $\rightarrow \frac{1}{4}" \leftarrow$

South  
Face

existing stringer (outside edge)

2x4 Framed sideways  
@ 16"  $\Phi$  spacing

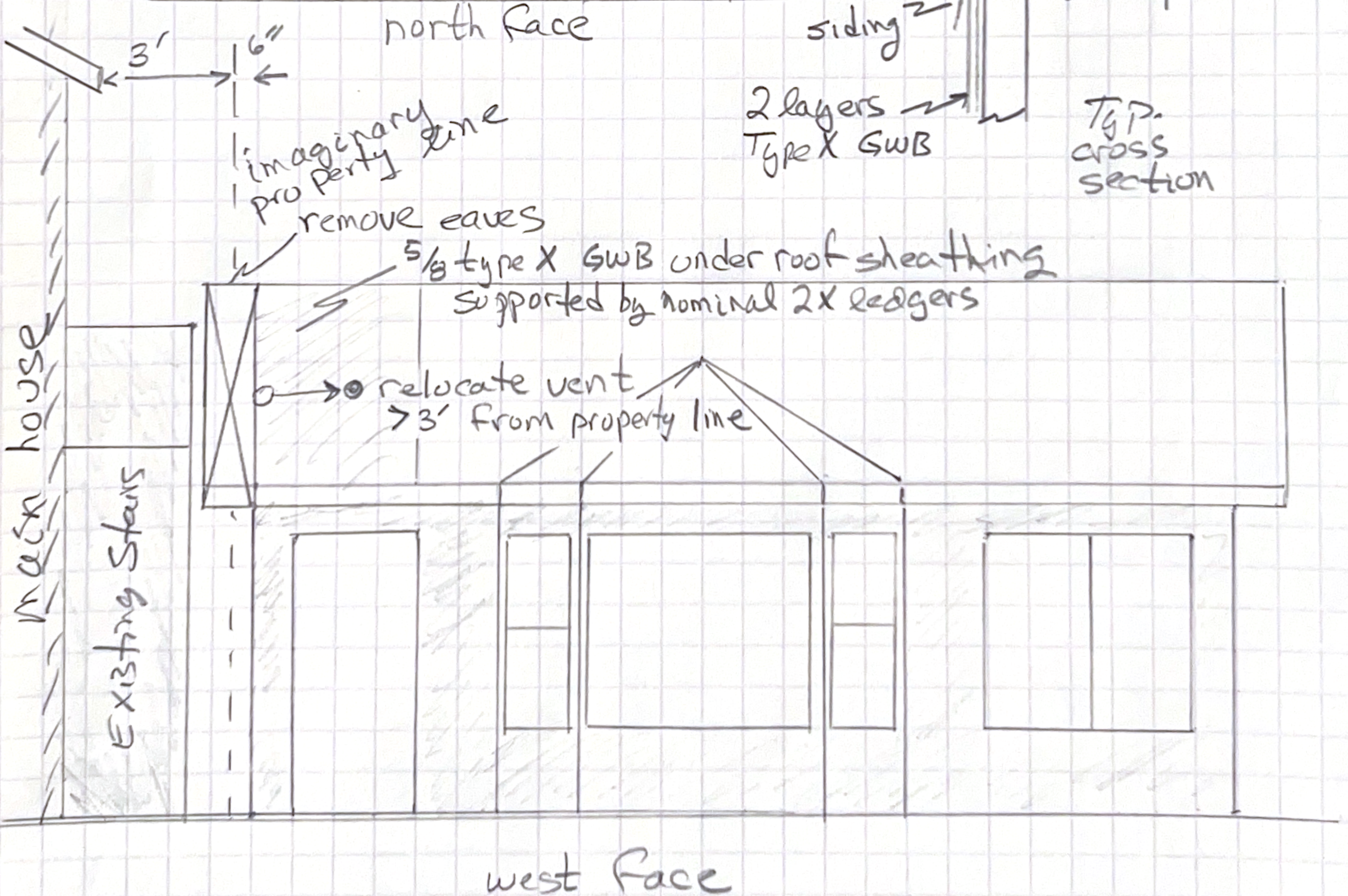
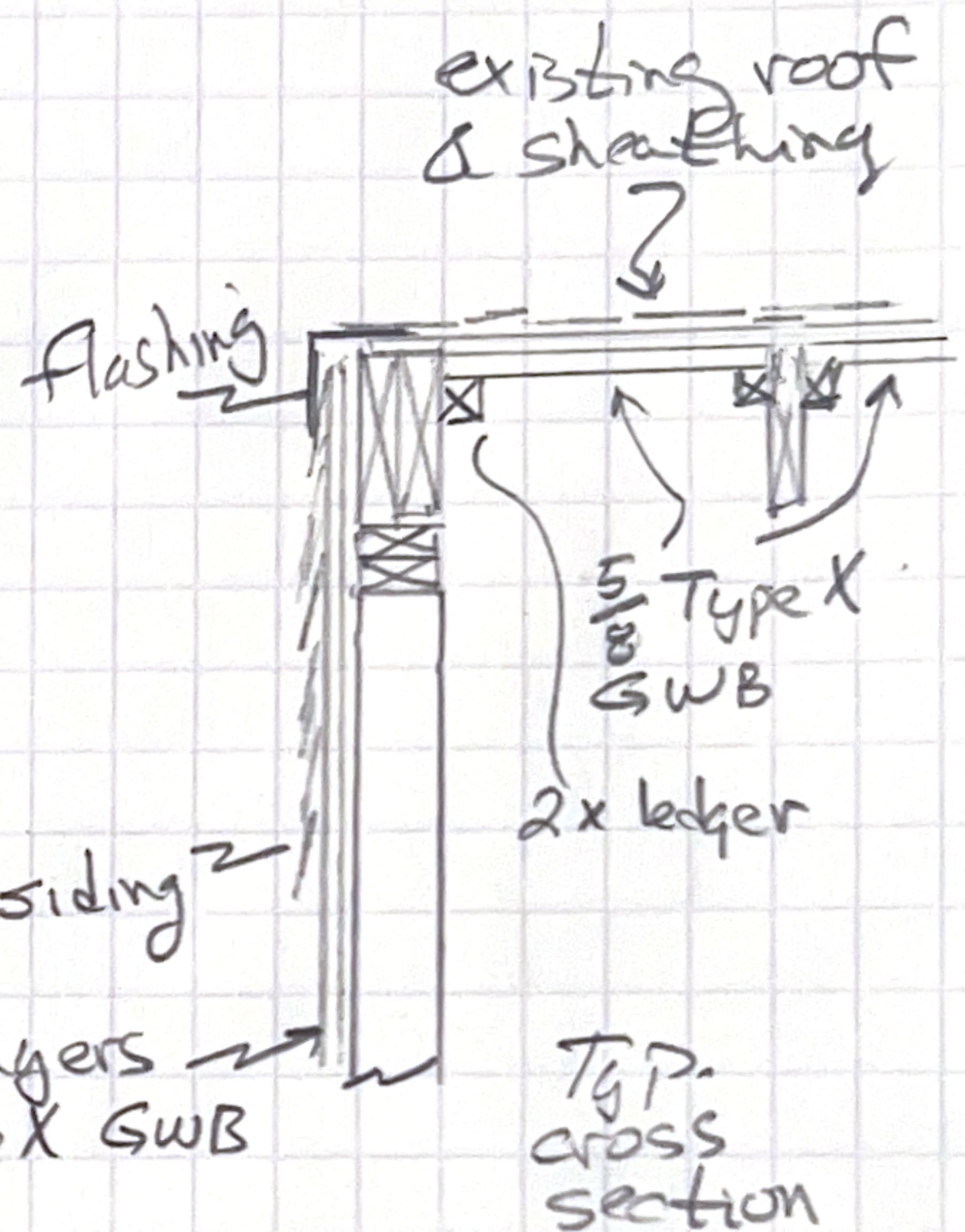
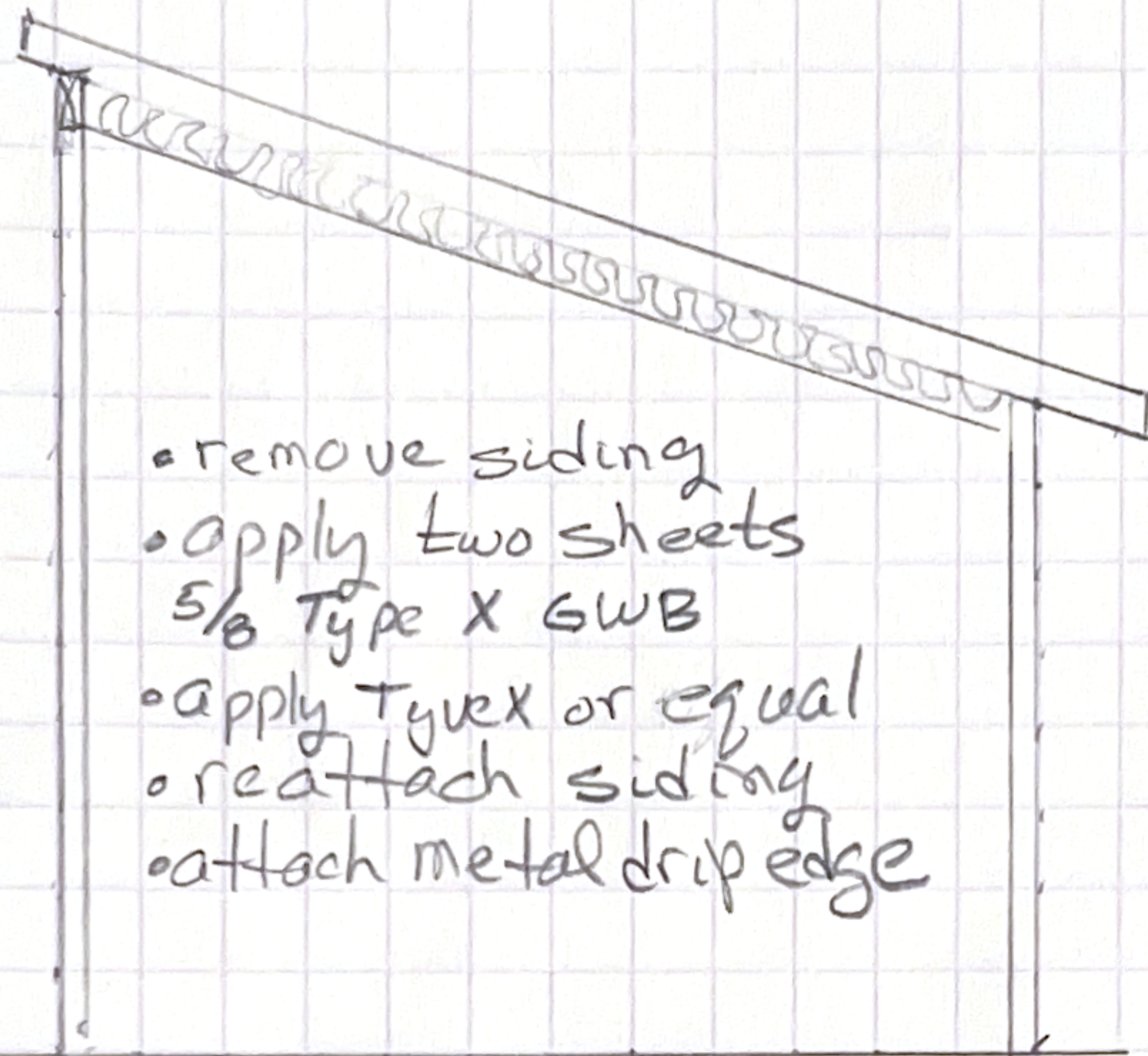
PTDF attached to deck

Submitted 4/20/25

7



Permit 25-027199



← N

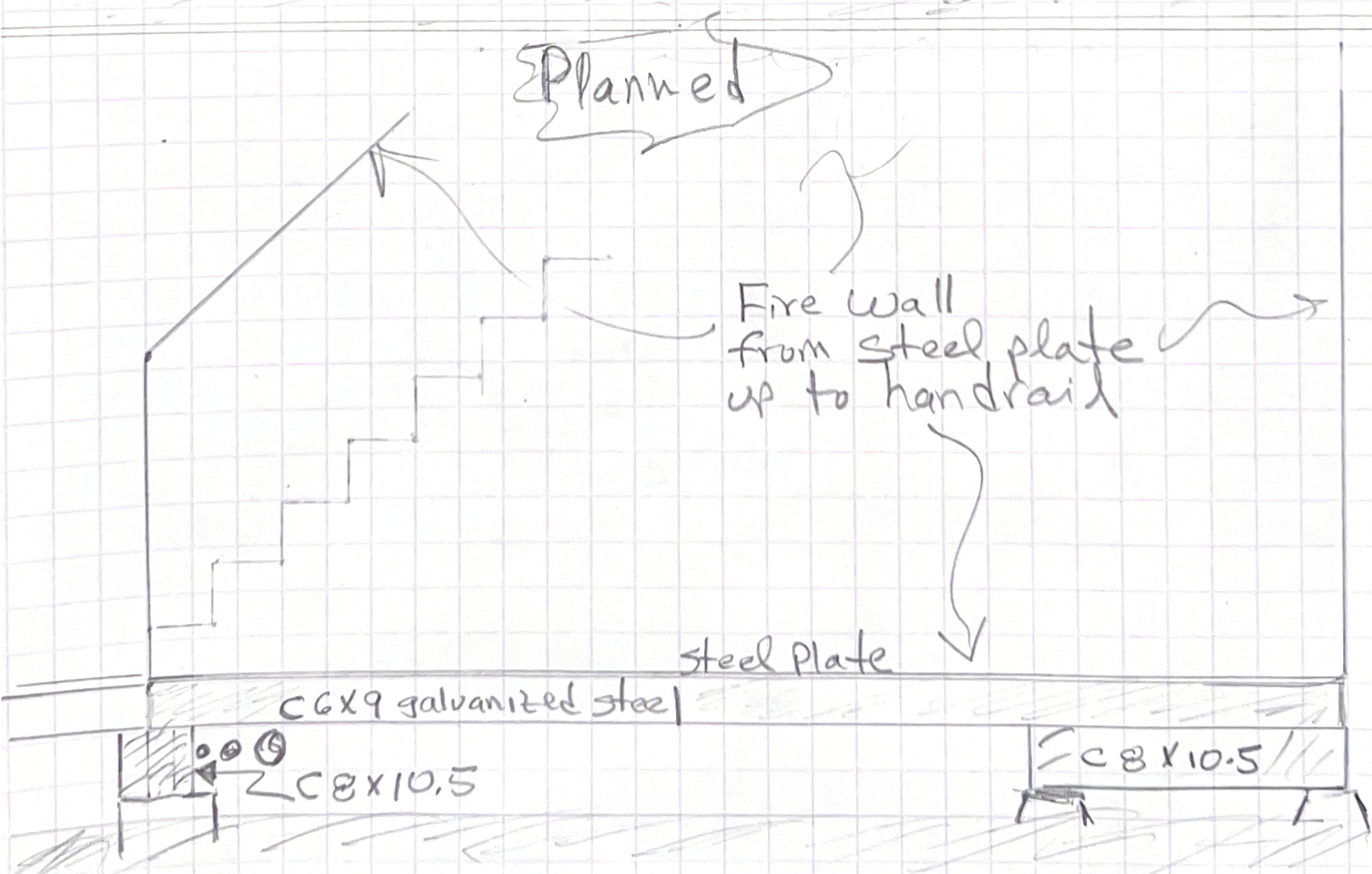
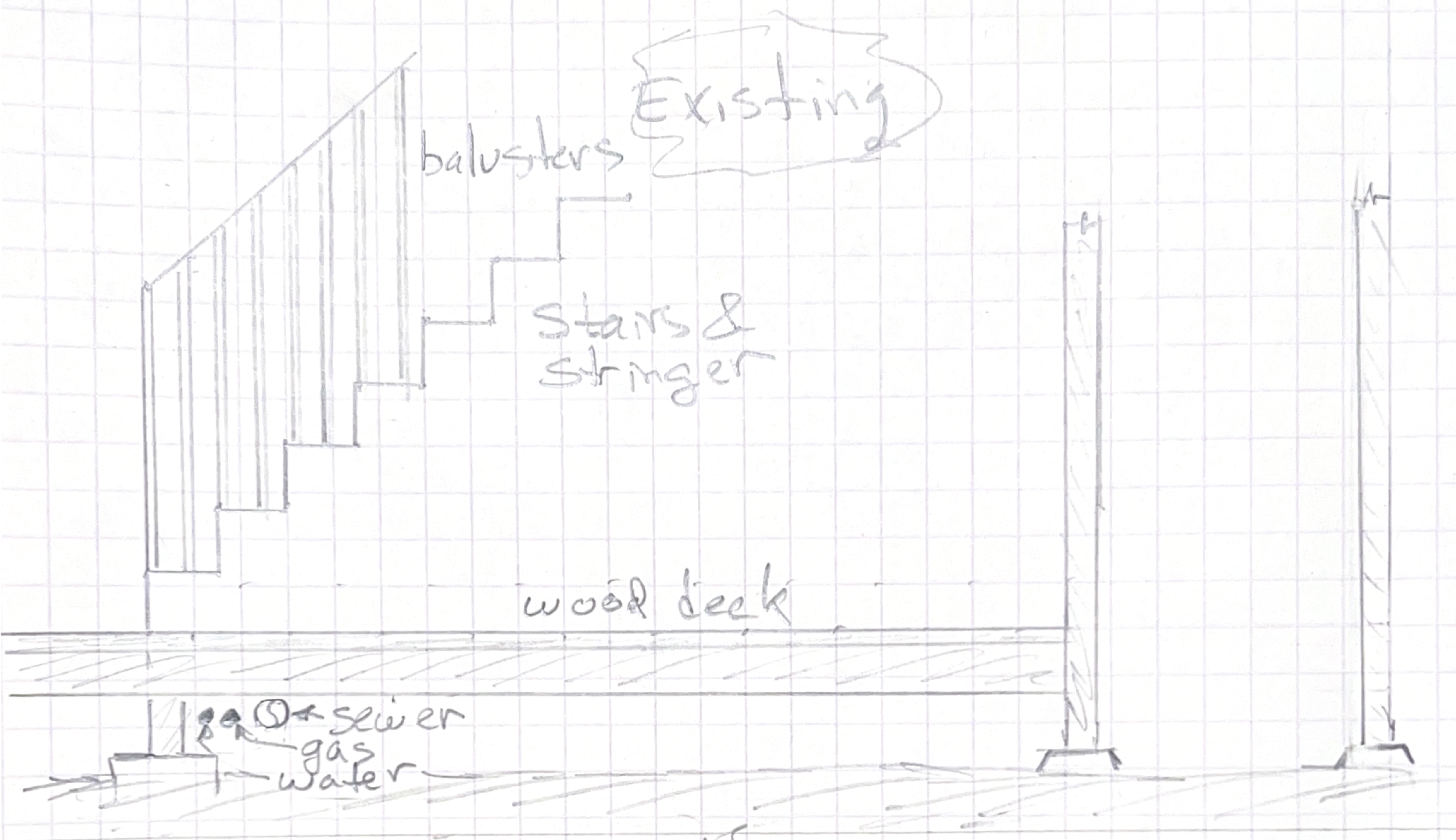
$\frac{1}{2}'' = 1'$   
→  $\frac{1}{4}''$  ←

submitted 4/28/25

8



# Side View



1/2" = 1'

submitted 5-19-25

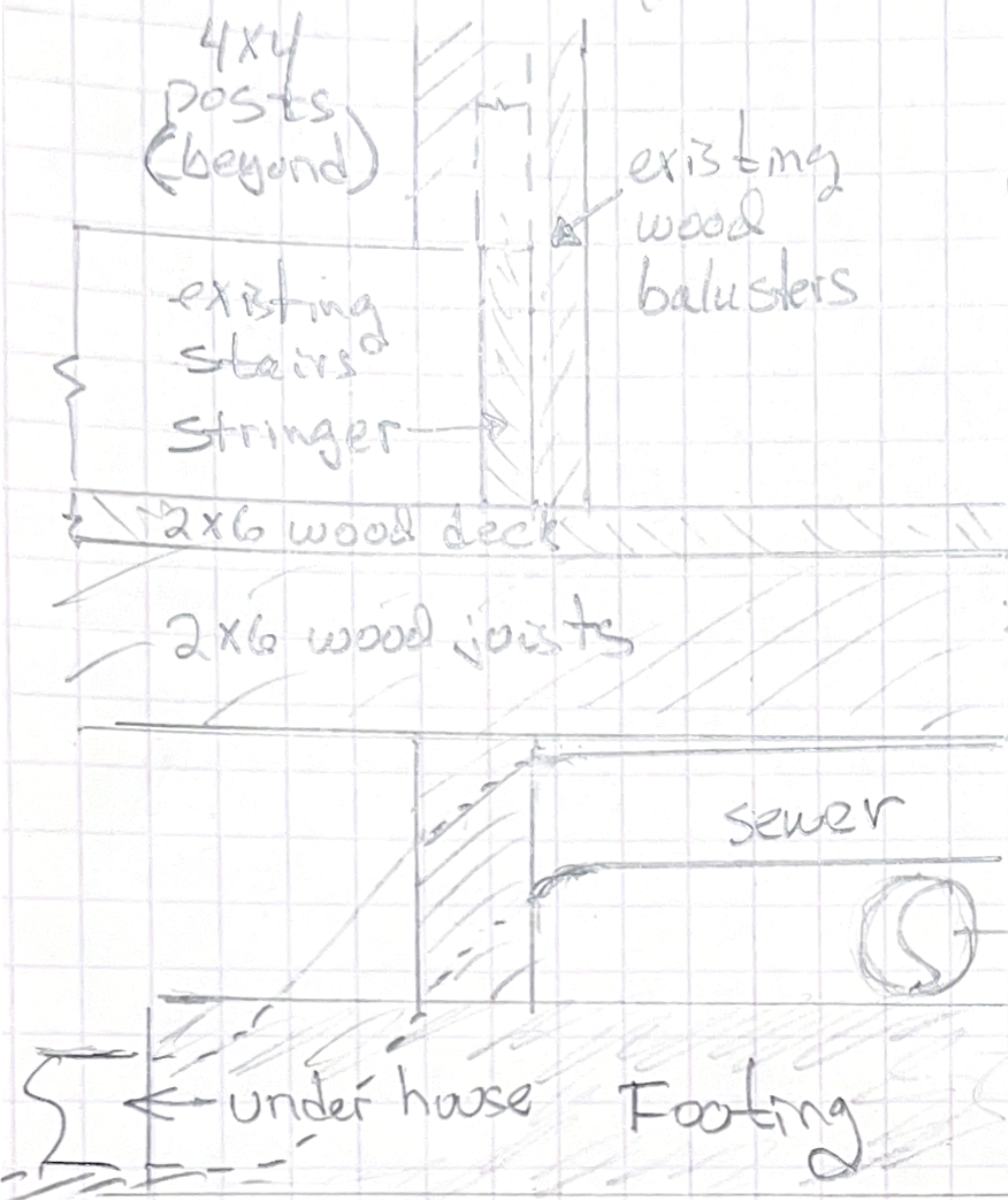
9



# Existing

## Section Views

### Alternate Stair Firewall Support

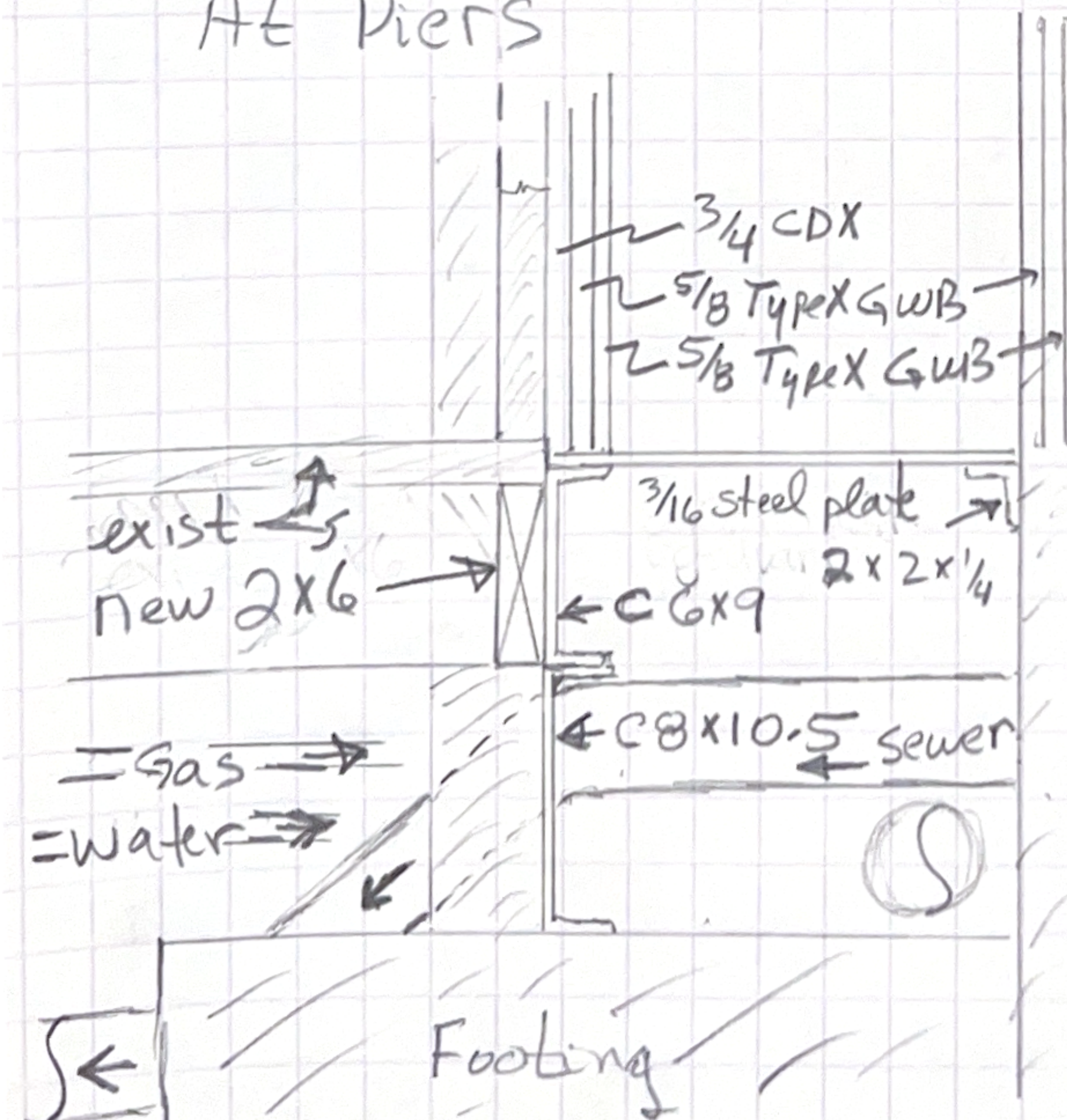


## Detached ADU

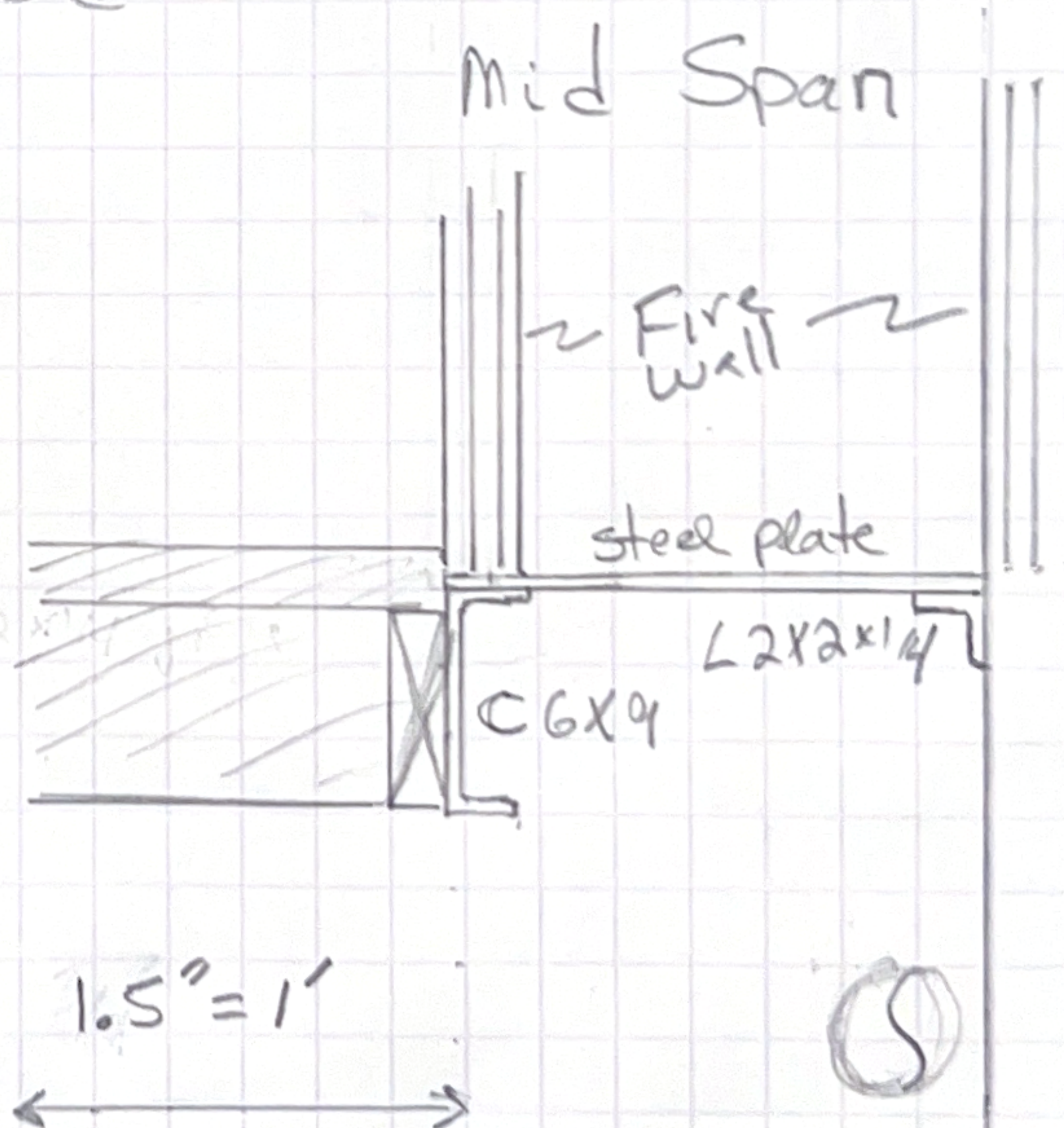
- remove up to stringer:
- wood balusters & handrail
- 2x6 deck beams
- 2x6 joist

## Planned

### At Piers



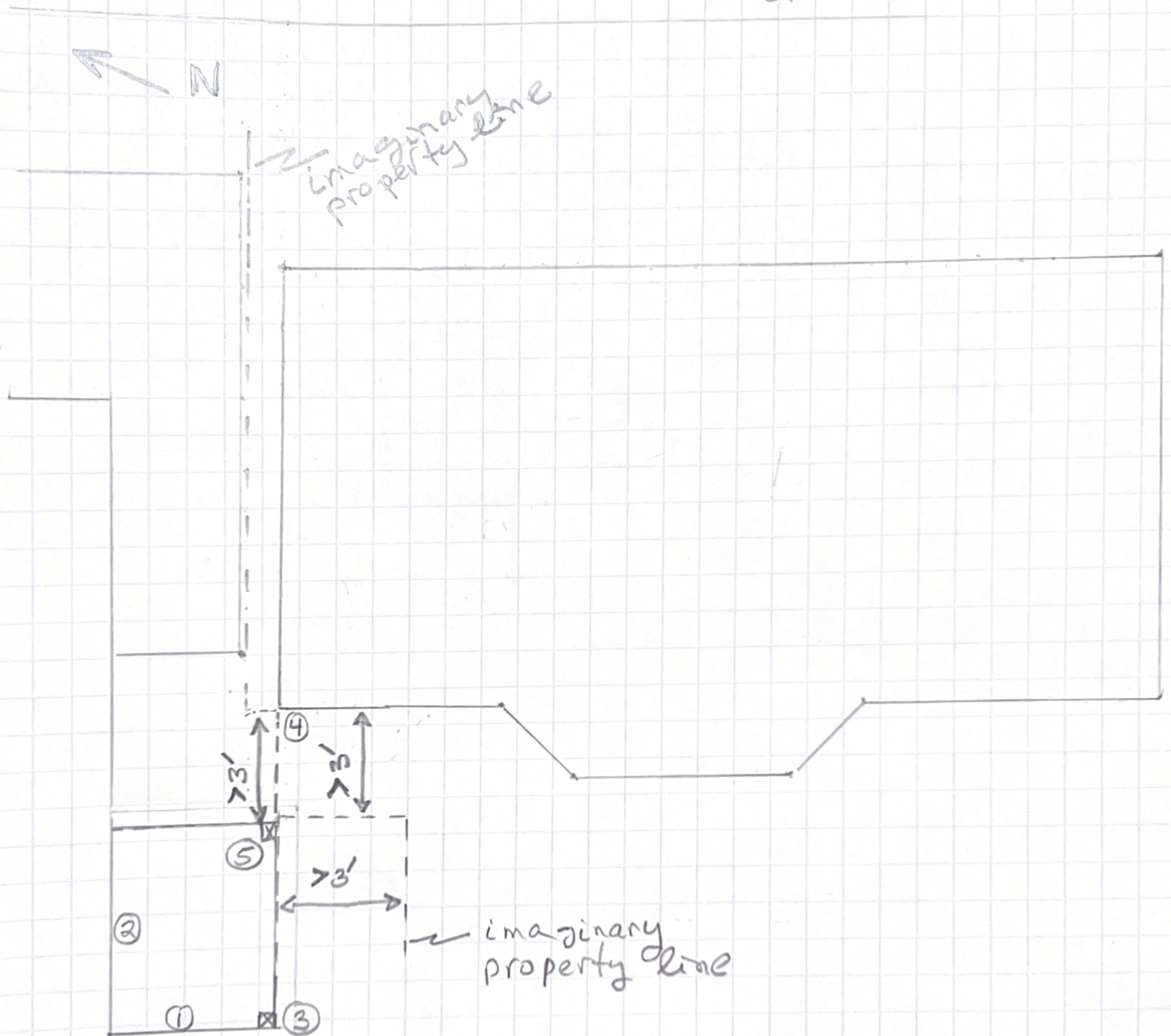
### Mid Span



submitted 5-19-25 (10)



# Reduce Size of Balcony



revised  
balcony

- ① projection reduced from  $61\frac{1}{2}"$  to  $54"$
- ② width reduced from  $72"$  to  $68"$
- ③ relocate w. post closer to house
- ④ remove post and beam @ ADU
- ⑤ add new pier and post @ SE edge of balcony

$\frac{1}{4}" = 1'$   
→ ←

submitted 5-19-25

11



# View East to West under existing deck & stairs

ADU  
side

House  
side

Sewer line

Gutter drain

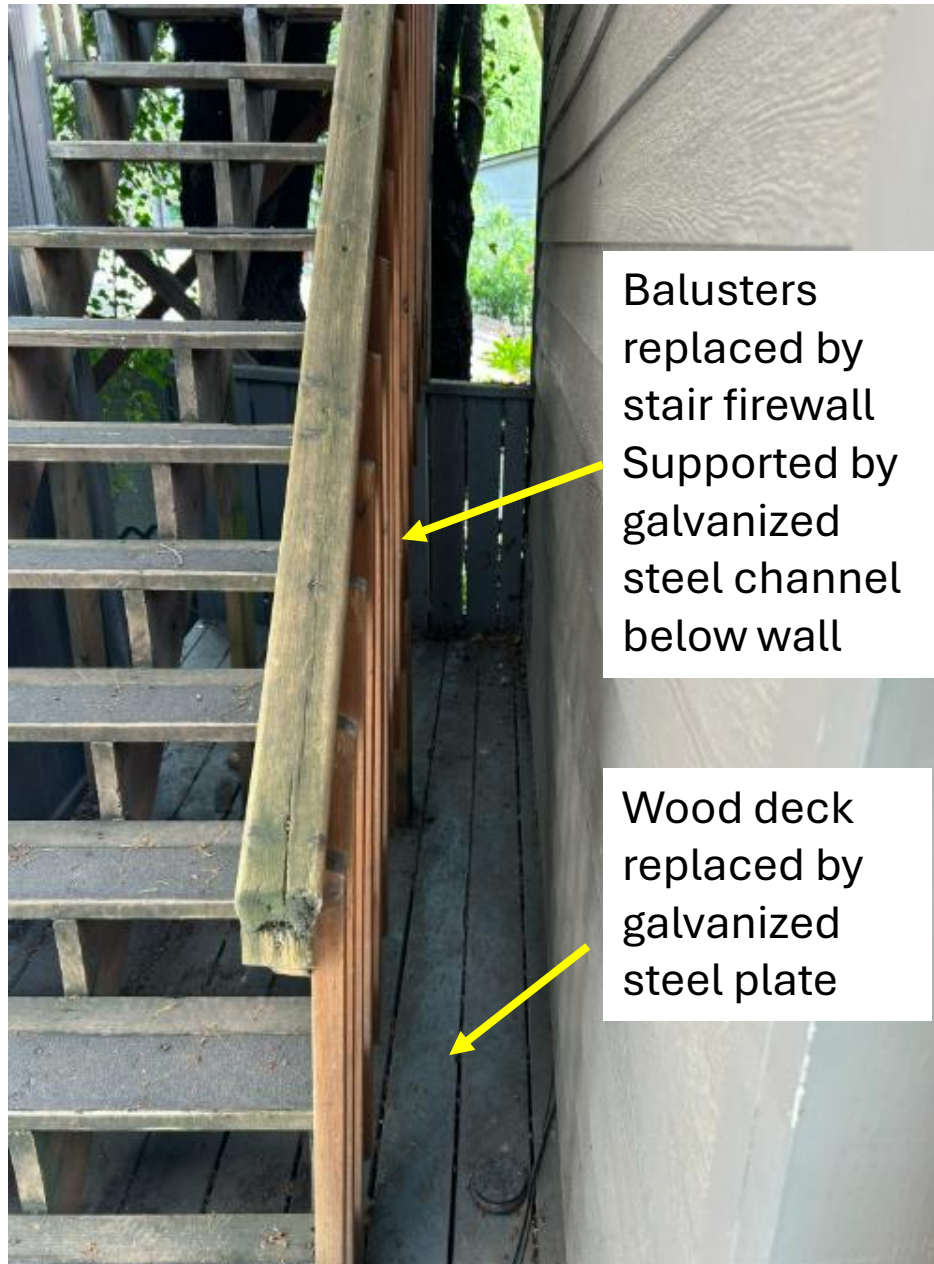
Stair and  
pier footing

gas line

Water line



Main house  
And stairs up to  
attached ADU  
Only access for  
upstairs unit  
tenant



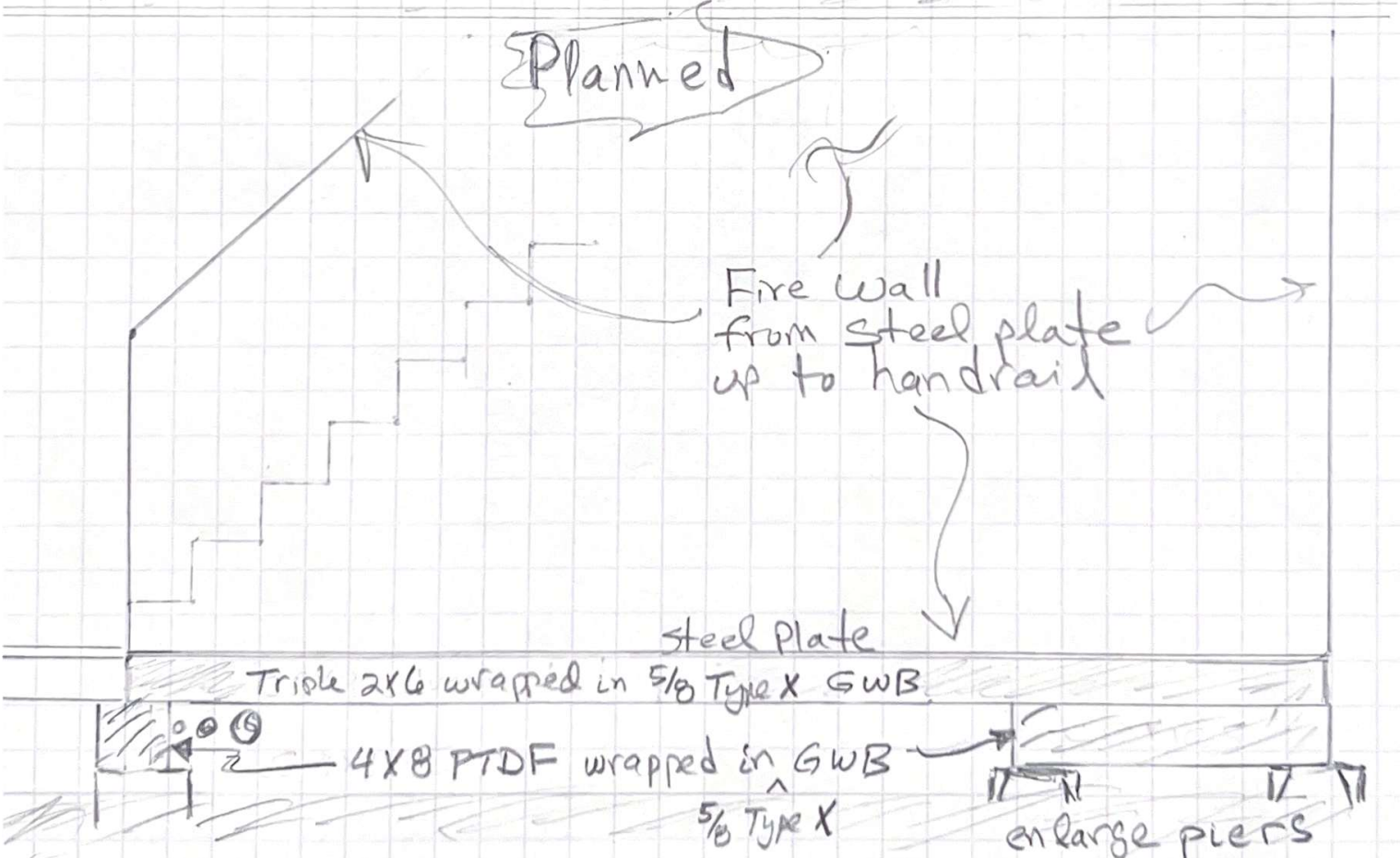
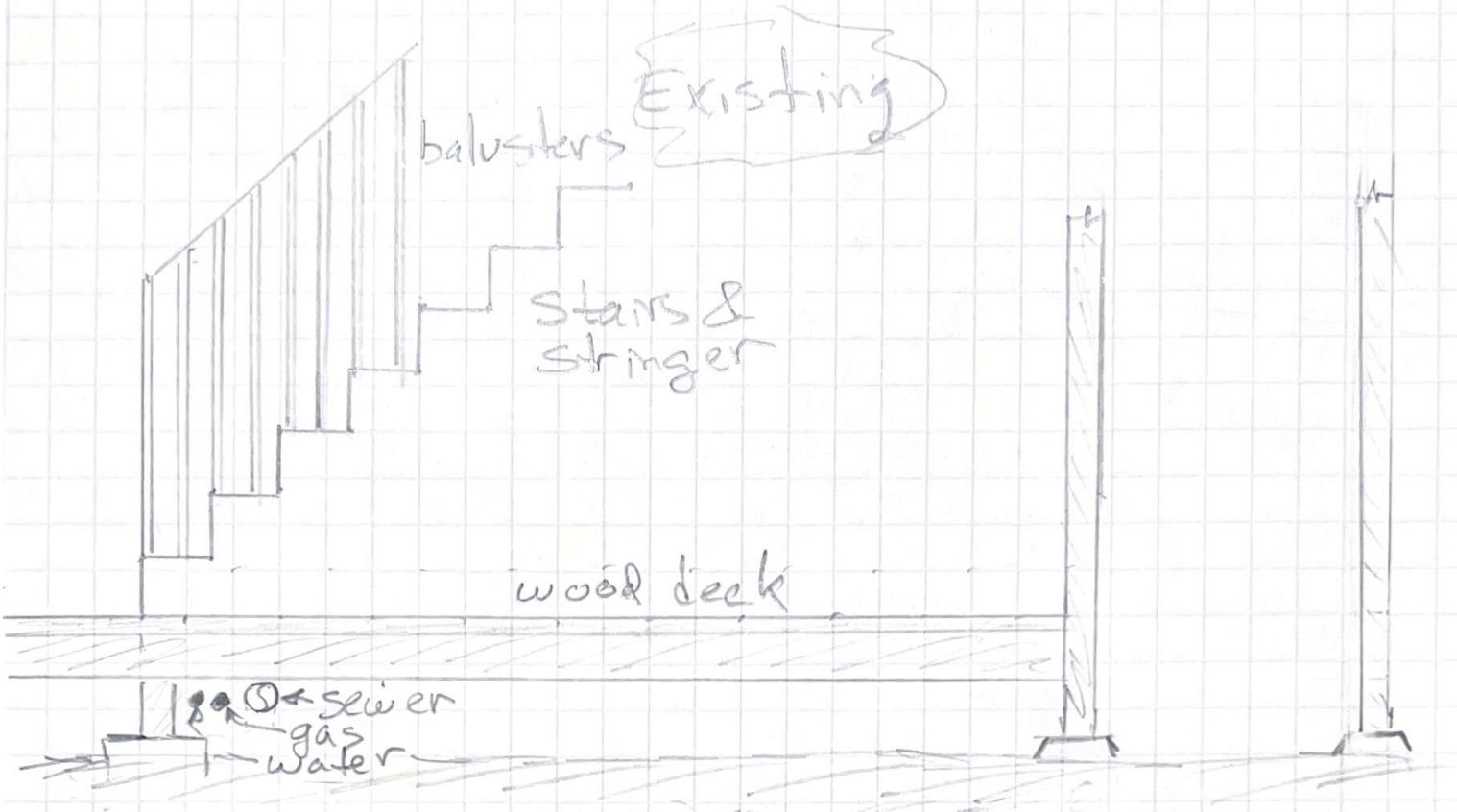
Balusters  
replaced by  
stair firewall  
Supported by  
galvanized  
steel channel  
below wall

Wood deck  
replaced by  
galvanized  
steel plate

detached  
ADU



# Side View



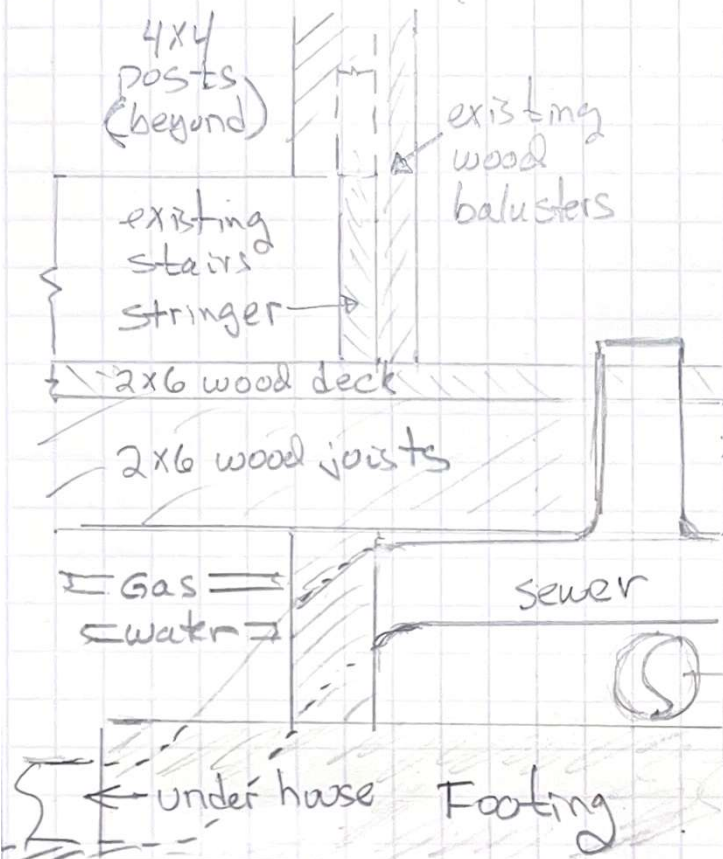
1/2" = 1'

submitted 5-20-25  
9

# Existing

## Section Views

### Alternate Stair Firewall Support



## Detached ADU

- remove up to stringer:
- wood balusters & handrail
- 2x6 deck beams
- 2x6 joist

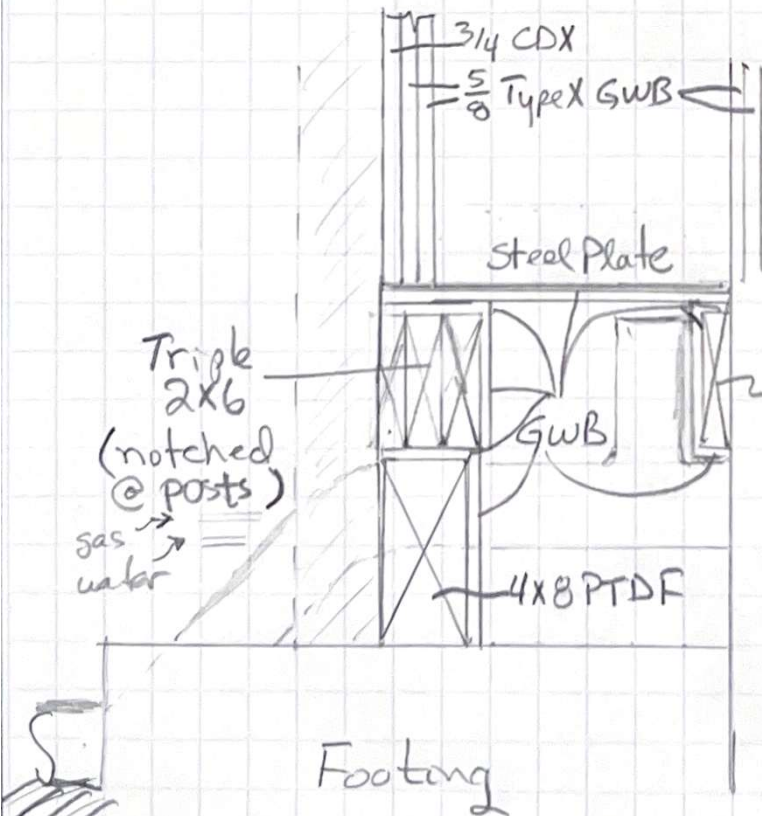
1.5" = 1'



## At Posts / Piers

## Planned

## mid Span



2x6 PTDF

Triple 2x6

2x6 PTDF

submitted 5-20-25

10

### Fire-Rated Wall Support Assembly – Hardware & Attachment Table

Element/Location	Attachment Method	Fastener Type / Spec	Notes
2x4 under stringer to beam/ledger	Vertical bearing + face fastened	2× 10d nails or (2) SDWS screws	Notched to follow 41° stringer angle; 2x4s sit on ledger & beam
Top of 2x4 to underside of stringer	Toe-screwed through notch tab	(2) #10 wood screws or SDWS 2½"	Into stringer or tread blocking, angle-matched
Bottom of 2x4 to old deck	Vertical pinning if required	Construction adhesive + (1) SDWS screw	Optional; if old deck is acting as lateral brace only
¾" CDX to 2x4s and posts	Panel sheathing attachment	8d ring-shank nails @ 6" o.c. edge, 12" field	Panel seams staggered
¾" CDX to stringer & 4x4 posts	Surface screw or nail	8d or SDWS screws @ 12" o.c.	Fasten through face grain of stringer
First GWB to CDX	Sheathing-type attachment	1⅝" Type S drywall screws @ 12" o.c.	Stagger seams from CDX joints
Second GWB layer to first GWB	Fire-rated laminate fastening	2" Type G screws @ 12" o.c. (double-layer)	Use fire-rated joint compound between sheets
Printed sheet metal to GWB	Surface-mounted metal cladding	Panel adhesive + rivets or small finish screws	Sheet metal must be non-combustible and code-approved for exterior
Caulking & seam taping	Joints, edges, window/wall transitions	DAP Dynaflex 230 or GE Paintable Exterior Caulk	Use rated exterior-grade caulk; tape GWB seams w/ fire-rated tape
Paint/coating	Exterior finish for cladding & seams	Sherwin-Williams Loxon XP or similar	Use over primer or as system finish; apply per manufacturer specs



### Structural & Fire-Rated Fastening Table – Lower Wall Beam Assembly

Element/Location	Attachment Method	Fastener Type / Spec	Notes
4x8 PTDF block to concrete pier	Post base with anchor	Simpson CB66 or CBSQ66 with ½" epoxy-set anchor	Centered on pier; attached flush to 4x4 stair post
GWB wrap on 4x8	Fire-rated encasement	5/8" Type X GWB screwed @ 12" o.c.	Top, ends and ADU-facing side; fire caulk seams
Triple 2x6 beam to 4x8 block	Vertical bearing with fastening	(2) ½" through-bolts or (4) SDS screws	Aligned flush; notched inner 2x6 to fit around 4x4 post
Triple 2x6 interlaminar fastening	Assembly fastening	½" bolts @ 32" o.c. or SDWS screws @ 16" o.c.	Required for beam action; staggered pattern
GWB wrap on triple 2x6	Fire-rated encasement	5/8" Type X GWB screwed @ 12" o.c.	Top, bottom (between piers), and ADU-facing side; fire caulk seams
Steel plate to triple 2x6 beam	Top bearing + shear tie	¼" lag bolts or SDS screws @ 16" o.c.	Full-width; notched ½" x 3.5" at posts; GWB underneath, coated
2x6 ledger to ADU concrete wall	Ledger anchorage	½" x 3" wedge anchors @ 32" o.c.	Wrap ledger in GWB on top, face, and bottom; GWB coated
Cleanout access plate hinge	Flush lift panel in plate	Stainless piano hinge or lift ring	Fasten to steel plate with self-tapping screws; fire-seal perimeter
GWB under steel plate	Fire protection for steel	5/8" Type X GWB screwed @ 12" o.c.	Full width of plate; notch GWB to clear posts; coat for moisture
GWB seams and terminations	Joint protection	Fire-rated tape + compound + exterior caulk	All exterior GWB edges sealed; paint over GWB and caulked seams

## Addendum:

### Horizontal Fire-Rated Separation and Drainage Assembly (Stair to ADU)

#### Permits 25-027199 and 25-040811

This section defines drainage and access provisions for the horizontal fire-rated separation between the exterior stair stringer and the ADU wall, using a non-combustible steel plate assembly integrated into a fire-rated enclosure.

The distance between the exterior stair stringer and the ADU wall is 15". A **1/8" thick mild steel plate**, approximately 15" wide by 10.5' long, spans from a triple 2x6 beam wrapped in 5/8" Type X GWB beneath the stair fire-rated wall to a 2x6 joist ledger wrapped in 5/8" Type X GWB mounted directly to the ADU foundation. The plate bears 4" on the stair-side support and 1.5" on the ADU-side ledger, leaving a maximum clear span of 9.5". The plate supports a 2" thick fire-rated wall assembly above and is finished below with a weather-coated 5/8" Type X gypsum board fastened at 12" O.C., forming a continuous 1-hour horizontal fire-rated barrier in accordance with OSSC § 703.3. The gypsum board is protected with an approved liquid-applied weather barrier or an exterior-rated intumescent coating to ensure resistance to incidental moisture exposure.

To facilitate incidental precipitation drainage, the steel plate is installed with a positive slope of 1/8" per foot toward the ADU. The 2x6 ledger at the ADU is beveled to match this slope, maintaining full bearing contact while allowing water to shed along the plate and discharge at the low end. The plate terminates beneath the ADU's siding, and all perimeter joints at the wall interface are sealed with a fire-rated, exterior-grade sealant to prevent water intrusion. Fire-rated sealant is also applied continuously beneath the plate along all gypsum board and framing interfaces to maintain fire integrity.

The existing sewer cleanout in this zone has been lowered to remain fully within the protected zone beneath the horizontal fire-rated assembly. Access is provided via a hinged panel integrated into the steel plate. A **flush-mounted stainless steel lift ring** is installed near the ADU-side edge of the plate to allow manual lifting of the access panel. The lift ring is surface-mounted within the thickness of the 1/8" plate and fastened using sealed screw penetrations treated with fire-rated sealant. The underlying GWB is not penetrated. The interface between the fixed and hinged plate sections is sealed with continuous UL-listed fire-rated exterior-grade sealant to preserve both fire and moisture protection.

**Occupancy Disclaimer:** This horizontal steel plate assembly is not designed or intended for regular occupancy or walking use. It is not a deck, roof, balcony, or egress platform. Its sole function is to support a fire-rated wall and provide sealed access to a utility cleanout below. Occasional maintenance access is permitted, but the area is not accessible to tenants or general users and does not constitute an occupiable surface under code.

This design meets or exceeds the structural, fire-resistance, and drainage intent of applicable code requirements. It ensures continuous 1-hour fire protection beneath the stairway, provides

incidental weather drainage without penetrations, and allows for secured maintenance access to the utility cleanout while preserving fire-rated continuity.