



CITY OF PORTLAND  
Bureau of Development Services  
1900 SW Fourth Avenue, Suite 5000  
Portland, OR 97201 **P524**  
**Land Use Decision Enclosed**  
**Case # LU 15-269881 HRM**

16



U.S. POSTAGE >>> PITNEY BOWES



ZIP 97204 \$ 000.67<sup>5</sup>  
02 1W  
0001392790 MAY 25 2016

**Return Service Requested**

**REC'D MAY 31 2016**

RESPONDENT  
SABIN CA  
RACHEL LEE  
4815 NE 7TH AVE  
PORTLAND OR 97211

97211\$3939 C022





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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** May 25, 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 II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

**CASE FILE NUMBER: LU 15-269881 HRM – IRVINGTON  
GARAGE TO ADU CONVERSION**

**GENERAL INFORMATION**

**Applicant:** Brian Melton, Applicant / Diloreto Architecture  
200 NE 20th Ave, Suite 200  
Portland, OR 97232

Douglas Tansill, Owner / Laird Properties, Inc.  
4914 NE 17th Ave  
Portland, OR 97211

**Site Address:** 3424 NE 15TH AVE

**Legal Description:** BLOCK 17 LOT 8, DIXON PL  
**Tax Account No.:** R210502470  
**State ID No.:** 1N1E26AB 07400  
**Quarter Section:** 2732

**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 503-388-9030.

**Plan District:** None  
**Other Designations:** Non-contributing house with a non-contributing detached garage located in the Irvington Historic District.

**Zoning:** R5 – Residential 5,000  
**Case Type:** HRM – Historic Resource Review with Modifications  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

**Proposal:**

The applicant is seeking Historic Resource Review approval with modifications to convert an existing 500 square foot detached garage into a 430 square foot detached room with a 70 square foot storage space.

On the street facing (west) façade, setback approximately 73' from the front property line, the existing 16' wide metal roll-up garage door is proposed to be replaced with a 6' wide wooden carriage door that will serve as access to the proposed storage space. The main entry to the proposed living space is located on the west façade behind the existing house, and is not visible from the street.

The existing, non-contributing, house has a mix of fixed, double hung, and slider vinyl windows and vinyl siding. The applicant is proposing to replace the double hung vinyl windows on the non-contributing detached garage with aluminum clad wood casement windows, to fit into the existing openings where applicable. The applicant is also proposing to replace the existing vinyl siding on the garage with cementitious lap siding with a 4" reveal, and replace an existing half light metal door with a half light wooden door. The existing wood trim on the garage is proposed to be replaced with all new wood trim.

The applicant is also requesting two modifications to the same standard, described below:

**Modifications** are requested to:

- 33.110.250.C *Setbacks* for Accessory Structures  
Modification 1: Proposal to modify 33.110.250.C.1 to allow a heat pump in the rear setback.  
Modification 2: Proposal to modify 33.110.250.C.4.c.3 to allow the an existing detached garage located in the side setback, with a footprint that exceeds 24' x 24', to be converted to another type of detached covered accessory structure.

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 of Title 33. The relevant criteria are:

- 33.846.060.G *Other approval criteria*
- 33.846.070 *Modifications Considered During Historic Resource Review*

**CONCLUSIONS**

The proposed alterations to convert an existing, non-contributing, 500 square foot detached garage into a 430 square foot detached room with a 70 square foot storage space are architecturally compatible with the district and therefore warrant approval.

The purpose of the historic resource review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposal employs durable, architecturally compatible materials, respects the original character of the subject building, and allows it to remain a coherent composition. The proposal meets the applicable approval criteria and therefore warrants approval.

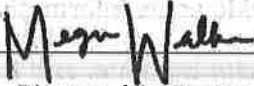
**ADMINISTRATIVE DECISION**

Approval to convert an existing 500 square foot detached garage into a 430 square foot detached room with a 70 square foot storage space. Approval of modification to section 33.110.250.C.1 to allow a heat pump in the rear setback, and section 33.110.250.C.4.c.3 to allow the an existing detached garage located in the side setback, with a footprint that exceeds 24' x 24', to be converted to another type of detached covered accessory structure.

Approved per Exhibits C-1 through C-13, signed and dated May 23, 2016, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) must be noted on each of the 4 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 15-269881 HRM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. All cementitious lap siding shall be a minimum of ½ inch thick.
- C. All windows shall be set back a minimum of 2” from the exterior face of siding to the exterior face of glass.
- D. No field changes allowed.

**Staff Planner: Megan Sita Walker**

**Decision rendered by:**  **on May 23, 2016**

By authority of the Director of the Bureau of Development Services

**Decision mailed: May 25, 2016**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on November 25, 2015, and was determined to be complete on January 15, 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 November 25, 2015.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended 50 days (Exhibit A-5). Unless further extended by the applicant, **the 120 days will expire on: July 3, 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.

**Appealing this decision.** This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on June 8, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional 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).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **June 9, 2016**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034  
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**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 of 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. Response to Approval Criteria
  2. Original Drawing Set – Not Approved/ For Reference Only
  3. Site Photos
  4. Request for Extension of 120-Day Review Period
  5. Building Code Appeal – Approved
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
  2. Demolition Floor Plan & Proposed Floor Plan
  3. Existing Elevations (attached)
  4. Proposed Elevations (attached)
  5. Proposed West Elevation – From Street (attached)
  6. Sections
  7. Wall Section
  8. Details
  9. Window Specification
  10. Roof Cap Specification
  11. Heat Pump Specification
  12. Siding Specification
  13. Exterior Lighting Specification
  14. Patio Door Specification
  15. Skylight Specification
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses:
  1. Water Bureau
  2. Life Safety Division of BDS
- 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. However, expressed concern over the placement of the heat pump in the rear set back, and concerns regarding the proximity of the existing structure (to be converted) to a structure to the south and whether or not there were any associated fire safety issues.
  2. Dean Gisvold on behalf of the Irvington Community Association (ICA), on February 24, 2016 wrote in support of the new wooden carriage door, the aluminum clad wood windows, the siding replacement, and the new wooden door, and the modification to allow the building in the rear and side setbacks if adequate screening is provided on the

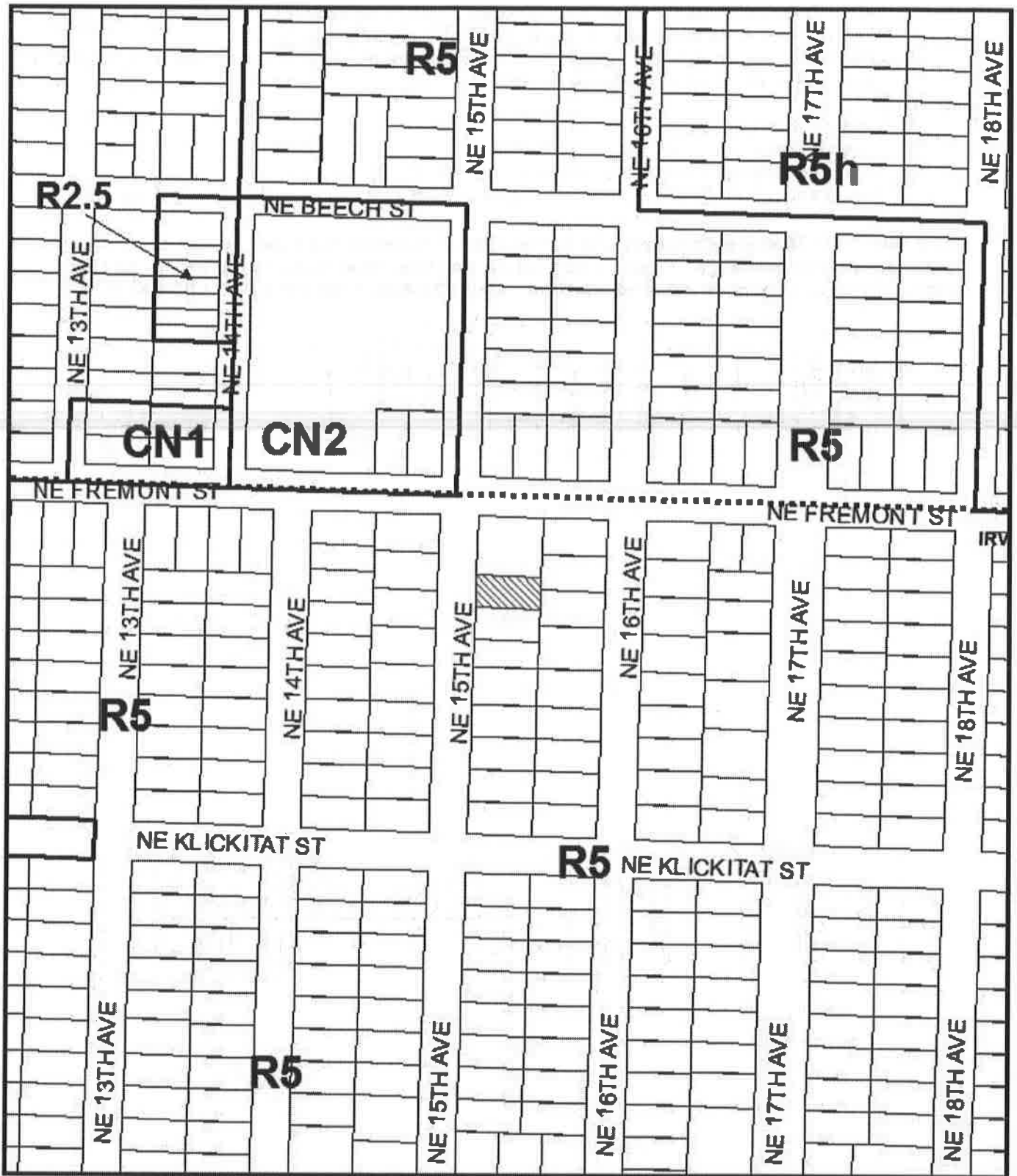
north and east property lines. He expressed concern regarding the modification to allow the proposed heat pump within the five feet of the rear property line.

3. Jessica Vacek, on February 26, 2016 expressed concern regarding the proximity of the proposed heat pump to the property line.

G. Other:

1. Original LU Application
2. Oregon Historic Site Record
3. Irvington Historic District Nomination, Page 61 of 242
4. Title 33.110.250 *Accessory Structures* (Code in effect when application was received)

**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



This site lies within the:  
IRVINGTON HISTORIC DISTRICT

File No.	<u>LU 15-269881 HRM</u>
1/4 Section	<u>2732</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E26AB 7400</u>
Exhibit	<u>B (Jan 15, 2016)</u>

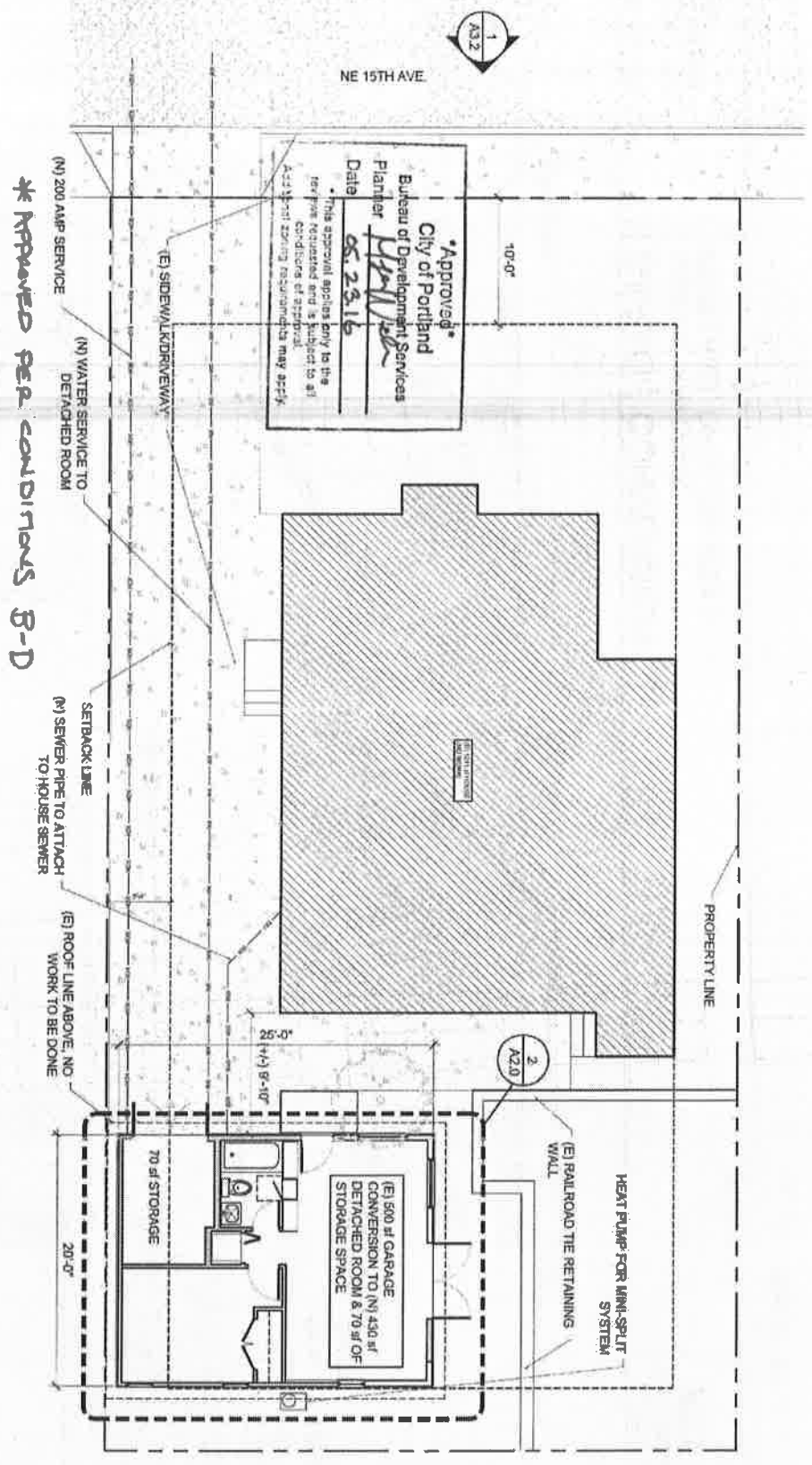


**di borsta** ARCHITECTURE, llc  
 2001 Northland, Vancouver, British Columbia, V6L 2G1  
 Vancouver, British Columbia, Canada  
 Telephone: 604.778.9779  
 Fax: 604.778.9775

**GARAGE CONVERSION - HISTORIC DESIGN REVIEW**  
**3424 NE 15TH AVE.**  
**PORTLAND, OREGON**

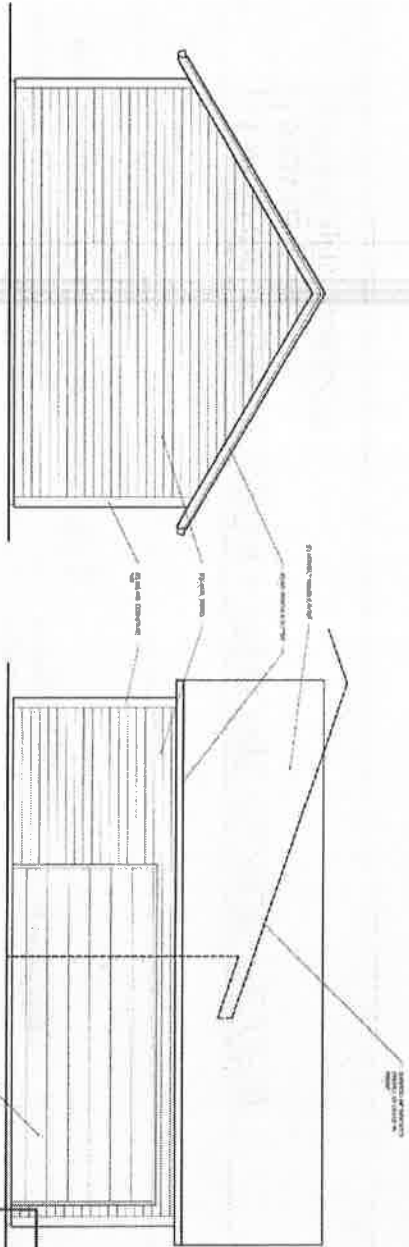
SITE PLAN  
**A1.0**  
 EXH C-1  
 15020 1.13.16  
 LV 15-261881 RP-1

**1 SITEPLAN**  
 A1.0 SCALE: 1/8"=1'-0"

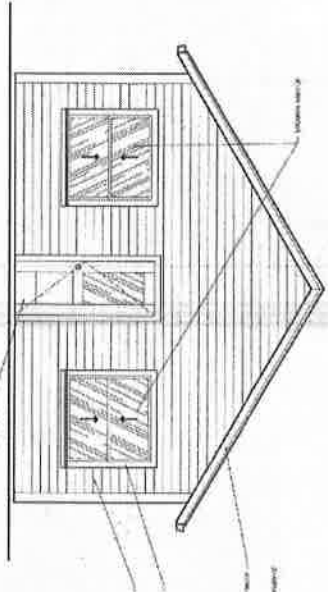


**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner *[Signature]*  
 Date **06.23.16**  
 \*This approval applies only to the review requested and is subject to all conditions of approval.  
 A-22 zoning requirements may apply.

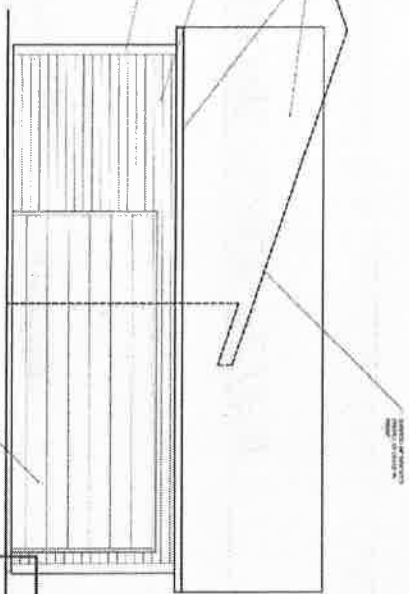
**\* APPROVED PER CONDITIONS B-D**



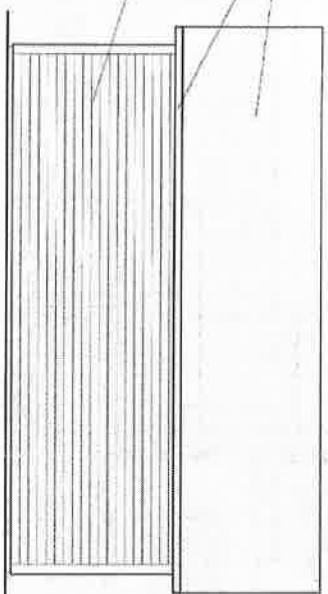
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner *[Signature]*  
 Date **05.23.16**

**\* APPROVED  
 PER CONDITIONS  
 B-D**

**di loreto ARCHITECTURE, PC**  
 200 North 40th Street  
 Portland, Oregon 97205  
 Telephone: 503/734-9979  
 Fax: 503/734-9975

**GARAGE CONVERSION**  
**3424 NE 15TH AVE.**  
**PORTLAND, OREGON 97211**

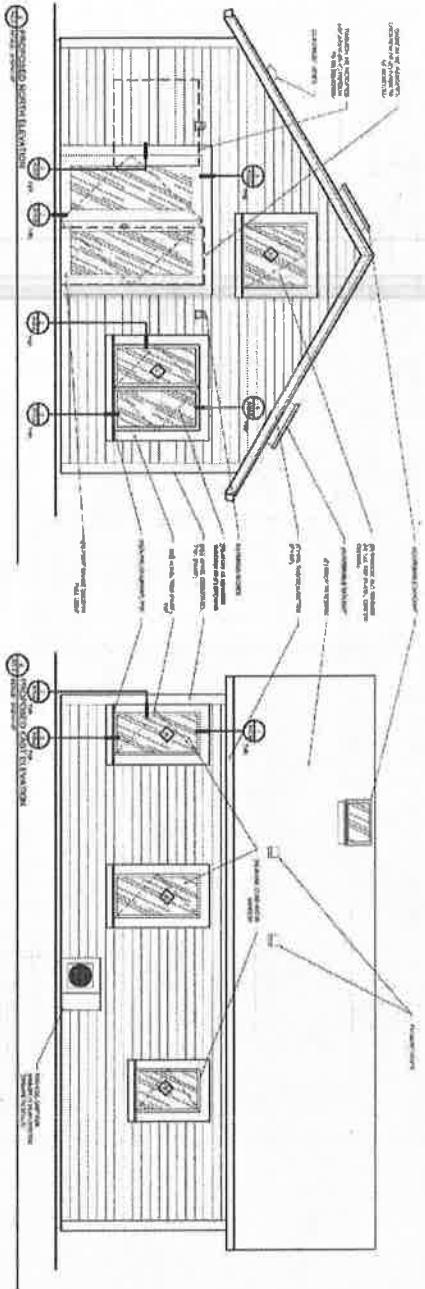
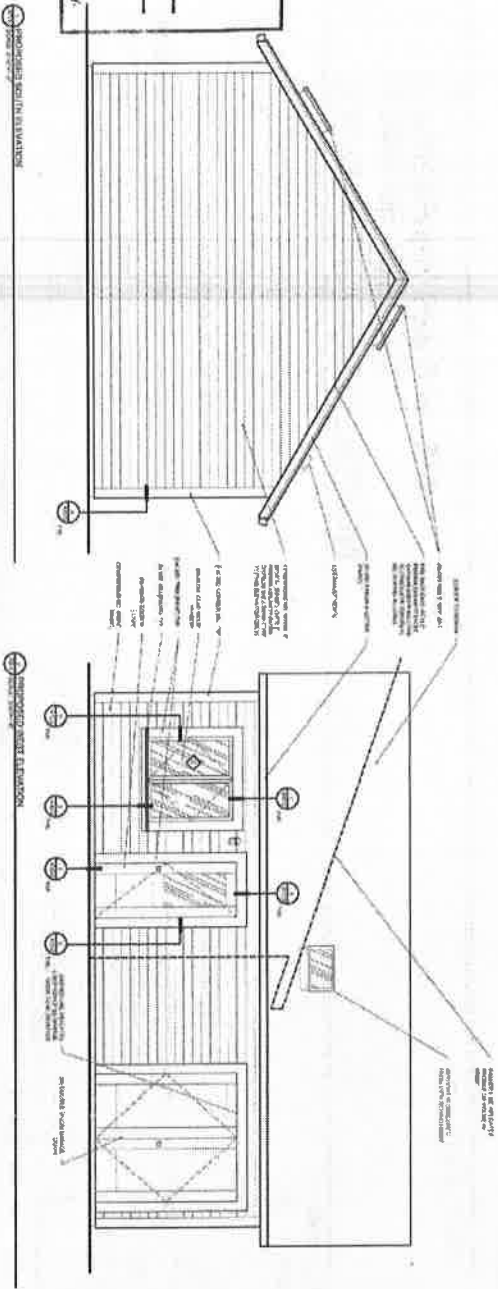
EXISTING ELEVATIONS  
**A3.0**  
 EXH C-3  
 15020 1.13.16

LV 15 - 269081 TRM

Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner *M. W. [Signature]*  
 Date 05.23.16

\* This approval applies only to the reviewed requests and is subject to all applicable zoning requirements may apply.

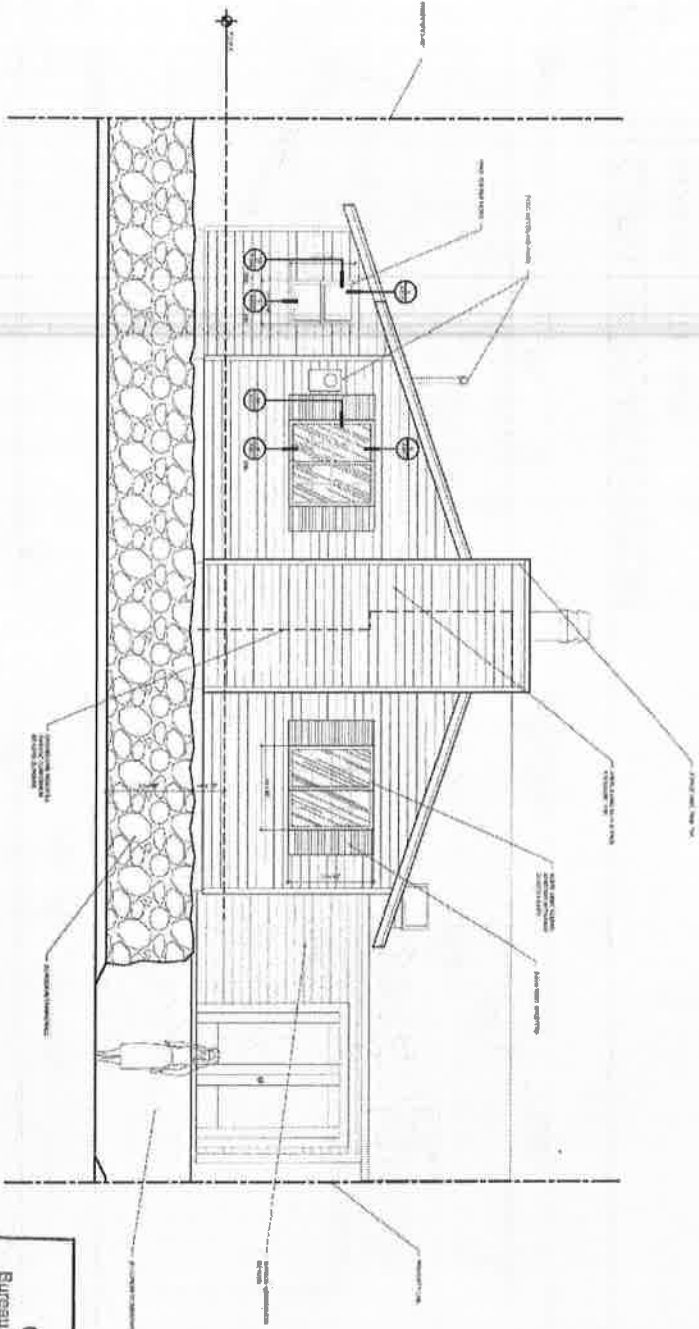
\*APPROVED PER  
 CONDITIONS  
 B-D



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 Portland, Oregon USA 97202-3071  
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 Telephone: 503/726-9979  
 Fax: 503/726-9975

**GARAGE CONVERSION**  
 3424 NE 15TH AVE.  
 PORTLAND, OREGON 97211

PROPOSED  
 ELEVATIONS  
**A3.1**  
 15020 1.13.16  
 EXH C-4  
 LV 15-269001 TRM1



3424 NE 15TH AVENUE, PORTLAND, OREGON 97211

\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner *Helen Lee*  
Date *05.25.16*

\*This approval applies only to the  
reviewed conditions and is subject to all  
conditions of approval.  
No other work or construction may occur.\*

di loreto ARCHITECTURE, LLC  
200 Northwest Hawthorn Avenue, Suite 200  
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**GARAGE CONVERSION**  
3424 NE 15TH AVE.  
PORTLAND, OREGON 97211

PROPOSED  
ELEVATION  
A3.2  
EXH C-5  
15020 1.13.16

LV 15-24981 TRM1