

I. Introduction and Background

This Narrative is meant to respond to the specific historic review criteria for the current and proposed improvements to the residence located at 1344 14th Street. Those improvements relate to the replacement of windows, the addition of a rear porch, the addition of a bathroom on the second floor of the existing home, and the replacement of the original garage.

The Bernert family constructed our home in 1941. We made friends with the Bernert family when we moved in as Agnes' next-door neighbor in 2001 and purchased the home from the Bernerts in 2010. We are the second owners of our home at 1344 14th Street. As the current homeowner-applicant, we are requesting that special consideration is due our requests for window replacement, a back porch and a small (less than 30 square feet) back-of-the-home bathroom and rebuilding our failing garage for five reasons: (A) our home is not on the National Historic Registry, (B) our home was built in the 1940's, thus making it the newest home in West Linn's "Historic District" according to the City of West Linn, Historic Context Statement, Willamette and Holly Grove Neighborhoods 2006, (C) given that our home was most probably the only home that was designated a "historic" home while the person who built the home was still living in it and we know that she and her family were unaware that the city had made forced this designation. As you may expect, a woman nearly aged 101 and son's in their 80's would never be able to navigate the procedures that require the following document. (D) Our home is the only historic home sitting on a 150' by 180' (27,000 sqft) lot and thus should be afforded a slightly different standard compared to the typical R-5, 50'x90' (5,000 sqft). Finally (E), we have complied with all of West Linn's regulations of the Community Development Code or CDC.

II. Review Criteria

25.050 APPLICATION REQUIREMENTS

A. Historic design review.

Please see the individual sections (marked as exhibits 1-4) for applicant's responses to each requirement of regulation CDC 20.050 (A 1-A6) for the window replacement, porch addition, bathroom addition, and garage replacement.

B. Designation of a historic resource.

The applicant is not seeking designation of the residence as an historic resource. The criteria in CDC 25.050(B) therefore do not apply.

C. Removal of historic resource designation. Applications for removal of historic resource designation shall include the following:

Both the original family who built this home, and the current owners dispute that regulation CDC 25.050 (C) was ever truly afforded to neither the Bernert Family nor us. As stated previously, we disagree that the owners previous or current were given appropriate opportunity to refuse to consent to the historic designation. Regulation CDC 25.050 (C) is recursive: “you can’t get there from here”, if you do not register a complaint within 22 days you have forfeited your ability to argue the designation.

The city simply mailed out a postcard that would have either required a woman in her 80’s or 100’s (depending on which “designation date” you are given) who lives by herself to have the wherewithal to forward a postcard from the city to her sons, who operated the trust, or that renters that the present owners had in the home would have known to bring the card to us. In either case, it is not that the city requested and required our any homeowner’s consent. Rather, through a dubious process, made the inverse condemnation of our property, with a looming threat of an expensive Land Use Board of Appeals (LUBA) legal case. City regulation CDC 25.050 (C) only allows a homeowner to lodge this complaint and begin the process of fighting the city forcing our home on a registry that provides us, the owners, with no benefit, only further regulation. To bolster this argument, our home was constructed in 1941, well outside West Linn’s referenced “period of significance” which West Linn City’s website references as between 1895 and 1930 (Fitzgerald & McFeeters-Krone, 2006) and does not contribute to the national historic registry, it only serves as a buffer zone for these historic homes.

D. Relocation of a historic resource. Applications for relocation of an historic resource shall include the following:

The present homeowner-applicants regard regulation CDC 25.050 (D) as not applicable. The current homeowner-applicants do not make a request for relocation of a historic resource.

E. Demolition of a historic resource.

1. Historic landmark or contributing primary structure.

The present homeowner-applicants regard regulation CDC 25.050 (E)(1) as not applicable. We do not make a request for the demolition of a historic landmark or contributing primary structure.

2. Non-contributing or not in period primary structure and accessory structure.

The present homeowner-applicants regard regulation CDC 25.050 (E)(1) as not applicable. We do not make a request for the demolition of a historic landmark or contributing primary structure.

25.060 DESIGN STANDARDS APPLICABLE TO HISTORIC RESOURCES

The following design standards apply to all changes, including alterations, additions, and new

construction proposed on a designated historic resource. These standards are intended to preserve the features that made the resources eligible for historic designation. Development must comply with all applicable standards, or be approved through the modifications process specified in regulation CDC 25.080.

A. Standards for alterations and additions. This section applies to historic reviews for alteration of and additions to designated historic resources:

1. Retention of original construction. The original construction shall be maintained or restored to the greatest extent practicable. Stylistic features of original construction that shall be preserved include, but are not limited to: a line of columns, decorative shingles, projecting bays, other primary structural elements, spatial relationships that characterize the property, examples of skilled craftsmanship that characterize the building, and architectural details defining the structure's character and historic significance.

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(1). The original construction has been maintained or restored to the greatest extent practicable. Stylistic features of original construction were preserved including, spatial relationships that characterize the property, examples of skilled craftsmanship that characterize the building, and architectural details defining the structure's character and "historic" significance. Other features such as a line of columns, decorative shingles, and projecting bays do not exist and, therefore, cannot be maintained or restored.

2. Retention of historic material. Removal or alteration of historic materials and features shall be avoided during the construction of new additions or exterior alterations. Whenever possible, deteriorated materials and architectural features shall be repaired rather than replaced. In the event replacement of an existing feature is necessary, new materials shall, to the extent possible, match those of the original building in terms of composition, design, color, texture, and other visual features.

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(2). Removal or alteration of historic materials and features has been and will continue to be avoided during the construction of addition. Whenever possible, deteriorated materials such as the original cedar siding and architectural features were repaired rather than replaced. In the event replacement of an existing feature such as windows are necessary, new materials match those of the original building in terms of composition, design, color, texture, and other visual features.

3. Time period consistency. Buildings shall be recognizable as a physical record of their time and place. Alterations which have no historical basis or which seek to create a false sense of historical development are not allowed.

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(3). Our home is recognizable as a physical record of its time and place, which is the 1940s as opposed

to some significant historic time period typical of other buildings in this area. No alterations that have no historical basis or that seek to create a false sense of historical development have been or will be constructed

4. Significance over time. Changes to a property that have acquired historic significance in their own right, and during the period of significance, shall be retained and preserved.

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(4). West Linn's website references, "As described more thoroughly in the Findings portion of this report, the period of significance for the Willamette neighborhood was found to be 1895-1930" (Fitzgerald & McFeeters-Krone, 2006). No changes to this property have acquired historic significance in their own right, nor could have occurred and during the period of significance as our home, by definition, was constructed after the period of significance.

5. Differentiate old from new. Alterations and additions shall be differentiated from the original buildings and shall be compatible with the historic materials, features, size, scale, proportion, and massing to protect the integrity of the property.

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(5). The homeowner-applicants will show in the process of this document that alterations and additions are differentiated from the original buildings and are compatible with the historic materials, features, size, scale, proportion, and massing to protect the integrity of the property.

6. Reversibility. Additions and alterations shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its context would be unimpaired.

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(6). The homeowner-applicants will show in the process of this document that additions and alterations were and will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its context would be unimpaired. No improvement fundamentally alters the primary structure.

7. Building additions. Building additions shall be subordinate to the original building, smaller in scale, and attached to the rear or set back along the side. Features of building additions, including the proportions of window and door openings, shall be consistent with those of the existing building. Dimensional and other requirements in the underlying zone, as applicable, shall apply.

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(7). The homeowner-applicants will show in the process of this document that our proposed building additions are subordinate to the original building, smaller in scale, and attached to the rear or set back along the side (see Exhibits 2,4). Features of building additions, including the proportions of window and door openings, are consistent with those of the existing building

(see Exhibit 1). Dimensional and other requirements in the underlying zone, as applicable, are understood to apply.

8. Building height and roof pitch. Existing or historic building heights and roof pitch shall be maintained.

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(8). The homeowner-applicants will show in the process of this document existing or historic building heights and roof pitch are consistent with the original construction and do not functionally or aesthetically change the home (See Exhibits 2,3).

9. Roof materials. Replacement of a roof or installation of a new roof with materials other than cedar shingles, three tab asphalt shingles, or architectural composition shingles must be demonstrated, using photographic or other evidence, to be in character with those of the original roof, or with materials that are consistent with the original construction.

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(9). The homeowner-applicants replaced the roof with three tab asphalt maintain the character of the original construction. See Photos

10. Existing exterior walls and siding. Replacement of the finish materials of existing walls and siding with different material must be demonstrated, using photographic or other evidence, to be in character with those of the original materials, or with materials that are consistent with the original construction.

The present homeowner-applicants are in compliance with 25.060 (A)(10). The homeowner-applicants, at significant expense, refinished the *original cedar siding* of the *original construction*. See photos

11. New exterior walls and siding. Wood siding or shingles shall be used unless the applicant demonstrates that an alternative material has a texture and finish typically used on similar style buildings of the era, or the era the building style references. Vinyl or other materials that do not match those that were typically used on similar style buildings of the era, or the era the building style references, are not permitted.

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(11). The homeowner-applicants will show in the process of this document that our proposed changes to our home will use wood siding texture and finish typically used on similar style buildings of the era, or the era the building style references. Vinyl or other materials that do not match those that were typically used on similar style buildings of the era, or the era the building style references, would not be used. (see Exhibit 2)

12. Gutters and downspouts. Replacement or new gutters and downspouts shall be rectangular, ogee, or K-shaped and comprised of wood or metal material, or styles and

materials that match those that were typically used on similar style buildings of the era, or the era the building style references. Vinyl or other materials and styles that do not match those that were typically used on similar style buildings of the era, or the era the building style references, are not permitted.

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(12). The homeowner-applicant's new gutters and downspouts are rectangular, metal material and match those that were typically used on similar style buildings of the 1940s. No vinyl or other materials and styles that do not match those that were typically used on similar style buildings of the era, or the era the building style references were used.

13. New windows. New windows shall match the appearance of the original windows as closely as possible. Wood window frames and sashes shall be used unless the applicant demonstrates that the non-wood windows are consistent with their wooden counterparts, including profile and proportion of the sash, sill, trim, light patterns, glass color, and profile of mullions and muntins. The window trim and sill shall match the original trim.

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(13). The homeowner-applicant's proposed new windows match the appearance of the original windows as closely as possible. The homeowner-applicant will demonstrate that the non-wood coating on their windows are consistent with their wooden counterparts, including profile and proportion of the sash, sill, trim, light patterns, glass color, and profile of mullions and muntins. The window trim and sill shall remain original were refurbished. (see Exhibit 3)

14. Storm windows. Storm windows shall be made of painted wood, baked enamel, anodized aluminum, or another material that is consistent with the color, detail, and proportions of the building.

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(14). The homeowner-applicant's chose not to use storm windows and instead used a fiber coating on their wood windows rather than replace stained aluminum storm windows that leech and discolor the brick of the home.

15. Window replacement. Replacement of windows or window sashes shall be consistent with the original historic appearance, including the profile of the sash, sill, trim, window plane relative to the building wall plane, light pattern, glass color, profile of mullions and muntins, and color.

The present homeowner-applicants are in compliance with regulation CDC 25.060 (A)(15). The homeowner-applicant's purchased \$30,000 of Milgard Essence Series windows that match the appearance of the original windows as closely as possible, including the profile of the sash, window plane relative to the building wall plane, light pattern, glass color, profile of mullions and muntins, and color. The home's original casing and sills were refurbished and retained. The windows were purchased prior to learning from the city historic planner that the current

process was necessary. The proposed windows are constructed of Douglas Fir wood and have an exterior coating of “fiber poltrudion” which is essentially a coating that gives the window a far greater “U value” (the measure of thermal transmittance) two to three times better than the original windows. (see Exhibit 1)

16. Doors. Doors shall be painted or stained wood, fiberglass clad, or metal clad, or another material that is consistent with the original historic appearance.

The present homeowner-applicants regard regulation CDC 25.060 (A)(16) as is not applicable to this review. We do not make a request for door replacement as the doors were replaced prior to our purchase. The doors would comply with CDC 25.060 (A)(16), however, as they are stained wood and are consistent with the original historic appearance.

17. Porches. Front porches are allowed on new construction. No front porch shall be added to a structure if there was not one originally. Existing front porches shall not be enclosed or enlarged. Alterations to existing front porches and side yard porches that face a street shall:

a. Maintain the shape, width, and spacing of the original columns; and

The present homeowner-applicants regard regulation CDC 25.060 (A)(17)(a) as not applicable to this review. The homeowner-applicant does not propose a front porch, but rather a back porch. (See Exhibit 2)

b. Maintain the height, detail, and spacing of the original balustrade.

The present homeowner-applicants regard regulation CDC 25.060 (A)(17)(b) as not applicable to this review. The homeowner-applicant does not propose a front porch, but rather a back porch. (See Exhibit 2)

18. Decks. Decks shall be located in rear yard or the portion of the side yard behind the front 50 percent of the primary structure.

The present homeowner-applicants regard regulation CDC 25.060 (A)(18) as not applicable to this review. The homeowner-applicant does not propose a deck.

19. Foundations. Repair or construction of a foundation that results in raising or lowering the building elevation must demonstrate that:

a. The proposal is consistent with the original design and, if applicable, is consistent in the context of adjacent and other structures on the block, based on

photographic or other evidence; or

The present homeowner-applicants regard regulation CDC 25.060 (A)(19)(a) as not applicable to this review. The homeowner-applicant does not propose the repair or construction of a foundation that results in raising or lowering our home. (See Exhibit 2)

b. That it is necessary to satisfy a requirement of the building code and/or floodplain regulations (Chapter 27 regulation CDC).

The present homeowner-applicants regard regulation CDC 25.060 (A)(19)(b) as not applicable to this review. The homeowner-applicant does not propose the repair or construction of a foundation that results in raising or lowering our home or necessary to satisfy a requirement of the building code and/or floodplain regulations.

20. Lighting. Residential lighting shall be shielded to prevent glare and compatible with the architectural character of the building. Blinking, flashing, or moving lighting is not permitted.

The present homeowner-applicants regard regulation CDC 25.060 (A)(20) as not applicable to this review. The homeowner-applicant has made no modifications to lighting.

25.060 (B) Standards for accessory structures. The following standards apply to accessory structures on properties designated as historic resources in addition to the regulations in Chapter 34 regulation CDC:

The present homeowner-applicants are in compliance with 25.060 (B) which uses as a base, regulations inclusive under code CDC 34:

Chapter 34 ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND ACCESSORY USES

34.020 ACCESSORY USES

Accessory uses are permitted uses which are customary and incidental to principal uses permitted in the zone and shall be permitted outright, or by prescribed conditions as identified below, and may be either attached or separated from the principal dwelling. Accessory uses on designated historic resources are subject to additional regulations in CDC [25.060\(B\)](#).

A. A greenhouse may be a maintained accessory to a dwelling provided the activity does not exceed that which requires a license under Chapter 571 of the Oregon Revised Statutes, Nurseries.

The present homeowner-applicant submits that regulation CDC 34.020 (B) does not apply to the homeowner-applicant's current proposal, as we make no requests for a greenhouse.

B. A television disk or satellite dish larger than three feet in diameter, and any other non-commercial antennas over three feet in height (minor utility), may be a maintained accessory to a dwelling provided it is not located within the front yard or side yard abutting a street, it is mounted on the ground, is screened from view, as practical, with landscaping, and otherwise meets the requirements of CDC [34.060](#). The satellite dish shall not exceed a maximum height of 18 feet.

Where it can be demonstrated that these restrictions impose unreasonable limitations to the extent that the antenna/satellite dish's reception or transmitting capability is significantly reduced, then roof-mounted (provided it is powder-coated with mesh or perforated construction) or alternate locations for the antenna/satellite dish may be allowed. (Ord. 1350, 1993; Ord. 1463, 2000; Ord. 1614 § 8, 2013)

The present homeowner-applicant submits that regulations CDC 34.020 (B) does not apply to the homeowner-applicant's current proposal, as we make no requests for a satellite or television disk.

34.030 ACCESSORY DWELLING UNITS (ADUs)

A. An accessory dwelling unit (ADU) may be allowed in conjunction with an existing primary single-family dwelling by conversion of existing space inside the primary dwelling; by means of an addition to an existing dwelling; by means of an addition as an accessory structure; or by converting or adding to an existing accessory structure, such as a garage, on the same lot with an existing primary dwelling, when the following conditions are met:

- 1. One off-street parking space for the ADU shall be provided in addition to the required parking for the primary dwelling except in those cases where the abutting street has a paved width of 28 feet or more and allows on-street parking.**
- 2. Public services can serve both dwelling units.**
- 3. The number of occupants is limited to no more than one family as defined by the Community Development Code.**
- 4. The ADU does not exceed one bedroom and has an area between 250 and 1,000 square feet. If the ADU is located in an accessory structure, then it shall not exceed 30 percent of the gross square footage of the primary dwelling, except that an ADU may be a minimum of 250 square feet in size regardless of the size of the primary dwelling. No more than one ADU is allowed.**
- 5. The ADU is in conformance with the setback and lot coverage requirements of the underlying zone.**

6. The following minimum area standards shall be met:

1 person – 250 square feet

2 persons – 500 square feet

7. Existing accessory structures such as large workshops, offices, garages, etc., constructed prior to January 2000, that exceed dimensional standards prescribed above for ADUs may be converted into ADUs in the future so long as the occupied or inhabited area is restricted to less than 1,000 square feet. Existing structures are not required to meet the design standards of subsections (B)(1) through (9) of this section, but shall conform to them to the greatest extent feasible.

B. Design standards for both attached and detached ADUs are as follows:

1. Exterior finish materials. The exterior finish material must be the same, or visually match in type, size, and placement, the exterior finish material of the primary dwelling.

2. Roof pitch. The roof pitch must be the same as the predominant roof pitch of the primary dwelling.

3. Trim. Trim on edges of elements on the addition must be the same in type, size, and location as the trim used on the rest of the primary dwelling.

4. Windows. Windows must match those in the primary dwelling in proportion (relationship of width to height). Second-floor windows on the ADU should be placed and sized so as to achieve a reasonable amount of privacy for the abutting property owner(s).

5. Eaves. Eaves must project from the building walls the same distance as the eaves on the rest of the primary dwelling.

6. Setbacks. The detached ADU shall be at least 10 feet behind the front building line of the primary dwelling so as to maintain the primary status of the single-family home. The only exception allowed shall be for an ADU which is located above a detached garage, in which case, the setback of the ADU may be the same as that of the garage below.

7. Height. The maximum height allowed for a detached ADU is 18 feet (as measured using Building Codes methodology). Attached ADUs may be higher than 18 feet, but cannot exceed the height of the existing primary dwelling.

8. The main exterior entrance of the ADU shall be located on either the rear or side of the ADU so that the main entrance to the primary dwelling will not be in competition with the entrance to the ADU.

9. Exterior stairs serving the ADU shall not face the front property line. (Ord. 1463, 2000)

The present homeowner-applicant submits that regulation CDC 34.030 does not apply to the homeowner-applicant's present application, as we make no request for an accessory dwelling unit.

34.040 SETBACK PROVISIONS FOR NOISE-PRODUCING ACCESSORY STRUCTURES AND USES

Noise-producing accessory uses and structures such as heat pumps, swimming pool motors or pumps shall meet the setback requirements of the zone.

The present homeowner-applicant submits that regulation CDC 34.040 does not apply to the homeowner-applicant's present application as we have no plan to install any heat pumps, swimming pool motors or pumps.

34.050 BOAT HOUSES AND DOCKS

Only side yard setback requirements apply to boat houses and docks.

The present homeowner-applicant submits that regulation CDC 34.050 does not apply to the homeowner-applicant's present application as we make no request to construct any boat houses or docks.

34.060 SETBACK PROVISIONS FOR ACCESSORY STRUCTURES (NON-DWELLING)

A. Accessory structures shall comply with all requirements for the principal use except as provided in CDC [34.040](#) and where specifically modified by this code as follows.

The current homeowner-applicant's proposal complies with regulation CDC 34.060 (A) including embedded regulations CDC 34.040 (previously referenced as not applicable because we make no request for a heat pump or swimming pool motors and thus do not require setback for same.

B. A side yard or rear yard requirement may be reduced to three feet for an accessory structure except for a side or rear yard abutting a street, with the exception of alleys platted and dedicated prior to September 30, 1984, as defined in this code; provided, that:

- 1. The structure is erected more than 60 feet from the front lot line;**
- 2. The structure does not exceed one story or 15 feet in height;**

3. The structure does not exceed an area of 500 square feet; and
4. The structure does not violate any existing utility easements.

The current homeowner-applicants are in compliance with CDC 34.060 (B)(1-4). Our proposed accessory structure garage is situated greater than 5 feet from side and rear yards.

C. Attached accessory structures. When an accessory structure is attached to the main structure (wall to wall or by any permanent attachment), including via a covered walkway, such accessory structure shall be considered as part of the main structure. (Ord. 1604 § 38, 2011)

The current homeowner-applicants submit that regulation CDC 34.060 (C) is not applicable as our request is not for an attached accessory structure. (see exhibit 4)

25.060 (B) (1). All accessory structures.

a. Location.

- 1) Accessory structures in the Willamette Historic District are subject to the setback requirements of regulation CDC 25.070(C)(1) through (4);

The present homeowner-applicants are in compliance with regulation CDC 25.060 (B)(1)(a)(1) as our home complies with the embedded regulation of CDC 25.070(C)(1-4) in the following ways:

CDC 25.070C. Willamette Historic District general design standards. This subsection applies only to alterations and additions, new construction, and accessory structure construction of residential and historically residential properties in the Willamette Historic District. Other buildings are subject to the requirements in Chapter 58 regulation CDC. Dimensional and other requirements of the underlying zone, as applicable, shall apply.

1. Front yard setback.

- a. The front yard setback shall equal the average of the front setbacks of adjacent homes on the block face. For corner lots, the setback shall be the average between the adjacent house to the side and 20 feet. The setback shall be the distance measured from the front property line to the dominant vertical face of the building, exclusive of any porches or front landings.

The present homeowner-applicants submit that regulation CDC 25.070(C)(1)(a) regarding the front yard setback of our proposed garage is a replacement of the current original garage and is not applicable to regulation CDC 25.070(C)(1)(a) as no other homes on our block are oriented in the manner of our home. Other homes on our block oriented in the same manner and originally constructed prior to our home, are not subject to historic district regulation, and thus not considered for this purpose of this review. Our proposed garage rebuild remains in excess of 90 feet from our front lot line.

- b. Unenclosed porches with no living space above may encroach into the front yard setback six feet from the dominant vertical face of the building.

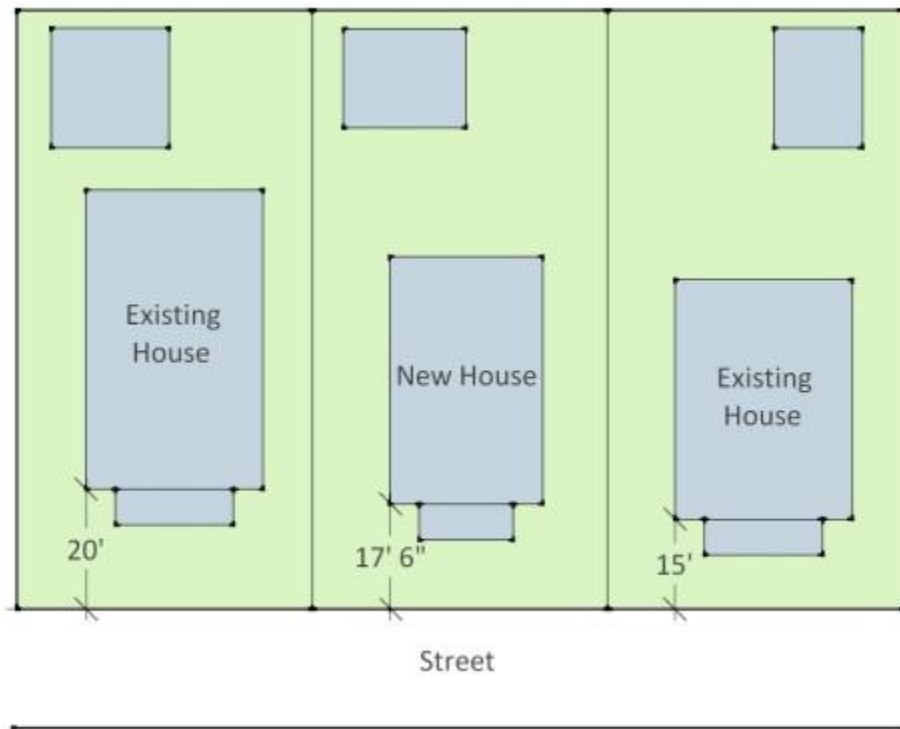


Figure 4: Front Yard Setback

The present homeowner-applicants submit that regulation CDC 25.070 (C)(1)(b) “Unenclosed porches” is not applicable as we make no request for an “unenclosed porch”

2. Side yard setback. Side yard setbacks shall be five feet, except:

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(2), as our proposed garage is a replacement of the current original garage and meets the requirements of regulation CDC 25.070 (C)(2) and is five feet. (see exhibit 4)

- a. Bays, porches and chimneys and other projections that are cumulatively no more than 20 percent of the overall respective building wall length may intrude 18 inches into the side yard setback; and

The present homeowner-applicants submit that regulation CDC 25.070 (C)(2)(a) is not applicable, as our garage is a replacement of the current original garage and has no bay, porch, chimney nor other projection. (see exhibit 4)

- b. One story accessory structures may be sited within three feet of the side property line and two story accessory structures shall be a minimum of 15 feet from the side property line.

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(2)(b) as our garage is a replacement of the current original garage and is within five feet of the side property line and is not a two story accessory structure. (see exhibit 4)

3. Side street setback. Setbacks from side streets shall be 10 feet for both developed and undeveloped streets, except:

- a. Bays, porches and chimneys and other projections may intrude two feet into side street yard setback; and**

The present homeowner-applicants submit that regulation CDC 25.070 (C)(3)(a) is not applicable, as our home has no side street from which to require a setback.

- b. One and two story accessory structures may be sited within five feet of the side street property line.**

The present homeowner-applicants submit that regulation CDC 25.070 (C)(3)(b) is not applicable, as our home has no side street from which to require a setback.

4. Rear yard setback. The rear yard setback shall be a minimum of 20 feet, except for accessory structures, which may be sited to within three feet of the rear property lines.

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(4), our proposed garage accessory structure is a replacement of the current original garage and is situated in excess of the required three feet of the rear property line. (see Exhibits)

25.060 (B)(1)(a)2) Accessory structures on historic landmark properties must meet the setback requirements of the underlying zone and Chapter 34 regulation CDC;

The present homeowner-applicants are in compliance with regulation CDC 25.060 (B)(1)(a)(2) as we have met the setback requirements of the underlying zone and regulations of CDC Chapter 34 as previously mentioned in this narrative. Those responses are incorporated here by this reference.

3) Detached accessory structures shall be in the rear yard; and

The present homeowner-applicants are in compliance with 25.060 (B)(1)(a)(3) as our garage is a detached accessory structures situated in the rear yard.

4) Two-story accessory structures shall be at least 10 feet from the house; and one-story accessory structures shall be at least three feet from the house.

The present homeowner-applicants are in compliance with 25.060 (B)(1)(a)(4) as our proposal is for a one-story garage accessory structure, situated least three feet from the house.

b. Height. Accessory structures in the Willamette Historic District are subject to regulation CDC **25.070(C)(7)**. Accessory structures on historic landmark properties must meet the height requirements of the underlying zone and Chapter **34** regulation CDC.

25.070(C)(7). Building height.

a. Residential structures are limited to 28 feet in height. Cupolas and towers shall not exceed 50 feet in height.

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(7)(a) because no change is being made to the height of the residential structure.

b. One story accessory structures shall not exceed a height of 15 feet. For the purposes of this chapter, any one story accessory structure over 15 feet is considered a two story structure.

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(7)(b), our proposed garage accessory structure is a replacement of the current original garage, is within 15 feet in height, a one story structure, and does not exceed the height of the primary dwelling.

c. Two story accessory structures shall not exceed the maximum height of 23 feet as measured per Chapter **41 regulation CDC.**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(7)(c), our proposed garage accessory structure is a replacement of the current original garage and is within 15 feet in height, a one story structure, and does not exceed the height of the primary dwelling.

d. Accessory structures shall not exceed the height of the primary dwelling.

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(7)(d), our proposed garage accessory structure is a replacement of the current original garage and is within 15 feet in height, a one story structure, and does not exceed the height of the primary dwelling.

The homeowner-applicants submit that the second requirement of regulation 25.060 (B)(1)(b) (accessory structures on historic landmark properties must meet the height requirements of the underlying zone and Chapter **34** regulation CDC) is not applicable as our home is not a landmark.

2. Conversions and additions. Existing detached, unheated structures including, but not limited to, workshops and garages, may be converted into other allowable

accessory uses under the following conditions:

The present homeowner-applicants regard regulation CDC 25.060 (B)(2) as not applicable as we are not making a request for our workshop/ garage to be converted into another allowable accessory use.

25.070 ADDITIONAL STANDARDS APPLICABLE TO HISTORIC DISTRICTS

This section provides additional standards that are applicable to properties within a historic district.

A. Standards for alterations and additions.

1. Compatibility with nearby context. Alterations and additions shall be:

The present homeowner-applicants are in compliance with 25.070 (A)(1) as all of our proposals are compatible with nearby context as they make no changes from the front of the home, minimal changes to the back and rebuild a garage. (see Exhibits)

a. Compatible in scale and mass to adjacent properties; and

The present homeowner-applicants are in compliance with 25.070 (A)(1)(a) as all of our proposals are compatible in mass and scale as they make no changes from the front of the home, minimal changes to the back and rebuilds our garage. (see Exhibits).

b. Constructed such that they maintain the privacy of the residents of adjacent properties through window placement, orientation or landscaping.

The present homeowner-applicants are in compliance with 25.070 (A)(1)(b) as all of our proposals are compatible with nearby context as they make no changes to window placement, orientation or landscaping. (see Exhibits)

2. Not in period buildings. Alterations to compatible, not in period buildings shall follow all applicable standards of this chapter to avoid creating a false sense of history.

The present homeowner-applicants are in compliance with 25.070 (A)(2) as our home has the fortune of being somehow compatible, but not in period and thus we have ensured that all of our proposals are compatible with nearby context have minimized to zero the risk of creating any false sense(s) of history for historic homes several blocks away. The newly constructed homes across the street and on the remainder of our block remain safe from any potential historical upheaval as well. (see Exhibits)

3. Not in period noncompatible buildings. Alterations to not in period, noncompatible buildings shall be consistent with applicable standards in regulation CDC 25.060 and 25.070. Such buildings do not contribute to the historic value of the district and are not

subject to standards pertaining to siding, windows, and other materials listed in regulation CDC 25.060(A); however, such buildings shall not be so stylistically different from adjacent buildings that they detract from the district's historic character.

The present homeowner-applicants submit that regulation CDC 25.070 (A)(3) is not applicable as our home has the fortune of being somehow compatible, but not in period.

B. Standards for new construction. The standards in this section apply only to new construction in a historic district beyond alterations and additions, including new accessory structures. These standards shall apply in addition to any other applicable standards (see the Standards Applicability Matrix in regulation CDC 25.020).

The present homeowner-applicants submit that regulation CDC 25.070 (B) is not applicable as our home is not new construction.

C. Willamette Historic District general design standards. This subsection applies only to alterations and additions, new construction, and accessory structure construction of residential and historically residential properties in the Willamette Historic District. Other buildings are subject to the requirements in Chapter 58 regulation CDC. Dimensional and other requirements of the underlying zone, as applicable, shall apply.

This narrative addresses the criteria in CDC25.070(C)(1)-(4) in an earlier section and those responses are incorporated here by this reference.

5. Orientation. New home construction on corner lots shall be oriented the same direction as the majority of homes on the street with the longest block frontage.

The present homeowner-applicants submit that regulation CDC 25.070 (C)(5) is not applicable, as our home is not situated on a corner lot.

6. New lot configuration. In addition to other requirements of the regulation CDC, all new lots in the historic district shall be perpendicular to the street and extend directly from the lot line along the street to the opposite lot line. The primary structure and any other contributing structures on the original property shall not be located on separate lots.

The present homeowner-applicants submit that regulation CDC 25.070 (C)(7) is not applicable, as our home is not a new lot.

7. Building height.

This Narrative addresses the criteria in CDC25.070(C)(7) in an earlier section and those responses are incorporated here by this reference.

8. Building shapes and sizes. No building shall exceed 35 feet in overall width. Front

facade gables shall not exceed 28 feet in overall width.

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(8). The proposal in this review does not change the width of the primary residential structure, and our proposed garage accessory is a replacement of the current original garage and does exceed 35 feet in overall width and has no front facade gable. (see Exhibits)

9. Roof pitch. Roofs shall have a pitch of at least 6:12.

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(9), our proposed garage accessory is a replacement of the current original garage and will have a pitch of at least 6:12. (see Exhibits). No changes are being made to the roof pitch of the primary structure.

10. Garage access and parking areas.

a. Garages shall be accessed from an alley, if present. No garage door may face or have access onto a street except when alley access is not available.

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.070 (C)(10), our proposed garage accessory is a replacement of the current original garage of which the garage door faces and has access onto a street because alley access is not available. (see Exhibits)

b. Parking areas.

1) No residential lot shall be converted solely to parking use.

The present homeowner-applicants submit that regulation CDC 25.070 (C)(10)(b)(1) is not applicable, as we are not requesting that our home be converted solely to parking use.

2) No rear yard area shall be converted solely to parking use.

The present homeowner-applicants submit that regulation CDC 25.070 (C)(10)(b)(2) is not applicable, as we are not requesting that our rear yard be converted solely to parking use.

3) When a lot is adjacent to an alley, all parking access shall be from the alley. (Ord. 1614 § 6, 2013)

The present homeowner-applicants submit that regulation CDC 25.070 (C)(10)(b)(2) is not applicable, as we have no alley.

25.080 MODIFICATIONS TO DESIGN STANDARDS

This section provides for deviation from site development standards in this chapter to enable flexibility and innovation consistent with the purposes of this chapter while ensuring that the

features that historic designations are intended to preserve are maintained.

A. Applicability. The provisions of Chapter 75 regulation CDC, Variance, shall not apply to the standards in this chapter.

B. Assessment of modification. When an applicant proposes an alternative to the standards of this chapter the approval authority shall grant a modification when:

1. Historical records. The applicant demonstrates by review of historical records or photographs that the proposed alternative is consistent with and appropriate to the architecture in the historic district, or is appropriate to the applicable style of architecture;

With regard to CDC 25.080 (B)(1), the present homeowners possess no historic photos of our home.

2. Consistency. The resulting development of the proposal would be consistent with the intent of the standards for which the modification is requested, as determined by the approval authority;

The present homeowner-applicants are in compliance with regulation 25.080 (B)(2) insofar as the intent of the current document is to be consistent with intent of the standards. (see Exhibits)

3. Negative impacts. Negative impacts to adjacent homes and/or a historic district will be minimized. These include, but are not limited to, loss of solar access, light, or air to an adjacent structure, and scale or mass that visually overwhelm or are not deferential to an adjacent landmark or contributing structure; and

The present homeowner-applicants are in compliance with regulation 25.080 (B)(3). No changes reduce solar access, light, or air to an adjacent structure, and is not of a scale or mass that will visually overwhelm or is not deferential to an adjacent landmark or contributing structure. (see Exhibits). We are not aware of any other negative impacts that might result.

4. Exceptional architecture. The proposal incorporates exceptional and appropriate architectural elements into the building. (Ord. 1614 § 6, 2013)

The present homeowner-applicants are in compliance with regulation 25.080 (B)(3) as the changes represented by our proposal do not modify exceptional and appropriate architectural elements into the building. The current original garage is replicated, though widened. Window placement remains proportional to the original. (see Exhibits)

Exhibit 1. WINDOWS

25.050 APPLICATION REQUIREMENTS

A. Historic design review. Applications for historic design review shall include the following:

1. **Narrative.** Written narrative explaining the proposal and how it meets the approval criteria in regulation CDC 25.060 and 25.070, as applicable;

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(1) as embedded regulations CDC 25.060 and 25.070 as have been satisfied as referenced in the previous section.

2. **Existing plan and elevation drawings.** Plan and elevation drawings of the existing structure, if applicable, including materials;

The present homeowner-applicants submit that CDC 25.050(A)(2) is not applicable in window replacement.

3. **Proposed plan and elevation drawings.** Plan and elevation drawings of the proposed changes, including materials;

The present homeowner-applicants submit that CDC 25.050(A)(3) is not applicable in window replacement.

4. **Current photographs.** Photographs of the existing structure, if applicable;

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(4). Please see attached current photos of our home.

5. **Historic photographs.** Historic photographs and/or drawings of the existing structure, if available; and

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(5). Please see attached historic photos of our home.

6. **Supplementary.** For additions that increase the gross square footage of the structures on the site by more than 50 percent, and/or new construction in a historic district:

- a. Plan and elevation drawings of adjacent properties; and
- b. A rendering and/or photo-simulation showing the proposal in context.

The present homeowner-applicants submit that regulation CDC 25.050(A)(6) is not applicable, as we are not requesting an addition that increases the gross square footage of the structures on the site by more than 50 percent, and/or new construction in a historic district.

EXHIBIT 2. REAR COVERED PORCH ADDITION

25.050 APPLICATION REQUIREMENTS

A. Historic design review. Applications for historic design review shall include the following:

- 1. Narrative. Written narrative explaining the proposal and how it meets the approval criteria in regulation CDC 25.060 and 25.070, as applicable;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(1) as embedded regulations CDC 25.060 and 25.070 as have been satisfied as referenced in the previous section.

- 2. Existing plan and elevation drawings. Plan and elevation drawings of the existing structure, if applicable, including materials;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(2). Please see attached existing plan and elevation drawings. (See attached)

- 3. Proposed plan and elevation drawings. Plan and elevation drawings of the proposed changes, including materials;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(3). Please see attached proposed plan and elevation drawings. (See attached)

- 4. Current photographs. Photographs of the existing structure, if applicable;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(4). Please see attached current photos of our home. (See attached)

- 5. Historic photographs. Historic photographs and/or drawings of the existing structure, if available; and**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(5). Please see attached historic photos of our home. (See attached)

- 6. Supplementary. For additions that increase the gross square footage of the structures on the site by more than 50 percent, and/or new construction in a historic district:**

- a. Plan and elevation drawings of adjacent properties; and**
- b. A rendering and/or photo-simulation showing the proposal in context.**

The present homeowner-applicants submit that regulation CDC 25.050(A)(6) is not applicable, as we are not requesting an addition that increases the gross square footage of the structures on the site by more than 50 percent, and/or new construction in a historic district.

EXHIBIT 3. SECOND FLOOR BATH ADDITION

25.050 APPLICATION REQUIREMENTS

A. Historic design review. Applications for historic design review shall include the following:

1. **Narrative.** Written narrative explaining the proposal and how it meets the approval criteria in regulation CDC 25.060 and 25.070, as applicable;

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(1) as embedded regulations CDC 25.060 and 25.070 as have been satisfied as referenced in the previous section.

2. **Existing plan and elevation drawings.** Plan and elevation drawings of the existing structure, if applicable, including materials;

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(2). Please see attached existing plan and elevation drawings.

3. **Proposed plan and elevation drawings.** Plan and elevation drawings of the proposed changes, including materials;

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(3). Please see attached proposed plan and elevation drawings. (See attached)

4. **Current photographs.** Photographs of the existing structure, if applicable;

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(4). Please see attached current photos of our home.

5. **Historic photographs.** Historic photographs and/or drawings of the existing structure, if available; and

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(5). Please see attached historic photos (Fig. 2) of our home.

6. **Supplementary.** For additions that increase the gross square footage of the structures on the site by more than 50 percent, and/or new construction in a historic district:

- a. Plan and elevation drawings of adjacent properties; and
- b. A rendering and/or photo-simulation showing the proposal in context.

The present homeowner-applicants submit that regulation CDC 25.050(A)(6) is not applicable, as we are not requesting an addition that increases the gross square footage of the structures

on the site by more than 50 percent, and/or new construction in a historic district. This change affects less than 25 square feet.

EXHIBIT 4. GARAGE REBUILD

25.050 APPLICATION REQUIREMENTS

A. Historic design review. Applications for historic design review shall include the following:

- 1. Narrative. Written narrative explaining the proposal and how it meets the approval criteria in regulation CDC 25.060 and 25.070, as applicable;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(1) as embedded regulations CDC 25.060 and 25.070 as have been satisfied as referenced in the previous section.

- 2. Existing plan and elevation drawings. Plan and elevation drawings of the existing structure, if applicable, including materials;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(2). Please see attached existing plan and elevation drawings (Fig. 3).

- 3. Proposed plan and elevation drawings. Plan and elevation drawings of the proposed changes, including materials;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(3). Please see attached proposed plan and elevation drawings (Fig. 4).

- 4. Current photographs. Photographs of the existing structure, if applicable;**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(4). Please see attached current photos (Fig. 1) of our home.

- 5. Historic photographs. Historic photographs and/or drawings of the existing structure, if available; and**

The present homeowner-applicants submit that they are in compliance with regulation CDC 25.050(A)(5). Please see attached historic photos (Fig. 2) of our home.

- 6. Supplementary. For additions that increase the gross square footage of the structures on the site by more than 50 percent, and/or new construction in a historic district:**

- a. Plan and elevation drawings of adjacent properties; and**
- b. A rendering and/or photo-simulation showing the proposal in context.**

The present homeowner-applicants submit that we are in compliance with CDC 25.050(A)(6) is not applicable, as we are not requesting an addition that increases the gross square footage of

the structures on the site by more than 50 percent, and/or new construction in a historic district. Please see attached contextual drawings of the garage for ease of review.

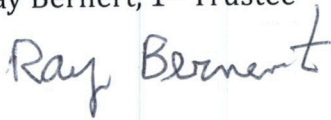
January 5, 2014

To Whom It May Concern:

Regarding the Historical Designation of 1344 14th st. in West Linn.

At the time in question my mother, Agnes Bernert, was incapacitated and the house had been placed into a trust agreement on December 13, 1990. As such, any authorization would have to be given through me as the first trustee. My mother passed away November of 2007.

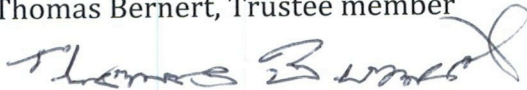
Ray Bernert, 1st Trustee



George Bernert, Trustee member



Thomas Bernert, Trustee member



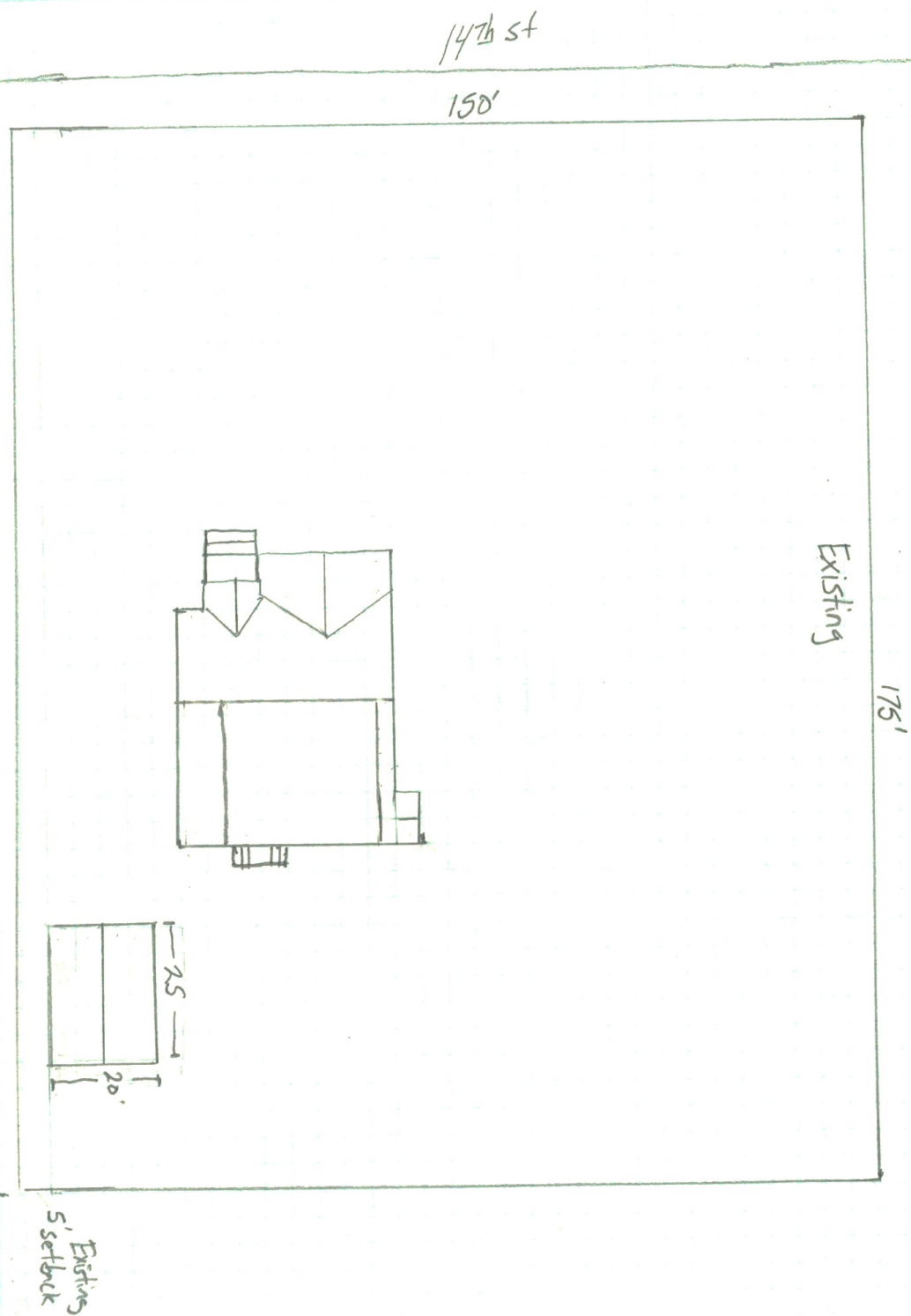
Agnes Bernert's surviving sons: Ray, George and Thomas who also comprise the Bernert Trust are willing to testify that since the home was placed in trust in 1990, they have never been contacted regarding historic designation and would have not consented to the designation had they been contacted. Further, they stipulate that Agnes was aged and unable to engage in the process of refutation.

Photographs of original and replacement windows side by side. Note that the windows are in different positions on the house so the comparison is limited.

One can see that it is nearly impossible to tell the two apart as their dimensions are as similar as one can make. It also does not detract from the "historic" nature of these "not in period of significance" windows.



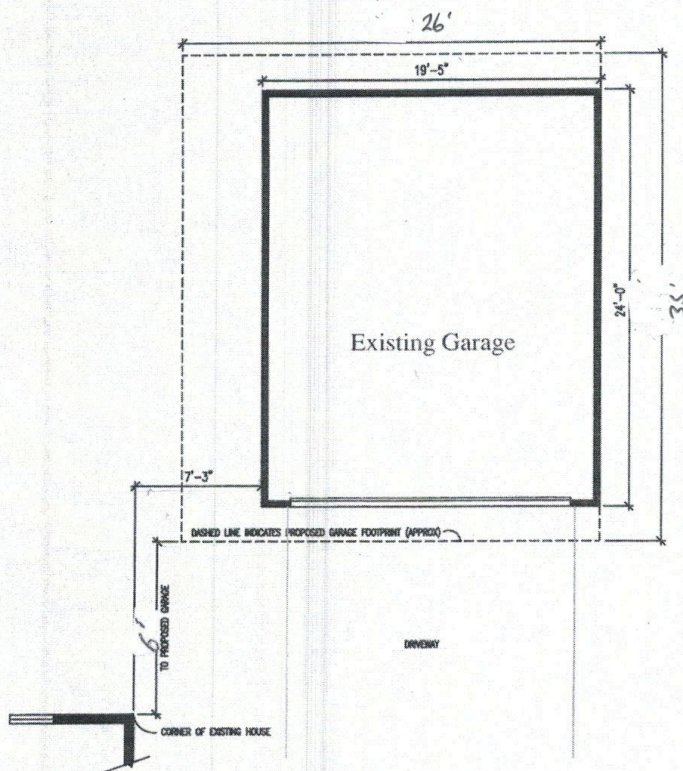
Plot of our home as it exists in context with the rest of our property.



Elevation of the rear of our home.

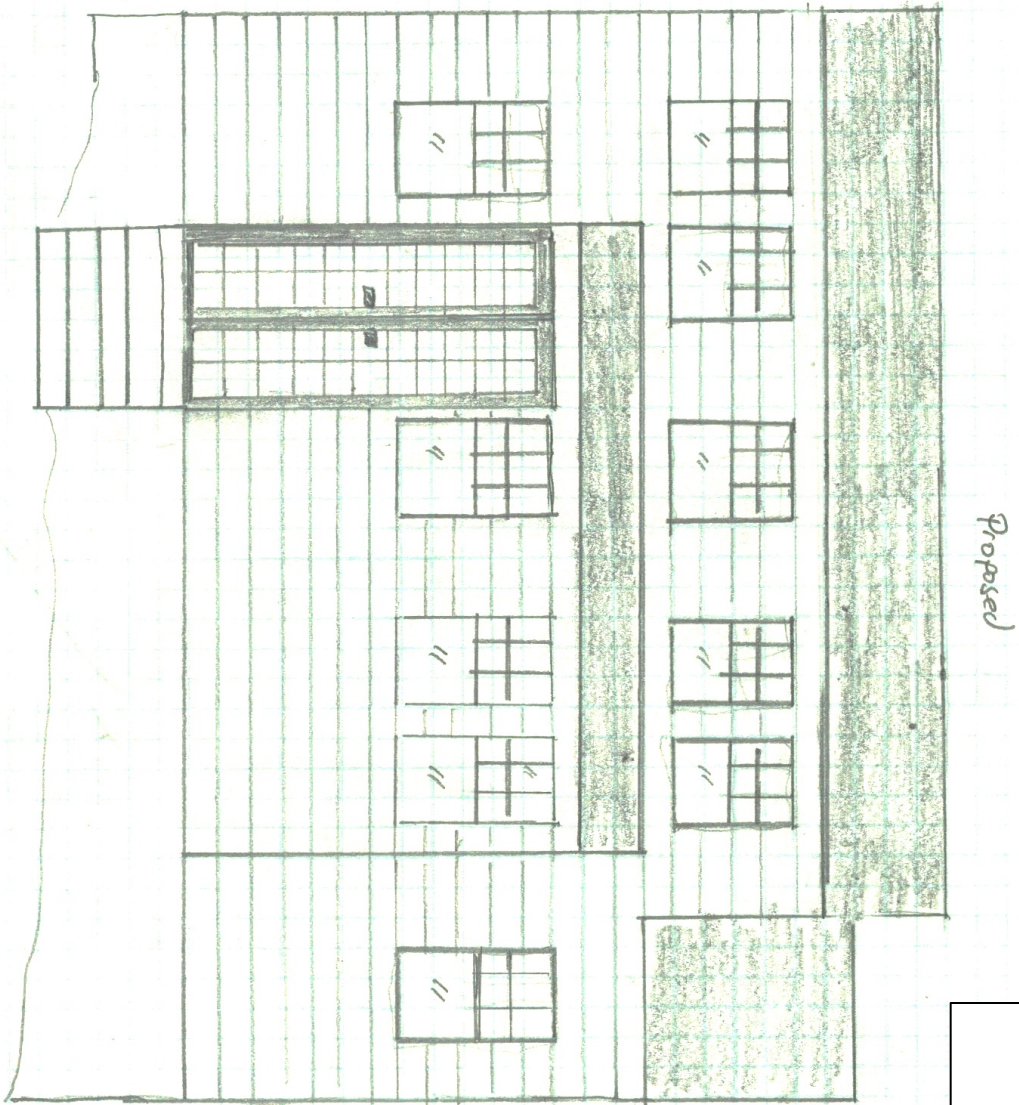
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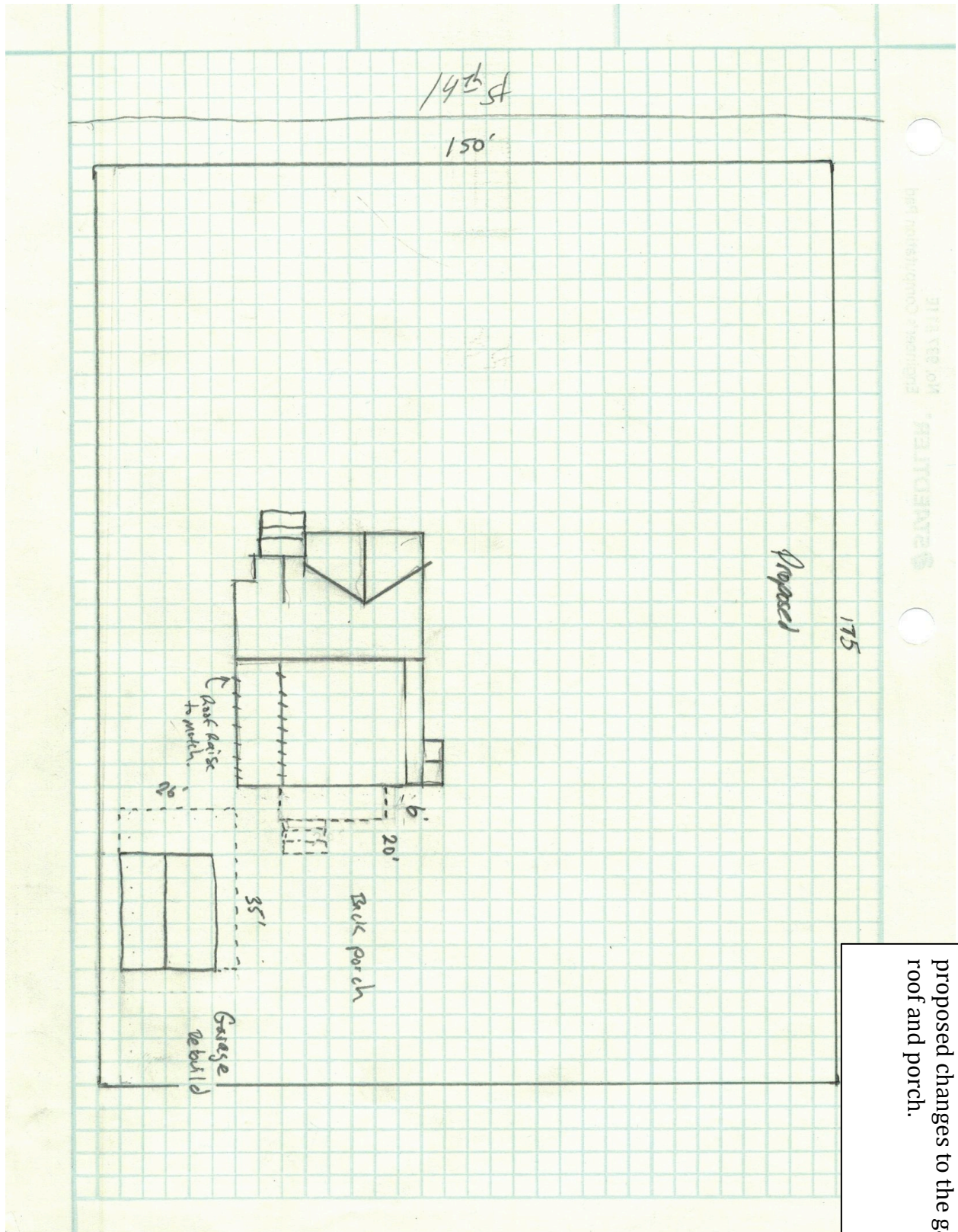


DATE: 9-6-13	WEBB - EXISTING SITE PLAN	SCALE: NTS
PAGE: A1.0	DRAWINGS BY: Donna Bezio	PHONE: 503-804-503

Plot of our garage with both existing and planned changes on the same drawing.



Plot the rear of our home. This reflects our proposed changes to the back porch and left hand side of the rear roof of our home.



Plot of our home as in context with the rest of our property with proposed changes to the garage, roof and porch.

Elevation of proposed garage.

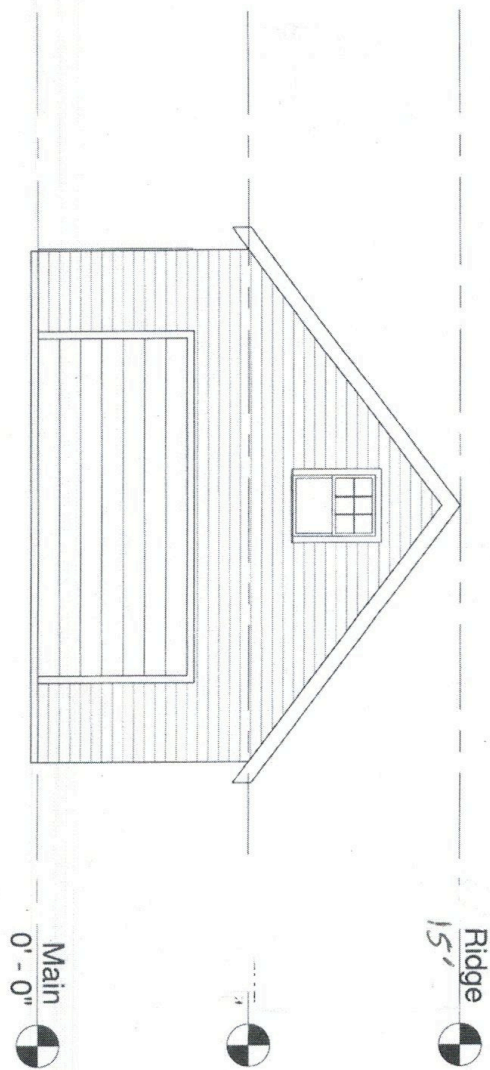


Photo of the house as it is currently, with restored original cedar siding and three-tab roofing.

