



DEVELOPMENT REVIEW APPLICATION

FOR STAFF COMPLETION	
PROJECT NO.	DR-14-02
STAFF CONTACT	SARA
NON-REFUNDABLE FEE(S)	100-
REFUNDABLE DEPOSIT(S)	-0-
TOTAL FEES	100-

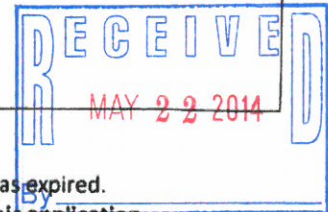
KW

Type of Review (Please check all that apply):

- Annexation
- Appeal and Review *
- Conditional Use
- Design Review
- Easement Vacation
- Extraterritorial Ext. of Utilities
- Final Plat or Plan
- Flood Plain Construction
- Hillside Protection and Erosion Control
- Historic Review
- Legislative Plan or Change
- Lot Line Adjustment * / **
- Minor Partition (Preliminary Plat or Plan)
- Non-Conforming Lots, Uses & Structures
- One-Year Extension *
- Planned Unit Development
- Pre-Application Conference *
- Quasi-Judicial Plan or Zone Change
- Street Vacation
- Subdivision
- Temporary Uses *
- Tualatin River Greenway
- Variance KW
- Water Resource Area Protection/Wetland
- Willamette River Greenway

Home Occupation, Pre-Application, Sidewalk Use Application*, Sign Review Permit Application*, and Temporary Sign Permit Application require different or additional application forms, available on the City Website or at City Hall.

Site Location/Address <i>1344 14th St, West Linn</i>	Assessor's Map No.
	Tax Lot
	Total Land Area
Brief Description of Proposal <i>Primary removal of historic designation or variance, secondary window change, etc.</i>	
Owner Name & Address <i>Lony & Kristine Webb 1344 14th</i>	<input checked="" type="checkbox"/> Check if this is the applicant. Phone <i>503 333 2010</i> Email <i>Klextrone@gmail.com</i>
Consultant Name & Address	<input type="checkbox"/> Check if this is the applicant. Phone Email



- All application fees are non-refundable (excluding deposit).
- The owner/applicant or their representative should be present at all public hearings.
- A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
- Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application. One (1) complete set of digital application materials must also be submitted on CD in PDF format. If large sets of plans are required in application please submit only two sets.

* No CD required / ** Only one copy needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. The applicant waives the right to the provisions of ORS 94.020. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

<i>Lony Webb</i>	<i>Kristine Webb</i>	<i>5/22/14</i>	<i>4-1-14</i>
Applicant's signature		Date	
<i>Lony Webb</i>	<i>Kristine Webb</i>	<i>5/22/14</i>	<i>4-1-14</i>
Owner's signature		Date	

We moved to Willamette from West Linn Hwy 43 in 2001 when we bought the home immediately next door to the home we are bringing before this committee. For over a decade, we grew close to Agnes Bernert, the previous owner of our home. We became friends with Agnes and her sons, "the boys": Ray, George and Tommy. We count her niece, Mary Ann Perlot, as a neighbor and friend. Mary Ann lives in another Bernert home on 11th Street, the sister home with the same design and builder as our home. As we became near family for Agnes, it was her wish that we be the ones to purchase her home, though it was much coveted in the neighborhood. In following their mother's wishes, Ray, George and Tommy granted us "first rights of refusal" to purchase the home and in fact, kept the home off the market for years while we raised the capital to purchase our home, which because we lived next door and thus does not qualify for standard financing and sizable down payment over twice the normal amount. Ray, George and Tommy Bernert have offered to come to this committee and support our position. In fact, the residents of 14th street should be contacted regarding this matter, as we are close knit community and know that we have the support of our neighbors.

Why do we bring these facts to this committee? We aren't transplants coming to destroy West Linn's Historic Neighborhood; We are West Linn. We were Agnes' neighbors for over 13 years. No one else has lived "on 14th", our street, as Agnes' neighbors. No one else loved and supported Agnes, nor could anyone love "our home" more than we do. No one else scrimped and saved to afford and then preserve our dream home. No one has put as much love and attention into our home as we have. So, admittedly it feels odd to bring our personal narrative of a respected West Linn family and our cherished friend, the life and death of a close neighbor, to a governmental committee for approval for things that cannot be visually discerned.

We are submitting to the historical review committee a two-part request:

The first request is to have the historical designation removed, annexed or a variance provided for our home.

Our home is part of the "buffer zone" for the historic district. It is not in "period" and is composed of different building materials that are not in keeping with homes of historical significance in West Linn. Regardless of which historical designation is presumed to have effected our home (we have been given three different dates), the owners did not, would not have, and continue to adamantly disagree with placement on this registry and consider it to be a *regulatory taking* by the City of West Linn using statutory procedures to "sneak" this designation on the homeowners affording no due-process. Indeed, the Bernert Trust and family would be happy to testify to this committee that home has been in a trust that has existed for over 20 years. Neither the trust nor the family was ever contacted about the designation as the city explained were simply "mailed to the address". Please see attached simplified letter from Ray Bernert, George Bernert, and Thomas Bernert, the trustees of the home and sons of Agnes Bernert, the original owner of the home. We have only occupied the home since December 2014. Since we acquired the home, we

have continually been told that it is too late to remove the designation; that the designation occurred before our ownership. Though the subsequent emails with the planning division explains that we “just missed [the designation, which now presumably re-occurred this summer]” and it was only recently affirmed. We do not believe that this sort of obfuscation is an adequate representation of the city's repeated stated intention of open governance. In fact, homeowners who live near us still feel that they are not “in that district” when we explain to them our experience. They feel, as we did, that the city would not just place homes on the historic district registry in this manner. Much of the cities presumptions about the construction materials of the home are inaccurate, ranging from the construction of the windows, to the materials used in the siding. If one adequately review's the surveys sponsored by the city, you will see that our 1941 home continued to be identified as non-historic. There is no benefit whatsoever to the homeowner when their home is placed on the city's historic designation (as opposed to national historic registries), only regulations and requirements limiting the homeowners freedoms and, in our opinion, an inverse condemnation which presently includes home owner's insurance being denied and the expense of this process.

The second item for discussion while the aforementioned request is being considered by the city we would like to finalize the renovation of our home.

Windows

After reviewing the city historic codes, we ordered roughly \$30,000 in new wood windows from Milgard that match the home's current windows, but are energy efficient and have a lifetime warranty. I say current, because not all windows in the home are original to the construction, some being replaced at different times and with different materials. After the windows arrived, we were informed by the new city historic planner that because of a millimeters thick protective coating of fiberglass on the outside of this entirely wood window that we come to this committee to have our already purchased windows now approved to be installed. This fiberglass coating of these windows is actually thinner than the layers of lead paint on the some of the current broken and non-functional windows. The windows have true muntins, not simulated, and are of the exact proportions of the original windows. Obviously, we want to install the windows for which we have already paid including installation, but which has been forestalled by this process. Please note, the we plan to refurbish the front oval window, though current estimates place the refurbish of *this one window* to be between \$2,700.00 and \$3,300.00 and require months of a boarded up hole in our home. It should also be noted that the home only has three windows that face the street: a plate glass window with no muntins, the sewing room peaked or oval window at the peak and one standard window with muntins. Original molding is used wherever it will be able to be salvaged. Salvageable windows will be repurposed for the garage projected referenced below. The photos on the next page were taken on 5/21/14 show two windows side by side on the back of the home one original and one new.



Rear Covered Porch Addition (Fig. 1)

We would like to install an 6 foot by 20 foot enclosure over our back door steps like many of the homes in the Willamette area of West Linn. This enclosure is in keeping with the homes architecture and simply provides a place for one to enter the home without exposure to the elements. The addition is falls well within all West Linn building codes.

Second Floor Bath Addition (Fig. 2)

The home originally had only one bathroom (on the main floor) and a toilet in room on the second floor. We had to add about 40 square feet for a sink and a tub in a small bathroom by raising the roof to match the pitch of the main roof (see attached drawing). We could not secure a loan, nor retain insurance without siding this addition. This bath addition (on the left-hand side of the rear of the home and not directly viewable from the street) complements the right side of the rear of the home's window placement and was completed during the remodel prior to interpreting the city's historic code to include minor alterations.

Garage Reconstruction (Fig.3 & Fig. 4)

The current garage is dilapidated and it's concrete foundation is crumbling. We would like to build a new garage of the same style, slightly wider and with an all-applicable codes. City arborist has already been contacted and dimensions reflected in the attached drawings also reflect his advice for the garage. Windows from the home will be re-purposed where possible for the garage.

All construction completed to date has been conducted by licensed and bonded contractors and has passed all inspections.

Thank you for your time and consideration.

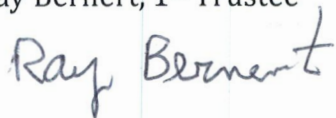
January 5, 2014

To Whom It May Concern:

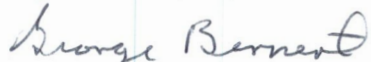
Regarding the Historical Designation of 1344 14th st. in West Linn.

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

Handwritten signature of Ray Bernert in cursive script.

George Bernert, Trustee member

Handwritten signature of George Bernert in cursive script.

Thomas Bernert, Trustee member

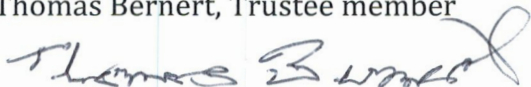
Handwritten signature of Thomas Bernert in cursive script.



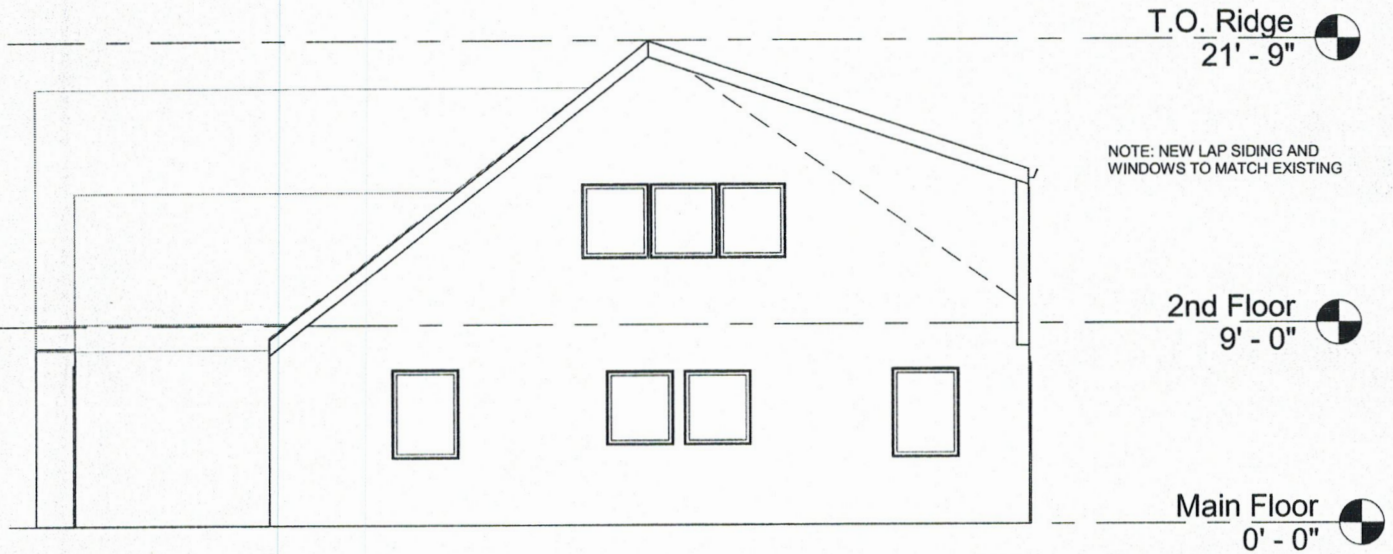
Fig. 1

Back Porch
6' x 20'

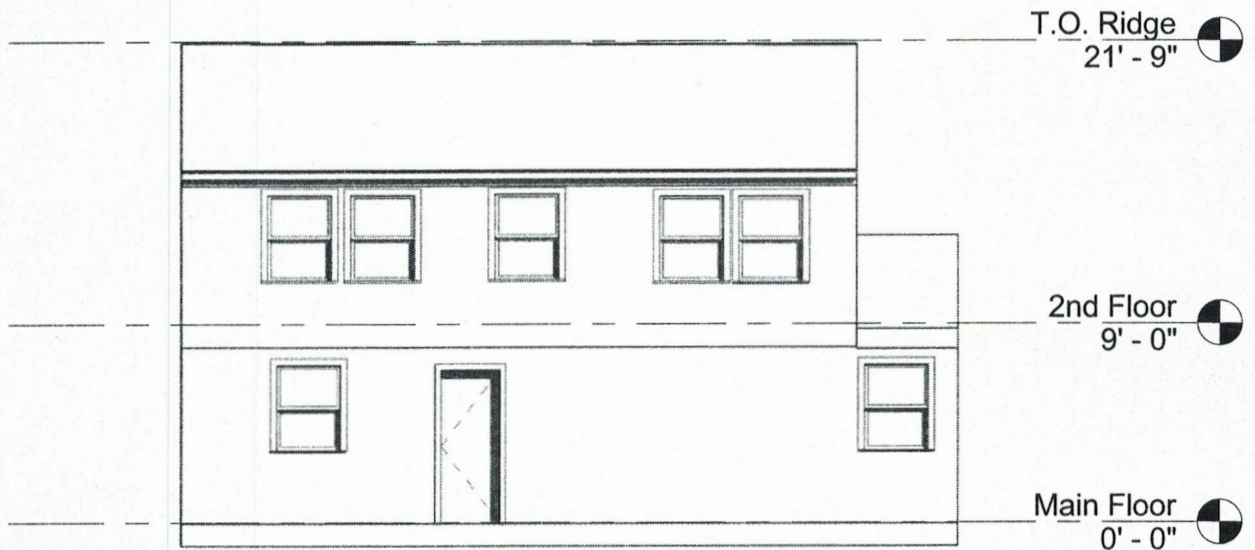
REAR ELEVATION

N.T.S

DB



① East - Side Elevation
1/8" = 1'-0"



② North - Rear Elevation
1/8" = 1'-0"

Autodesk® Revit®	Webb	Elevations	
	Remodel	Project number	A3.0
Date			
Drawn by			
www.autodesk.com/revit		Checked by	Scale 1/8" = 1'-0"

Fig 2

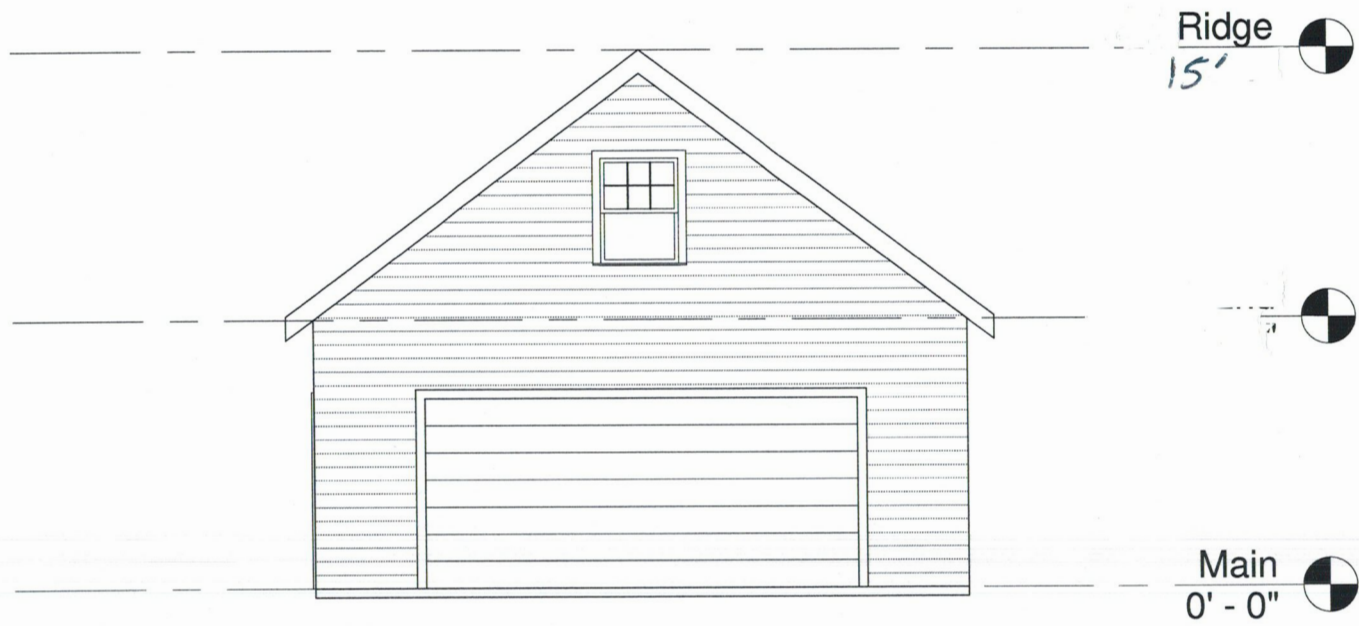
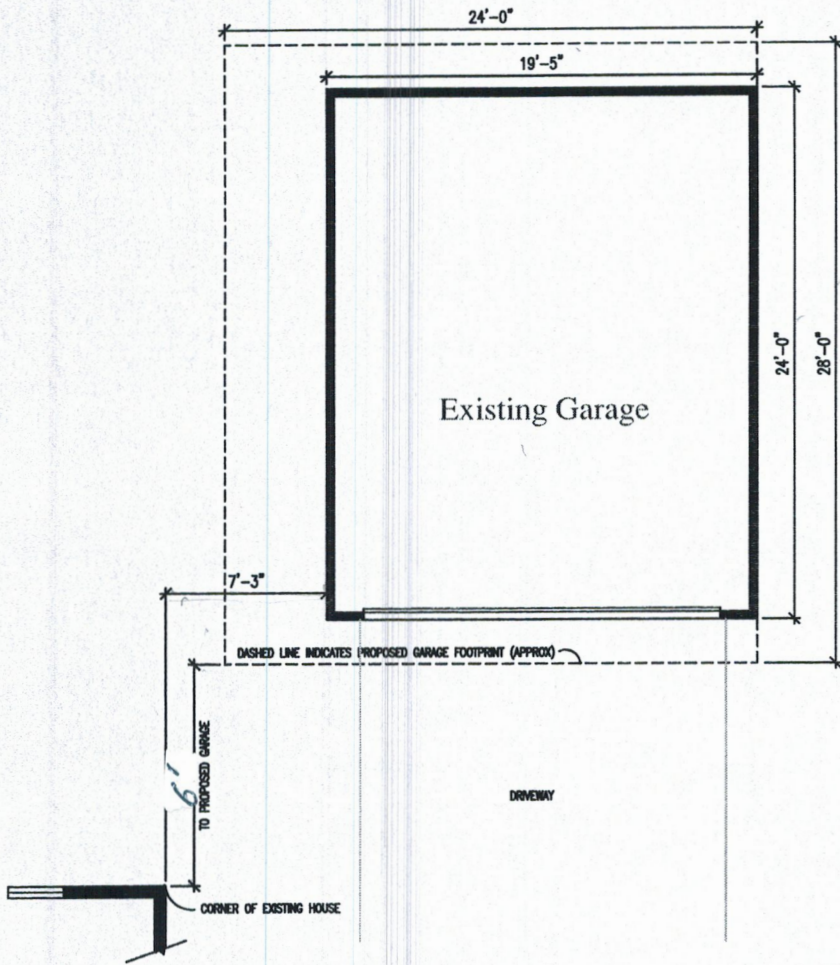


Fig 3



DATE: 9-6-13	WEBB - EXISTING SITE PLAN	SCALE: NTS
PAGE: A1.0	DRAWINGS BY: Donna Bezio	PHONE: 503-804-5059

Fig 4