

**WEST LINN HISTORIC REVIEW BOARD**  
**FINAL DECISION AND ORDER**  
**DR-16-05**

**IN THE MATTER OF A CLASS II HISTORIC DESIGN REVIEW AT 1822 5<sup>TH</sup> AVENUE; THIS PROPOSAL IS TO MODIFY BACK PORCH AND CREATE A MASTER BEDROOM ON THE MAIN FLOOR; CONVERTING THE EXISTING ATTIC INTO FLEX SPACE BY ADDING A DORMER TO INCREASE HEADROOM; PLACING A WINDOW ON THE GABLE OF THE EAST AND WEST ELEVATION, REMOVING THE KITCHEN WINDOW ON THE WEST ELEVATION WITH A COUNTER HEIGHT WINDOW; PROPOSING TO REMOVE THE GARAGE IN THE FRONT OF THE PROPERTY AND REMOVE A BARN ADDITION IN THE REAR OF THE PROPERTY; AND REBUILDING THE FRONT PORCH.**

**I. Overview**

At its meeting on January 24, 2017, the Historic Review Board ("The Board") held a public hearing to consider the request by Phil Chek, consultant, to approve a proposal to modify the back porch and create a master bedroom on the main floor, convert the existing attic area to flex space, and add a dormer to increase head room. A window on the gable will also be added on the west elevation, and the kitchen window will be replaced with a smaller, counter height window. The applicant is also proposing to remove an existing garage and remove a noncontributing addition on the existing small barn. The front porch will also be rebuilt at the property located in the historic district at 1822 5<sup>th</sup> Ave. The approval criteria for Historic Design Review are found in Community Development Code (CDC) Chapter 25, Overlay Zones - Historic District. The hearing was conducted pursuant to the provisions of Chapter 99.

The hearing commenced with a staff report presented by Jennifer Arnold, Associate Planner. Phil Chek presented as the applicant. Charles Awalt presented additional public testimony. The hearing was closed and after deliberation a motion made by Board Member Jerry Offer and seconded by Board Member Peter Graves to approve the application, with a minor change to the staff recommended condition of approval. The motion passed unanimously.

**II. The Record**

The record was finalized at the January 24, 2017, hearing. The record includes the entire file from DR-16-05, including materials submitted at the January 24, 2017, hearing.

### **III. Burden of Proof**

The applicant bears the burden of proof to demonstrate that an application complies with applicable approval standards, and a local government is not required to approve a noncomplying development proposal. *Jurgenson v. County Court for Union County*, 42 Ore. App. 505, 510 (1979). The historic design review application requires decisions on land use applications that necessitate compliance with customary land use procedures. Therefore, the applicant is required to carry the burden of meeting each and every criterion for approval.

### **IV. Incorporation of Staff Report**

The Staff Report for January 24, 2017, is incorporated into this Final Decision and Order, and all the facts, findings and determinations in those Staff Reports are adopted except where the findings in this Final Decision and Order conflict with those Staff Reports. Where there is a conflict between this Final Decision and Order and the findings in the Staff Reports, the findings in this Final Decision and Order shall govern.

### **V. Findings of Fact**

- 1) The Overview set forth above is true and correct.
- 2) The Applicant is Peter Graves.
- 3) The Board finds that it has received all information necessary to make a decision based on the Staff Report and incorporated findings; public comment, if any; and the evidence in the whole record, including any exhibits received at the hearing.

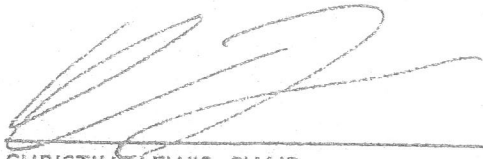
### **VI. Findings and Determinations**

The Board adopts the Staff Report for January 24, 2017. The Board concludes that there is substantial evidence in the record to demonstrate that all of the required approval criteria are met subject to the conditions of approval below. Staff finds the condition of approval is consistent with the Community Development Code.

### **VII. Order and Conditions of Approval**

The Board concludes that DR-16-05 is approved based on the Record, Findings of Fact, the Findings above, and the following conditions of approval:

1. **Site Plan, Elevations, and Narrative.** The project shall conform to the plans, elevations, and narrative submitted in Exhibit HRB-4. The applicant may choose to keep the existing garage and or the lean-to addition that are shown on the site plan.

  
CHRISTINE LEWIS, CHAIR  
WEST LINN HISTORIC REVIEW BOARD

02/08/17  
DATE

This decision may be appealed to the City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. This decision will become effective 14 days from the date of mailing of this final decision as identified below.

Mailed this 9<sup>th</sup> day of February, 2017.

Therefore, this decision becomes effective at 5 p.m., February 22, 2017.