

**Applicant's Design Review Submission
For June 9, 2015**

With regard to West Linn Historic Review Board Final Decision No. DR-14-02, in the matter of the historic district designation on 1344 14th, a clarification of condition #2, as it pertains to the approved rear dormer, and the disapproval of the garage design:

Context

Historic Designation

The context of the requests that are now before the HRB are important to clarify. A separate discussion will encompass the totality of the applicant's presentation to the Historic Review Board (HRB), regarding removal of historic designation. In brief: in 1983, if no earlier, the City of West Linn began a process of historic designation that encompassed many homes including the applicants home on 1344 14th street following an Oregon Legislative Action, actively avoiding seeking owner consent and then set about designing recursive systems to disallow owners from ever being able to opt out of the designation.

The present process began on in 2013, when the applicants made a lawful, statutory request under ORS 197.772(3) to have the designation of "historic" removed from their property. This demand based on the fact that the previous homeowners report that they were never notified about the designation. City staff planner did not respond to that request. Ms. Javoronok, city planner instead instructed the applicants to initiate the HRB process to have the historic district's zone modified so as to not include the applicant's property. Neither Ms. Javoronok nor the city has ever responded to the 2013 statutory request. The applicants made a public records request January 8th, 2014, but were informed by Theresa Zak, a city records department staff, that it would cost \$3,600.00 to research the necessary records. In 2015, City Manager Chris Jordan, denied the applicants request to have that cost reduced. In preparation for the remand that is before the HRB today the City has researched this topic and has been unable to provide the applicants with any documentation that would suggest that individual homeowners in the historic district were notified, nor ever afforded the option to object. In fact, minutes will reflect that the City went to lengths to minimize citizen involvement and obfuscate details to ensure that designations occurred. Citizens with clear conflicts of interest were consulted and never questioned as to their gain for the formulation of such a district. As such, homeowners in Willamette and specifically the applicant's home in 1983 had no notification that their home was being designated as historic, nor were they informed that they would need to object to that designation or forever lose that option. In 1983, the applicants home met no historic criteria as the home would have been constructed only 43 years prior, but the Historic Resources Advisory Board had explained in various minutes that age of home did not matter, nor would they need homeowners consent. Minutes of the HRAB in March of 2009, reflect "Mr. Awalt suggested one way to bypass having to get individual property owner consent to protect a building would be to adopt code that put stricter controls..." Charles Awalt, is a thirty-year proponent of the historic district and frequent advisor to the HRAB who is also an owner of a historic home and thus has a vested interest in the historic district. In the July 7th 2010 West Linn Planning Commission Minutes,

"Mr. Awalt asked the City to try to work the Planning Commission out of the Landmark designation process. He explained if the process seemed too onerous to property owners they would opt out of it and the City would lose a Landmark.

The staff advised when a historic district was being created, more than half the property owners there had to object to it to prevent district designation.”

In fact, the applicants were able to provide the city and the HRB with written documentation and offered in-person testimony from the three living sons of the homeowner, who later became the trustees of the property. The previous owners expressed that they had no knowledge nor did they consent to the designation of their home as historic. West Linn City adopted Development Code Chapter 25 which is a recursive, paradoxical code that states that a homeowner must object at the time of designation to be able to opt out of that designation, when the City’s HRAB minutes document that the HRAB sought to minimize homeowner input and the Staff and HRAB report at various meetings that the City does not need homeowner consent. The paradox is how far would a City that does records meetings in which they state that they do not need homeowner consent to designate a home as historic go to ensure the City received owner consent? The answer is simple: they don’t. They place the homeowner in a position of proving a negative; prove that one objected to something for which there was never a process beyond a few vested citizens. The city’s position on the historic designation of 1344 14th street is that the homeowner in 1983, with a 43 year old home, never objected to a designation for which they could have had no knowledge. Mr. Koback will discuss this issue in greater detail.

Rear Dormer

The applicants, through their general contractor, requested and obtained permits for a remodel from the city of West Linn. The applicant’s general contractor used licensed professional contractors and the remodel was started in October 2013. Permits were inspected and approval’s gained throughout the process. Ms. Javoronok made several site visits during the process and requested that the applicants bring their remodel to the HRB, as it pertained to the replacement of windows, the addition of a rear porch, the addition of a rear dormer, and the replacement of the original garage. It was initially unclear to the applicants what bearing the HRB had on the permitted remodel because the applicant’s felt that the planned improvements remained well within the approval criteria of Chapter 25 of the West Linn Community Development Code (CDC). It was unclear at the time, that the only way for citizens in the West Linn Historic District to determine if their planned home improvement requires HRB review is to submit to, and appear before the HRB. The applicant’s general contractor had already begun work on the home and the dormer was modified to it’s present location when Ms. Javoronok conducted a pre-conference in October 2013. City inspectors advised the applicants that they could “weather in” the work that was completed. Even though the applicant’s home remodel was already underway, Ms. Javoronok made a single historic remediation recommendation that was eventually approved by the HRB in October 2104 as “Condition 2” (see below). Ms. Javoronok explained to the applicants prior to the October 2014 HRB, that the HRB would be providing additional “design recommendations” to the applicants. With that in mind, the applicants presented their responses to the codes as requested by Ms. Javoronok to the HRB in October 2014. Because the applicants had understood from city staff that the HRB would be recommending design alternatives to the staff’s plan, the applicants did not present an alternate plan. The October 2014 HRB process clarified the HRB’s role, which did not include “design recommendations” that the city staff had stated would occur. At the 2014 meeting, the HRB held a public hearing to consider the request by the applicants for the removal of the historic designation, rear porch addition, addition to a rear dormer, window replacement, and garage replacement for their property at 1344 14th St. The HRB approved the applicants request for a rear dormer, subject to conditions 1 and 2 of the staff report which were:

1. Site Plan, Elevations, and Narrative. The project shall conform to the plans, elevations, and narrative submitted in Exhibit HRB-5 and 6, except as modified below.
2. Rear Dormer. The addition to the rear dormer shall be set back from the side elevation a distance equal to the set back of the other end of the dormer on the southeast elevation.

The applicants sought to comply with HRB's approval conditions, but were unclear on the specific term "set back" that Ms. Javoronok had applied on the city's position presented to the HRB. The applicants met on January 23rd 2015, with city staff including, Ms. Javoronok, Chris Kerr and John Boyd to review the plans that are now presented to the HRB today. At that meeting Mr. Kerr asked Ms. Javoronok if the plans (as submitted today) would have satisfied condition #2, as referenced above. Ms. Javoronok replied that the applicant's current plan would have met the intended criteria as she had represented in Condition #2, Rear Dormer.

The issue, as it was relayed to the applicants, was that while the plans *would have met the staff's conditions*, the term "set back" was applied in the staff report instead of the language in CDC 25.060 (A)(5) which states "differentiates". Though the staff agreed that the plans now submitted would indeed "differentiate", the HRB decision could not be amended without the process that comes before the HRB now.

Garage Design

The applicants will "substantially redesign" the garage design that was rejected in the October 2014 HRB. As previously stated, it was the applicant's understanding that the HRB would be making design recommendations, not voting up or down on the design as presented. If the HRB has any recommendations regarding the applicant's design, please share those recommendations with the applicants at the hearing.

Remand

On May 11th, 2015, the City of West Linn recommended to the City Council a course of action that led to today's remand. This grants the applicants the opportunity to bring back before the HRB three issues: the review of additional evidence as it relates to the historic district designation on 1344 14th, a clarification of condition #2, as it pertains to the approved rear dormer, and the disapproval of the garage design as presented in October. The staff's report analysis regarding the rear dormer that was presented to the HRB in October states:

"The addition to the rear dormer as proposed is flush with the side elevation and cannot be clearly identified as an addition, is not constructed in a way that is easily reversible, and is not subordinate to the original structure. Staff finds that the criterion can be met if the proposed dormer is set back from the side elevation a distance equal to the set back of the dormer on the southeast elevation. This is addressed in Conditions of Approval 2."

The conditional approval states that the widths of the northwest and southeast elevations of this 25sqft rear dormer addition should match.

Since "matching rear dormer side elevations" on a home that's original construction had different side elevations is not part of CDC 25.060 (A)(5), the HRB's condition of approval would seem to hinge on the fact that, as constructed, the rear dormer cannot be clearly identified as an addition.

The southeast side of the home was originally constructed with an approximately 8-inch roof that extends about two-thirds of the distance from the peak of the roof to the kitchen pop-out below (see Fig. 1).

A shed roof dormer was constructed (see fig 2 &3) that is flush with the northeast exterior wall. The rear shed dormer extension was necessary to modify a bathroom that had only a toilet into a children's bathroom with a sink and bathtub.

The applicant's researched the cost to cut significantly into the exterior wall to "set back" (into) the exterior wall, to accommodate a matching 8-inch decorative roof. To do so, would be reversing the rear dormer extension, removing the bathroom as it exists and impacts the adjacent master bathroom. The applicant's contractor made a bid for such a project to be approximately \$30,000.00.



Figure 1



Figure 2



Figure 3

The applicants, in agreement with Ms. Javoronok, submit that the effect of differentiating the rear dormer extension from the Northeast rear of the home as may be accomplished with a "decorative rake" trim piece that could be either roofed or left as a raked trim piece. The applicants had planed this decorative rake as part of the original siding plan, but were stopped by the city with a stop work order, prior to the October HRB. Precedence for a decorative rake style construction technique can be found in many Portland area, 1940's era homes including English Tudor, English Tudor revival, "Storybook" and Carriage styled homes with or without eaves, that commonly use this construction to "break up" similar elevations where the two floors are flush to the exterior wall (see figure 4 below)

Figure 4

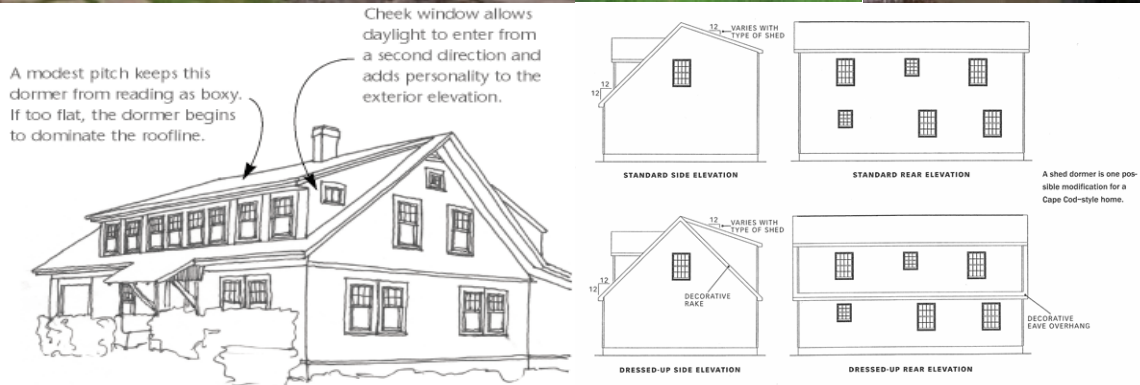


Fig 4 (cont.)

The applicants seek to be in alignment with the HRB’s decision. It is respectfully submitted that condition #2 may be accomplished at a greatly reduced cost to the homeowner, does not remove a full bathroom and does not impact the master bathroom, while accomplishing the intention of the code. The applicants would ask that the HRB approve one of the two style options indicated below, or make recommendations as to how one of the two presented style options would satisfy CDC 25.060 (A)(5).

Figure 5 depicts the original, unmodified, south elevation:

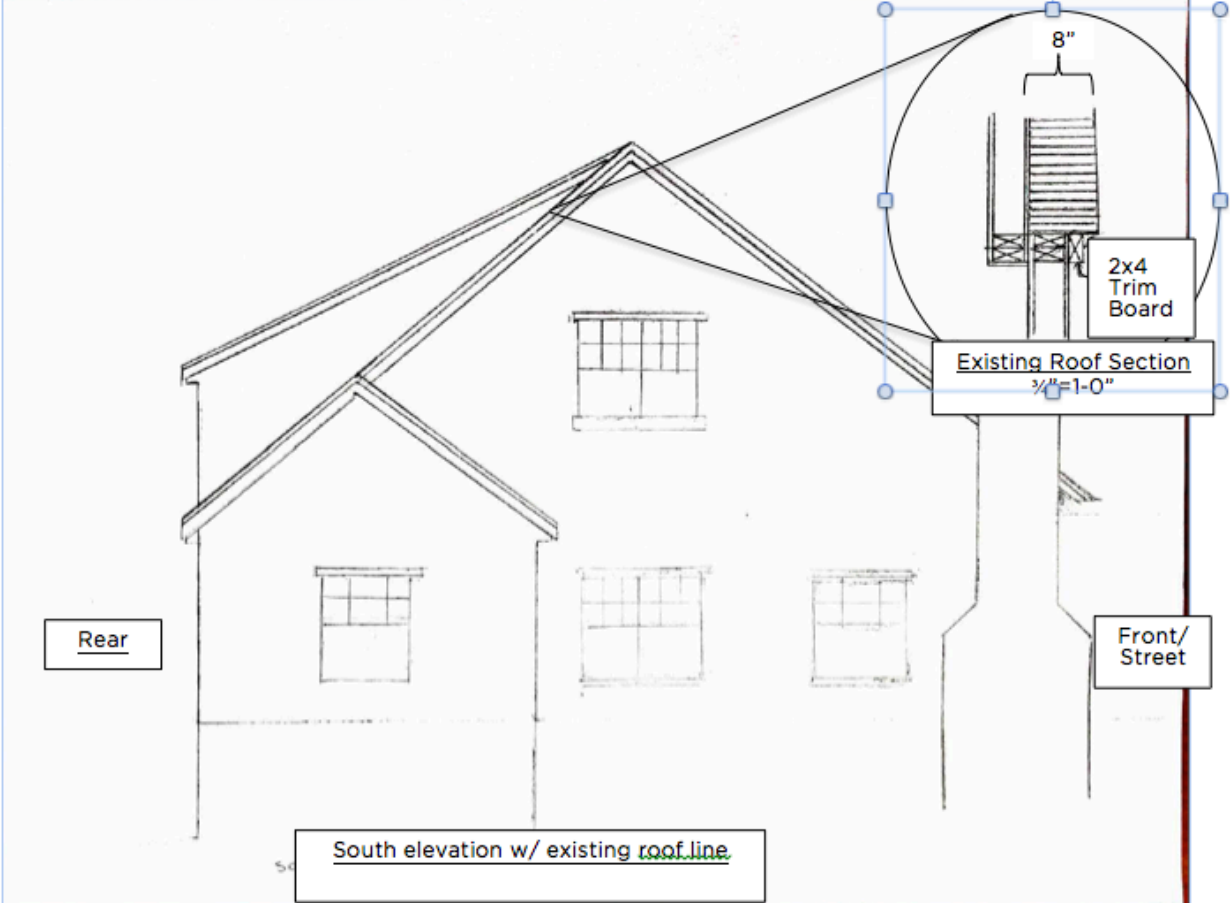


Figure 5

Figure 6 depicts the current North Elevation with option (A) trim addition. The applicant's contractor has bid approximately \$5,000.00 for this trim addition. Option "A" trim addition achieves the staff report's requirement of "matching rear dormer side elevations". However, CDC 25.060 (A)(5) does not require a home that's original construction had different side elevations to achieve "matching", but rather "differentiation" of construction between old and new.

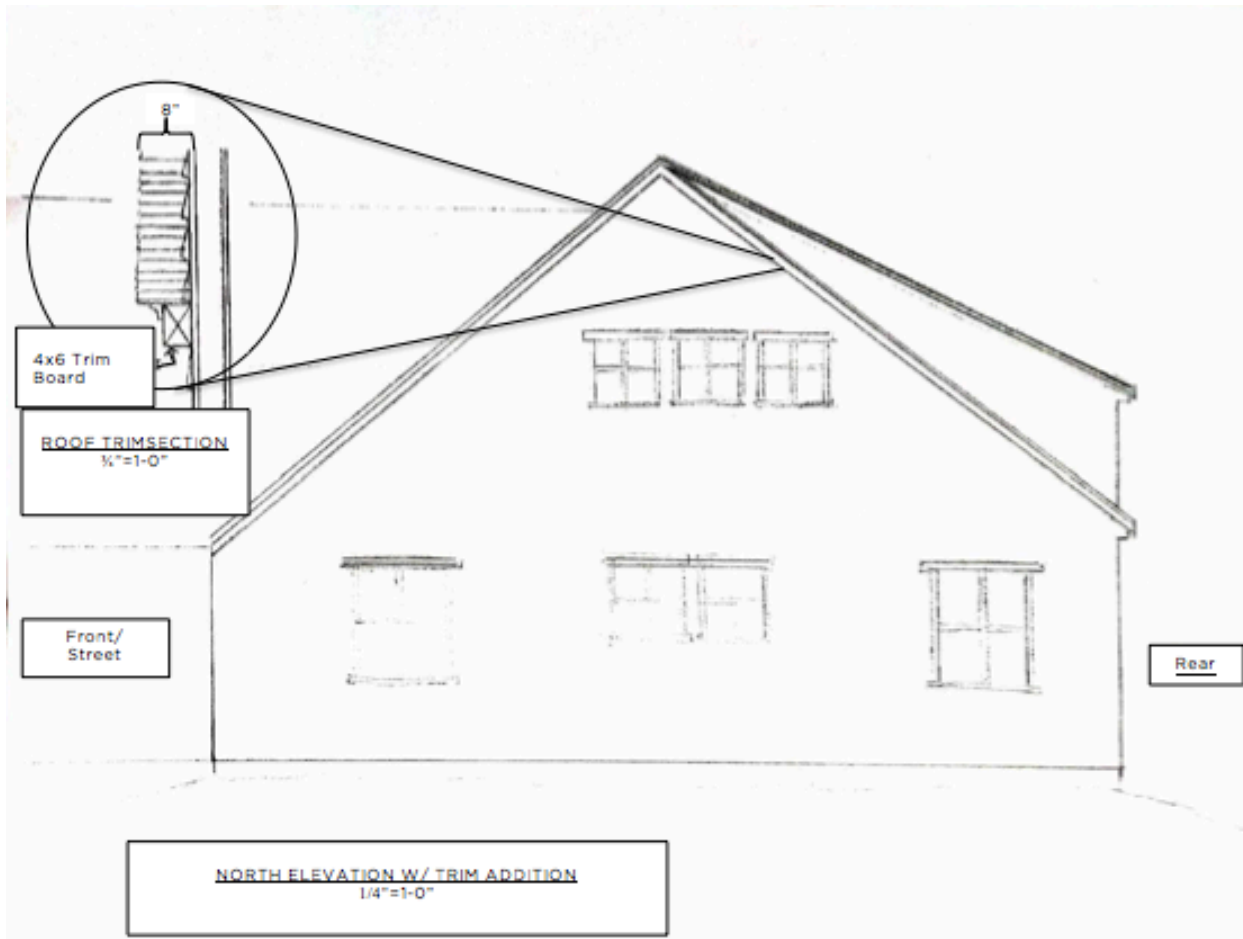


Figure 6

Figure 7 depicts the current North elevation with style option (B) trim addition. The applicant's contractor has bid approximately \$450.00 for this trim addition. The applicants research into architectural design of 1940's English Tudor and English Tudor Revival styles used in surrounding cities resulted in a finding that Style B was not only the most cost effective way to achieve differentiation, but also the most consistent with similarly constructed, similar era, 1940's homes. Style B, from the street would achieve the desired aesthetic effect (see Fig. 2), at a lower cost to the applicants, and would differentiate old construction from new and thus be consistent with CDC 25.060.

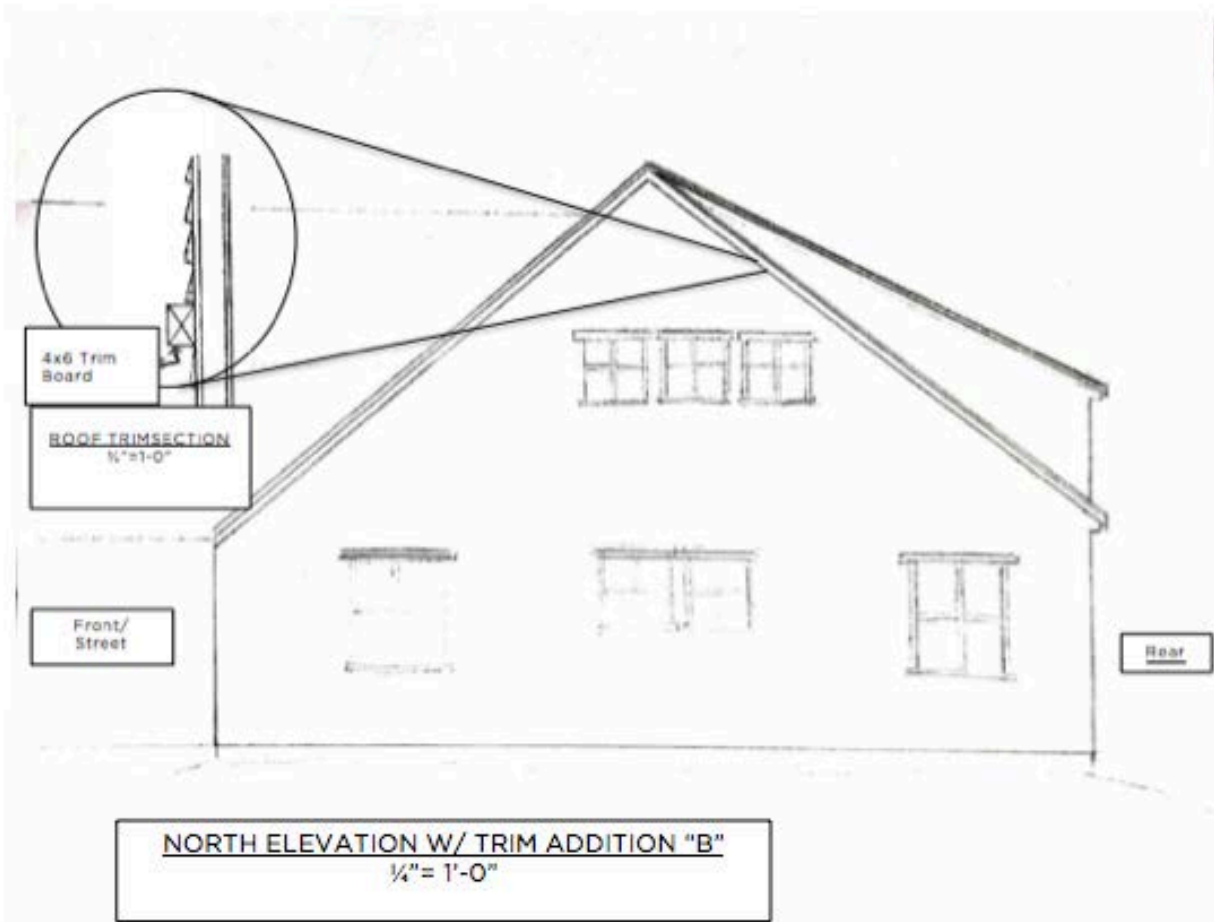


Figure 7