WEST LINN HISTORIC REVIEW BOARD

FINAL DECISION AND ORDER

DR-15-05

IN THE MATTER OF A PROPOSAL TO REMOVE AN ADDITION AND REBUILD THE ORIGINAL TURRET ON THE FRONT OF THE HOUSE, TO BUILD AN ADDITON ON THE REAR OF THE HOUSE, AND TO CONVERT THE CARPORT INTO A GARAGE ON THE HISTORIC DISTRICT PROPERTY AT 1724 4TH AVE.

I. Overview

At their meeting on September 15, 2015, the Historic Review Board ("Board") held a public hearing to consider the request by Peter Graves, Property Owner, to approve a proposal to remove an addition and rebuild the original turret on the front of the house, to build an addition on the rear of the house, and to convert the carport into a two-story garage on the historic district property at 1724 4th 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 Darren Wyss, Associate Planner. Ms. Graves presented as the applicant. There was no additional public testimony. The hearing was closed, and a motion was made by Board President Adam Petersen and seconded by Board Member James Manning to continue the hearing to October 20, 2015 so the applicant could submit additional materials. The applicant agreed to a 90-day extension of the 120-day rule. The motion passed unanimously.

At their meeting on October 20, 2015, the Board re-opened the continued public hearing. The hearing commenced with a staff report presented by Mr. Wyss, which included a one-story garage proposal that met required setback and height criteria. Peter Graves presented as the applicant. There was no additional testimony. The hearing was closed and a motion made by Board Member Jim Mattis and seconded by Board Member Christine Lewis to approve the application, with the one-story garage being Option 1 and the two-story garage being Option 2, with the staff recommended conditions of approval. The motion passed unanimously.

II. The Record

The record was finalized at the October 20, 2015, hearing. The record includes the entire file from DR-15-05, including materials submitted at the October 20, 2015, 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. *Adler v. City of Portland*, 25 Or LUBA 546 (1995). 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 September 15, 2015, as well as the October 9, 2015 staff memo, 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 September 15, 2015, with attachments, including specifically the Addendum, and staff memo dated October 9, 2015 as its findings, which are incorporated by this reference.

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.

VII. Order and Conditions of Approval

The Board concludes that DR-15-05 is approved based on the Record, Findings of Fact, the Findings above, and the following conditions of approval:

1. Accessory Structure (Two-Story Garage) Side Yard Setback Modification. The accessory structure side yard setback can be modified to six feet only if the east elevation of the accessory structure does not include any dormers/bump outs on the roof to limit encroachment on the property to the east.

2. Garage Access. The garage (both the one and two-story options) access can be modified to maintain an existing street access only if the primary access is from the alley, with the secondary street access disguised with reinforced grass paving and the street façade of the garage containing only a single garage access door that replicates the siding used on the rest of the accessory structure.
3. Site Plan, Elevations, and Narrative. The project shall conform to the plans, elevations, and narrative submitted in Exhibit HRB-4 and Exhibit HRB-8 (additional applicant materials).
4. Minor Amendment. With the Historic Review Board approval of Garage Option 1, the applicant may utilize the minor amendment process to construct Garage Option 2 as the Historic Review Board has found both options to meet the approval criteria.

10/23/15

ADAM PETERSEN, CHAIR
WEST LINN HISTORIC REVIEW BOARD

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 26th day of October, 2015.

Therefore, this decision becomes effective at 5 p.m., November 6, 2015.