

## **WEST LINN HISTORIC REVIEW BOARD**

### **FINAL DECISION AND ORDER**

**DR-19-04**

#### **IN THE MATTER OF A CLASS II HISTORIC DESIGN REVIEW AT 1808 4<sup>TH</sup> AVENUE; THIS PROPOSAL IS REMODEL THE EXISTING HOME INCLUDING REPLACING WINDOWS, A NEW GARAGE DOOR, AND REPLACING THE EXISTING METAL CARPORT.**

##### **I. Overview**

At its meeting on November 19, 2019, the Historic Review Board (“The Board”) held a public hearing to consider the request by Jennifer Ludemann, applicant, to approve a proposal to remodel the existing home at 1808 4<sup>th</sup> Avenue, including replacing windows, a new garage door, and replacing the existing metal carport. 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. Jennifer Ludemann presented as the applicant. Following the applicant’s presentation, members of the public were given the opportunity to testify regarding this application, but no members of the public were present to present oral testimony.

The hearing was closed and after a brief deliberation a motion made by Vice Chair Schreiber and seconded by Board Member Taylor to approve the application as presented with the staff recommended condition of approval and one additional condition specifying the design for the carport replacement. The motion passed (4-0-1) with Chair Offer abstaining from the vote.

##### **II. The Record**

The record was finalized at the November 19, 2019, hearing. The record includes the entire file from DR-19-04.

##### **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 November 19, 2019, 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 Applicants are Jennifer & John Ludemann.
- 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 November 19, 2019.

The existing carport and garage are considered a pre-existing non-conforming structure (carport is attached to the garage). The Board approved the garage door replacement as proposed and the carport (with a condition on design type for the carport) in the same location, and did not require the structures be brought into compliance with current setback requirements. The existing carport and garage are on the front property boundary along 4<sup>th</sup> Ave and is not accessed via the alley as code requires. There was no additional land use requirement for a non-conforming structure with this proposal.

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 conditions of approval are consistent with the Community Development Code.

**VII. Order and Conditions of Approval**

The Board concludes that DR-19-04 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.
2. **Carport Replacement.** The carport architectural style shall be the Beach Style Garage as shown on page 36 of the applicant's submittal.

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JERRY OFFER, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Therefore, this decision becomes effective at 5 p.m., \_\_\_\_\_, 2019.