



## Legislation Text

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**File #:** PC 16-106, **Version:** 1

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Appeal 16-01: Appeal of a Historic Review Board Approval of a New Home in the Canemah National Register District (Planning File HR 16-06)

### **RECOMMENDED ACTION (Motion):**

Staff recommends that the City Commission deny AP 16-01 and approve HR 16-06 as adopted by the Historic Review Board (HRB). If the City Commission determines the appellant's circumstances warrant a remand of the decision back to the HRB, it is recommended the remand be limited in scope to considering the design of the proposed breezeway.

### **BACKGROUND:**

The Historic Review Board (HRB) approved the construction of a single-family home in the Canemah National Register District at their September 27, 2016 hearing. The site owner/appellant was unable to attend the hearing due to a family emergency and was not able to alert staff and request a continuance. Though the proposal was approved, a condition of approval was added that required a breezeway which attached a garage to the home to be removed. The appellant indicated that based on the HRB deliberation and findings to deny the proposed breezeway, they would have requested a continuance to allow the HRB to consider a modification to the breezeway.

Staff is wary of creating a precedent that allows applicants to appeal an adverse decision and then seek a remand to allow for further redesign. The City has no known precedent for allowing another opportunity for HRB review through a remand proceeding. The alternative would be for the appellant to file an application for a modification that carries a filing fee of \$500. HRB appeals are limited to \$50.00 by Chapter 2.28.070- Appeals. Although no law demands providing the appellants with a remand, the Commission may decide that the facts dictate doing so in this case.

If the City Commission determines the appellant's circumstances have merit, they can allow the application to be remanded back to the Historic Review Board for the limited purpose of considering redesign of the proposed breezeway (Condition of Approval #9). The City will incur the additional cost for noticing the remanded hearing for consideration of the modified proposal, which could occur via a special meeting in December or at the January 24, 2017 HRB meeting, if the applicant chooses to waive the 120-day land use deadline (December 28, 2016). The remand would allow the HRB to accept new information into the record pertaining to Condition of Approval #9.