



City of Leavenworth

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NOTICE OF FINAL DECISION / ACTION OF THE LEAVENWORTH DESIGN REVIEW BOARD

IN THE MATTER OF

Architectural Design Permit Application No. 20-021-D

"Alpen Rose" Bike Enclosure

Date: February 28, 2020

To: Samantha Stanfield
Syndicate Smith, LLC
220 US Highway 2
Leavenworth, WA 98826

For:

James Weimann
Alpen Rose Inn
3708 W Comamdore Way
Seattle, WA 98199

THIS MATTER having come before the Leavenworth Design Review Board on February 26, 2020, and the Board having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval:

I. FINDINGS OF FACT

1. The Applicant submitted an Architectural Design Review application on February 12, 2020, seeking approval of an Architectural Design Permit pursuant to LMC Chapter 14.08, Old World Bavarian Architectural Theme, as described within the Staff Report, and the materials on file.
2. On February 18, 2020, the application was determined complete.
3. The Applicant proposes an Architectural Design Permit for installation of a new bike enclosure structure for the "Alpen Rose Inn." The structure will be located in the front lawn area, near the north half of the building. It will be constructed of solid wood with a concrete base and city-approved bike racks.
4. The project is located at 500 Alpine Place, Leavenworth, WA; identified by Assessor's Parcel Number: 241711410250.
5. The project is located within the Tourist Commercial zoning district of the City of Leavenworth.
6. The proposal is subject to compliance with LMC Chapter 14.08.
7. Pursuant to LMC 14.08.030, the Design Review Board is responsible for review and approval of Architectural Design Permit applications to determine compliance with the Old World Bavarian Alpine theme and LMC Chapter 14.08.
8. The application is subject to a hearing before the Leavenworth Design Review Board pursuant to LMC 21.09.050, Quasi-Judicial Review of Applications.
 - 8.1. A public hearing was held on February 26, 2020.
9. Appearing and testifying on behalf of the proposal was the Samantha Stanfield, the Applicant's representative.
10. The entire Planning Staff file was admitted into the record at the public hearing.
11. The Board discussed the proposal's consistency with the Old World Bavarian Alpine theme and approved the proposal as submitted.
12. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The application has been processed in compliance with LMC 21.09.050, Quasi-Judicial Review of Applications.
2. The Leavenworth Design Review Board has been granted authority to render this Decision pursuant to LMC 14.08.030 (A).
3. The file of record and comments of the applicant, staff, and/or the public have been considered in rendering this Decision and forming Conditions of Approval.
4. The Design Review Board has considered the proposal in keeping with the intent of the Old World Bavarian Alpine theme.
5. As conditioned, the proposal will comply with all required standards as specified in the Leavenworth Municipal Code.
6. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, Architectural Design Permit Application **20-021-D**, for a new bike enclosure for the “Alpen Rose Inn,” located at 500 Alpine Place, within the Tourist Commercial zoning district, is hereby **APPROVED** subject to the following conditions:

IV. CONDITIONS OF APPROVAL

1. All conditions imposed herein shall be binding on the “Applicant,” which term shall include the owner or owners of the property, representatives, heirs, assigns, and successors.
2. This approval is limited to the proposed design as described within the application materials, dated July 31, 2019, as received by the City, as reviewed by the Leavenworth Design Review Board, and as described in the Staff Report and attached Exhibits, except as conditioned herein. Where a Condition of Approval does not alter a design element as reviewed by the Board, such design element shall be approved for use as shown within the application materials.
 - 2.1. The design is approved as submitted with the following conditions:
 - 2.1.1. Roof shall have a pitch of three and one-half to five and one-half.
 - 2.1.2. Roofing material shall be tile, simulated tile, standing seam metal, high-profile asphalt shingles, or heavy shakes in an approved color, pursuant to LMC 14.08.040(B)(3).
 - 2.1.3. Bike racks may be approved administratively if consistent with the approved design standards/portfolio and/or the downtown master plan. Racks shall be black or galvanized in color.
3. A building permit is required for the structure, in accordance with the 2015 International Building Code.
4. Any design details which are subject to review and approval of the Design Review Board that have not received approval with this application, or which may be added in the future (including but not limited to lighting), or any changes to design details as submitted by the Applicant in this proposal, shall be brought before the Board for review and approval prior to installation as part of a new permit application or revision.
5. This approval and the terms, provisions and requirements of Leavenworth Municipal Code 14.08 shall be in addition to and not in lieu of the requirements set forth in the International Building Code and other uniform codes adopted by the City or in any other ordinance, state statute or regulation governing the construction, building, zoning or other similar regulations applicable to the city.
6. The Applicant shall obtain all permits required by all federal, State, and local agencies with jurisdiction, including but not limited to building, lighting, and electrical permits.

7. The terms, provisions and requirements of this chapter shall be in addition to and not in lieu of the requirements set forth in the International Building Code and other uniform codes adopted by the city or in any other ordinance, state statute or regulation governing the construction, building, zoning or other similar regulations applicable to the city.
8. Buildings shall not be occupied or opened for business until the approved exterior design features of that building are finished. A temporary certificate of occupancy/exemption may be granted by the city with a surety to perform work for not more than the time period allowed by the surety to perform work; provided, that the reason for delayed completion is due to weather or other circumstances beyond the control of the owner.
9. Design review board approved architectural permits shall expire in conformance with LMC 15.04.030 and associated building permits (as necessary).

V. APPEALS

This decision is final unless appealed as provided in Chapter 21.11 LMC, Appeals.

As provided by Leavenworth Municipal Code (LMC) 21.11.020: Applicants or parties of record may appeal this decision as provided for in LMC 21.11.030 provided, however that no such appeal may be filed unless such party has first brought a timely motion for reconsideration of this decision pursuant to LMC 21.15.120.

In order to appeal a decision made by the Design Review Board the appellant must exhaust available remedies prior to filing for an appeal. The appellant(s) shall seek reconsideration of a final decision pursuant to the requirements of Section 21.15.120 LMC in order to file for an appeal. The City must receive a request for reconsideration by no later than 10 days from the date of the decision as cited above.

21.15.120 – Reconsideration. An applicant or party of record to a Hearing Examiner’s (Design Review Board) public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the City within ten days of the final decision. The request shall comply with Section 21.11.030(B). The Hearing Examiner (Design Review Board) shall consider the request at the next regularly scheduled meeting, without public comment or argument by the party filing the request. If the request is denied, the previous action shall become final. If the request is granted, the Hearing Examiner (Design Review Board) may immediately revise and reissue its decision, or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision.

21.11.030(B) – Contents. The notice of appeal shall contain a concise statement including the following information:

1. The decision being appealed;
2. The name and address of the appellant and his/her interest(s) in the matter;
3. The specific reasons why the appellant believes the decision to be wrong, including identification of each finding of fact, each conclusion, and each condition or action ordered which the appellant alleges is erroneous. The appellant shall bear the burden of proving the decision was wrong;
4. The specific desired outcome or changes to the decision;
5. The applicable appeal fee; and
6. The notice of appeal shall include a copy of the receipt evidencing payment of the applicable appeal fee.

After the appellant(s) has exhausted all available remedies in accordance with Section 21.15.120 of the LMC, the decision may be appealed, by applicants or parties of record from the Design Review Board public hearing, to the Leavenworth Hearing Examiner as provided for in Section 21.11.030 of the LMC.

VI. FILE REVIEW

The complete case file, including findings and conclusions is available for inspection at Leavenworth City Hall at 700 Highway 2, Leavenworth, Washington, from 9:00 a.m. to 5:00 p.m. Monday through Friday, excluding

holidays. Please contact Development Services Department staff at (509) 548-5275 to arrange for an inspection time.

Dated this 28th day of February, 2020.

CITY OF LEAVENWORTH DESIGN REVIEW BOARD SECRETARY



Maggie Boles, Assistant Planner

Every permit issued by the City of Leavenworth under the provisions of the Leavenworth Municipal Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of issuance of such permit. Call to request inspection of your project before expiration in order to validate your permit. **Contact City Hall to request inspection - 509.548.5275**