

# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
FAX: 503-588-6005



*Si necesita ayuda para comprender esta información, por favor llame  
503-588-6173*

## DECISION OF THE HISTORIC LANDMARKS COMMISSION

**CLASS 3 MAJOR HISTORIC DESIGN REVIEW CASE NO.: HIS23-19**

**APPLICATION NO.: 23-119252-PLN**

**NOTICE OF DECISION DATE:** October 20, 2023

**SUMMARY:** A proposal to install new wrought-iron metal fencing on the site of the Daniel B Jarman House (c.1929).

**REQUEST:** Class 3 Major Historic Design Review of a proposal to install 6ft high wrought iron-fencing metal fronting both Oak Street and High Street SE on the site of the Daniel B. Jarman House (c 1929), a historic contributing building in the Gaiety Hill/Bush's Pasture Park Historic District, on property .63 acres in size, in the RS (Single Family Residential) zone and located at 567 High Street SE - 97301 (Marion County Assessor Map and Tax Lot Number: 073W27AC04500).

**APPLICANT:** Derek Sadowski

**LOCATION:** 567 High St SE

**CRITERIA:** Salem Revised Code (SRC) Chapters 230.065 – General guidelines for historic contributing resources

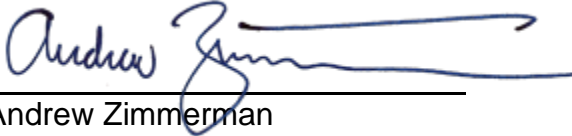
**FINDINGS:** The findings are in the attached Decision dated October 19, 2023.

**DECISION:** The **Historic Landmarks Commission APPROVED** Class 3 Major Historic Design Review - Residential Case No. HIS23-19 subject to the following conditions of approval:

- Condition 1:** The applicant shall obtain a Class 2 Adjustment, authorizing an adjustment to the land use requirements within the underlying zone which limit the height of residential fencing to four (4') in the front yard prior to installing the 6' high fencing in the front yard.
- Condition 2:** The applicant shall obtain a Revokable License to Encroach into the Right of Way prior to construction; and once the fence is constructed, the applicant shall ensure that the vegetation remains clear within the 10' x 50' vision clearance area at the northwest corner High Street SE and Oak Street SE.

**VOTE:**

**Yes 8      No 0      Absent 1 (Morris)**



Andrew Zimmerman  
Chair, Historic Landmarks Commission

The rights granted by the attached decision must be exercised, or an extension granted, by November 7, 2025, or this approval shall be null and void.

Application Deemed Complete:	<u>September 28, 2023</u>
Public Hearing Date:	<u>October 19, 2023</u>
Notice of Decision Mailing Date:	<u>October 20, 2023</u>
Decision Effective Date:	<u>November 7, 2023</u>
State Mandate Date:	<u>January 26, 2024</u>

Case Manager: Kimberli Fitzgerald, [kfitzgerald@cityofsalem.net](mailto:kfitzgerald@cityofsalem.net), 5035402397

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Monday, November 6, 2023. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 230. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

## DECISION OF THE SALEM HISTORIC LANDMARKS COMMISSION

**CASE NO.:** Historic Design Review Case No. HIS23-19

**FINDINGS:** Based upon the application materials, the facts and findings in the Staff Report incorporated herein by reference, and testimony provided at the Public Hearing of the October 19, 2023 Historic Landmarks Commission (HLC) finds that the applicant adequately demonstrated that their proposal complies with the applicable provisions of the Salem Revised Code (SRC) 230.065 as follows:

### **FINDINGS**

The HLC finds that the six (6') fence is not allowed in the front yard of the lot unless a Class 2 Adjustment to these standards is obtained from the Planning Division. While the applicant has applied for a Class 2 Adjustment (23 119473 PLN), a Decision has not been issued yet. The applicant must obtain an adjustment or the fence, at the requested height, is not allowed. Nothing in this decision shall be construed to have approved the proposed height or the requested adjustment and further, the HLC adopts a Condition of Approval to ensure compliance prior to construction:

**Condition 1:** The applicant shall obtain a Class 2 Adjustment, authorizing an adjustment to the land use requirements within the underlying zone which limit the height of residential fencing to four (4') in the front yard prior to installing the 6' high fencing in the front yard.

The HLC finds that a portion of the existing historic wall as well as a portion of the proposed fence are within the right of way as well as within the vision clearance area on the northwest corner of High and Oak Streets SE. Therefore, the HLC adopts the following Condition of Approval to ensure compliance with Public Works standards:

**Condition 2:** The applicant shall obtain a Revokable License to Encroach into the Right of Way prior to construction; and once the fence is constructed, the applicant shall ensure that the vegetation remains clear within the 10' x 50' vision clearance area at the northwest corner High Street SE and Oak Street SE.

### ***Criteria:***

#### **230.065. GENERAL GUIDELINES FOR HISTORIC CONTRIBUTING RESOURCES**

**(a)** *Except as otherwise provided in this Chapter, the property shall be used for its historic purpose, or for a similar purpose that will not alter street access, landscape design, entrance(s), height, footprint, fenestration, or massing.*

**Finding:** The HLC finds that the applicant is proposing to continue to use the resource as a residence, its historic purpose. While the applicant is proposing to install new metal picket fencing abutting the perimeter of Oak Street SE and High Street SE, this fencing will be placed on the interior of the existing perimeter wall, and will not adversely impact street access, landscape design or any aspect of the main resource itself. The HLC finds that the proposed use will not alter street access, landscape design, footprint or massing of the Jarman House and that SRC 230.065 (a) has been met.

*(b) Historic materials, finishes and distinctive features shall, when possible, be preserved and repaired according to historic preservation methods, rather than restored.*

**Finding:** The applicant is not proposing to restore or repair any original historic materials as part of this proposal; therefore the HLC finds that this guideline is not applicable to the evaluation of this proposal.

*(c) Distinctive stylistic features or examples of skilled craftsmanship significance shall be treated with sensitivity.*

**Finding:** The applicant is not proposing to restore or repair any original historic materials as part of this proposal; therefore the HLC finds that this guideline is not applicable to the evaluation of this proposal.

*(d) Historic features shall be restored or reconstructed only when supported by physical or photographic evidence.*

**Finding:** The applicant is not proposing to reconstruct any original historic materials as part of this proposal; therefore the HLC finds that this guideline is not applicable to the evaluation of this proposal.

*(e) Changes that have taken place to a historic resource over the course of time are evidence of the history and development of a historic resource and its environment and should be recognized and respected. These changes may have acquired significance in their own right, and this significance should be recognized and respected.*

**Finding:** The applicant is not proposing to restore or repair any historic materials that have acquired significance as part of this proposal; therefore the HLC finds that this guideline is not applicable to the evaluation of this proposal.

*(f) Additions and alterations to a historic resource shall be designed and constructed to minimize changes to the historic resource.*

**Finding:** The HLC finds that in order to increase security on his property, the applicant is proposing to construct a 6-foot metal fence on the perimeter of the property on the interior of the wall abutting the sidewalk. The fencing will be located in the front yard abutting High Street SE and the side yard (south of the resource) fronting Oak Street SE. The fencing will not be attached to any historic features on the site nor to any part of the primary building. While the fencing will impose a new feature in the front yard that was not historically part of the site, the primary house and the site can be seen through the fence, minimizing the impact of this new addition to the site. The HLC finds that SRC 230.065(f) has been met.

*(g) Additions and alterations shall be constructed with the least possible loss of historic materials and so that significant features are not obscured, damaged, or destroyed.*

**Finding:** The HLC finds that the proposed fencing will not result in any loss of historic materials and no significant features will be damaged or destroyed by the proposal. While the fencing may obscure a minimal amount of the view of the primary façade of the house on the site, the nature of the building slope and the visibility through the fence will ensure that overall

no significant features will be obscured. The HLC finds that SRC 230.065(g) has been met for the proposal.

*(h) Structural deficiencies in a historic resource shall be corrected without visually changing the composition, design, texture or other visual qualities.*

**Finding:** The HLC finds that the applicant is not proposing to correct any structural deficiencies as part of this proposal, therefore the HLC finds that this guideline is not applicable to the evaluation of this proposal.

*(i) Excavation or re-grading shall not be allowed adjacent to or within the site of a historic resource which could cause the foundation to settle, shift, or fail, or have a similar effect on adjacent historic resources.*

**Finding:** The HLC finds that a minimal amount of ground disturbance is necessary to install the posts for the new fencing which could have the potential to impact the adjacent historic low brick wall. However, the applicant will be utilizing a mechanical, narrow post hole digger to install the posts, ensuring the least amount of ground disturbance will be used in order to install the fence posts, reducing the potential for impacting the adjacent historic wall. No major excavation or regrading is proposed as part of this proposal. The HLC finds that SRC 230.065(i) has been met for the proposal.

## DECISION

The Historic Landmarks Commission **APPROVES** HIS23-19 with the following conditions of approval:

**Condition 1:** The applicant shall obtain a Class 2 Adjustment, authorizing an adjustment to the land use requirements within the underlying zone which limit the height of residential fencing to four (4') in the front yard prior to installing the 6' high fencing in the front yard.

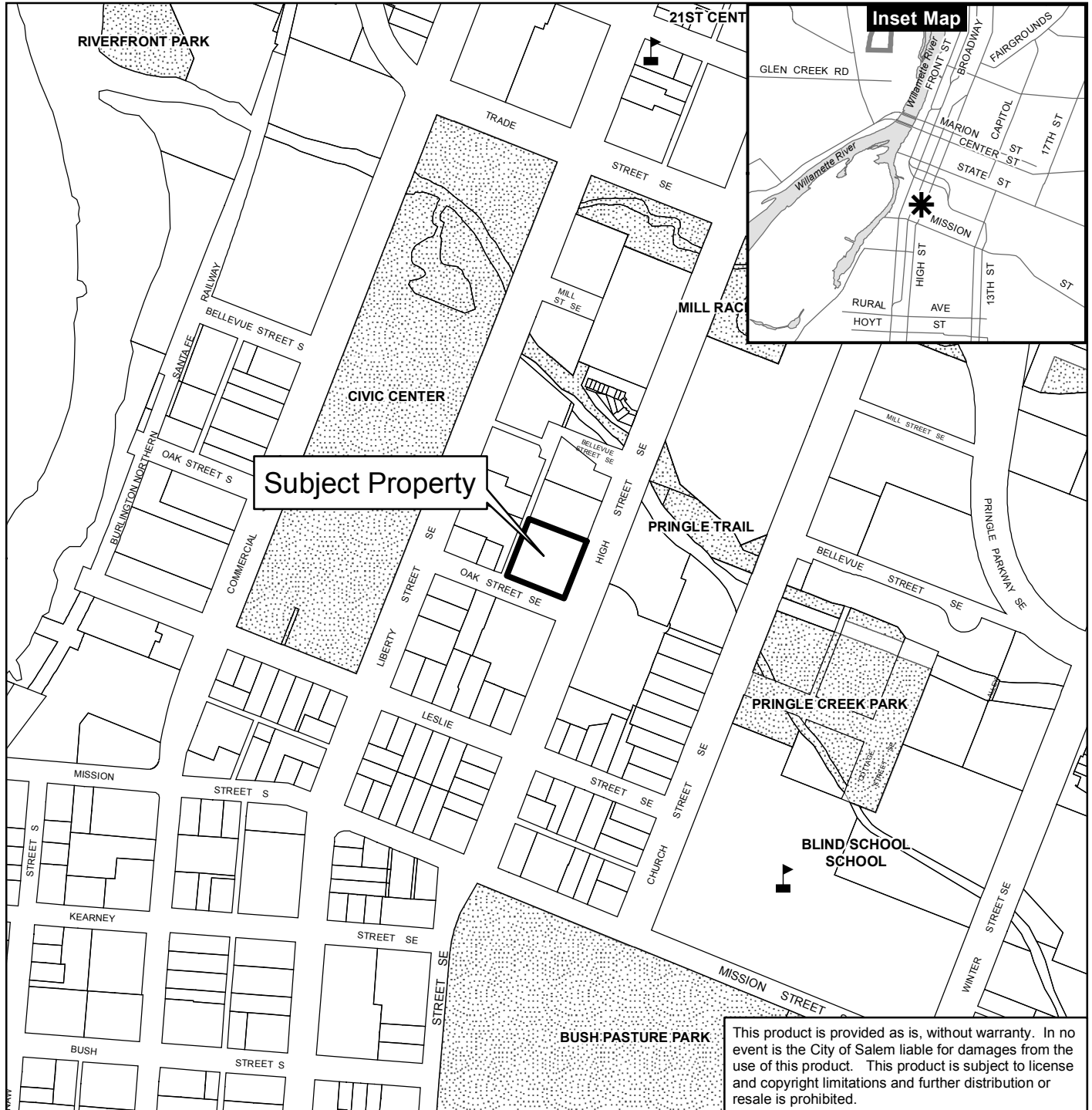
**Condition 2:** The applicant shall obtain a Revokable License to Encroach into the Right of Way prior to construction; and once the fence is constructed, the applicant shall ensure that the vegetation remains clear within the 10' x 50' vision clearance area at the northwest corner High Street SE and Oak Street SE.

**VOTE: Yes 8 No 0 Absent 1 (Morris) Abstain 0**

Attachments: A. Vicinity Map  
B. Excerpt from Applicant's Submittal Materials






Prepared by Kimberli Fitzgerald, Historic Preservation Officer

# Vicinity Map 567 High Street SE



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### Legend

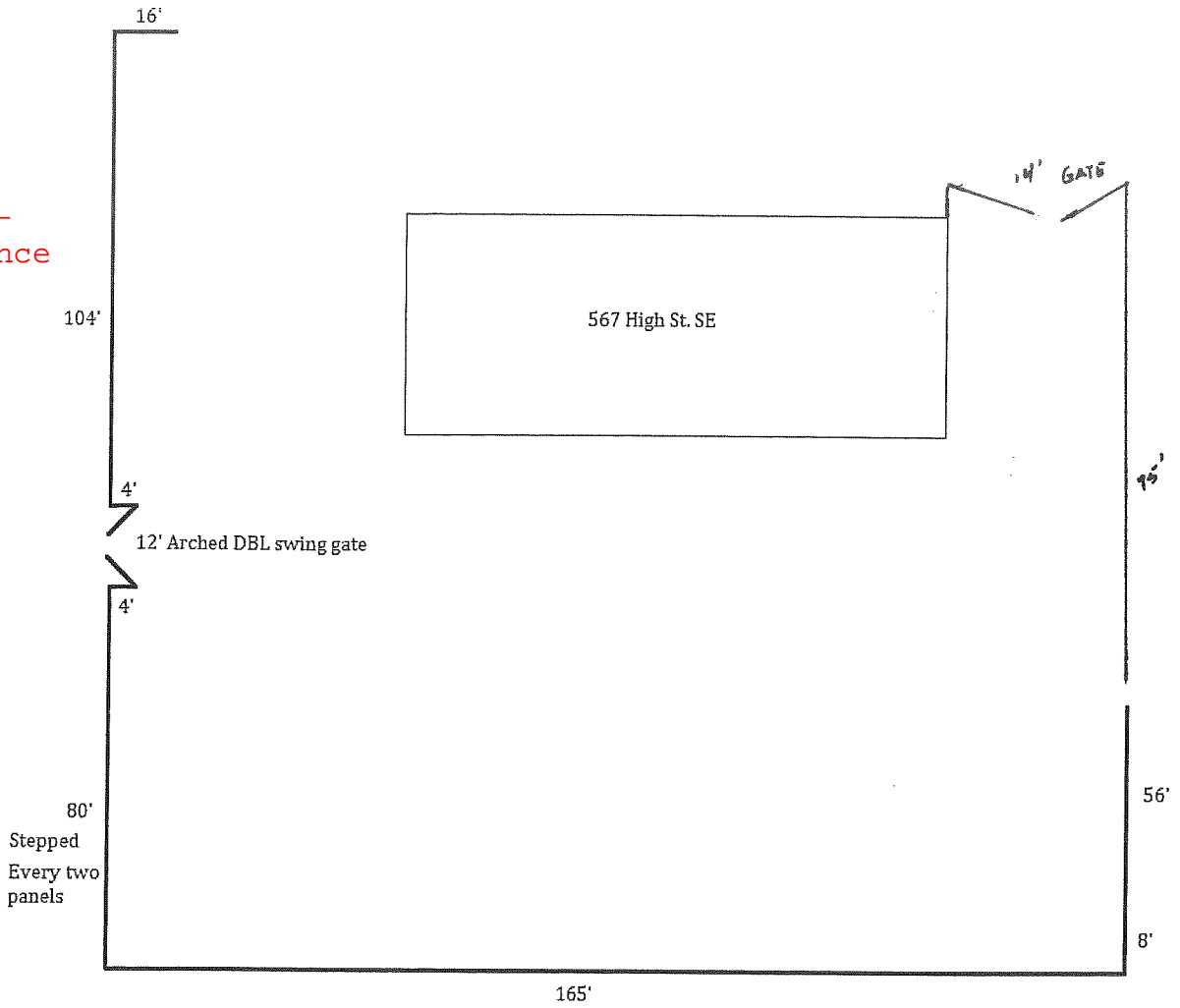
-  Outside Salem City Limits
-  Urban Growth Boundary
-  Taxlots
-  Schools
-  Parks

0 100 200 400 Feet



**SITE PLAN**

**JOB LAYOUT**

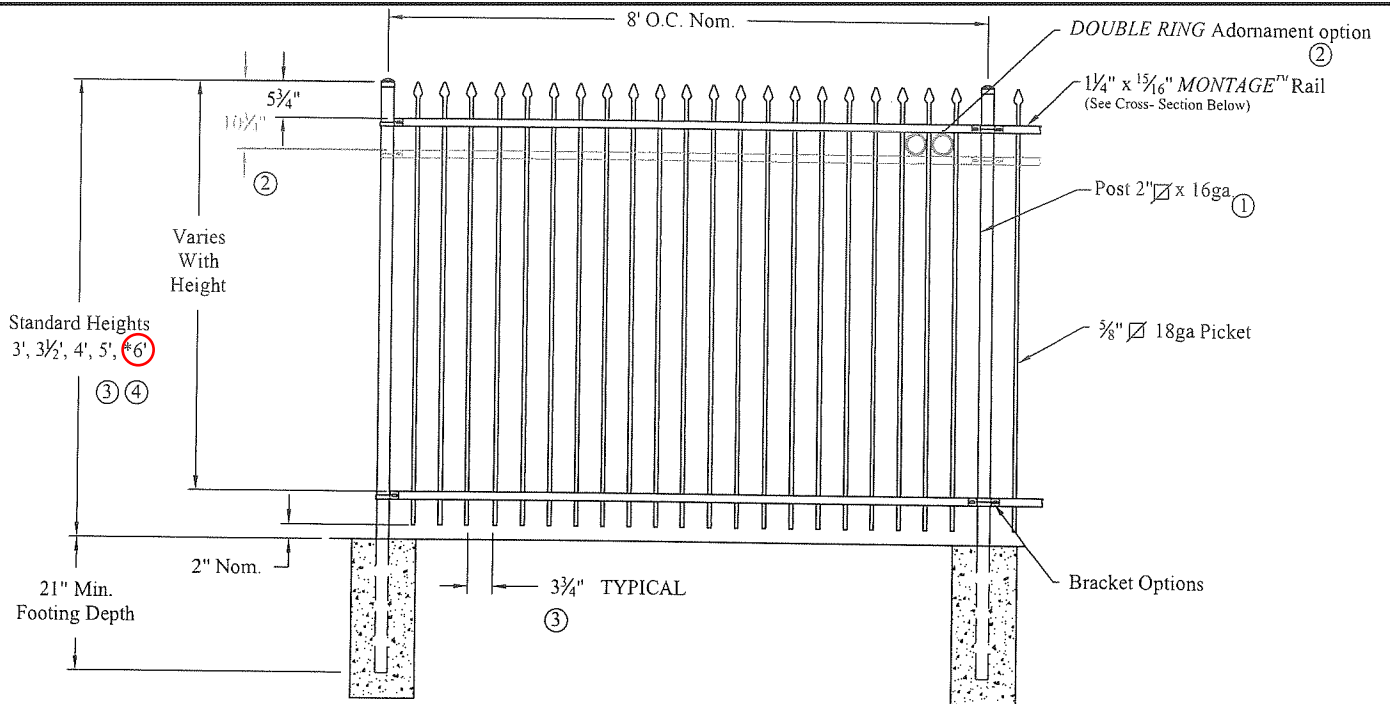


(Drawing not to scale)

High Street - 6' High Wrought Iron Fence



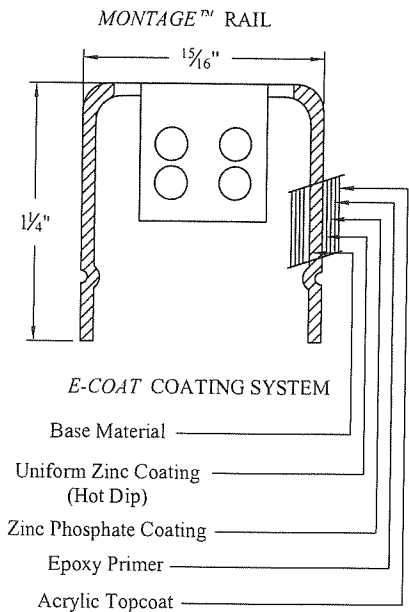




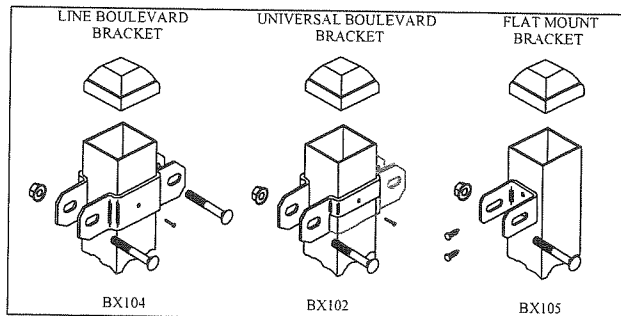
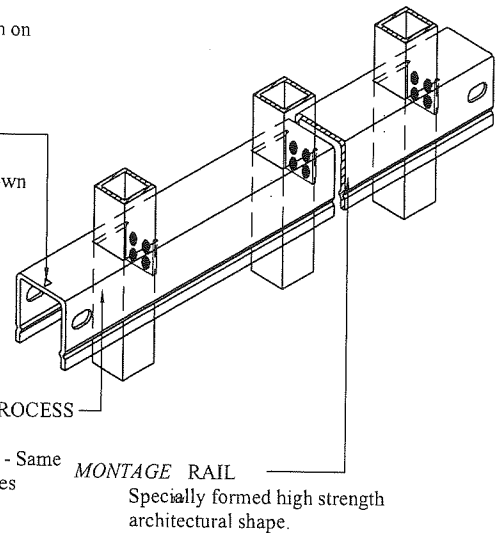
**NOTES:**

- 1.) Post size depends on fence height and wind loads. See *MONTAGE™* specifications for post sizing chart.
- 2.) Third rail required for *Double Rings*.
- 3.) Available in 3" air space and/or Flush Bottom on most heights.
- 4.) Three rails required for 6' tall.

**RAKING DIRECTIONAL ARROW**  
Welded panel can be raked 45° over 8' with arrow pointing down grade.



**PROFUSION™ WELDING PROCESS**  
No exposed welds,  
Good Neighbor profile - Same appearance on both sides



**RESIDENTIAL WELDED STEEL PANEL**  
**PRE-ASSEMBLED**

Title: **MONTAGE CLASSIC 2/3-RAIL**

DR: CI	SH. 1 of 1	SCALE: DO NOT SCALE
CK: ME	Date 7-19-11	REV: c



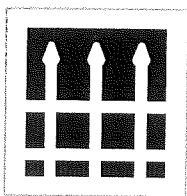
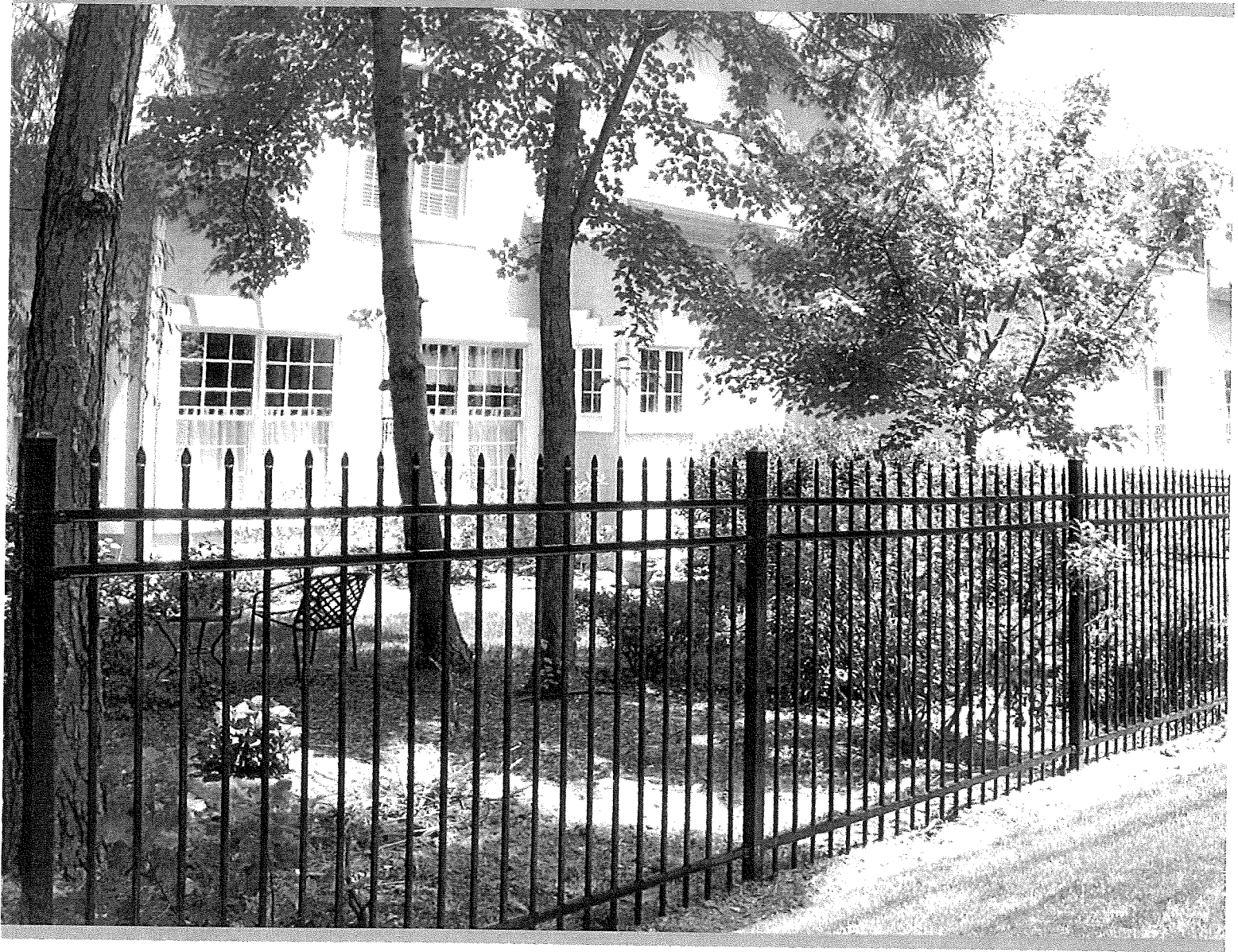
**AMERISTAR®**

1555 N. Mingo  
Tulsa, OK 74116  
1-888-333-3422  
www.ameristarfence.com

Values shown are nominal and not to be used for installation purposes. See product specification for installation requirements.

RCISO

# CLASSIC™

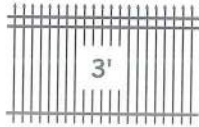


## Experience traditional grace.

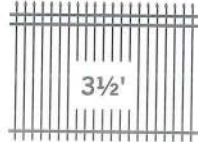
The extended pickets — topped with arrow-pointed spears — of this classic style capture the look of traditional wrought iron fencing. Single, double and arched walk gates are also available to match this style.

Oak Street

HEIGHTS



3'



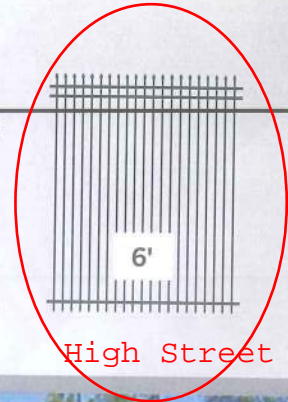
3½'



4'



5'



6'

High Street



PANELS



**3-RAIL PANELS**  
Available in  
3' to 6' heights

**2-RAIL PANELS**  
Available in  
3' to 5' heights

BOTTOM OPTION



**STANDARD  
BOTTOM RAIL**



**FLUSH  
BOTTOM RAIL**

PICKET SPACING



**4" GAP**  
Standard



**3" GAP**  
Not available in  
2-rail Classic



567 HIGH ST. SE

VEHICLE GATE

Oak St. 6' Tall

HIGH ST. SE

PROPOSED 6'-0" TALL  
WELDED STEEL SECURITY  
FENCE  
EXISTING PERIMETER  
WALL & PLASTER



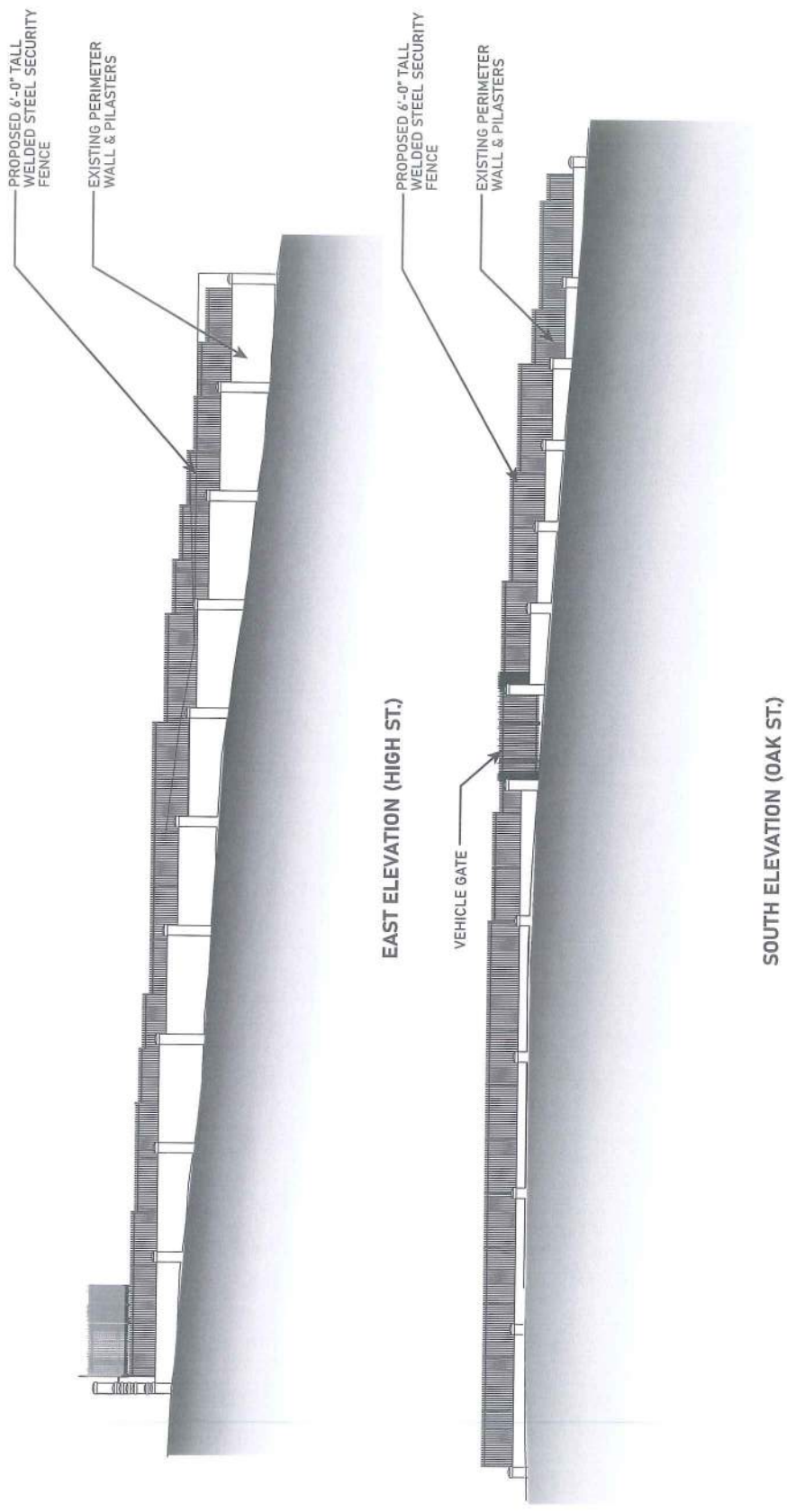
SITE PLAN

1

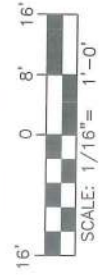


FRAMEWORK  
STUDIO  
architecture llc

SADOWSKI RESIDENCE - PROPOSED SECURITY FENCE  
567 HIGH ST., SALEM OR  
2023.03.27



**ELEVATIONS**





PROPOSED 6'-0" TALL  
WELDED STEEL SECURITY  
FENCE

EXISTING PERIMETER  
WALL & PILASTERS

EXISTING VIEW

CONCEPTUAL RENDERING - VIEW FROM CORNER OF OAK ST. and HIGH ST.



CONCEPTUAL RENDERING - VIEW FROM OAK ST.



PROPOSED 6'-0" TALL  
WELDED STEEL SECURITY  
FENCE

EXISTING PERIMETER  
WALL & PILASTERS