

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 informacion, por favor llame
503-588-6173*

DECISION OF THE HISTORIC LANDMARKS COMMISSION

HISTORIC DESIGN REVIEW CASE NO.: HIS17-16MOD1

APPLICATION NO. : 18-120277-DR

NOTICE OF DECISION DATE: December 21, 2018

SUMMARY: A proposal to modify a previous historic design review approval (HIS17-16) to ~~remove window and doors and install new door and window openings on the screened porch and kitchen additions and~~ extend a privacy fence on the east end of the Byrd House.

REQUEST: Major historic design review of a proposal to modify a previous historic design review approval (HIS17-16), to ~~alter the screened porch and kitchen additions on the east end of the resource by removing existing unusable windows and doors and installing new door and window openings, as well as~~ extending a previously approved privacy fence to enclose the north side of the porch addition on the William H. Byrd House, (1887), a historic contributing building within the Court Chemeketa District, on property zoned RD (Duplex Residential), and located at 296 14th St. NE, 97301; Marion County Assessor Map and Tax Lot number: 073W26BA11600.

APPLICANT: Connie Strong

LOCATION: 296 14th ST NE

CRITERIA: Salem Revised Code (SRC) Chapter 230.065 General Guidelines for Historic Contributing Buildings

FINDINGS: The findings are in the attached Decision dated December 20, 2018.

DECISION: The **Historic Landmarks Commission APPROVED** Historic Design Review HIS17-16MOD1 subject to the following conditions of approval:

Condition 1: The north kitchen porch stairs shall be reconstructed in their original location as originally approved under HIS17-16.

VOTE:

Yes 8 No 1 (Hendrie) Absent 0

Kevin Sund, Chair
Historic Landmarks Commission

The rights granted by the attached decision must be exercised, or an extension granted, by **January 8, 2021** or this approval shall be null and void.

A copy of the decision is attached.

Application Deemed Complete:	<u>November 28, 2018</u>
Public Hearing Date:	<u>December 20, 2018</u>
Notice of Decision Mailing Date:	<u>December 21, 2018</u>
Decision Effective Date:	<u>January 8, 2019</u>
State Mandate Date:	<u>March 28, 2019</u>

Case Manager: Kimberli Fitzgerald, kfitzgerald@cityofsalem.net, 503.540.2397

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than **5:00 p.m., Monday, January 7, 2019**. Any person who presented evidence or testimony at the hearing may appeal the decision. 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 230. The appeal must be filed in duplicate with the City of Salem Planning Division. 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 at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

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

DECISION OF THE SALEM HISTORIC LANDMARKS COMMISSION

CASE NO. Historic Review Case No. HIS17-16MOD1 / AMANDA No. 18-120277-DR

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 December 20, 2018, the 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

Salem Revised Code (SRC) Chapter 230.065 General Guidelines for Historic Contributing Buildings

FINDINGS

(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 property shall continue to be used as a residence, its historic purpose. The height, massing, and building footprint will not be altered. The fence is not attached to any portion of the historic resource. The HLC finds that this guideline 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 and rehabilitate the resource as part of the fence relocation, 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 alter any aspect of the historic resource as a part of this proposal, 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 restore or reconstruct any historic features, 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 alter any aspect of the resource or site that has acquired historic significance, 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 applicant is proposing to alter the location of a previously approved fence 6' wooden fence, with a gate and topped by a lattice. This fencing and the hardware are not attached to the resource, and located at the rear of the site (at the eastern end), does not adversely impact the resource, therefore the HLC finds that the 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 applicant has relocated the fencing on the site to encompass the northern end of the rear (eastern) kitchen addition to address security issues on the site. The fencing is not attached to the resource directly, and while a portion of this end of the house is obscured by the fencing, and the HLC finds that there are no significant features that are damaged or destroyed by the relocation of the fencing and the overall impact of this design change is minimal. However, the applicant has removed the stairs leading to the north kitchen porch door, which were approved for reconstruction under the original approval (HIS17-16), and it is unclear whether the new location of this fencing could preclude reconstructing these stairs in their original location, (**Attachment G**). Therefore, the HLC adopts the following CONDITION in order to ensure that the proposal better meets SRC 230.065(g):

CONDITION ONE: The north kitchen porch stairs shall be reconstructed in their original location as originally approved under HIS17-16.

If it is not feasible for the applicant to meet this condition of approval, the applicant shall propose an alternative design for the either the fencing or the stairs.

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

Finding: The applicant's proposal does not include any plans to correct structural deficiencies, 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 applicant is not proposing to excavate or regrade the site as part of this proposal, therefore the HLC finds that Guideline 230.065 (i) is not applicable to the evaluation of this proposal.

VOTE: Yes 8 No 1 Absent 0 Abstain 0

Attachments:

- A. Hearing Notice and Vicinity Map
- B. Excerpt from National Register Historic Resource Document and Excerpt from Marion County History Newsletter
- C. Applicant's Submittal Materials
- D. Originally approved fencing plan
- E. Photos of installed fencing
- F. Connie Strong withdrawal email
- G. Photo of removed stairway on back porch

Prepared by Kimberli Fitzgerald, Historic Preservation Officer



HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

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

CASE NUMBER:	Historic Design Review Case No. HIS17-16MOD1
AMANDA APPLICATION NO:	18-120277-DR
HEARING INFORMATION:	<u>Historic Landmarks Commission, Thursday, December 20, 2018, 5:30 p.m., Council Chambers, Room 240, Civic Center, 555 Liberty St SE, Salem OR 97301</u>
PROPERTY LOCATION:	296 14 th St NE, Salem OR 97301
OWNER / APPLICANT:	Connie Strong
DESCRIPTION OF REQUEST:	<p>Summary: A proposal to modify a previous historic design review approval (HIS17-16) to remove windows and doors and install new door and window openings on the screened porch and kitchen additions and extend a privacy fence on the east end of the Byrd House.</p> <p>Request: Major historic design review of a proposal to modify a previous historic design review approval (HIS17-16), to alter the screened porch and kitchen additions on the east end of the resource by removing existing unusable windows and doors and installing new door and window openings, as well as extending a previously approved privacy fence to enclose the north side of the porch addition on the William H. Byrd House, (1887), a historic contributing building within the Court Chemeketa District, on property zoned RD (Duplex Residential), and located at 296 14th St. NE, 97301; Marion County Assessor Map and Tax Lot number: 073W26BA11600.</p>
CRITERIA TO BE CONSIDERED:	<p><u>MAJOR HISTORIC DESIGN REVIEW</u></p> <p>General Guidelines for Historic Contributing Resources</p> <p>Pursuant to SRC 230.065, an application for a Major Historic Design Review proposing changes to a contributing building or structure may be approved if the proposal conforms to the following guidelines:</p> <ul style="list-style-type: none"> (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. (b) Historic materials, finishes and distinctive features shall, when possible, be preserved and repaired according to historic preservation methods, rather than restored. (c) Distinctive stylistic features or examples of skilled craftsmanship significance shall be treated with sensitivity. (d) Historic features shall be restored or reconstructed only when supported by physical or photographic evidence. (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. (f) Additions and alterations to a historic resource shall be designed and constructed to minimize changes to the historic resource. (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. (h) Structural deficiencies in a historic resource shall be corrected without visually changing the composition, design, texture or other visual qualities.

(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.

HOW TO PROVIDE TESTIMONY:

Any person wishing to speak either for or against the proposed request may do so in person or by representative at the Public Hearing. Written comments may also be submitted at the Public Hearing. Include case number with the written comments. Prior to the Public Hearing, written comments may be filed with the Salem Planning Division, Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Only those participating at the hearing, in person or by submission of written testimony, have the right to appeal the decision.

HEARING PROCEDURE:

The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of persons in favor or opposition, and rebuttal by the applicant, if necessary. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony.

Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

Following the close of the Public Hearing a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing, and anyone who requested to receive notice of the decision.

CASE MANAGER:

Kimberli Fitzgerald, Historic Preservation Officer, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2397; E-mail: kfitzgerald@cityofsalem.net.

NEIGHBORHOOD ORGANIZATION:

Northeast Neighbors (NEN), Nancy McDaniel, Land Use Chair; Phone: 503-585-1669; Email: nanmcdann@yahoo.com.

DOCUMENTATION AND STAFF REPORT:

Copies of the application, all documents and evidence submitted by the applicant are available for inspection at no cost at the Planning Division office, City Hall, 555 Liberty Street SE, Room 305, during regular business hours. Copies can be obtained at a reasonable cost. The Staff Report will be available seven (7) days prior to the hearing, and will thereafter be posted on the Community Development website:

www.cityofsalem.net/Pages/planning-notice-decisions.aspx

ACCESS:

The Americans with Disabilities Act (ADA) accommodations will be provided on request.

NOTICE MAILING DATE:

November 29, 2018

**PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.
For more information about Planning in Salem:**

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

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It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least three business days before this meeting or event.

TTD/TTY telephone 503-588-6439 is also available 24/7

Vicinity Map 296 14th St NE



Legend

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

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

0 100 200 400 Feet



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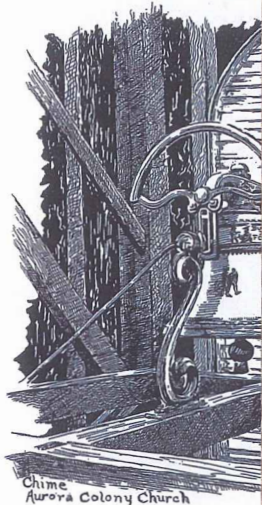
132. WILLIAM H. BYRD HOUSE (1887) PRIMARY (Contributing)
296 14th Street NE; Assessor's Map 26BA073W; 073W-26BA-08800; Tax Lot 1-86010-100
Owner: Martha M. Byrd Blau, 296 14th Street NE, Salem, Oregon 97301

Description: This Queen Anne/Eastlake style house was built in 1887 at 197 Court (northwest corner of Court and Church) and moved to its present site, the southwest corner of 14th and Chemeketa Streets, in 1906 (Oregon Statesman, Jan. 1, 1907, p. 7). The cost of moving and "enlarging" the residence was \$750, according to the Statesman. It is a one-and-one-half-story structure with most of its Queen Anne/Eastlake details and patterns intact. The complex roof line incorporates a flat-topped, hipped roof that rises to a hipped peak toward the south and gives way to a front-facing (west) gabled bay and side-facing gables on the north and south. The south gable is capped with a hip. Two elaborate brick interior chimneys add to the variety of roof forms. In addition, the house originally had extensive roof cresting, now limited to the porch roof. Elaborate decorative woodwork ornaments the gables, windows (capped by finely carved pediments), and indeed most of the wall surfaces: the horizontal shiplap is varied with vertical boarding along the upper walls above the windows. An attached three-bay porch with a dropped roof faces west at the north corner. It is balustraded and columned with turned supports, with the columns bracketed at the top. The oriel windows on the south and west originally were crowned with balustraded second-story porches, now removed. There is a one-story shed addition at the rear.

Cultural Data: The house was built by George Collins and bought a few years later by Dr. William H. Byrd. He had been born in Marion County in 1854, the oldest of eight children of Lorenzo A. and Martha (Savage) Byrd. Lorenzo Byrd crossed the plains in 1846 and settled on a donation land claim in the Waldo Hills. The homestead was purchased in 1850 by Dr. John Savage, who came to Oregon in 1850. His daughter, Martha, married Lorenzo Byrd in 1854.

Their son attended local schools, read medicine under the supervision of Salem doctors, studied medicine in San Francisco, and earned his M.D. at the Willamette University medical school in 1881. He practiced in Salem for nearly 50 years. He married Theresa Holderness of Salem in 1882, and they had a daughter, Winnifred, who became a prominent musician. After Mrs. Byrd's death, Dr. Byrd married Margaret Marcum in 1890 and had two sons, Clarence and Donald (Clarke, vol. 2, pp. 200-201; Hines, pp. 528-529, and Lockley, Oregon Journal, August 11, 1926). Dr. Byrd purchased the lot on which this house stands in Watts Addition in 1905 (cf. commentary on #131) and moved the house to this site the next year. He bought adjoining lots to the south in the next few years and built three Craftsman Bungalows now located there in about 1910 (cf. commentary on #133-135). He seems not to have lived in #132 after he moved it. It was given as a wedding gift to Clarence in 1921 and is still lived in by Clarence's daughter, Martha Byrd Blau. Dr. Byrd died in 1929 (obituaries, Capital Journal, Feb. 4, 1929, pp. 1 and 11, and Oregon Statesman, Feb. 5, 1929)

Marion County HISTORY



ARION COUNTY HISTOR

CLARENCE BYRD HOUSE, SALEM

Described by Martha Byrd Blau

Owner: Martha Byrd Blau

Date of Construction: 1887

The house was built in 1887 by George Collins on the N.W. corner of Court and Church Streets, across Court St. from the Old Court House. Dr. William Henry Byrd, a well known Salem physician bought the house a few years later as a home for his family, consisting of his wife, Margaret Macrum, daughter Winifred, and sons, Clarence and Donald. About 1910, the house was moved to its present location on the S.E. corner of 14th and Chemeketa Sts. Dr. Byrd built a larger house on Court St. which was also moved in the 30's to make room for the Standard Oil station. In 1921, Dr. Byrd gave this house to his son Clarence as a wedding gift, and Clarence remained in possession until his death in 1975, living in it until the last months of his life. His daughter Martha, is the present owner and the compiler of this information.

Dr. W. H. Byrd was one of the sons of Oregon pioneer, Lorenza A. Byrd, who settled on a land grant farm at Fairfield,

a once flourishing river port north of Salem.

The house is of wood construction, originally on a brick foundation-now wood. There was a decorative iron grillwork on top of the roof gables. The metal roofed bay windows had wooden railings, matching those on the front porch and down the steps. As far as anyone remembers, it has always been painted an off-white or cream color. The woodwork inside the house as well as the very solid and wide front door is a beautiful combination of redwood or cedar with two woods of a lighter shade.

The bedroom doors upstairs, are prime examples of the art of painting wood graining. The unusual mantel of the living room fireplace is paint over metal to resemble marble and is embellished with painted flower stencil designs. The floors are 3½" wide fir planking. There are three ornate plaster ceiling medallions, two in the living room and one in the downstairs front bedroom. The wood-lift at the rear of the front hall was removed to make a passageway from doorway to kitchen, which with back porch, was added in the 1920's. There are some other alterations but the best original features have been preserved.



Historic Alteration Review Worksheet

Site Address: 296 14th Street NE Salem OR 97301

Resource Status: Contributing Non-Contributing Individual Landmark

Type of Work Activity Proposed: Major Minor

Chose One: Commercial District Individual Resource Public District
Residential District Sign

Replacement, Alteration, Restoration or Addition of:

Architectural Feature:

- Awning
- Door
- Exterior Trim, Lintel
- Other architectural feature
- Roof/Cornice
- Masonry/Siding
- Storefront
- Window(s) Number of windows: 5

Landscape Feature:

- Fence
- Streetscape
- Other Site feature (describe) _____

New:

- Addition
- Accessory Structure
- Sign
- Mural
- Accessibility Ramp
- Energy Improvements
- Mechanical Equipment
- Primary Structure

Will the proposed alteration be visible from any public right-of-way? Yes No

Project's Existing Material: wood, screen, glass Project's New Material: wood, glass

Project Description

Briefly provide an overview of the type of work proposed. Describe how it meets the applicable design criteria in SRC Chapter 230. Please attach any additional information (i.e., product specification sheets) that will help staff and the HLC clearly understand the proposed work:

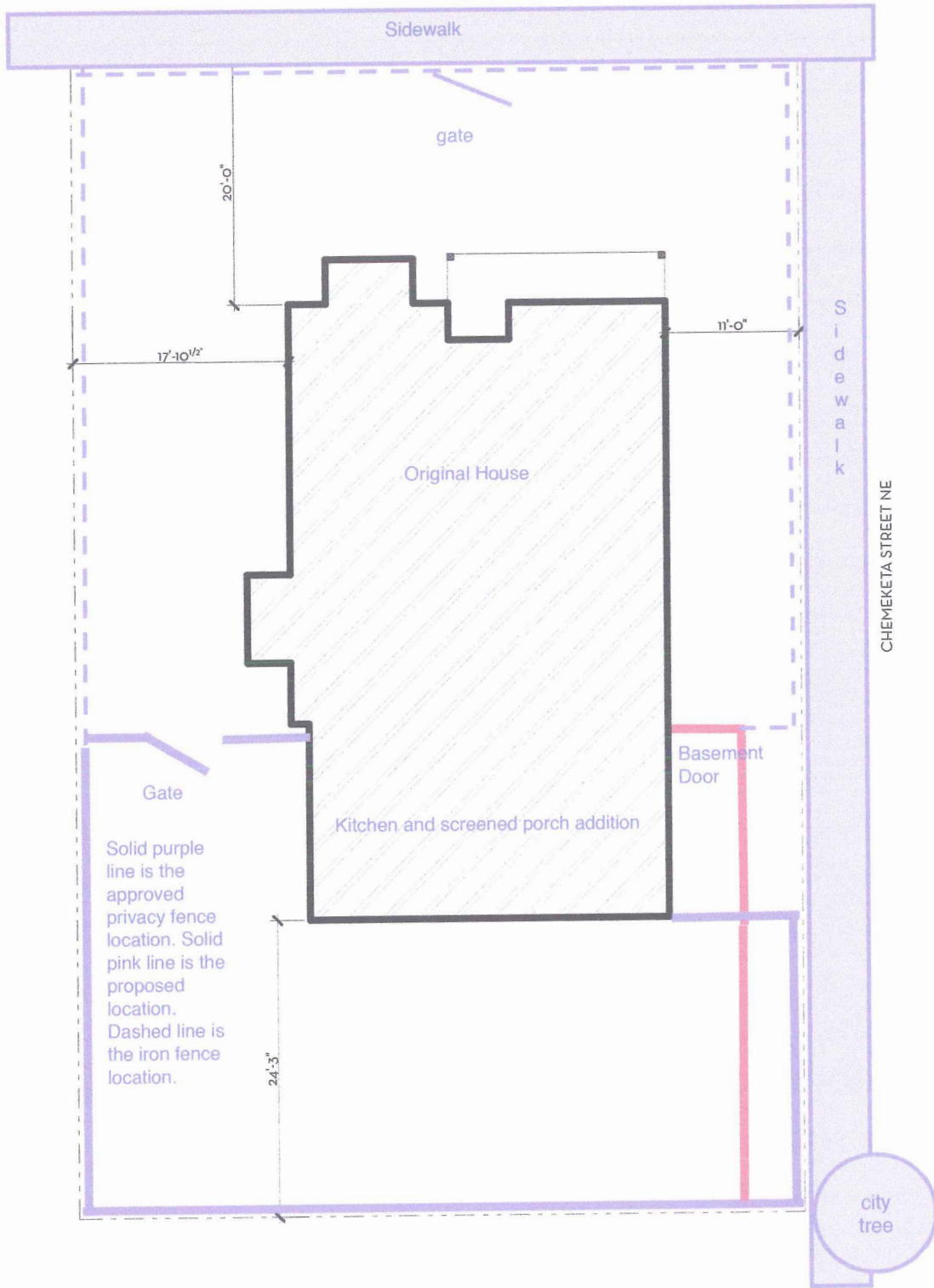
1. ~~Modify the screened porch and kitchen additions on the back of the main house to make them habitable. Remove screened openings in porch and unused porch door to missing stairs. Move existing kitchen entry (east side) to the right. Install salvaged divided light wood windows. These antique windows are consistent with the neighborhood and the era of the addition being modified and are not intended to match the earlier main house. Level the kitchen and reinforce the foundation at the southeast corner pending engineer's advice.~~
2. Extend the approved fence to enclose the kitchen/porch addition and basement entry. This improves security for the home and sets the much smaller addition apart from the original structure. Set the fence 2.5 feet back from the sidewalk to reduce impact to pedestrians and improve sight lines for the neighborhood.

11/10/18

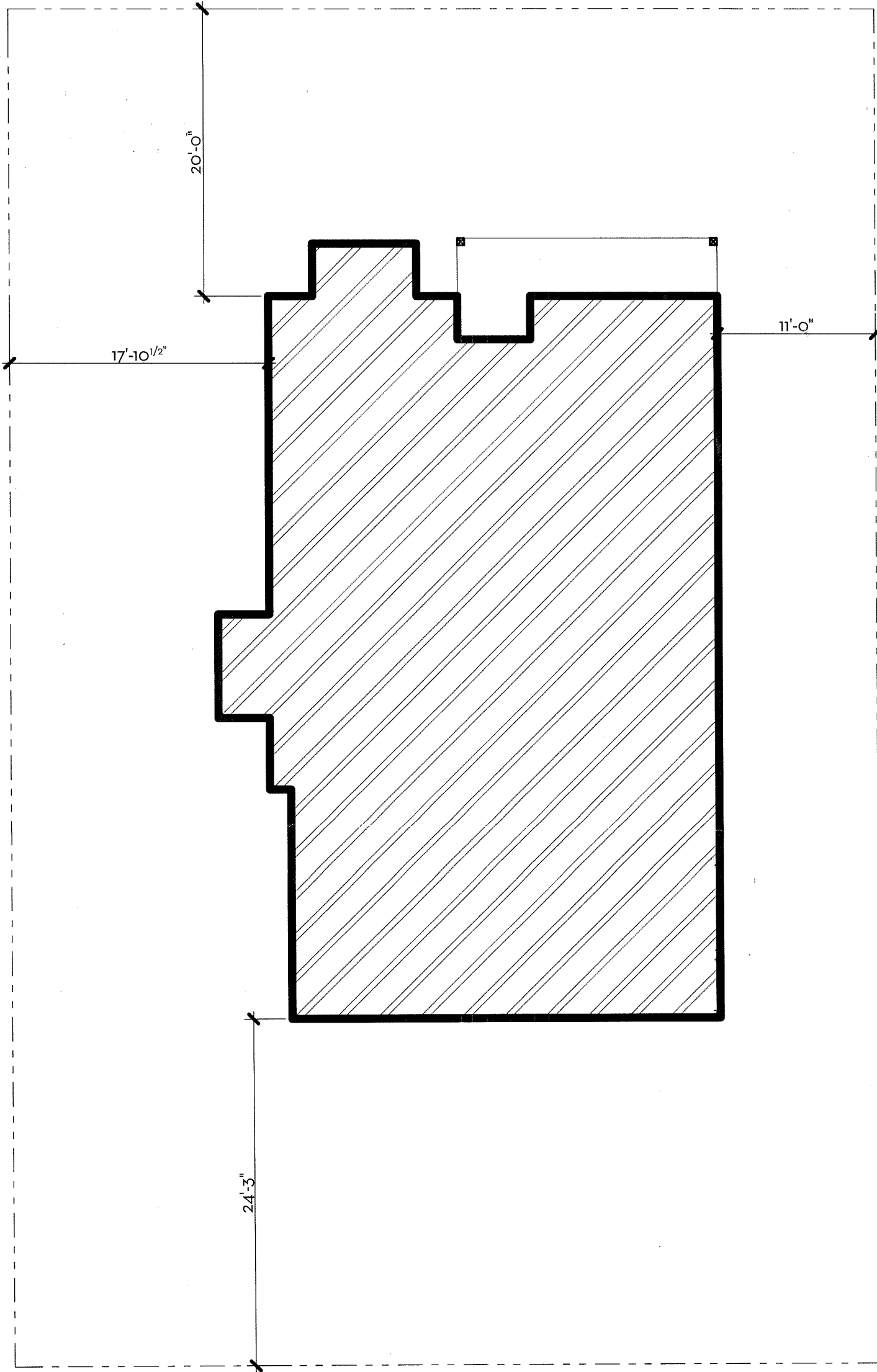
Signature of Applicant

Date Submitted/Signed

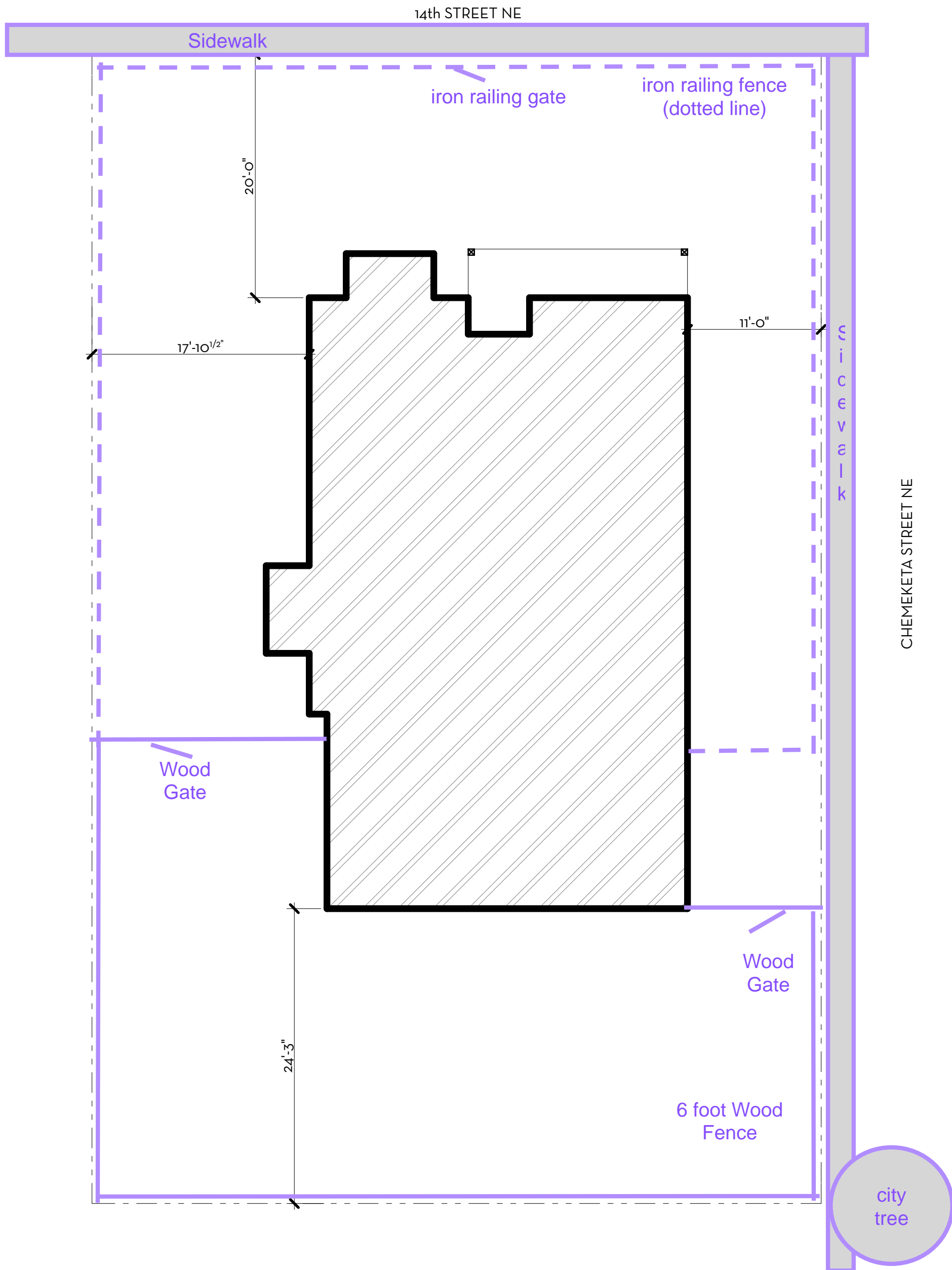
296 14th Street



14th STREET NE



CHEMEKETA STREET NE





296 14th Street NE, Salem, 97301
Modification to approval HIS17-16

We propose to extend the previously-approved privacy fence to enclose the Chemeketa side of the non-historic back porch addition. This would improve security by enclosing the current basement door, which opens to the sidewalk. It would also screen the trash and recycling bins. The gate location would remain on the path at the left edge of the photo above.

In addition, we propose to install the Chemeketa section of privacy fence three feet back from the sidewalk, rather than at the property line as previously approved. We believe a set-back will improve the site-lines within the neighborhood and decreases the impact to pedestrians.

Please see the attached drawing. The pink line represents the change we wish to make. The purple lines are what has been approved.

Both sets of adjacent neighbors (Rick and Debra Keating on Chemeketa and Janet Snowhill on 14th Street) helped design this solution.

Correspondence with applicant re: HIS17-16MOD1
296 14th St NE

From: Connie Strong <conniestrong@comcast.net>
Sent: Saturday, December 8, 2018 4:41 PM
To: Kimberli Fitzgerald
Cc: Hugo & Zenaída Pérez
Subject: Re: HLC Staff Report

Hi Kimberli,

Your message is timely. After corresponding with Hugo and Jerry over the last week, I have decided to suspend any work on the porch and kitchen. These two joined structures were never more than dressed-up sheds. They lack sufficient framing, plumbing, electrical, heating, insulation capacity or structural strength to justify renovating. Apart from their other deficiencies, our experience with the rest of the house suggests that the rot from sitting on and in wet soil for decades makes them unsalvageable.

Your dates are correct. The kitchen was added in 1906 and the porch between 1927 and 1930, based on the fire maps on file at the Salem Library. Joy told me that it is non-historic, but it sounds like the criteria are different for the city's purposes.

Please confirm that the meeting is Wednesday at 2:00, not Tuesday. I hope we can still meet to ensure that the other elements of restoration are on track for completion, and so we can discuss options for the long term.

I am unable to be there tomorrow for the neighborhood open house due to family needs, but will be back for the meeting.

Take care,
Connie

Attachment G

Back Porch Stairs of 296 14th St NE
View from May 2012
HIS17-16MOD1

