

# 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*

## ADMINISTRATIVE DECISION – MINOR HISTORIC REVIEW

**CASE NO.:** Historic Review Case HIS14-19 / AMANDA No. 14-107648-DR

**DECISION DATE:** July 3, 2014

**REQUEST:** Minor Administrative Review of a proposal to replace four windows on the southern facade of the Everson House, a contributing resource within the Gaiety Hill/Bush's Pasture Park National Register Historic District, on property zoned RS (Single Family Residential).

**APPLICANT:** Brad and Oddny Everson

**LOCATION:** 795 Church Street SE

**CRITERIA:** Salem Revised Code (SRC) Chapter 230

**FINDINGS:** The applicant removed and replaced four windows prior to Historic Design Review approval. Please see **Attachment A** for an enforcement history for this case. The applicant submitted application materials on April 30, 2014. Staff determined that the following standards from SRC Chapter 230 are applicable to this project:

***SRC 230.025(b) Windows.*** Replacement of windows in historic contributing buildings shall be allowed only where the owner has attempted to repair the original window, but repair was not feasible due to the poor condition of the original materials. If the window is not original then every effort shall be made to replicate the original window; the effort shall be substantiated by historic, physical, or pictorial evidence. If the window cannot be replicated then it should be of a compatible design and material.

**Findings:** The applicant has replaced four windows on the south façade of the resource; three top floor windows and the westernmost window on the first floor bay. The applicant conducted an assessment of the existing conditions of each window on the building, and found the four proposed for replacement to be rotted beyond repair.

***Materials.*** All features of the window, including the window frame, sash, stiles, rails, muntins, lamb's tongues and glass, are replaced with materials that duplicate, to the greatest degree possible, the appearance and structural qualities of the original.

**Findings:** The applicant proposes in-kind replacement of the four damaged windows. The applicant notes that rotted condition of the existing sills led to significant water damage to the structure of the sills and exterior cladding below. The applicant has repaired and replaced this area below the four replaced windows with Douglas fir

framing and sheathing, #15 felt paper and clear cedar siding with 7" reveal. The applicant has primed and painted all new and repaired materials with white latex paint to match the existing window frames and façade. Therefore, staff finds that the proposal meets this standard.

- (1) **Design.** *Overall design of the window profile and all parts of the window shall reproduce the appearance of the original window.*

**Finding:** The applicant has replaced the three upstairs windows with six over six double hung windows and the first floor bay window with six over nine double hung windows, consistent with the configuration of the original windows. The replacement windows match the design and appearance of the original window profile with 14 degree sloped sill, blind stop, and parting bead, 2.25" wide stiles and top rails, 3.25" bottom rail, 1.5" meeting rails, and ¾" muntins. Therefore, staff finds that the proposal meets this standard.

(2) **Improvements to Create Energy Efficiency.**

- (A) *The use of weather stripping, insulation, or other materials to either repair or improve the energy efficiency of shall be evaluated as means to achieve the desired energy efficiency objectives prior to seeking authorization to replace a window.*
- (B) *If an owner wishes to improve the energy efficiency of windows located on the primary façade, only energy efficiency measures that are removable and do not permanently alter the resource, including, but not limited to, exterior storm windows and weather-stripping, shall be used on the primary façade.*
- (C) *If an owner wishes to improve the energy efficiency of windows located on a façade other than the primary façade, measures that are removable and do not permanently alter the resource, including, but not limited to, exterior storm windows and weather-stripping, shall be used. Reuse of the original window frame and sash with replacement by glass that maintains the overall design and appearance of the window is allowed. Example: Replacement of single pane glass with new energy efficient double-paned glass is permissible, so long as the window is in satisfactory condition, muntins are wide enough to hold the double-paned glass, the double paned glass can be inserted into the original window sash, there are only minor alterations to the overall design of the window, and the double-paned glass is not visibly tinted or reflective.*

**Findings:** The owner proposes to replace the windows in order to replace rotted window frames. The applicant has completed any window replacement for the purpose of creating energy efficiency. Therefore, staff finds that this standard does not apply.

**DECISION:** Based upon the application materials deemed complete on May 30, 2014, and the findings as presented in this report, the application is **APPROVED**.



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Christopher Green, Planner II  
Urban Planning Administrator Designee  
[cgreen@cityofsalem.net](mailto:cgreen@cityofsalem.net)  
Phone: (503) 540-2326

Attachments: A. Enforcement History

Application Deemed Complete: May 30, 2014  
Notice of Decision Mailing Date: July 3, 2014  
Decision Effective Date: July 19, 2014  
State Mandated Decision Date: September 27, 2014

The rights granted by this decision must be exercised by July 19, 2016 or this approval shall be null and void.

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., July 18, 2014**. The appeal must state where the decision failed to conform to the provisions of the historic preservation ordinance (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 Salem Historic Landmarks Commission will review the appeal at a public hearing. After the hearing, the Historic Landmarks Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

**ENFORCEMENT CASES – HISTORIC**

Site Address: 795 Church St SE

Property Owner: Bradford + Oddny Everson

Phone No.: 503 581-4131

Mailing Address: 3040 Wapiti Ave NW

Date of Complaint: 4-25-14

Method of Complaint: staff

Site Visit: Brent Hedrick; 4-25-14

Photos Saved to Historic/Compliance Cases/Address: Yes

Contacted Owner: Phone \_\_\_\_\_ Letter \_\_\_\_\_

Correction Notice Served: \_\_\_\_\_ Deadline: \_\_\_\_\_

Compliance Officer: Brent Hedrick

Historic Application Submitted: yes Case No. HIS 14-19

NOTES:

See attached  
Windows Have Been Removed

**Kimberli Fitzgerald - 795 Church St SE, Salem, OR 97301**

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**From:** Brent Hedrick  
**To:** Kimberli Fitzgerald; Sally Studnar  
**Date:** 4/25/2014 11:30 AM  
**Subject:** 795 Church St SE, Salem, OR 97301  
**Attachments:** IMG\_3754.JPG; IMG\_3748.JPG; IMG\_3749.JPG; IMG\_3750.JPG; IMG\_3751.JPG; IMG\_3752.JPG; IMG\_3753.JPG

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Good morning,

I responded to the above location this morning regarding work on a property within the Historic District without approval and I was unable to make contact with the property owner. I could see that windows have been removed and are in the process of being replaced.

I called MGS Design+Build and left a detailed voice message to stop all work. I then received a call from Mackenzie Strawn with MGS Design & Build and I issued a verbally stop work order. I directed him to without delay contact one of you and he said he would, but first he wanted to call the owner's to let them know. I explained that there could be penalties, but we try to avoid that as long as we have compliance and all the parties will work toward compliance.

I called the owner Oddny Everson and she was verbally combative on the phone. She is aware she is in a historic area, but based on her knowledge she believes they can replace the dry rot around the windows and the windows. I verbally warned her to stop all work, I explained the possibility for penalties and directed her to call one of you. She continued to be verbally combative and then told me that she needed to calm down before she calls one of you.

Please let me know if he calls and what other action you would like me to take. I have a case started to track the history under CSD#2014-115006-CE00 and photos are attached for your review.

**Owner:**

Bradford L. & Oddny V. Everson  
3040 Wapiti Av NW  
Salem, OR 97304  
Ph#503-581-4131

**Contractor:**

Mackenzie Strawn  
MGS Design+Build  
346 Starr St  
Sublimity, OR 97385

P.O. BOX 281  
Sublimity, OR 97385  
Ph#503-930-8946

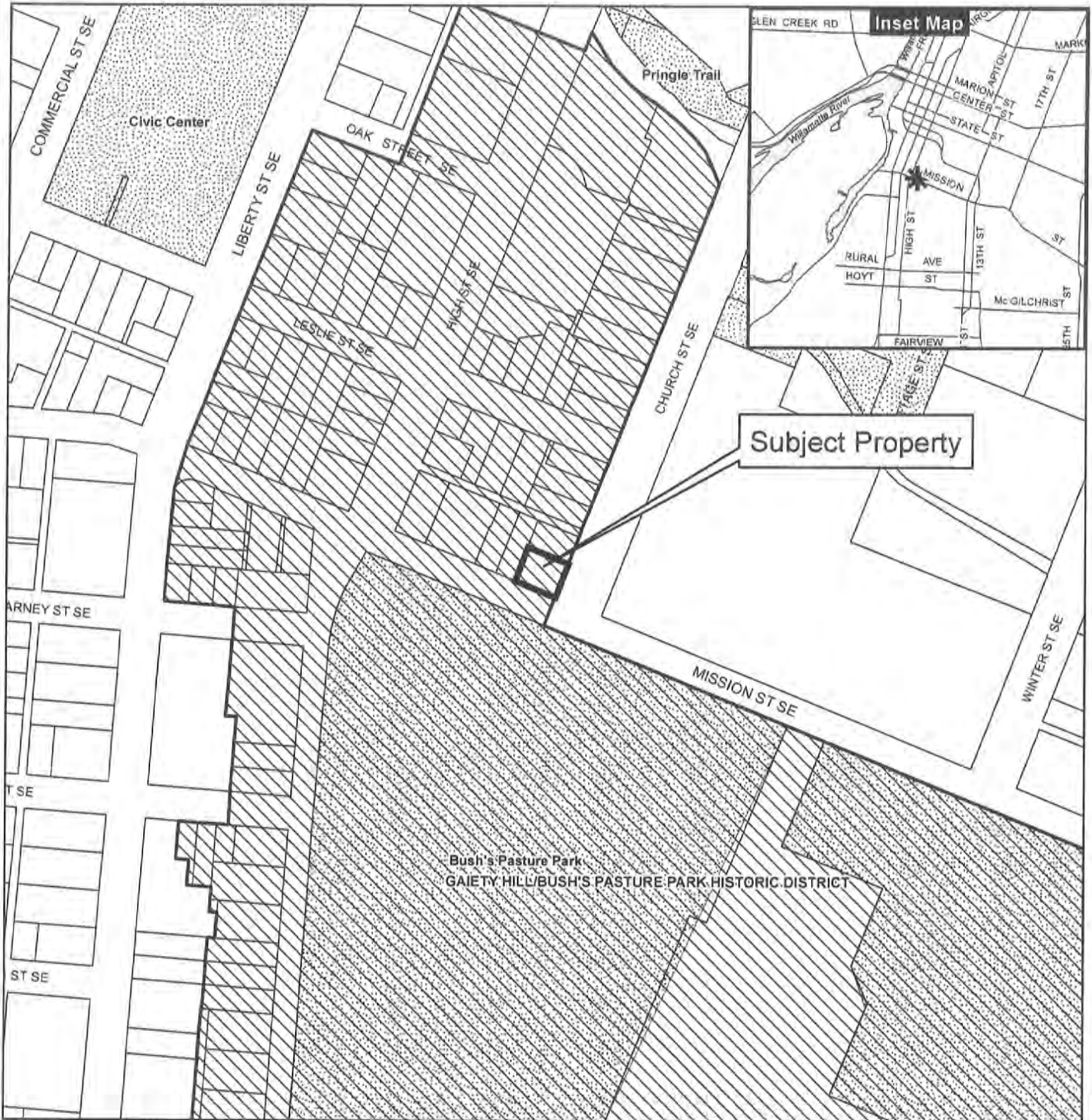
Thanks.

Brent Hedrick  
Code Compliance Officer  
Compliance Services Division  
555 Liberty St SE, Rm#305  
Salem, OR 97301  
(503) 589-2071





# Vicinity Map 795 Church Street SE



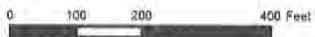
Subject Property

### Legend

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Community Development Dept.

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