

APPLICATION FOR LANDMARK OR LANDMARK DISTRICT DESIGNATION
ADDENDUM TO PETITION TO AMEND THE ZONING ORDINANCE
LINCOLN, NEBRASKA

1. NAME

Historic **Myron Wheeler House**

NeHBS Site #**LC13:D07-360** (County Assessor's PID 10-25-320-004-000)

2. LOCATION Address **1717 D Street**

3. CLASSIFICATION

Proposed Designation

X Landmark

Present Use

X multi-family residence

Category

X building

4. OWNER OF PROPERTY

Name

Kevin Rhinehart

Address

1717 D Street, Lincoln, NE 68502

5. GEOGRAPHICAL DATA

Legal Description

**Lot 4, Block 8, Capitol Addition, Lincoln, Lancaster
County, NE**

Number of Acres or Square Feet: (more or less) **7100 square feet**

6. REPRESENTATION IN EXISTING SURVEYS

Title **Nebraska Historic Building Survey**

Date **On-going**

State

County

x Local

Depository for survey records **Lincoln/Lancaster County Planning Dept.**

City **Lincoln**

State

Nebraska

Is proposed Landmark or Landmark District listed in the National Register?

Yes, as a contributing property in the Mt. Emerald & Capitol Additions Historic Residential District.

7. DESCRIPTION AND HISTORY

Condition

X good, undergoing rehab.

X altered X original site

DESCRIPTION:

The Wheeler House is a large, 2½ story, frame residence which displays strong Queen Anne style characteristics in the complex massing of the house and of the roofs, the irregular fenestration, and the decorative shingles, brackets, and other ornament.

The main, north facade is dominated by full length, Neo-Classical porch that wraps the west side. The porch has a low hipped roof and wide eaves.

Tuscan columns stand on quarry-faced concrete block pedestals, with a simple square-section spindle railing at the pedestal level. The wide front steps at the west edge of the porch are concrete, with quarry-faced block cheek walls. The position of the steps announces the front entrance, which is set-back on the west side of the porch. The original foundation of the main house is ashlar limestone, which is replicated in scale and texture by the concrete blocks of the porch.

As is characteristic of the style, the massing of the house and the form of the roof are complex, projecting or receding repeatedly on each facade. The first story is clad in clapboarding with a beaded lower edge, while the upper walls have decorative shinglework, in a subtle combination of fishscale, square, and chamfered butts.



The forward-most element of the body of the house is a two-story polygonal bay window, with three windows on the first floor but only two side windows on the second floor, prominently displaying decorative shinglework and clapboarding on the windowless face on the upper story. The roof above the bay extends as a decorated gable, with brackets above the projecting corners of the roof above the bay window chamfers, a modified Palladian window form in glazing and woodwork on the attic gable end, and further decorative woodwork in the gable peak.

The main body of the house is roofed with a gable-on-hip form, met by cross-gables projecting north over the bay window porch and east-west over a main block. At the northwest intersection of the two main tall blocks of the house, an inset porch is recessed into the second story.

At the rear of the house, an exterior steel staircase provides access to the second story. A new four-stall garage faces the alley at the rear of the property, with a wide driveway/parking apron at the alley's edge.

The interior retains some original woodwork, especially in the entry hall. The lower portion of the main stairs is intact, but no longer continues to the upper story.



HISTORY:

Myron Wheeler purchased this house lot in 1887 for \$2200, but the parcel remained unimproved at the time of the 1891 Sanborn insurance atlas. Wheeler and his wife Cora apparently built the house soon after that atlas was issued, and through the 1890s the city directory listed “WHEELER MYRON E.” at the address, identifying his occupation as “court and law steno[grapher] and pres[ident] of State & Lincoln Stenographic Ass’ns.” Wheeler was the court reporter at the notorious Sheely murder trial in 1891, at which he transcribed defendant McFarland’s confession and read it back to the jury in a whispered tone, so as not to offend the sensibilities of ladies in attendance.

During the Spanish-American War, Wheeler relocated to Washington D. C. to work in the War Department. Soon after his return to Lincoln he and Cora sold the D Street house for \$7500. Upon his death in 1937, Wheeler’s obituaries called him the “dean of American court reporters,” noting that he had served various courts for 52 years. His obituary mentioned that originally his court reports were produced in longhand, and that Wheeler acquired one of the first typewriters in Nebraska, for instance preparing 7,000 typescript pages for a state impeachment trial in 1897. Before the end of his practice in the 1930s, he was using a dictaphone in his work.

The porch of the Wheeler House was altered between the time of the 1903 Sanborn and the 1928 edition. The original porch extended only from the west edge of the bay window, around the SW corner to the entrance. Neo-Classical replacements to original Queen Anne porches were very common in the early 20th Century. In this instance, the modification probably was done around 1910.

8. SIGNIFICANCE

Period	Areas of Significance
--------	-----------------------

1891-1903	law, architecture
------------------	--------------------------

Specific dates: **1891, 1891-1903**

Builder/Architect: **Unknown**

Statement of Significance:

The Wheeler House is a fine example of a large, Queen Anne style house with the elaboration of decoration afforded by frame construction. Myron Wheeler was recognized as an leader in the unglamorous but highly responsible and necessary field of court reporting.

9. STANDARDS FOR DESIGNATION

Associated with a persone made a significant contribution to the history of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States;

Represents a distinctive architectural style significant in the development of the City of Lincoln, the County of Lancaster, the State of Nebraska, or the United States.

10. MAJOR BIBLIOGRAPHICAL REFERENCES

Sanborn Map Co., Atlas of the City of Lincoln, 1891, 1902, 1928

Lancaster County Deeds 37:161 (sale 1887); 37:450 (purchase by Wheeler, 1887); mortgage 29:632; misc. L:440 (lease by Wheeler 1899); 116:319 (sale by Wheelers, 1903).

Lincoln City Directories

U. S. Census:

1880 (Wheeler, age 16, in Nebr. City with family, father Daniel was an attorney)

1900 (Wheeler, age 36, in Washington DC)

1910 (Wheelers, Myron age 46, stenographer; Cora age 45, in Lincoln)

Obituaries, 1937, *Lincoln Journal* and *Lincoln Star*

Myron E. Wheeler, Dean Of U. S. Court Reporters, Dies; Rites Wednesday

Nebraska Native Helped Organize Sigma Chi; In First N. U. Band

Myron Ellsworth Wheeler, 75, 3312 Woodshire Parkway, dean of American court reporters and a life-long Nebraskan, died Monday evening at his home, following an illness of six weeks.

Funeral services will be held at 2 o'clock Wednesday afternoon at Roberts chapel, with Rev. Garth Stubbald officiating. Interment will be in Wyuka cemetery. The body will lie in state for an hour before the service.

Mr. Wheeler, who had lived in Lincoln since 1886, and had served under Judges C. L. Hall, S. J. Tuttle, A. J. Cornish, and Fred Shepherd retired May 10, 1935, because of poor health.

Mr. Wheeler was born on the site of the present Cass county court house in Plattsmouth. His father, Major D. H. Wheeler, was one of the first Indian agents in the plains country.

Mr. Wheeler attended the University of Nebraska and, with his brothers, Frank L. and Dan R. Wheeler and five other students organized Sigma Chi, the first permanent fraternity on the campus. The eight organizers were nearly expelled from the university for this action. Mr. Wheeler was the last remaining charter member of the fraternity.

In First N. U. Band

Mr. Wheeler was also a member of the first university band, which at that time contained eight pieces and the Wheeler family, with three men on the band, was well represented.

He left the university in 1883 and went to Iowa City, where he studied shorthand and began court reporting that summer. In August, 1883, Mr. Wheeler returned to Nebraska and settled in Omaha, where he became secretary to J. A. Monroe, assistant freight auditor for the Union Pacific railroad.

Mr. Wheeler returned to court reporting in September, 1883, when Judge A. M. Post asked him to come to Columbus as reporter for the district court. But he remained in Columbus only a short time, returning to Omaha, where he became associated with the first Berington-Rard typewriter agency. The Union Pacific



MYRON WHEELER

writer in the state and Mr. Wheeler the second.

He returned to court reporting in Omaha, under Judge Elicazur Wakely, and sold out his interests in the typewriter agency. In 1886, he moved to Lincoln and was married to Cora Humphrey. Then began his long association with the District court, serving under various judges for 49 years in Lincoln.

Played Vital War Role

In 1898, at the outbreak of the Spanish-American war, Mr. Wheeler went to Cuba as chief of the war department correspondence division serving under General Tasker Bliss. He returned to Lincoln in 1900 serving under Judge A. J. Cornish for 17 years and Judge Fred Shepherd for 18 years.

Mr. Wheeler was a fountain of reminiscences about pioneer Nebraska and courtroom procedures in early and present Nebraska.

The most sensational case Mr. Wheeler recalled was the John Sneezy murder trial in 1895. The longest transcript of court proceedings he ever prepared was the state impeachment case of 1847, when he covered 7,000 typewritten pages.

Mr. Wheeler was a member of St. Matthew's Episcopal church for many years and was a 32nd degree Mason. A brother, William Herbert Wheeler, of Omaha is his only survivor. Mrs. Wheeler passed away six years ago.

52 Years of Court Reporting

Myron E. Wheeler, 3352 Woodshire Parkway, dean of American court reporters, has tendered his resignation as District court reporter here to Judge Fred Shepherd. Due to ill health he will leave his post on May 10. For over half a century—52 years to be exact—Mr. Wheeler has followed the profession of court reporting which he began as a young man of 18 years.

Mr. Wheeler has seen service in Lancaster county courts since 1886. His first appointment was with Judge A. M. Post at Columbus in 1893. A short time later he was with Judge Eleazer Wakeley at Omaha and just previous to coming to Lancaster county he reported proceedings in the court of Judge Samuel M. Chapman at Plattsmouth.

Mr. Wheeler was appointed reporter for Judge Charles L. Hall when he came to Lancaster county. Then he worked with Judge Samuel J. Tuttle, pioneer Lincoln attorney, who was appointed to fill a vacancy on the District bench. Then until 1916 he was with Judge Albert J. Cornish and since that time he has recorded proceedings in the court of Judge Fred Shepherd.

Sensational Murder Case

In Mr. Wheeler's opinion the most sensational case he ever reported was the John Sheedy murder trial forty years ago. The longest transcript he ever prepared was the one covering the state impeachment case in 1897. It covered 7,000 typewritten pages. In the early days Mr. Wheeler's transcripts were prepared in long-hand. With the advent of the typewriter he became the owner of one of the first of such machines in Nebraska. In recent years he has used a dictaphone for transcribing his shorthand notes. He has always used the



MYRON E. WHEELER.

Pittman method which he learned on the side while attending the University of Nebraska here.

His successor has not yet been announced but it is understood that Judge Shepherd has already made his mind as to Mr. Wheeler's successor.

FARLEY RESCINDS HAND BILL ORDER

WASHINGTON, April 16—(AP)—The postoffice department's experiment as a "hand-bill distributor" Monday was declared a failure by Postmaster General James A. Farley.

He signed an order rescinding, effective July 1, 1935, the department's general order permitting first mail advertisers to use a simplified address system for posters and other advertising. Under it the matter could be sent not to any particular person by name but merely addressed to "householder" or "patron."

11. FORM PREPARED BY:

Name/Title:

Ed Zimmer, Lincoln Lancaster County Planning Dept.

November 9, 2012

M:\plan\historic\Landmarks\LMARKS\Wheeler House\WheelerHs.EFZ.wpd

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for November 15, 2012 Historic Preservation Commission MEETING

PROJECT: Special Permit for Historic Preservation to use a proposed landmark as three dwelling units.

PROPOSAL: A Special Permit for Historic Preservation (\$27.63.400) to permit three dwelling units in the house.

LOCATION: 1717 D Street

LAND AREA: 7,100 square feet, more or less

EXISTING ZONING: R-2 Residential District

WAIVER/MODIFICATION REQUEST: To accept the site plan and to allow use of existing house for three dwelling units.

CONCLUSION: Approving the Special Permit will allow completion of an on-going rehabilitation and preserve the existing house in residential use.

RECOMMENDATION FOR SPECIAL PERMIT:	Conditional Approval of Special Permit
---	--

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 4, Block 8, Capitol Addition, Lincoln, Lancaster County, Nebraska.

EXISTING LAND USE: Under rehabilitation, two occupied dwelling units.

SURROUNDING LAND USE AND ZONING:

North: Residential (single-family & multi-family) R-2
South: Residential (single-family & multi-family) R-2
East: Residential (single-family & multi-family) R-2
West: Residential (single-family & multi-family) R-2

HISTORY: See Landmark application.

COMPREHENSIVE PLAN SPECIFICATIONS:

- The community's distinctive character and desirable quality of life for current residents and for future generations should be supported by exercising stewardship

of historic resources throughout the county, while maximizing benefits of past investments in public infrastructure and private property. The Plan encourages the continued use and maintenance of historic resources, including properties not formally designated as landmarks. (p. 4.6)

- City and County governmental policies should provide for the protection and enhancement of historic resources. (p. 4.9)
- Seek incentives and regulatory support to maintain, rehabilitate, and minimize energy utilization of existing buildings in order to make it more feasible to rehabilitate and continue to use older buildings. (p. 4.9)

UTILITIES: The site is served by all public utilities.

PUBLIC SERVICE: The property is in the Lincoln Public School District (Lancaster District 001) and has all City of Lincoln services.

AESTHETIC CONSIDERATIONS: See Landmark application for Change of Zone 12026HP.

ALTERATIVE USES: Single family and other permitted uses of the R-2 residential district without adjustments under a Special Permit.

ASSOCIATED APPLICATION: Landmark application for designation of the house as a Landmark.

ANALYSIS:

1. This application is for a special permit for use of the property a tri-plex.
2. Building permit records indicate the house was converted to as many as 5 units in 1940. As recently as the 1990s, it was used as a tri-plex, in accord with neighborhood zoning. A family purchased the property and in 1999 files for permits as a single family dwelling. The area was rezoned R-2 in 2005 while the house was legally a single family dwelling, and it was sold as such a few years later. Before the new owners lost the building to foreclosure, work was apparently began to reinstall two apartments on the upper floor (or the deconversion to single family was never completed). The applicant purchased the property in foreclosure in 2011 with the mis-understanding that it remained vested as a multi-dwelling unit building, as was the case for neighboring properties immediately to the west, south, and north. The upstairs remained accessed by an exterior stairs in the backyard and three electric meters and services remained in the property. The applicant commenced renovation work and completed the two upstairs apartments, with commercial (multi-family) building permits. Before completing his own unit on the ground floor, he learned that his property did not was not vested as a triplex and is zoned only as a single family dwelling under the R-2 district.

3. LMC §27.63.400 allows adjustments of use. Multi-family dwelling in use at the time of a change of zone are permitted in the R-2 district, but this property was legally a single family dwelling at that time.

The applicant can provide 8 parking stalls—four in an existing garage, four on the driveway/parking apron adjacent the alley. Two stalls per unit would ordinarily be required in this district.

4. A Special Permit for Historic Preservation under LMC §27.63.400 is to be evaluated under the following six criteria:

- **The significance of the historic structure or site and the degree of variation sought from the permitted uses of the district:**

See Landmark application for historic significance. The requested use is permitted in this district, but not for this parcel without a special permit.

- **The extent to which economic factors necessitate the change in use:**

The property was in poor condition when acquired by the applicant and he has invested significant funds in creating two units and preparing to create his own unit.

- **The extent of proposed exterior change to the structure or site:**

The proposal includes renovation of the existing house. No exterior changes are planned beyond improved maintenance.

- **The impact on the surrounding area:**

The proposal offers sufficient parking, served by a paved alley. The block is currently a mix of single-family and multiple uses. The applicant plans to live in the residence but that cannot be required by a special permit.

- **The compatibility of the proposed use to the structure or site and the surrounding area:**

The proposed use seems compatible with existing uses in the area.

- **The manner in which the public will be benefitted by such proposed use:**

The proposed use should improve investment in the property and hopefully thereby stabilize an at-risk property.

CONDITIONS OF APPROVAL

This special permit approves the historic preservation use of the house for three dwelling units, subject to general conformance with the approved site plan and the following conditions:

Site Specific Conditions:

1. The on-site parking requirement is 8 stalls.

Standard Conditions:

6. The following conditions are applicable to all requests:
 - 6.1 Before occupying the improvement all development and construction shall substantially comply with the approved plans.
 - 6.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 6.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, and similar matters.
 - 6.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 6.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefore to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

Prepared by:

Ed Zimmer, 402-441-6360 ezimmer@lincoln.ne.gov
Historic Preservation Planner

DATE: November 9, 2012

APPLICANT: Kevin Rhinehart
1717 D Street
Lincoln, NE 68502
402-217-2718
k-rhinehart@hotmail.com

OWNER: same

CONTACT: same