

**FOR THE MEETING OF: May 17, 2018**  
**AGENDA ITEM: 4.a**

**TO:** Historic Landmarks Commission

**THROUGH:** Lisa Anderson-Ogilvie, AICP, Deputy Community Development Director and Planning Administrator

**FROM:** Kimberli Fitzgerald, AICP, Historic Preservation Officer

**HEARING DATE:** May 17, 2018

**CASE NO.:** Historic Design Review Case No. HIS18-03

**APPLICATION SUMMARY:** A proposal to install a new building façade on two accessory structures.

**LOCATION:** 1868 Court Street NE and 1880 Court Street NE

**REQUEST** Major Historic Design Review of a proposal to install a new building facade on a historic contributing and a non-contributing accessory structure located between the Simpson Cottage #3 (1890) and the Simpson Cottage #2 (1890). Both cottages are historic contributing resources within the Court-Chemeketa National Register Historic District, zoned RD (Duplex Residential), and located at 1880 Court Street NE (Marion County Assessor's Map and Tax Lot number: 073W26AC-07600) and 1886 Court Street NE (Marion County Assessor's Map and Tax Lot number: 073W26AC07500).

**APPLICANT:** Lora and Gary Oldham for 1880 Court St NE  
Drew Hoffman for 1886 Court St NE

**APPROVAL CRITERIA:** Salem Revised Code (SRC) Chapter 230  
230.025(g) Standards for Historic Contributing Buildings; Alterations and Additions (1880 Court), and  
230.030(g) Standards for Non-Contributing Buildings; Alterations and Additions (1868 Court)

**RECOMMENDATION:** CONTINUE TO JUNE 21, 2018

**PROCEDURES**

**Historic Landmarks Commission Review & Decision**

Under Salem Revised Code (SRC) Chapter 230, no development permit shall be issued without the approval of the Historic Landmarks Commission (HLC). The

HLC shall approve, conditionally approve, or deny the application on the basis of the projects conformity with the criteria. Conditions of approval, if any, shall be limited to project modifications required to meet the applicable criteria.

According to Salem Revised Code (SRC) 230.020(f), historic design review approval shall be granted if the application satisfied the applicable standards set forth in Chapter 230. The HLC shall render its decision supported by findings that explain conformance or lack thereof with relevant design standards, state the facts relied upon in rendering the decision, and explain justification for the decision.

### **120-Day Requirement**

The state mandated 120-day deadline to issue a final local decision, including any local appeals in this case, is August 23, 2018, unless an extension is granted by the applicant.

## **APPLICATION PROCESSING**

### **Subject Application**

1. On January 4, 2018, the applicant submitted materials for a Major Historic Design Review.
2. The application was deemed complete for processing on April 25, 2018.

### **Public Notice**

1. Notice of the public hearing was mailed to the owners of all property within 250 feet of the subject property on April 26, 2017 (**Attachment A**).
2. The property was posted in accordance with the posting provision outlined in SRC 300.620.

## **TESTIMONY RECEIVED**

### **Neighborhood Association Comments**

The subject property is located within the Northeast Neighbors (NEN). As of the date of publication, no comments were received from the neighborhood association.

### **Public Comments**

All property owners within 250 feet of the subject property were mailed notification of the proposal on April 25, 2018. As of the date of publication, no comments were received from any property owners. Notice of public hearing was also posted on the

subject property.

### **Public Agency Comments**

As of the date of publication, no comments were received from any public agencies.

### **City Department Comments**

The Building and Safety Division reviewed the proposal and indicated that the applicant must obtain required building permits.

## **V. BACKGROUND AND RECOMMENDATION**

The applicant's current proposal does not meet the applicable criteria. To allow the applicant additional time to revise their proposal in order to better meet the criteria, staff recommends that the HLC open the public hearing and continue it to June 21, 2018.

Attachments: A. Hearing Notice and Vicinity Map  
B. Excerpt from National Register Historic Resource Document

Prepared by Kimberli Fitzgerald, Historic Preservation Officer



# Attachment A

# HEARING NOTICE

## LAND USE REQUEST AFFECTING THIS AREA

### *Audiencia Pública*

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

<b>CASE NUMBER:</b>	Historic Design Review Case No. HIS18-03
<b>AMANDA APPLICATION NO:</b>	18-101839-DR
<b>HEARING INFORMATION:</b>	Historic Landmarks Commission, Thursday, May 17, 2018, 5:30 P.M., Council Chambers, Room 240, Civic Center, 555 Liberty St SE, Salem, OR 97301
<b>PROPERTY LOCATION:</b>	1868 Court Street NE and 1880 Court Street NE, Salem, OR 97301
<b>OWNER(S) / APPLICANT(S):</b>	Lora and Gary Oldham for 1880 Court St NE Drew Hoffman for 1886 Court St NE
<b>DESCRIPTION OF REQUEST:</b>	<p>Summary: A proposal to install a new building facade on an accessory structure.</p> <p>Request: Major Historic Design Review of a proposal to install a new building facade on a historic contributing and a non-contributing accessory structure located between the Simpson Cottage #3 (1890) and the Simpson Cottage #2 (1890). Both cottages are historic contributing resources within the Court-Chemeketa National Register Historic District, zoned RD (Duplex Residential), and located at 1880 Court Street NE (Marion County Assessor's Map and Tax Lot number: 073W26AC-07600) and 1886 Court Street NE (Marion County Assessor's Map and Tax Lot number: 073W26AC07500).</p>
<b>CRITERIA TO BE CONSIDERED:</b>	<p><b><u>MAJOR HISTORIC DESIGN REVIEW FOR THE ALTERATION OF THE NON-CONTRIBUTING ACCESSORY STRUCTURE AT 1868 COURT STREET SE:</u></b></p> <p><b>230.030. Standards for Non-Contributing Buildings and Structures in Residential Historic Districts.</b> Modifications to non-contributing buildings in residential historic districts shall comply with this section.</p> <p><b>(g) Alterations and Additions.</b> Additions and alterations that comply with the standards in this section may be made to non-contributing buildings. Whenever practical, additions and alterations to historic non-contributing buildings should result in the restoration of missing features from the period of significance, or the removal of alterations that were made outside of the period of significance.</p> <p><b>(1) Materials.</b></p> <p><b>(A)</b> Materials shall be consistent with those present on buildings in the district generally.</p> <p><b>(B)</b> Roofing materials shall have a non-reflective, matte finish.</p> <p><b>(2) Design.</b></p> <p><b>(A)</b> The location for an addition shall be at the rear, or on an inconspicuous side, of the building.</p> <p><b>(B)</b> Changes to features of the building that date from the period of significance shall be minimized.</p> <p><b>(C)</b> The design shall be compatible with general character of historic contributing buildings in the historic district and create a harmonious relationship with historic contributing buildings in the district generally. Factors in evaluating the design under this paragraph include, but are not limited to:</p> <p><b>(i)</b> Similarities in the size and scale to those used in historic contributing buildings in the district generally.</p> <p><b>(ii)</b> Use of architectural features that reflect, or are similar to, the architectural style of historic contributing buildings in the district.</p> <p><b>(iii)</b> Simple gable or hipped roofs with a pitch similar to surrounding buildings are generally appropriate. Flat roofs may be appropriate when the prevailing styles of</p>

- architecture provide an appropriate context. Exotic or complex roof forms that detract from the visual continuity of the district are generally inappropriate.
- (iv) Additions should have a similar mass to surrounding buildings.
  - (v) Front elevations should appear similar in scale to those seen traditionally in the surrounding neighborhood.
  - (vi) The width and height of the addition should not exceed the typical dimensions seen in the district.
  - (vii) Simple rectangular building forms are generally preferred.
- (D) The design shall make clear what is original and what is new.
- (E) Features that have been added over time and have attained significance in their own right shall be preserved, even if the features do not reflect the period of significance.

**MAJOR HISTORIC DESIGN REVIEW FOR THE ALTERATION OF THE CONTRIBUTING ACCESSORY STRUCTURE AT 1880 COURT STREET SE:**

**230.025. Standards for Historic Contributing Buildings in Residential Historic Districts.** Modifications to historic contributing buildings in residential historic districts shall comply with this section.

**(g) Alterations and Additions.** Additions to and alterations of the historic contributing building is allowed.

**(1) Materials.** Materials for alterations or additions:

- (A) Building materials shall be of traditional dimensions.
- (B) Material shall be of the same type, quality and finish as original material in the building.
- (C) New masonry added to a building shall, to the greatest extent feasible, match the color, texture and bonding pattern of the original masonry.
- (D) For those areas where original material must be disturbed, original material shall be retained to the maximum extent possible.

**(2) Design.** Alterations or additions shall:

- (A) Be located at the rear, or on an inconspicuous side, of the building.
- (B) Be designed and constructed to minimize changes to the building.
- (C) Be limited in size and scale such that a harmonious relationship is created in relationship to the original building.
- (D) Be designed and constructed in a manner that significant historical, architectural or cultural features of the building are not obscured, damaged, or destroyed.
- (E) Be designed to be compatible with the size, scale, material, and character of the building, and the district generally.
- (F) Not destroy or adversely impact existing distinctive materials, features, finishes and construction techniques or examples of craftsmanship that are part of the building
- (G) Be constructed with the least possible loss of historic materials.
- (H) Not create a false sense of historical development by including features that would appear to have been part of the building during the period of significance but whose existence is not supported by historical evidence shall not be added to the building.
- (I) Be designed in a manner that makes it clear what is original to the building, and what is new.
- (J) Be designed to reflect, but not replicate, the architectural styles of the period of significance.
- (K) Preserve features of the building that has occurred over time and has attained significance in its own right.
- (L) Preserve distinguishing original qualities of the building and its site.

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.

**HOW TO PROVIDE TESTIMONY:**

**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, Case Manager**, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2397; E-mail: [kfitzgerald@cityofsalem.net](mailto:kfitzgerald@cityofsalem.net).

**NEIGHBORHOOD ORGANIZATION:**

Northeast Neighbors (NEN), Nancy McDaniel, Land Use Chair; Daytime Phone: (503) 585-1669; Evening Phone: 503-986-4464; Email: [nanmcdann@yahoo.com](mailto: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/notices](http://www.cityofsalem.net/notices)

**ACCESS:**

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

**NOTICE MAILING DATE:**

April 25, 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>

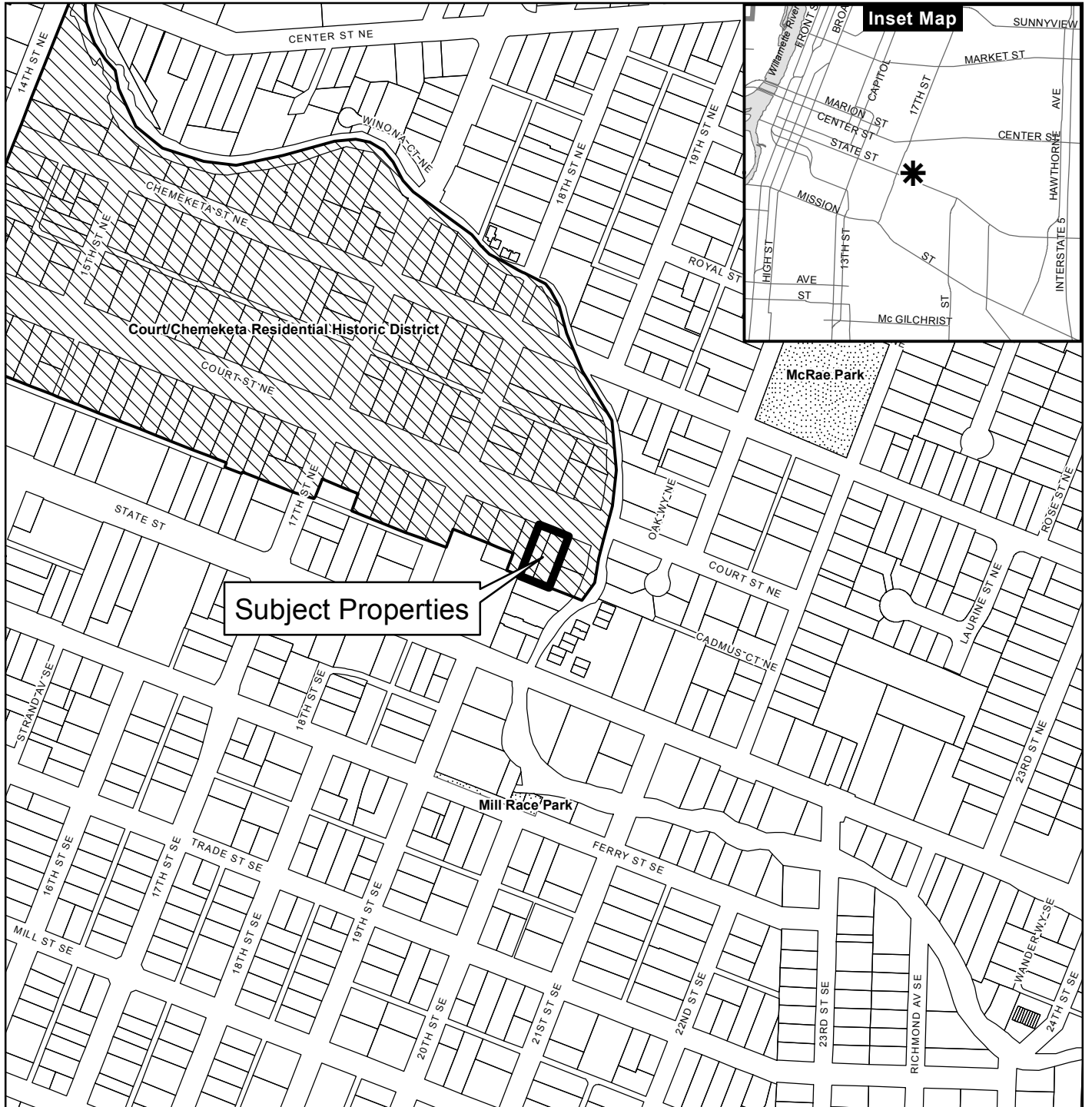
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*It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender 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

## 1868 and 1880 Court Street 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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65. THIRD (CHARLES) SIMPSON COTTAGE (c. 1890) PRIMARY (Contributing)

1880 Court Street NE; Assessor's Map 26AC073W; 073W-26AC-07600; Tax Lot 1-55320-000

Owners: Martha J. Pomeroy, ET AL, c/o Nanette Fowler, 925 Scepter Court NE, Salem, Oregon 97301

Description: Charles H. Simpson built this cottage as his own home on land he purchased in March 1893 from his parents, David and Julia Ann Simpson (cf. commentary on #64, which he probably built at the same time). Charles Simpson's cottage is a flat-topped, hipped roof Queen Anne structure with a front-gabled (north-facing) bay. The gable contains an ornamented bargeboard that forms an arch within the gable--an arrangement similar to the treatment on the First Simpson Cottage (#58), built at about the same time. As on the other two Simpson cottages, decorative shingling also covers the wall of the front gable of this one. A small entry porch is located to the right of the gabled bay, its roof supported by a single corner pier. Above the door is a transom. Other windows are generally tall, narrow double-hung sash. Siding is dropsiding; brackets are located at the top of the walls at the corners.

Cultural Data: This and the First and Second Simpson Cottages were the earliest house built on the south side of Court Street in the proposed District. Located between 18th Street and Mill Creek, the Simpson cottages line the north boundary of the parcel of land purchased by David and Julia Ann Simpson in 1879 from Elepha Waller. This block is bounded now by Court, 18th, and State Streets and Mill Creek. The David Simpsons, newly married, came overland to Oregon from Missouri in 1846 with his parents, William and Mary Simpson, and his parents' other children. David and Julia Ann Simpson took a claim in the Waldo Hills and later purchased other acreage, including this section of the District. In c. 1879 they built a home on the northeast corner of 18th and State Streets. Their children included James, Jack and Charles. David Simpson operated a grocery store on the family land, on State Street west of Mill Creek (located directly south of the cottages built by Charles Simpson). With the development in 1889 of Queen Anne Addition in the blocks north and west of their land, and with the concurrent extension of Court Street to Mill Creek, the Simpsons built the three Queen Anne cottages facing Court Street and into the new subdivision. All three probably were built c. 1890. The City Directory for 1893 list Charles Simpson as living on the south side of Court, three east of 18th Street. The Oregon Statesman for Feb. 1, 1893, reported that a son was born to the wife of Charles Simpson on Jan. 29 "at the family home on East Court Street"(presumably house #65). In 1896, Charles Simpson is listed in the same house, described as the south side of Court, one west of Mill Creek. After his death in c. 1902, his widow, Alice, and children, Bessie, Lois, and Victor (a student), continued to live in the house, by then numbered 1780 Court Street. Alice Simpson and her children sold cottages #64 and #65 in 1917. (For information on the Simpsons, see: Hendricks, Oregon Statesman, Oct. 10, 1935, and Lockley, Oregon Journal, April 9, 1938, p.4).



64. SECOND SIMPSON COTTAGE (c. 1890) PRIMARY (Contributing)

1868 Court Street NE; Assessor's Map 26AC073W; 073W-26AC-07500; Tax Lot 1-55321-000

Owner: Martha Jane Pomeroy, ET AL, c/o Nanette Fowler, 925 Scepter Court NE, Salem, Oregon 97301

Description: This is a small, one-story Queen Anne cottage on a high brick foundation. It has a flat-topped, hipped-roofed section joined by a major north-facing front gabled unit. Decorative in-filling with a pendent ornaments the front gable peak, and patterned shingling covers the wall of the gable. A small attached front porch has piers with brackets supporting a flat hipped roof. The front door is topped by a transom window. To the right of the porch is a large stationary window with 24 small panes over a big single pane below. This window is crowned by a prominent cornice. The other windows are generally tall, narrow, double-hung sash. Surfacing is dropsiding.

Cultural Data: This cottage is one of three built c. 1890 by the Simpson family along the south side of Court Street on their land between 18th Street and Mill Creek (cf. commentary on #58 and #65). Cottages #64 and #65 probably both were built by Charles H. Simpson, son of David and Julia Ann Simpson. Both cottages remained in the ownership of Charles' widow until 1917.