

# NOTICE OF DECISION

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## DECISION OF THE SALEM HISTORIC LANDMARKS COMMISSION

**CASE NO.** Historic Review Case No. HIS14-23 / AMANDA No. 14-111855-DR

**NOTICE OF DECISION DATE:** August 27, 2014

**OWNER/APPLICANT:** Ron Robson

**LOCATION:** 1610 Court Street NE

**REQUEST:** Major Historic Design Review of a proposal to restore all nine windows on the front facade from vinyl to wood and to replace all 20 existing vinyl windows on the east and west secondary facades with vinyl windows replicating the existing appearance of the current window on the Delta Phi Sorority House, a historic contributing resource in the Court / Chemeketa Historic District, in the RD (Duplex Residential) zone, and located at 1610 Court Street NE, (Marion County Assessor's Map and Tax Lot Number: 073W26BD02300).

**CRITERIA:** Salem Revised Code (SRC) Chapter 230  
230.065 General Guidelines for Historic Contributing Buildings

**FINDINGS:** Based upon the application materials, the facts and findings in the Staff Report dated August 14, 2014, incorporated herein by this reference, and testimony provided at the Public Hearing of August 21, 2014, the Historic Landmarks Commission (HLC) finds that the applicant adequately demonstrated that the proposal complies with the applicable provisions of the Salem Revised Code (SRC) as follows:

**Criteria: 230.065. General Guidelines for Historic Contributing Resources.** In lieu of the standards for historic contributing buildings set forth in SRC 230.025 and SRC 230.040, an applicant may make a proposal for preservation, restoration or rehabilitation activity, regardless of type of work, which shall conform to the following guidelines:

- (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

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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.

**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.***

**Findings:**

The resource was originally constructed as a sorority house and is currently used as a boarding house. The proposed work will not alter that use; therefore the HLC finds that the proposal meets Guideline (a).

***(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.***

**Findings:**

The existing windows appear to be an early variety of vinyl windows, most likely installed in the late 1980s or early 1990s without Historic Design Review approval. The applicant has noted that the windows are in fair to poor condition, and the four windows that were in the process of being replaced at the time of the application for Historic Design Review are inoperable. The non-original windows were installed after the period of significance for the District (1860-1937) and are not original historic features. Therefore, the HLC finds that Guidelines (b) and (c) do not apply to the proposal.

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

**Findings:**

Limited pictorial and historical information is available to substantiate the design and materials of the original windows. City records include an undated historic photo showing the primary façade of the resource from approximately one hundred feet to the east. In addition, the nomination inventory entry for the property describes the windows as "double-hung sash --- those upstairs being multi-paned top and bottom, those downstairs being multi-pane over one." Common building practices and readily available materials at the time of construction indicate that the original windows on the resource were most likely double hung, one over one multi-pane wood windows. The windows proposed by the applicant substantially match what is known about the design and materials of the original windows. HLC finds that the proposal meets Guideline (d).

***(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.***

Findings:

The existing windows are presumed to have been added within the past 25 years, approximately 50 years after the period of significance of the District. The windows are not distinctive and several have significantly deteriorated or ceased to function during the relatively short time since their installation. Therefore the HLC finds that the existing, non-original windows have not acquired significance in their own right, and that Guideline (e) does not apply to the proposal.

***(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.***

Findings:

*North Elevation – fronting public right-of-way*

*Existing:* There are four non-original gridded vinyl windows on the first floor, and five on the second floor. One window on the second floor (see Attachment 4, "Window A") has been removed, leaving an unsecured opening in violation of the City's demolition by neglect ordinance at SRC 230.095.

*Proposed:* The applicant proposes to install new wood windows that will restore the original design and appearance of the original wood windows. The proposed replacement windows are Jeld Wen Tradition Plus double hung Auralast pine pocket units with white jambliner and hardware, and a 7/8" bead.

In order to ensure that the vacant window opening on the front elevation that currently violates SRC 230.095 is corrected in a timely manner, the following condition shall apply:

**Condition 1:** The applicant shall install a replacement window for the unsecured window opening on the north façade of the resource and obtain a Certificate of Appropriateness no later than September 4, 2014.

*East and West Elevations – interior side yards*

*Existing:* There are 2 non-original gridded vinyl windows along the northernmost portion of the west façade and 9 non-original vinyl one-over-one windows on the remainder of the west façade. One window on the third floor of the west façade has been removed and boarded (see Attachment 1, Window "E"), and three windows on the second floor of the west façade (see Attachment 1, Windows "B," "C," and "D") have been removed, leaving unsecured openings in violation of the City's demolition by neglect ordinance at SRC 230.095. There are 2 non-original gridded vinyl windows along the northernmost portion of the east façade and 7 non-original vinyl one-over-one windows on the remainder of the east façade.

*Proposed:* The applicant proposes to install in-kind replacements of existing windows throughout the secondary facades on the east and west elevations. The gridded vinyl windows on the northern portion of each secondary façade would be replaced with Premium Vinyl single hung windows with a white exterior muntin grid that matches the pattern of the existing windows. The remaining windows on each façade would be replaced in-kind with vinyl windows.

In order to ensure that the three vacant window openings on the west elevation that currently violate SRC 230.095 are corrected in a timely manner, the following condition shall apply:

**Condition 2:** The applicant shall install replacement windows for the four unsecured window openings on the west façade of the resource and obtain Certificates of Appropriateness no later than September 4, 2014.

The window replacements proposed by the applicant for the primary façade would result in windows that more closely resemble the original wood windows than the existing vinyl windows that they would replace. The applicant also proposes to replace the most visible vinyl windows on side facades with vinyl windows that would more closely resemble original windows than the interior muntin vinyl windows that they would replace. The remaining vinyl windows that the applicant proposes to replace in-kind are not original to the structure and are located on the rear facade of the resource, not visible from the right of way, minimizing the impact of the alteration to the resource. HLC finds that the proposal meets Guidelines (f) and (g).

**(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.**

Findings:

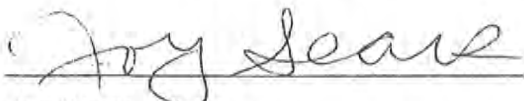
The applicant's proposal does not address any structural deficiencies in the historic resource, nor does it involve any excavation or regrading. Therefore, HLC finds that Guidelines (h) and (i) do not apply to the proposal.

**DECISION:** The Historic Landmark Commission voted to adopt the Staff Recommendation contained in the Staff Report dated August 14, 2014, and **APPROVES** the proposal, subject to the following **CONDITIONS:**

**Condition 1:** The applicant shall install a replacement window for the unsecured window opening on the north façade of the resource and obtain a Certificate of Appropriateness no later than September 4, 2014.

**Condition 2:** The applicant shall install replacement windows for the four unsecured window openings on the west façade of the resource and obtain Certificates of Appropriateness no later than September 4, 2014.

**VOTE: YES 5 NO 0 ABST 0 Absent 3 (Carmichael, Mangini, Morris)**



Joy Sears, Chair  
Historic Landmarks Commission

Prepared by Christopher Green, Planner II



Attachments: 1. Window Location Detail

The rights granted by this decision must be exercised by September 12, 2016, or this approval shall be null and void.

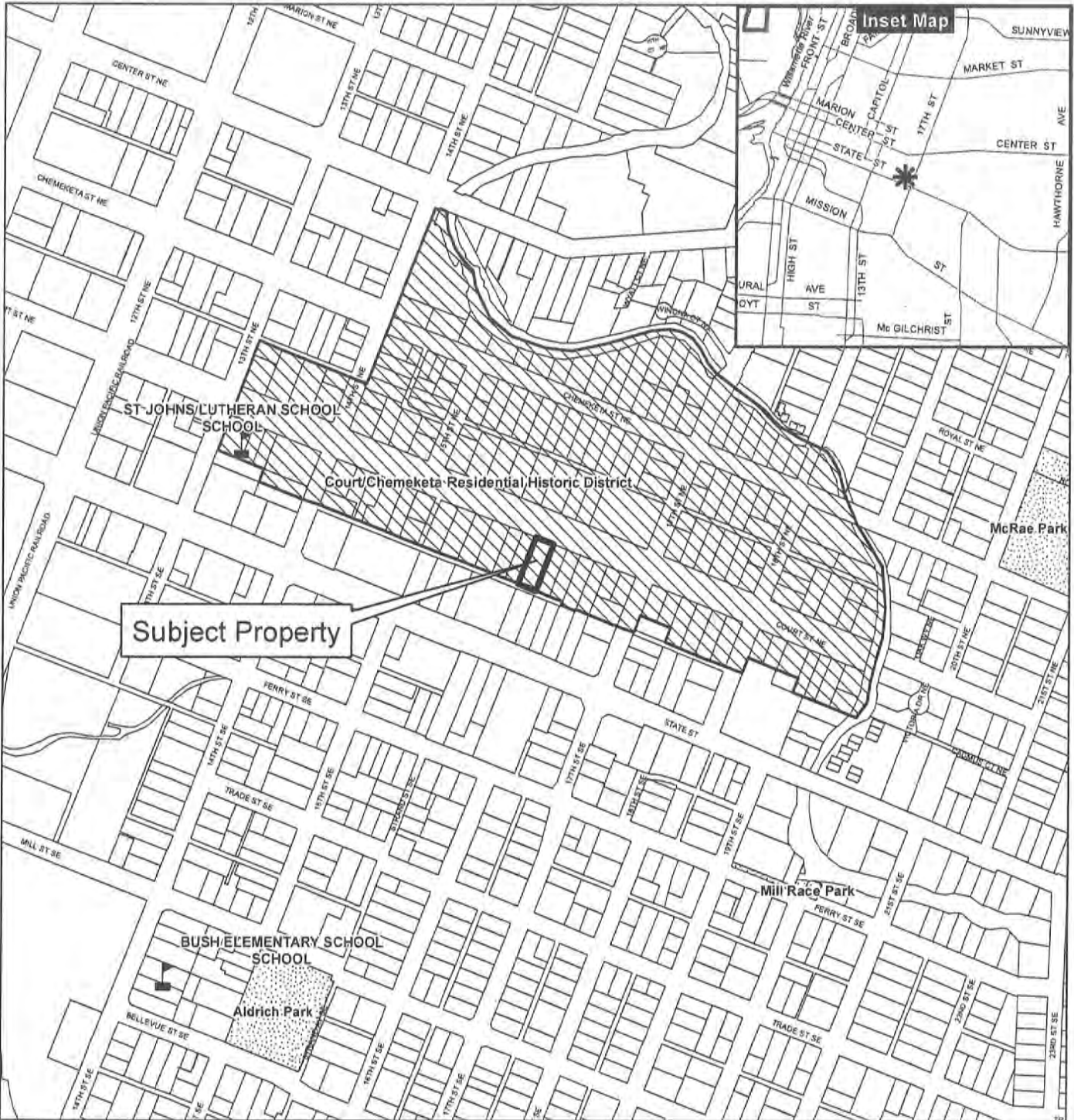
A copy of the complete Case File is available for review at the Planning Division office during regular business hours. Please contact the Case Manager, Christopher Green, by email: [cgreen@cityofsalem.net](mailto:cgreen@cityofsalem.net), or phone: 503-540-2326.

Application Deemed Complete: July 31, 2014  
Notice of Decision Mailing Date: August 27, 2014  
Decision Effective Date: September 12, 2014  
State Mandated Decision Date: November 28, 2014








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 September 11, 2014, 5:00 p.m.** Any person who presented evidence or testimony for the hearing may appeal the decision. 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 Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or firm the action, or refer the matter to staff for additional information.

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# Vicinity Map 1610 Court Street NE



## Legend

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

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Window A

**Attachment 1, Photo 1**

August 8, 2014 – North Elevation from Court Street NE



**Attachment 1, Photo 2**  
August 8, 2014 – North Elevation, 2<sup>nd</sup> Story, NE corner





### **Attachment 1, Photo 3**

August 8, 2014 – West Elevation



**Attachment 1, Photo 4**

August 8, 2014 – NW corner



**Attachment 1, Photo 5**

August 8, 2014 – West Elevation, 2nd Floor



**Attachment 1, Photo 6**

August 13, 2014 – West Elevation, 3<sup>rd</sup> Floor