

# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
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503-588-6173*

## DECISION OF THE HISTORIC PRESERVATION OFFICER

**CLASS 2 MINOR HISTORIC DESIGN REVIEW CASE NO.: HIS22-26**

**APPLICATION NO.: 22-118764-PLN**

**NOTICE OF DECISION DATE:** October 26, 2022

**SUMMARY:** A proposal to repair windows and the chimney, replace siding, roof shingles, the driveway and front walkway at the Stovall House (c.1920).

**REQUEST:** A Class 2 Minor Historic Design Review of a proposal to repair windows and the chimney, replace siding, roof shingles, the driveway and front walkway at the Stovall House (c.1920) a historic contributing resource located in the Gaiety Hill/Bush's Pasture Park Historic District on property approximately 0.12 acres in size, zoned RS (Residential Single Family), and located at 540 Leffelle Street SE (Marion County Assessors Map and Tax Lot number: 073W34AB-02700).

**APPLICANT:** Kathleen Tinsley

**LOCATION:** 540 Leffelle St SE, Salem OR 97302

**CRITERIA:** Salem Revised Code (SRC) Chapters 230.065 – General Guidelines for Historic Contributing Resources

**FINDINGS:** The findings are in the attached Decision dated October 26, 2022.

**DECISION:** The **Historic Preservation Officer (a Planning Administrator designee) APPROVED** Class 2 Minor Historic Design Review Case No. HIS22-26 based upon the application materials deemed complete on September 30, 2022 and the findings as presented in this report.

The rights granted by the attached decision must be exercised, or an extension granted, by November 11, 2024, or this approval shall be null and void.

Application Deemed Complete:	<u>September 30, 2022</u>
Notice of Decision Mailing Date:	<u>October 26, 2022</u>
Decision Effective Date:	<u>November 11, 2022</u>
State Mandate Date:	<u>January 28, 2023</u>

Case Manager: Kimberli Fitzgerald, [kfitzgerald@cityofsalem.net](mailto:kfitzgerald@cityofsalem.net), 503-540-2397

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Thursday, November 10, 2022. 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(s) 230. 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 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.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM**

**DECISION**

**IN THE MATTER OF APPROVAL OF ) MINOR HISTORIC DESIGN REVIEW**  
**HISTORIC DESIGN REVIEW )**  
**CASE NO. HIS22-26 )**  
**540 LEFFELLE STREET SE ) October 26, 2022**

In the matter of the application for a Minor Historic Design Review submitted by Kathleen Tinsley, the Historic Preservation Officer (a Planning Administrator Designee), having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

**REQUEST**

**SUMMARY:** A proposal to repair windows and the chimney, replace siding, roof shingles, the driveway and front walkway at the Stovall House (c.1920).

**REQUEST:** A Class 2 Minor Historic Design Review of a proposal to repair windows and the chimney, replace siding, roof shingles, the driveway and front walkway at the Stovall House (c.1920) a historic contributing resource located in the Gaiety Hill/Bush's Pasture Park Historic District on property approximately 0.12 acres in size, zoned RS (Residential Single Family), and located at 540 Leffelle Street SE (Marion County Assessor's Map and Tax Lot number: 073W34AB-02700).

A vicinity map illustrating the location of the property is attached hereto, and made a part of this decision (**Attachment A**).

**FINDINGS**

1. Minor Historic Design Review Applicability

SRC230.020(f) requires Historic Design Review approval for any alterations to historic resources as those terms and procedures are defined in SRC 230. The Planning Administrator shall render a 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.

**PROPOSAL**

The applicant is proposing to correct issues of deterioration throughout the home by repairing and replacing features where needed. The applicant is proposing to repair two windows and the chimney (repointing and replacing brick as needed) on the eastern façade of the Stovall House. Additionally, the applicant is proposing to replace siding on the north and eastern facades with raked cedar shake siding to match the original. The applicant is proposing to replace the existing non-original composition roof shingles with TrueDefinition Duration Max Shingles to match the existing deteriorated shingles in color and appearance to the greatest degree feasible (ie. either Granite or Carbon). The applicant is proposing to replace the cracked asphalt driveway and front paver walkway with concrete. The concrete will match the appearance of the City of Salem installed concrete sidewalk abutting the driveway to the greatest degree feasible. The applicant's submittal plans are included as **Attachment B**.

## **SUMMARY OF RECORD**

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 22 114396.

## **APPLICANT'S STATEMENT**

A request for historic design review must be supported by proof that it conforms to all applicable criteria imposed by the Salem Revised Code. The applicants submitted a written statement, which is included as **Attachment B** in this staff report.

Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report. Chapter 230.065 – *General Guidelines for Historic Contributing Resources* and are the applicable criteria for evaluation of this proposal.

## **FACTS & FINDINGS**

### **1. Historic Designation**

Under Salem Revised Code (SRC) Chapter 230, no exterior portion of a local historic resource, contributing, non-contributing building or new construction in a historic district shall be erected, altered, restored, moved or demolished until historic design review approval has been granted on the basis of the project's conformity with the applicable criteria in SRC 230. Conditions of approval, if any, shall be limited to project modifications required to meet the applicable criteria.

According to SRC 230.020(f), historic design review approval shall be granted if the application satisfies the applicable standards set forth in Chapter 230. For Class 1 and Class 2 Minor Historic Design Review decisions HLC staff, the Historic Preservation Officer (a designee of the Planning Administrator), shall render their 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.

### **2. Historic Significance**

The Oregon Historic Sites database notes this house was constructed in 1920, in the English Cottage style. James and Clarice Stovall owned the house at the time of designation to the National Register of Historic Places. Clarice's father John G. Harms lived in the house until his death in September 1963 at which time the home was left to Clarice. The Stovall House has good integrity and is contributing to the Gaiety Hill/Bush's Pasture Park Historic District.

### 3. Neighborhood and Citizen Comments

The subject property is located within the South-Central Association of Neighbors (SCAN). A Request for Comments was sent to the neighborhood association, and surrounding property owners within 250 feet of the property pursuant to Salem Revised Code (SRC) requirements on September 30, 2022. While this initial notice incorrectly stated that the comment deadline was October 25, 2022, a corrected notice was sent on October 5, 2022 clarifying that the comment deadline was October 14, 2022. No comments were received regarding the proposal.

### 4. City Department and Public Agency Comments

The Building and Safety Division indicates that the applicant must obtain required permits. The Planning Division, the Fire Department and Public Works had no concerns regarding the proposal.

### 5. Historic Design Review

Chapter 230.065 – *General Guidelines for Historic Contributing Resources* are the applicable criteria for evaluation of this proposal. Historic Landmarks Commission staff reviewed the project proposal and has the following findings for the applicable criterion.

#### **FINDINGS:**

#### ***Criteria: 230.065 General Guidelines for Historic Contributing Resources***

**(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 applicant is not proposing to alter the use of the resource as a residence. No changes are proposed to the landscape design, entrances, height, or massing. While the proposal does include repair of existing original windows, the design of these openings will not be altered, and the repair will utilize materials that match the original. Additionally, while the proposal includes the replacement of an existing paver walkway with concrete, and the replacement of the existing asphalt driveway with concrete – these alterations are minor in nature and do not alter street access, nor do they adversely affect any character defining historic features of the historic resource. Staff finds that SRC 230.065(a) has been met for this proposal.

**(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 proposing to repair two original windows and a portion of the chimney on the eastern façade of the Stovall House. The applicant is proposing to repair the portion(s) of these windows which are in poor condition using accepted historic preservation methods. The applicant is further proposing to repair a portion of the chimney on the eastern façade of the house, primarily repointing the brick with mortar. Where it is necessary to replace brick, the applicant is proposing to match the existing to the greatest degree feasible. The

applicant is proposing to replace a portion of the raked cedar shake siding which has deteriorated on the northern and eastern facades of the resource. The replacement siding will match the original to the greatest degree feasible. Staff finds that SRC 230.065(b) has been met.

*(c) Distinctive stylistic features or examples of skilled craftsmanship significance shall be treated with sensitivity.*

**Finding:** The applicant is proposing to treat the windows, siding and chimney with sensitivity, ensuring that the appearance and integrity of these original features be retained to the greatest degree feasible while also ensuring that these features are repaired to ensure the overall condition of the house is maintained. Staff finds that SRC 230.065(c) has been met.

*(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 features based upon physical or photographic evidence, therefore this criterion 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:** There are no changes to the Stovall House that have acquired significance over time which will be impacted by the applicant's proposal. Therefore, this criterion 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 proposed new replacement roofing replaces shingles that are not original to the Stovall House and will not result in any significant alterations to the resource. The proposed new concrete walkway and driveway will not directly impact the Stovall House and the proposed material and design of these features are compatible in design and scale with the resource, and the surrounding historic district. Staff finds that 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:** While the proposed new replacement siding will result in the loss of original raked cedar shingles on the northern and eastern facades of the Stovall House, the impact of this alteration is minimized as this siding will be replaced with raked cedar shingles matching the original to the greatest degree feasible. The original materials on the chimney and the windows will be retained as much as possible, and where material must be replaced it will match the original to the greatest degree feasible. Additionally, the windows, chimney and siding on the east façade is not easily visible from the right of way, minimizing any adverse visual impact

resulting from necessary changes. Staff finds that SRC 230.065(g) has been met.

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

**Finding:** The applicant is not proposing any alterations to correct structural deficiencies, therefore staff finds that SRC 230.065(h)(3) 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:** While a minimal amount of grading is necessary to construct the new sidewalk and replace the asphalt driveway, it is not significant and there are no anticipated adverse effects which may result in the settling or shifting of the foundation. Staff finds that SRC 230.065(i) has been met.

## DECISION

Based upon the application materials deemed complete on September 30, 2022 and the findings as presented in this report, the application for HIS22-26 is **APPROVED**.



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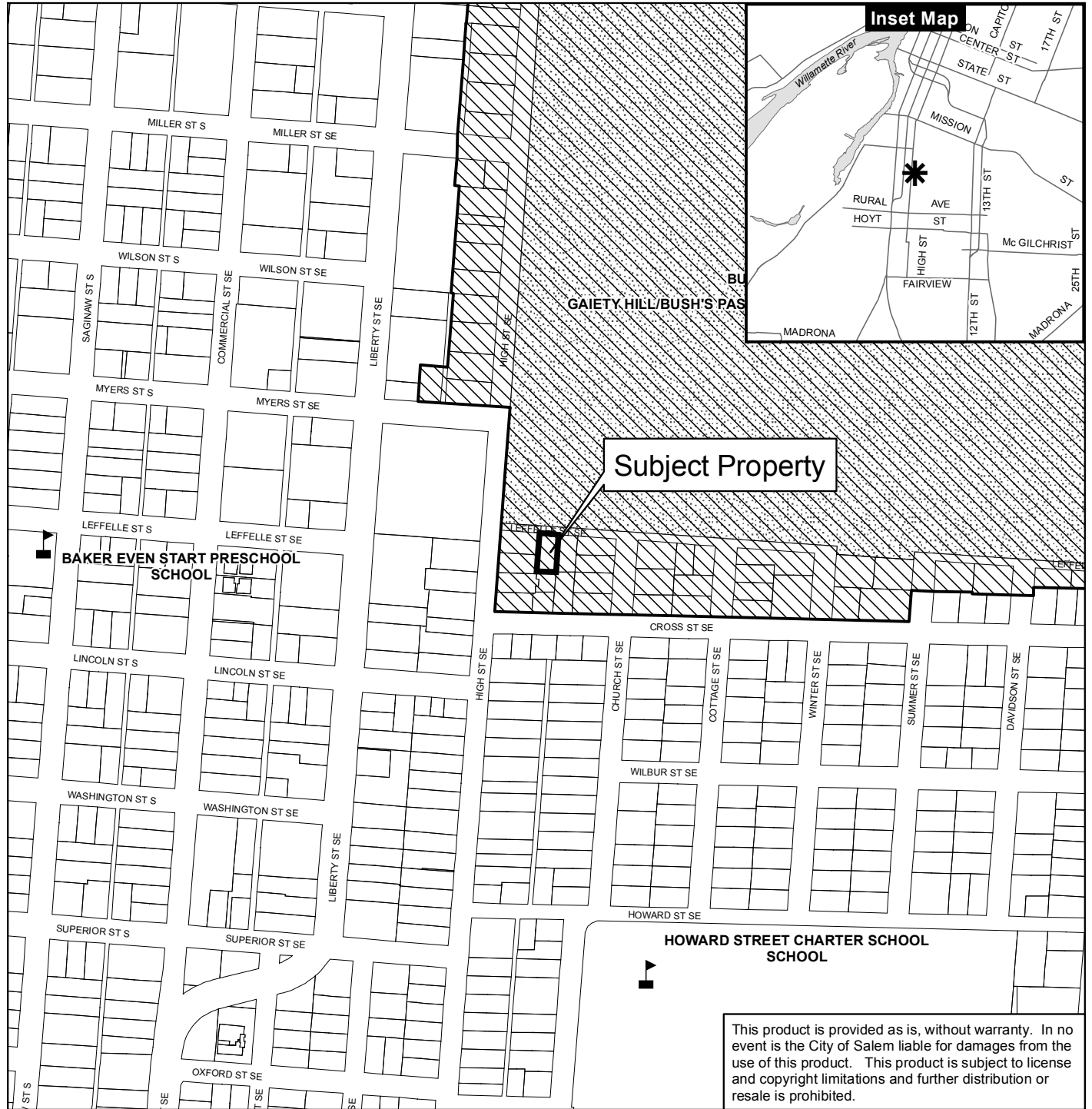
Kimberli Fitzgerald, AICP  
Historic Preservation Officer  
Planning Administrator Designee

Attachments: A. Vicinity Map  
B. Excerpt - Applicant's Submittal Materials

# Vicinity Map







## 540 Leffelle Street SE

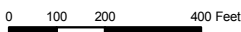
Taxlot: 073W34AB02700



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**Legend**

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







Chimney: Existing Conditions



East Elevation: Chimney with Window detail (showing corner/bottom sill in need of repair)



East Elevation: South of Chimney



North Elevation: showing flagstone walkway/path proposed for replacement.

Window Details: East Façade



Window first floor, just north of chimney



Window first floor; just south of chimney



Driveway: Existing condition



Driveway existing with concrete installed by City of Salem; Proposed new driveway and walkway to match existing



Siding Detail



Proposed Replacement siding



Roofing



TruDefinition®  
**DURATION MAX®**  
Shingles *with Patented SureNail® Technology*



Smokey Mountain<sup>†</sup>



**TOTAL PROTECTION. TOTAL CONFIDENCE.®**



**SEAL.**



**DEFEND.**



**BREATHE.**



Carbon†



Granite†



Mesquite†



Smokey Mountain†



Sycamore†