



LAND USE APPEAL APPLICATION

1. GENERAL DATA REQUIRED [to be completed by the appellant]

DR-SPR-ADJ19-07 \_\_\_\_\_  
 Case # Being Appealed Decision Date

1175 Nebraska Avenue NE Salem OR 97301  
 Address of Subject Property

1166 Market St NE Salem OR 97301  
 Appellants Mailing Address with zip code

amandalynnscott711@gmail.com \_\_\_\_\_  
 Appellant's E-mail Address Day-time Phone / Cell Phone 707 477 8471

Appellant's Representative or Professional to be contacted regarding matters on this application, if other than appellant listed above:

\_\_\_\_\_  
 Name Mailing Address with ZIP Code

\_\_\_\_\_  
 E-Mail Address Day-time Phone / Cell Phone

2. SIGNATURES OF ALL APPELLANTS

Signature: *Amanda Scott* Date: 8.20.19

Printed Name: Amanda Scott

Signature: *Alex Scott* Date: 8.20.19

Printed Name: Alex Scott

3. REASON FOR APPEAL Attach a letter, briefly summarizing the reason for the Appeal. Describe how the proposal does not meet the applicable criteria as well as verification establishing the appellants standing to appeal the decision as provided under SRC 300.1010

FOR STAFF USE ONLY		
Received By: <u>[Signature]</u>	Date: <u>8/21/19</u>	Receipt No: <u>19-13578-DR</u>
Appeal Deadline: <u>8/22/19</u>	Case Manager: <u>Olive Glantz</u>	<u>10475651</u>

SIGNATURE Katthe Lucht DATE 8-20-19

PRINTED NAME Katthe Lucht

SIGNATURE Greg Gibson DATE 8-20-19

PRINTED NAME Greg Gibson

SIGNATURE Georgiana Ulberg DATE 8-20-19

PRINTED NAME Georgiana Ulberg

SIGNATURE Rodney M. Ulberg DATE 8/20/19

PRINTED NAME Rodney M. Ulberg

SIGNATURE Marissa Cagle DATE 8/20/19

PRINTED NAME MARISSA CAGLE

SIGNATURE Kevin Lapsley DATE 8/20/19

PRINTED NAME Kevin Lapsley

SIGNATURE Myrna Eagle DATE 8-7

PRINTED NAME MYRNA EAGLE

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

PRINTED NAME \_\_\_\_\_

Under facts and findings section 4 states no comments were received from grant or surrounding property owners. The fact is the surrounding neighbors were never properly notified of any grant community neighborhood meeting in regards to subject property. Not only were the neighbors never properly informed but no neighbor gave their support of the subject property proposed plans (see attached forms from actual surrounding neighbors)

Paving the alley way which will include the need to grade the alley and put in proper drainage will take an unknown amount of time and cause minimally two residential homes to be landlocked for the unknown amount of time. Construction of the subject property will also land lock minimally two of the properties on the alley way as the alley way is the only way for four residential properties to get in and out of their homes.

702.030(b)(1) general parking and site access. There are currently (13) vehicles using the alley way at this time bringing in the proposed five parking spaces when codes called for six spaces for a three unit building will only add to the already congested and tight alley way and make even more of an inconvenience and potential accident hazard to current and future tenants whom have to go to work, doctors appointment, grocery shopping, etc.

702.030(c)(1) site access shall be provided that minimizes vehicle and pedestrian conflicts. Adding a minimum of five more spaces to an alley way already used by (13) vehicles will only add to the danger of school children walking to/from grant elementary and parish middle school. In fact a family poodle was recently hit and killed by a car using the alley way; adding more vehicles will only add tragedies.

SRC 806.015 amount of off street parking. Minimum required parking for a multi-family use with three units is (2) spaces per dwelling unit. The applicant has requested a zoning adjustment to provide (5) spaces instead of required (6) as stated above parking in the rear of the subject property will only add to an already congested alley and add to the danger of a child, pet or other being struck by a vehicle.

SRC 220.005(f)(3)(c) parking area and driveway are designed to facilitate safe and efficient movement of vehicles, bicycles and pedestrians. This standard has not been met; if parking is to be moved to the alley way there is opportunity to frequently back into the neighboring cars that must park in the alley as it's the only access to the properties. Furthermore due to the current full lush trees there's opportunity to back into a pedestrian and/or a bicyclist.

702.040(a)(1) on site design and location of facilities. Subject property has not shown evidence that the proposed solid waste service area will comply with the standard of SRC 800.055

702.025 crime prevention through environmental design. Subject property has stated illumination for parking area, walkways, garbage area and inset spaces will be provided. This means the four residential properties surrounding the subject property will have lights shining not only on their property but into their houses through windows all night long causing an unnecessary nuisance.

Listed in class 2 adjustment to land use standards page (1) adjustment request is stated ' we are replacing the uninhabitable existing ADU with two units and enhancing the livability of the existing residence.' This statement contradicts what was stated at the August 6th meeting when the ADU was referred to as a cottage and was being lived in and rented up to the time the subject property was bought by the new owner approximately December 2018.

Nebraska Ave/Alley way project 1175 Nebraska Ave Salem OR  
97301

property owner contact - Jose Garcia

drafted by - Amanda Scott

~ I was informed of any and all Grant neighborhood community meeting(s) regarding the addition/remodel of property 1175 Nebraska Ave Salem OR 97301 YES / NO

~ I gave my support/letter of support of the addition/remodel of property 1175 Nebraska Ave Salem OR 97301 on or before August 6, 2019 5:30pm YES / NO

NAME(S): Amanda Scott

ADDRESS: 1166 Market St NE Salem 97301

PHONE/EMAIL: mcynn7274@gmail.com

#### COMMENTS/CONCERNS

- Would consider a flip of the original plan as Nebraska <sup>Ave</sup> St is better for parking
- Using the alley will lock us in/out of our home for an unknown time
- Too many people use alley as is

Nebraska Ave/Alley way project 1175 Nebraska Ave Salem OR  
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drafted by - Amanda Scott

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~ I gave my support/letter of support of the addition/remodel of property 1175 Nebraska Ave Salem OR 97301 on or before August 6, 2019 5:30pm YES (NO)

NAME(S): MARISSA CAGLE

ADDRESS: 1160 MARKET ST NE 97301  
SALEM, OR

PHONE/EMAIL:

COMENTS/CONCERNS

- PAVING OF ALLEY

- DECISIONS WERE MADE w/OUT THE OWNER OR THE GRANT NEIGHBORHOOD ASSOCIATION GETTING THE INFORMATION & MEASUREMENTS CORRECT. NEITHER JOSE GARCIA OR ERIC BRADFIELD HAD

MET OR EVEN SPOKEN TO THE DIRECT NEIGHBORS. BEFORE 8/8/19, JOSE GARCIA HAD NEVER VISITED THE PROPERTY. ~~XXXXXX~~

Nebraska Ave/Alley way project 1175 Nebraska Ave Salem OR  
97301

property owner contact - Jose Garcia jr9arcia2@gmail.com  
drafted by - Amanda Scott

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NAME(S): Rodney & Georgiana Ulberg

ADDRESS: 1155 Nebraska Ave NE  
Salem, OR 97301

PHONE/EMAIL: 503-362-7763  
rgulberg@comcast.net

COMMENTS/CONCERNS

for the last 5 years we have not receive any mail/notices from the Grand Neighbor Assoc.

[owned this house since 1975]

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97301

property owner contact - Jose Garcia

drafted by - Amanda Scott

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NAME(S):

Kathe Lucht  
Greg Gibson

ADDRESS:

1150 Market St. NE  
Salem, OR 97301

PHONE/EMAIL:

503-385-3971

COMMENTS/CONCERNS

I <sup>was</sup> Never informed of any meetings concerning 1175 Nebraska. I would of attended. I am not supportive of the current design of the property the parking situation would be a terrible fit for the neighborhood.



Nebraska Ave/Alley way project 1175 Nebraska Ave Salem OR  
97301

property owner contact - Jose Garcia jr9arci2@gmail.com  
drafted by - Amanda Scott

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NAME(S): Robert Fender

ADDRESS: 1160 NEBRASKA AVE NE

PHONE/EMAIL: 503 384-8208

COMMENTS/CONCERNS Don't want to happen

Nebraska Ave/Alley way project 1175 Nebraska Ave Salem OR  
97301

property owner contact - Jose Garcia jr Garcia 2 @ qmail  
drafted by - Amanda Scott

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meeting(s) regarding the addition/remodel of property 1175  
Nebraska Ave Salem OR 97301 YES (NO)

~ I gave my support/letter of support of the addition/remodel of  
property 1175 Nebraska Ave Salem OR 97301 on or before August  
6, 2019 5:30pm YES (NO)

NAME(S): Stacy Tolich

ADDRESS: 1130 Nebraska Ave NE

PHONE/EMAIL: nascarrookie@yahoo.com

COMMENTS/CONCERNS

Nebraska Ave/Alley way project 1175 Nebraska Ave Salem OR  
97301

property owner contact - Jose Garcia jr9arcia2@gmail  
drafted by - Amanda Scott

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Nebraska Ave Salem OR 97301 YES / NO

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6, 2019 5:30pm YES / NO

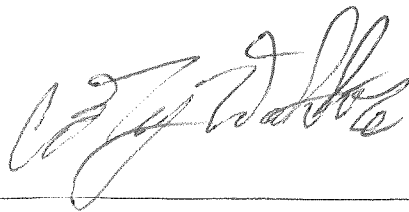
NAME(S) : Corey Wakkure

ADDRESS: 1191 Nebraska Ave NE

PHONE/EMAIL:

503 385 6507

COMMENTS/CONCERNS



Nebraska Ave/Alley way project 1175 Nebraska Ave Salem OR  
97301

property owner contact - Jose Garcia jrgarci2@gmail  
drafted by - Amanda Scott

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Nebraska Ave Salem OR 97301 YES /  NO

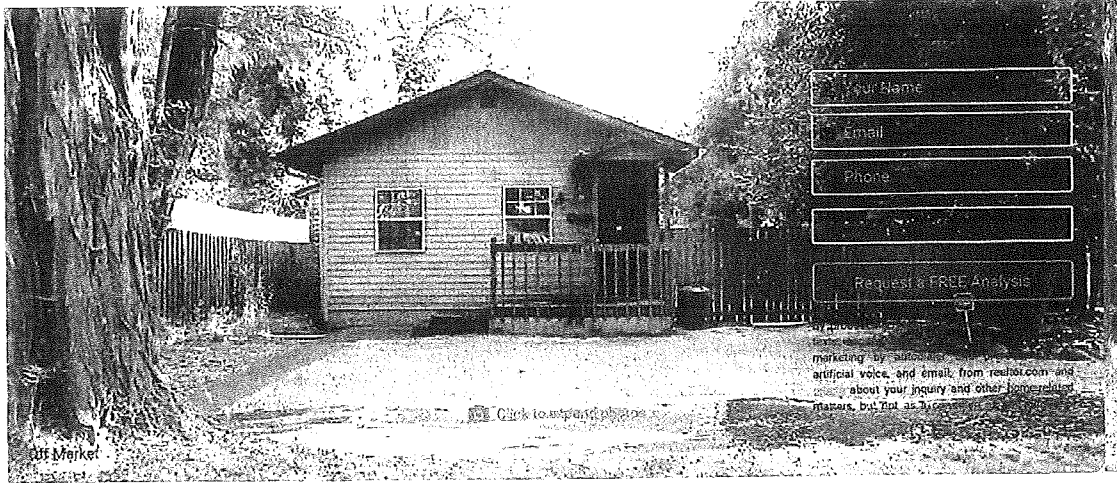
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property 1175 Nebraska Ave Salem OR 97301 on or before August  
6, 2019 5:30pm YES /  NO

NAME(S): Alan Saeto

ADDRESS: 1144 Nebraska Ave Ne

PHONE/EMAIL: 503/555/5953

COMMENTS/CONCERNS



[Map](#)
2 beds
1 bath
825 sq ft
8,580 sqft lot

Est **\$154,700**

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**Property Overview** - Accepted Offer with Contingencies. Very cute 2 bedroom 1 bath cottage on large lot, open plan with convenient kitchen and living room, roomy bathroom and large utility room. Needs some cosmetic work and TLC. Excellent opportunity for project. Property currently being used as a rental with long term tenants. Use of 240 SqFt 1 bedroom 1 bath studio building in back subject to buyer due diligence.

This property overview is from the previous listing when the home was listed for sale in Oct 19, 2018.

43.75%
  
 Less expensive than nearby properties

\$1.20K
  
 Since last sold in 2018

\$1,134
  
 Rental Estimate

**Own this home?**

Check out your owner dashboard to:

- Track your home's value and comps
- Update the important details and photos
- Easily compare similar homes in your area

**Home Value for 1175 Nebraska Ave NE**

1175 Nebraska Ave NE is likely to appreciate by 5% in the next year, based on the latest home price index. In the last 4 years, this home has increased its value by 31%.

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**PERMIT DETAILS**

Permit #	Type	Sub Type	Work Type	Reference #	Site Address	Status	In Date	Issue Date	Expiration Date
08-111718-00-LC	Lane Closure /Working in ROW	Single Family			1175 NEBRASKA AV NE	Completed	Jul 17, 2008	Jul 18, 2008	Jan 14, 2009

Description  
APPLICATION RECD, FEES ON PARENT FOLDER. RB 7/17/08

**Related Permits/Licenses**

Parent >> Child	Description	Site Address	Status
<del>08-111717-00</del>	Sewer Permit	1175 NEBRASKA AV NE, SALEM, OR 97301	Completed
>> 08-111718-00 - Selected	Lane Closure /Working in ROW	1175 NEBRASKA AV NE, SALEM, OR 97301	Completed

**PROPERTY DETAILS**

Number	Street	Street Type	Dir	Unit Number	City	State	Zip
1175	NEBRASKA	AVENUE	NE		SALEM	OR	97301

**PEOPLE DETAILS**

Desc.	Organization/Name	Address	City	State	Zip
Applicant	ACTION DRAIN & ROOTER SERVICE	3690 KASHMIR WY SE	SALEM	OR	97317-9315
Contractor	ACTION DRAIN & ROOTER SERVICE	3690 KASHMIR WY SE	SALEM	OR	97317-9315

**PERMIT INFO**

Info. Desc.	Value
Lane Closure Type	Alley
Lane Closure Req'd	Local Lane/Street
Purpose of Closure	Sewer service repair 08-242
Street Name(s) to be Closed	Alley - 1175 Nebraska St NE
Lane Closure Location (Where)	Between 12th St NE and Alley to the West
Start Date of Closure	Jul 18, 2008
End Date of Closure	Jul 18, 2008
Time of Closure	8:00 AM to 4:30 PM
Conditions of Closure	FOLLOW ATTACHED ALLEY CLOSURE PLAN. ALLOW LOCAL ACCESS AT ALL TIMES. SECURE WORK ZONE FROM ANY WALK THRU TRAFFIC.
Lane Closure Remarks	Alley closure for sewer service repair.

**PROCESSES AND NOTES**

Process Description	Status	Scheduled Start Date	End Date	Assigned User	# of Attempts	Attempt Details
DS Plan Review	Approved	Jul 18, 2008	Jul 18, 2008	PW Street Group <a href="#">PublicWorks@cityofsalem.net</a>	1	<a href="#">Details</a>

Need help using this page? Check out the [Permit Search User Guide](#).  
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**THE CITY OF SALEM**

*Alley* means a public way not less than ten feet and not more than 20 feet in width that is primarily used as a secondary means of motor vehicle access to abutting property.

*Abutting* means touching along a boundary or point.

#### ORDINANCE BILL 10-17

AN ORDINANCE RELATING TO THE ALLOWANCE AND REGULATION OF ACCESSORY DWELLING UNITS; CREATING NEW PROVISIONS; AND AMENDING SRC 111.005, 111.020, 400.030, 510.005, 511.005, 512.010, 513.005, 514.005, 515.005, 521.005, 522.005, 523.005, 524.005, 532.015, 532.020, 551.005, 553.005, 554.005, 700.005, 700.035, 700.050, 700.055, 806.005, 806.015, 806.025, 806.055, AND 806.075. The City of Salem ordains as follows: Section 1. SRC 111.005 is amended to read as follows: 111.005. "A" Definitions. (a) Abutting: Touching along a boundary or point. (b) Accessory building or structure: A building or structure that is incidental and subordinate to, and dependent upon, the principal use on the same premises. (c) Accessory dwelling unit: A second dwelling unit that is attached to or detached from a single family detached dwelling, manufactured home, or zero side yard dwelling on the same lot. The accessory dwelling unit is accessory to and is smaller than the primary dwelling unit. (c)(d) Adjacent: Near or close, but not necessarily contiguous with. (d)(e) Adjoin: To abut

(g)(h) Alley: A public way not less than 10 feet and not more than 20 feet in width that is primarily used as a secondary means of motor vehicle access to abutting property.

(j)(k) Apartment: A building that contains three or more dwelling units and which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building; or a building in condominium ownership containing three or more dwelSection 2. SRC 111.020 is amended to read as follows: 111.020. "D" Definitions. (a) dbh: The diameter of a tree measured in inches at a height of 4.5 feet above grade. When a fork in the trunk occurs at or above 4.5 feet, the dbh is the smallest diameter at 4.5 feet or below. When the fork occurs below 4.5 feet, or the tree splits into multiple stems at ground level, each stem is considered a separate tree trunk and is measured accordingly. Dbh is also known as diameter at breast height. (b) Dead-end street: A street which terminates without a turnaround area and is intended to continue through at some future time. (c) Development: To construct or alter a structure, to make alterations or improvements to the land or to make a change in use or appearance of land, to divide or reconfigure land, or to create, alter, or terminate a right of access. Development does not include: (1) Maintenance and repair, usual and necessary for the continuance of an existing use; (2) Reasonable emergency procedures necessary for the safety or operation of property; or (3) Interior or exterior remodeling that does not increase the square footage or height of a structure, or substantially alter the appearance of a structure. (d) Development site: An individual lot or multiple contiguous lots accommodating a single development or a complex. (e) Director: The City Manager, or

the department head charged by the City Manager ling units.

(j) Driveway: An area providing vehicular access to a site that begins at the property line and extends into the site; or an area providing vehicular circulation between parking areas on a site (see Figure 111-2). A driveway does not include maneuvering areas or drive aisles within parking areas.

You will also notice in the documents provided under City of Salem online permitting services that the subject property had at one time needed to close the alley way for a period of time for sewer maintenance. The neighboring property (duplex the right) had also had to file a permit for alley way closure when it was being constructed thus furthering our proof that the subject property owner will in-fact landlock minimally two houses for an unknown time period while work to the alley way and subject property is being conducted.