



LAND USE APPEAL APPLICATION

SEP 23 2016

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

COMMUNITY DEVELOPMENT

DR-SPR16-03

Sept. 9, 2016

Case # Being Appealed

Decision Date

152-172 Pembroke St SE & 4752 Liberty Road S.

Address of Subject Property

4769 Music St SE, Salem, OR 97302

Appellants Mailing Address with zip code

toddfreddie@Yahoo.com

503-779-7225

Appellant's E-mail Address

Day-time Phone / Cell Phone

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:

Fred Todd

Date: 9-23-2016

Printed Name: Fred Todd

Signature:

Date:

Printed Name:

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: <i>AP</i>	Date: <i>9/23/2016</i>
Appeal Received: <i>9/26/2016</i>	Case Manager: <i>AARON PANKO</i>
Receipt No. <i>16-113063-DR</i>	

RECEIVED

SEP 23 2016

COMMUNITY DEVELOPMENT

Appeal of Salem Planning Commission Decision
Class 3 Design Review/Class 3 Site Plan Review
Case No. DR-SPR16-03
Application Nos. 16-113063-DR & 16-113061-RP

In February 2016, the Salem City Council approved CZ-CU15-03 subject to eight conditions. Four of those conditions were specifically intended to **'minimize the impact of the multi-family use on the surrounding property owners'**:

- **Condition 5:** Within 80 feet of the abutting RS-zoned land to the north, buildings shall not exceed two stories in height, nor exceed 35 feet in height.
- **Condition 6:** An 8-foot-tall, decorative, sight-obscuring fence or wall shall be adjacent to the abutting RS zone to the north. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chain link fencing with slats shall not be allowed to satisfy this condition.
- **Condition 7:** Where the development site abuts a RS zone to the north, trees within the required setback shall be not less than 12 feet in height at the time of planting.
- **Condition 8:** The multi-family use may have one driveway, providing access for emergency vehicles only, onto Pembroke Street SE.

The design/site plan approved by the Planning Commission on September 6 fails to support the stated objective of minimizing the impact of the multifamily use on the surrounding property owners in one specific case: one of the two buildings along the northeast boundary where the complex abuts four residential properties has second floor balconies on the north side of the building *facing the residential properties*. The other building has second floor balconies on the south side of the building, *facing the inside of the complex*. The obvious question is 'why not have the balconies in *both* buildings facing *into* the complex?'

Balconies on the north side of Building 2

There are three buildings across the north side of the complex – Buildings 1, 2, and 3. Building 1 backs up to Pembroke Street. Buildings 2 and 3 back up to the residential properties to the north on Music Street and Dancers Court. Buildings 1 and 3 have balconies on the south side on the building facing the inside of the complex and Building 2 has them on the north side, facing the residential properties.

There is no apparent reason for the different balcony locations, especially the difference between Buildings 2 and 3. Buildings 1 and 3 each contain Type D units of 1028 sq. ft. Building 2 contains 4 Type A units of 952 sq. ft. and 4 Type B units of 1028 sq. ft.

The Type A, B, and D units are all two bedroom/two bath units. Type B and Type D units are the same size – 1029 sq. ft. Type A units are slightly smaller at 963 sq. ft.

If Building 2 was replaced with the same building configuration as Building 3 (i.e., 8 type “D” units of 1028 sq. ft. each), the effect on the complex would be as follows:

Type A units	- 4 units
Type B units	- 4 units
Type C units	no change
Type D units	+ 8 units
Type E units	no change

It seems unlikely that a net increase of 4 of the larger (1029 sq. ft.) two bedroom/two bath units and a decrease of 4 of the smaller (963 sq. ft.) two bedroom/two bath units would have any significant impact on the profitability of the complex.

Balconies can provide additional opportunities for bothersome noise and increased visibility into nearby properties. In keeping with the intent of the Council’s objectives to ‘minimize the impact of multifamily use on the surrounding property owners’, **I request that the City Council require that there be no balconies on the north side of the two buildings that abut the residential properties on Music Street and Dancers Court.**

Fred Todd
4769 Music Street SE
Salem, OR 97302