



HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

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

CASE NUMBER	Appeal of Planning Administrator's Decision on Partition Case No. PAR19-13
AMANDA SEQUENCE No.	19-113414-LD
HEARING INFORMATION	Planning Commission, Tuesday, January 7, 2020, at 5:30 p.m., in the Council Chambers, Room 240, Civic Center
PROPERTY LOCATION	1195 Park Ave NE
OWNER / APPLICANT	Dura Built Construction LLC (Zachary J. Zeek)
APPELLANT	Jason Self, Rochelle Hauser
DESCRIPTION of REQUEST	Appeal of the Planning Administrator's decision of November 26, 2019 granting the request for Partition to divide an existing lot located at 1195 Park Avenue NE 97301.
BASIS OF APPEAL	See attached notice of appeal.
CRITERIA TO BE CONSIDERED	Salem Revised Code (SRC) Chapter 205.005(d)
HOW TO PROVIDE TESTIMONY	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.
HEARING PROCEDURE	<p>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.</p> <p>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.</p> <p>Following the close of the Public Hearing, a decision will be issued and mailed to the appellant, applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing or by representative, and anyone who requested to receive notice of the decision.</p>
CASE MANAGER	Pamela Cole, Case Manager, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2309; E-mail: pcole@cityofsalem.net
NEIGHBORHOOD ORGANIZATION	Northeast Salem Community Association (NESCA) Ian Johnson, Land Use Chair; Phone: 503-990-4460; Email: johnson.ian.patrick@gmail.com .

**DOCUMENTATION
AND STAFF REPORT**

The application and all documents and evidence submitted as part of the proceeding are available for inspection at no cost at the Planning Division office 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: <http://www.cityofsalem.net/planning>

ACCESS

The Americans with Disabilities Act (ADA) accommodations will be provided upon 48 hours notice.

NOTICE MAILING DATE

Decemer 16, 2016

**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>**

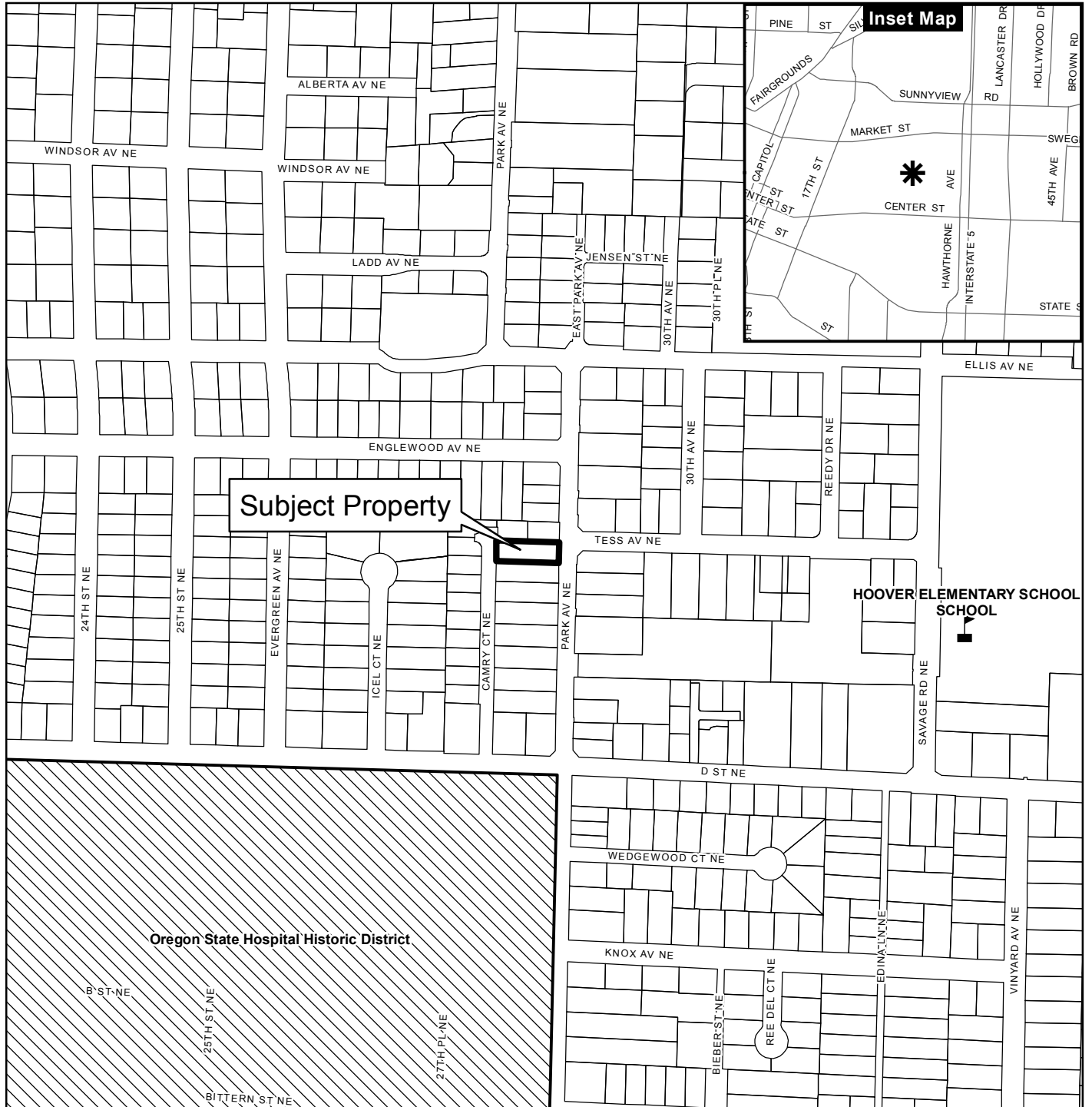
 [@Salem_Planning](https://twitter.com/Salem_Planning)

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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, the Americans with Disabilities Act of 1990, and related statutes and regulations, in all programs and activities. Special accommodations are available, upon request, for persons with disabilities or those needing sign language interpretation, or languages other than English. To request such an accommodation or services, please call 503-588-6173 at least two business days in advance.

TTD/TTY telephone 503-588-6439 is also available 24/7

Vicinity Map 1195 Park Av 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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LEGEND

- ⊗ = Water Valve
- ⊠ = Catch Basin
- = Manhole
- ⊙ = Utility
- ⊞ = Water Meter
- ⊕ = Street Light
- ⊖ = Sewer Cleanout
- ⊙ = Blowoff
- x-x- = Fence

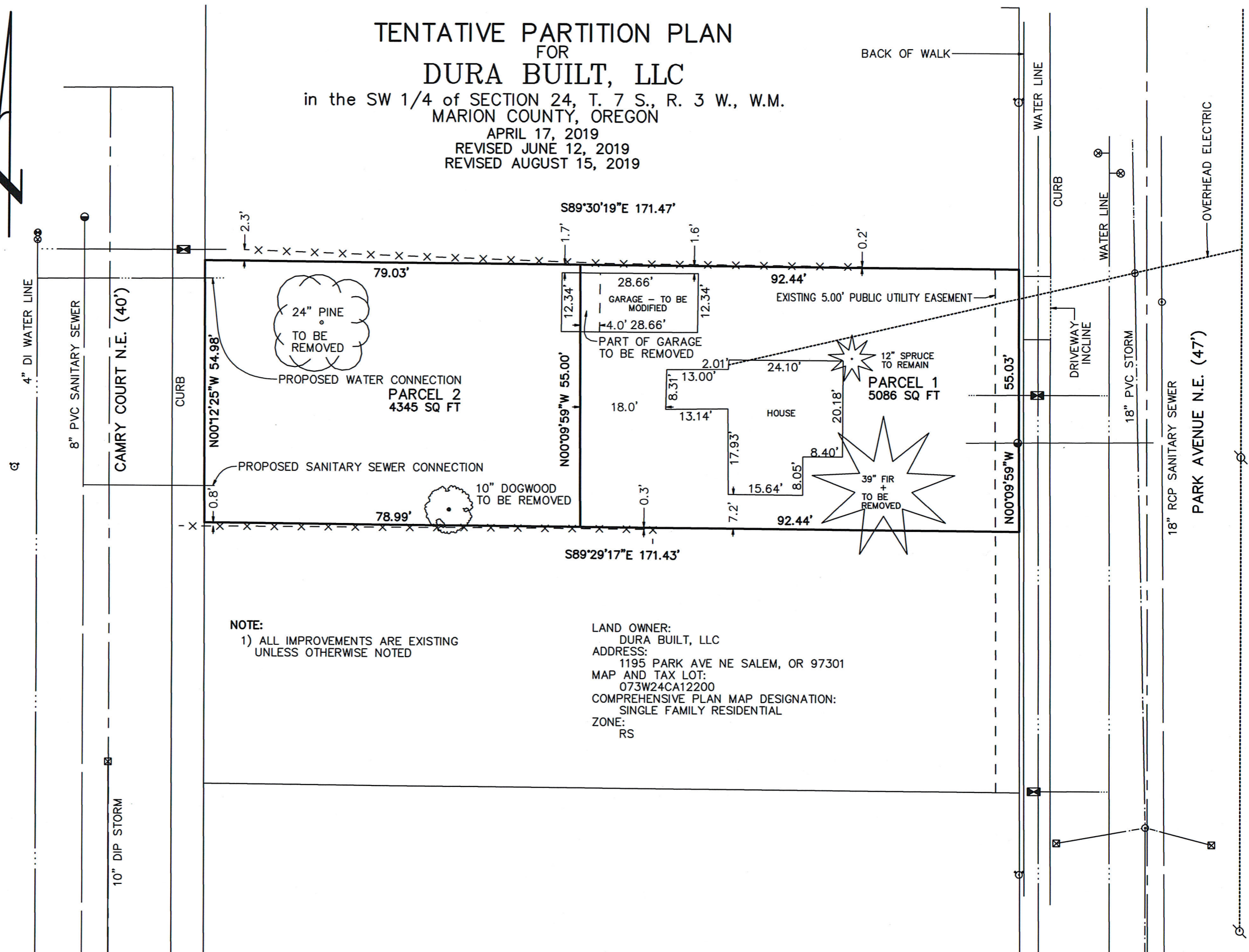
SCALE : 1" = 20'



TENTATIVE PARTITION PLAN
FOR
DURA BUILT, LLC

in the SW 1/4 of SECTION 24, T. 7 S., R. 3 W., W.M.
MARION COUNTY, OREGON

APRIL 17, 2019
REVISED JUNE 12, 2019
REVISED AUGUST 15, 2019



REGISTERED
PROFESSIONAL
LAND SURVEYOR

James S. Hepler

OREGON
JULY 25, 1990
JAMES S. HEPLER
2451

EXPIRES: 6-30-21

LAND OWNER:
DURA BUILT, LLC
ADDRESS:
1195 PARK AVE NE SALEM, OR 97301
MAP AND TAX LOT:
073W24CA12200
COMPREHENSIVE PLAN MAP DESIGNATION:
SINGLE FAMILY RESIDENTIAL
ZONE:
RS

AZIMUTH SURVEYING
2015 Market Street, NE
Salem, Oregon 97301
Phone (503) 364-0026
Project No. 19-026

Jason Self

Objections and Appeal regarding Partition Case No. PAR19-13, Application No.: 19-113414-LD

Our street is a dead end Street and has an extremely narrow dead end turn around , I Jason Self and Jennifer Arnett are joint homeowners at 1173 camry Ct. NE salem Or, 97301. Im one of three family homes already built at the narrow turn around of the dead end of Camry Ct.

Jennifer Arnett has hit a car backing out of our driveway that was parked directly across the street from our driveway on Camry ct. It was a Dura Built Construction LLC employee who was parked exactly where this new proposed house is to be built. At the time this accident occurred they were working at 1185 Park Ave. (Zachary J Zeek's Residents) and we're parked on Camry Ct. I also have almost hit other cars parked in that spot due to the fact that it is a very narrow street with limited partial parking on the right hand side of the street for the existing family homes already built on this street.

I have witnessed fire and emergency vehicles having an extremely difficult time getting in and out of this small dead end street during an emergency that involved my neighbor. If there had been cars parked across from my driveway at the time of the emergency, It would have made it inaccessible. This is a real cause of concern as a homeowner on this already overcrowded street.

If vehicles are parked across from each other on this street only one car at a time can drive between them. Have seen people have to back up and get out of the way of another car coming down the street.

The garbage trucks and street sweepers have a difficult time turning around and have to go up into the driveways every time they turn around at the dead end of the street, If there any cars parked there it is even more difficult for them to get turned around. Have seen them get stuck and have to have the neighbor move there car so they could get out of the end of this street. It is not big enough to be called a turn around. As it is not a cul-de-sac, but a straight dead end street.

There are 12 Family homes with parking access on Camry Ct NE, Not the 10 that are listed in the proposal.

There is very little parking for the 12 family homes already built on this small dead end street. There is already, an emergency access and guest parking issue because of the narrowness of the street and dead end. Has extremely limited parking on Camry Ct. NE, to accommodate the 12 family homes. Whom have parking access on Camry Ct Ne. I live on this street and can't imagine where there would be enough room for another family home or adequate room for emergency access or guest parking, when we already have a current emergency access and parking issue on our street.

Dura Built Construction LLC (Zachary J. Zeek) Lives at 1185 Park Ave NE Salem Or, 97301 Has fenced the large lot with gated access on Camry Ct, with 4*4 against curb on Camry.) They built this fence and Camry Ct gated access months prior to purchase of the proposed property to be developed at 1195 Park Ave. NE. If allowed to develop 1195 Park Ave Ne, What would stop them from the development of 1185 Park Ave Ne Property ,and the other 3 Properties on Park Ave Ne with large lots what would stop them from building more family homes on Camry Ct Ne this already overcrowded small dead end street.

The current charm of the neighborhood would be changed negatively. Taking away the current feel and look of privacy and seclusion. We purchased our house with the knowledge that there was no other houses to be built on this street. We have pets and children and purposely looked for a home in a neighborhood that was not wall to wall homes and not a lot of traffic. This change affects my family and the neighborhood negatively and will change it completely. I feel like we may be forced to sell this house and move before our property value goes down and the street becomes wall to wall houses, with an even worse emergency access and parking issue than it currently has.

We purchased our home before the property in question was bought by Dura Built Construction. So why must we be punished, so that someone else can make more money. That lot is big enough for them to build a bigger house and fence the property. So as to allow them to make money on their investment, AND NOT INTRUDE ON MY AMERICAN DREAM.

Rochelle Hauser

I believe the City of Salem Planning department is overlooking their mandate to maintain the highest safety standards to protect those of us living on Camry Ct; I also believe the planners have not taken into consideration the negative effect upon our property values in granting Partition #PAR19-13. I am therefore appealing the approval of this partition that would allow the building of a single family dwelling having access *only* via Camry Ct.

Camry Ct is a narrow street; it is approximately 26' 4" once it widens after the No Parking zone terminates. The No Parking zone extends approximately the first 50 feet off D Street, then when it widens to 26 feet, parking is permitted to the dead end of the street. Someone from the city planning office recently told my neighbor that there is No Parking on the *entire* east side of Camry Court—allowing for ample access of fire trucks. This is incorrect information.

Like all neighborhood streets, there are more vehicles parked on the street at night when everyone is home. When working the night shift, I have come home for a lunch break to find both vans and trucks parked across the street from each other making it necessary for me to get out of my truck to ascertain if I could pass between them without clipping mirrors. Because this happened more than once, and for this letter, I googled Quora.com to get approximate measurements of large pickup trucks, etc., and this is what is stated:

“Trucks are 8.5 feet wide, or 102 inches (This measurement may include extension/towing mirrors but Quora does not specify this). Anything over that is considered oversized. This is the width of all trailers, whether vans, shipping containers, or flatbeds.”

Since my experiences of having to exit my vehicle to make sure I could safely pass, I have been concern that fire trucks could face the same situation. Allowing parking congestion of this nature on such a narrow street is not in the best interest of public safety.

Consider the following simple calculations:

8.5 ft x 2 trucks = 17 feet. Add an additional 1.0 foot x 2 = 2 feet (12 inches is the maximum distance allowed from curb to tires when parked). We are now at 19 feet. Taking the 26.4 foot street width minus 19 feet, leaves 7.4 feet for 8-10 foot fire truck to pass. (I called the fire department to ascertain how wide their trucks are). So even without consideration of the current partition in question here, we have parking congestion that pose real safety issues; and we certainly don't need

to add even more congestion to the street, which another home with vehicles would do. Presently, it is not even possible for two *cars* to pass at the same time due if vehicles parked on both sides of the street—as it is now, when two cars approach, one has to pull over and wait for the other to pass.

It is also of concern that not only will there be more vehicle congestion *in general*, but there will be miserable congestion at the dead end. Our dead end is already tightly clustered into proximity with three driveways—the new driveway will unfortunately access Camry Ct. in the worst place possible. The negative effect on our property value cannot be estimated. We will lose so much—the cozy, private feeling of our dead end street, and not the least, the safety the dead end provides for our pets. These reason are why I chose to buy this house over nine years ago.

Finally, of grave concern, is if this petition is allowed, everyone else on Park Street whose elongated backyard butts up to Camry Court, will petition to divide their lots--there are around five more potential splits. We fear there is no limit to what the city planners will allow, as Camry Ct is already what one might call a rogue street—builders build whatever they want, wherever they want. This is why we cannot have a public sidewalk on the east side of Camry Ct! Add to this the fire safety issue and I think anyone can appreciate why our neighborhood so strongly opposes this partition.

I ask for thoughtful consideration of the ramifications of allowing this partition to go through should there ever be a fire that becomes inaccessible to fire trucks due to parking congestion, especially in the middle of the night when people are not readily available to move their vehicles. One solution of the fire safety issue might be to make the entire east side of the street No Parking; but that would leave about seven or eight parking places in between the driveways on the west side. The turn-around area would become two parking spots which would mean people turning around would use my driveway. The safety issues alone seem enough to deny this petition.

cc: Oregon Department of Public Safety Standards and Training
4190 Aumsville Highway, Salem, OR 97317

Oregon State Fire Marshall
3565 Trelstad Ave SE, Salem, OR 97317