

HEARINGS OFFICER

PLANNING DIVISION
555 LIBERTY ST. SE/ROOM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
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ISSUE: Variance Case No. 09-5
DATE OF DECISION: October 27, 2009
APPLICANT: Jeff Tross, for Richard and Leslie Warnick
PURPOSE OF REQUEST:

To vary a condition of approval of Comprehensive Plan Change/Zone Change 93-3, as provided in SRC 113.205(e) and SRC 115.010(b), which restricted access to Bluff Ave SE as an exit-only access for lumber delivery vehicles only. The proposal would change the condition to allow two-way access to Bluff Ave SE for customers of a new medical office on property 0.38 acres in size, within a CG (General Commercial) zone, and located at 2932 Bluff Ave SE and 2973 12th Street SE (Marion County Assessor's map 073W34DD / 7100 and 7200).

ACTION:

The Hearings Officer GRANTS the variance by removing the condition of approval of Comprehensive Plan Change/Zone Change 93-3, as provided in SRC 113.205(e) and SRC 115.010(b), which restricted access to Bluff Ave SE as an exit-only access for lumber delivery vehicles. The removal of this condition would thus allow two-way access to Bluff Ave SE for customers of a new medical office on property 0.38 acres in size, within a CG (General Commercial) zone, and located at 2932 Bluff Ave SE and 2973 12th Street SE (Marion County Assessor's map 073W34DD / 7100 and 7200).

The rights granted by this decision must be exercised by October 27, 2010, or this approval shall be null and void.

Application Completion Date: September 3, 2009
Decision Mailing Date: October 27, 2009
State Mandated Decision Date: January 1, 2010

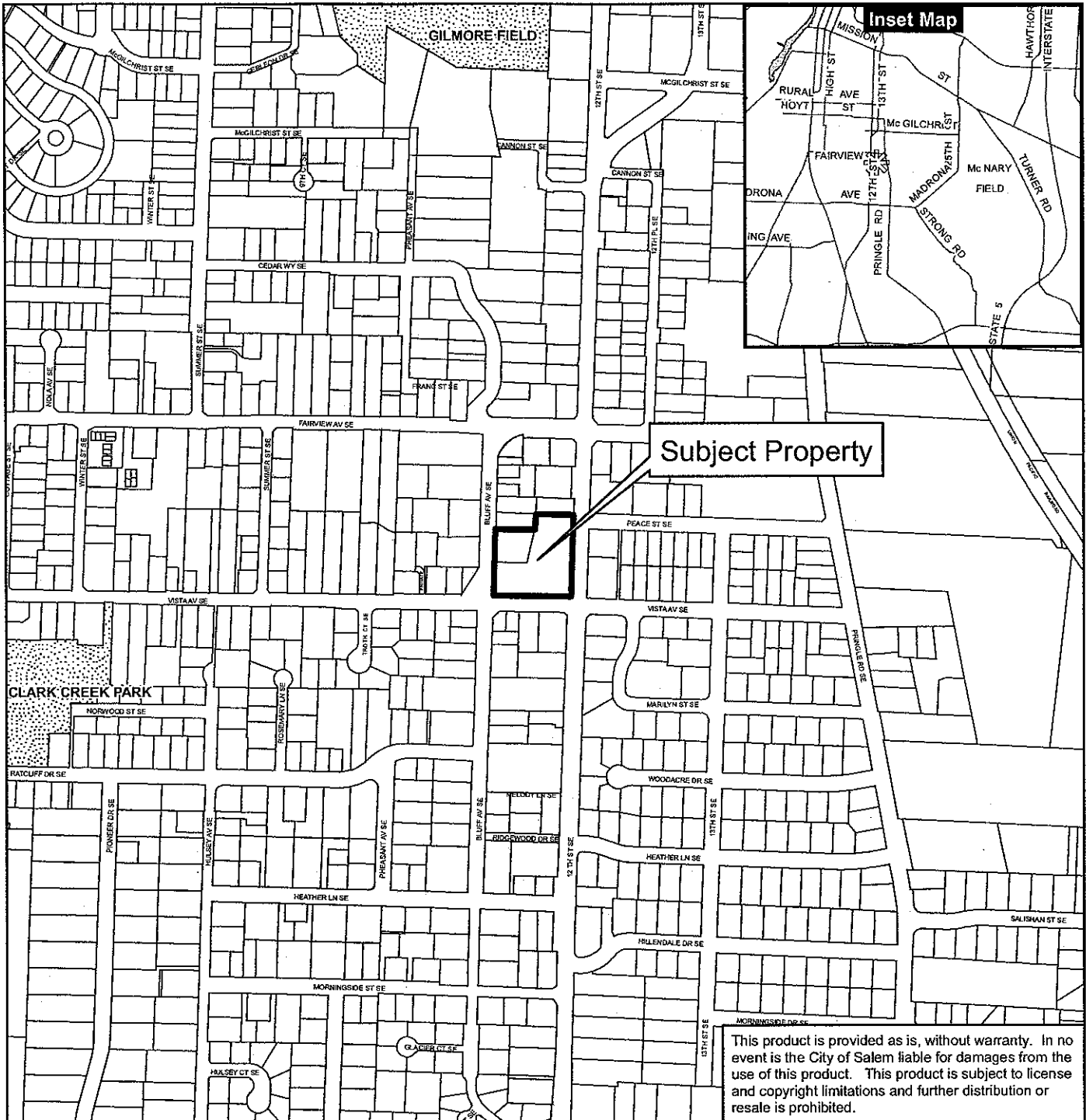
This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than November 12, 2009. The appeal must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 115. 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 City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action or refer the matter to staff for additional information.

LA-D

Case Planner: Lisa Anderson-Ogilvie, Associate Planner; Email: lmmanderson@cityofsalem.net







Vicinity Map

2932 Bluff Ave SE and 2973 12th St SE



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Legend

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

0 100 200 400 Feet



CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept.

SUMMARY OF ACTION

1. **Case:** Variance No. 09-5 for property located at 2932 Bluff Ave SE and 2973 12th Street SE
2. **Summary of Issues:** To vary a condition of approval of Comprehensive Plan Change/Zone Change 93-3, as provided in SRC 113.205(e) and SRC 115.010(b), which restricted access to Bluff Ave SE as an exit-only access for lumber delivery vehicles only. The proposal would change the condition to allow two-way access to Bluff Ave SE for customers of a new medical office on property 0.38 acres in size, within a CG (General Commercial) zone, and located at 2932 Bluff Ave SE and 2973 12th Street SE (Marion County Assessor's map 073W34DD / 7100 and 7200).
3. **Staff Recommendation:** Staff recommended that the Hearings Officer GRANT the requested variance.
4. **Neighborhood Association:** Morningside Neighborhood Association and South Central Association of Neighbors
Testimony: Neither Neighborhood Association commented on the proposal.
Interested Parties: All property owners within 250 feet of the subject property were mailed notification of the proposed variance. No testimony was received.
Testimony: The applicant's and their representative spoke in favor of the requested variance. One neighbor spoke in favor of the request. One neighbor spoke in opposition, stating that she supported the redevelopment proposal but was concerned about traffic in the neighborhood.
Staff Response: The City Traffic Engineer reviewed the proposal and the submitted Traffic Generation Estimate (TGE) and commented that the number of trips will actually decrease with the proposed medical office clinic based on size and use.
6. **Decision:** The Hearings Officer GRANTED Variance Case No. 09-5 based on finding that the proposal complies with the variance criteria contained in SRC Chapter 115.
7. **Basis of Decision:** The decision was based on the applicant's evidence, materials, and testimony presented at the public hearing, and the findings contained in the staff report. The subject property is being redeveloped as a medical clinic. The previous condition limiting lumber truck traffic does not apply to the new development. Bluff Avenue SE is a one-way Collector street that was designed to provide access to properties and to convey traffic from between major streets. The City Traffic Engineer commented that access from a medical clinic to a Collector street would not normally be restricted.

Note: This summary statement is for information only and is not a part of the official record or findings of the case.

Case Planner: Lisa Anderson-Ogilvie, Associate Planner
Email: lmmanderson@cityofsalem.net

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