

10/29/2020

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Department of Planning & Community & Economic Development

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Re: Appeal of Approval of Conditional Use for 429 N. Paterson St. File # 61672

We, as notified property owners regarding the Conditional Use application for 429 N. Paterson St., appeal the Plan Commission's decision on 10/19/20 approving the requested conditional uses.

We submit that the Plan Commission action did not adequately apply Conditional Use Approval Standard 3 set forth in Zoning Code Sec. 28.183.

"The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner."

Testimony from neighbors speaking to Standard 3 citing the outsized mass of the building for the narrowness of the lot, the looming effect over adjoining narrow lots, the preemptive destruction of all of the mature trees and vegetation on the site by the applicants, encroachment upon privacy in backyard space by the ADU as well as from the driveway/sidewalk's proximity to the neighbor's windows, and unwanted expenditures to be incurred by neighbors was not given due consideration or weight by the Commission.

Further, the Plan Commission's decision did not adequately consider the adopted Tenney-Lapham Neighborhood Plan's design standard for maintaining a minimum amount of back yard green space in neighborhood blocks such as the 400 block of North Paterson Street.

"Maintain large back yards on typical lots. (Most lots are about 130 feet deep; some are half that. Maintaining the rear 40% of the yard in green space would preserve the existing character and feel of the deep lot portions of the neighborhood.)" (TLN Plan, page 15)

As approved, too many specific conditions set forth in the Disposition Letter dated 10/21/20, including but not limited to conditions 4, 5, 9, 10, 11 and 14 are significant, unresolved, incomplete and potentially adverse to adjoining properties making approval of the application in its present condition risky and premature.

We appeal the decision and request that it be reversed.