



Request for Appeal or Reconsideration Application

Rev.20170927

Please answer each question completely. If more space is needed, attach additional paper.

Appellant:

Name: Southgate Neighborhood Council - 501-c-3 corp.
Address: 4219 E 42nd Avenue % Andrew Hoyer
Phone: 509-536-3233 Email: ahoyer@comcast.net

Respondent:

Name: Brimfall Properties
Address: 13515 N Addison, Spokane, WA 99208
Phone: 909-621-3023 Email: greengable.rebecca@gmail.com

File Number (of application or permit, if applicable): Z21-071CUP2

This is an appeal or reconsideration of:

- Hearing Examiner
- Planning Commission
- City Engineer
- City Council
- Junk Vehicle Determination
- Planning Director
- Director of Building
- Traffic Engineer
- Homeless Encampment Decision
- Other: _____

This is an appeal or reconsideration to the:

- City Council
- Planning Examiner
- Hearing Examiner
- Other: _____

What is the decision being appealed or request for reconsideration?

(i.e. approval or denial of a special permit or issuance of a building permit, etc.)

Approval of the Conditional Use Permit

Why is the decision wrong?

- Error or misinterpretation of FACT
- Error or misinterpretation of LAW or COMPREHENSIVE PLAN
- Error in PROCEDURE

Please identify the specific factual, legal or procedural errors or misinterpretations that you believe resulted in the decision being wrong and how correcting the error would result in a different decision. If you believe a misinterpretation of the law or Comprehensive Plan or procedural error was made, please identify the specific laws, code sections or plan policies that you believe were misapplied, misinterpreted, or violated:

see attached.

What is the harm to you ^{Neighborhood} resulting from the decision?

Very serious daily traffic problem, reduced quality of residential life.

What relief do you seek? What would you have the decision maker do?

Reverse the decision to allow the CUP.

SUBMITTED BY:

John Andrew Hoye, Jr.

Treasurer of Southgate Neighborhood Council: John Andrew Hoye, Jr.

ACKNOWLEDGEMENT

I certify that I know or have satisfactory evidence that _____ signed this instrument and acknowledged it to be his/her own free and voluntary act for the uses and purposes mentioned in this instrument.

DATE: 7/26/21

Kimberly N Reber
Notary Public in and for the City of Spokane,
State of Washington
My commission expires: 11/6/22



For Staff Use Only

Date appeal filed:
Was appeal timely filed?
Appeal fee?
Transcript fee?

Date appeal period ends:
Is appellant a party of record?
Fee paid?
Fee paid?

Section **17G.060.170(C)** provides the decision criteria this proposal fails to meet:

1. **The proposal is NOT consistent with the comprehensive plan designation and goals, objectives and policies for the property.** This is problematic for the proposed daycare. The comp plan is clear about preserving the character of residential neighborhoods, intimating the importance of scale and compatibility to maintain continued enjoyment of neighborhoods, maintenance of property values, and establishing expectations for what can be built, where.
2. **The proposal DOES NOT meet the concurrency requirements of chapter 17D.010 SMC.** The trip generation analysis fails to recognize the stopping, turning off from and returning to Freya. Apart from academic analysis, that section of Freya is narrow, with weak shoulders (no parking); it will create huge congestion in the morning and evening rush hours.
3. **If approval of a site plan is required, the property is NOT suitable for the proposed use and site plan considering the physical characteristics of the property, including but not limited to size, shape, location, topography, soils, slope, drainage characteristics, the existence of ground or surface water and the existence of natural, historic, or cultural features.** Just because the project meets setback and building height requirements, there's no assurance it's suitable for the context in which it is placed. This criterion gets at the physical condition of the site, focusing on intrinsic site elements which does make the property especially tricky to develop.
4. **The proposal [will] have a significant adverse impact on the environment or the surrounding properties, and if necessary conditions can be placed on the proposal to avoid significant effects or interference with the use of neighboring property or the surrounding area, considering the design and intensity of the proposed use.** This is an important issue. We are unaware of any possible mitigating conditions which can reduce the impact and preserve the quality and property values of the residential neighborhood. Lighting, noise, loss of privacy, and likely reduction in property value will occur, based on my experience as a licensed commercial real estate appraiser.