

**BOARD OF ZONING APPEALS
MEETING**

February 26, 2020

The regular monthly meeting of the Oregon Board of Zoning Appeals was called to order in the Oregon Municipal building by Chairman Mike Rowe. Other members present included David Golis, Ron Vuketich, David Andrus and Bill Reed. Also present were Inspector Mark Kelly and Secretary Lee Scheanwald.

The meeting was called to order at 5:02 p.m.

Mr. Andrus moved to accept the January 22, 2020 regular meeting minutes as submitted. Seconded by Mr. Vuketich. All members were in favor.

Chairman Rowe informed the applicants they are a Board of five members, and they will need (3) yes votes or more for their variance to be accepted.

The following items were on the agenda:

W-1632-20 Waiver of Ord. 269-2001; Section 1127.02 relating to rear yard setbacks. The location is 2070 Lakeview Avenue. The applicant/owner is Charles Berry.

The applicant is asking for relief from the requirement that the rear yard setback in an R-2 District shall be 30 feet. He is requesting to be allowed to build a new single-family home with a seven-foot rear yard setback, or a variance of 23 feet.

Charles Berry, 2070 Lakeview Avenue, came forward and stated the house he lives in is 103 years old. What he would like to do is knock that down and build a new one. He has an existing two car garage that is within five feet of the property line now, his backyard, and he will actually be further away from his property line, because his garage is closer now than what his new house will be. And, he won't be any closer to the road than what he is now.

Mr. Reed asked if there are three lots.

Mr. Berry answered there are four lots there, they are 40 by 80.

Mr. Andrus noted that for full disclosure, he has done work for the applicant with regards to survey work and setting a benchmark for this project and asked Chairman Rowe if he should recuse himself or did anybody have an objection to him continuing.

Chairman Rowe replied that he should probably abstain.

Mr. Andrus responded alright; he would abstain.

Chairman Rowe clarified that right now there is an existing structure at five foot. The new proposed structure is actually going to be better; it will be seven-foot. Chairman Rowe then asked if there were any other questions from the board or if there was anybody else here to speak for against the matter. There were none.

Mr. Vuketich made a motion to approve W-1632-20. Seconded by Mr. Golis. Mr. Vuketich, Mr. Golis, Mr. Reed and Chairman Rowe voted yes. Mr. Andrus abstained. Variance was granted.

W-1634-20 Waiver of Ord. 182-2006; Section 1155.01(c) relating to accessory buildings. The location is 3736 Lily Lane. The applicant/owner is Mark McVicker.

The applicant is asking for relief from the requirement that an accessory building shall be in the rear of the main building and shall be at least 10 feet from the main building. He is requesting to be allowed to have a shed that will be five feet from the main building, or a variance of five feet, and placed in the side yard.

Mark McVicker, 3736 Lily Lane, stepped forward and stated what he has right now is a shed that is five-foot off the side of the house. And, the back of the shed is about three-foot in front of the back of the house, on concrete and bolted down. The reason he wanted it there is the shed is strictly for firewood for his wood burner. And, he didn't want to have to put it out in the yard and have to fight with all the snow and things like that during the wintertime.

Chairman Rowe asked if this is complaint driven.

Mr. Kelly answered yes.

Chairman Rowe stated it looks like the driveway currently extends to the backside of the structure on the end. He then asked Mr. McVicker if his driveway extends to the back of his house.

Mr. McVicker replied yes.

Chairman Rowe asked what is preventing that structure from starting at that point and then coming back. He realizes it still doesn't meet the zoning code and you still get the bump out on the opposite side of the house.

Mr. McVicker responded that there is a chain link fence to keep his Border Terrier in the yard. And, there is double gate just off the concrete to the west. Mr. McVicker then provided a couple of pictures of the shed as it sets right now. He stated he has looked into the possibility of moving the shed and figures the cost would be somewhere between \$3,000-\$5,000.

Mr. Reed asked if he was using the concrete slab for the floor.

Mr. McVicker answered that there is a plastic floor as a part of the structure, but it is bolted down to the concrete.

Mr. Reed asked if there is joists and flooring in it above the concrete.

Mr. McVicker replied no; the building is all plastic. It is a Suncast. He added that he had called the company and they said it is fine to just put firewood in it. And that's all that is there, and it does a beautiful job drying it out and keeping it dry.

Mr. Golis recapped that it would be about \$3,000- \$5,000 to move it.

Mr. McVicker stated he would put in concrete off the main driveway and it would have to come out quite a ways. He would kind of round it over, so he goes through the double gates. Then, he would have to extend back a little bit and then build a deck to put it on. He is getting too old to do that kind of work anymore; 40 years ago, he would have done it himself but not anymore.

Mr. Golis asked if he could just pull the shed back to the end of the driveway and have his fence die into each side of the shed. Then, he could still access the shed from the driveway.

Mr. McVicker responded did he mean take that section out even though there is a gate right at the house and then over the other side of the shed, there are two five-foot gates – a 10-foot-wide double gate.

Mr. Golis stated he could just take that section of fence between the gates out and slide the shed in there.

Chairman Rowe stated that was the question he was trying to get at earlier was shifting it back to the end of the driveway; but seeing the one picture there with the fence.

Mr. Golis said right, but he could take that section of fence out and have the front of the shed line up with the fence and still access it from the driveway.

Mr. McVicker replied he still needs to keep his dog in the yard.

Mr. Golis responded he could have that fence tied up against the shed.

Mr. McVicker countered but that is where the doors are to get into the shed.

Mr. Golis stated the doors are in the front.

Mr. McVicker answered yes, exactly.

Mr. Golis stated if you had the front of the shed in line with your fence and had the fence come right up to the front corners of your shed, you still keep your dog in and you can get in and out of the shed from the end of the driveway still.

Mr. McVicker replied that's true, but it still wouldn't be 10 foot from the house.

Mr. Golis said no, it wouldn't; but it would be almost in the rear yard.

Chairman Rowe stated it would basically be the rear yard except for the bump out on the opposite side.

Mr. McVicker stated he still has the deck back there to contend with too. If he pushes it back that far, he will have to add concrete behind it. Because the sheds of 11 and a half feet long and the pad that is behind the house is only eight foot.

Mr. Golis stated he thinks that the shed can be placed on a stone base or even directly on the ground.

Mr. McVicker replied no, it's too much tilting and undulation in the ground.

Mr. Golis countered that he could put a stone base under it.

Mr. McVicker responded yes, but that would shift. The company that he bought it from says concrete, or a deck platform.

Chairman Rowe asked there were any other questions from the board or anybody else here to speak for or against the matter. There were none.

Mr. Andrus made a motion to approve W-1634-20. Seconded by Mr. Vuketich. Mr. Andrus, Mr. Golis, Mr. Reed and Chairman Rowe voted yes. Mr. Vuketich voted no. Variance was granted.

W-1633-20 Waiver of Ord. 182-2006; Section 1155.01(a) relating to accessory buildings. The location is 1225 N. Stadium Road. The applicant/owner is David Williams.

The applicant is asking for relief from the requirement that an accessory building in any "R" District shall not exceed the height of the main building and in any event shall not exceed 20 feet in height. He is requesting to be allowed to have an accessory building that will be 26 feet in height, or a variance of 6 feet.

David Williams, 1225 N. Stadium Road, stepped forward and stated he is just looking for a variance for the height of the building so he can put a 14-foot door on the east side of his barn.

Chairman Rowe asked if there were any questions from the Board or if anyone else wished to speak for or against this matter. There were none.

Mr. Reed made a motion to approve W-1633-20. Seconded by Mr. Vuketich. Mr. Reed, Mr. Vuketich, Mr. Golis, Mr. Andrus, Mr. Reed and Chairman Rowe voted yes. Variance was granted.

With no further business the meeting adjourned at 5:24 p.m.

Lee Scheanwald,
Secretary