

**BOARD OF ZONING APPEALS
MEETING**

January 22, 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 James Gilmore, Commissioner of Building and Zoning and Lee Scheanwald, Secretary.

The meeting was called to order at 5:01 p.m.

Mr. Reed made a motion for Mr. Rowe to remain Chairman of the Board; seconded by Mr. Andrus. All members were in favor.

Mr. Andrus moved for adoption of the 2020 meeting schedule as submitted; seconded by Mr. Vuketich. All members were in favor.

Mr. Reed moved to accept the December 4, 2019 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 would need (3) yes votes or more for their variance to be accepted.

The following items were on the agenda:

W-1630-19 Waiver of Ord. 164-1984; Section 1155.02(a) relating to fences. The location is 1728 N. Stadium Road. The applicant/owner is Jimmie Powers.

Jimmie Powers, 1728 N. Stadium Road, came forward and stated he has lived there 36 years and has lived in Oregon all his life. He is planning on putting a pool in his backyard for his 34-year-old special needs daughter. He really does not want to see the gawkers. Unfortunately, there is a lot of traffic that goes down South Shore back into the neighborhood. He has always considered that his backyard. He thought he was in compliance because it was a backyard. He did not even think it was a front yard.

Gilmore stated the situation at hand is that this lot fronts on two different streets. And, if you have a lot that fronts on two streets you have two front yards. But this is a unique situation because we don't have very many of these here. Usually, we have a corner lot that would have two front yards, but this is unique in the fact that the rear yard, which you would envision is his rear yard, actually fronts another street. So, this doesn't fit neatly into the code and it really doesn't address this situation. My ruling was this, that the expectations of the backyard, which is a front yard, the expectation of those neighbors is that you would have a clear line of vision down the front of those houses. So, I felt that the green line (shown on the overhead), that represents the average building line on that entire road and he could go to that line with a six-foot fence and then he can go up to a four-foot fence in front of that. But he wants to put a six-foot fence beyond that, which may be alright, but I think it should get approval from this Board.

Chairman Rowe asked for clarification that if he were to stick to where the green line is, what Mr. Gilmore is saying is that it would have been handled administratively and not been here.

Mr. Gilmore replied if he had put a six-foot fence up to the green line and four-foot in front of that, that's correct. That's the ruling I made, and he is challenging that. But if he doesn't win the challenge he wants to ask for variance.

Mr. Reed asked if the fence that was currently up was the entire fence or does that continue on if he gets this passed.

Mr. Powers replied the entire fence is up on both sides of his house, but it comes all the way out and then goes 44 feet, but he wants to continue with it.

Chairman Rowe noted at the end of the six-foot panels he has now, there is a four-foot panel sitting there and asked what that is for.

Mr. Powers responded that he brought the four-foot panel down because he is planning on putting a 10-foot gate in when he acquires the lot next door, or half the lot next door, so he has access to the backyard and also access for them to come in and put it in the pool. He didn't want to take the fence down to give them access.

Chairman Rowe asked Mr. Powers if, in his mind, he is done with the fence until he acquires that property.

Mr. Powers answered pretty much and it's holding him up on contracting somebody to put a pool in because if he has to cut down the fence, he really wouldn't want to have that mess. He added that at the present at the present time the four-foot section is 16-foot long.

Chairman Rowe asked if with the average building setback that has been established is there any concern for the City as far as line of sight because we are getting closer to that intersection.

Mr. Gilmore replied no there would not be so long as they don't go out to the right-of-way but if it was near the corner, there would be.

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

Mr. Andrus made a motion to approve W-1630-19. Seconded by Mr. Vuketich. Mr. Andrus, Mr. Vuketich, Mr. Golis, Mr. Reed and Chairman Rowe voted yes. Variance was granted by a vote of 5-0.

With no further business the meeting adjourned at 5:29 p.m.

Lee Scheanwald,
Secretary