

required by state and federal entities. The proposal meets all applicable standards for approval in Article VII, Section 107-144 of the Unified Development Code.

Staff recommends approval subject to the conditions of the staff report.

There were no questions from the Board to the staff, no comment from the applicant, no questions from the Board to the applicant and no public comment.

Motion by Machacek to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for the Conditional Use JC20-0003, and to approve case JC20-0003, Second by Hoover.

Hoover	Aye
Machacek	Aye
Martin	Aye
Palmer	Absent
Grace	Aye

JC20-0004	Mike Tertinger	Frank Nemeth, Owner	Conditional Use Home Occupation
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Tertinger presented the staff report.

The applicant is requesting a Conditional Use Permit - Home Occupation for a Private Instructional Piano School. The applicant proposes to utilize 483 square feet of an existing 1,264 square foot dwelling to conduct private piano lessons. There is no outdoor storage of business-related equipment and no parking of commercial vehicles included as part of this proposal. The petitioner will have one non-resident employee working on site and proposes to construct a new business sign to be placed at the corner of Saint Patricks Rd and Southview Rd. Two off-street parking spaces will be provided on the existing driveway. The piano school will be open Monday through Friday from 9am to 9pm. The applicant anticipates an average of six students coming to the site daily and up to twenty-eight students per week.

A Conditional Home Occupation allows the applicant to use up to 750 square feet for the home occupation business on a parcel of this size. A home occupation with one or more nonresident employees or that will use part of an accessory structure for the business requires a Conditional Use Permit for a Home Occupation in the USR (Urban Service Residential) zoning district. The proposal conforms to the standards for approval in Article IV, Section 107-73, § (4) and Article VI, Section 107-113, § (h) of the Linn County Unified Development Code.

Staff recommends approval subject to the conditions of the staff report.

There were no questions from the Board to the staff, no comment from the applicant, no questions from the Board to the applicant and no public comment.

Motion by Hoover to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for the Conditional Use JC20-0004, and to approve case JC20-0004, Second by Machacek.

Hoover	Aye
Machacek	Aye
Martin	Aye

Palmer **Absent**
Grace **Aye**

JC20-0005 **Charlie Nichols** **Children’s Home,
Owner** **Conditional Use
Minor Modification**

Nichols presented the staff report.

The applicant is requesting a minor modification of an existing conditional use permit (grandfathered use) for Camp Tanager to add a new 24-bed cabin as well as construct a new lodge building. The new structures will allow Camp Tanager to grow from hosting 112 to 181 youth per week in the summer, and from 44 to 68 youth per week during the winter.

Campground or travel trailer park uses are allowed with a Conditional Use permit in the AG (Agricultural) zoning district per Table 107-147-1 in Article VII of the Linn County Unified Development Code (UDC). Although all the activities currently held at Camp Tanager, such as private weddings, do not fall under the campground or travel trailer park use, Camp Tanager’s current activities are considered permitted as a grandfathered use. The activities occurring in the new lodge will have to meet current code requirements. It appears that the proposal meets all of the standards for approval for a Minor Modification of a Conditional Use Permit in Article IV, Section 107-73, § (6) of the UDC. A minor site plan is required per Article IV, Section 107-73, § (4) (6) of the UDC.

Staff recommends approval subject to the conditions of the staff report.

Sarah Kolar, 1638 W Mt Vernon Rd, asked who this Board is and what are the qualifications for being on the board. Nichols answered that this is a citizen board that has 5 people on it and the qualification is that they are Linn County residents.

Kolar stated that there are several concerns that she has: 1) the placement of the driveway: with the way the drive is no she has seen an increase in traffic driving up her driveway from confusion on where the entry is to the camp. She is almost certain this will increase that traffic even more. She asked why the driveway had to be put there and is there a way it can be moved further away from her property? Kolar also had a concern about the proposed location of the parking lot and wondered why it couldn’t be put somewhere else instead of right behind her property?

Nichols said that regarding the driveway and where it is proposed to go that there will be as few trees cut down for that driveway and that will provide a good landscape buffer. Also there are to be trees put down for the proposed parking lot for a good landscape buffer too.

Brad Thatcher, Tanager Place, answered that regarding the driveway they are not allow to update the existing road and entrance and that the County has required them to have a 450’ site line distance from the bridge. Therefore the location of the proposed driveway meets that distance. Regarding the proposed parking lot he said that there will actually be a berm and trees for the landscape buffer. Finally he said that to deal with the people driving up her driveway they are going to put a bigger more obviously sign on the road to hopefully help with that.

Bob Pearson, 1670 Berry Dr, asked that when construction starts can the owners of Berry Dr (a private road) deny the construction equipment access to use their road? He also asked if there was a county ordinance on noise abatement seeing as how the camp is going to grow and it will get louder because of that.

Nichols said that there is no noise abatement ordinance and as far as denying access he wasn't sure and he was going to look into that for Pearson.

Kolar and Pearson asked why there was a delay for building the driveway and the parking lot. Thatcher said that the only reason for the delay is that they don't officially own that land until July.

Pearson asked if they would be willing to plant trees or shrubs on the western border of the property where there is a gap in the foliage. Thatcher said that he will look into it.

Elena Wofford, Assistant Linn County Attorney, said that if anyone doesn't agree with what the Board decides tonight they can have the District Court review the case. You could either have your attorney do that or you can do it on your own.

Nichols went through once again the options that the Board of Adjustment has for this case.

Machacek asked about the construction equipment and will they need to use Berry Dr as an entry point again? Thatcher couldn't speak to what-if because bids are still out.

Hoover spoke to the new road and plan that Tanager Place has and in his opinion it is a good plan, very reasonable and will help with traffic to the neighbors drive.

Motion by Martin to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for the Conditional Use JC20-0005, and to approve case JC20-0005, Second by Hoover.

Hoover	Aye
Machacek	Aye
Martin	Aye
Palmer	Absent
Grace	Aye

JSE20-0001	Charlie Nichols	Carl & Felicia Svec, Owners; Larry Svec Petitioner	Special Exception Front Yard Setback Accessory Structure
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Nichols presented the staff report.

The applicant is requesting a special exception from the 50' front yard setback requirement in the AG (Agricultural) zoning district. The applicant is proposing to expand an existing 3,600 square foot accessory structure 25 feet into the 50' setback. Currently, the accessory structure is located 50' from the front property line at its closest point. There is also an existing single-family dwelling on the property that sits 25 feet back from the front property line.

A demonstration of a practical difficulty appears to have been shown in this case due to the location of a septic field and gas tank to the north and west of the structure respectively.

Staff recommends approval of this application as it appears that a practical difficulty has been demonstrated.

There were no questions from the Board to the staff, no comment from the applicant, no questions from the Board to the applicant and no public comment.

Motion by Martin to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for the Special Exception JSE20-0001, and to approve case JSE20-0001, Second by Hoover.

Hoover	Aye
Machacek	Aye
Martin	Aye
Palmer	Absent
Grace	Aye

JSE20-0002	Charlie Nichols	Carl & Felicia Svec, Owners	Special Exception Front Yard Setback Primary Structure
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Nichols presented the staff report.

The applicant is requesting a special exception from the 50' front yard setback requirement in the AG (Agricultural) zoning district. The applicant is proposing to expand an existing legal nonconforming single-family dwelling, which currently sits 25' from the front property line at its closest point. The applicant is proposing expanding the dwelling 34' to the east and encroaching no further than 25' into the front yard setback, in line with the existing southern edge of the dwelling. The overall size of the addition will be 32' x 34' (1,088 square feet).

A demonstration of a practical difficulty appears to have been shown in this case due to the existing location of the single-family dwelling. The dwelling sits 25' from the front property line and measures 40' x 43', with over half the dwelling located within the front yard setback.

Staff recommends approval of this application as it appears that a practical difficulty has been demonstrated.

There were no questions from the Board to the staff, no comment from the applicant, no questions from the Board to the applicant and no public comment.

Motion by Machacek to accept the Findings of Fact, Conclusions of Law, and Decision & Order as reflected in the staff report for the Special Exception JSE20-0002, and to approve case JSE20-0002, Second by Hoover.

Hoover	Aye
Machacek	Aye
Martin	Aye
Palmer	Absent
Grace	Aye

IV. OTHER BUSINESS

Machacek stated that he did see an aerial for the special exception case and was wanted to make known that it was a nice feature to have and see as an overview of where the cases were in the County.

Nichols agreed and said that it was there but for some reason when he transferred his cases to his tablet it was left out.

Lientz mentioned clarified that the map is still available and there it is just now on the link on the web that gets sent out every month.

V. APPROVAL OF MINUTES

The minutes of February 26, 2020 Board of Adjustment meeting were approved as submitted.

VI. ADJOURNMENT

The meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Sabrina Grace, Chair

Ryan Sampica, Recording Secretary