

**DUNES CITY PLANNING COMMISSION  
REGULAR MEETING  
June 17, 2004**

**I. CALL TO ORDER**

Co-Chair D. Anderson called the meeting to order at 6:59 p.m.

**II. ROLL CALL**

**Present:** Co Chair Dick Anderson, Commissioners, John Scott, Duane Thompson, Les Zemlicka, and Planning Secretary Jeannie Cerda. Chair Lee Riechel was absent/excused. There were nine people in the audience at the beginning of the meeting.

**Absent:** Chair Lee Riechel.

**III. APPROVAL OF MINUTES**

**Action** L. Zemlicka, made a motion to approve the May 10, 2004 minutes as presented. J. Scott seconded the motion. There were 4-aye, 0-Nay, 1-absent/excused. The motion carried.

**IV. PUBLIC HEARING**

**A. Morris Conditional Use Permit - Dock  
Tax Lot 502, Map No. 19-12-23-40**

D. Anderson, announced the public hearing was for a Conditional Use Permit to build a boathouse/dock of approximately 858 square feet, with a projection into Siltcoos Lake of approximately 85.4 feet, 57 feet beyond the ordinary low water line, on Tax Lot 502, Map No. 19-12-23-40.

The public hearing rules and procedures were explained and the "raise it or waive it" rule was read. The Conditional Use criteria were projected on the wall. D, Anderson, stated for the record that there had been a meeting at the property site. He stated that he and Commissioners L. Zemlicka, J. Scott, D. Thompson and Planning Secretary J. Cerda visited the site. D. Anderson, polled the commission for ex-parte contact, additional findings, or conflicts of interest. None were declared.

The staff report was read. A motion was made and seconded to accept and add to the staff report the most recent responses.

4-Aye, 0-Nay, 1-Absent/Excused.

D. Anderson asked if the applicant or the applicant's representative if they would like to address the criteria and state how the application meets that criterion.

The applicant was not present. Brian Gerard, Florence Marine, was appointed by the applicant as representative.

B. Gerard declined to present to the Commission.

D. Anderson opened the public hearing at 7:12 p.m.

**Proponents** None

**Opponents** None

## **V. OLD BUSINESS**

None

## **VI. PUBLIC HEARINGS**

### **A. VARIANCE-ROBERT L. MOHLER, APPLICANT**

Chair Riechel, announced the hearing was for a Variance request by Robert L. Mohler, to add to a structure on a non-conforming lot, two-feet into the front property line setback and three-feet into the side property line setback. The property is identified as Tax Lot 3600 on Map 19-12-26-21; the address is 83433 Spruce Lane, in Dunes City.

Chair Riechel noted that there were two people in the audience.

The public hearing rules and procedures were explained and the "raise it or waive it" rule was read. The Variance criteria were projected on the wall. Chair Riechel stated for the record that all commissioners had visited the property site. He stated that he and Road Commission Chair Robert Petersdorf visited the site. No discovery of any additional findings, ex-parte, or conflicts of interest was declared.

The introduction to the staff report was read. Typographical corrections were suggested as well as the addition of a comment received be added to the staff report.

Chair Riechel asked the applicant to address the criteria in his presentation and to state how the application meets that criterion:

Chair Riechel opened the public hearing at 7:29 p.m.

**Robert L. Mohler, 83433 Spruce Lane, Florence Oregon 97439**

Mr. Mohler stated that he lives on a small lot that's 100-feet wide, with a garage 25-feet from the property line. He would like to increase the size of his small garage instead of building a detached structure. By adding to the roofline it makes the construction more economical and more practical.

Commissioner Thompson asked, "will the roof line remain the same?"

Mr. Mohler responded that the 124 pitch would move up and over about one-foot.

**Proponents**

None

**Opponents**

None

Chair L. Riechel stated that the Road Commission reviewed the request and has no problem with the setback from the road and recommends the request of Mr. Mohler be approved.

It was noted that City Code allows for an overhang to encroach into the side property line seven-feet, three-feet from the property line. The proposed addition to the garage would encroach the side property line three-feet, seven-feet from the property line.

Public Hearing was closed at 7:37.

**Action**

D. Anderson made a motion to accept the Staff Report and Findings of Facts with corrections. L. Zemlicka seconded the motion. The voting was unanimous and the motion carried.

5-Aye, 0-Nay

L. Zemlicka made a motion to add the Olson, response to the staff report. J. Scott seconded the motion. The voting was unanimous and the motion carried.

5-Aye, 0-Nay

The commissioners concurred on the following Conclusions of Law:

1. A literal interpretation and enforcement would result in both a practical difficulty, and unnecessary hardship by not allowing the addition to a structure on a nonconforming lot the applicant would not be allowed additional garage space

which would provide the applicant with the parking and storage space not currently available.

2. Without the variance the applicant would not be able to add to his garage that would afford him the comforts allowed other properties in the area.

3. The granting of the variance would not interfere with adjacent property owners' privacy, water lines or septic drainfields.

**Action:**

J. Scott "I would like to make the motion that we recommend to the City Council that it approve the request of Robert L. Mohler, for a Variance, because having considered the evidence presented by those for the proposal as well as the evidence against the proposal, I find by the weight of the evidence 'for' that the proposal should be approved". D. Anderson seconded the motion. The voting was unanimous, the motion carried.

5-Aye, 0-Nay,

Chair Riechel announced that this application would be heard by the City Council on June 10, 2004, at 7:00 p.m.

**VII. UNSCHEDULED ITEMS NOT LISTED ON AGENDA**

None

**VIII. ADJOURNMENT**

Chair Riechel adjourned the meeting at 8:01 p.m.

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**CHAIR, LEE RIECHEL**

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**PLANNING SECRETARY, J. CERDA**

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**LES ZEMLICKA**

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**RICHARD ANDERSON**

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**JOHN SCOTT**

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**DUANE THOMPSON**