



**Planning Department**

231 NE Fifth Street • McMinnville, OR 97128

(503) 434-7311 Office • (503) 474-4955 Fax

[www.mcminnvilleregion.gov](http://www.mcminnvilleregion.gov)

**Office Use Only:**

File No. VR 2-24  
Date Received 9/13/24  
Fee \$3,617.00  
Receipt No. 210453  
Received by AW

569-24-000209-PLNG

## Zoning Variance Application

### Applicant Information

**Applicant is:** ☒ Property Owner ☐ Contract Buyer ☐ Option Holder ☐ Agent ☐ Other \_\_\_\_\_

Applicant Name Andrew and Susanne Duvall Phone 503-505-2945

Contact Name \_\_\_\_\_ Phone \_\_\_\_\_  
(If different than above)

Address 2005 NW Michelbook Ln

City, State, Zip McMinnville, OR 97128

Contact Email andrewandsusanne@me.com

### Property Owner Information

Property Owner Name \_\_\_\_\_ Phone \_\_\_\_\_  
(If different than above)

Contact Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Contact Email \_\_\_\_\_

### Site Location and Description

(If metes and bounds description, indicate on separate sheet)

Property Address 2005 NW Michelbook Ln, McMinnville, OR 97128

Assessor Map No. R4 417 - BD - 00800 Total Site Area .2594

Subdivision McMinnville Upper End / Michelbook 2nd Block \_\_\_\_\_ Lot 2

Comprehensive Plan Designation Residential Zoning Designation R-1

Please indicate the type of variance requested:

☐ Lot Size Requirement \_\_\_\_\_ Reduction to \_\_\_\_\_  
☒ Setback – Front, Rear, Side Requirement 5 feet Reduction to 0.8 feet  
☐ Other \_\_\_\_\_

1. Describe the nature of the request in detail: \_\_\_\_\_  
Please see attached narrative for full details (Appendix A).

2. What exceptional or extraordinary circumstances apply to the property which do not apply generally to other property in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of this ordinance, topography, or other circumstance over which the applicant has no control? \_\_\_\_\_

The yard is long and narrow which leads to limited options for pool placement.

As a corner lot, two sides of our property are bordered by the right of way, including the south side yard which is the only buildable space for a pool. Other properties in the neighborhood appear to potentially encroach on setbacks in a comparable way, though this is unconfirmed due to private backyards. See Appendix B.

3. What property right would be preserved by granting the variance? \_\_\_\_\_  
Allowing for a 6-foot solid fence to replace the pre-existing fence of similar style and location permits development consistent with the surrounding land use pattern as many other houses in the neighborhood have 6-foot-tall solid fences near the property lines. See Appendix B.

4. What unnecessary hardship would be avoided by granting the variance? \_\_\_\_\_  
The zoning ordinance as currently written is preventing us from completing a project that was started with the understanding that we had approval from a city employee in the planning department. We would not have begun this project without believing we had approval from this employee. Please see the attached narrative in Appendix A. and email chain in Appendix C.

5. Why won't this request be detrimental to the surrounding area? \_\_\_\_\_  
The variance, if authorized, will not change the essential character of the neighborhood in which the property is located, nor significantly or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The pool is in ground and will not be seen, comments regarding safety and nuisance concerns are detailed out in Appendix A.

6. Please explain how this would be the minimum variance necessary to alleviate the hardship? \_\_\_\_\_  
The variance, if authorized, will represent the minimum variance that will afford relief and will  
represent the least modification possible to address the regulation in issue. There is no way to  
adjust or move the pool shell. Please see the narrative (Appendix A), site plan (Appendix D) and the  
property survey (Appendix E).
- 

In addition to this completed application, the applicant must provide the following:

- ☒ *A site plan (drawn to scale, with a north arrow, legible, and of a reproducible size), indicating existing and proposed buildings, dimensions, and adjacent street(s), distances from property lines, access, and any other information that would help substantiate or clarify your request.*
- ☒ Compliance of Neighborhood Meeting Requirements.
- ☒ *Payment of the applicable review fee, which can be found on the Planning Department web page.*

**I certify the statements contained herein, along with the evidence submitted, are in all respects true and are correct to the best of my knowledge and belief.**



Applicant's Signature

9/10/2024

Date



Property Owner's Signature

9/10/2024

Date

<b>List of Appendices</b>
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Appendix A: Complete narrative and full answer to variance application question #1

Appendix B: Map of neighbors with 6-foot solid fences near property lines and photos of immediate neighbors' 6-foot solid fences

Appendix C: Email chain with Adam Tate, formerly of City of McMinnville Planning Department

Appendix D: Property survey completed 6/4/2024

Appendix E: Final conceptual site plan provided to property owners by contractors prior to construction

Appendix F: Site plan submitted with neighborhood meeting request

Appendix G: Revised site plan that incorporates solid fence, as proposed at neighborhood meeting

Appendix H: Evidence of compliance, copy of meeting notice mailed to surrounding property owners on 7/10/2024

Appendix I: Evidence of compliance, copy of mailing list used to send notice of neighborhood meeting

Appendix J: Evidence of compliance, neighborhood meeting notice and photos of posted signs

Appendix K: Evidence of compliance, copy of materials presented by applicant at neighborhood meeting

Appendix L: Evidence of compliance, neighborhood meeting notes from 7/31/2024

Appendix M: Site drawing that Planning Department has on file and shared with homeowners



## **Appendix A. Complete narrative and full answer to variance application question #1**

We are in the process of installing an in-ground pool in the rear side yard of our home at 2005 NW Michelbook Lane. The pool shell is installed, and it is about halfway completed at this point but construction was paused by the city in May 2024. As the property owners we were not directly involved in any discussion or communication with the city regarding pool placement and fence placement, we are including information in this request that we received from our pool contractors who were in contact with representatives in several city departments. We have been informed by the city that the pool shell was installed in a location that it should not have been, we would like to be able to complete the pool in its current location and fence it for privacy and security and make it a legitimate part of our property.

Please find a narrative below describing the project and detailing out our variance request for the pool location and fence style. Our pool contractors were in contact with the building and planning departments by phone and email and believed they had approval for the current placement of the pool shell. Specifically, Adam Tate in the planning department at the city of McMinnville was contacted in the summer of 2023 by our pool contractors through phone and email and confirmed the plan for the build. We were told we did not need to submit any documents or complete a permit and were set to proceed with the current site of the pool (with the concrete shell being built as close to the property line as possible) and the new fence to be similar but moved into the right of way (the pre-existing fence was 6 feet solid and near the property line, 10 feet from the sidewalk). In fall 2023 the pool area was excavated, then tons of concrete and rebar were placed so that the pool shell was completed and could cure in place over the winter, with the goal to finish in spring and summer of 2024, as weather allowed. In May 2024, during preparation for installation of the new fence, our project was paused and reviewed by the city. The employee our pool contractors had been in phone and email communication with the previous summer (Adam Tate) had since left the position and we are unable to contact him. We were asked by the planning department and code compliance department if we had written documentation of the approval to build the pool closer to the property line than specified in the city code. We asked our contractors-and they noted they had verbal approval for the pool location (pool casing to be built close to the property line, with the water's edge 2.8 feet from the property line) and permission to push the pre-existing 6-foot solid fence into the right of way by a few feet. Our contractors also have email communication clarifying the distance they were approved to move the fence further out. Our contractors have provided us with this email string (which we have included in the documentation for this variance) and which included pictures they had sent and emails describing the project, the fence and the current side yard. This email string indicated approval by Adam Tate to move the side yard fence closer to the street by "4 or 5 feet" (into the right of way) but the email string does not include documentation of the discussions regarding the pool placement.

At the end of May the city requested that we obtain a formal survey of our property to determine the exact location of the current pool shell in relation to the property lines, this was completed early June 2024. The current concrete pool casing is fully on our property, with .8 feet between the end of the concrete and the property line; again in line with what we were verbally approved for in summer 2023. Oregon code and all other national pool codes that we have been able to access specify measurements to the water's edge. This makes the water's edge 2.8 feet from the property line. McMinnville planning has informed us that the city land-use code is relative to the structural above

ground improvement (even though this is a below ground project) and thus they are interpreting the measurement specified (5 feet) as referring to the outside of the concrete pool structure. Thus, the current pool placement is less than the 5 feet specified in the city code. We then had a meeting with Darcy Reynolds (Code Compliance Officer) at our property on 6/18/2024 where we were informed that we would need to pursue a formal zoning variance request for the pool location. We were told by Darcy and later confirmed with Heather Richards that we would be allowed to build a fence at the property line that is 6 feet tall for the exterior side yard on the provisions of it being 4 feet solid and 2 feet of pervious fencing at the top.

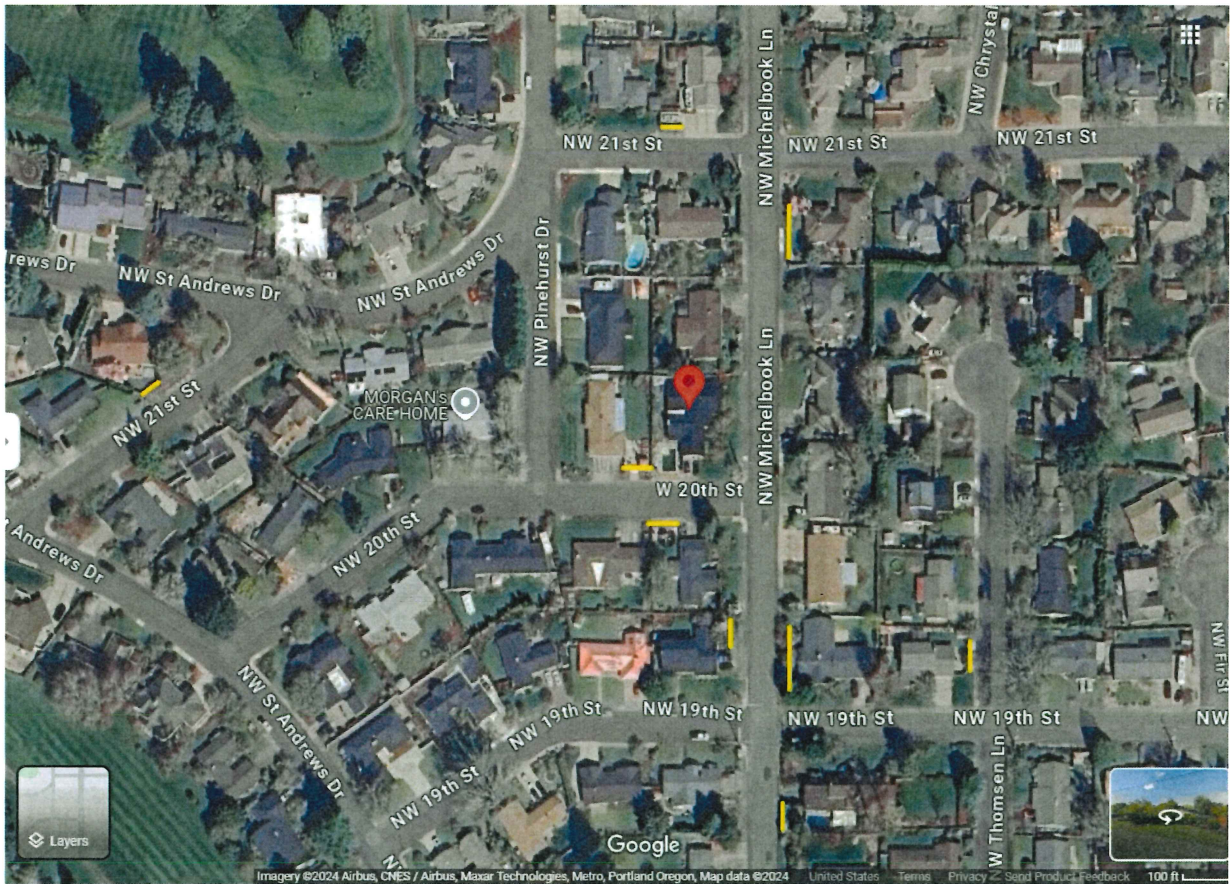
We held a neighborhood meeting on 7/31/2024, following the specified steps outlined on the city website. We had many neighbors attend and others replied to us via email. All people who attended the meeting and reached out to us via email indicated approval with no concerns with the current pool placement and indicated they would be supportive of the zoning variance request for having the pool at the current location. Neighbors did express questions about the fence style that was proposed by the city (6 feet high total with 4 feet solid and 2 feet pervious). We indicated this was the maximum that we had been approved for by the city but did note that our preference would be for a 6-foot solid fence. We shared with neighbors that we had been told by the city that if we would like to pursue a 6-foot solid fence it would need to be approved in our zoning variance by the city (even though it was replacing a 6 foot solid fence in the same location by the property line), and given how complicated the process had been thus far we were concerned about adding an extra piece. Comments from neighbors included support for a 6-foot solid fence citing that it would be more secure, match the height and solid style that direct neighboring properties have built at the property line and would more closely replicate the previously existing side yard fence that was removed for pool construction in location, height and style. Thus, feedback from neighbors at the neighborhood meeting swayed us to include a solid fence in our variance request. Therefore, we are also including in this variance request to have a 6-foot solid (instead of a 4 foot solid 2 foot pervious) fence in our exterior side yard at the property line (fully on our property).

Similar fences in height, impervious nature and location at or near property line can be seen commonly throughout the neighborhood. In fact, fences of similar 6-foot height and solid style built at or near the property line are found at the adjoining side yard of our neighbors (directly west of us) and at the side yard of our neighbors across the street (directly south). We have been told that this code is in place related to deterring vandalism. Of note, this fence is not the bulk of the side of the property and would only be approximately 39 feet long, running along the back side yard. This is about a third of the side of the property that abuts 20<sup>th</sup> Street. Additionally, the fence will not be near the corner of Michelbook and 20<sup>th</sup>. The fence will begin about 68 feet from the corner and past our driveway. The fence will only run from the driveway to the end of the back southwest corner of our property and should not impact sight lines from Michelbook or people turning the corner. From a safety and liability perspective, a 6-foot-tall solid fence would be more secure (in keeping our small children in) and would mitigate attractive nuisance concerns (more secure for keeping others, especially children out and away from the potential drowning hazard of the pool). Of note, although we do not have written documentation of the verbal approvals for the pool placement, we do have written approval for a 6-foot solid fence (similar to pre-existing fence) to be moved "4-5 feet" into the right of way. However, we have been told we will not be able to build a fence in the right of way, thus we will plan to build it at the property line. In sum, the requested 6-foot solid fence at the

property line would replace a similar fence that was there prior to pool construction, would only run about a third of the side yard, is in keeping with the height and style of neighbor's side yard fences and would be safer for our family and the community.

In sum, we began this process believing we had approval for the pool in its current location with a solid fence, we were not involved in direct communication with the city, but our contractors obtained verbal permission and we have written documentation of the fence approval. It is unfortunate that there seems to have been confusion with the personnel changes and in the documentation process between the city and our contractors. We now know that the pool was installed in a way that is not in line with code and we would like to make it legitimate. Thus, we are requesting a variance. Neighboring property owners are supportive of the final pool being completed in the current pool shell location and a 6-foot solid fence at the property line.

**Appendix B: Map of neighbors with 6-foot solid fences near property lines and photos of immediate neighbors' 6-foot solid fences and pools that appears to encroach on setback**



Yellow lines show properties in the neighborhood with similar solid 6 foot fences.





Picture of property, showing proposed fence distance from corner





Picture of neighbor's 6 foot solid fence that is directly west of our property



Picture of neighbor's 6-foot solid fence that is directly across the street (south of our property)



© 2022



Picture of pre-existing fence



Pool in backyard in same block (2050 NW Pinehurst Dr) that appears close to rear property line

## Appendix C: Email chain with Adam Tate, formerly of City of McMinnville Planning Department

5/16/24, 4:32 PM

Gmail - Question Regarding - 2005 NW Michelbook Lane



SKS Pools & Patios <skspoolsandpatios@gmail.com>

### Question Regarding - 2005 NW Michelbook Lane

SKS Pools & Patios <skspoolsandpatios@gmail.com>  
To: Adam.Tate@mcminnvilleoregon.gov

Thu, Jan 26, 2023 at 2:29 PM

Hello Adam,

I hope your afternoon is going great..

We have a pool project we are planning at:  
2005 NW Michelbook Lane  
McMinnville, Oregon 97128

The homeowner is hoping they will be allowed to push their fence line out a few (2') feet to allow more space in the backyard for this upcoming project. I have attached some pictures to show you the fence line we are referring to and how many feet there is currently from the fence to the sidewalk.

Please get back to me with any questions, comments, etc.  
I am available until 5p this evening and after 9a tomorrow morning.

Thank you so much for looking at this for us.  
We appreciate it!

Kind Regards,



*Keely Erin Bennett*

Office Manager - Estimator

503.864.7135  
skspoolsandpatios@gmail.com  
skspoolsandpatios.com



3 attachments



Resized\_20230126\_141037.jpg  
308K



5/16/24, 4:32 PM

Gmail - Question Regarding - 2005 NW Michelbook Lane



Resized\_20230126\_141145.jpeg  
898K



Resized\_20230117\_102837.jpeg  
725K

**From:** SKS Pools & Patios <[skspoolsandpatios@gmail.com](mailto:skspoolsandpatios@gmail.com)>  
**Sent:** Thursday, January 26, 2023 2:30 PM  
**To:** Adam Tate <[Adam.Tate@mcminnvilleoregon.gov](mailto:Adam.Tate@mcminnvilleoregon.gov)>  
**Subject:** Question Regarding - 2005 NW Michelbook Lane

**This message originated outside of the City of McMinnville.**

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I hope your afternoon is going great..

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Please get back to me with any questions, comments, etc.

I am available until 5p this evening and after 9a tomorrow morning.

5/16/24, 4:33 PM

Gmail - Question Regarding - 2005 NW Michelbook Lane



SKS Pools & Patios <skspoolsandpatios@gmail.com>

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## Question Regarding - 2005 NW Michelbook Lane

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**Adam Tate** <Adam.Tate@mcminnvilleoregon.gov>

Mon, Jan 30, 2023 at 11:15 AM

To: SKS Pools & Patios <skspoolsandpatios@gmail.com>

Hey Keely,

Sorry for the delayed reply in getting back to you! I was out of the office for part of Friday.

A couple questions for you. They want to move it out only 2 more feet? Will the fence keep the same design? And what is the height of the current fence?

I'd love to hear a bit more about the pool project as well and where it will be located in the yard.

Thank you Keely!

**From:** SKS Pools & Patios <skspoolsandpatios@gmail.com>  
**Sent:** Thursday, January 26, 2023 2:30 PM  
**To:** Adam Tate <Adam.Tate@mcminnvilleoregon.gov>  
**Subject:** Question Regarding - 2005 NW Michelbook Lane

This message originated outside of the City of McMinnville.

---

Hello Adam,

[Quoted text hidden]



SKS Pools &amp; Patios &lt;skspoolsandpatios@gmail.com&gt;

**Question Regarding - 2005 NW Michelbook Lane**

SKS Pools &amp; Patios &lt;skspoolsandpatios@gmail.com&gt;

Mon, Jan 30, 2023 at 11:41 AM

To: Adam Tate &lt;Adam.Tate@mcminnvilleoregon.gov&gt;

Hello Adam,

Happy Monday!

Thank you for getting back to me and no worries at all about the delay..

- Ideally they would like to move the fence out as close to the sidewalk as possible, to maximize that space.
- I believe the plan is to keep with the same style fencing, we have not discussed this in detail.
- Currently the fence is 6' tall.

The pool is going to be located in that side yard and will be 16' wide x 28' long with an encapsulated automatic safety cover and a 4 1/2' surrounding concrete deck. I am trying to work on a design and site plan but completing that would be contingent on any allowance we can get to move that fence out. I have a site plan without the feature in place and can sketch that in roughly and send it over to you if that would help. Let me know please..

Thank you for getting back to me, I appreciate it!

Kind Regards,



CCB# 239395

*Keely Erin Bennett*

Office Manager - Estimator

503.864.7135

skspoolsandpatios@gmail.com

skspoolsandpatios.com



[Quoted text hidden]

5/16/24, 4:34 PM

Gmail - Question Regarding - 2005 NW Michelbook Lane



SKS Pools & Patios <skspoolsandpatios@gmail.com>

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## Question Regarding - 2005 NW Michelbook Lane

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**Adam Tate** <Adam.Tate@mcminnvilleoregon.gov>  
To: SKS Pools & Patios <skspoolsandpatios@gmail.com>

Mon, Jan 30, 2023 at 5:13 PM

Ah that makes sense,

Thank you for the details so I could envision the project a bit better.

They are OK to move the fence out a few feet if needed.

Thank you Keely!

**From:** SKS Pools & Patios <skspoolsandpatios@gmail.com>  
**Sent:** Monday, January 30, 2023 11:42 AM  
**To:** Adam Tate <Adam.Tate@mcminnvilleoregon.gov>  
**Subject:** Re: Question Regarding - 2005 NW Michelbook Lane

**This message originated outside of the City of McMinnville.**

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Hello Adam,

Happy Monday!

Thank you for getting back to me and no worries at all about the delay..

- Ideally they would like to move the fence out as close to the sidewalk as possible, to maximize that space.



5/16/24, 4:35 PM

Gmail - Question Regarding - 2005 NW Michelbook Lane



SKS Pools & Patios <skspoolsandpatios@gmail.com>

## Question Regarding - 2005 NW Michelbook Lane

**SKS Pools & Patios** <skspoolsandpatios@gmail.com>  
To: Adam Tate <Adam.Tate@mcminnvilleoregon.gov>

Mon, Jan 30, 2023 at 5:17 PM

Good Evening Adam,

Thank you, so when saying a few feet, could we stretch that to 4 or 5 feet?  
I don't want to push it but it would be great if so..

I appreciate you getting back to me..

Kind Regards,



*Keely Erin Bennett*

Office Manager - Estimator

503.864.7135

skspoolsandpatios@gmail.com

skspoolsandpatios.com



[Quoted text hidden]

5/16/24, 4:36 PM

Gmail - Question Regarding - 2005 NW Michelbook Lane



SKS Pools & Patios <skspoolsandpatios@gmail.com>

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## Question Regarding - 2005 NW Michelbook Lane

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**Adam Tate** <Adam.Tate@mcminnvilleoregon.gov>  
To: SKS Pools & Patios <skspoolsandpatios@gmail.com>

Mon, Jan 30, 2023 at 5:40 PM

Yes, 4 or 5 feet is ok.

You are most welcome!

**From:** SKS Pools & Patios <skspoolsandpatios@gmail.com>  
**Sent:** Monday, January 30, 2023 5:17 PM  
**To:** Adam Tate <Adam.Tate@mcminnvilleoregon.gov>  
**Subject:** Re: Question Regarding - 2005 NW Michelbook Lane

*This message originated outside of the City of McMinnville.*

---

Good Evening Adam,

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I don't want to push it but it would be great if so..

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Kind Regards,

5/16/24, 4:36 PM

Gmail - Question Regarding - 2005 NW Michelbook Lane



SKS Pools & Patios <skspoolsandpatios@gmail.com>

## Question Regarding - 2005 NW Michelbook Lane

SKS Pools & Patios <skspoolsandpatios@gmail.com>  
To: Adam Tate <Adam.Tate@mcminnvilleoregon.gov>

Mon, Jan 30, 2023 at 6:09 PM

Thank you so much!

My clients will be so happy..

Have a great evening 🍷

Kind Regards,  
Keely  
[Quoted text hidden]

25 attachments

~WRD0390.jpg  
1K

~WRD0390.jpg  
1K

~WRD0390.jpg  
1K

~WRD0390.jpg  
1K

~WRD0390.jpg  
1K

**Appendix D: Property survey completed 6/4/2024**

SURVEY WORKSHEET for:



# SKS POOLS AND PATIOS

Location: SE 1/4 OF NW 1/4 OF SECTION 17, T. 4 S., R. 4 W., WM.,  
LOT 4, BLOCK 2 OF MICHELBOOK'S SECOND ADDITION,  
CITY OF MCMINNVILLE, YAMHILL COUNTY, OREGON

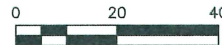
Tax Lot: R4417BD-800

Date: 4 JUNE 2024

## Legend

- = MONUMENT FOUND
- = PROPERTY LINE
- = EDGE OF CONCRETE
- X-X-X-X-X-X- = FENCE
-  = CONCRETE
-  = DIGOUT

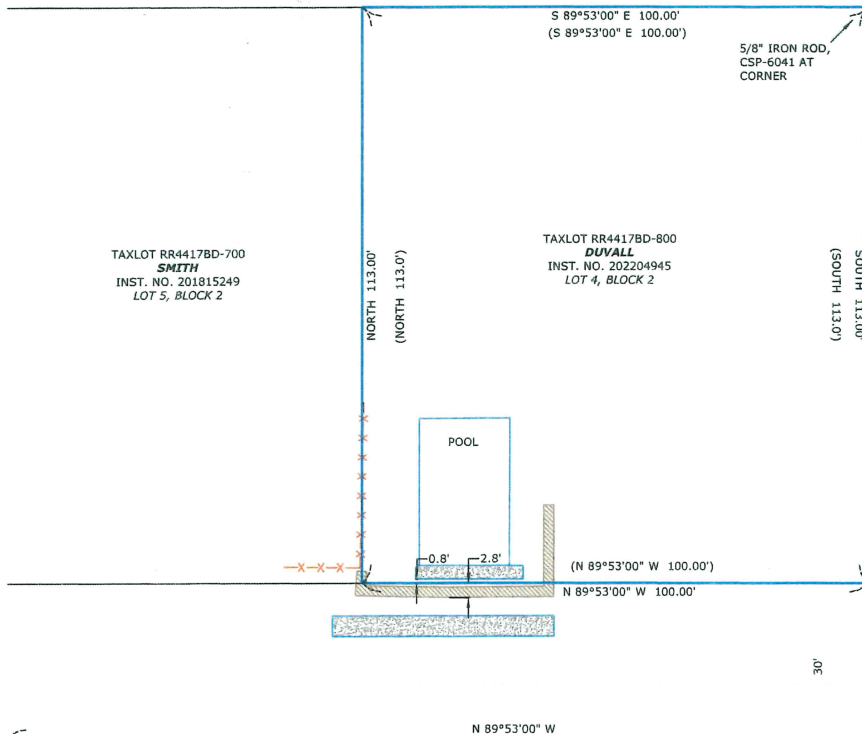
Scale: 1" = 20'



TAXLOT RR4417BD-500  
**BARTON**  
INST. NO. 201407725  
LOT 3, BLOCK 2

TAXLOT RR4417BD-800  
**DUVALL**  
INST. NO. 202204945  
LOT 4, BLOCK 2

TAXLOT RR4417BD-700  
**SMITH**  
INST. NO. 201815249  
LOT 5, BLOCK 2



IRON PIPE IN MON.  
BOX AT 21ST ST.

30'

MICHELBOOK LANE

30'

#10092

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
January 16, 2002  
**LELAND A. MACDONALD**  
53226

Renews 31 December 2024

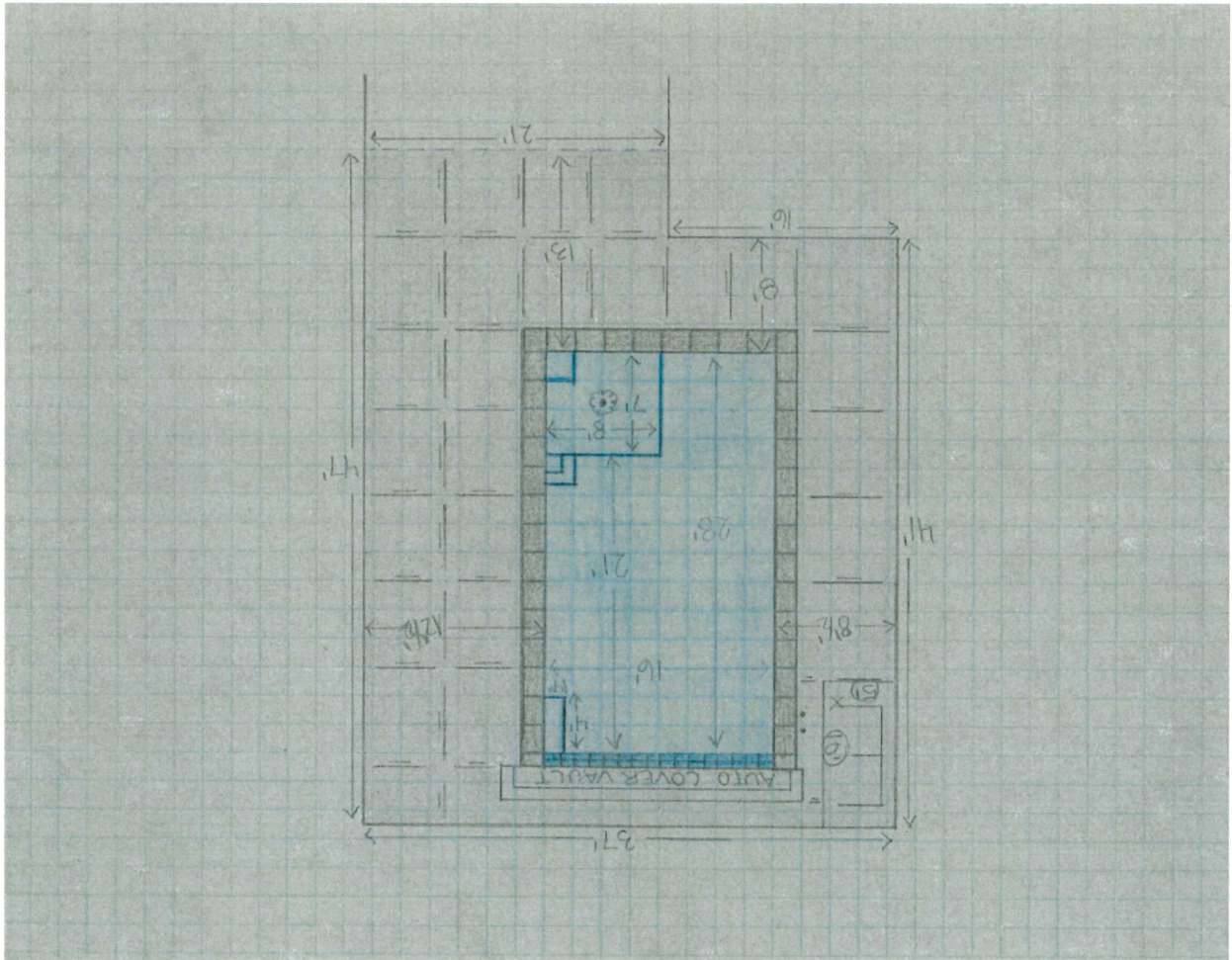
By : Leland MacDonald & Assoc., LLC  
Formerly dba Matt Dunckel & Assoc.  
3885 Riverside Drive  
McMinnville, Oregon 97128  
Phone : 503-472-7904  
Fax: 503-472-0367  
Email: lee@macdonaldsurveying.com

20TH STREET

IRON PIPE IN MON.  
BOX AT 19TH ST.



**Appendix E: Final conceptual site plan provided to property owners by contractors prior to construction**

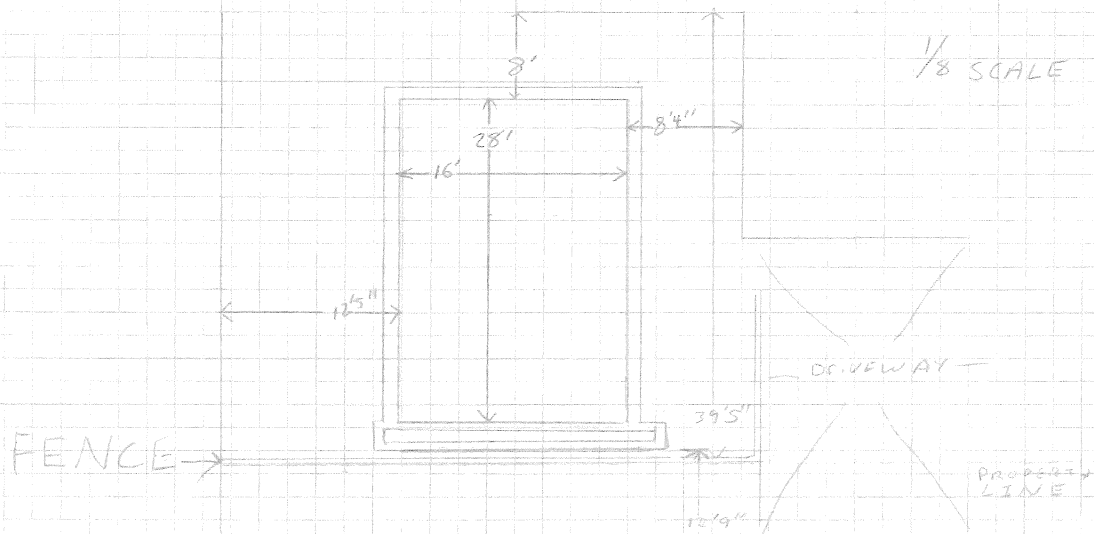


**Appendix F: Site plan submitted with neighborhood meeting request**

ORIGINAL  
DRAWING OF SITE PLAN  
INCLUDED IN NEIGHBORHOOD  
MEETING MAILING

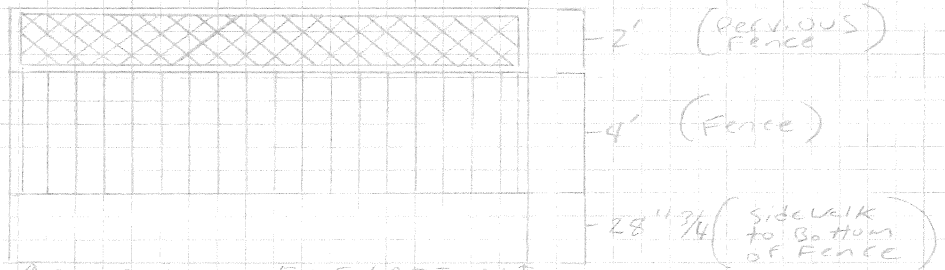


1/8 SCALE



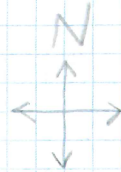
SIDEWALK  
STREET

\*NOT  
TO  
SCALE

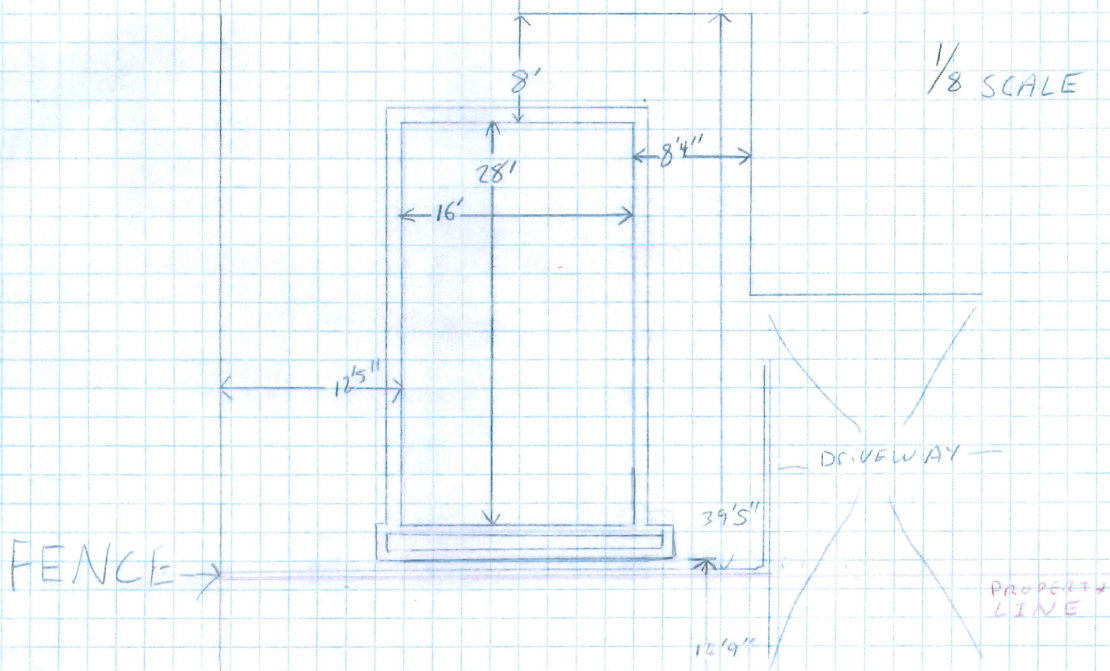


↑ SIDEWALK ELEVATIONS

ORIGINAL  
DRAWING OF SITE PLAN  
INCLUDED IN NEIGHBORHOOD  
MEETING MAILING

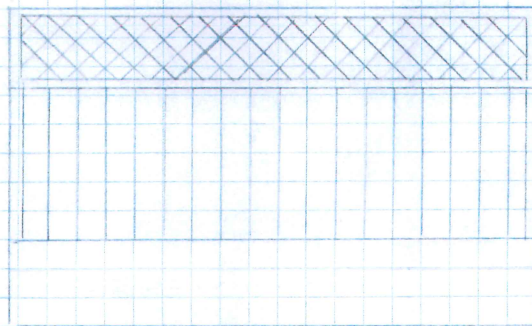


1/8 SCALE



SIDEWALK  
STREET

\*NOT  
TO  
SCALE



↑ SIDEWALK ELEVATIONS

2' (Previous Fence)

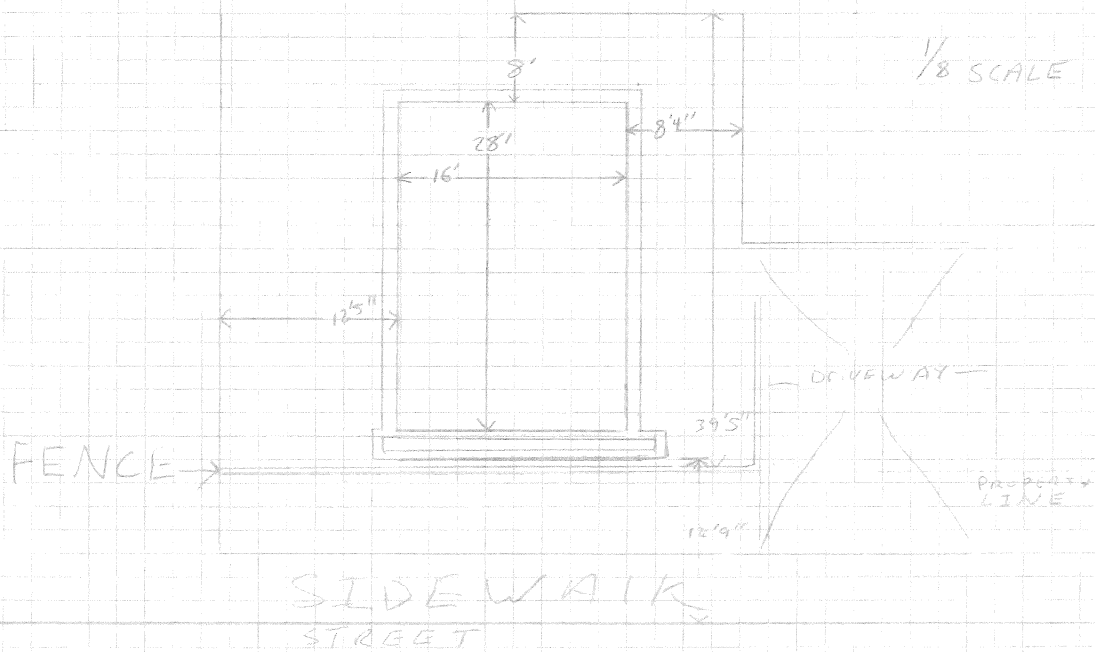
4' (Fence)

28 11 3/4 (sidewalk to bottom of fence)

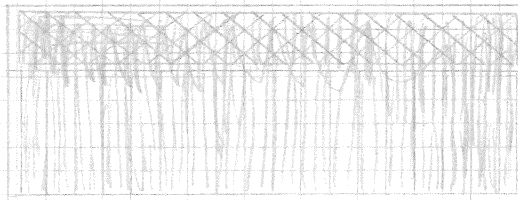
**Appendix G: Revised site plan that incorporates solid fence, as proposed at neighborhood meeting**



REVISED SITE PLAN  
THAT INCORPORATES  
NEW FENCE REQUEST PROPOSED  
BY NEIGHBORS AT  
MEETING



\*NOT  
TO  
SCALE

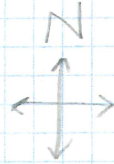


-2' (Previous Fence)  
-6' (Solid Fence)  
-4' (Fence)

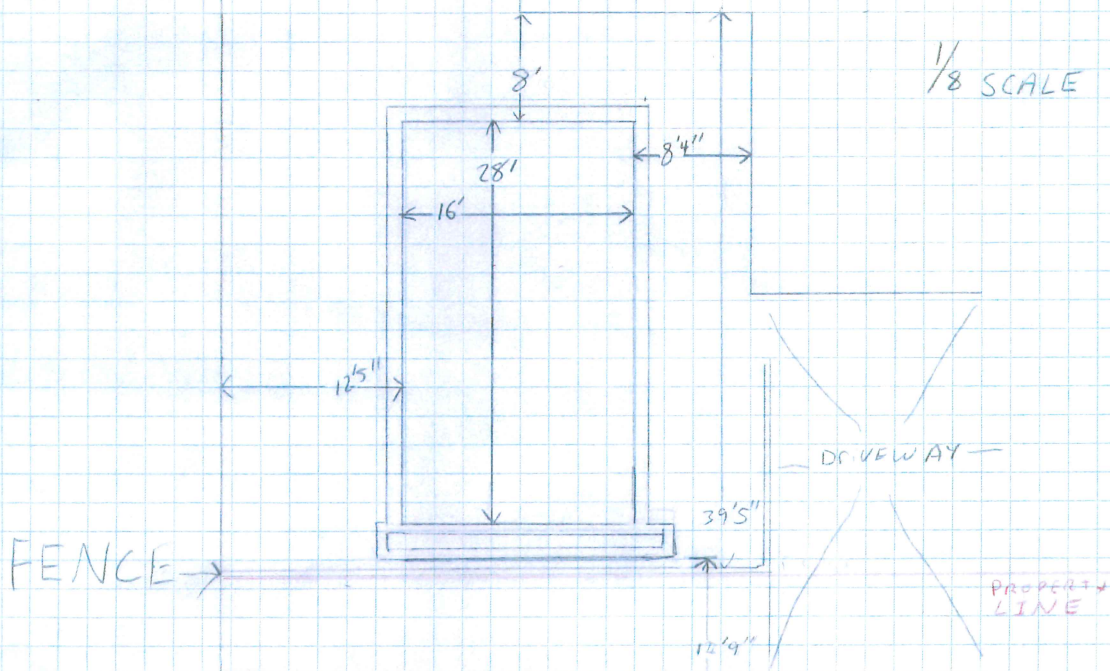
-28' 11 3/4' (sidewalk to bottom of fence)

↑ SIDEWALK ELEVATIONS

REVISED SITE PLAN  
THAT INCORPORATES  
NEW FENCE REQUEST PROPOSED  
BY NEIGHBORS AT  
MEETING

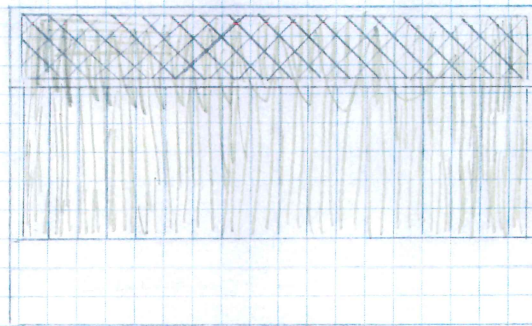


1/8 SCALE



SIDEWALK  
STREET

\*NOT  
TO  
SCALE



↑ SIDEWALK ELEVATIONS

2' (PREVIOUS FENCE)

6' (SOLID FENCE)

28 1/4 (SIDEWALK to BOTTOM of FENCE)

**Appendix H. Evidence of compliance, copy of meeting notice mailed to surrounding property owners on 7/10/2024**

**July 9, 2024**

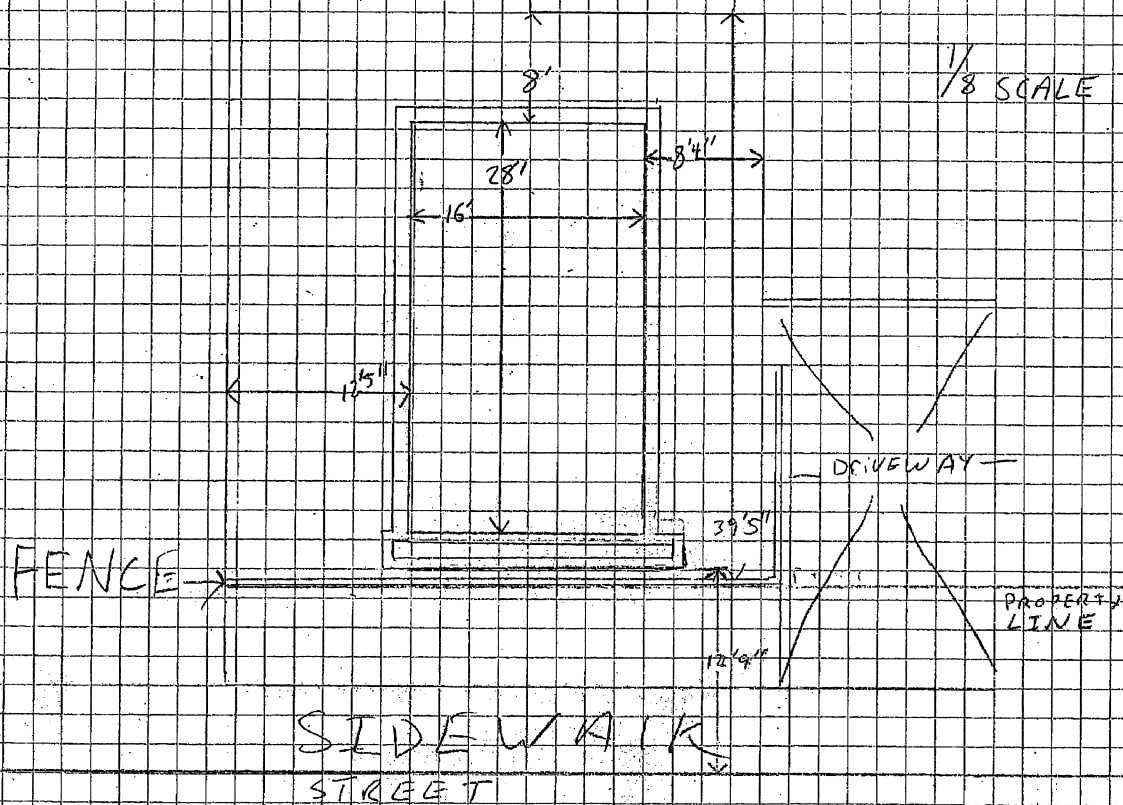
Hello neighbors,

You are receiving this letter because we are required to hold and notify you of a neighborhood meeting regarding the construction of our pool in our back yard along 20<sup>th</sup> street at our address of 2005 NW Michelbook Lane. Based on city zoning ordinance we are applying for a zoning variance to allow our pool to be less than 5 feet from the property line on the south side of our property. The meeting will be held in the driveway of our property at 2005 NW Michelbook Ln on Wednesday 7/31/2024 at 6pm. Please review the included drawings and join if you have questions or concerns about our project. We invite conversation about the variance request we are submitting to the city.

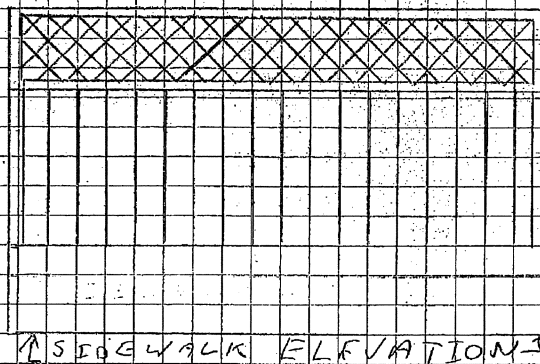
Sincerely,

Andrew and Susanne Duvall

[andrewandsusanne@me.com](mailto:andrewandsusanne@me.com)



\* NOT  
TO  
SCALE



-2' (previous  
Fence)

-4' (Fence)

-28' 3/4" (sidewalk  
to bottom  
of fence)

Google Maps 2005 NW Michelbook Ln



Imagery ©2024 Airbus, CNES / Airbus, Maxar Technologies, Metro, Portland Oregon, Map data ©2024 50 ft



**Appendix I: Evidence of compliance, copy of mailing list used to send notice of neighborhood meeting**

City of McMinnville Planning  
Department  
231 NE Fifth St  
McMinnville, OR 97128

Ann Melmon  
2025 NW Michelbook Ln  
McMinnville, OR 97128

Diane Howland  
2020 NW Pinehurst Dr  
McMinnville, OR 97128

Sarah Barlow  
1925 NW Michelbook Ln  
McMinnville, OR 97128

Property Owner  
920 NW 20<sup>th</sup> St  
McMinnville, OR 97128

Property Owner  
935 NW 20<sup>th</sup> St  
McMinnville, OR 97128

Property Owner  
2202 NW St. Andrews Dr  
McMinnville, OR 97128

Katherine Gorretta  
905 NW 19<sup>th</sup> St  
McMinnville, OR 97128

Property Owner  
915 NW 19<sup>th</sup> St  
McMinnville, OR 97128

Todd Jewell  
2040 NW Pinehurst Dr  
McMinnville, OR 97128

Robert Chittenden  
910 NW 21<sup>st</sup> St  
McMinnville, OR 97128

Property Owner  
2050 NW Pinehurst Dr  
McMinnville, OR 97128

Carla Urwin  
836 NW 21<sup>st</sup> St  
McMinnville, OR 97128

Mollie McKibben Post  
2038 NW Michelbook Ln  
McMinnville, OR 97128

Lois Oldham  
2010 NW Michelbook Ln  
McMinnville, OR 97128

Denene Kinion  
1946 NW Michelbook Ln  
McMinnville, OR 97128

Shawn Ford  
1930 NW Michelbook Ln  
McMinnville, OR 97128

Robin Compton  
833 NW 19<sup>th</sup> St  
McMinnville, OR 97128

Property Owner  
811 NW 19<sup>th</sup> St  
McMinnville, OR 97128

Property Owner  
1925 NW Thomsen Ln  
McMinnville, OR 97128

Chris Carnahan  
1947 NW Thomsen Ln  
McMinnville, OR 97128

Brooke Anderson  
1959 NW Thomsen Ln  
McMinnville, OR 97128

Julie Orth  
1981 NW Thomsen Ln  
McMinnville, OR 97128

Property Owner  
822 NW 21<sup>st</sup> St  
McMinnville, OR 97128

Tyler Birman  
930 NW 20<sup>th</sup> St  
McMinnville, OR 97128

Stefanie Symons  
929 NW 19<sup>th</sup> St  
McMinnville, OR 97128

Sidney Huwaldt  
2125 NW Michelbook L  
McMinnville, OR 97128

Chad Olsen  
2110 NW Pinehurst Dr  
McMinnville, OR 97128

Michael Flanigan  
2105 NW Pinehurst Dr  
McMinnville, OR 97128

Raymond Pratt  
2205 NW St Andrews Dr  
McMinnville, OR 97128

Rachel Badran  
945 NW 20th St  
McMinnville, OR 97128

Vicki Burch Perrett  
947 NW 19th St  
McMinnville, OR 97128

Darren Hallberg  
820 NW 19th St  
McMinnville, OR 97128

Property Owner  
2210 NW St Andrews Dr  
McMinnville, OR 97128

Michael Russell  
910 NW 19th St  
McMinnville, OR 97128

Emily Smith  
2115 NW Pinehurst Dr  
McMinnville, OR 97128

Dylan Summers  
950 NW 21st St  
McMinnville, OR 97128

Property Owner  
920 NW 19th St  
McMinnville, OR 97128

Vivien Weber  
2175 NW St Andrews Dr  
McMinnville, OR 97128

Andrea Larue  
975 NW 20th St  
McMinnville, OR 97128

Kimberlee Smith-Borman  
940 NW 19th St  
McMinnville, OR 97128

Property Owner  
2135 NW Michelbook L  
McMinnville, OR 97128

Michael Boundy  
2030 NW St Andrews Dr  
McMinnville, OR 97128

Property Owner  
731 NW 19th St  
McMinnville, OR 97128

Property Owner  
2130 NW Michelbook L  
McMinnville, OR 97128

Elisabeth Shellbe  
1035 NW 20th St  
McMinnville, OR 97128

Mac Wittke  
1930 NW Thomsen Ln  
McMinnville, OR 97128

Robert Walsh  
2153 NW Pinehurst Dr  
McMinnville, OR 97128

Pamela Lum  
2170 NW St Andrews Dr  
McMinnville, OR 97128

Mac Wittke  
1948 NW Thomsen Ln  
McMinnville, OR 97128

Rebecca Berweger  
950 NW 20th St  
McMinnville, OR 97128

Bruce Roberts  
1960 NW Thomsen Ln  
McMinnville, OR 97128

Kimberly Morris  
935 NW 19th St  
McMinnville, OR 97128

Andrew Davies  
1984 NW Thomsen Ln  
McMinnville, OR 97128

Caitlin Wright  
1030 NW 20th St  
McMinnville, OR 97128

Property Owner  
790 NW 21st St  
McMinnville, OR 97128

# NEIGHBORHOOD MEETING

## Future Land Use Application:

ZONING VARIANCE FOR  
POOL LESS THAN 5 FT  
FROM PROPERTY LINE

DATE:

7/31/2024

TIME:

6 PM

## Meeting Location:

2005 NW MICHELBOOK LN  
MC MINNVILLE, OR 97128

→ DRIVEWAY

Contact Name:

Contact Number:

Per Request of Section 17.72.095 of  
McMinville City Code Requirements





Photo of meeting notice form 20<sup>th</sup> Street.



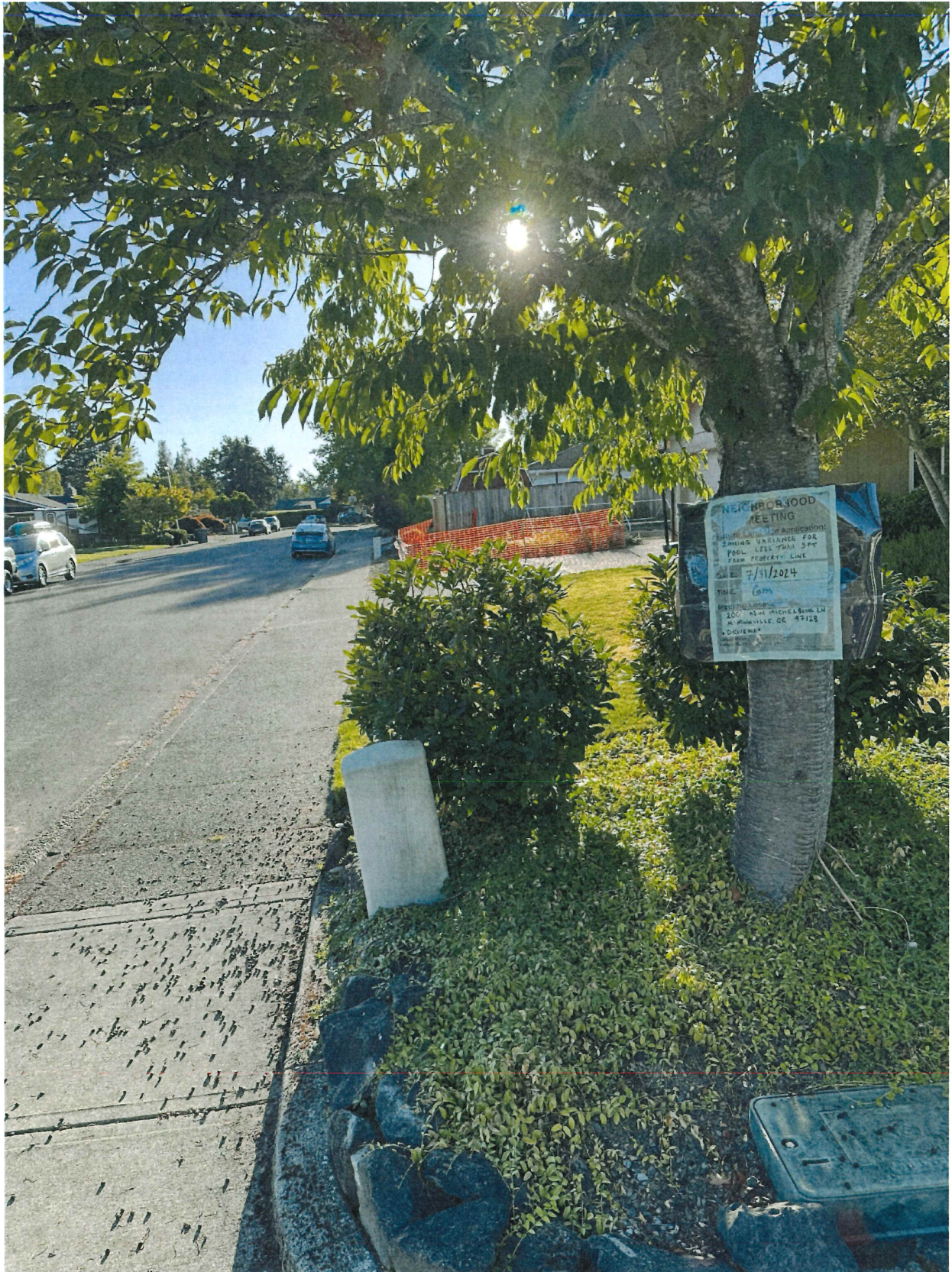
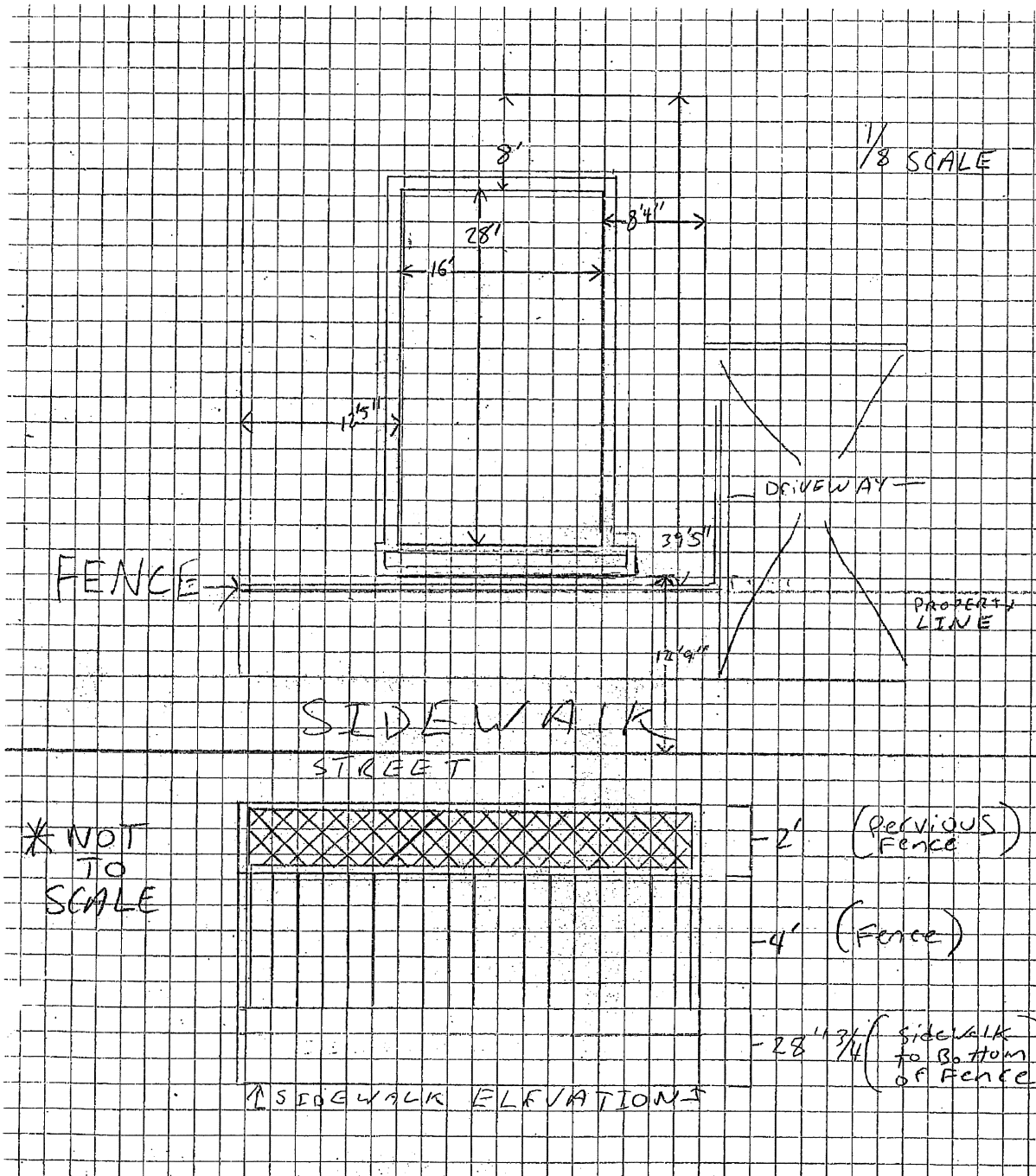


Photo of meeting notice from Michelbook Ln



Appendix K: Evidence of compliance, copy of materials presented by applicant at neighborhood meeting



**Appendix L: Evidence of compliance, neighborhood meeting notes from 7/31/2024**

<b>Notes from the neighborhood meeting held on 7/31/2024 at 6pm</b>
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**Attendees**

Kevin Compton 833 NW 19<sup>th</sup>

Shawn Ford 1930 NW Michelbook Ln

Denene Kinon Lake 1946 NW Michelbook Ln

Les Lake 1946 NW Michelbook Ln

Bob Berweger 950 NW 20<sup>th</sup>

Rebecca Berweger 945 NW 20<sup>th</sup>

Ed Badvan 945 NW 20<sup>th</sup>

Rachel Badvan 945 NW 20<sup>th</sup>

Joelle Hallberg 820 NW 19<sup>th</sup> St

Darren Hallberg 820 NW 19<sup>th</sup> St

Anne Melmon 2025 NW Michelbook Ln

George Barton 2025 NW Michelbook Ln

Jay Post 2038 NW Michelbook Ln

**Location of meeting:** Driveway of 2005 NW Michelbook Ln, McMinnville OR 97128

**Agenda:** Opportunity for attendees to view conceptual plan, describe major elements of proposal, time for speaking and questions.

**Notes from the meeting presentation:** Andrew Duvall discussed the current request to allow the pool to be within 5 feet of the property line. We described the conceptual plan and made copies available for attendees to review. We described the major elements of the proposal, including the 6-foot fence to be built at the edge of the concrete vault for the pool cover. We described the locking automated pool cover that will also be in place upon pool completion.

**Notes and Representative Summary of Questions and Comments:**

“This is on your property, is in the ground and does not seem to impact anyone else. No one will even see it after the fence is completed.”

“I have no concerns, seems like an improvement that would increase the property values in the neighborhood.”



“Why won’t they let you build a block fence around the project, that seems like it would be more secure?”

Explained that we would have liked to do that and that was the original plan but that we have not been able to get approval from the city to build the footing in the right of way, thus we think we will need to build a fence within the 9 inches between the end of the concrete vault and our property line. This a thinner fence, such as a wooden or composite fence will be used.

“Having a see-through fence on top seems less secure, why don’t you build a solid fence 6 feet tall?”

Explained that we would like to have a solid 6-foot fence but were told that we would only be approved to have a 4-foot solid fence with 2 feet pervious top. There was conversation that this didn’t make sense as it didn’t make the pool as secure. Postulated that having a solid fence might impact sightlines for the sidewalk and road. However, a neighbor noted that the driveway is not at the corner of the property, nor is it near a neighbor’s driveway and thus the only impact would be to the property owners when backing out of the driveway. There was consensus that a 6-foot fence, solid or as described in the plans, would not be a concern.

“Will there be a cover on the pool?”

Explained that yes, we have a contract to install an automatic locking encapsulated pool cover from Coverstar. Pool covers are often more reliable than other safety equipment, like fences, because they create a barrier that directly seals your pool off. Even with a fence, if someone is able to get in the pool area, a pool cover will prevent them from entering the pool without owner permission.

**Final summary and specific summative comments:**

Consensus among those in attendance was that the zoning variance should be granted, by raise of hands all agreed to the proposed plan, no dissenting views or concerns were provided.

“We have no problem with you getting a variance for your pool”

“You should be able to do what you want on your own property”

“I have no concerns”

**Revisions made based on Comments:**

No changes or revisions are made to the proposed variance for the pool location as neighbors were unanimously in support. The only concern from neighbors is that we cannot have a solid fence, knowing that there is a pool this was posed as a safety concern. Based on neighbor suggestions, comments and the bulk of the discussion and questions being around the fence we revised the variance request to include a 6-foot solid fence near the property line. This is reflected in an updated site plan.

**Appendix M: Site drawing that Planning Department has on file and shared with homeowners**

## SITE PLAN

Address: 2005 NW Michelbook Ln

City, State, ZIP: McMinnville, OR 97128

County: USA

Scale 1":20'

