



**VARIANCE REQUEST #851-25-000594-PLNG:
BURNS/PHILLIPS**

*NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER:
ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE,
IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER*

NOTICE OF ADMINISTRATIVE REVIEW

Date of Notice: May 13, 2026

Notice is hereby given that the Tillamook County Department of Community Development is considering the following:

#851-25-000594-PLNG: A Variance request to reduce the required 20-foot front (north) yard setback to 10-feet to allow for the addition of a bathroom to an existing single-family dwelling. A previously approved Variance request V-01-03(a) was approved for a 10-ft front yard setback and 3-ft side yard setback for an addition which did not include the newly proposed bathroom location. The subject property is located within the Unincorporated Community of Neskowin, accessed via a private easement at 4465 Independence Avenue, a county road, zoned Neskowin Low Density Residential (NeskR-1) Zone and designated as Tax Lot 13600 of Section 25CB, Township 5 South, Range 11 West, Willamette Meridian, Tillamook County, Oregon. The applicant is Jeff Burns. The property owner is Randi Phillips.

Written comments received by the Department of Community Development prior to 4:00 p.m. on May 27, 2026, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than the next business day, May 28 2026.

Notice of the application, a map of the subject area, and the applicable criteria are mailed to all property owners within 250 feet of the exterior boundaries of the subject parcel for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

A copy of the application, along with a map of the request area and the applicable criteria for review are available for inspection at the Department of Community Development office located at 1510-B Third Street, Tillamook, Oregon 97141. They are also available on the Tillamook County Department of Community Development website: <https://www.tillamookcounty.gov/commdev/landuseapps>.

If you have any questions about this application, please contact the Department of Community Development at (503) 842-3408 x 3301 or sarah.thompson@tillamookcounty.gov

Sincerely,


Melissa Jenck, CFM, Senior Planner

Sarah Absher, CBO, CFM, Director
Enc. Maps and applicable ordinance criteria

REVIEW CRITERIA

ARTICLE VIII - VARIANCE PROCEDURES AND CRITERIA

SECTION 8.030: REVIEW CRITERIA: A VARIANCE shall be granted, according to the procedures set forth in Section 8.020, if the applicant adequately demonstrates that the proposed VARIANCE satisfies all of the following criteria:

- (1) Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created.
- (2) A VARIANCE is necessary to accommodate a use or accessory use on the parcel which can be reasonably expected to occur within the zone or vicinity.
- (3) The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes.
- (4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.

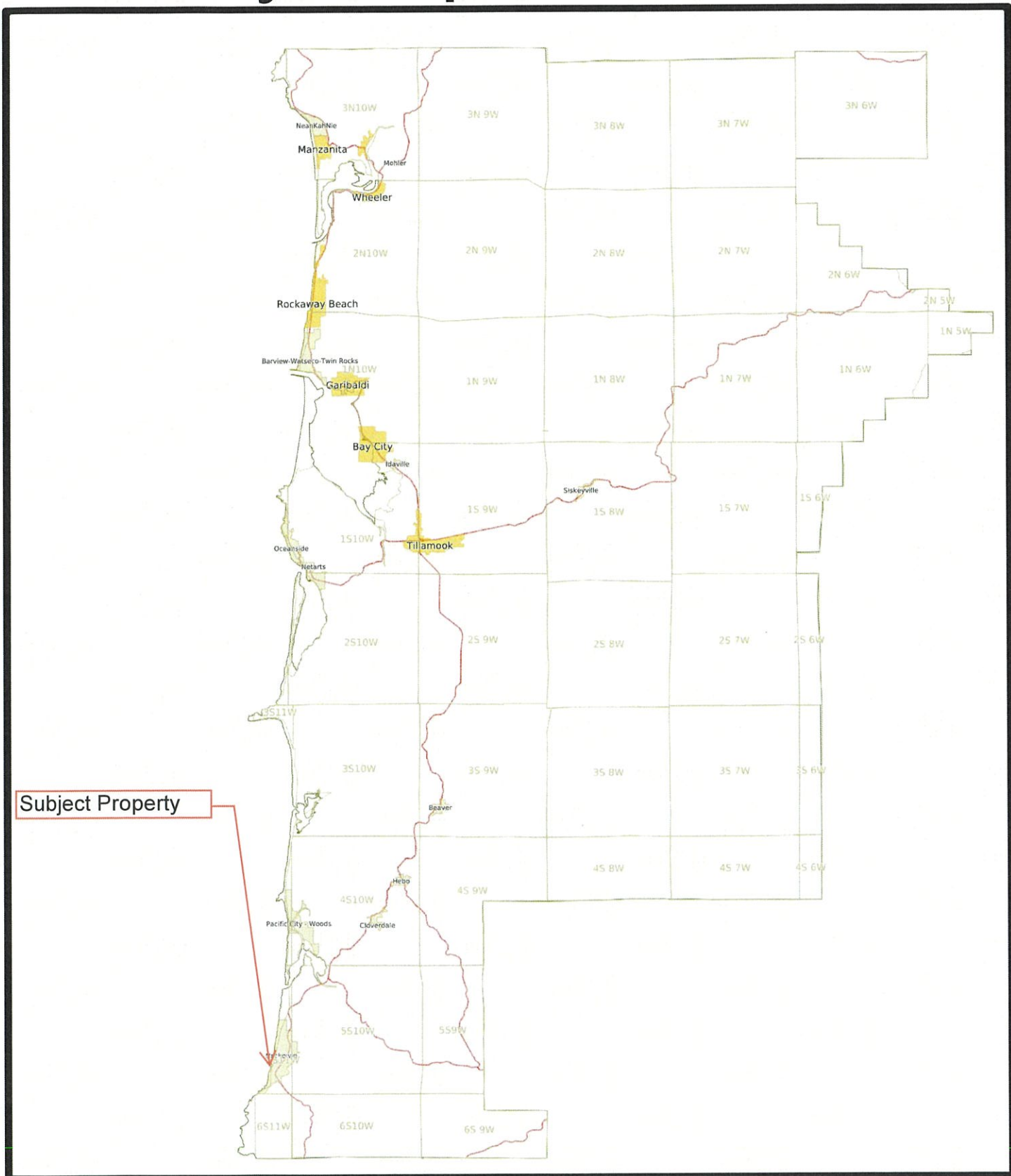
SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards is the following:

- (1) To ensure the availability of private open space;
- (2) To ensure that adequate light and air are available to residential and commercial structures;
- (3) To adequately separate structures for emergency access;
- (4) To enhance privacy for occupants of residences;
- (5) To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;
- (6) To ensure that driver visibility on adjacent roads will not be obstructed;
- (7) To ensure safe access to and from common roads;
- (8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;
- (9) To separate potentially incompatible land uses;
- (10) To ensure access to solar radiation for the purpose of alternative energy production.

EXHIBIT A

Vicinity Map



Zoning Map



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

N.W. 1/4 S.W. 1/4 SEC. 25 T.5S. R. 11W. W.M.

TILLAMOOK COUNTY

05S11W25CB
NESKOWIN

05S11W25CB
NESKOWIN

Revised 8/12/22, VMS



- CANCELLED
- 900
- 1000
- 1100
- 2000
- 2500
- 3000
- 4000
- 5000
- 6000
- 7000
- 7900
- 8000
- 9001
- 10000
- 12100
- 10300

22-7

SEE MAP 55 11W 25CC

SEE MAP 55 11W 25CB

SEE SUPP. MAP NO. 2

SEE SUPP. MAP NO. 1

Subject Property

TH-224A ZONE

TH-225 APPROXIMATE

SEE MAP 55 11W 25

SEE SUPP. MAP NO. 2

SEE SUPP. MAP NO. 2

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SEE SUPP. MAP NO. 2

Tillamook County
2025 Real Property Assessment Report
Account 253433

Map 5S1125CB13600
Code - Tax ID 2207 - 253433

Tax Status Assessable
Account Status Active
Subtype NORMAL

Legal Descr See Record

Mailing PHILLIPS, RANDI
 132 N 400 W
 BLACKFOOT ID 83221

Deed Reference # 2018-2313
Sales Date/Price 04-18-2018 / \$370,000
Appraiser RANDY WILSON

Property Class 101 MA SA NH
RMV Class 101 09 ST 991

Site	Situs Address	City
1	4465 INDEPENDENCE AVE	COUNTY

Value Summary					
Code Area	RMV	MAV	AV	RMV Exception	CPR %
2207	Land	276,320		Land	0
	Impr	143,320		Impr	0
Code Area Total		419,640	197,610		0
Grand Total		419,640	197,610		0

Land Breakdown									
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	Trended RMV
2207					LANDSCAPE - FAIR	100			500
	1	<input checked="" type="checkbox"/>		NESKR-1	Market	103	0.04 AC		242,690
					OSD - AVERAGE	100			33,130
Code Area Total							0.04 AC		276,320

Improvement Breakdown									
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct	Trended RMV
2207	1	1920	131	One story	117	794			143,320
Code Area Total							794		143,320

Exemptions / Special Assessments / Notations			
Code Area	Special Assessments	Amount	Year Used
2207	■ SOLID WASTE	12.00	2025

Comments 5/10/03 New addition 100% complete. dv. 7/28/10 Added new deck. Updated OSD. dv 03/13/14 Reappraised land; tabled values. RBB 8/2018 Sales review of subject, field inspection completed, updated inventory, floor plan w/new photos. RCW

National Flood Hazard Layer FIRMette



123°59'17"W 45°6'29"N

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone AE, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone X

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

Cross Sections with 1% Annual Chance Water Surface Elevation

- 20.2
- 17.5
- 8
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

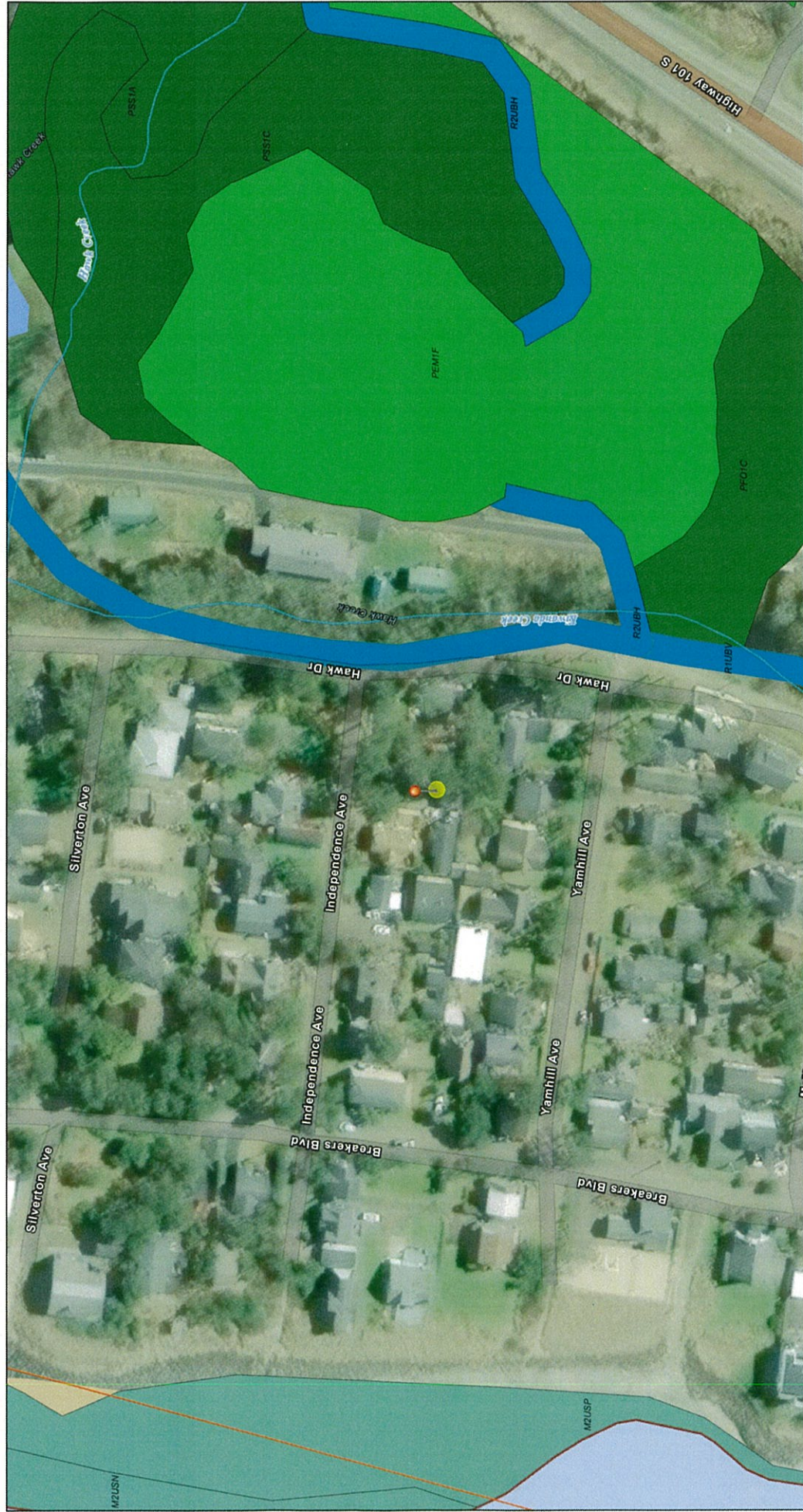
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 5/13/2026 at 6:39 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



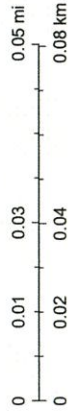
Statewide Wetlands Inventory



5/13/2026, 11:39:06 AM

- Oregon Address
- Sections
- Large Scale
- Perennial
- Coastline
- NHD Area
- NHD Waterbody
- USFWS National Wetlands Inventory NWI
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Riverine
- SWI Predominantly Hydric Map Units

1:1,558



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community. USGS TNM - National Hydrography Dataset. Data Refreshed April, 2026. Microsoft, Vantor

Hazard Map

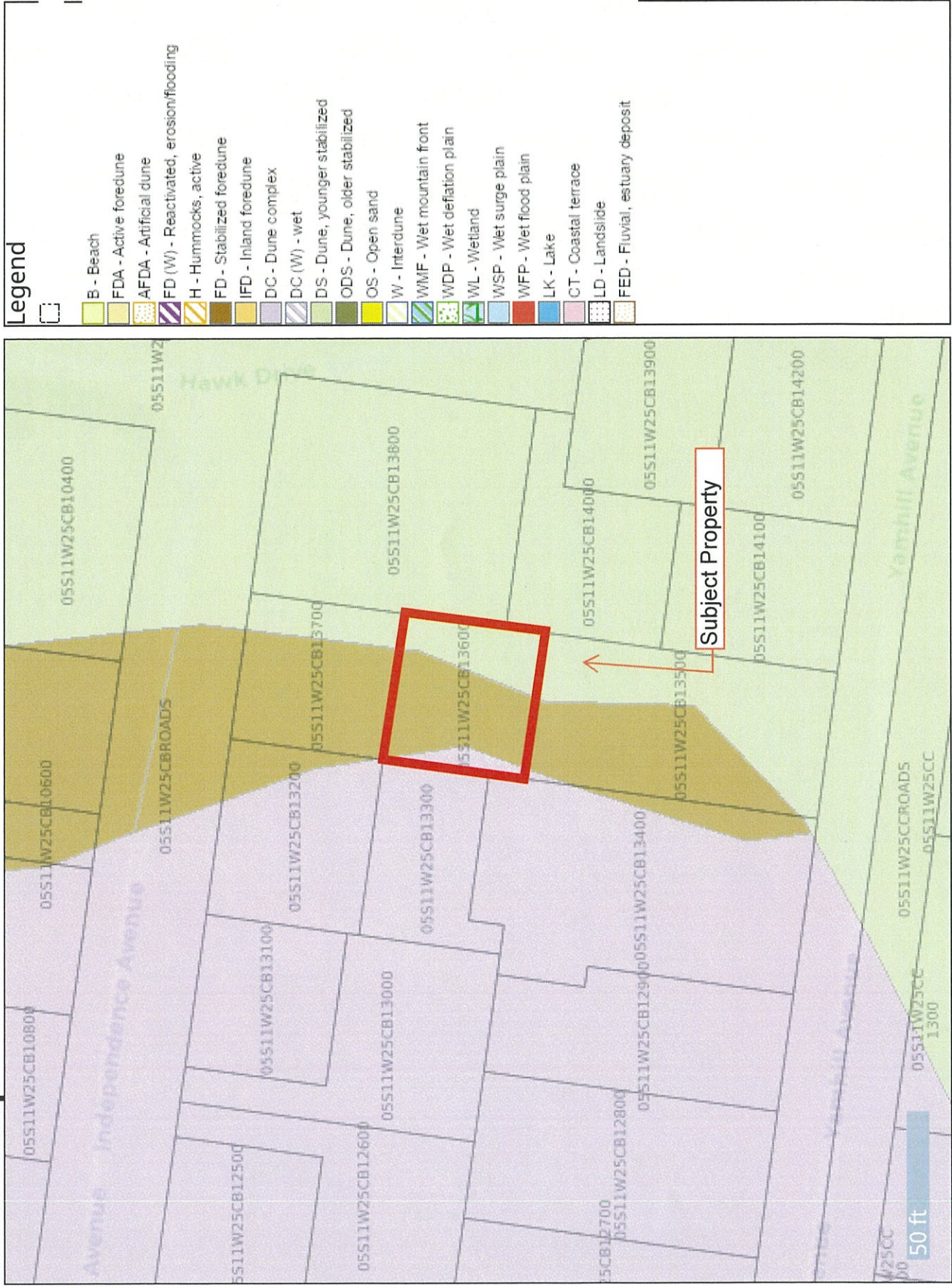


EXHIBIT B



PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: **Jeff Burns - Architect** Phone: 503.351.6553

Address: 19200 Hwy 101 S

City: Cloverdale State: OR Zip: 97112

Email: jeff@organicmodern.com

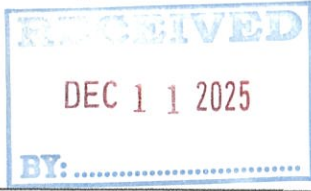
Property Owner

Name: Randi Phillips Phone: 208.680.3197

Address: 132 N. 400 W

City: Blackfoot State: ID Zip: 83221

Email: randip132@hotmail.com

OFFICE USE ONLY	
Date Stamp	
	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees:	
Permit No: 851- <u>25-000594</u> -PLNG	

Request:
 "Modification" to "Variance 01-03(a)" to allow for additional livable square footage for a bathroom addition within the approved setbacks. Reference attached 'Regarding Modification Request to Variance 01-03(a)' with modified Exhibits II and V

Type II	Type III	Type IV
<input type="checkbox"/> Farm/Forest Review	<input type="checkbox"/> Detailed Hazard Report	<input type="checkbox"/> Ordinance Amendment
<input type="checkbox"/> Conditional Use Review	<input type="checkbox"/> Conditional Use (As deemed by Director)	<input type="checkbox"/> Large-Scale Zoning Map Amendment
<input checked="" type="checkbox"/> Variance	<input type="checkbox"/> Ordinance Amendment	<input type="checkbox"/> Plan and/or Code Text Amendment
<input type="checkbox"/> Exception to Resource or Riparian Setback	<input type="checkbox"/> Map Amendment	
<input type="checkbox"/> Nonconforming Review (Major or Minor)	<input type="checkbox"/> Goal Exception	
<input type="checkbox"/> Development Permit Review for Estuary Development	<input type="checkbox"/> Nonconforming Review (As deemed by Director)	
<input type="checkbox"/> Non-farm dwelling in Farm Zone	<input type="checkbox"/> Variance (As deemed by Director)	
<input type="checkbox"/> Fore-dune Grading Permit Review		
<input type="checkbox"/> Neskowin Coastal Hazards Area		

Location:

Site Address: 4465 Independence Avenue Neskowin OR

Map Number: 5S	11W	25CB	13600
Township	Range	Section	Tax Lot(s)

Clerk's Instrument #: 2018-002313

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.


 Property Owner Signature (Required)
Randi Phillips

 Date


 Applicant Signature
Jeff Burns - Architect - 12.2.2025

 Date

December 10 2025

Date

Date

Regarding Modification Request to Variance 01-03(a)

4465 Independence Aveue
Neskowin OR 97149

We are requesting a Per email conversation with planning staff, a variance procedure with notification is required. The Conditions of Approval specifically reference a drawing exhibit showing the building footprint and elevation: Item #2. "The addition shall be located as proposed and shown in the application materials."

The proposed modification to those exhibits, referenced as II and V, are enclosed.

The original variance staff report outlining criteria and findings is included. 'COMMENT' noted for each criteria is in reference to the modification request. The findings and conclusions appear to remain as originally noted by staff.

*Applicant: Jeff Burns – Architect
19200 Hwy 101 S, Cloverdale OR 97112
jeff@organicmodern.com – 503.351.6553*

*Owner: Randi Philips
132 N. 400W, Blackfoot ID 83221
randip132@hotmail.com - 208.680.3197*

I: GENERAL INFORMATION

Original request: *Variance 01-03(a)* was a Variance to Land USE Ordinance Neskowin Low Density Rural Residential (Nesk R-1) Zone to reduce the required front yard setback from 20 feet to 10 feet and to increase the side yard setback from the current 1 foot 4 inches to three feet to replace an addition on an existing structure.

Zone: Neskowin Low Density Rural Residential (Nesk R-1) Zone

Location: In the community of Neskowin. The parcel is accessed via easement from Independence Street and is designated as Tax Lot 13600, Township 5 South, Range 11 West W.M., Section 25CB, Tillamook County, Oregon.

II. APPLICABLE LAND USE ORDINANCE PROVISIONS

1. 3.322 Neskowin Low Density Rural Residential (Nesk R-1)
2. Section 4.005 Residential and Commercial Zone Standards
3. Section 5.100(2) General Exceptions to Lot Size Requirements
4. Article VIII Variance Procedure and Criteria

III. ANALYSIS

A. LAND USE ORDINANCE (LUO) REQUIREMENTS

1. Section 3.322 Neskowin Low Density Rural Residential (Nesk R-1) Zone. This section lists the “Standards” for uses which are permitted outright, and uses which are conditional.

“Prior Findings: Single Family Dwellings are permitted as an outright use in Section 3.322. The standards for front and rear yards are both 20 feet. Minimum side yards are five feet. This variance request would set the side yard setback at 3 feet from the property line and the front yard setback at 10 feet from the front property line to construct an addition to an existing dwelling. The *property* does not abut a road and has an easement which allows access to the parcel, **Exhibit II.**”

This section also defines height. The applicant is not applying for a Variance to the height, but has submitted drawings indicating the proposed height of the structure. Two neighbors requested information regarding the height of the J proposed addition. The applicant supplied this information in support of his request. The applicant has identified the height of the structure to be 13 feet 9 inches from the existing floor level. A Condition of Approval **can** require the addition to be constructed as illustrated, **Exhibit V.** “

“Prior Conclusion: Staff concludes that place the proposed structure, and to allow for a reduction in the front setback from 20 feet to 10 feet and the side yard setback to 3 feet from 1 foot 4 inches would require a Variance. This criterion is met.

COMMENT: Per Variance 01-03(a) staff determined a variance was required for reduced setbacks. There is no change to proposed setbacks. The overall structural height will remain under the 13 ft 9 inch mark indicated on the original variance approval.

Our modification request is triggered by Condition of Approval #2. “The addition shall be located as proposed and shown in the application materials.”

“2. Section 4.005 Residential and Commercial Zone Standards. This section lists the purposes of the land use standards in each of the residential and commercial zones. These are:

- (1) To ensure the availability of private open space;
- (2) To ensure that adequate light and air are available to residential and commercial structures;
- (3) To adequately separate structures for emergency access;
- (4) To enhance privacy for occupants of residences;
- (5) To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to two dwellings, shops, garages, driveways, parking, areas for maneuvering vehicles for safe access to common roads, energy facilities, and private open spaces;
- (6) To ensure that driver visibility on adjacent roads will not be obstructed;

- (7) To ensure safe access to and from common roads;
- (8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;
- (9) To separate potentially incompatible land uses;
- (10) To ensure access to solar radiation for the purpose of alternative energy production.

Variance Criteria (3) requires consideration of these standards during the review of Variance requests.

Findings: The proposed front and side yard do not impair the availability of open space, adequate light and air, privacy, safety and emergency access, and solar energy production potential. The proposed side yard setback does increase the area between properties. The applicant has identified two parking spaces to be maintained on the parcel. The applicant has also identified the proposed addition height as 13 feet and 9 inches above the existing floor, approximately 1 1/2 stories.

Conclusions: Staff concludes that this proposal is consistent with Section 4.005. The rights of adjoining property owners to use and enjoy their land can be preserved. This request for a variance does not pose an undue burden on surrounding parcels nor effect traffic safety along the street right of way. Therefore, these standards can or will be met.”

COMMENT: The proposed bath addition would not change the finding and conclusions found in the original variance. Vehicular access remains as is. Setbacks as approved will remain. The addition height does not impact solar gain or views from other properties.

“3. Section 5.100(2) General Exceptions to Lot Size Requirements. A lot or parcel, as recorded in the office of the County Clerk prior to the adoption of this Ordinance, which complies with the standards then in effect, but which does not now meet the dimensional lot standards of the zone in which the property is located, may nevertheless be occupied by a one-family dwelling if the lot or parcel meets all other applicable Ordinance requirements, including setbacks, provided that lots smaller than 3,000 square feet.

Findings: The parcel is approximately 2500 square feet in size. The applicant is providing a 10-foot side yard as required. This Exception allows for a reduction in the front and rear setbacks from 20 feet each to a combination of 30 for both with a minimum of ten feet on either. The applicant has met the 10 feet at the rear of the property and is requesting a reduction to 10 feet for the front through this Variance. The property is approximately 50 feet by 50 feet. The Variance request does not exceed the 70% coverage for depth and width required of a lot in Neskowin.

Conclusions: Staff concludes the parcel meets the minimum requirements allowing a reduced front and/or rear setback requiring only a Variance to the front setback. This criterion is met.”

COMMENT: The proposed bath addition would not change the finding and conclusions found in the original variance. The structural coverage with addition is approximately 60%.

“B. VARIANCE PROCEDURE

1. Section 8.020 Procedure requires notification of the request to be mailed to landowners within 250' of the subject property, to allow 10 days for written comment, and requires staff to consider comments received in making the decision.

Three responses were received from agencies and the public.

Findings: A notice of the request was mailed to 90 property owners and agencies.

Conclusion: The requirements of this section are met through the notice procedures followed, and by the findings above."

COMMENT: The proposed bath addition would not change the prior concerns of neighbors regarding height. We understand notice procedure for the modification is required due to the specific exhibit drawings included with the variance and specified in the conditions of approval.

"2. VARIANCE REVIEW CRITERIA

Article VIII of the Tillamook County Land Use Ordinance contains the procedures and review criteria for processing a Variance request. Section 8.030 states that a variance may be authorized if the applicant adequately demonstrates that the proposed use satisfies all relevant requirements, including all four (4) review criteria. Section 8.030 also contains the review criteria, which are applicable to this request. These criteria, along with Staff's findings and conclusions are indicated below. Applicant's justification letter is attached is attached and labeled "Exhibit III".

a). "Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, if all applicable standards were to be met. Such circumstances may not be self-created."

Findings: Parcel 16300 is an interior lot accessed from Independence, a public right-of-way, through an easement. The present structure extends three and a half feet into the required 5 foot side yard setback, and 10-feet into 20 foot front yard setback. The addition is proposed to be constructed at three feet from the side yard setback and 10 foot front and rear setbacks. This increase in the side yard setback improves issues of building codes and allows for greater area for access for safety. This is a small lot, which can meet the Small Lot Exception, defined above. The applicant is requesting to remove an older addition and replace it with a new addition. There is an existing porch on the structure at 10 feet from the front property line.

Conclusion: Staff concludes that impacts from this Variance can be minimized by locating the addition at three feet from the side yard property line and through the 10 foot from the front property line. The setback increase from the side property line improves issues of safety and Building Code requirements. This criterion is met.

COMMENT: The modification will not change the approved variance setbacks.

b). A variance is necessary to accommodate a use or accessory use on the lot which can be reasonably expected to occur within the zone or vicinity."

Findings: The Neskowin Low Density Rural Residential (Nesk R-1) zone allows placement and modifications of single-family dwellings as an outright use providing all standards can be met. Surrounding parcels have similar dwelling units.

Conclusion: Staff concludes that the proposed Variance is necessary to accommodate a use, which can reasonably be expected to occur in this area. The criterion is met.

COMMENT: The modification will allow for a second bathroom, which is a reasonable and expected single family feature.

c). "The proposed variance will comply with the purposes of relevant development standards as enumerated in Section 4.005 and will preserve the right of adjoining property owners to use and enjoy their land for legal purposes."

Findings: The Variance request is to increase the distance between the proposed structure and the side yard property line and to allow a 10 foot setback from the front property line. The rear setback will be 10 feet, and all parking will be maintained on the site. Access to the lot is from Independence. The right-of-way is 40 feet wide and developed at this time. Increased space between properties allowing for adequate light and air, privacy, and emergency access would be gained.

Conclusion: Open space, adequate light and air, visibility and access to common roads shall be maintained with the Variance. These standards can or will be met through conditions of approval.

COMMENT: The modification will not affect the approved variance setbacks or access to roads, light, air, or visibility.

d). "There are no reasonable alternatives requiring either a lesser or no variance."

Findings: Staff finds no reasonable alternative to the proposed Variance. The proposed addition, with existing structure, is approximately 800 square feet in size, which is a reasonable expectation. The lot is small, approximately 2500 square feet, and has an existing structure, which can meet the requirements of the zone. Staff finds the proposed Variance request, given the building envelope, and that the structure is not located on the right-of-way is reasonable. The proposed development and setback requests do not impact sight distance.

Conclusions: Staff Concludes that circumstances related to dimensional constraint limits the area available for development. For the proposed use. There is no reasonable alternative. The criterion is met.

COMMENT: The proposed bathroom addition is modestly sized to meet the needs of a three bedroom residence, as a second bathroom. There would be no change to approved setbacks or impact on sight distances. Changes to the livable square footage meet zoning requirements with the variance setbacks, and is only restricted because of the variance language in Condition #2.

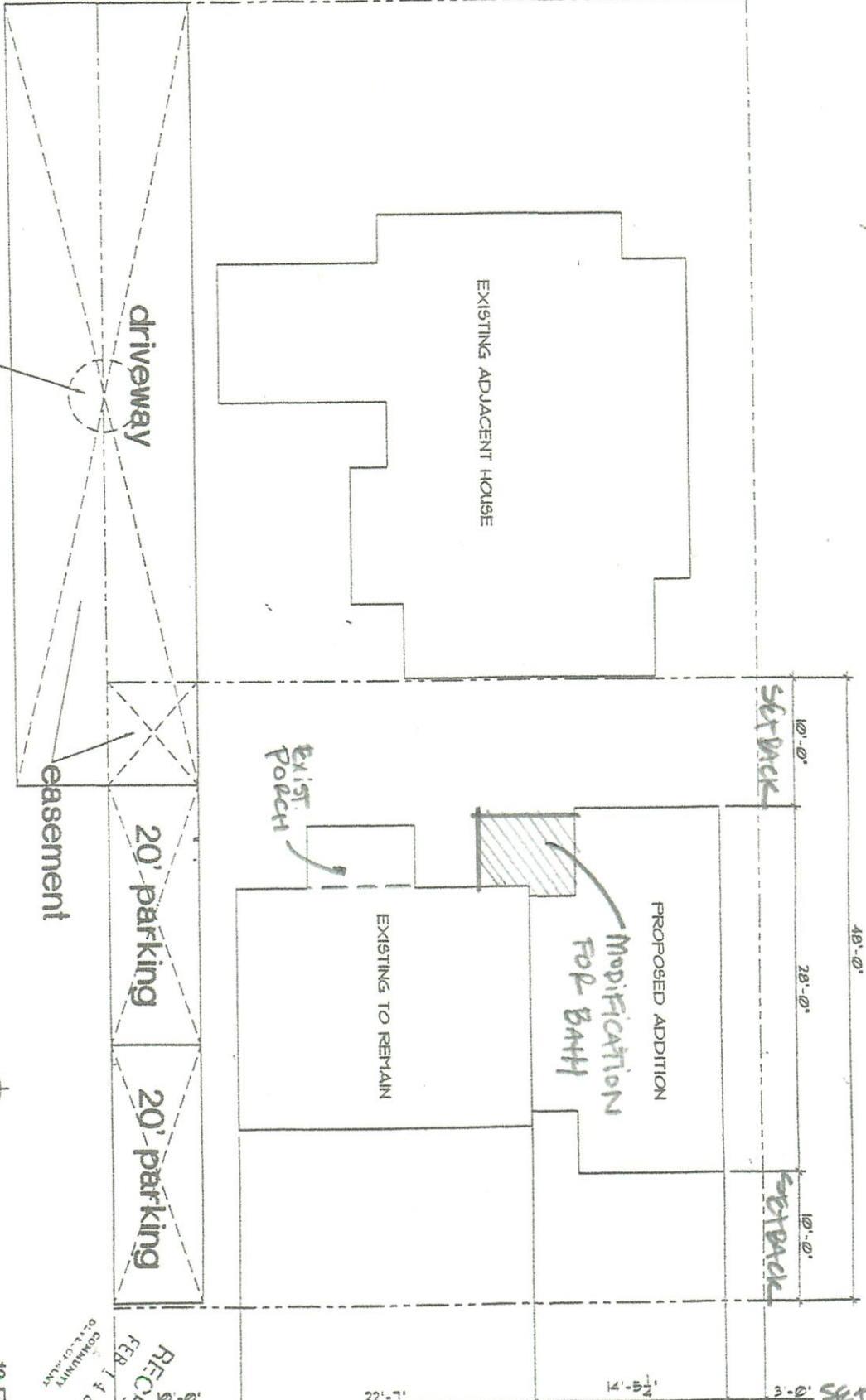
*Prepared by Jeff Burns – Burns Organic Modern
December 2, 2025*

MODIFICATION 12.25
 EXHIBIT II
 V01-03(a)

INDEPENDENCE AVENUE

Post-It® Fax Note	7671	Date	2/21	# of pages	2
To	Steve Lundy	From			
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	2-6473	Fax #			

existing septic tank for existing houses



at 4465 Independence Avenue Neskowin, Oregon

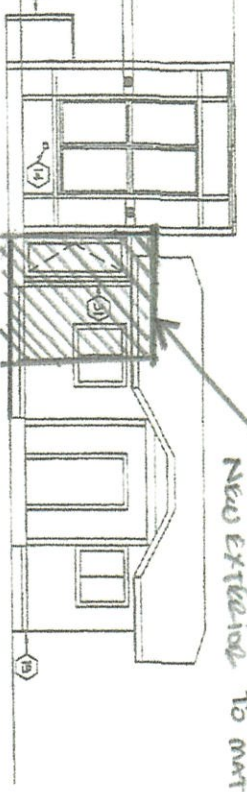
12 February 2001
 PROPOSED PLOT PLAN
 Scale 1/8" = 1'-0"

RECEIVED
 FEB 14 2001
 COMMUNITY
 DEVELOPMENT

VOI-036a)
 Exhibit V
 Modification 12/2/2

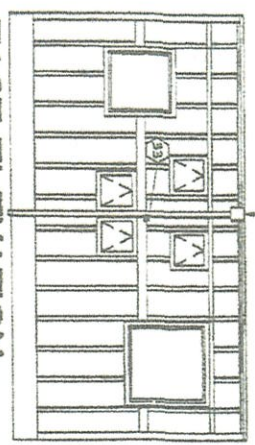
15'-0"
 6'-0"
 1'-0"
 9'-0"

NORTH ELEVATION

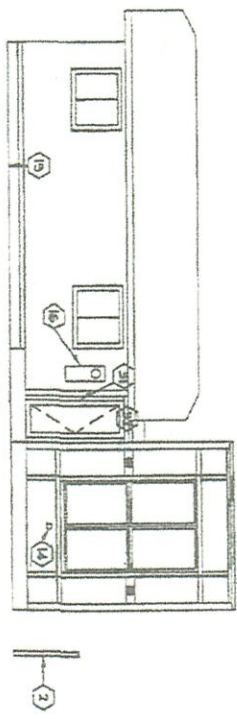


MODIFICATION FOR BATH
 NEW EXTENSION TO MATCH CORNER

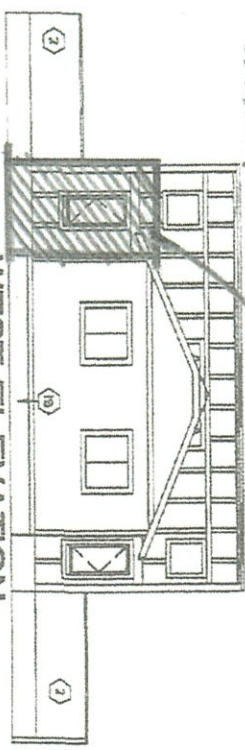
EAST ELEVATION



SOUTH ELEVATION



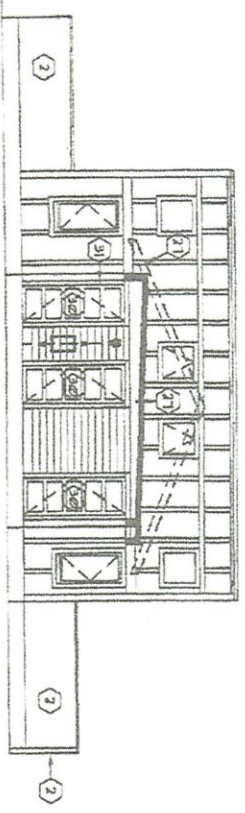
WEST ELEVATION



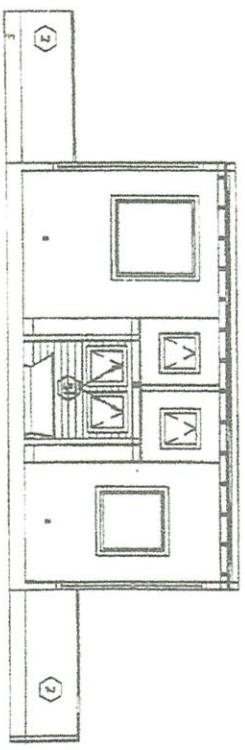
10 FT
 STANDARD

MODIFICATION FOR BATH

SECTION A



SECTION B



Remodel For Stephen Domreis 12 February 2001 Scale 1/8" = 1'-0" ELEVATIONS / SECTIONS