



Land of Cheese, Trees and Ocean Breeze

1510 Third Street Suite B
Tillamook, Oregon 97141
www.tillamook.or.us

Building	(503) 842-3407
Planning	(503) 842-3408
On-Site Sanitation	(503) 842-3409
Fax	(503) 842-1819
Toll Free	+1 (800) 488-8280

**Variance, 851-21-00124-PLNG: Kolin
Administrative Decision & Staff Report**

Decision: Approved with Conditions
Decision Date: December 8, 2021
Report Prepared By: Christopher S. Laws, Planner II

I. GENERAL INFORMATION:

Request: A Variance request to reduce the required 20-foot rear-yard setback to 15 feet 1 ½ inches for construction of a single-family dwelling on a property located in the Unincorporated Community of Barview-Watesco-Twin Rocks (Exhibit B)

Location: The subject property is accessed via Ocean Blvd., a County Road, and is designated as Tax Lot 3207 of Section 07DA, Township 1 North, Range 10 West, W.M., Tillamook County, Oregon (Exhibit B)

Zone: Community Medium Density Urban Residential (CR-2)

Applicant: Iselin Architects, 1307 7th St. Oregon City, OR 97045

Property Owner: Kevin Kolin, 5301 N. Coral St. Rockaway Beach, OR 97136

Description of Site and Vicinity: This property is a 0.17-acre property that is relatively flat with little to no vegetative cover. The property is accessed via Ocean Blvd., a county road. Properties in the surrounding area consist of single-family dwellings on relatively small parcels (Exhibit A & B).

Applicant is requesting to reduce the required 20-foot rear-yard setback to 15 feet 1 ½ inches for construction of a single-family dwelling

The subject property is within the Beach and Dune Overlay, contains no wetlands, is not located in a Special Flood Hazard Area per FIRM Panel 41057C0379F and not in a Geological Hazard area (Exhibit A).

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

The request is governed through the following Sections of the Tillamook County Land Use Ordinance (TCLUO). The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. Article III: Section 3.014: Community Medium Density Urban Residential Zone (CR-2)
- B. Article VIII: Section 8.030 Review Criteria
- C. Article IV: Section 4.005: Residential and Commercial Zone Standards
- D. Article III: Section 3.530 Beach & Dune Overlay (BD)

III. ANALYSIS:

A. Article III Section 3.014 Community Medium Density Urban Residential Zone (CR-2)

(1) PURPOSE: The purpose of the CR-2 zone is to designate areas for medium-density single-family and duplex residential development, and other, compatible, uses. Land that is suitable for the CR-2 zone has public sewer service available and has relatively few limitations to development.

Section 3.014(2) list uses permitted outright in the zone.

Findings: Staff finds that the requested use is allowed outright in the CR-2 zone pursuant to Section 3.014(2)(a).

Section 3.014(4), Land divisions in the CR-2 zones shall conform to the following standards, unless more restrictive supplementary regulations apply:

(d) The minimum front yard shall be 20 feet.

(e) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be 15 feet.

(f) The minimum rear yard shall be 20 feet; on a corner lot it shall be 5 feet.

(g) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article VIII.

Findings: Standard 3.014(4)(f) is the subject of this Variance application and may be permitted only on finding that the requirements of TCLUO Article VIII have been satisfied. The requirements of TCLUO Article VIII, Variance Procedures and Criteria, are addressed below.

B. Article VIII: Variance Procedure and Criteria; including Section 4.005 Residential and Commercial Zone Standards

The purpose of a VARIANCE is to provide relief when a strict application of the dimensional requirements for lots or structures would cause an undue or unnecessary hardship by rendering the parcel incapable of reasonable economic use. No VARIANCE shall be granted to allow a use of property not authorized by this Ordinance.

Article VIII of the Tillamook County Land Use Ordinance governs the application of Variances.

Section 8.020 requires notification of the request to be mailed to landowners within 250-feet of the subject property, to allow at least 14 days for written comment and requires Staff to consider comments received in making the decision.

Findings: A notice of the request was mailed to property owners within 250 feet of the subject property on November 24, 2021. One comment was received (Exhibit C).

Section 8.030 states that a Variance may be authorized if the applicants/property owners adequately demonstrate that the proposed use satisfies all relevant requirements, including all four review criteria in Section 8.030. These criteria, including Section 4.005 Residential and Commercial Zone Standards, along with Staff's findings and conclusions are indicated below:

- (1) *Circumstances attributable either to the dimensional, topographical, or hazardous characteristics of 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: Applicant states that the subject property *"The site is...constrained by an electric vault ...located at the northwest corner of the property...(and) has dictated that the garage be located on the east side...* and due to the fact that the property is an un-even parallelogram the building front and rear depth, *including the porches, is seventy three feet six inches (73'6") instead of eighty (80) feet that would be allowed if the parcel was rectangular (Exhibit B).* Staff finds this criterion satisfied.

- (2) *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: Single-family dwellings are an outright allowed use in the CR-2 Zone, and this use is consistent with surrounding properties on similarly small Tax Lots. Staff finds this criterion has been satisfied.

- (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.*

Findings: Analysis of TCLUO Section 4.005 follows in a subsequent section.

- (4) *There are no reasonable alternatives requiring either a lesser or no variance.*

Findings: Applicant states: *"This request will provide the owners with a covered outdoor living area that is consistent with other properties in the area. Without the variance a covered outdoor living area would be limited to approx., 9'-6" x 14'-6".... Only about 40 s.f. of a single story portion of the covered patio area will encroach into the setback due to the irregular shape of this lot."* (Exhibit B).

A review of the area, GIS, and documents provided confirms that the lot is irregular in shape and that many homes in the area encroach into setbacks and have covered outdoor areas and that the strict application of setback requirements would deny the owner of a benefit enjoyed by other properties in the area. Only one comment from an adjacent property owner was received and expressed they are not opposed to the request (Exhibit C).

Staff finds this criterion met.

C. Article IV, Section 4.005 Residential and Commercial Zone Standards

- (1) *To ensure the availability of private open spaces;*

Findings: The Applicant states: “*The requested variance will allow the owner to have more useable outdoor space with an enlarged porch area. A 6’ (foot) high solid fence will be constructed on the property lines to create private open spaces for the subject property and neighboring properties.*” The addition of a six foot high fence and covered patio creates a private space for the owner by obscuring sightlines from adjoining properties and, the size and location of the proposal preserves over 1260 square feet of open space in the rear of the property (Exhibit B).

Staff finds this criterion met.

- (2) *To ensure that adequate light and air are available to residential and commercial structures;*

Findings: The proposed development is being placed on a parcel with little to no vegetative cover so that it can be expected to have little to no impact on light and air resources save for the fact that if landscaping is included the air quality could be improved (Exhibit B). Staff finds this criterion met.

- (3) *To adequately separate structures for emergency access;*

Findings: Staff finds that the proposed development meets the minimum structure separation of six (6) feet outlined in Article IV, Section 4.080 (Exhibit B). Staff finds this criterion met.

- (4) *To enhance privacy for occupants or residences;*

Findings: The Applicant states: “*A 6’ (foot) high solid fence will be constructed on the property lines to create private open spaces for the subject property and neighboring properties.*” A review of aerial and satellite imagery suggests that few of the properties have fences and due to their small size, such a feature can only enhance the privacy of adjoining properties. Additionally, it’s reasonable to surmise that a covered entertainment area will have a confining effect so as to reduce guests congregating near property lines.

(Exhibit B). Staff finds these criteria met.

- (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, driveway, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;*

Findings: Applicant’s submittal indicates that all development will occur on the subject property (Exhibit B). Staff finds this criterion met.

- (6) *To ensure that driver visibility on adjacent roads will not be obstructed;*

- (7) *To ensure safe access to and from common roads;*

Findings: The proposed driveway is centered on the property therefore staff finds that access to adjacent properties will not be impacted by the proposed Variance and that driver visibility will not be obstructed. The setback Variance is to the rear of the property and not into a setback abutting a road. Staff finds these criteria met (Exhibit A & B).

(8) *To ensure that pleasing views are neither unreasonably obstructed nor obtained;*

Findings: Currently, the site is unimproved (Exhibit B). The County regulates views through compliance with building height requirements. Staff finds that compliance with building height requirements can be demonstrated at the time of Zoning Permit and Building Permit submittal. Staff finds the criterion in Section 4.005(8) can be met through compliance with the Conditions of Approval.

(9) *To separate potentially incompatible land uses;*

Findings: The applicant proposes the construction of a single-family dwelling if the Variance is approved (Exhibit B). The use is allowed outright in the CR-2 Zone and is expected to occur in this area. Staff finds that this criterion met.

(10) *To ensure access to solar radiation for the purpose of alternative energy production.*

Findings: County records do not indicate any such facilities are in the vicinity of the subject property. Staff finds that the proposed expansion does not unreasonably shadow or otherwise inhibit access to solar radiation on adjacent properties and finds this criterion met.

D. Article III: Section 3.530 Beach & Dune Overlay (BD)

(1) *PURPOSE:*

The purpose of the Beach and Dune Overlay Zone is to regulate development and other activities in a manner that conserves, protects and, where appropriate, restores the natural resources, benefits, and values of coastal beach and dune areas, and reduces the hazard to human life and property from natural events or human-induced actions associated with these areas. The Overlay Zone establishes guidelines and criteria for the assessment of hazards resulting from beach and dune processes and development activities in beach and dune areas.

(2) *APPLICABILITY:*

(a) The BD zone applies to dune areas identified in the Goal 18 (Beaches and Dunes) Element of the Comprehensive Plan and indicated on the Tillamook County Zoning Map. These areas were identified based on information contained in the inventory of beach and dune landforms of Tillamook County, prepared by the Soil Conservation Service (SCS, now known as the Natural Resource Conservation Service) and published in their 1975 report, Beaches and Dunes of the Oregon Coast

Findings: Staff finds the subject property exists within the Beach & Dune Overlay and identified as Younger Stabilized Dunes (DS) on the 1974 Sand Dunes Map and *Category (4)(2) ... younger stabilized...* pursuant to Section 3.530 *et seq.* and as such will require a Dune Hazard Report be submitted at the time a Consolidated Zoning/Building Permit Application is submitted pursuant to Section 3.530(5)(B)(1); additionally, all development shall comply with the site development requirements of Section 3.530(5). This requirement can be met through the Conditions of Approval.

IV. DECISION: APPROVED WITH CONDITIONS

Staff concludes, based on the findings of fact and other relevant information in the record, that the applicant has satisfied or is able to satisfy the applicable ordinance requirements through the Conditions of Approval, and therefore, approves the request subject to the provisions in Section V below.

By accepting this approval, the applicants/property owners agree to indemnify, defend, save and hold harmless Tillamook County, and its officers, agents, and employees from any claim, suit, action or activity undertaken under this approval, including construction under a Building Permit approved subject to this approval. The applicants/property owners shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed building site.

Unless this Decision is appealed the **Effective Date of Decision shall be December 8, 2021**

This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. Forms and fees must be filed in the office of this Department before **4:00 PM on December 20, 2021**.

V. CONDITIONS OF APPROVAL:

Section 8.060: COMPLIANCE WITH CONDITIONS, and 8.070: TIME LIMIT requires compliance with approved plans and Conditions of this decision, and all other ordinance provisions, and allows 24 months for compliance with Conditions and start of construction. Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. The applicant/property owner shall submit a site plan, drawn to scale and indicating all required yard setbacks, at the time of Building Permit and Zoning Permit application.
3. The applicant/property owner shall obtain an approved Building Permit and Zoning Permit from the Tillamook County Department of Community Development.
4. The applicant/property owner shall submit an updated letter for a road approach permit at time of Building Permit and Zoning Permit application submittal.
5. A Dune Hazard report shall be submitted at the time the Consolidated Zoning/Building Permit Application is submitted.
6. Development of the property shall be done in accordance with the site development standards of TCLUO Section 3.530(5).
7. Development shall otherwise comply with the applicable standards and requirements of TCLUO Sections 3.014: Community Medium Density Urban Residential Zone (CR-2).
8. The approved rear-yard setback of 15'1 ½" shall be maintained.
9. This approval shall be void on December 22, 2024, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

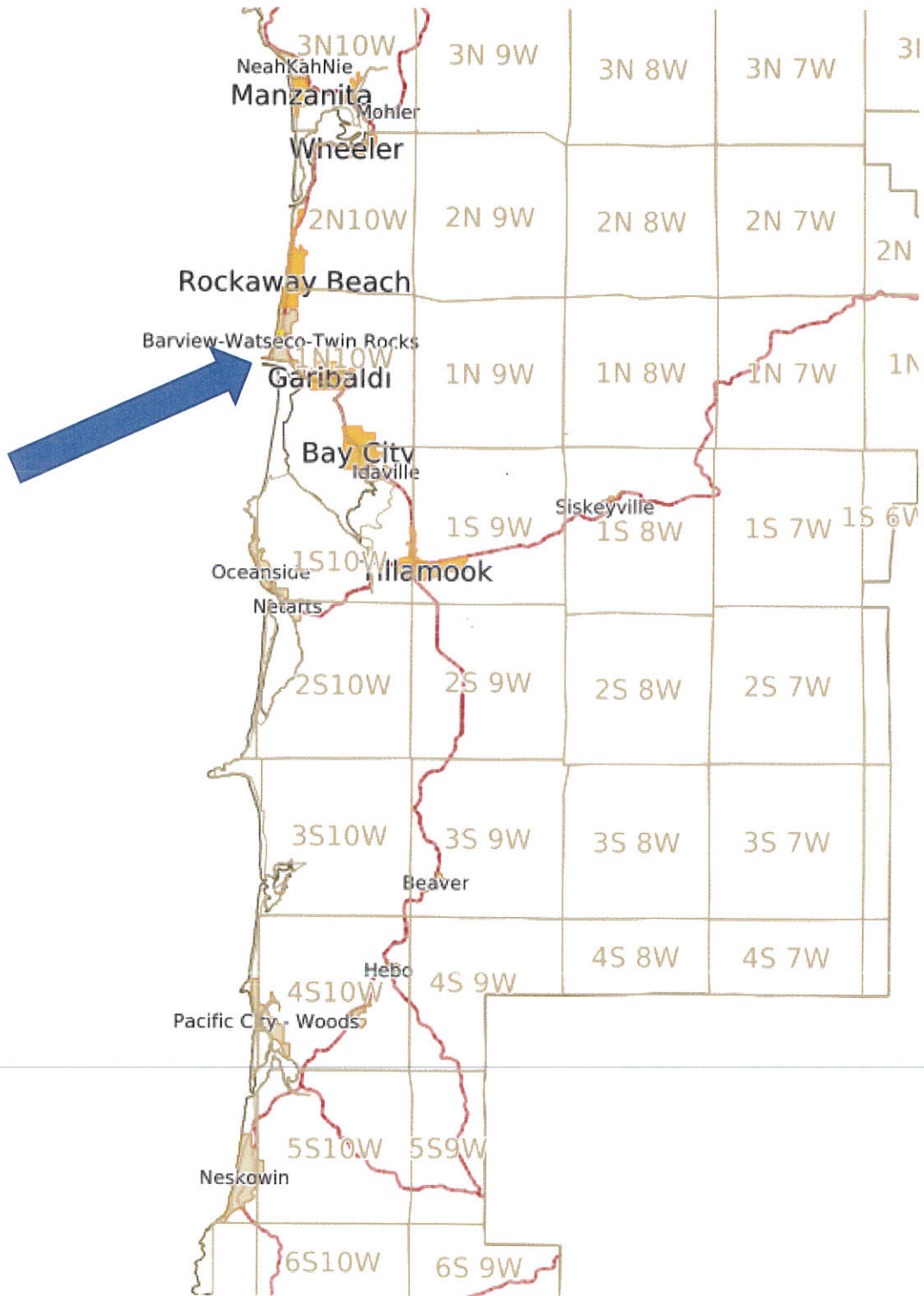
VI. EXHIBITS:

All Exhibits referenced herein are, by this reference, made a part hereof:

- A. Vicinity map, Assessor map, Zoning map, Assessor's Summary Report
- B. Applicant's submittal
- C. Correspondence

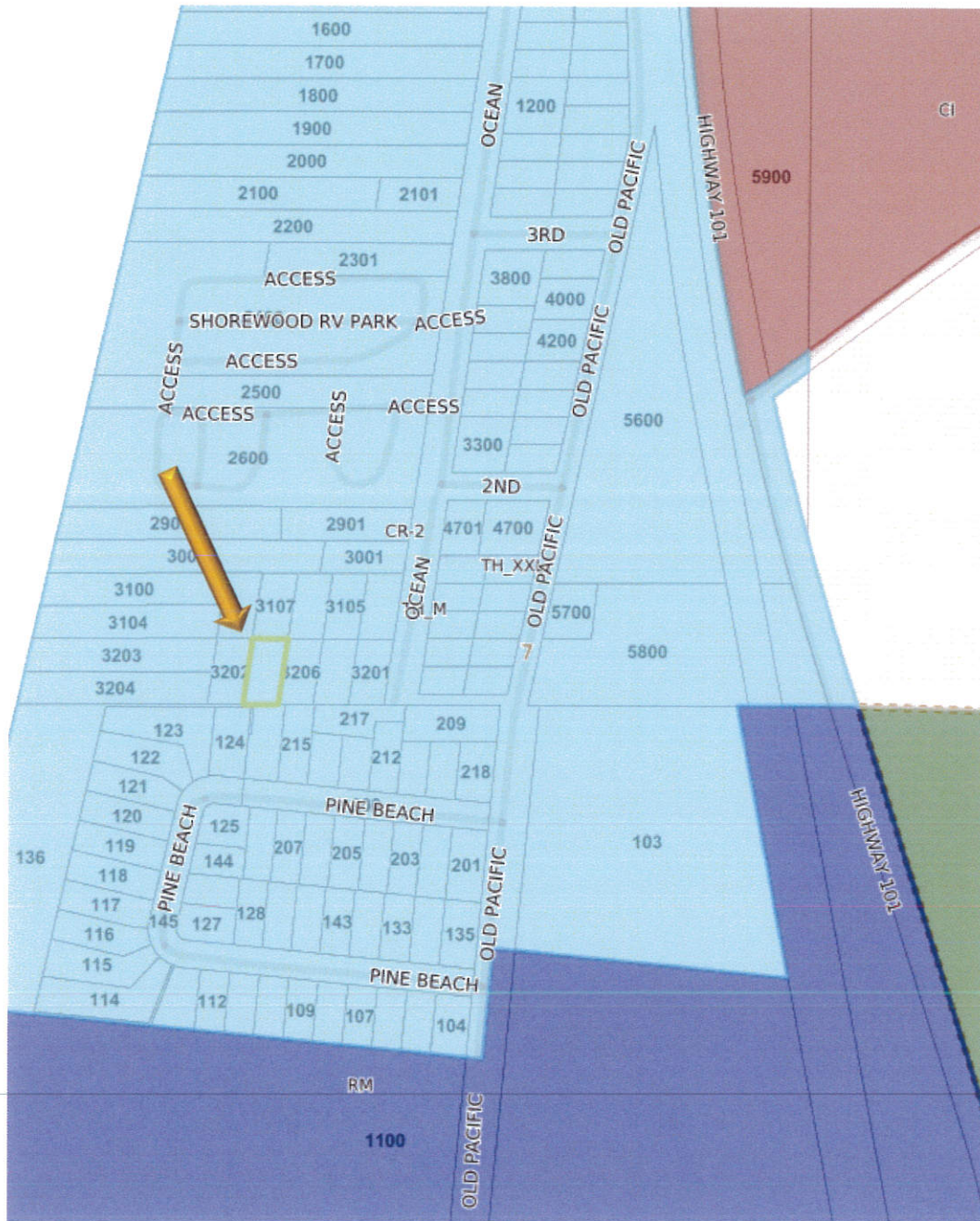
EXHIBIT A

VICINITY MAP



851-21-000124-PLNG KOLIN

ZONE MAP



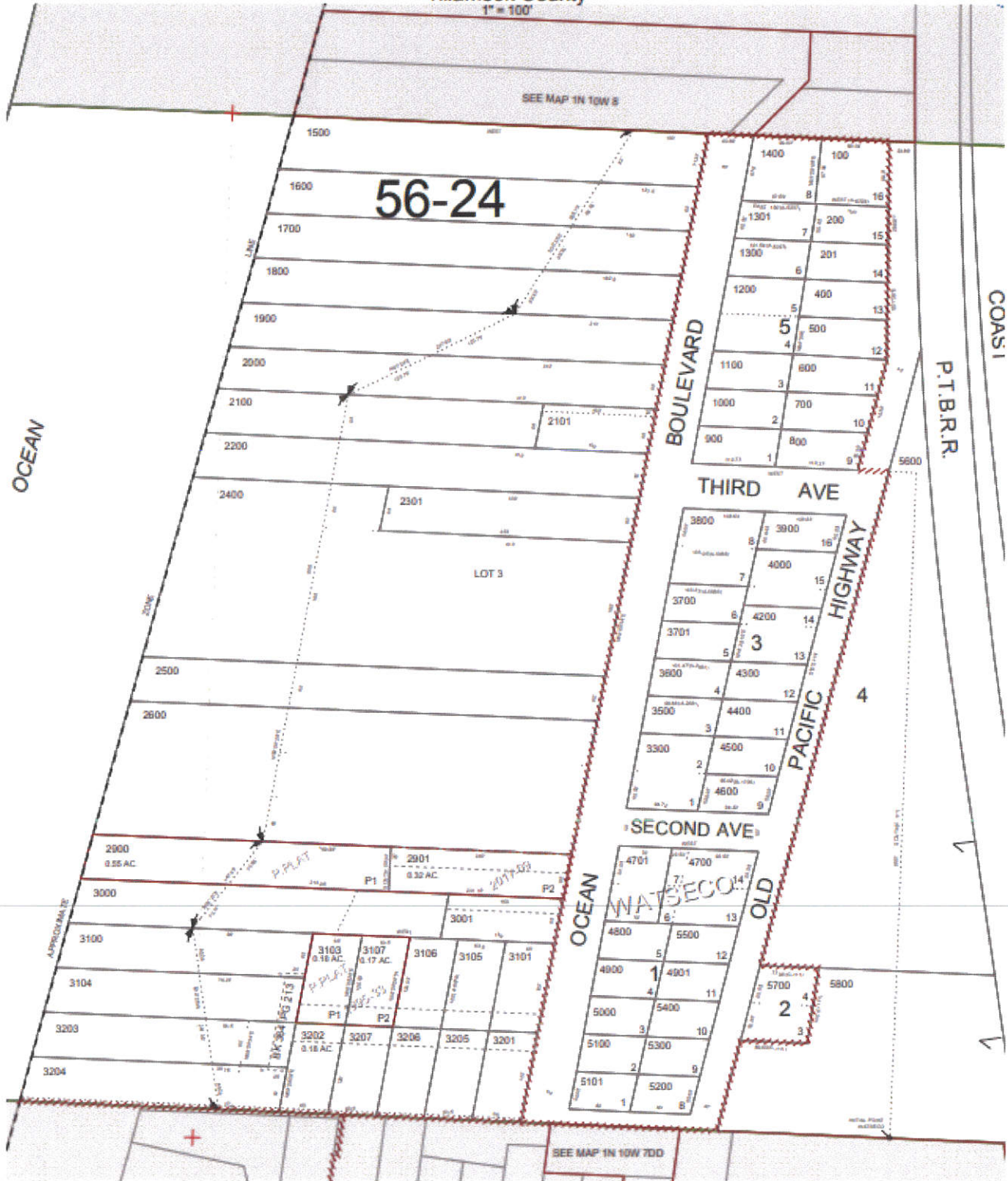
851-21-000124-KOLIN

TAX MAP

TAXATION ONLY, NOT SUITABLE FOR
RING, OR SURVEY PURPOSES

N.E.1/4 S.E.1/4 SEC.7 T.1N. R.10W. W.M.
Tillamook County

1" = 100'



851-21-000124-PLNG KOLIN

EXHIBIT B

)
)

)
)



Tillamook County Department of Community Development
1510-B Third Street, Tillamook, OR 97141 | Tel: 503-842-3408 Fax: 503-842-1819
www.co.tillamook.or.us

PLANNING APPLICATION

RECEIVED
OFFICE USE ONLY
Date Stamp
APR 27 2021
BT:

Applicant (Check Box if Same as Property Owner)
Name: Iselin Architects Phone: 503-656-1942
Address: 1307 7th St
City: Oregon City State: OR Zip: 97045
Email: todd@iselinarch.com

Approved Denied
Received by: SS
Receipt #:
Fees: 1089.00
Permit No: 851-21-000124-PLNG

Property Owner
Name: Kevin Kolin Phone: 503-750-7756
Address: 5301 N Coral St
City: Rockaway Beach State: OR Zip: 97136
Email: kevinkolin@yahoo.com

Request: To reduce rear yard setback from 20' to 15' to allow for attached covered patio construction

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

Location:
Site Address: 17480 Ocean Blvd, Rockaway Beach, OR
Map Number: 1N 10N 07DA 3207
Township Range Section Tax Lot(s)

Clerk's Instrument #: 1995-33, book 364, page 213

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)
[Signature]
Applicant Signature
[Signature]

4/27/2021
Date
April 27, 2021
Date

1N10 7DA 3207



PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: Iselin Architects Phone: 503-656-1942
 Address: 1307 7th St
 City: Oregon City State: OR Zip: 97045
 Email: todd@iselinarch.com

Property Owner

Name: Kevin Kolin Phone: 503-750-7756
 Address: 5301 N Coral St
 City: Rockaway Beach State: OR Zip: 97136
 Email: kevinkolin@yahoo.com

OFFICE USE ONLY	
Date Stamp	RECEIVED APR 28 2021 BY:
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees:	
Permit No: 851-____-____-PLNG	

Request: To reduce rear yard setback from 20' to 15' to allow for attached covered patio construction

Type II

- Farm/Forest Review
- Conditional Use Review
- Variance
- Exception to Resource or Riparian Setback
- Nonconforming Review (Major or Minor)
- Development Permit Review for Estuary Development
- Non-farm dwelling in Farm Zone
- Fore-dune Grading Permit Review
- Neskowin Coastal Hazards Area

Type III

- Appeal of Director's Decision
- Extension of Time
- Detailed Hazard Report
- Conditional Use (As deemed by Director)
- Ordinance Amendment
- Map Amendment
- Goal Exception

Type IV

- Appeal of Planning Commission Decision
- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

Location:

Site Address: 17480 Ocean Blvd, Rockaway Beach, OR

Map Number: 1N 10N 07DA 3207
Township Range Section Tax Lot(s)

Clerk's Instrument #: 1995-33, book 364, page 213

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)


 Applicant Signature

Date

April 27, 2021
 Date

The requested variance is the minimum that will provide the property owner a covered 3 season outdoor kitchen/ entertaining area while maintaining a reasonable setback to the neighboring properties with this attached one story porch structure.

This request will provide the Owners with a covered outdoor living area that is consistent with other properties in the area. Without the variance a covered outdoor living area would be limited to aprox. 9'-6" x 14'-6". The covered area with the requested variance would increase this one level covered portion of the patio to 14'-6" x 14'-6" making it a reasonable area for outdoor seating and entertaining. The main body of the 1 ½ story home will be completely within the 20' rear setback as proposed. Only about 40 s.f. of a single story portion of the covered patio area will encroach into the setback due to the irregular shape of this lot. Refer to attached photos of surrounding properties with similar or more visually obstructive outdoor living areas.

ARTICLE IV- SUPPLEMENTARY REGULATIONS

SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

1. To ensure the availability of private open space;

The requested variance will allow the property owner to have more useable private outdoor space with the enlarged porch area. A 6' high solid wood fence will be constructed on the property lines to create private open spaces for the subject property and neighboring properties.

2. To ensure that adequate light and air are available to residential and commercial structures;

The proposed reduction in the rear yard setback will have no or minimal impact on the neighboring property on this side. A 6' high fence will be constructed by the owner of the subject property and a 5' wide pedestrian access easement exists between this and the neighboring property to the south.

3. To adequately separate structures for emergency access;

The Zoning Code requires a 6' separation between structures to provide fire separation and allow for emergency access. The requested reduction to the rear setback to 15' provides more than adequate separation.

4. To enhance privacy for occupants of residences;

The larger covered patio area proposed will provide enhanced privacy for both the subject property and the home located immediately to the east. The single story roof structure will obscure the view from elevated deck on the property to the east into the backyard of the subject property, while being low enough not to obstruct territorial views to the south west.

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;

The approval of the requested variance will allow the property owners to have a more usable private outdoor space in their backyard without impacting neighboring properties.

6. To ensure that driver visibility on adjacent roads will not be obstructed;

There is no impact on driver visibility with the reduced rear yard setback proposed that is not adjacent to any road frontage.

IAISELIN ARCHITECTS, P.C.

1307 Seventh Street Oregon City, OR 97045 p: 503-656-1942 f: 503-656-0658

7. To ensure safe access to and from common roads:

The requested setback reduction variance does not impact access to or from any common road.

8. To ensure that pleasing views are neither unreasonably obstructed nor obtained;

Pleasant views from neighboring properties will not be obstructed with the proposed single story covered porch structure that will be allowed with this variance. No additional views from the subject property will be gained through the requested variance.

9. To separate potentially incompatible land uses;

Criterion is not applicable. The proposed residential use is compatible with the surrounding residential properties.

10. To ensure access to solar radiation for the purpose of alternative energy production.

The requested rear yard setback variance is located on the south side of the subject property so will not impact any neighboring properties access to solar radiation. The enlarged single story roof area that will be allowed with approval of this variance will potentially allow the property owners to take advantage of this roof surface for alternative energy production.

If there are any questions regarding this application or additional information is needed to assist with decision making please contact me by phone or email.

Respectfully,



**Todd L. Iselin
Principal**

OCEAN BLVD.

63.50' WEST

20ft. PUBLIC UTILITY & ACCESS EASEMENT

ENTRY PORCH

2-CAR GARAGE

PROPOSED RESIDENCE

COVERED PATIO

REAR PORCH COLUMN LOCATION FOR APPROVED PLANS

PROPOSED REAR PORCH LOCATION WITH REQUESTED VARIANCE

120.00' N 08°28'26" E

5ft. SIDE YARD SETBACK

5ft. SIDE YARD SETBACK

120.00' N 08°28'26" E

37'-10"

63'-6"

73'-6"

52'-6"

5'-3 1/2"

20ft. REAR YARD SETBACK

17'-2 1/2"

15'-1 1/2"

14'-6"

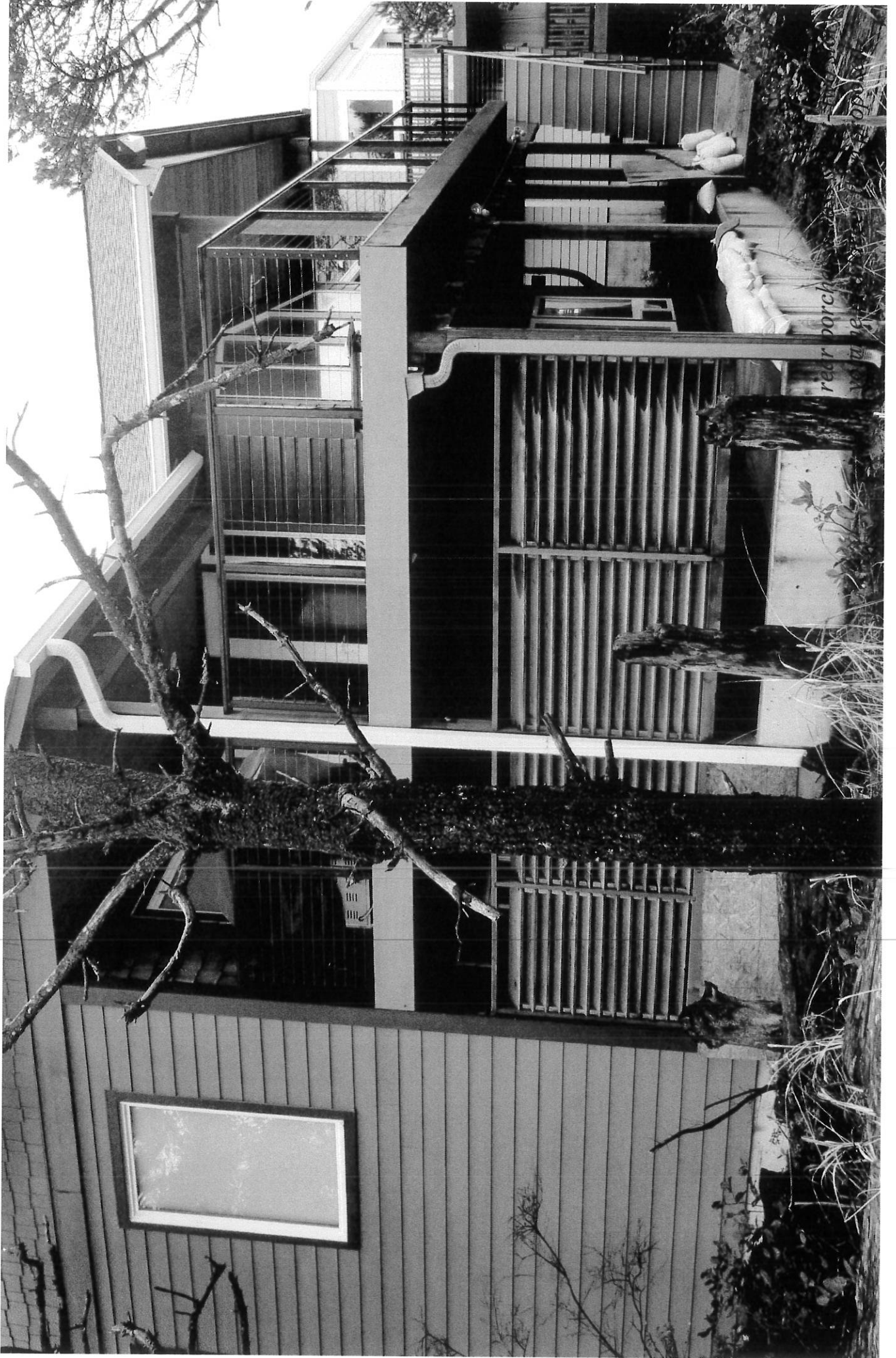
19'-6"

63.50' WEST



*subject property - proposed encroachment at left rear -
new fence will continue from neighbors to left*





OCEAN BLVD.

63.50' WEST

20ft. PUBLIC UTILITY & ACCESS EASEMENT

ENTRY PORCH

2-CAR GARAGE

PROPOSED RESIDENCE

COVERED PATIO

REAR PORCH COLUMN LOCATION PER APPROVED PLANS

PROPOSED REAR PORCH LOCATION WITH REQUESTED VARIANCE

120.00' N 08°28'26" E

5ft. SIDE YARD SETBACK

5ft. SIDE YARD SETBACK

120.00' N 08°28'26" E

63'-6"

13'-6"

52'-6"

5'-3 1/2"

20ft. REAR YARD SETBACK

3'-2 1/2"

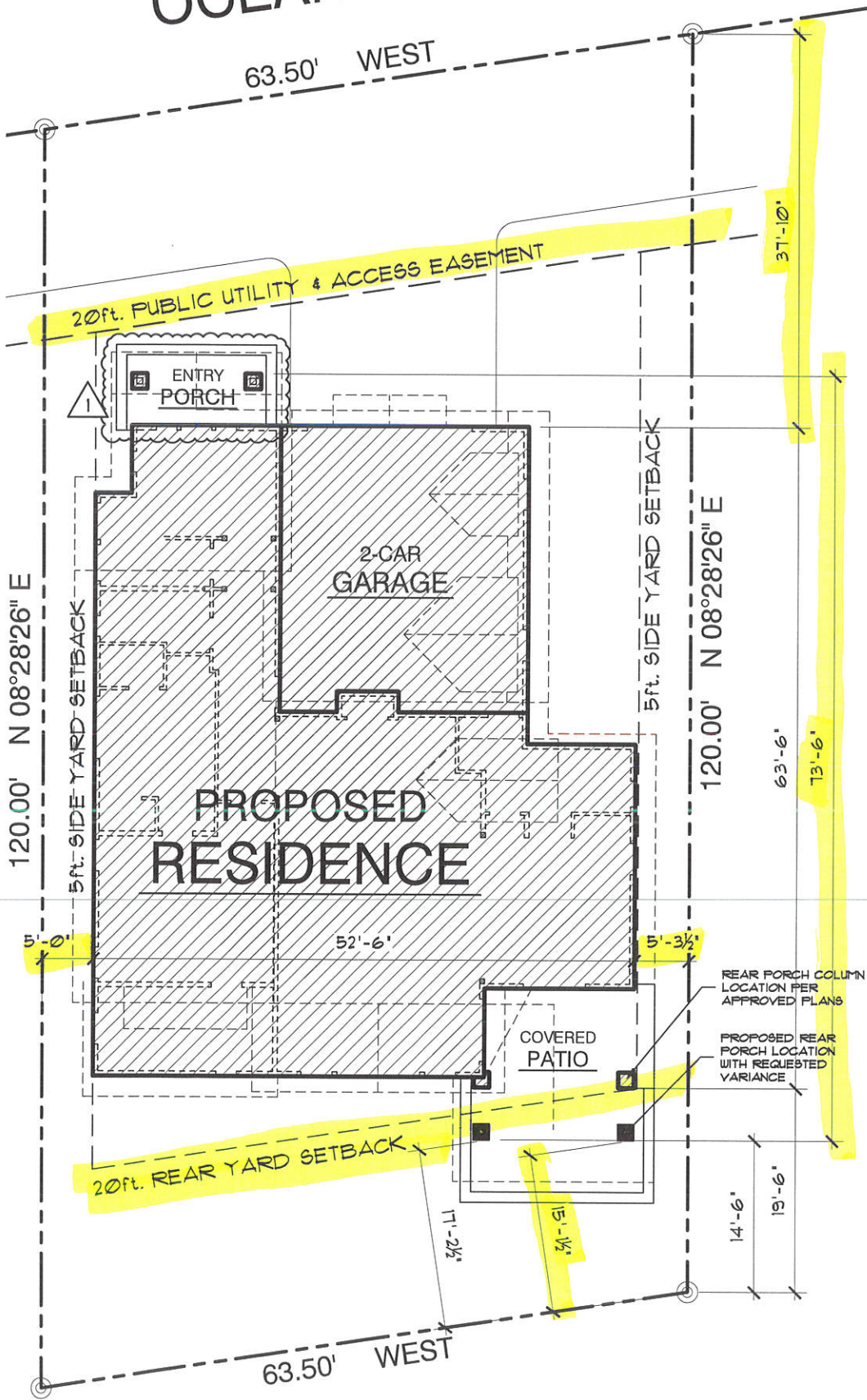
3'-1 1/2"

14'-6"

19'-6"

37'-10"

63.50' WEST



REVISED DECEMBER 6, 2120

Revisions noted in italics (Section 8.030.4 and photos)

Tillamook County
Department of Community Development, Planning and Building
Planning/ Land Use Dept.
1510-B Third St
Tillamook, OR 97141

April 30, 2021

Subject Parcel: T1N, R10N, Sec 07DA, 3207
Address: 17480 Ocean Blvd, Rockaway Beach, OR 97136

RE: Variance Request to reduce rear yard setback from 20' to 15'.

We are hereby requesting a reduced rear yard setback from the required 20' to 15'. We believe this request is reasonable and complies with the intent of the County Zoning Code per the following narrative responding to the applicable criteria.

Refer to attached site plan for proposed 5' reduction to accommodate a reasonably sized, one story covered porch to provide private outdoor space for property owners and to enhance the private outdoor area for the eastern neighbors.

SECTION 8.030: REVIEW CRITERIA

A VARIANCE shall be granted, according to the procedures set forth in Section 8.020. of 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.

The subject property is a parallelogram rather than a rectangular parcel. If the property were rectangular with a 63.5' wide x 120' depth, a 53.5' wide x 80' building envelope would be possible. With the skewed front and rear property lines the building depth is greatly reduced. The site is further constrained by an electric vault location located at the northwest corner of the property. This vault location has dictated that the garage be located on the east side. The total proposed depth of the proposed building including front and rear porches is 73'-6" with this proposed variance, rather than the 80' that would be allowed on a rectangular lot of the same dimensions.

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.

The residential use proposed is allowed within the CR-2 zone. The proposed encroachment into the rear setback of the underlying zone is for a single level covered porch and not the actual 2 story volume of the home.

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

The proposed setback reduction variance will not impact the rights of adjoining property owners and can be found to comply with requirements of Section 4.005. Refer to following narrative for compliance with these criteria.

4. There are no reasonable alternatives requiring either a lesser or no VARIANCE.

EXHIBIT C

Doug & LINDA Herboth
7750 PINE BEACH LOOP
ROCKAWAY, OR. 97136

Dec 1, 2021



Variance Request
851-21-000124
PLNG: KOLIN

This request is NOT A problem, please take into consideration the Ocean Blvd. 5' easement is on your rear lot setback placing your home within 10' from a potential fence. This easement is to be free of obstruction going east to west on your rear lot line.

We want to take this opportunity ^{for you} to be AWARE of potential flooding due to the 10 ft easement on your rear line being the first and easiest source of ocean flooding due to the direct access of the Revetment construction Ramp west of your property.

Sincerely

Doug & Linda Herboth



VARIANCE REQUEST #851-21-000124-PLNG: KOLIN

*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: November 24, 2021

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

#851-21-000124-PLNG: A Variance request to reduce the required 20-foot rear-yard setback to fifteen (15) feet for construction of a single-family dwelling on a property located in the Unincorporated Community of Barview-Watesco-Twin Rocks. The subject property is accessed via Ocean Blvd., a County road, is zoned Community Medium Density Urban Residential (CR-2) and is designated as Tax Lot 3207 of Section 07DA, Township 1 North, Range 10 West, W.M., Tillamook County, Oregon. The applicants are Iselin Architects and the property owner is Kevin Kolin.

Written comments received by the Department of Community Development prior to 4:00 p.m. on December 7, 2021, 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, December 8, 2021. Notice of the application, a map of the subject area, and the applicable criteria are being 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: <http://www.co.tillamook.or.us/gov/ComDev/landuseapps>

If you have any questions about this application, please contact the Department of Community Development at (503) 842-3408 ext. 3317 or claws@co.tillamook.or.us.

Sincerely,


Christopher S. Laws, Planner II


Sarah Absher, 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.

Melissa Jenck

From: Todd Iselin <todd@iselinarch.com>
Sent: Tuesday, August 10, 2021 7:07 AM
To: Melissa Jenck
Cc: Abby Stephens; Tammi Lappier; Sheila Shoemaker
Subject: RE: EXTERNAL: RE: Variance Review

Hi Melissa,

He will wait until the variance is approved for the permit to be issued. His concrete sub-contractor is backed up until first of October.

Thank you,

Todd Iselin

ISELIN ARCHITECTS, P.C.

1307 SEVENTH STREET, OREGON CITY, OR 97045
PH. (503) 656-1942
www.iselinarchitects.com

From: Melissa Jenck [mailto:mjenck@co.tillamook.or.us]
Sent: Monday, August 9, 2021 4:54 PM
To: Todd Iselin
Cc: Abby Stephens; Tammi Lappier; Sheila Shoemaker
Subject: RE: EXTERNAL: RE: Variance Review

Good afternoon Todd,

I believe the plans are already back from the building division. I'll be back in office tomorrow and determine which version of the plans we have. If the version we have is utilizing the need for the Variance, we'll have to wait to issue them. If they're the version that are compatible with current code, they could work to issue the permit.

If the version we've reviewed is not compatible, but you'd like Staff to proceed with issuing the building permit, we'll need to receive an amendment detailing the change and confirm with our Plans Examiners on whether or not they will need to review before we can issue.

Please let us know how you'd like to proceed with the plan set in-office. I can send over imagery of it tomorrow to confirm we're on the same page if you need to before making a decision.

Thank you,



Melissa Jenck (she/her) | CFM, Land Use Planner II
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3301
mjenck@co.tillamook.or.us

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.co.tillamook.or.us/qov/ComDev/> to access the appointment scheduler portal.

From: Todd Iselin <todd@iselinarch.com>
Sent: Monday, August 9, 2021 4:35 PM
To: Melissa Jenck <mjenck@co.tillamook.or.us>
Subject: EXTERNAL: RE: Variance Review

[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hi Melissa,

I just spoke with the Owner. He has been going back and forth on how he wants to proceed given uncertainty of cost. He does want to proceed with the variance request. His intent; as of today, is to construct the home with the larger covered patio area that will require the variance. He will go with the original submitted permit drawings if variance is approved. If not, he will scale back to the revised drawings.

Thank you,

Todd Iselin

ISELIN ARCHITECTS, P.C.
1307 SEVENTH STREET, OREGON CITY, OR 97045
PH. (503) 656-1942
www.iselinarchitects.com

From: Melissa Jenck [<mailto:mjenck@co.tillamook.or.us>]
Sent: Monday, August 9, 2021 1:55 PM
To: Todd Iselin
Subject: Variance Review

Good afternoon Todd,

Staff were finalizing the plans for the Kolin residence. During the review, there was the original Variance request that was received for the covered patio. There seems to be confusion on potentially a discussion for no longer proceeding with the Variance request and obtaining a refund, or continuing on with it. I believe the plan sets that were provided to

Staff were drafted not utilizing the need for the Variance and that amended plans would be submitted later for that design.

Can you confirm if the Variance application should proceed, or if it is to be withdrawn? I'm wanting to ensure Staff are clarified on the issue before proceeding with issuing the building permit and whether the land use review needs to continue.

Thank you,



Melissa Jenck (she/her) | CFM, Land Use Planner II
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3301
mjenck@co.tillamook.or.us

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

The Department is excited to announce that we are OPEN to the public by appointment. To review the list of services provided and to schedule an appointment with us, please visit <https://www.co.tillamook.or.us/gov/ComDev/> to access the appointment scheduler portal.