



VARIANCE REQUEST #851-22-000139-PLNG: WARREN

*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 23, 2022

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

#851-22-000139-PLNG: A Variance request to reduce the required 30-foot front and rear yard combination setback to a (zero) 0-foot front yard setback and to further reduce the 50% lot coverage allowance for the construction of new stairs to provide egress to the existing single-family dwelling. *The new stairs along with a retaining wall to replace the existing rock wall will be located 4-feet into Aster Street road right-of-way, approved by the Tillamook County Public Works Department (Permit #5563).* The subject property is located in the Unincorporated Community of Oceanside at 5480 Aster Street, a County road, zoned Residential Oceanside Zone (ROS) and designated as Tax Lot 2500 of Section 30BC, Township 1 South, Range 10 West, W.M., Tillamook County, Oregon. The applicant and property owner is Terri Warren.

Written comments received by the Department of Community Development prior to 4:00 p.m. on June 6, 2022, 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, June 7, 2022. 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: <https://www.co.tillamook.or.us/commdev/landuseapps>.

If you have any questions about this application, please contact the Department of Community Development at (503) 842-3408 ext. 3412 or by contacting Lynn Tone, DCD Office Specialist, at ltone@co.tillamook.or.us.

Sincerely,

A handwritten signature in blue ink that reads "Sarah Absher". The signature is fluid and cursive.

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:

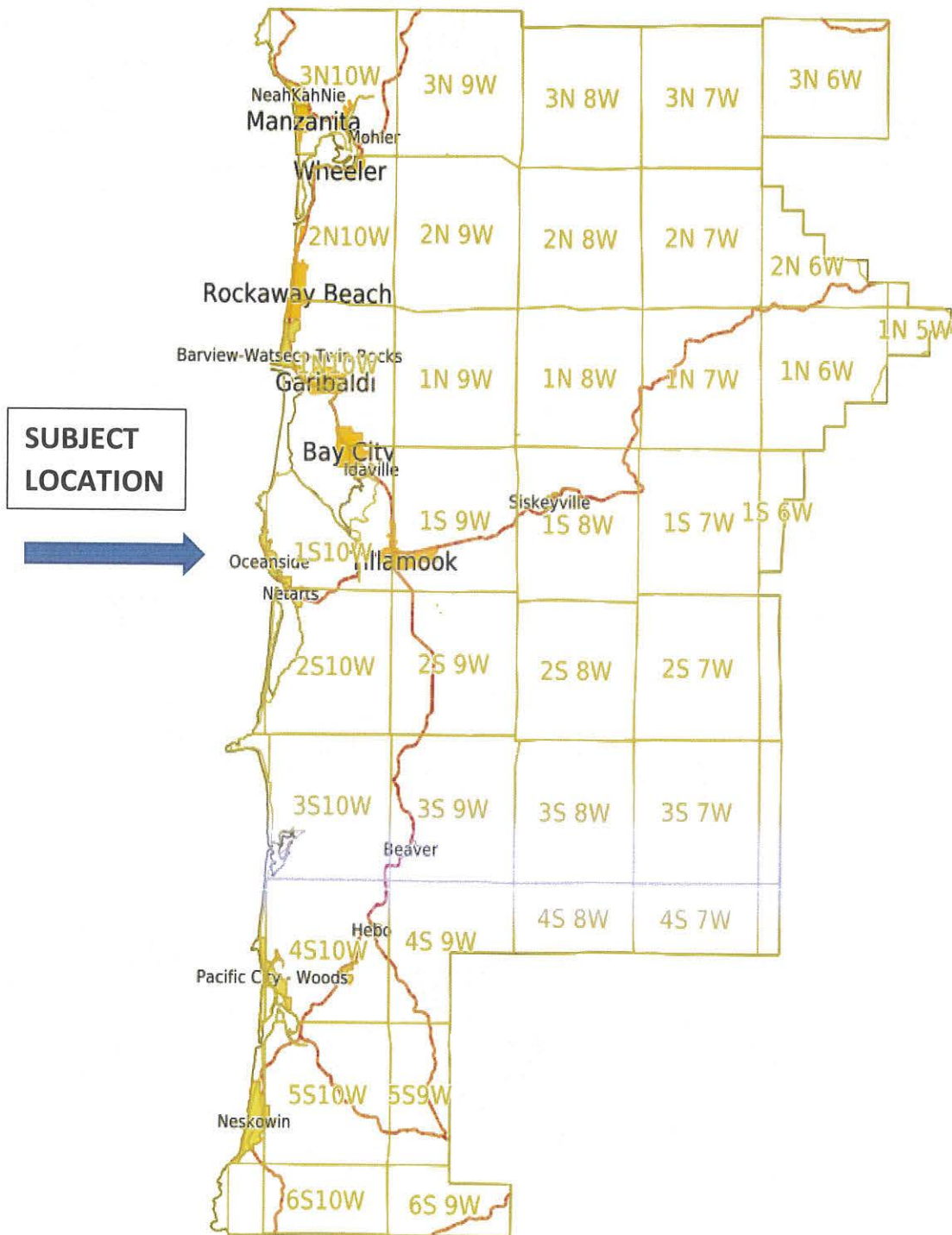
- (1) Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity, 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:

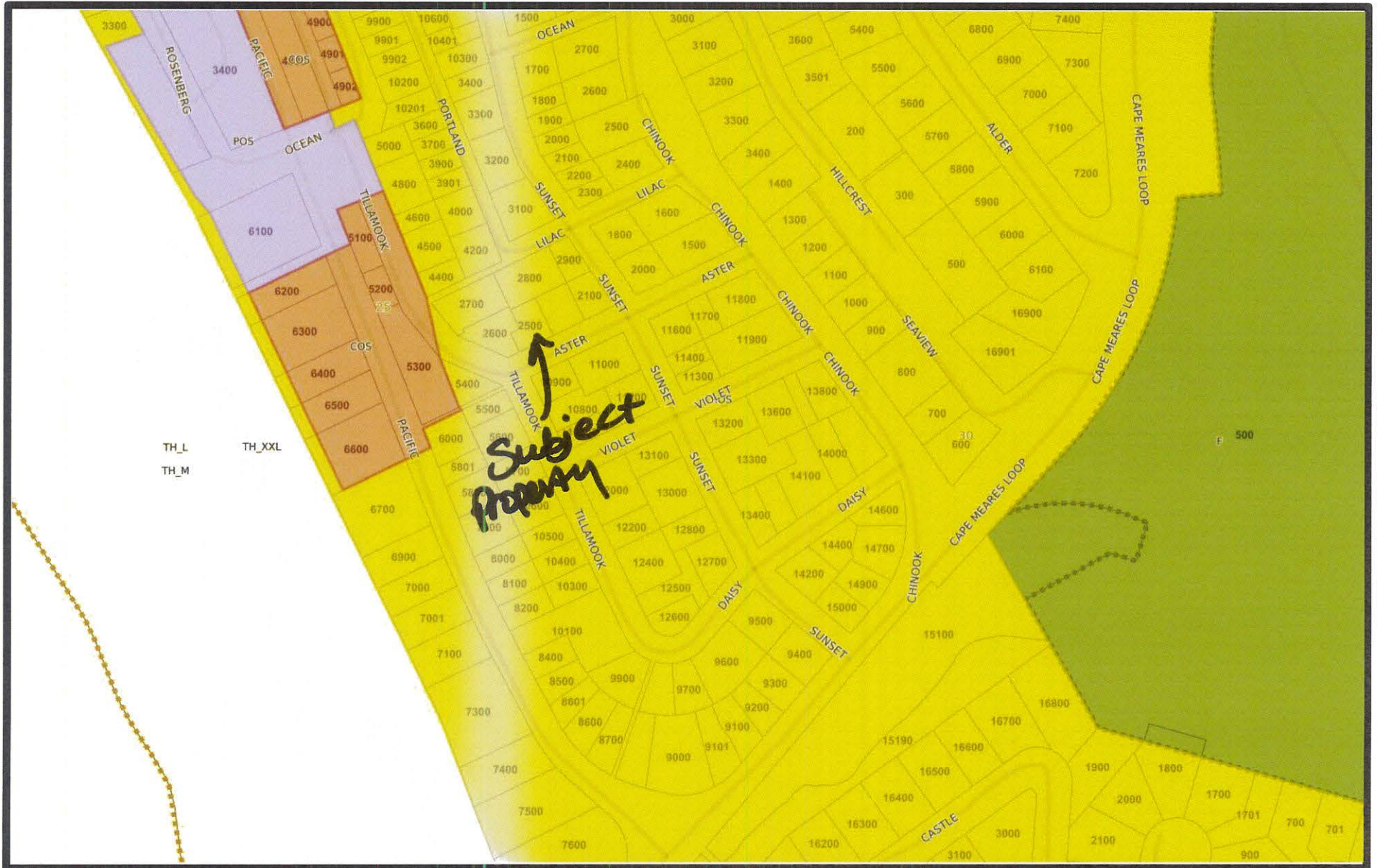
- (1) To ensure the availability of private open space;
- (2) To ensure that adequate light and air are available to residential and commercial structures;
- (3) To adequately separate structures for emergency access;
- (4) To enhance privacy for occupants of residences;
- (5) To ensure that all private 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.

VICINITY MAP



#851-22-00039-PLNG: WARREN

Map





PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)

Name: Terri Warren Phone: 503-701-2798
 Address: 8477 SW 69th PLace
 City: Portland State: OR Zip: 97223
 Email: twestover@mac.com

Property Owner

Name: Phone:
 Address:
 City: State: Zip:
 Email:

OFFICE USE ONLY
Date Stamp APR 07 2022
<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Received by: SS
Receipt #: 125194
Fees: 1689.00
Permit No: 851-22-00139-PLNG

Request: Move entry stairs to provide landing, egress window, and egress path to meet building codes and safety regulations. New stairs will be located in a small portion of encroachment area approved by Public Works Permit #5563.

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

Location:

Site Address: 5480 Aster St., Oceanside. OR 97134

Map Number: T01S R10W 30BC 02500
Township Range Section Tax Lot(s)

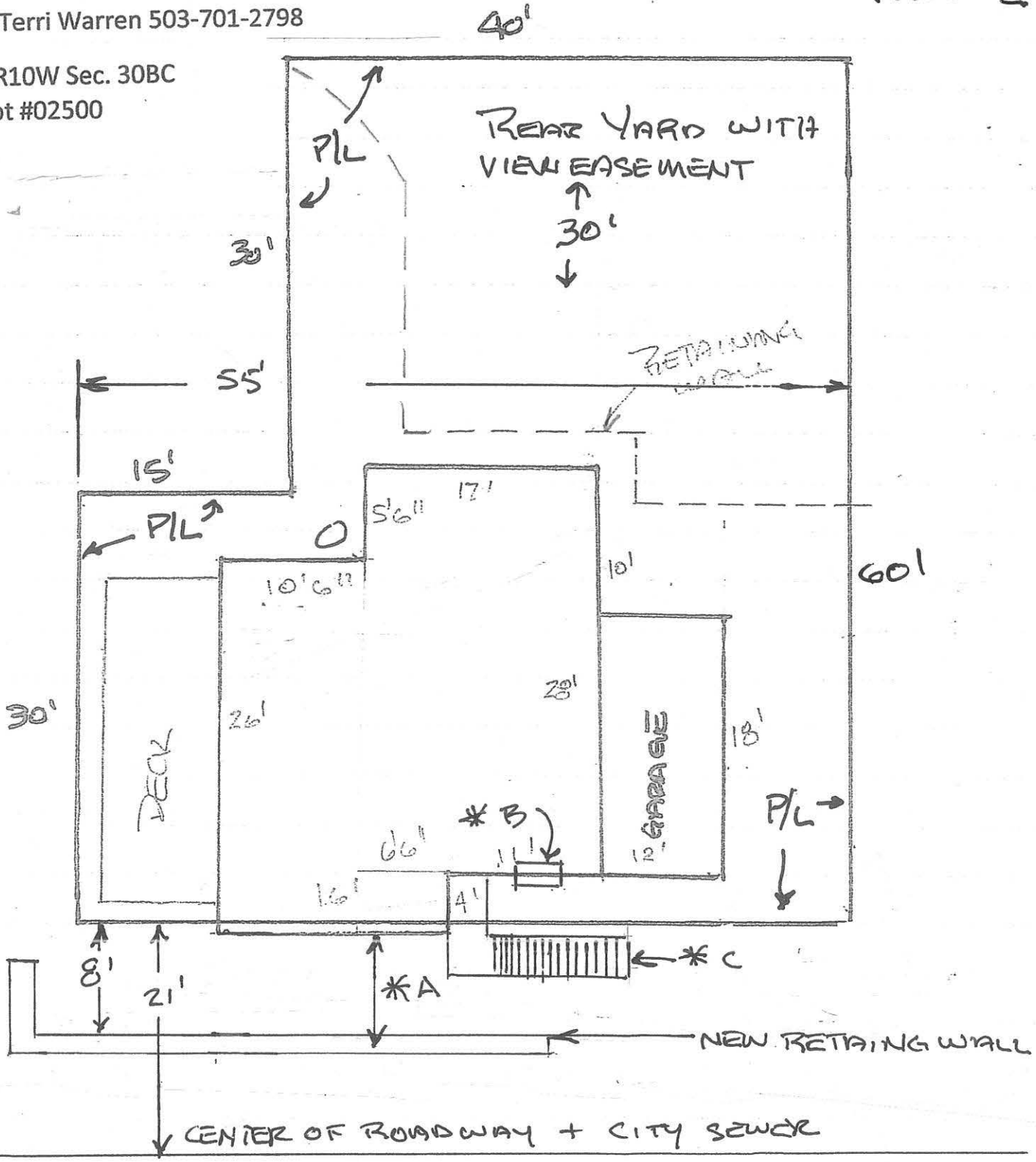
Clerk's Instrument #: _____

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) Terri Warren Date 4-6-22
 Applicant Signature Terri Warren Date 4-6-22

T01S R10W Sec. 30BC
 Tax Lot #02500

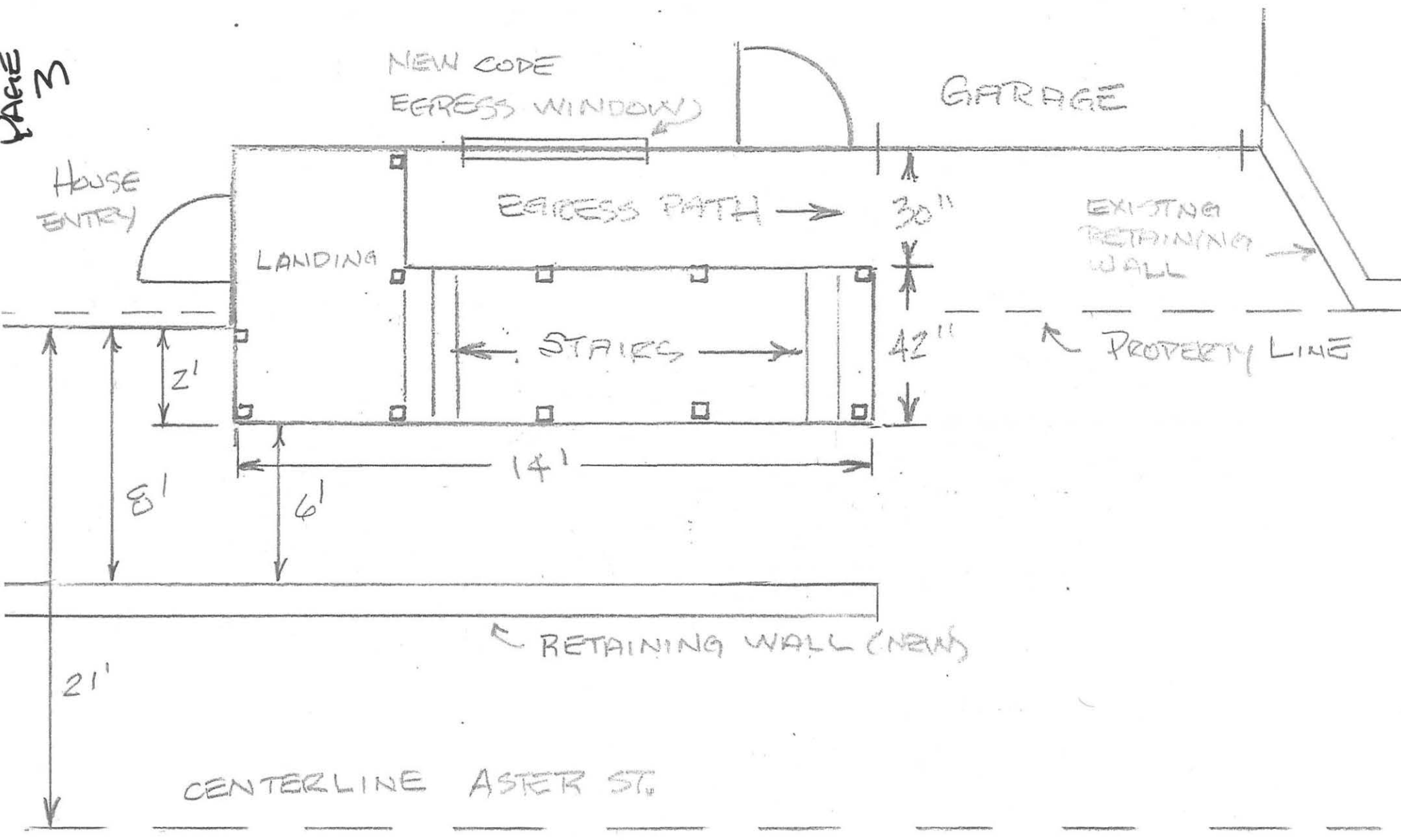


- *A PERMITTED ENCROACHMENT AREA
- *B NEW EGRESS WINDOW
- *C REPLACEMENT STAIRS WITH LANDING TO EXTEND 4' FROM FRONT OF HOUSE INTO ENCROACHMENT

Permit for 5480 Aster St, Oceanside OR 97134
Owner Terri Warren 503-701-2798
twestover@mac.com

T01S R10W Sec. 30BC
Tax Lot #02500

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These pictures provided by Public Works from the approved encroachment license



Loose rock wall will be replaced by engineered cement retaining wall.

Stairway will be shifted out from the house.



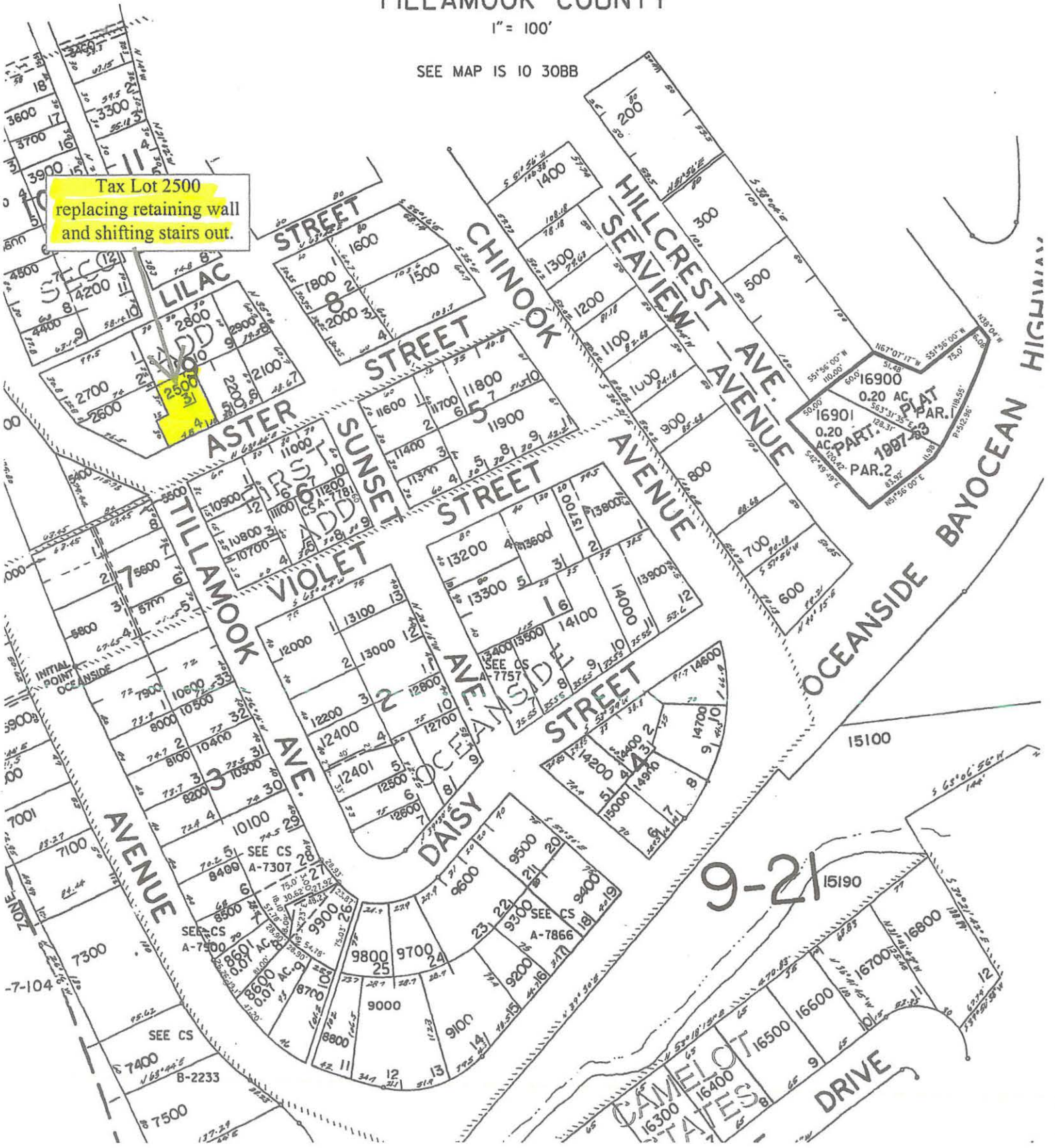
All impacts will be contained to current side yard.

SW1/4 NW1/4 SEC.30 T.1S. R.10W. W.M.
TILLAMOOK COUNTY

1" = 100'

SEE MAP IS 10 30BB

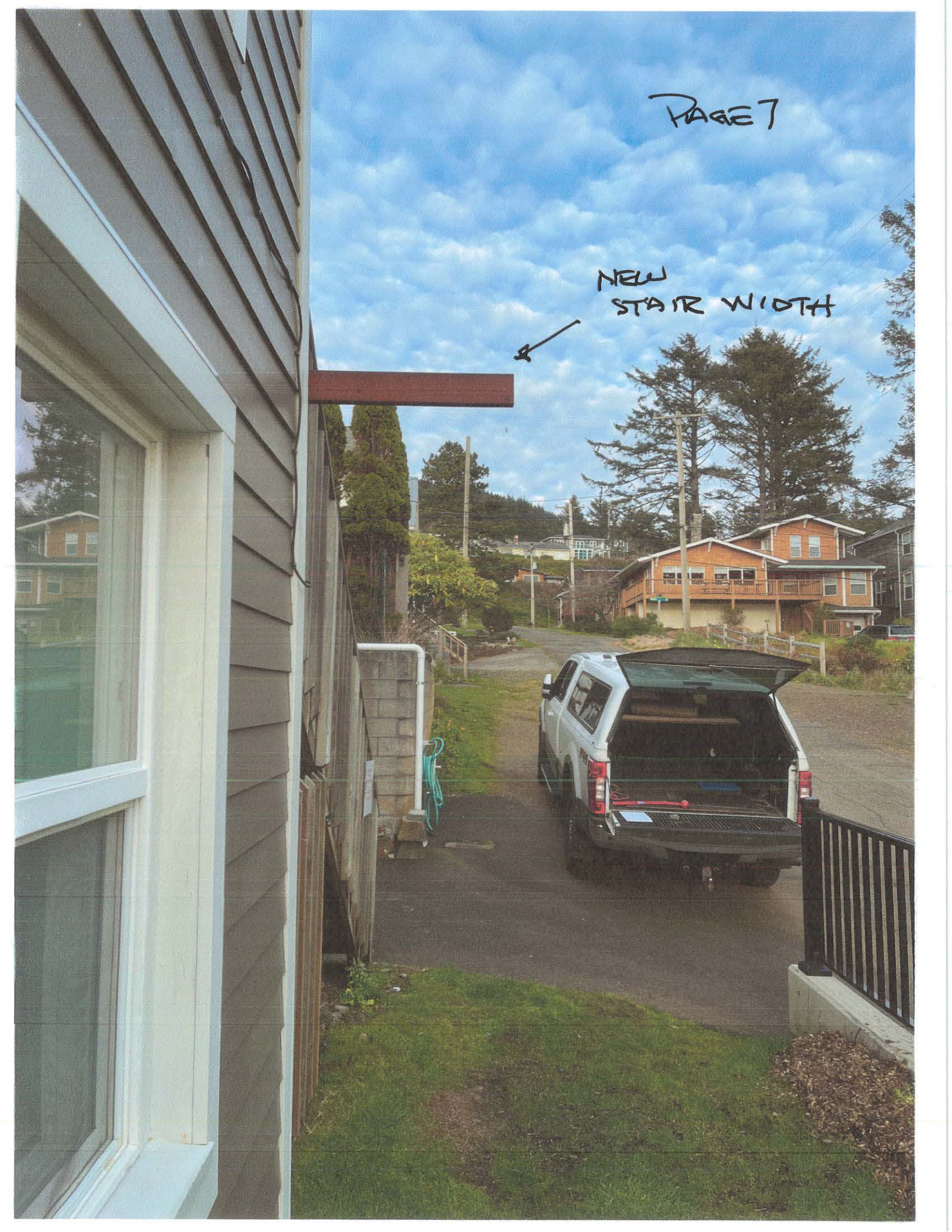
Tax Lot 2500
replacing retaining wall
and shifting stairs out.



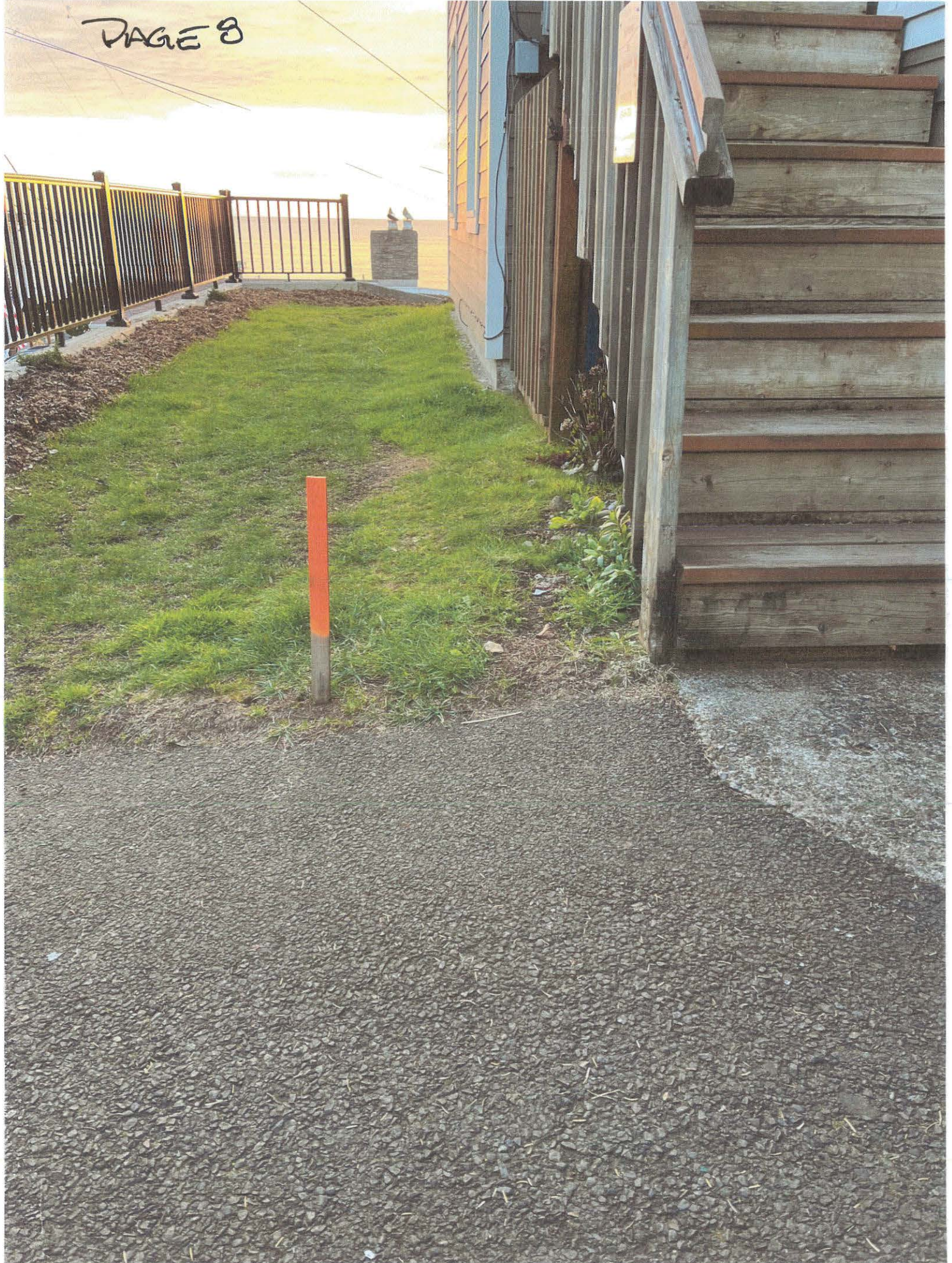


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NEW
STAIR WIDTH



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Terri Warren
Hal Hendrix
8477 SW 69th Pl
Portland, OR 97223

Contact Information

Terri Warren, twestover@mac.com, 503-701-2798
Hal Hendrix, hhendrix@aol.com, 503-459-2700

Tillamook County Department
Of Community Development
1510-B Third Street
Tillamook, OR 97141

Property Address: 5480 Aster Street
Oceanside, OR 97223
T01S R10W Sec. 30BC
Tax Lot #02500

Subject: Variance Application

History: On May 20, 2020 we submitted an application for a Right of Way Encroachment License to Tillamook County Public Works Department. We had a rock retaining wall that had been failing since 2017 despite our efforts to control the moles undermining the wall.

As part of the license, we also wanted to address two major safety hazards under the license. The existing entry stairs need a landing at the top and a lower-level bedroom needs a code compliant egress window and pathway. The stairs need to be moved two feet from the house into the encroachment area to provide an egress path for the new window.

The license was approved on August 20, 2020 and a building permit for an engineered concrete retaining wall was submitted the next day. Due to several factors, primarily review time, seasonal weather conditions, and contractor availability, construction didn't start until May 2021. A permit extension was granted and the retaining wall was completed and approved June 29, 2021. The new wall location added a little more than one foot to the width of the roadway.

While the license approved the location of the stairs, we decided to separate the stairs and egress window from the retaining wall permit for practical and financial reasons, and the approach of the inclement weather season.

SECTION 8.030: REVIEW 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

We believe that our request meets the intent of subsections 1, 3, and 4. Subsection 2 does not apply to our application.

Subsections 1: The placement of the existing stairs creates a hazardous condition. First, there is no landing at the top of the stairs which is a building code violation. Also, when someone is coming up the stairs to enter the house, they must back down the stairs after opening the door, to allow for swing of the door. When carrying items like groceries or luggage, this creates an unsafe situation for someone entering the house.

In addition, the current placement of the stairs blocks the ability to provide an egress window and path from one of the downstairs bedrooms. Relocating the stairs and providing a landing would allow for replacement of the existing window.

Subsection 2: Does not apply to our situation

Subsection 3: Moving the stairs will allow us to meet current development standards and building codes (providing a landing and allowing for addition of an egress window). There is no impact to adjoining property owners to use and enjoy their land for legal purposes.

Subsection 4: The floor plan of the lower story does not allow a plan to provide adequate access to the entire structure for things like moving furniture or appliances to the top level of the house. The interior first to second level stairway is too narrow to allow the movement of furniture and major appliances to the second level. The location of the large brick fireplace also restricts floorplan modifications. If we were to use the existing stair location and build a landing at the top, the stairs would then be in front of the person door to enter the garage and the garage entry, making both unusable.

**ARTICLE IV
SUPPLEMENTARY REGULATIONS
SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS**

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

(1) To ensure the availability of private open space

This variance does not impact the availability of private open space. To the rear of the property is a 30' view easement for the neighbor next door to the right of our house.

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

This variance has no impact but does improve light and air to a lower level bedroom due to a much larger egress window which we will install upon approval of this variance

(3) To adequately separate structures for emergency access

The current placement of the entry stairs does not provide space for a landing. It also does not allow space for an egress path for a new egress window. The stairs are also being moved because using the location of the current stairs to allow for a landing at the top would block the garage door entry.

(4) To enhance privacy for occupants of residences

There is no impact from this variance

(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 new retaining wall provided more roadway width and this variance will allow the stairs to be constructed entirely within a small portion of the encroachment license.

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

The placement of the new stairs has no impact on driver visibility or construct any obstruction, either as they come up the hill on Aster or down the hill on Aster..

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

This variance has no impact to access on any road.

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

The new stairs will match the design of the house, the retaining wall top fence, and railings. There is no impact to views as the placement will be in the same approximate location as existing non-compliant stairs

(9) To separate potentially incompatible land uses

This does not apply to this variance request

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

This does not apply to this variance request

Thank you for your consideration, respectfully submitted.

A handwritten signature in black ink that reads "Terri Warren". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Terri Warren

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