



Cheese, Trees and Ocean Breeze

1510 - B Third Street
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 REQUEST #851-21-000088-PLNG: WIDMER/HANTKE

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

June 11, 2021

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Variance Request on June 11, 2021.

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

Appeal of this decision. 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 June 23, 2021.**

Request: Variance request to increase the maximum building height from 24-feet to 25.5-feet for the construction of a single-family dwelling (Exhibit B).

Location: Located within the Netarts Unincorporated Community, the subject property is located at 1650 Pearl Street West, a County road and is designated as Tax Lot 5600 in Section 6AA of Township 2 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Netarts Medium Density Urban Residential (NT-R2)

Applicant: Dennis Widmer, 1125 Hickory Hill Road, Tillamook, OR 97141

Property Owner: James Hantke, 19405 NE Kings Grade, Newberg, OR 97132

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 obtain an approved consolidated Zoning and Building Permit from the Tillamook County Department of Community Development.
3. The applicant/property owner shall submit a site plan, drawn to scale depicting all required yard and riparian setbacks are met at the time of consolidated Zoning and Building Permit application submittal.
4. The applicant/property owner shall submit an updated letter for a road approach permit at time of consolidated Zoning and Building Permit application submittal.
5. The applicant/property owner shall submit a Fire Letter from the local fire department at the time of consolidated Zoning and Building Permit application submittal.
6. The applicant/property owner shall submit updated water and sewer letters from the local water and sewer districts at the time of consolidated Zoning and Building Permit application submittal.
7. Development of the property shall be done in accordance with the development standards of TCLUO Section 4.130: Development Requirements for Geologic Hazard Areas. An addendum to Geologic Hazard Report #851-19-000257-PLNG and accompanying plan review conformance letter from the geotechnical professional certifying the modified structural plans are in conformance with the Geologic Hazard Report is required for development of this property. The addendum and updated conformance letter shall be submitted to the Department prior to or at the time of consolidated Zoning and Building Permit application submittal.
8. Development of the property shall be done in accordance with the development standards of TCLUO Section 4.080: Requirements for Protection of Water Quality and Streambank Stabilization.
9. Height of the structure shall not exceed 25.5-feet. Certification by a licensed professional surveyor confirming the height of the structure does not exceed the approved 25.5-foot height maximum shall be provided to the Department prior issuance of the Certificate of Final Occupancy by the Building Official. Development shall otherwise comply with the applicable standards and requirements of TCLUO Section 3.340: Netarts Medium Density Urban Residential (NT-R2) Zone.
10. This approval shall be void on June 11, 2023 unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

Sincerely,

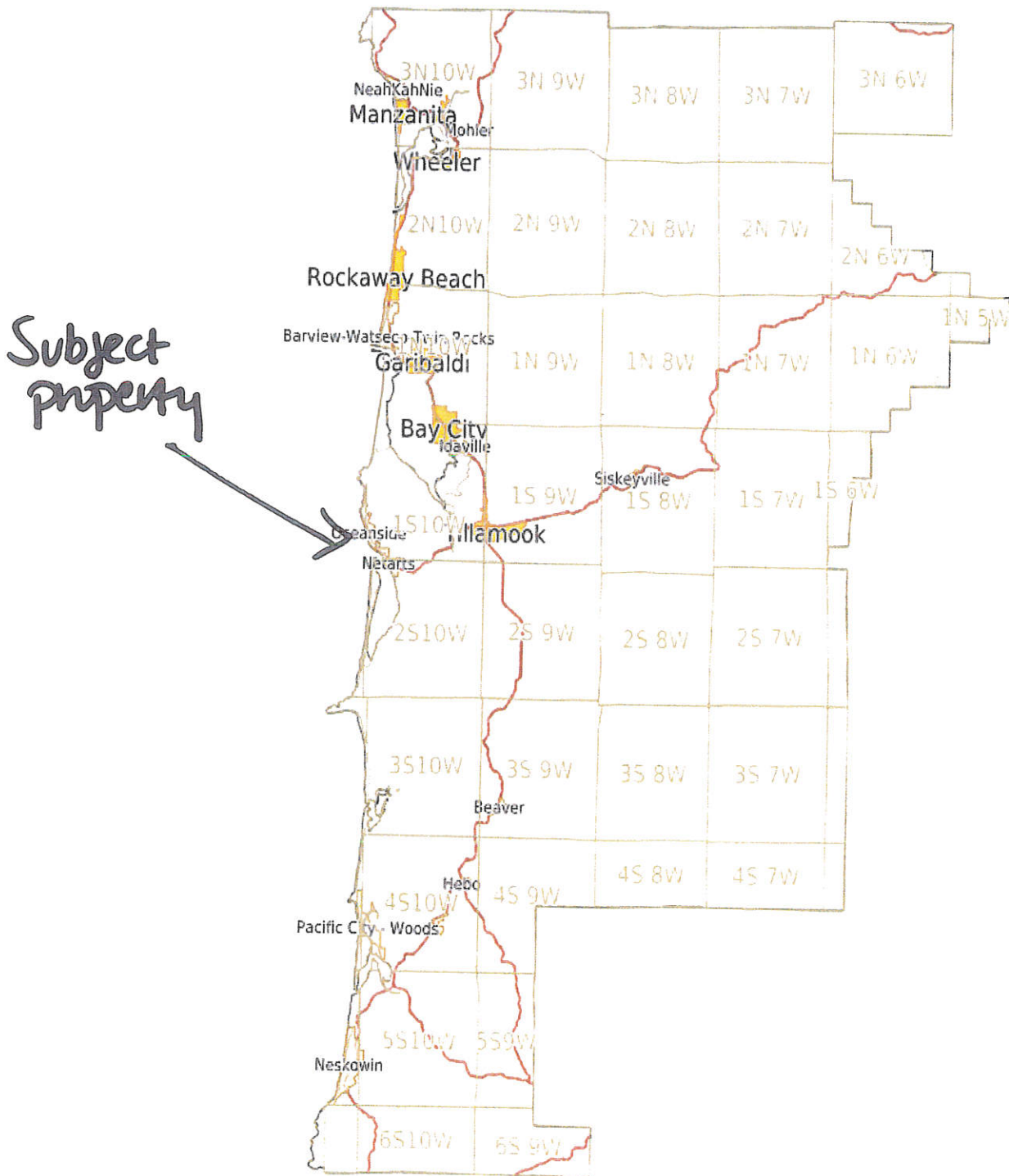
Tillamook County Department of Community Development



Sarah Absher, CFM, Director

Enc.: Vicinity, Assessor & Zoning maps

VICINITY MAP

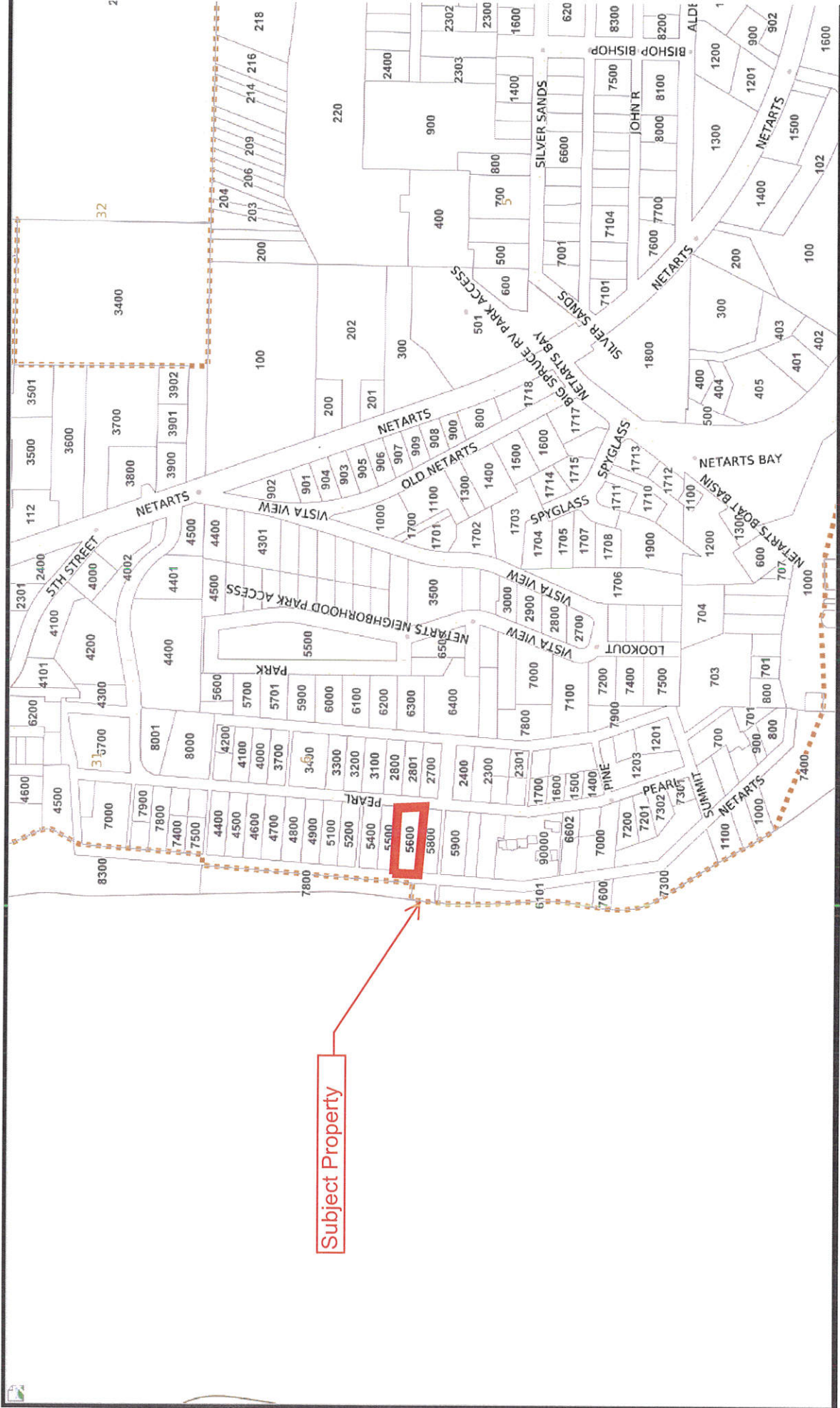


#851-21-000088-PLNG: HANTKE & WIDMER



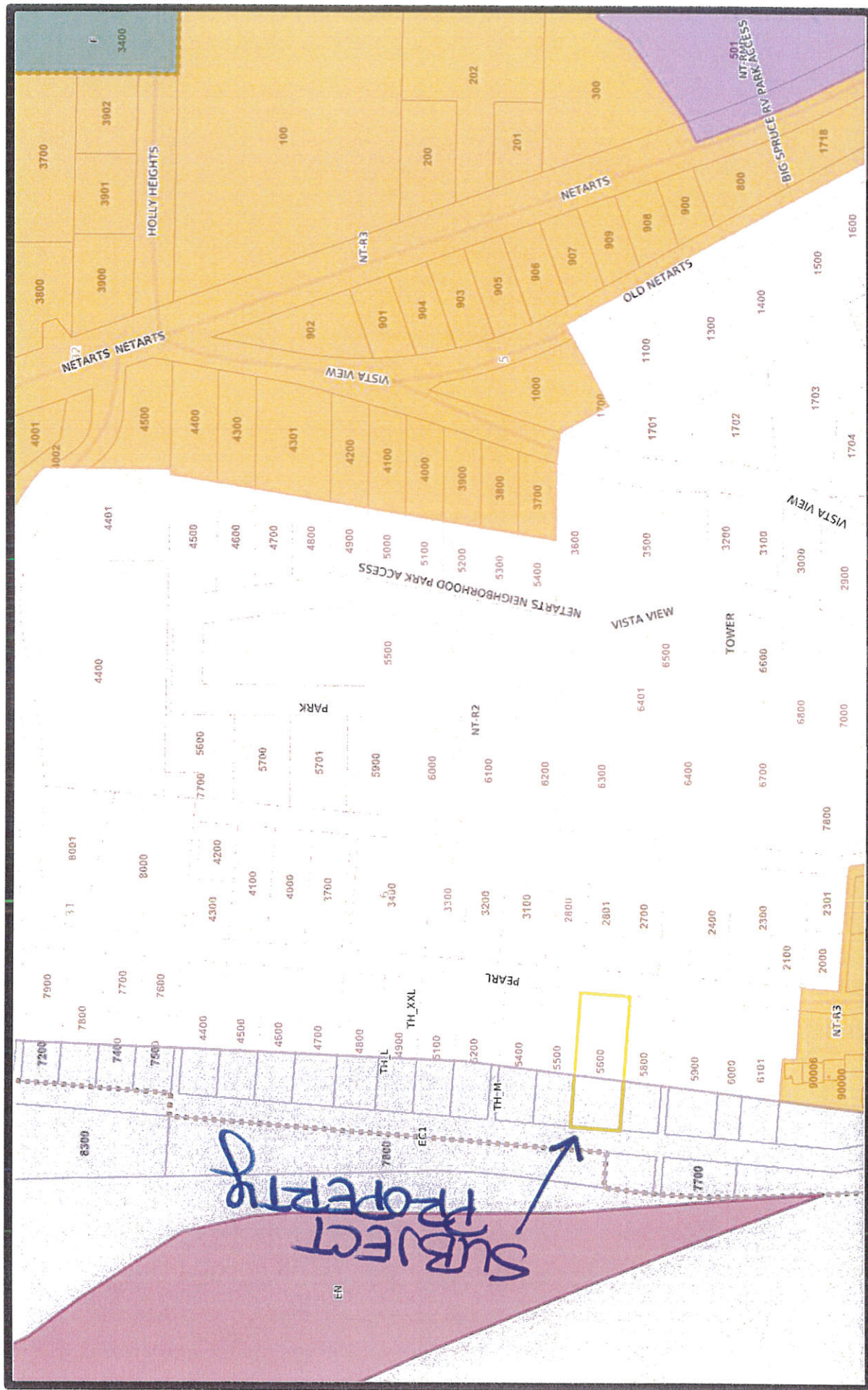
Tillamook County GIS

Hantke Variance 851-21-000088 - PLNG



Subject Property

Map





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

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Planning (503) 842-3408
On-Site Sanitation (503) 842-3409
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**Variance Request #851-21-000088-PLNG: Hantke
Administrative Decision & Staff Report**

Decision: Approved with Conditions
Decision Date: June 11, 2021
Report Prepared By: Sarah Absher, CFM, Director

I. GENERAL INFORMATION:

Request: Variance request to increase the maximum building height from 24-feet to 25.5-feet for the construction of a single-family dwelling (Exhibit B).

Location: Located within the Netarts Unincorporated Community, the subject property is located at 1650 Pearl Street West, a County road and is designated as Tax Lot 5600 in Section 6AA of Township 2 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon.

Zone: Netarts Medium Density Urban Residential (NT-R2)

Applicant: Dennis Widmer, 1125 Hickory Hill Road, Tillamook, OR 97141

Property Owner: James Hantke, 19405 NE Kings Grade, Newberg, OR 97132

Description of Site and Vicinity: The subject property is bordered to the east by Pearl Street West, a County road, Netarts Bay to the west, and improved residential properties also zoned Netarts Medium Density Urban Residential (NT-R2) to the north and south (Exhibit A). The subject property is rectangular in shape, contains a vegetated riparian corridor and encompasses 0.26 acres according to County Assessors records (Exhibit A). Access to the subject property is from Pearl Street West (Exhibit B). The surrounding area is also zoned NT-R2 and the general area consists of single-family residential uses (Exhibit A).

The Applicant is proposing to increase the required 24-foot height maximum allowed for this bayfront property to 25.5-feet to allow for the replacement and new construction of a single-family dwelling (Exhibit B).

The subject property abuts Netarts Bay to the west, a naturally sensitive area and the development standards for water quality and streambank stabilization outlined in Tillamook County Land Use Ordinance Section 4.140 apply. The property is not located in a Special Flood Hazard Area (Exhibit A), per FIRM Panel 41057C0565F dated September 28, 2018. The subject property is located within an area of geologic hazard and is thus subject to the development standards of TCLUO Section 4.130 (Exhibit B).

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. Section 3.340: Netarts Medium Density Urban Residential (NT-R2) Zone
- B. Article VIII: Variance Procedures and Criteria
- C. Section 4.005: Residential and Commercial Zone Standards
- D. Section 4.130: Development Requirements for Geologic Hazard Areas
- E. Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization

III. ANALYSIS:

F. Section 3.340 Netarts Medium Density Urban Residential (NT-R2) Zone

Section 3.340(1), The purpose of the NT-R2 zone is to designate areas for medium-density single-family and duplex residential development, and other, compatible, uses. Land that is suitable for the NT-R2 zone has public sewer service available, and has relatively few limitations to development.

Section 3.340(2) and 3.340(3) list uses permitted outright and conditionally in the zone. The applicant is proposing a height variance for the construction of a replacement single-family dwelling (Exhibit B).

Findings: Staff finds that the requested use for the construction of a replacement single family dwelling is allowed outright in the NT-R2 zone.

Section 3.340 (4), STANDARDS: *Land divisions and development in the NT-R2 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:*

...

Height:

i. The maximum building height shall be 35 feet.

j. The maximum building height on ocean or bay frontage lots shall be 24 feet...

Findings: Subsection 4 of Section 3.340 outlines various development standards for new lot/parcel creation, dimension requirements, lot coverage maximums, maximum building height, setbacks and new utility installation. The submitted site plan demonstrates compliance with the relevant standards with the exception of the maximum height allowance as stated above. Exceeding the 24-foot maximum height standard for bayfront lots is the subject of this Variance application, which may be permitted only on finding that the criteria of TCLUO Article 8 have been satisfied. TCLUO Article 8, 'Variance Procedures and Criteria', is addressed below.

A. 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 applications of Variances within the County. Article IV, Section 4.005 lists the purposes of the land use standards in each of the residential and commercial zones.

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 and other agencies on April 21, 2021. Comments received are included in “Exhibit C”. Concerns raised are directed primarily at those standards outlined in TCLUO Section 4.005 made part of the Variance criteria, specifically pleasing view are neither unreasonably obstructed nor obtained, and that approval of this request may establish a precedence for additional height variances in the future. Other concerns raised include lack of clarity to help determine the degree of impact the new proposed roof line will have on existing surrounding property views of the bay which could result in loss of property value for surrounding property owners as well as lack of evidence that confirms there is a road issue with Pearl Street (Exhibit C).

Comments were also received by Tillamook County Works Director Chris Laity (Exhibit C). In the email from Director Laity dated June 7, 2021, Director Laity confirms there is a concept plan for an improved drainage system on Pearl Street, and that this concept holds the elevation of the eastern most edge of pavement and installing a drop inlet. The roadway will be superelevated to drain water from west to east towards the new drop inlet. Because this work is to be located at the low point in Pearl Street within the direct vicinity of the Hantke property, Director Laity states that the proposed garage finished floor for the Hantke property should be raised 14-18 inches above the eastern edge of the road (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: The letter of intent included with the Applicant’s submittal explains why the height variance is necessary (Exhibit B). At the Tillamook County Public Works Department’s recommendation, the applicant is proposing to modify the foundation of the dwelling to compensate for the adjusted and increased road height of 18-inches that will take place during a future construction project resulting from improved stormwater drainage system along this area of Pearl Street (Exhibit B).

The applicant explains that these road improvements have been deemed necessary by the Tillamook County Public Works Department in order to address the slumping of the road which has occurred since the installation of the sewage system and to better facilitate storm drainage. The Applicant adds that this information was provided to the property owners after the replacement dwelling plans were designed, submitted and reviewed for approval by the Department. As a result of this new information provided by the Tillamook County Public Works Department which now accounts for the 18-inch increase to the foundation, the overall height of the structure is impacted necessitating the need for a height variance from 24-feet to 25.5-feet (Exhibit B).

Staff met with the applicant and property owner late August 2019 at their request upon notice of intent for this road construction project by the Tillamook County Public Works Department. Several meetings were held between the Department, Tillamook County Public Works, the Netarts-Oceanside Sanitary District and the property owner engineer to determine if a reasonable alternative design could be completed to offset the impacts from the pending road construction project. It was determined that the only reasonable alternative would be to increase the foundation by 18-inches as reflected in comments provided by the Applicant and Tillamook County Public Works Director Chris Laity (Exhibits B & C).

Staff finds that due to these topographic and hazardous constraints of the property and adjacent roadway, circumstances are attributable to topographical and hazardous characteristics of the subject property and roadway. Due to the slumping of the roadway and necessary construction improvements to the roadway that ultimately impact development of the subject property, staff also finds these circumstances are not self-created.

Staff concludes this criterion has been met.

(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 NT-R2 zone and this use is consistent with surrounding properties.

For the reasons and circumstances described above and in recognition that the construction of a single-family dwelling is an outright permitted use in the NT-R2 zone, Staff concludes this criterion has been met.

(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.

B. Section 4.005: Residential and Commercial Zone Standards

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

Findings: The applicant's submittal includes a narrative responding to the standards outlined above as well as supplemental drawings and a site plan (Exhibit B). Staff finds that all uses are contained within the property boundaries, and that all setback requirements are met confirming availability of open space and privacy, adequate area for light and air, adequate separation for emergency access, and that driver visibility as well as safe access via Pearl Street is not negatively impacted as a result of the proposed construction (Exhibit B).

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

Findings: Upon receipt of concerns expressed by adjacent property owners during the public comment period, the applicant provided additional responses to help address concerns related to potential impacts to views. Included in the response and original submittal are elevation and contour sheets as well as design profiles to help best determine potential view shed impacts to adjacent properties (Exhibit B).

In a letter dated June 2, 2021, the applicant states that *increasing the height of our structure by 18" will not obstruct the future views of the lot to the East, as it is higher in elevation due to the topography of the land and has a building height restriction of 35', that will allow for excellent second story views. The views of the existing homes to the East will be over our and our neighbor's roof tops; this is typical of homes that are across the street from ocean/bay front lots. Due to topography the proposed home's roof is only 11' 7 15/16" above the raised road's surface and will not be a hinderance to them. It should be noted that the original plans also set the roof at 11' 7 15/16" above the current road's surface. The home is moving in response to the road moving.*

As our lot 5600 and neighboring lots 5500 and 5800 are ocean/bay front, their primary views are to the West, the increase of 18" would not affect their views. Please refer to the paragraph addressing the contour map findings, for specifics (Exhibit B).

The applicant recognizes that the existing street-level view sheds from Tax Lots 2800 and 2801 may be altered, but also reiterates that the proposed road construction that ultimately impacts development of this property is beyond the applicant's control. Applicant also recognizes that previous road improvement design considerations included raising the road 3-4 feet which could have resulted in greater impacts to properties along this portion of Pearl Street (Exhibit B).

The applicants also address the concern of an approved Variance setting a precedence. Applicant explains this is unlikely given the unique and situationally based circumstances of this request, a road construction project that is limited to one small section of Pearl Street (Exhibit B). Applicant also reiterates that this Variance request necessitated from a design modification in response to a recently discovered planned road construction project, and that the design modification is in response to the County's decision to raise the roadway, not to obtain a better view or unreasonably obstruct adjacent property views (Exhibit B).

(9) To separate potentially incompatible land uses;

Findings: The use is allowed outright in the NT-R2 zone and development of properties for residential use is expected to occur in this area. Staff finds that the criterion in Section 4.005(9) has been 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 that the criterion in Section 4.005(10) has been met.

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

Findings: Applicant reiterates that this proposal is at the suggestion of the Tillamook County Public Works Department and feel increasing the maximum height for this project from 24-feet to 25.5-feet is a reasonable request (Exhibit B).

Given the circumstances of the property and the pending road improvement project that will impact development of this property, Staff finds that there is adequate evidence in the record to demonstrate that the proposed height increase is a reasonable alternative that results in the property owners ability to proceed with the intended construction of a single-family dwelling, a property right that could otherwise be preclude the enjoyment of a substantial property right shared by others in the vicinity.

Staff finds that the criterion in Section 8.030(4) has been met.

C. Section 4:130: Development Requirements for Geologic Hazard Areas

(b) Inactive landslides, landslide topography and mass movement topography identified in DOGMI bulletins 74 and 79 where slopes are greater than 19 percent;

...

(3) A GEOLOGIC HAZARD report is required prior to approval of planned developments, coast resorts, subdivisions and partitions governed by the Land Division Ordinance, building permits, mobile home permits, sand mining, occurring in areas identified in (1) with the following exception:

(a) For building or mobile home or manufactured home permits in areas identified in (1)(b), reports are needed for lots 20,000 square feet or larger only where the proposed structure is to be situated on slopes greater than 29 percent or if (1)(f) applies.

Findings: This requirement can be met through the Conditions of Approval.

E. Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization

(1) The following areas of riparian vegetation are defined:

...

(c) Fifteen (15) feet from all perennial rivers and streams where the river or stream channel is 15 feet in width or less. For estuaries, all measurements are horizontal and perpendicular from the mean high water line or the line of non-aquatic vegetation, whichever is most landward. Setbacks for rivers, streams, and coastal lakes shall be measured horizontal and perpendicular from the ordinary high water line.

Findings: Staff finds that the riparian setbacks of TCLUO Section 4.140: Requirements for Protection of Water Quality and Streambank Stabilization shall be followed for any development. The submitted site plan made part of the applicant's submittal confirms the required 50-foot riparian setback from Netarts Bay is maintained (Exhibit B).

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.

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 June 23, 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.
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3. The applicant/property owner shall submit a site plan, drawn to scale depicting all required yard and riparian setbacks are met at the time of consolidated Zoning and Building Permit application submittal.
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8. Development of the property shall be done in accordance with the development standards of TCLUO Section 4.080: Requirements for Protection of Water Quality and Streambank Stabilization.
9. Height of the structure shall not exceed 25.5-feet. Certification by a licensed professional surveyor confirming the height of the structure does not exceed the approved 25.5-foot height maximum shall be provided to the Department prior issuance of the Certificate of Final Occupancy by the Department. Development shall otherwise comply with the applicable standards and requirements of TCLUO Section 3.340: Netarts Medium Density Urban Residential (NT-R2) Zone.

10. This approval shall be void on June 11, 2023 unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

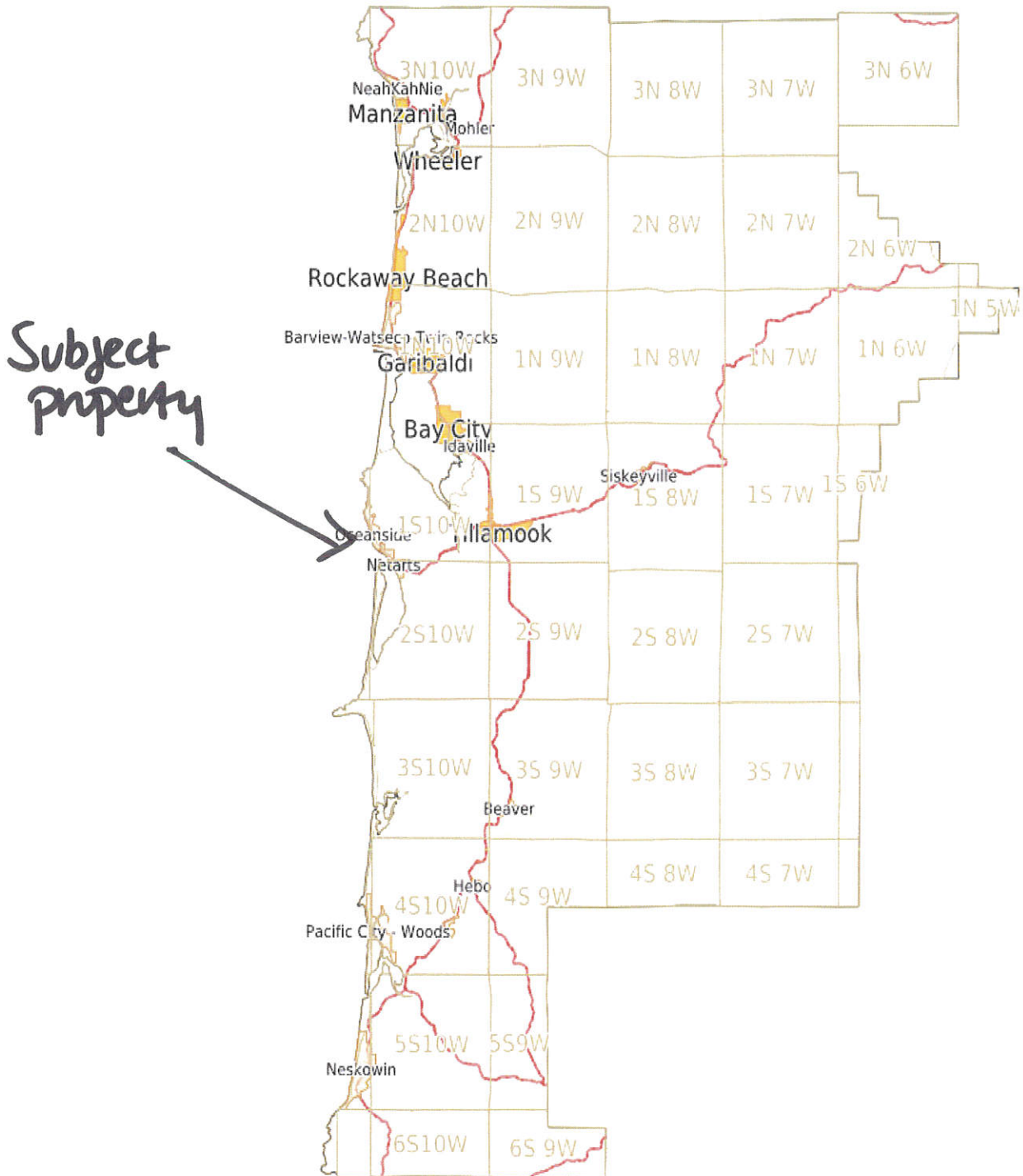
VI. EXHIBITS:

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

EXHIBIT A

VICINITY MAP

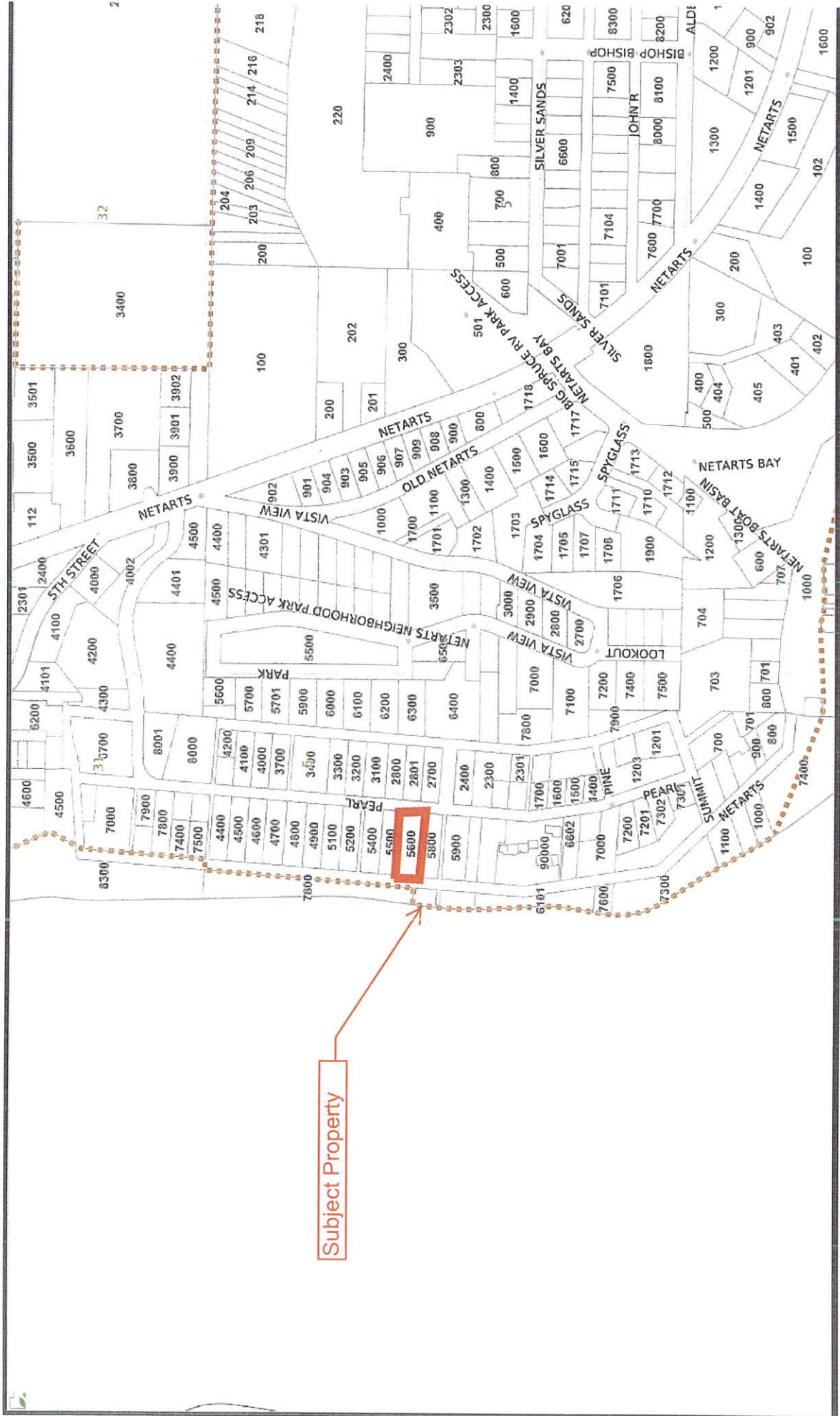


#851-21-000088-PLNG: HANTKE & WIDMER



Tillamook County GIS

Hantke Variance 851-21-000088 - PLNG

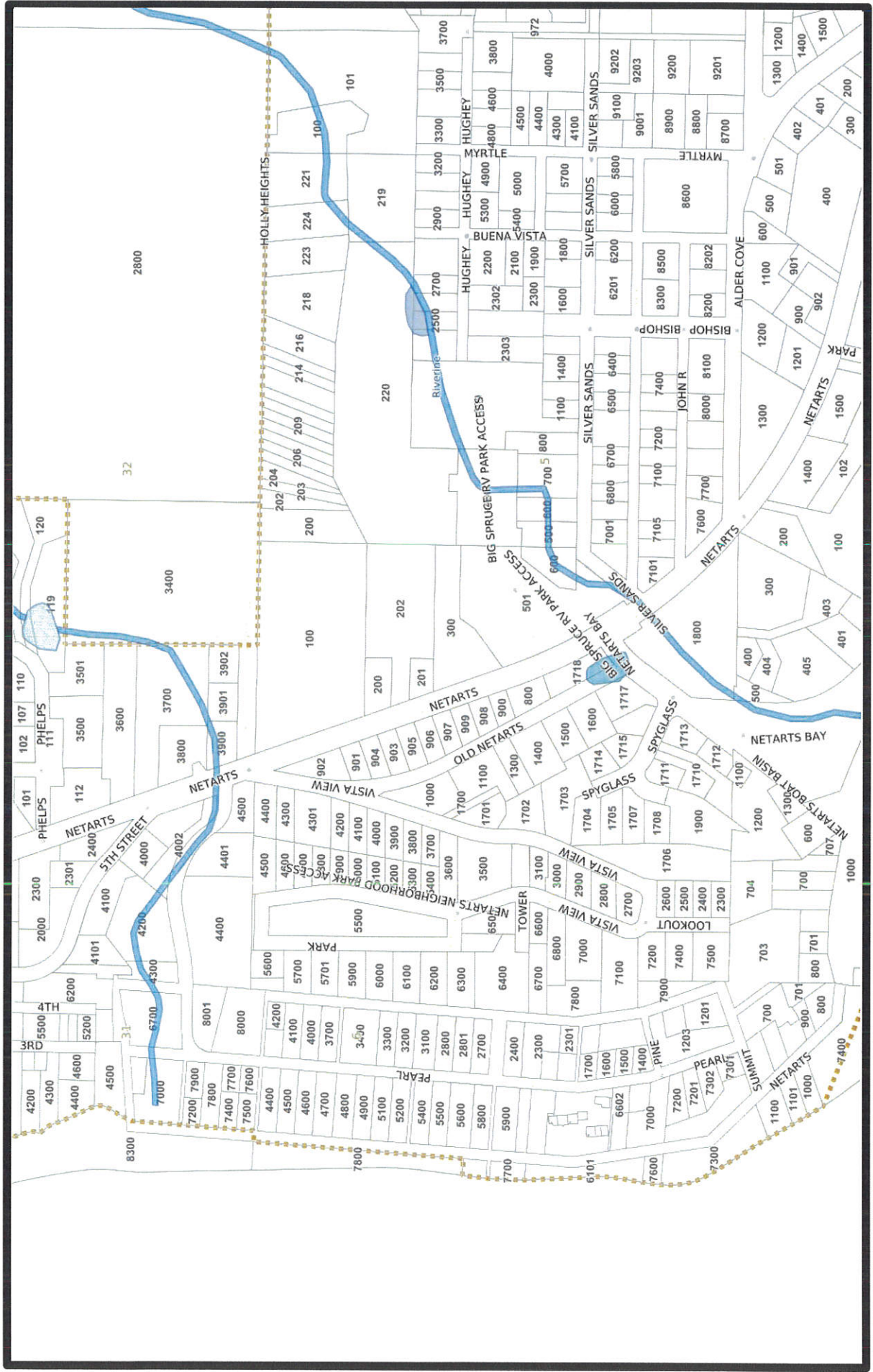


Subject Property

Map



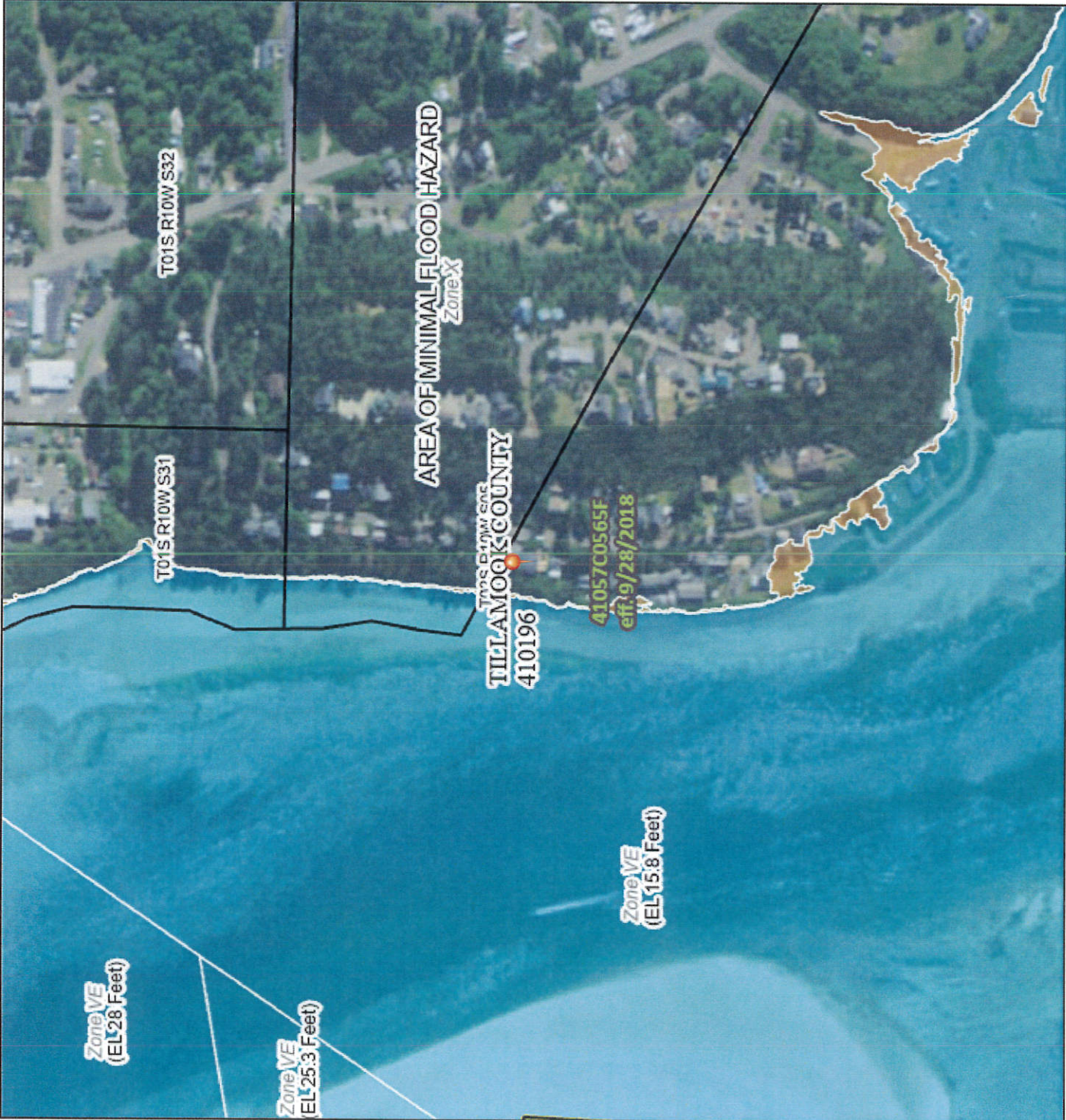
Map



National Flood Hazard Layer FIRMette



123°57'18"W 45°26'14"N



123°56'40"W 45°25'49"N

0 250 500 1,000 1,500 2,000 Feet

1:6,000

Legend

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

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, 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 J)
- 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

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- 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 6/11/2021 at 12:26 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.

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

OFFICE USE ONLY	
RECEIVED	
MAR 29 2021	
BY:	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: MJ	
Receipt #:	
Fees: 1,089.00	
Permit No: 851-21-000088-PLNG	

Applicant (Check Box if Same as Property Owner)

Name: JAMES HANTKE Phone: 503-538-6178
 Address: 19405 NE KINGS GRADE
 City: NEWBERG State: OR Zip: 97132
 Email: MHANTKE932@AOL.COM

Property Owner

Name: Dennis Widmar Phone: 503-812-0288
 Address: 1125 Hickory Hill Rd
 City: Tillamook State: OR Zip: 97141
 Email: 19dwc86@gmail.com

Request: 18" Height Variance I AM Requesting a Total Weight of 25.5'

- | Type II | Type III | 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: 1650 PEARL ST W NETARTS OR
 Map Number: 25 10 6AA 5600
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): James Hantke Date: 3-24-2021
 Applicant Signature: James Hantke Date: 3-24-2021

CERTIFICATE OF MAILING

I certify that I served the foregoing Notice regarding #851-21-000088-PLNG as shown on the attached, and made a part hereof, on the 21 day of April, 2021, a true and correct copy of the Notice of #851-21-000088-PLNG, contained in a sealed envelope addressed to person as shown at their last known address as shown in the latest records in the Tillamook County Assessor's Office, and deposited in the official mail deposit of the Tillamook County Courthouse at Tillamook, Oregon, on the 21 day of April, 2021, and that the postage thereon was prepaid to each addressee.

By:

Alexson Threder

4-21-21

Date

Tillamook Co. Site Information:

Lots 3 & 6 & portion of lots 4 & 5, Block 6, Netarts Bay Park

NE ¼ NE ¼ Section 6 T.2 S., R10 W., W.M.

Site Address: 1650 Pearl St., Netarts Bay Park

Builder: Dennis Widmer. CCB # 207888

503.812.0288

19dwc86@gmail.com

Owner: James & Marian Hantke

email: mhantke932@aol.com

Letter of Intent:

March 23, 2021

Intent:

We would like to build a home at 1650 Pearl st. W. Netarts. The plans for the home were submitted and approved by Tillamook County in May of 2019, construction was scheduled to begin in September of 2019. However, the Tillamook Co. Road Department contacted us (after approval) to inform us that they would be doing road construction just North of our lot to fix sewer and drainage issues. They stated that these repairs could raise the road as much as 4'. This put a halt to construction, as the driveway into the garage would become inaccessible from the raised road.

Recently they have advised us that the road will be raised by only 18" and that we should add 18" to our foundation to compensate. As our home just meets the height restrictions, we do not have the room to do this. Therefore, we require a variance to the height restrictions to build 18" above the restriction. As this issue arose from the County and is not due to personal reasons, we feel it is not unreasonable for this variance to be granted, so that construction may begin on our home.

Sincerely,

James & Marian Hantke

Tillamook Co. Site Information:

Lots 3 & 6 & portion of lots 4 & 5, Block 6, Netarts Bay Park

NE ¼ NE ¼ Section 6 T.2 S., R10 W., W.M.

Site Address: 1650 Pearl St., Netarts Bay Park

Builder: Dennis Widmer. CCB # 207888

503.812.0288

19dwc86@gmail.com

Owner: James & Marian Hantke

email: mhantke932@aol.com

March 23, 2021

Variance Requested:

To increase foundation height by 18", which would cause the home to be 18" higher than the height restrictions.

Variance Response:

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.

Building permits were applied for to Tillamook Co. and construction of a new home was scheduled for September 2019. After the permits were applied for and paid for, we were informed by Tillamook Co. Rd. Department that in the future the road in front of the home, Pearl Street, would be raised up to as much as four feet in front of the property. This change in road would be to accommodate repairs to the compromised sewer line just North of the property, as well as improve storm water drainage and run-off. This essentially precluded any progression of construction, delaying the project.

Recently the Tillamook Co. Road Department has advised that the height of the proposed home be raised 18" higher than the initial proposal submitted. This would be to accommodate the raising of the road to remedy the sewer problems and solve the storm run-off issues.

(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.

A variance of 18" is necessary to allow for the new home to be built as designed and approved, to accommodate the necessary road improvements. These improvements, as recommended by the

we are proposing to build a new dwelling and other dwellings are built in the area

Tillamook Co. Road Department, should reverse the adverse existing conditions and avoid further damage to the environment.

(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. [See below.](#)

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; As our site plan follows the standard perimeter setbacks, our neighbors will have the standard amount of privacy and open space.*
- (2) To ensure that adequate light and air are available to residential and commercial structures; As 18" is a minimal height addition to the height restrictions, it should not negatively affect light and air flow for the neighboring lots. Also, the proposed structure is 5'6" from the side property lines so it leaves an extra 6" on either side for light and air flow.*
- (3) To adequately separate structures for emergency access; With the residential standard 5' setback on each side plus 6", there is adequate separation for fire spread and emergency access between lots.*
- (4) To enhance privacy for occupants of residences; Our structure will not intrude on the privacy of its neighbors, their privacy would be that of any other neighborhood, given the standard 5' side yard setbacks being maintained and increased by 6' per side.*
- (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; Building a home on this lot would not hinder the surrounding lots. As our lot is providing off street parking in the driveway and garage, it will not cause an increase in traffic congestion, therefore ensuring safe access to common roads. As the building meets the standard side yard requirements for residential, it will not be blocking solar or wind energy more than any other structure in the neighborhood. The increased 18" in height would be minimal effect on the neighbors to the North and South. There are no neighbors to the West, as it borders the ocean beach. Directly East of the lot is an empty lot, however, that lot is higher in elevation due to topography, so there would be no negative impacts on them.*
- (6) To ensure that driver visibility on adjacent roads will not be obstructed; Our home follows standard front yard setbacks and as it is not on a corner, the extra 18" of height should not cause any obstructions to visibility to Pearl Street.*
- (7) To ensure safe access to and from common roads; By having a standard 20' setback from the road the lot helps to ensure safe access to and from common roads.*
- (8) To ensure that pleasing views are neither unreasonably obstructed nor obtained; We believe that increasing the height of our structure by 18" will not obstruct the future view of the lot to the East, as it is higher in elevation due to the topography of the land. As this lot is ocean facing the views are to the West, the increase of 18" would not affect the desired view for the South and North lots.*

(9) To separate potentially incompatible land uses; Our lot adheres to standard side setbacks, therefore, it offers standard separation.

(10) To ensure access to solar radiation for the purpose of alternative energy production. The building's increase of 18" in height will not be enough to block solar or wind energy.

SECTION 8.030: REVIEW CRITERIA A VARIANCE-Continued.

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

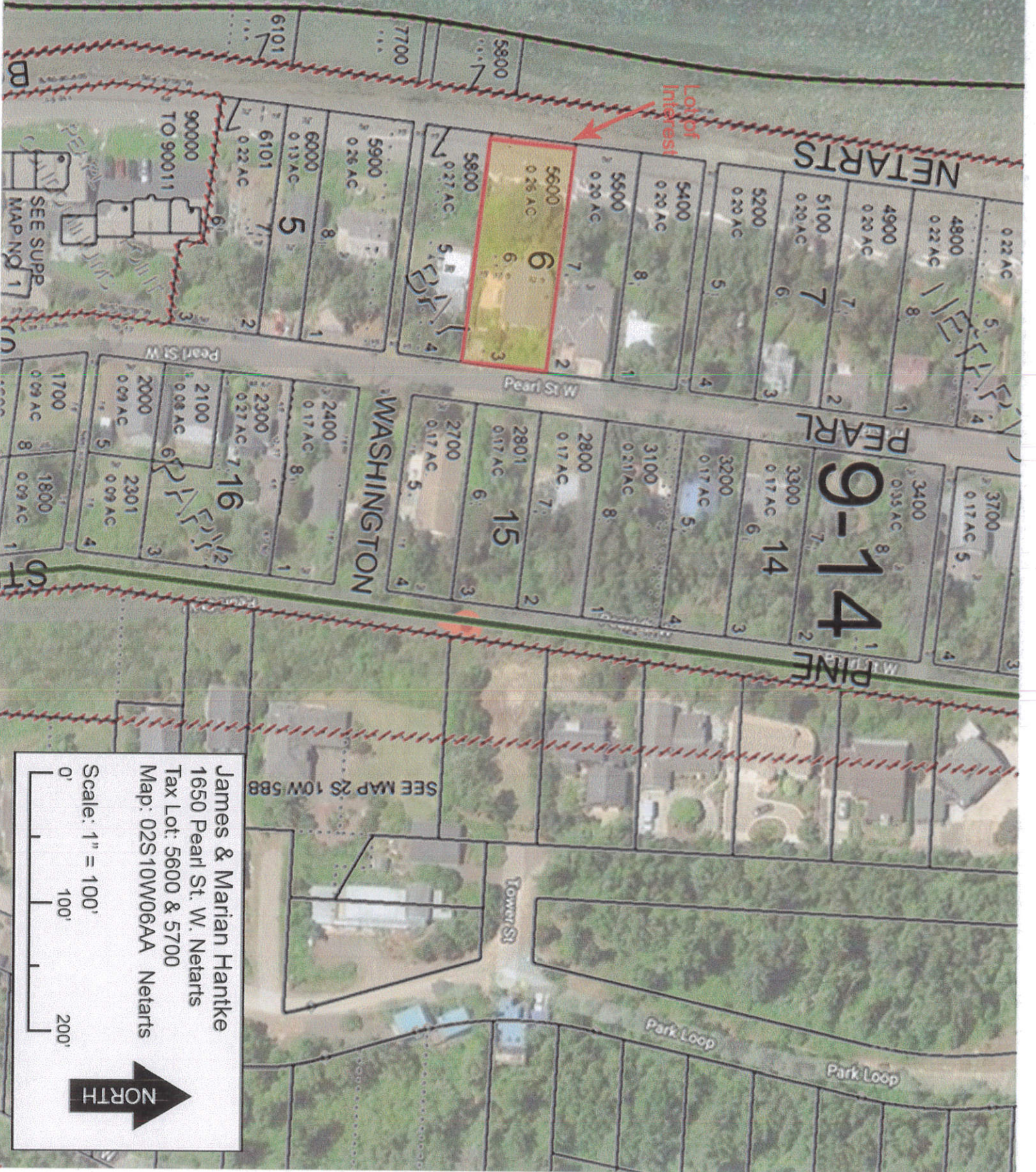
As Tillamook Co. Road Department has brought its plans to rework the road and increase its height to our attention (after we had submitted plans) and since they have suggested we raise our foundation by 18", we feel it is very reasonable to ask for an 18" extension to the height requirements.

Summary:

In summary we would like to request the following variance:

1. **Height Restriction.** The approved plans for the home have been designed to maximize the use of the lot; there is no room to modify them for the road department's changes and stay within the height restrictions. Therefore, we would like to request a variance to have 18" added to the maximum height restriction for this lot. Not for personal reasons, but to accommodate Tillamook Co. Road Department's future road improvements and to follow their suggestion that we raise the home.

BAY

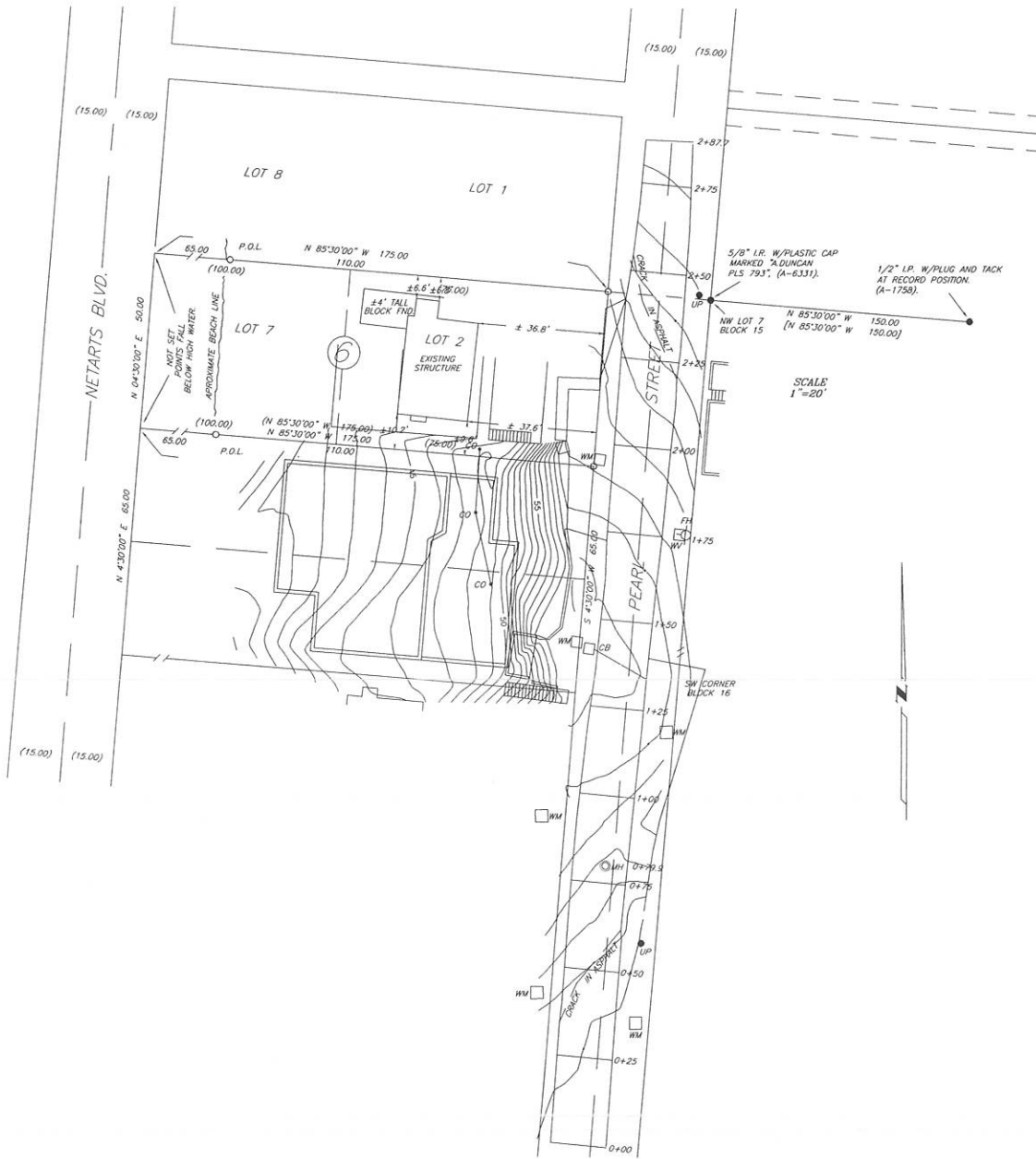


James & Marian Hantke
 1650 Pearl St. W. Netarts
 Tax Lot: 5600 & 5700
 Map: 02S10W06AA Netarts

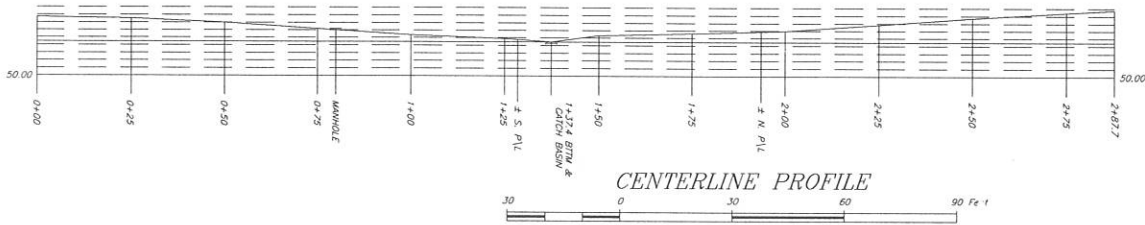
Scale: 1" = 100'

0' 100' 200'

NORTH →



SCALE
1"=20'

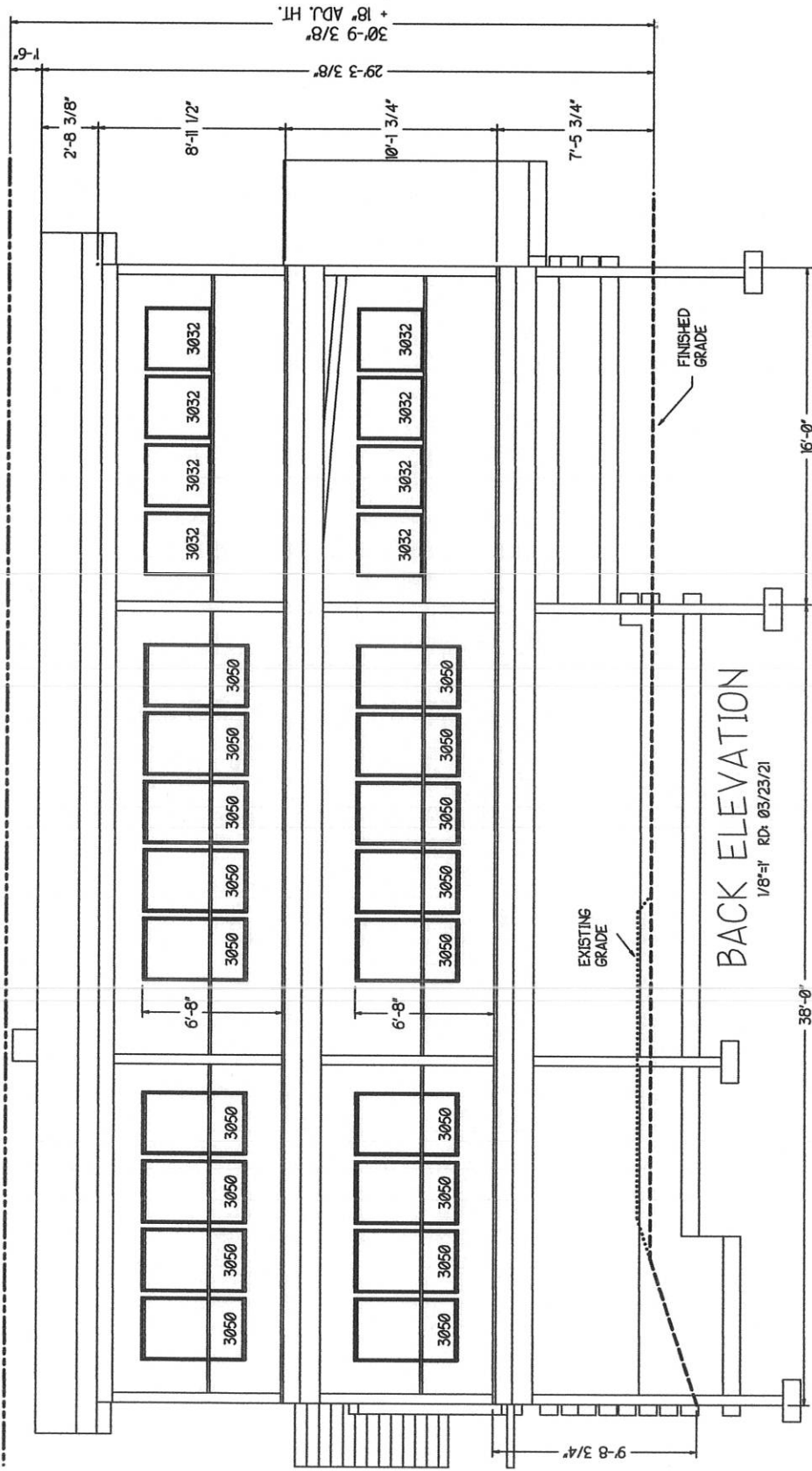


REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 22, 1977
C. WAYNE COOK
1098
RENEWAL DATE 12-31-21

C. WAYNE COOK LAND SURVEYING
3180 ALDERCREST
TILLAMOOK, OREGON 97141
(503) 842 8380

SITE & TOPOGRAPHY SURVEY FOR
JAMES & MARIAN HANTKE
LOTS 3 & 6, & PORTION OF LOTS 4 & 5, BLOCK 6, NETARTS BAY PARK
NE 1/4 NE 1/4 SECTION 6 T. 2 S., R. 10 W., W.M.
TILLAMOOK COUNTY, OREGON
MARCH 15, 2021



BACK ELEVATION
1/8"=1' RD: 03/23/21

EXISTING GRADE

FINISHED GRADE

+ 18" ADJ. HT.
30'-9 3/8"

1'-6"

2'-8 3/8"

8'-11 1/2"

10'-1 3/4"

7'-5 3/4"

29'-3 3/8"

16'-0"

38'-0"

6'-8"

6'-8"

9'-8 3/4"

3032 3032 3032 3032

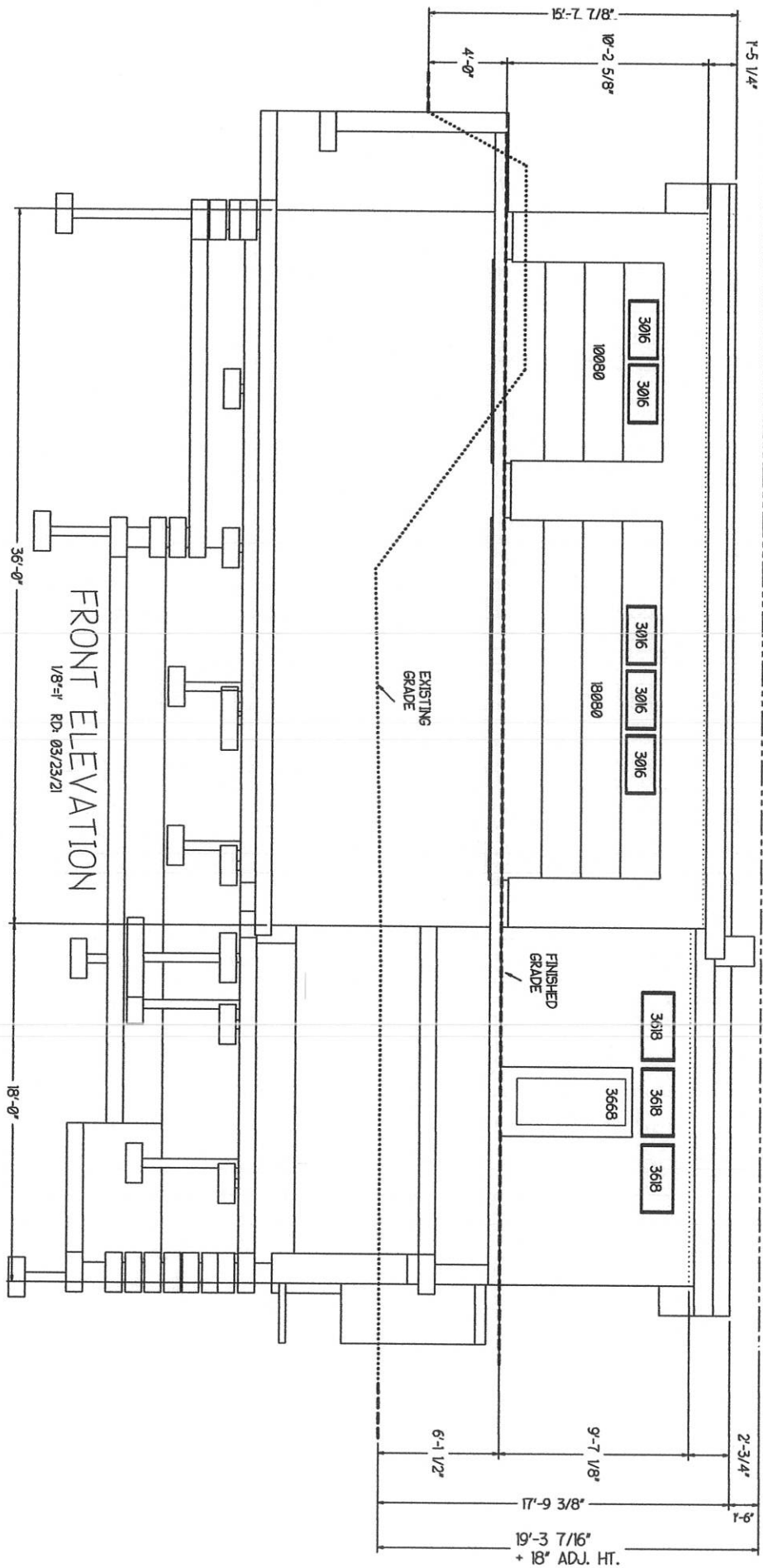
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19'-3 7/16"
+ 18" ADJ. HT.

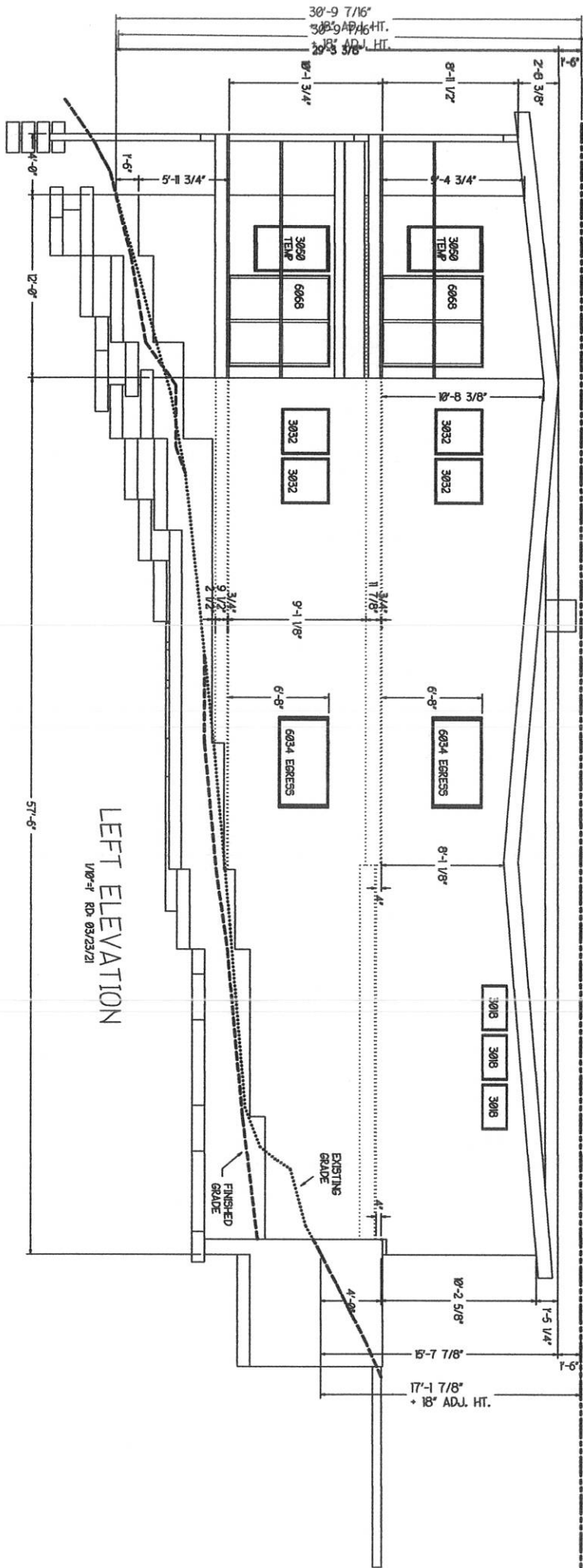


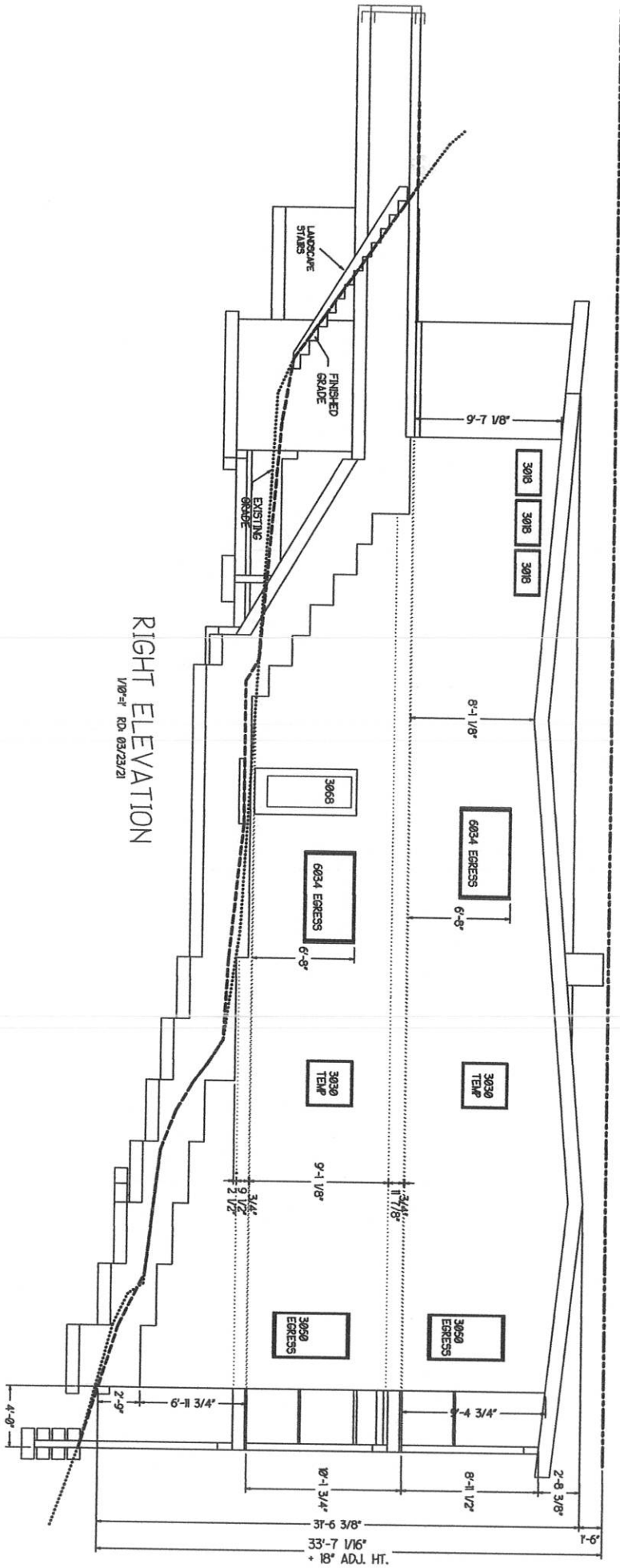
SITE PLAN

1289-11 RD. 03-23-21

HEIGHT RESTRICTIONS:
 3722
 DIV X B = 46.525
 PLUS 24 = 70.525' MAX HEIGHT
 RIDGE HEIGHT = 69.56'

1650 Pearl St. W. Netarts
 PEARL STREET





RIGHT ELEVATION

1/8" = 1' RD. 03/23/21

Tillamook Co. Site Information:

Lots 3 & 6 & portion of lots 4 & 5, Block 6, Netarts Bay Park
NE ¼ NE ¼ Section 6 T.2 S., R10 W., W.M.

Site Address: 1650 Pearl St., Netarts Bay Park

Builder: Dennis Widmer. CCB # 207888

503.812.0288

19dwc86@gmail.com

Owner: James & Marian Hantke

email: mhantke932@aol.com

June 2, 2021

Variance Requested:

To increase foundation height by 18", which would cause the combined height of the home to be 18" higher than the height restrictions. (The home itself will only be 11' 7 15/16" above the road's surface.)

The reason behind this request is the deterioration of the road in front of the property, which has slumped since the installation of the sewage system. This area of road is approximately manhole to manhole on Pearl St. in front of this lot and the lot directly to the East. The County Road Department has determined that this section of road must be mended and raised, not only to remedy the failing sewage system, but also to better facilitate storm drainage. This information came after completion of the design, submission and approval. This information requires us to respond by asking for a variance to meet that new information.

Response to the neighboring property owner objections:

SECTION 8.030: REVIEW CRITERIA A VARIANCE , (3) SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS PURPOSE: In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards are the following:

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

We believe that increasing the height of our structure by 18" will not obstruct the future views of the lot to the East, as it is higher in elevation due to the topography of the land and has a building height restriction of 35', that will allow for excellent second story views.

The views of the existing homes to the East will be over our and our neighbor's roof tops; this is typical of homes that are across the street from ocean/bay front lots. Due to topography the proposed home's roof is only 11' 7 15/16" above the raised road's surface and will not be a hinderance to them. It should be noted that the original plans also set the roof at 11' 7 15/16" above the current road's surface. The home is moving in response to the road moving.

As our lot 5600 and neighboring lots 5500 and 5800 are ocean/bay front, their primary views are to the West, the increase of 18" would not affect their views. Please refer to the paragraph addressing the contour map findings, for specifics.

Objections:

Steve Aho, lot 2801- Objection: sect. 4.005, 8. Obstruction of view.

Mr. Aho seems to be unaware of the upcoming road improvement project to raise the road approximately 18", and that it may be altering his views at street level. It is unfortunate that he may lose some of the views that he is accustomed to at present, but this road improvement is out of our control, and will

influence him, as it is also having an influence on us. It is fortunate though, that this solution has been found in lieu of the original plans to raise the road 3-4', which would have caused greater loss of views from his property. We are responding to the recommendation by the road department to raise the home with the road; we are not intending to obstruct his views.

It should be noted that Mr. Aho, since purchasing his property, has chosen to let it remain in its original native state; it does not have a driveway or any of the city hookups. Should he choose to develop the property in the future, or sell it to be developed, given his location he has the ability to build to a height of 35'. This height restriction is 11' over the restriction of 24'. It should also be noted that his property is at a higher elevation. He has the advantage of topography and height to be able to maintain and obtain excellent ocean/bay views. The structure's proposed finished height is at 11' 7 15/16" above the surface of the street; standing at the 20' building setback on Mr. Aho's property, the average height person will have views of the ocean/bay. If the site is improved with a structure, those views will only increase. In his objections Mr. Aho was concerned that this variance would negatively affect the value of his land due to loss of views; we have shown that this will not be issue. Please refer to the contour map and explanation paragraph at the end of this document for further details on topography.

He also seems to be having a difficult time envisioning the new structure in relation to the surroundings. We have included a left elevation drawing to show the home's positioning in relation to the road. As you can see on the elevation, the approved driveway is at the elevation of the current road. By increasing the foundation height by 18" the home and driveway will raise up to meet the elevation of the raised road. The amount of structure above the surface of the road will remain the same as originally planned (11' 7 15/16"). The home is raising in response to the road raising. We have also included an additional elevation sheet with dimensions that show different elevations and sitelines.

Let it be known that our property has been in the family for 85 years, with four generations of being good stewards and neighbors.

Jackie Russell, lot 2800- Objection: sect. 4.005, 8. Obstruction of view.

Ms. Russell also seems to be unaware of the upcoming road improvement project to raise the road approximately 18", and that it may be altering her views at street level. It is unfortunate that she may lose some of the views that she is accustomed to at present, but this road improvement is out of our control, and will influence her, as it is also having an influence on us. It is fortunate though, that this solution has been found in lieu of the original plans to raise the road 3-4', which would have caused greater loss of views from her property. We are responding to the recommendation by the road department to raise the home with the road; we are not intending to obstruct her views.

Given that her property is to the North of our property and at a higher elevation; her views are not directly affected. From the front of her property line to the front of her home the average height person has ocean/bay views while standing on the ground, inside her home would be at an even higher level and offer even greater views. Yes, she will have to look across the roofs of the lots below her, but this is typical of lots that are not ocean/bay front. Please refer to the contour map and explanation paragraph at the end of this document for further details on topography.

To help her better envision this new structure in relation to the surroundings, we have included a left elevation drawing to show the home's positioning in relation to the road. We have also included an additional elevation sheet with dimensions that show different elevations and sitelines.

Penelope Kreinberg, lot 2300. Wary of setting a precedence for future homes.

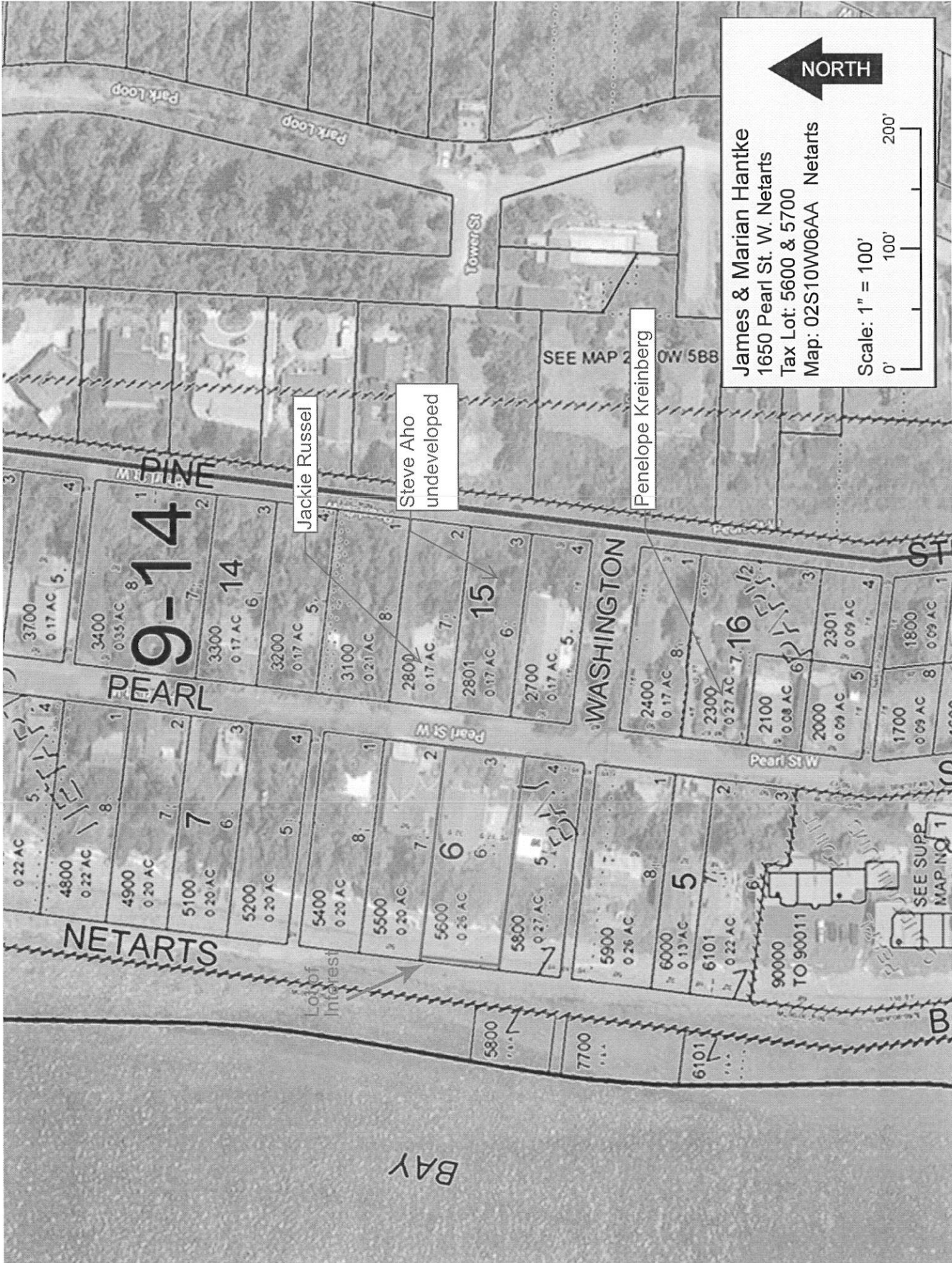
We do not believe that a decision in the favor of our home raising with the road, will set a precedence for future homes. We believe this since this decision has been initiated by a specific situation in a small section of Pearl Street which is only relevant to the lots which border the approximate section of road between the manholes. Most of these lots are already developed and the road will have already been raised before future persons wanting to build or remodel initiate their designs. They will have it at its new elevation, as the set elevation to design around. We designed our home around the current road's elevation, and it was within the height requirement of 24'. However, we were given new information by the County that the road is to be raised approximately 18" and that it would be best to raise the home in response. This information came after completion of the design, submission and approval. This information requires us to respond by asking for a variance to conform to that new information. We are responding to the County's decision to raise the road, not to a personal desire for a better view or to block the views of our neighbors. Let it be known that our property has been in the family for over 85 years, with four generations of being good stewards and neighbors.

Contour Map Results:

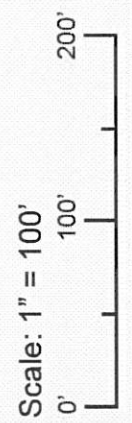
When looking at the properties in question, the Hantke's in comparison to Aho & Russell, on the contour map it is plain to see that views will not be unreasonably obstructed.

The road is currently at elv. 60', add 18" and it will be at elv. 61.5', finally adding 11' 7 15/16" (Hantke Roof ht.) makes the elevation to view across at elv. 73.16'. The front property line of Russell is at elv. 70', the front property line of Aho is at elv. 64'. The average height person (5' 6") standing on the edge of Russell's property would have their eyeline at approximately elv. 75.5', clearing the roof line by 2.34'. On Aho's property the average person would have to step back approximately 20' (building setback) where the elv. is also at 70' to obtain the full views. However, it is unlikely that any future home or deck would be right at these elevations in the topography; it is more likely that they would be at least 2'-11' above them, which would give an even greater view. Therefore, the proposal to raise the home with the road will in no way unreasonably obstruct the views.

Respectfully,
Dennis Widmer &
Jim and Marian Hantke



James & Marian Hantke
 1650 Pearl St. W. Netarts
 Tax Lot: 5600 & 5700
 Map: 02S10W06AA Netarts



Jackie Russel

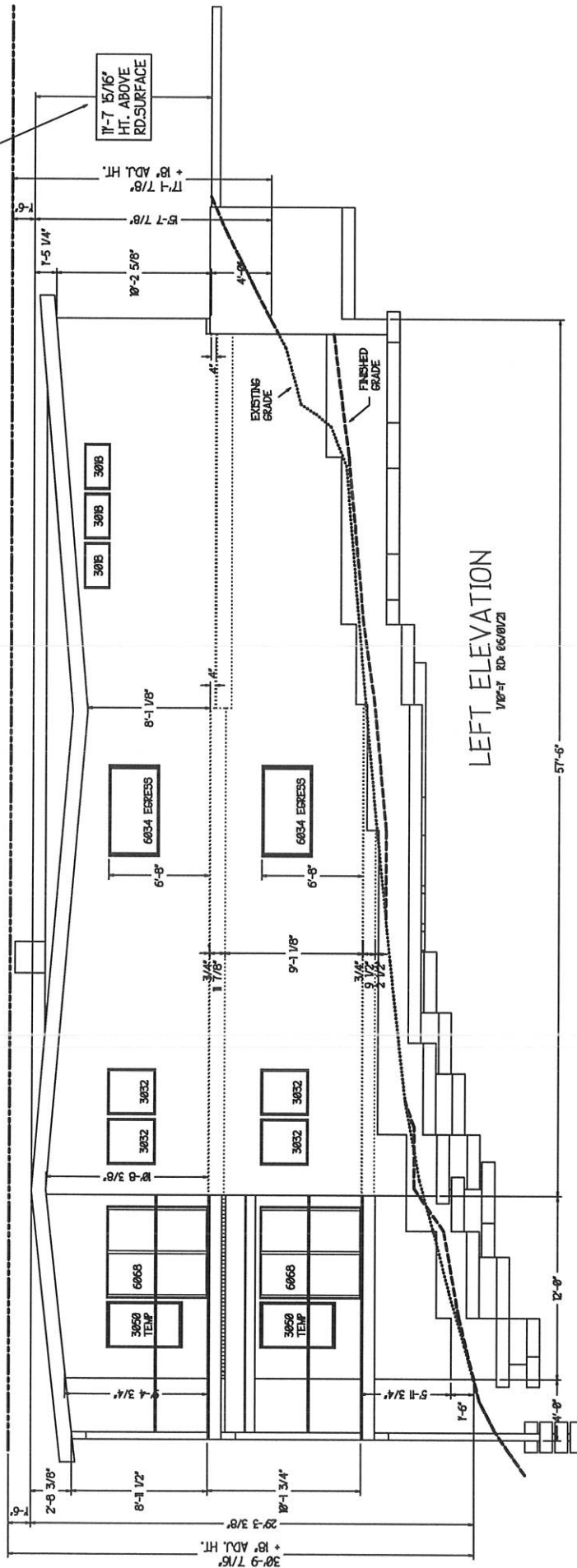
Steve Aho
 undeveloped

Penelope Kreinberg

Lot of Interest

SEE SUPP
 MAP NO 1

THE APPROVED DRIVEWAY IS @ THE ELV. OF THE CURRENT ROAD.
 BY INCREASING THE FOUNDATION HEIGHT BY 18"
 THE DRIVEWAY WILL RAISE UP TO MEET THE ELV. OF THE RAISED ROAD.
 THE AMOUNT OF STRUCTURE ABOVE THE SURFACE
 OF THE ROAD WILL REMAIN THE SAME (17' 5/16") THE HOME
 IS RAISING W/ THE ROAD.



LEFT ELEVATION

1/18'-1 RD. 66/01/21

57'-5"

30'-9 7/16"
 + 18" ADJ. HT.

29'-3 3/8"

10'-1 3/4"

8'-1 1/2"

2'-8 3/8"

3069 TEMP

6066

3062

3062

6034 EXPRESS

8'-1 1/8"

3018 3018 3018

9'-1 1/8"

6034 EXPRESS

6'-8"

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TOP OF HT. RESTRICTION
FOR LOTS ACROSS THE ROAD

NOTE: THESE HEIGHT MEASUREMENTS
WILL BE ACROSS THE ROAD
WHICH IS NOT SHOWN DUE
TO LACK OF SPACE.

AVERAGE HT.
PERSON STANDING ON
SECOND FLOOR OF AN
AVERAGE HOME.

← SITELINE

TOP OF AVG. SECOND FLOOR

AVERAGE HT.
PERSON STANDING ON
GROUND @ ELV. 70'

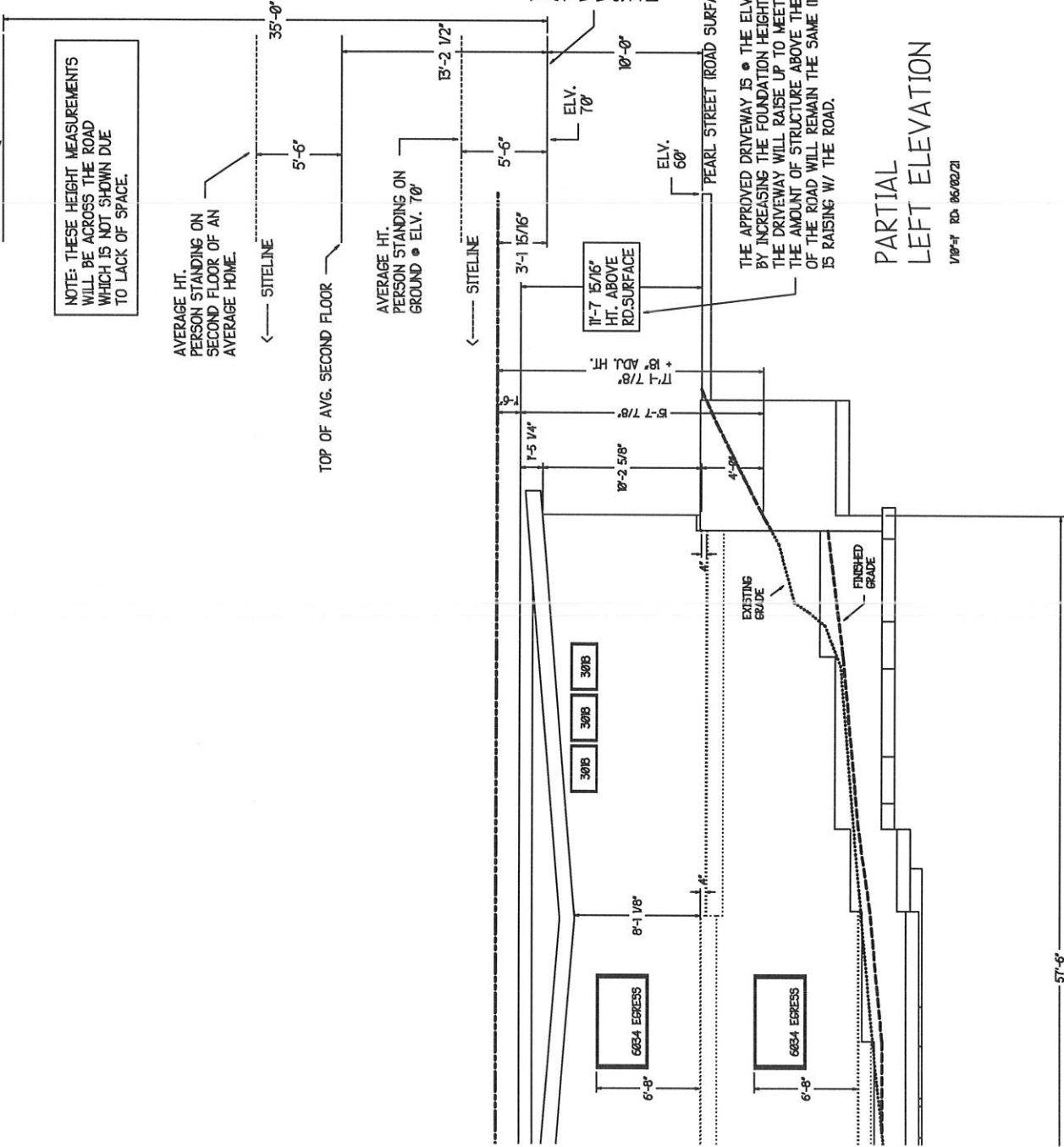
← SITELINE

THE TOPOGRAPHY OF THE NEIGHBOR'S LOTS
ARE 3' 1 5/16" BELOW SITELINE. THIS MEANS
THAT EVEN FROM A SITTING POSITION A PERSON
WOULD HAVE A VIEW TO THE OCEAN/BAY. THEY
WOULD HAVE AN EVEN GREATER VIEW IF THEY WERE
STANDING, ON A DECK, OR IN A HOME. THE VIEW
IS NOT COMPROMISED, THEIR PROPERTIES ARE
NOT DE-VALUED.

THE APPROVED DRIVEWAY IS @ THE ELV. OF THE CURRENT ROAD.
BY INCREASING THE FOUNDATION HEIGHT BY 18"
THE DRIVEWAY WILL RAISE UP TO MEET THE ELV. OF THE RAISED ROAD.
THE AMOUNT OF STRUCTURE ABOVE THE SURFACE
OF THE ROAD WILL REMAIN THE SAME (11' 7 5/16"). THE HOME
IS RAISING W/ THE ROAD.

PARTIAL
LEFT ELEVATION

1/20/17 RD 16/02/21





Jackie Russel, Lot 2800

Steven Aho, Lot 2801

Elev. 72'

Elev. 70'

Elev. 70'

Ground Elev. @ PL 66'

Ground Elev. @ PL 64'

Ground Elev. @ PL 60'

Lot: 5600 Hantke
LOT REQUESTING VARIANCE

1:240

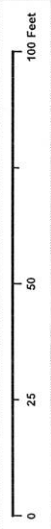


EXHIBIT C

Sarah Absher

From: Melissa Jenck
Sent: Friday, June 11, 2021 9:20 AM
To: Sarah Absher
Subject: TESTIMONY - HANTKE



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

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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: Chris Laity <claity@co.tillamook.or.us>
Sent: Monday, June 7, 2021 10:04 AM
To: Sarah Absher <sabsher@co.tillamook.or.us>
Cc: dianamiller7@comcast.net; Marian Hantke <mhantke932@aol.com>; Melissa Jenck <mjenck@co.tillamook.or.us>; 19dwc86@gmail.com; Ron Newton <rnewton@co.tillamook.or.us>; Dan Mello <dan@nosd.us>; Jasper Lind <jlind@co.tillamook.or.us>; Gregory Cickavage <gcickava@co.tillamook.or.us>; Jeanette Steinbach <jsteinba@co.tillamook.or.us>
Subject: Pear Street Drainage

Sarah,

Public Works has a concept plan for an improved drainage system on Pearl Street in Netarts. This concept holds the elevation of the eastern most edge of pavement and installing a drop inlet. The roadway would then superelevate to drain water from west to east towards the new drop inlet. The proposed garage finished floor for the Hantke property (1650 Pearl Street) should be raised 14-18" above the eastern edge of the road (accounts for the driveway length and slope). This work is isolated to the direct vicinity of the Hantke property as that is the located of the low point in the road. Managing surface water will minimize it's ability to go subsurface and will help to prevent potential future settlement of Pearl Street and the sanitary sewer line.

The work is not currently scheduled, but may occur in late summer/early fall of 2021 and will be partially funded by the Hantke's. The work does not change the elevation or the location of the sewer line.

The residence at 1685 Pearl Street (Diana Miller) would not be affected by an elevation grade change, but will benefit from storm water management.

Chris Laity, PE | Director
Tillamook County Public Works
503 Marolf Loop Road
Tillamook, OR 97141
Phone (503) 842-3419
claity@co.tillamook.or.us

Response to request for variance #851-21-000088-plng: Hantke&Widmer

I am the landowner for the lot directly east of the lot requesting this variance.

First, I would like to be supportive of this project. Hentke's have been great neighbors for as long as I have owned my lot. It looks like it will be a great house.

However, it is not possible to know the impact of the proposed change without a clearer definition. On Saturday 4/30/2021, 4 impacted landowners, all owning land on Pearl St., met to discuss the proposal. One of the four is a contractor. We were unable to determine the height of the proposed structure relative to any current tangible landmark. Where will the actual roof line be? We could not tell. Without that information we are just guessing about impact to us. Would it be possible to model the new house in the current context?

Reference Section 4.005: Residential and Commercial Zone Standards Purpose item (8). Using our "best guess" for the new proposed roof line, my lot will lose most if not all of the bay view. In fact, if standing at the front of the lot, I would lose all bay, spit or ocean view. Standing at about the 20' setback, things are a bit better. But it is clear that the requested height variance, the 18", is right at the pivot point, so could have significantly increased impact on my view.

The 4 of us that met are generally unaware of planned road work, and how that is impacting this project. Is there some definition of that project? What is the confidence level that the now 18" road height change will actually be implemented? If so, 18" over what portions of the road?

All of that said, I'm not clear what the driver for this variance request is. Is it the desire for a flat driveway versus a slightly declining driveway like the house just to the North?

In the opinion of a long time Netarts real estate agent:

"increase in the obstruction of a view is definitely going to diminish the value of your lot."

" My ballpark guesstimate is \$5,000 to 10,000 might be the increment a typical buyer might pay to get just that much more water view."

My bottom line is given the option to vote on this proposed variance, I would vote against it without further information/clarification. I don't see the gain for the homeowner versus the cost to me.

Best regards,

Steve aho

Melissa Jenck

From: Jackie Russell <jackier1655@gmail.com>
Sent: Wednesday, May 5, 2021 12:48 PM
To: Melissa Jenck
Subject: EXTERNAL: Comment on Variance #851-21-000088-PLNG: Hantke & Widmer

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

Dear Melissa Jenck and Department of Community Development,

RE: Variance #851-21-000088-PLNG: Hantke & Widmer

I am writing to respectfully ask the Department to **vote no** on the height variance request for Variance #851-21-000088-PLNG: Hantke & Widmer.

I am the landowner for the lot directly east and north of the Hanke property, and I will be negatively impacted by the request to raise the building height from 24' to 25.5', the addition of 18" to the height of the proposed construction.

My request to not approve the height variance is based on: Section 8.030: Review Criteria: (3); as related to Section 4.005: Residential and Commercial Zone Standards: (8) To ensure that pleasing views are neither unreasonably obstructed or obtained.

If the height of the new home to be built exceeds the 24' rule, my view of Netarts Bay WILL BE severely obstructed. And the loss of the view will negatively impact the financial value of my property. My property is directly east and north of the property.

This is a hard letter to write as I enjoy the good neighborhood relationships we have on Pearl Street. And while I empathize with the Hantke & Widmer concerns about road improvement and impact on their design, as well as the delays to-date, I have not seen or received information about the anticipated road work and changes to Pearl Street to evaluate that impact. It is unclear from the available Hantke & Widmer application information exactly where the roofline will be in relation to the proposed or planned new road height.

Rather than negatively impacting the landowners east of the property, I ask that the Department vote no on the height variance request, and the Department request that Hantke & Widmer revisit the design to stay within the 24' maximum building height. I understand this request asks that the burden be placed on the applicant and not the impacted landowners east of the property.

I appreciate your consideration of my comments and request for the Department to vote no on the height variance.

Thank you,

Jackie Russell
1655 Pearl Street West

April 29

This letter is regarding variance # 8571-21-000688 -
PLING to increase the maximum building height from 24
feet to 25.5 feet for the property at 1650 Pearl Street
in Metairie.

I am a property owner on Pearl Street and have
been for almost 25 years. My address is 1755 Pearl
Street.

My concern with this variance is from section
4.005: Residential and Commercial Zone Standards
section # 8 to ensure that pleasing views are neither
unreasonably obstructed nor obtained. Although,

my view will not be obstructed
as a result of this variance,
I am concerned that a
variance granted in
this instance will set
precedence for other

Attempts to raise buildings higher and obstruct
views of others.

Thank you for your attention.

RT
MAY 03 2021
BY: KD
g

Penelope Krainberg

Penelope Krainberg