



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

*Land of Cheese, Trees and Ocean Breeze*

**NON-CONFORMING MAJOR REVIEW #851-21-000340-PLNG: WEBER**

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

November 12, 2021

Dear Property Owner:

This is to confirm that the Tillamook County Department of Community Development **APPROVED WITH CONDITIONS** the above-cited Non-Conforming Minor Review on November 15, 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 Director of Tillamook County Community Development. Forms and fees must be filed in the office of this Department before **4:00pm on November 28, 2021**.

**Unless an appeal is filed in accordance with Tillamook County Land Use Ordinance Article 10, the Effective Date of this Decision shall be no sooner than November 29, 2021.**

**Request:** A Non-Conforming Minor Review request to allow the expansion of an existing non-conforming single-family dwelling to add a breezeway from the residence to the garage and raising the garage roof by two (2) feet. (Exhibit B).

**Location:** The subject property is located at 237 University Ave., located on University Avenue, a City of Manzanita road. The subject property is located within the Neahkahnne Unincorporated Community and is designated as Tax Lot 9000 in Section 20CD of Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. (Exhibit A).

**Zone:** Neahkahnne Residential (NK-15) (Exhibit A)

**Applicant/**

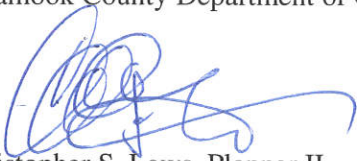
**Property Owner:** Robert and Vivian Weber, 237 University Ave., Manzanita OR, 97130

**CONDITIONS OF APPROVAL:**

Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant and property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Development shall be limited to the expansion of the existing dwelling as indicated on the submitted site plan included in "Exhibit B" of this report.
3. The applicant shall obtain an approved Consolidated Zoning & Building permit from the Tillamook County Department of Community Development.
4. Applicant shall comply with all other standards of TCLUO Section 3.300(4) *et seq*: Neahkahnie Urban Residential Zone (NK-15) where applicable.
5. A stormwater management plan prepared by a licensed professional shall be submitted at the time a Consolidated Zoning & Building permit application is submitted pursuant to Section 4.130(2)(d).
6. A minimum separation of six feet shall be maintained between structures pursuant to TCLUO Article IV Section 4.080 .

Sincerely,  
Tillamook County Department of Community Development



Christopher S. Laws, Planner II  
[claws@co.tillamook.or.us](mailto:claws@co.tillamook.or.us)  
503-842-3408



Sarah Absher, Director, CFM  
[sabsher@co.tillamook.or.us](mailto:sabsher@co.tillamook.or.us)  
503-842-3408 x3317

Enc.: Vicinity, Assessor's and Zoning maps



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*Land of Cheese, Trees and Ocean Breeze*

**NON-CONFORMING MINOR REVIEW, 851-21-000340-PLNG: Weber**

**ADMINISTRATIVE DECISION AND STAFF REPORT**

**DECISION: Approved with Conditions**

**DECISION DATE:** November 15, 2021

**REPORT PREPARED BY:** Christopher S. Laws, Planner II

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**I. GENERAL INFORMATION:**

- Request:** A Non-Conforming Minor Review request to allow the expansion of an existing non-conforming single-family dwelling to add a breezeway from the residence to the garage and raising the garage roof by two (2) feet. (Exhibit B).
- Location:** The subject property is located at 237 University Ave., located on University Avenue, a City of Manzanita road. The subject property is located within the Neahkahnie Unincorporated Community and is designated as Tax Lot 9000 in Section 20CD of Township 3 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. (Exhibit A).
- Zone:** Neahkahnie Residential (NK-15) (Exhibit A)
- Applicant:** Robert and Vivian Weber, 237 University Ave., Manzanita OR, 97130
- Property Owner:** Robert and Vivian Weber, 237 University Ave., Manzanita OR, 97130

**Description of Site and Vicinity:** The subject property is a small .19 acre (approximately 8,000 square feet) that slopes down to the north and adjacent to a larger (9.8 acres) forested undeveloped parcel. Lots to the west, east and south are developed with single-family dwellings. The north and west lots are Zoned NK-15, and the west and south lots are zoned MZ-R2 (Exhibit A).

There are no mapped wetlands or flood hazards pursuant to FEMA/FIRM 41057C0206F, or applicable tsunami hazards on the subject property (Exhibit A).

The subject property does lie within an area of Geological Hazard, and the Beach & Dune Overlay Zone.

## **II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:**

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

- A. TCLUO Article III, Section 3.300: Neahkahnie Urban Residential Zones (NK-15)
- B. TCLUO Article III, Section 3.530: Beach & Dune Overlay (BD)
- C. TCLUO Article IV, Section 4.130: Development Requirements for Geologic Hazard Areas
- D. TCLUO Article VII, Section 7.020: Nonconforming Uses and Structures

## **III. ANALYSIS:**

### **A. Section 3.348 Netarts Neighborhood Commercial Zone**

1. *PURPOSE: The purpose of the NK-7.5, NK-15 and NK-30 zones is to designate area within the Neahkahnie Community Growth Boundary for relatively low-density, single-family, urban area has public sewer and water services. The permitted uses are those that appear most suitable for a coastal community that wished to maintain a primarily single-family residential character. The only differences in the three zoning designations are density provisions for the creation of new lots. These varying densities are designed to be consistent with physical constraints within the Neahkahnie Community.*
2. **TCLUO Sections 3.300(2)(a)** list the uses currently permitted outright in the NK-15 Zone. Currently, the Zone allows for a single-family dwelling.

**Findings:** Staff finds that the property is developed with an 1,872 square foot single family dwelling built in 1978, and a 500 square foot garage attached with a deck in 1980. The proposal calls for the addition of an attached breezeway and an increase in building height to the existing garage (Exhibit B).

3. **TCLUO Section 3.300(4) 'Standards':** *Land divisions and development in the NK-15 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:*
  - d. *The minimum front yard setback shall be 20 feet.*
  - e. *The minimum side yard setback shall be 5 feet, except on the street side of a corner lot where it shall be 15 feet.*
  - f. *The minimum rear yard shall be 20 feet, except on a street corner lot where it shall be 5 feet.*
  - g. *The maximum building height shall be 17 feet west of the line shown on the zoning maps and 24 feet east of that line. (That line is approximately 500 feet east of the Beach Zone Line.).*

**Findings:** Staff finds that the existing single-family dwelling and garage are located beyond five-hundred feet from the Beach Zone Line and approximately sixteen (16) feet from the front-yard (south) property line. The east side-yard setback is approximately four (4) feet from the property line and the west is approximately eight (8) feet and the north greater than twenty (20) feet. The applicant/owner states there will be no change to the current footprint (Exhibit B). The proposed height increase to the garage brings the average building height of the dwelling/garage structure to approximately twenty-two (22) feet and three (3) inches which is below the maximum of twenty-four (24) feet allowed (Exhibit B).

**B. 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:** Pursuant to Section 3.530 *et seq.* staff finds the subject property exists within the Beach & Dune Overlay and identified as Older Stabilized Dunes on the 1974 Sand Dunes Map and *Category (4)(2) ... older stabilized...* and as such does not require a Dune Hazard Report pursuant to Section 3.530(5)(B)(1)(b). The proposal shall comply with the site development requirements of Section 3.350(5). This requirement can be met through the Conditions of Approval.

**C. Article IV, 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;*

...

**Findings:** Staff finds the subject property lies within a Geologic Hazard area identified as an inactive landslide identified on the DOGAMI Hazard Map 3N10 however, the proposal appears to not include foundational changes or additions to the existing structure therefore, only Article IV, Section 4.130(2) must be adhered to. Additionally, due to identified drainage and flooding issues identified by the applicant, a stormwater management plan must be prepared by a licensed professional and submitted along with the building and zoning permit pursuant to Section 4.130(2)(d). This requirement can be met through the Conditions of Approval #6 (Exhibit A).

**D. Article VII, Section 7.020 Nonconforming Uses and Structures**

*The purpose of the NONCONFORMING USES AND STRUCTURES provisions are to establish standards and procedures regulating the continuation, improvement and replacement of structures and uses which pre-date, and which do not comply with, this Ordinance. The intent is to allow changes to nonconforming uses and structures in*

a manner that does not increase the level of adverse impact to surrounding areas. These provisions are intended to be consistent with ORS 215.130.

1. **TCLUO Section 7.020(1) ‘Definitions’:** A nonconforming use is defined in the Tillamook County Land Use Ordinance (TCLUO) Section 7.020 as “A use that does not conform to current requirements of this Ordinance but which legally existed at the time the applicable section(s) of the Ordinance took effect and has continued into the present without discontinuance as described in Section 7.020 (6)”.

**Findings:** A copy of the two original building permits for the existing dwelling and garage permitted in 1978 and 1980 respectively was submitted ‘Exhibit B’. Staff finds that the current use of the subject property as a single-story dwelling unit was legally established prior to the adoption of current ordinance but is not in conformance with the zone and is therefore an existing nonconforming use as defined in TCLUO 7.020.

2. **TCLUO Section 7.020(4) ‘Alteration or Expansion’** indicates that the alteration or expansion of a nonconforming structure shall be subject to satisfaction of the Nonconforming Minor Review criteria outlined in Section 7.020(11).

**Findings:** Staff finds the Applicant’s request to add a breezeway and increase the height of the garage constitutes an expansion of the nonconforming use of the subject property and is therefore subject to the satisfaction of the Minor Review criteria outlined in TCLUO Section 7.020(11) which is addressed below.

3. **TCLUO Article X** requires notice of Non-Conforming Minor Review applications to be mailed to landowners within 250 feet of the subject property and applicable agencies. Staff must allow at least 14 days for written comment and must consider received comments in making the decision.

**Findings:** A notice of the request was mailed to property owners within 250 feet of the subject property on October 25, 2021 (Exhibit C). Comment was received from one neighbor (Exhibit C).

4. **TCLUO Section 7.020(11) Minor Review:** Application is made under the fee and procedures for a Type II Administrative Review and is reviewed using the following review criteria. A request may be permitted if:
  - (a) The request will have no greater adverse impact on neighboring areas than the existing use or structure when the current zoning went into effect, considering:
    - i. A comparison of existing use or structure with the proposed change using the following factors:

(1) Noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line or off-site;

**Findings:** The Applicant states: “There is no change for any listed items” Staff finds the submitted plans do not appear to be adding anything that would affect the listed items. This criterion is met.

(2) Number and kinds of vehicular trips to the site;

**Findings:** Applicant states there will be no change in the current level of use (Exhibit B). Staff finds that expanded dwelling will not result in a substantial increase in vehicular trips. Staff finds this criterion met.

(3) Amount and nature of outside storage, loading and parking;

**Findings:** The Applicant states there will be no change to existing storage, loading or parking (Exhibit B). Provided site plan(s) and area maps indicate that the proposed expansion of the dwelling will not change nor have adverse effect on the current level of outside storage, loading or

parking (Exhibits A and B). Staff finds that the proposed development will not result in any greater adverse impact to neighboring properties as a result of proposed outside storage and parking. Staff finds this criterion met.

*(4) Visual impact;*

**Findings:** Applicant states that proposed expansion will increase the current height of the existing structure but that the main roofline shall remain the same and the increase in garage height will have a minimal visual impact (Exhibit B). The County regulates visual impact through compliance with maximum building height requirements. Staff finds that this criterion can be met through compliance with Conditions of Approval #4.

*(5) Hours of operation;*

**Findings:** The proposed structure will continue to be used as a single-family dwelling with no standard hours of operation. Staff finds that the residential use of the proposed dwelling will not result in any greater adverse impact to neighboring properties. Staff finds this criterion met.

*(6) Effect on existing vegetation;*

**Findings:** The applicant states that minimal vegetation impact will occur with the 165 square foot deck (Exhibit B). Staff finds that vegetative cover is present on the subject property and that existing vegetation will remain intact (Exhibits A and B). Staff finds that this criterion met.

*(7) Effect on water drainage and water quality;*

**Findings:** The Applicant states: *“This will be improved. We are adding a French-drain along the entire south side of the existing house foundation wall. Currently there is significant rainwater runoff from the public road (Hemlock & University) that flow down the driveway and flood the garage on a continuing and regular basis. We will be installing additional driveway drainage to capture this water and redirect in a safe and appropriate manner.”* Staff finds that this criterion can be met through compliance with Conditions of Approval #5.

*(8) Service or other benefit to the use or structure provides to the area; and*

**Findings:** Staff finds that the use of the single-family dwelling will remain residential in nature. Any services or benefits that could be provided remain unchanged. Staff finds this criterion met.

*(9) Other factors relating to conflicts or incompatibility with the character or needs of the area.*

**Findings:** Staff finds that the subject property is currently improved with a residential dwelling and appurtenant structure (garage). (Exhibits A& B). Staff finds that the proposed development is serviced by existing city roads in a developed area consistent with the development pattern of the subject property. Surrounding uses include other single-family dwellings (Exhibit A).

Staff concludes that Minor Review criteria (A)(1)-(9) are met or can be met through compliance with the Conditions of Approval.

ii. *The character and history of the use and of development in the surrounding area.*

**Findings:** Staff finds that a single-story residential dwelling has existed on the subject property since 1978 (Exhibits A and B). Staff finds that the proposed development is served by existing roads in a developed area consistent with the Applicant's property and that the surrounding and adjacent properties are similar in nature and are consistent with the character and history of the use and development in the surrounding area. Staff finds this criterion met.

*(b) The request shall maintain a minimum separation of six feet between structures and comply with the clear vision area of Section 4.010.*

**Findings:** Staff finds that this criterion is met.

#### **IV. DECISION: APPROVED WITH CONDITIONS**

Staff concludes that the Applicant has satisfied the review criteria and can meet all applicable ordinance requirements at the time of application. Therefore, Staff approves this request to expand the existing non-conforming dwelling. No further development shall occur on the subject property without prior land use approval. This approval does not address any additional development of the subject property.

By accepting this approval, the applicant and property owner agrees 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 applicant and property owner shall obtain all the necessary local, state, and federal permits and comply with all applicable regulations for the proposed construction.

**Appeal of this decision.** This decision may be appealed to the Tillamook County Planning Commission, who will hold a public hearing. In such cases, forms and fees must be filed in the office of this Department before **4:00 PM on November 26, 2021.**

**Unless an appeal is filed in accordance with Tillamook County Land Use Ordinance Article 10, the Effective Date of this Decision shall be no sooner than November 29, 2021**

#### **V. CONDITIONS OF APPROVAL:**

Failure to comply with the Conditions of Approval and ordinance provisions could result in nullification of this approval.

1. The applicant and property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Development shall be limited to the expansion of the existing dwelling as indicated on the submitted site plan included in "Exhibit B" of this report.
3. The applicant shall obtain an approved Consolidated Zoning & Building permit from the Tillamook County Department of Community Development.
4. Applicant shall comply with all other standards of TCLUO Section 3.300(4) *et seq*: Neahkahnie Urban Residential Zone (NK-15) where applicable.



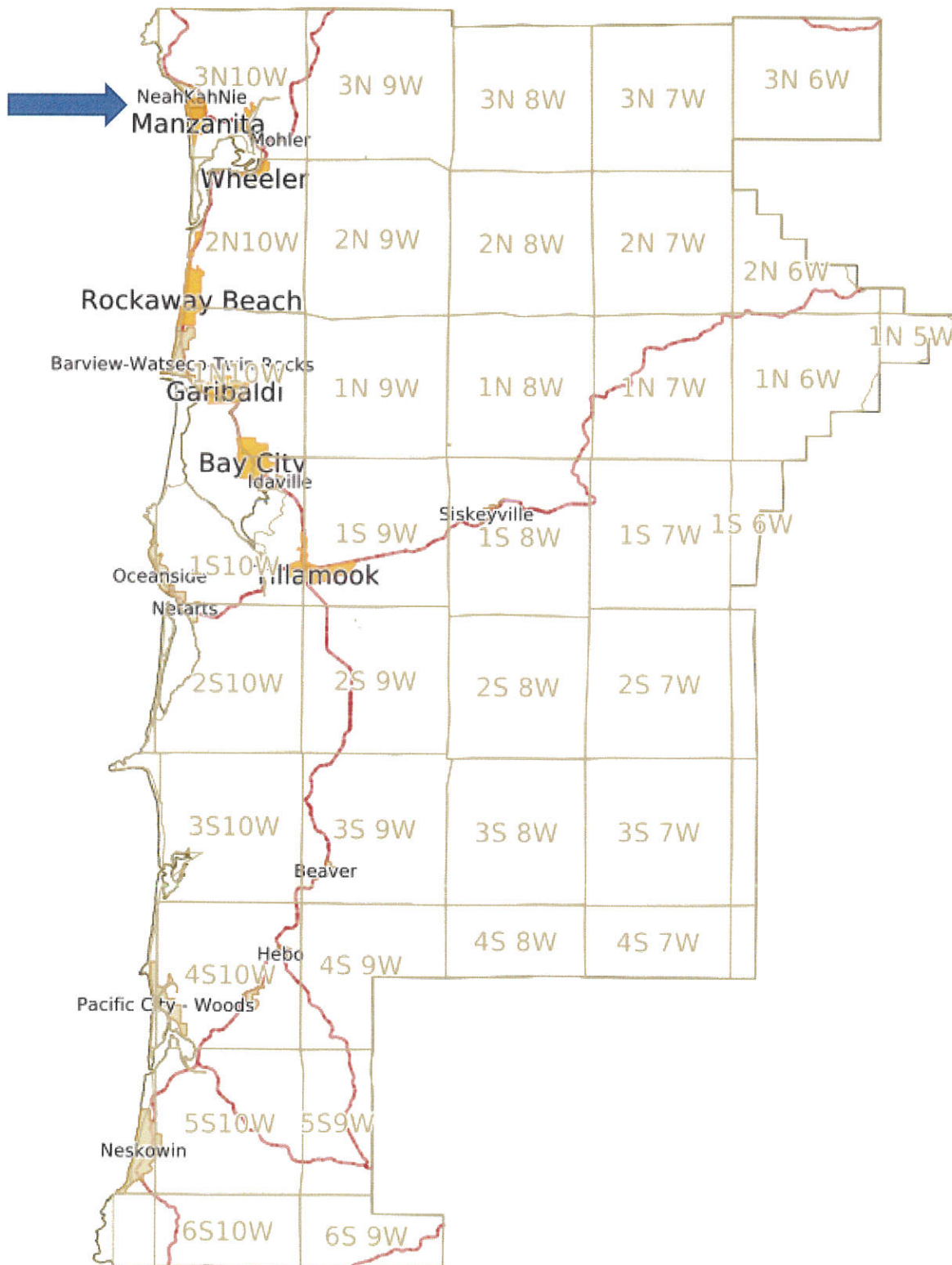
5. A stormwater management plan prepared by a licensed professional shall be submitted at the time a Consolidated Zoning & Building permit application is submitted pursuant to Section 4.130(2)(d).
6. A minimum separation of six feet shall be maintained between structures pursuant to TCLUO Article IV Section 4.080 .
7. This approval expires if a Building Permit is not applied for within two (2) years of issuance of this approval.

**VI. EXHIBITS**

- A. Vicinity map, Assessor's map, Zoning map, Tax Assessor's Summary Report, FEMA/FIRM, Geo-Hazard Map, National Wetland Inventory Map.
- B. Applicant's submittal
- C. Public Comments

# EXHIBIT A

VICINITY MAP



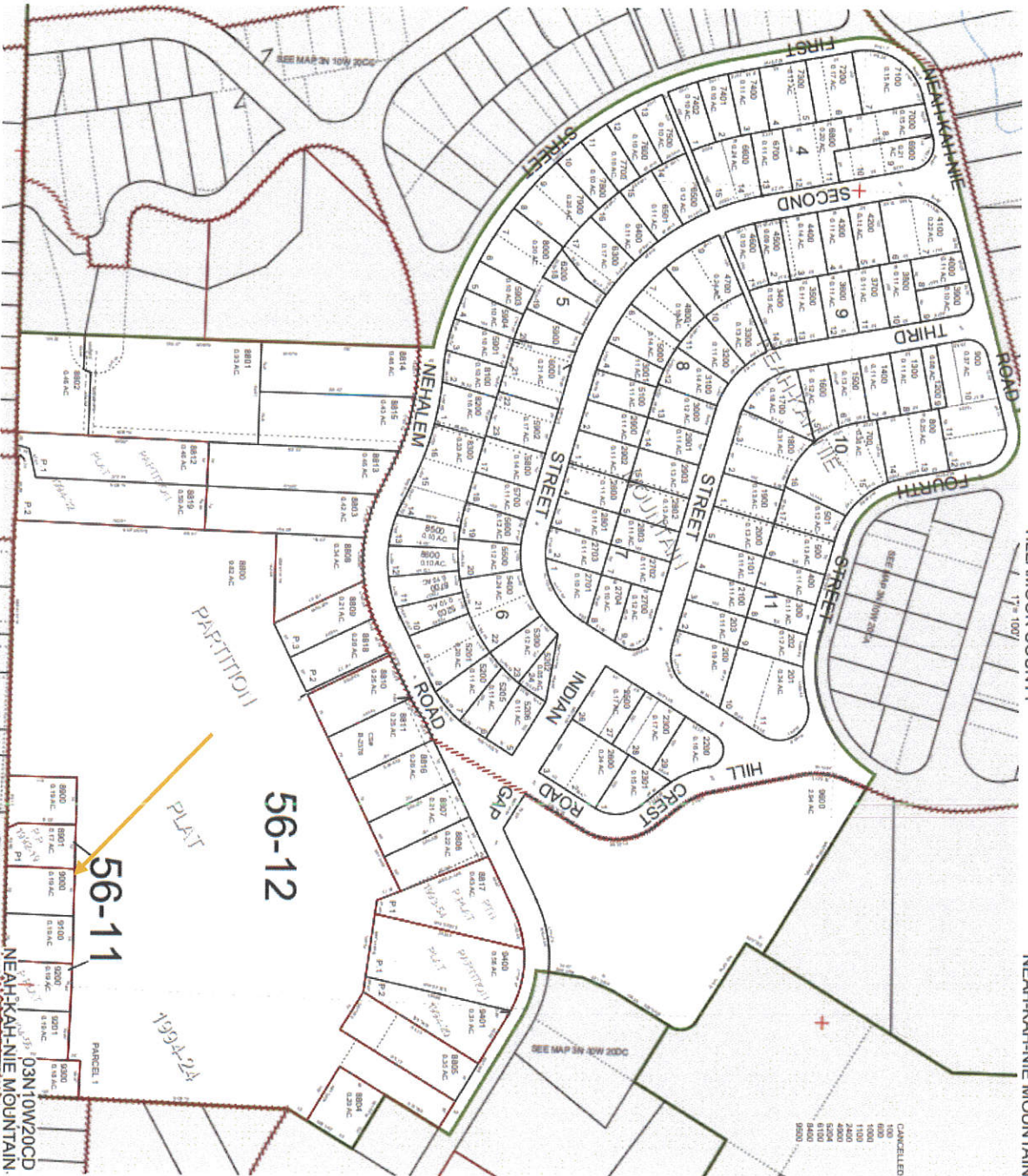
THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY.



S.E. 1/4 S.W. 1/4 SEC. 20 T. 3N. R. 10W. W.M.  
TILLAMOOK COUNTY

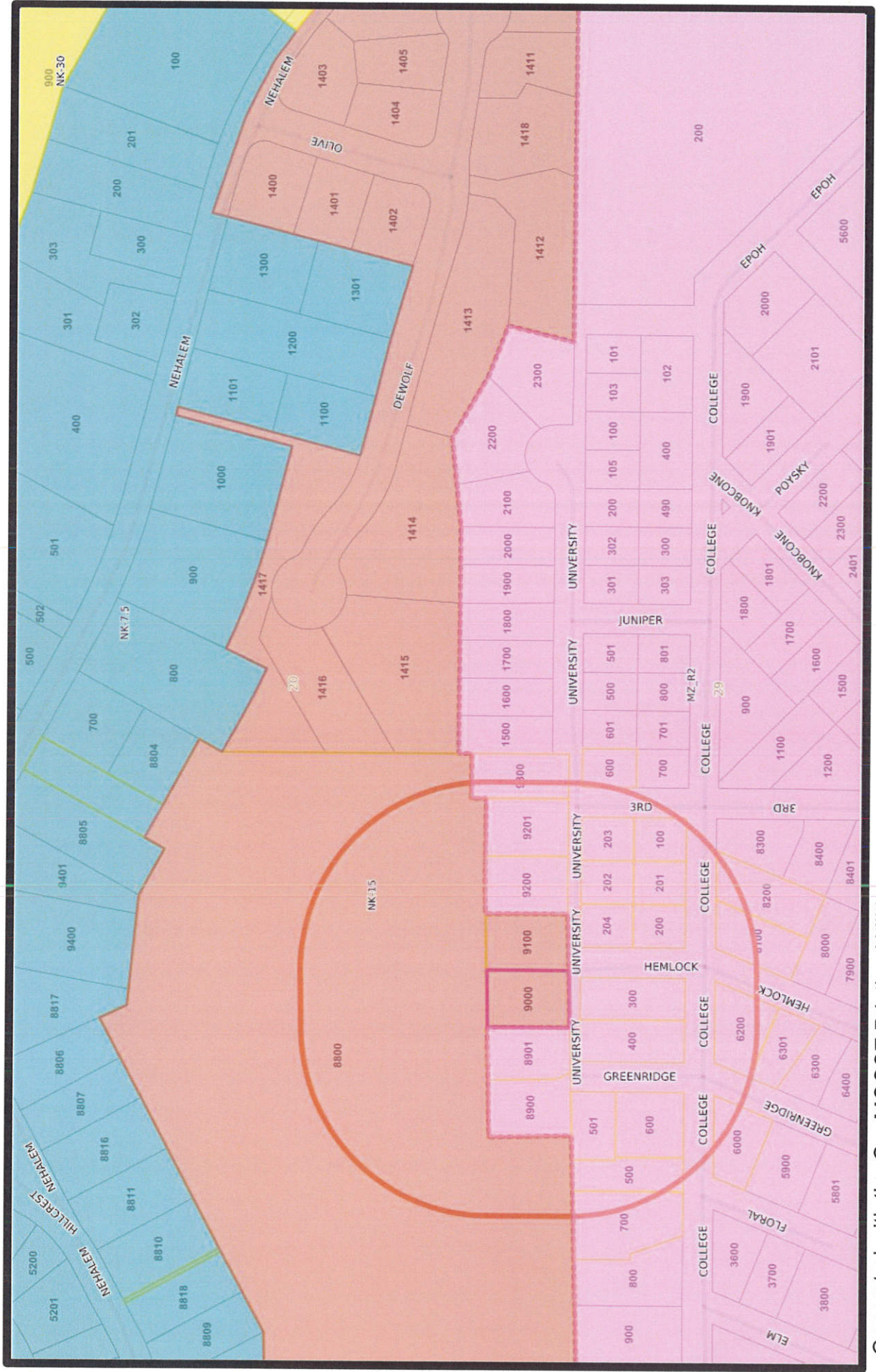
17" = 100'

03N10W20CC  
NEAH-KAH-NIE MOUNTAIN



03N10W20CC  
NEAH-KAH-NIE MOUNTAIN

# Map



# TILLAMOOK County Assessor's Summary Report

## Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

November 8, 2021 11:00:09 am

<b>Account #</b> 120684 <b>Map #</b> 3N1020CD09000 <b>Code - Tax #</b> 5612-120684  <b>Legal Descr</b> See Record  <b>Mailing Name</b> WEBER, ROBERT M & M VIVIAN TRUSTEES <b>Agent</b> <b>In Care Of</b> <b>Mailing Address</b> 333 11TH PL KIRKLAND, WA 98033-5518  <b>Prop Class</b> 101 <b>MA</b> <b>SA</b> <b>NH</b> <b>Unit</b> <b>RMV Class</b> 101      04    OV    475   23994-1	<b>Tax Status</b> ASSESSABLE <b>Acct Status</b> ACTIVE <b>Subtype</b> NORMAL  <b>Deed Reference #</b> 2019-3068 <b>Sales Date/Price</b> 05-30-2019 / \$0.00 <b>Appraiser</b> ELIZABETH JEFFRIES
--	---

Situs Address(s)	Situs City
ID# 1 237 UNIVERSITY AVE	COUNTY

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
5612	Land	228,650		Land	0
	Impr.	308,400		Impr.	0
<b>Code Area Total</b>		537,050	439,420		0
<b>Grand Total</b>		537,050	439,420		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			Trended RMV
						TD%	LS	Size	
5612					LANDSCAPE - FAIR	100			500
5612	1	<input checked="" type="checkbox"/>		NK-15	Market	103	A	0.19	215,050
5612					OSD - AVERAGE	100			13,100
<b>Grand Total</b>								0.19	228,650

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Trended RMV
					TD%	Total Sq. Ft.	Ex% MS Acct #	
5612	1	1978	142	One story with basement	122	1,872		308,400
<b>Grand Total</b>							1,872	308,400

Code Area	Type	Exemptions/Special Assessments/Potential Liability					
5612		<b>SPECIAL ASSESSMENT:</b>					
		■ SOLID WASTE	<b>Amount</b>	12.00	<b>Acres</b>	0	<b>Year</b> 2021

**Comments:** 03/06/06 - Phase 1 review. Changed neighborhood and land value to reflect surrounding accounts, KL.  
 04/09/10 - Phase 1 review - tabled land, KL.  
 8/2017 Review of account (Permit for ductless heating system) Adding item to the inventory components and removing existing system. RBB  
 5/16/18 Added woodstove. LM  
 11/30/20 - Moved account to NH 471 per 2021 beginning year land study. EJ

# National Flood Hazard Layer FIRMette

123°56.31'W - 45°43.45'N



## Legend

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

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE) with BFE of Depth Zone AE, AO, AH, VE, AR Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

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

**OTHER AREAS GENERAL STRUCTURES**

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone D
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- Cross Sections with 1% Annual Chance
  - 20.2
  - 17.5
- 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

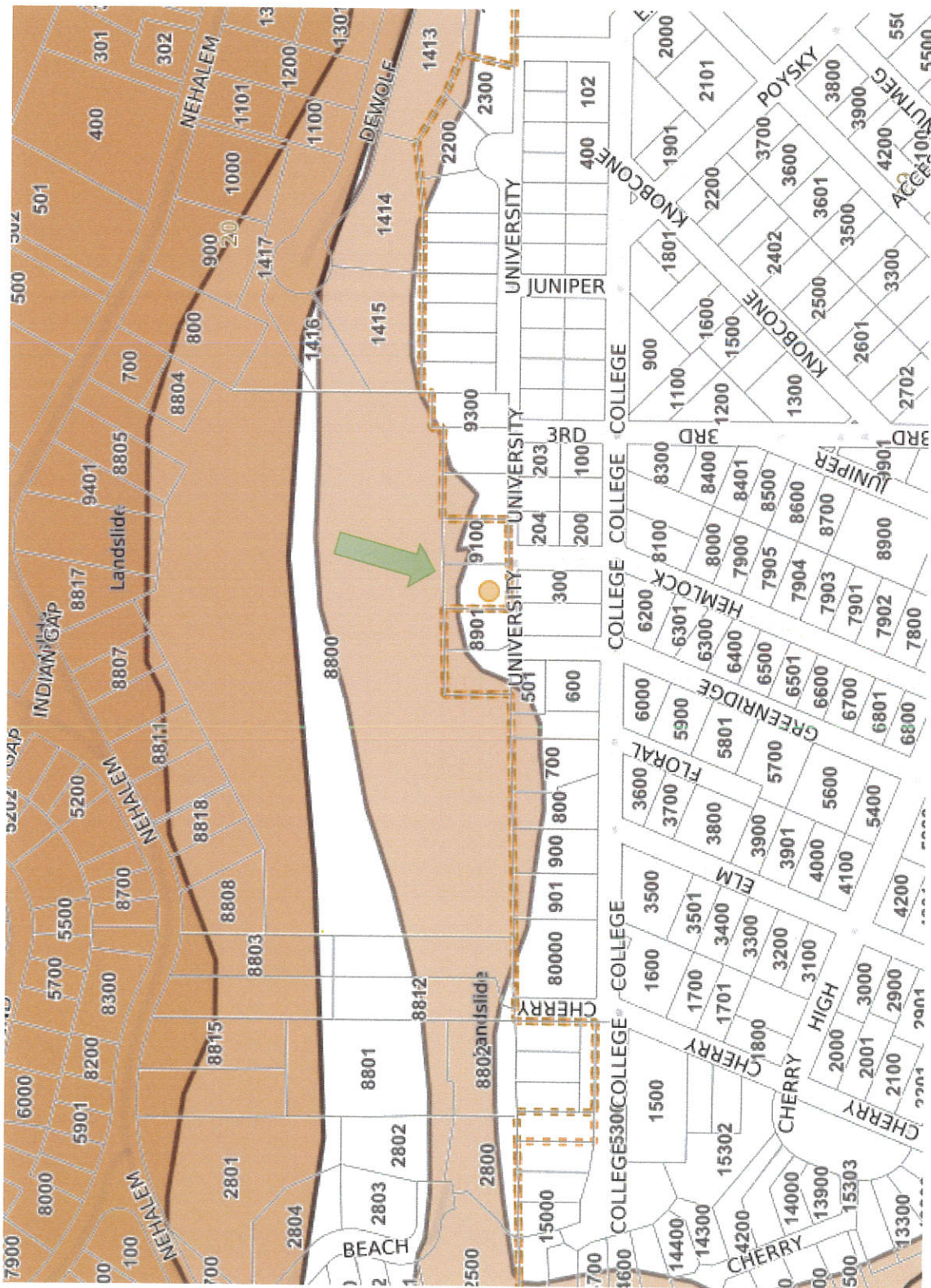
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.



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 **10/25/2021 at 1:21 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, FIRMet panel number, and FIRMet effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

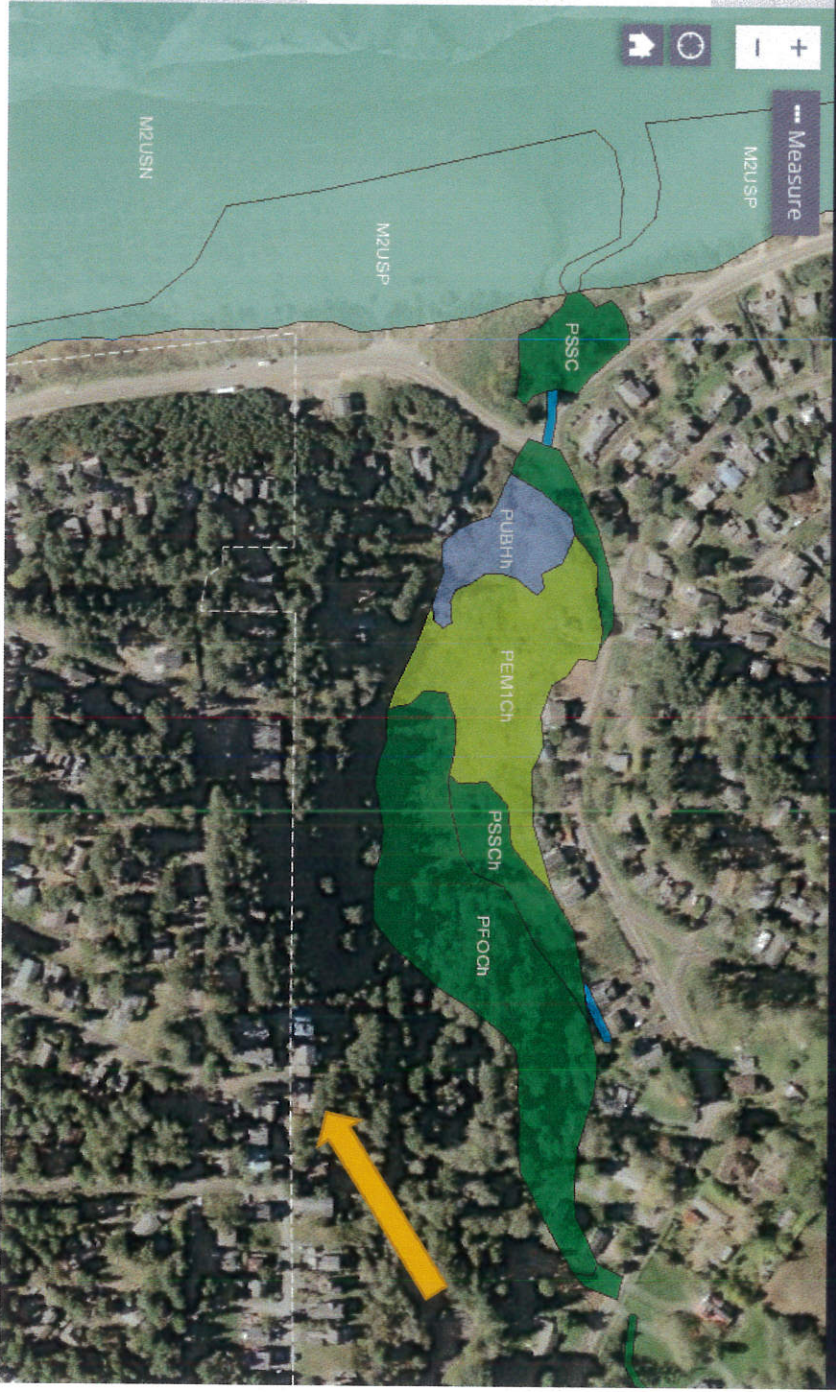




BASEMAPS >

MAP LAYERS >

- Wetlands 1 2
- Riparian 1 2
- Riparian Mapping Areas 1 2
- Data Source 1 2
  - Source Type
  - Image Scale
  - Image Year
- Areas of Interest 3
- FWS Managed Lands 1 2
- Historic Wetland Data 1 2



# 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](http://www.co.tillamook.or.us)

## PLANNING APPLICATION

Applicant  (Check Box if Same as Property Owner)

Name: Robert & Vivian Weber Phone: 425.890.1418  
 Address: 237 UNIVERSITY AVE  
 City: MANZANITA State: OR Zip: 97130  
 Email: Rweber1418@outlook.com

### Property Owner

Name: Robert & Vivian Weber Phone: 425.890.1418  
 Address: 333 11<sup>th</sup> place  
 City: KIRKLAND State: WA Zip: 98033  
 Email: rweber1418@outlook.com

MAILING

Request: EXTEND VERTICAL EXTENSION OF GARAGE, BRIZZUAMI,  
LOWER LEVEL ADDITION Value = \$178,882.95

OFFICE USE ONLY	
Date Stamp	<b>RECEIVED</b>
	<b>AUG 24 2021</b>
	<b>BY: Counter</b>
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by: <u>MT</u>	
Receipt #: <u>121723</u>	
Fees: <u>843.00</u>	
Permit No: <u>851-21-000340-PLNG</u>	

### 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
- Foredune 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: 237 UNIVERSITY AVE, MANZANITA OR 97130  
 Map Number: 3N1020C009000 3N 10W 9000  
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)  
  
 Applicant Signature

Vivian Weber  
Robert Weber

04 July 2021  
 Date  
04 July 2021  
 Date

**BASIS OF BEARING**

THE LINE BETWEEN FOUND MONUMENTS (202) AND (203) BEARS SOUTH 80°41'31" WEST. THE RECORD VALUE FROM BOUNDARY SURVEY PERFORMED BY THIS FIRM IN OCTOBER, 2020.

**NOTES**

THIS MAP DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE SUBJECT PROPERTY AS DESCRIBED IN INSTRUMENT #2019-03068, TILLAMOOK COUNTY SURVEY RECORDS. FOR BOUNDARY INFORMATION, SEE THE BOUNDARY SURVEY PERFORMED BY THIS FIRM IN OCTOBER, 2020.  
THE PURPOSE OF THIS MAP IS TO SHOW SPOT ELEVATIONS AND TOPOGRAPHIC FEATURES ON THE PORTION THE SUBJECT PROPERTY SHOWN HEREON. NO LARGE CONIFEROUS TREES EXIST ON THE SUBJECT PROPERTY. THE FIELD WORK FOR THIS SURVEY WAS COMPLETED ON OCTOBER 19, 2020.

**ELEVATION DATUM**

ELEVATIONS ON THIS MAP ARE BASED UPON THE CENTERLINE INVERT ELEVATION OF MANHOLE 14+91.1, MAIN U, NEHALEM BAY WASTEWATER AGENCY ASBUILT PLANS. ELEVATION OF SAID INVERT = 134.60'.

**BUILDING HEIGHT**

PER TILLAMOOK COUNTY LAND USE ORDINANCE 11.030, GRADE IS DEFINED AS THE AVERAGE ELEVATION OF THE EXISTING GROUND AT THE CENTERS OF ALL WALLS OF A BUILDING, PER COUNTY PLANNING DEPARTMENT. WALLS MUST BE A MINIMUM OF 2' LONG TO FACTOR INTO THE AVERAGE. FOUR GROUND ELEVATIONS EACH WERE UTILIZED AS SHOWN BELOW TO CALCULATE GRADE FOR THE HOUSE AND GARAGE. THE 4 GROUND ELEVATIONS USED TO CALCULATE EACH GRADE ARE SHOWN BELOW.

HOUSE GRADE:  $134.0' + 129.1' + 132.8' + 142.3' = 538.2' / 4 = 134.5'$   
GARAGE GRADE:  $135.5' + 133.1' + 138.5' + 142.4' = 549.5' / 4 = 137.4'$

PER TILLAMOOK COUNTY LAND USE ORDINANCE 11.030, BUILDING HEIGHT IS DEFINED AS THE VERTICAL DISTANCE OF A BUILDING MEASURED FROM GRADE TO THE HIGHEST POINT OF THE ROOF. THE SUBJECT PROPERTY IS LOCATED IN THE NK-15 ZONE. PER TILLAMOOK COUNTY LAND USE ORDINANCE 3.300 (4) G, THE MAXIMUM BUILDING HEIGHT SHALL BE 17 FEET WEST OF THE LINE SHOWN ON THE ZONING MAPS AND 24 FEET EAST OF THAT LINE. (THAT LINE IS APPROXIMATELY 500 FEET EAST OF THE BEACH ZONE LINE). THE SUBJECT PROPERTY IS LOCATED BEYOND 500' OF SAID BEACH ZONE LINE. THEREFORE, THE MAXIMUM BUILDING HEIGHT IS 24' ABOVE GRADE.

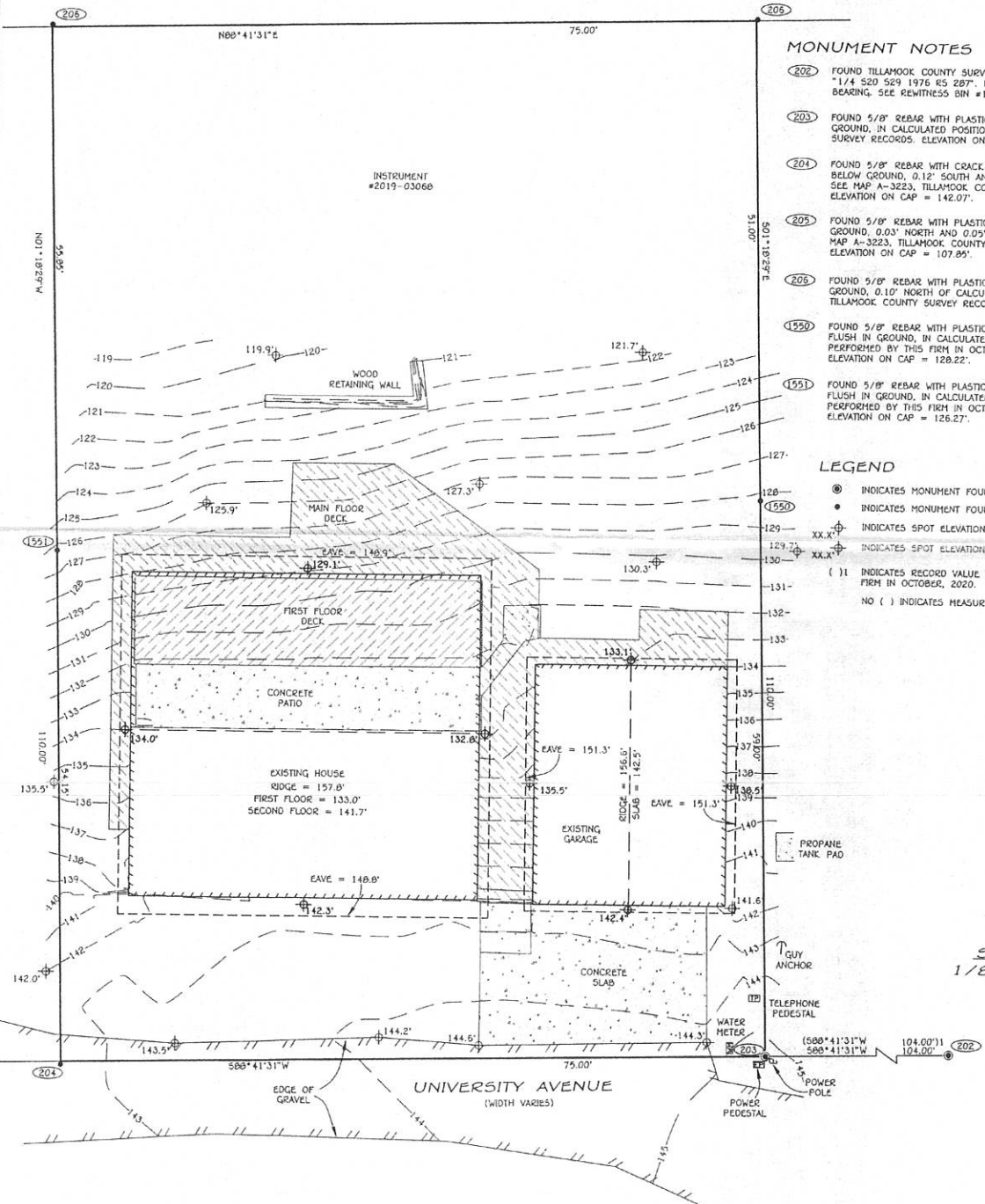
CURRENT HOUSE BUILDING HEIGHT = 157.8' (RIDGE) - 134.5' (GRADE) = 23.2'  
CURRENT GARAGE BUILDING HEIGHT = 156.6' (RIDGE) - 137.4' (GRADE) = 19.2'

**MONUMENT NOTES**

- (202) FOUND TILLAMOOK COUNTY SURVEYOR BRASS CAP IN CONCRETE STAMPED "1 1/4 S20 S29 1976 E5 287". HELD FOR POSITION AND BASIS OF BEARING. SEE REWITNESS SIN #131, TILLAMOOK COUNTY SURVEY RECORDS.
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- (1551) FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "ONION PEAK DESIGN" FLUSH IN GROUND, IN CALCULATED POSITION. SEE BOUNDARY SURVEY PERFORMED BY THIS FIRM IN OCTOBER, 2020. ELEVATION ON CAP = 126.27'.

**LEGEND**

- ⊙ INDICATES MONUMENT FOUND AS NOTED HEREON, HELD FOR CONTROL.
- INDICATES MONUMENT FOUND AS NOTED HEREON.
- XX.X INDICATES SPOT ELEVATION.
- XX.X INDICATES SPOT ELEVATION UTILIZED FOR GRADE CALCULATIONS.
- ( ) INDICATES RECORD VALUE FROM BOUNDARY SURVEY PERFORMED BY THIS FIRM IN OCTOBER, 2020.
- NO ( ) INDICATES MEASURED VALUE.



**ONION PEAK DESIGN**

PO BOX 326  
NEHALEM, OR 97131  
(503) 368-6102  
FAX (503) 368-6102

"WEBER" #AZ020  
WEBER2011-T.DWG

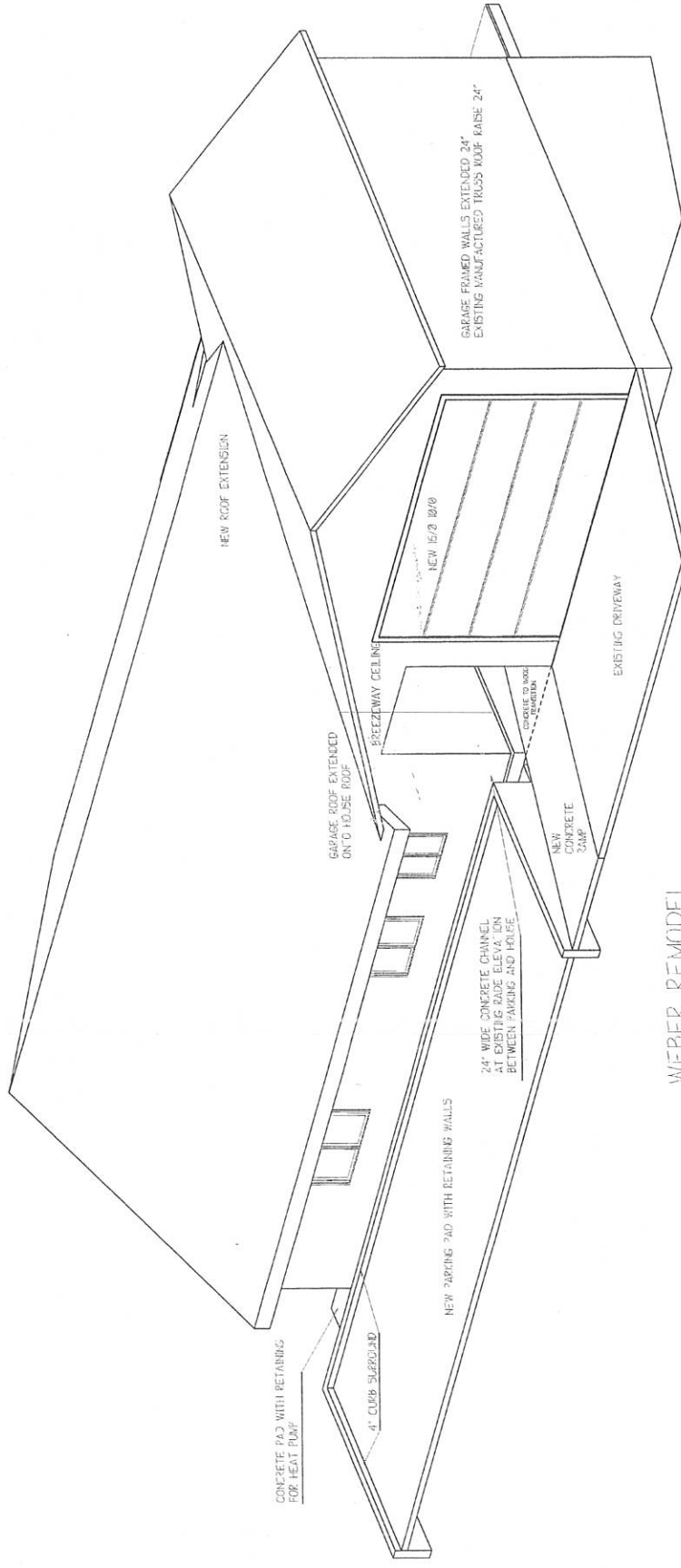
TOPOGRAPHIC SURVEY FOR:  
**ROBERT M. & VIVIAN WEBER, TRUSTEES**  
**WEBER MANZANITA TRUST**

A TRACT OF LAND AS DESCRIBED IN  
INSTRUMENT #2019-03068,  
TILLAMOOK COUNTY DEED RECORDS.  
SE 1/4, SW 1/4, SECTION 20, T3N, R10W, W.M.  
TILLAMOOK COUNTY  
NOVEMBER 12, 2020

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Eric M White*

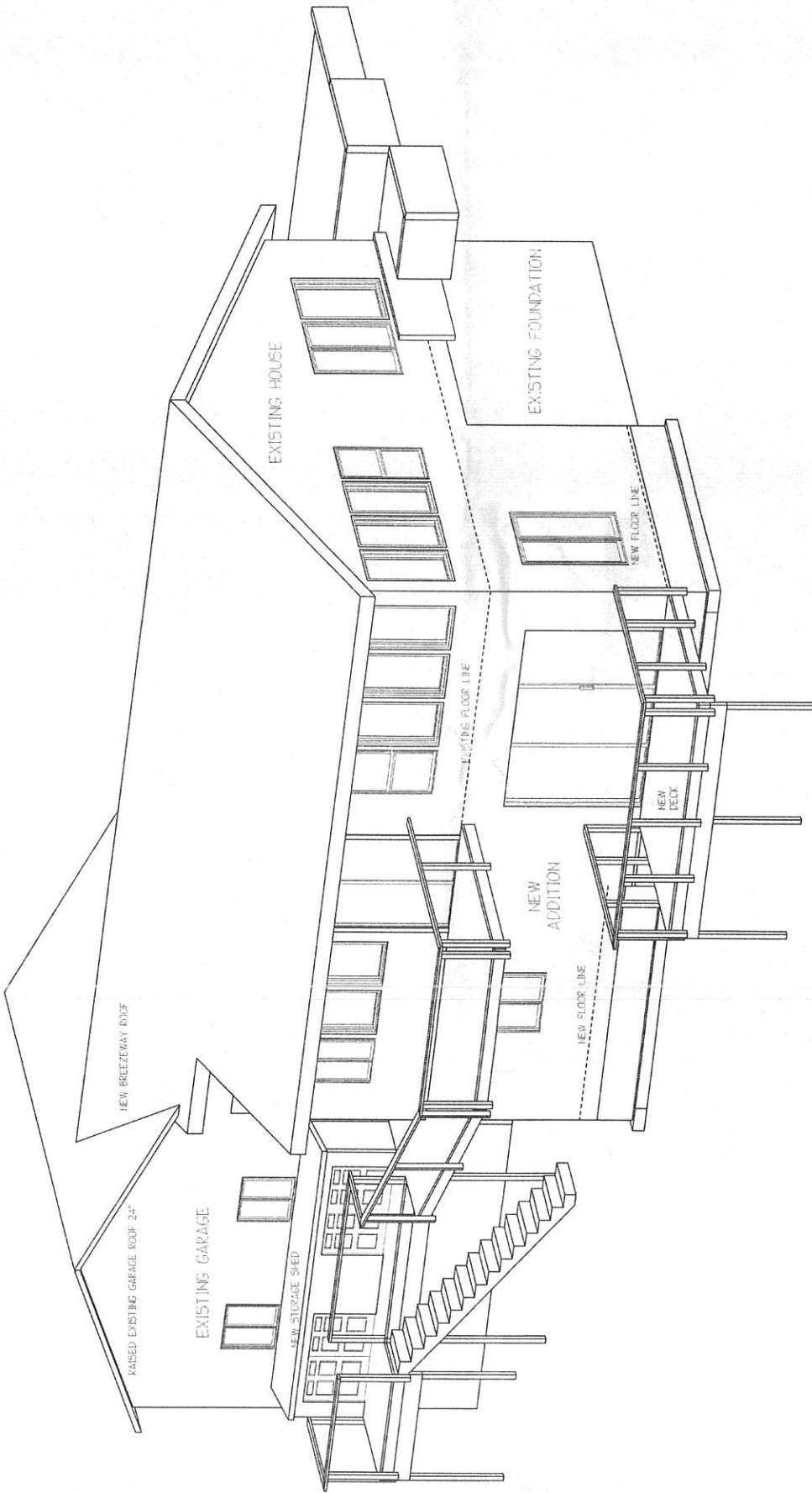
OREGON  
APRIL 28, 2014  
ERICK M. WHITE  
78572  
RENEWS 6/30/2022



WEBER REMODEL  
1/4"=1' RD 7/2/21

CLIENT: WEBER  
OWNER: WEBER

JCS AND DESIGN  
DAMYER@GMAIL.COM  
505-318-8655

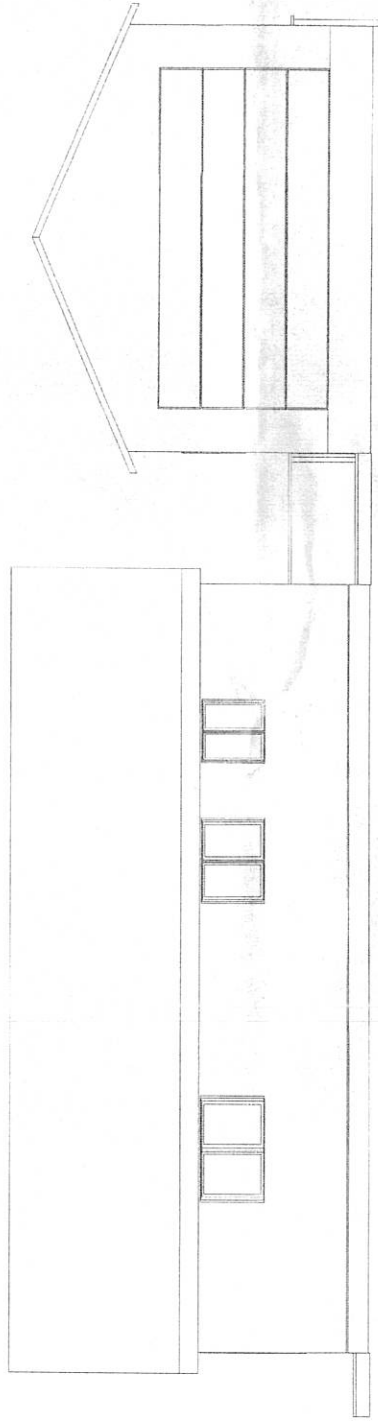


WEBER BACK RIGHT VIEW

1/4"=1' RD 8/17/21

CLIENT: WEBER  
OWNER: WEBER

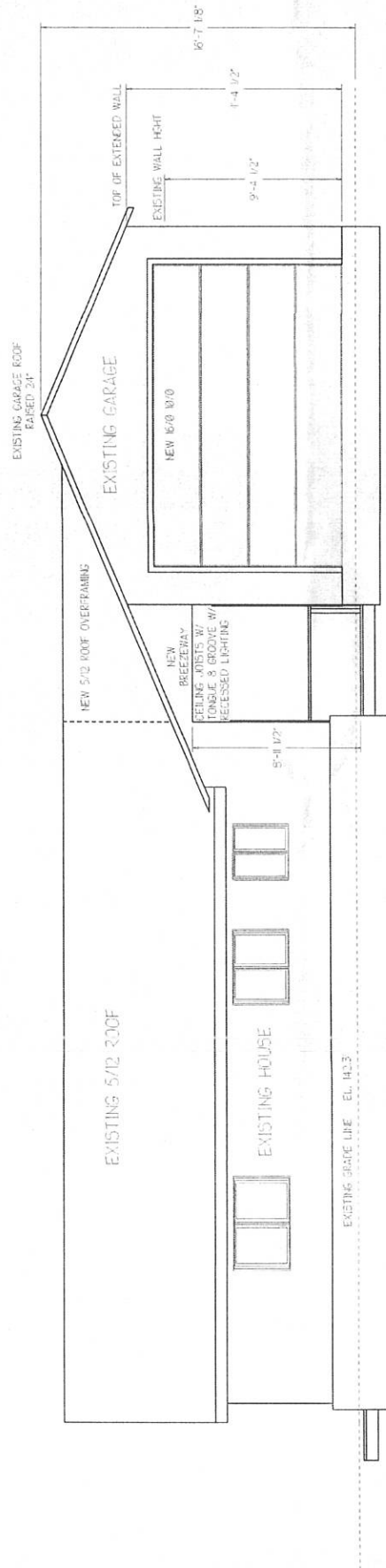
OCB AND DESIGN  
DANAYE@OCB.COM  
503-344-0653



EXISTING ROOFS  
1/4"=1' RD 8/17/21

OCB AND DESIGN  
DANVER@OCB.COM  
505-341-0663

CLIENT: WEBER  
OWNER: WEBER



ALL DIMENSIONS ARE MEASURED TO ROUGH FINISH. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.

FRONT ELEVATION  
1/4"=1' RD 8/17/21

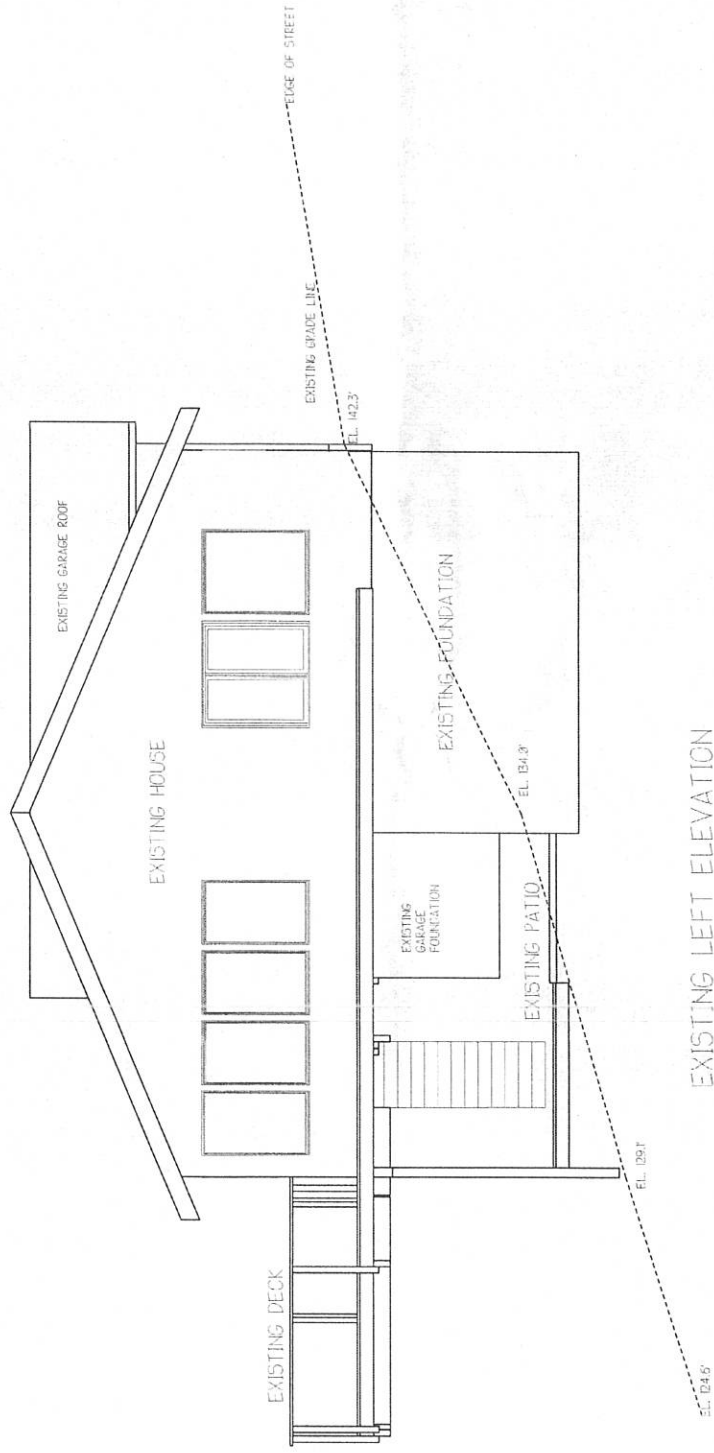
HEIGHT CALC:

HOUSE FRONT	- 16'-7 7/8"
GARAGE FRONT	- 16'-7 1/8"
HOUSE BACK	- 29'-6"
GARAGE BACK	- 25'-6"
LEFT	- 24'-10 3/4"
RIGHT	- 20'-1 3/16"
TOTAL	- 133'-2 3/16"
AVERAGE	- 222 3/8"

OCB AND DESIGN  
DAMYEN@OCBANDDESIGN.COM  
503-344-0553

CLIENT: WEBER  
OWNER: WEBER



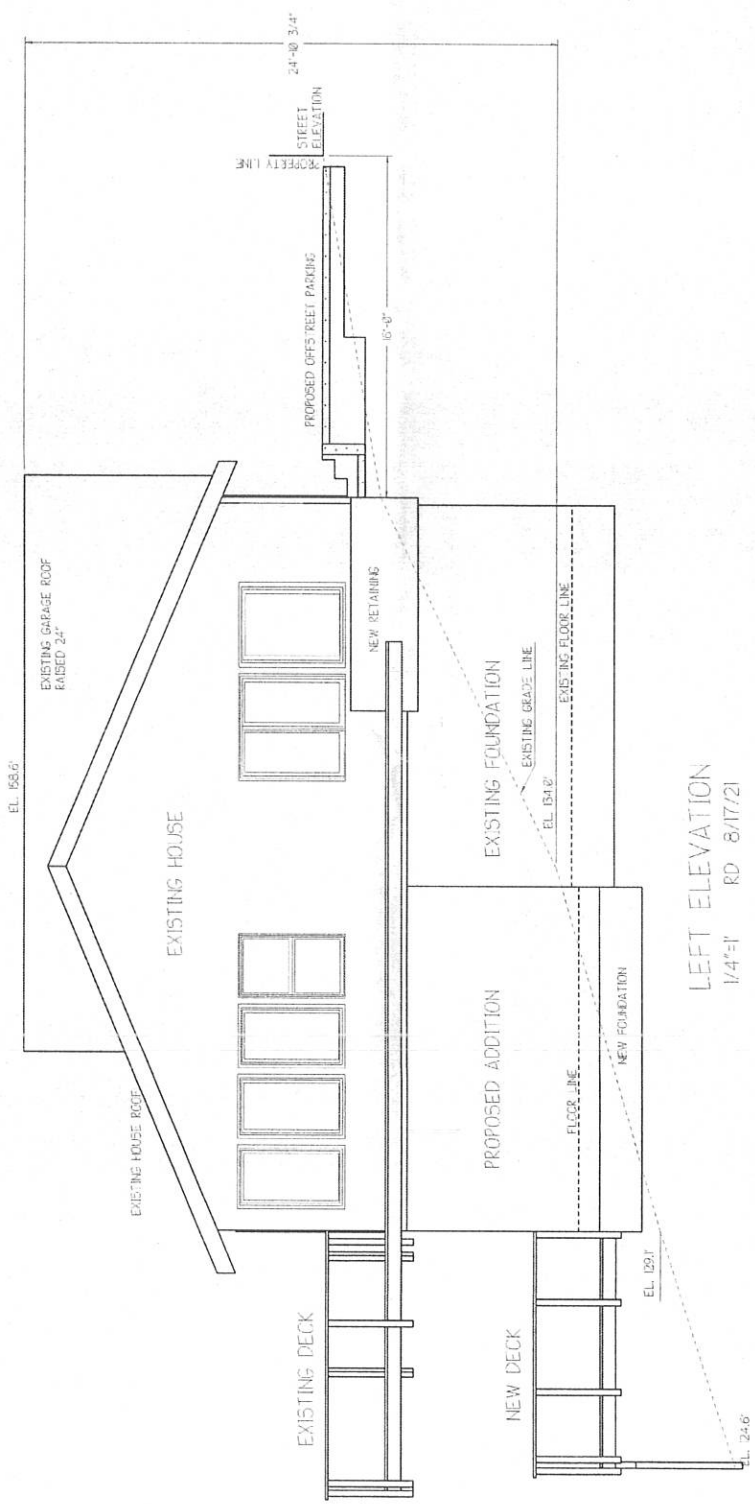


EXISTING LEFT ELEVATION

1/4"=1' RD 5/17/21

CLIENT: WEBER  
OWNER: WEBER

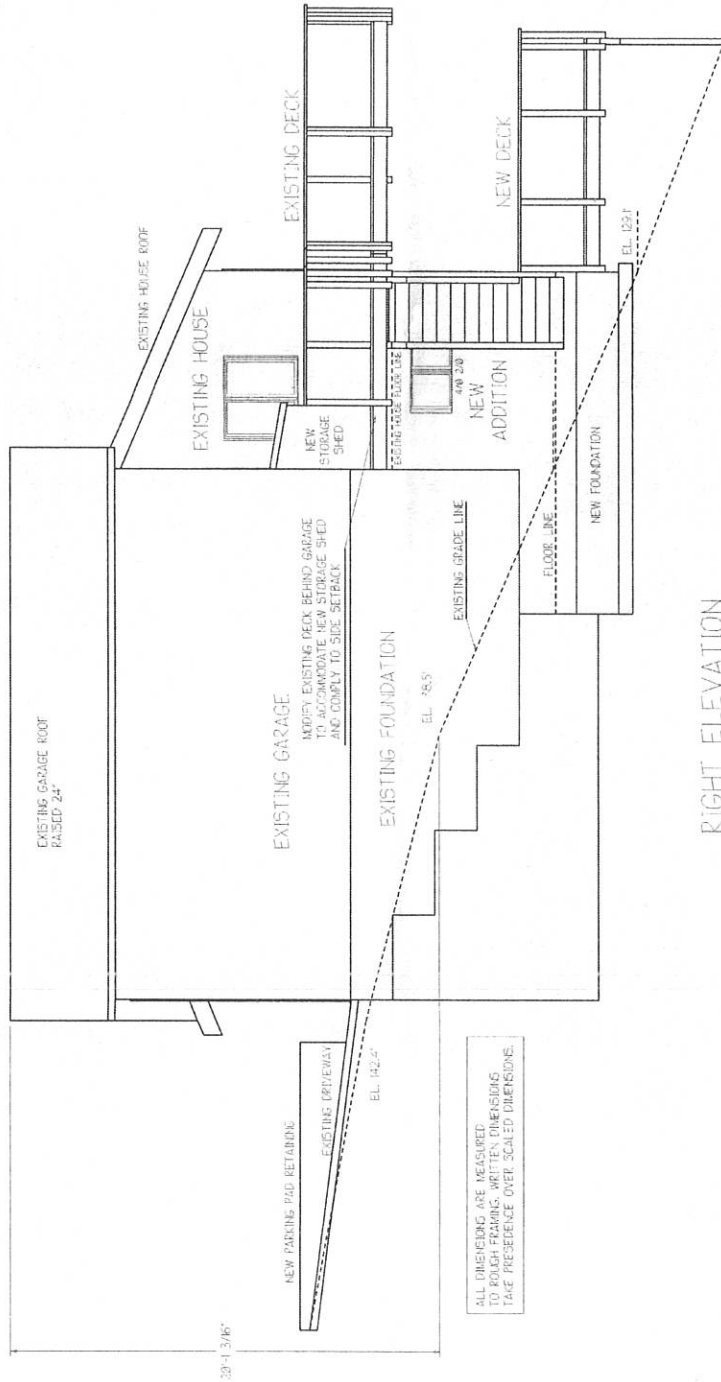
OUR AND DESIGN  
DANA@EVO3D.COM  
503-314-0653



LEFT ELEVATION  
1/4"=1' RD 8/17/21

CLIENT: WEBER  
OWNER: WEBER

OCB AND DESIGN  
CALARY@OCBDESIGN.COM  
503-314-0653



20'-1 3/16"

NEW PARKING PAD RETAINING  
EXISTING DRIVEWAY  
EL. 42.2'

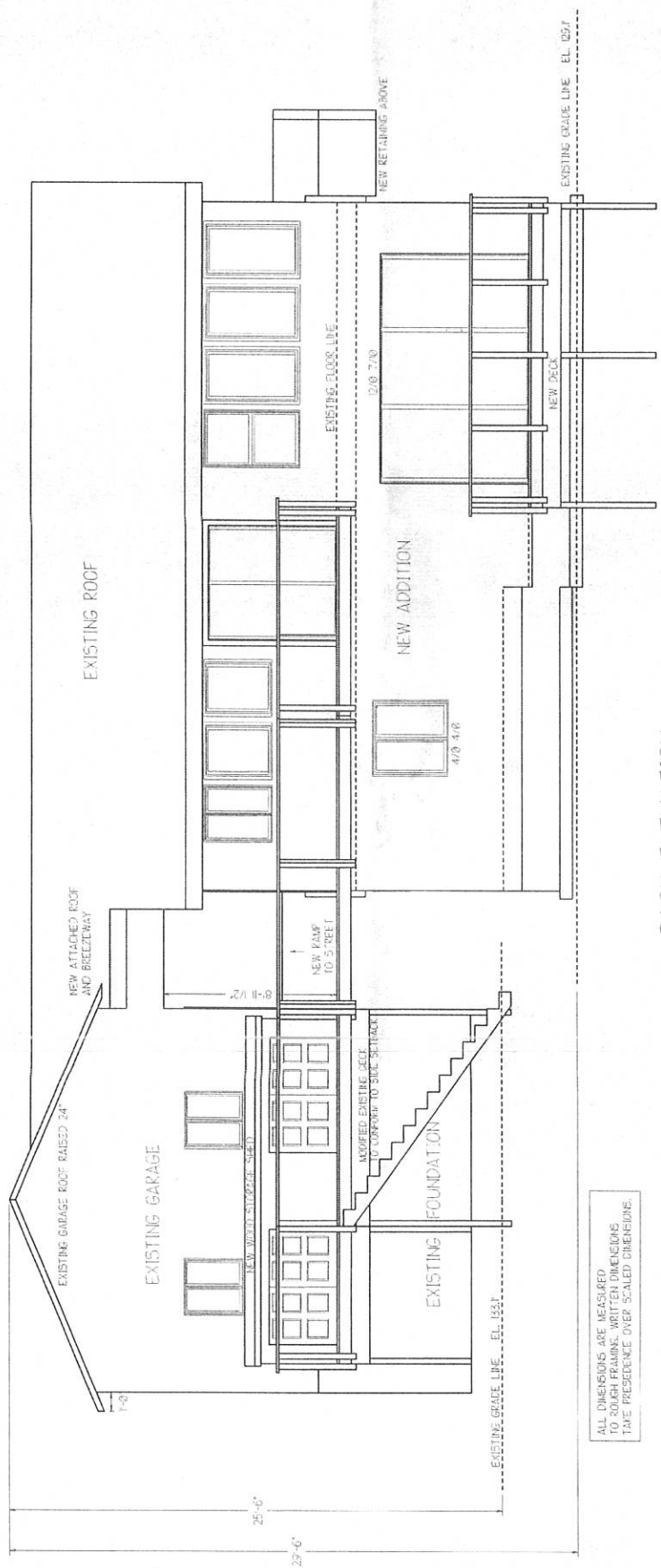
ALL DIMENSIONS ARE MEASURED  
TO ROUGH FRAMING. WRITTEN DIMENSIONS  
TAKE PRECEDENCE OVER SCALED DIMENSIONS.

RIGHT ELEVATION

1/4"=1' RD 8/17/21

CLIENT: WEBER  
OWNER: WEBER

OCB AND DESIGN  
DANIEL WEBER ARCHITECTS  
300 5TH AVENUE



BACK ELEVATION

1/4"=1' RD 8/17/21

CLIENT: WEBER  
OWNER: WEBER

DCB AND DESIGN  
DORNAUER5033@GMAIL.COM  
503-514-0653

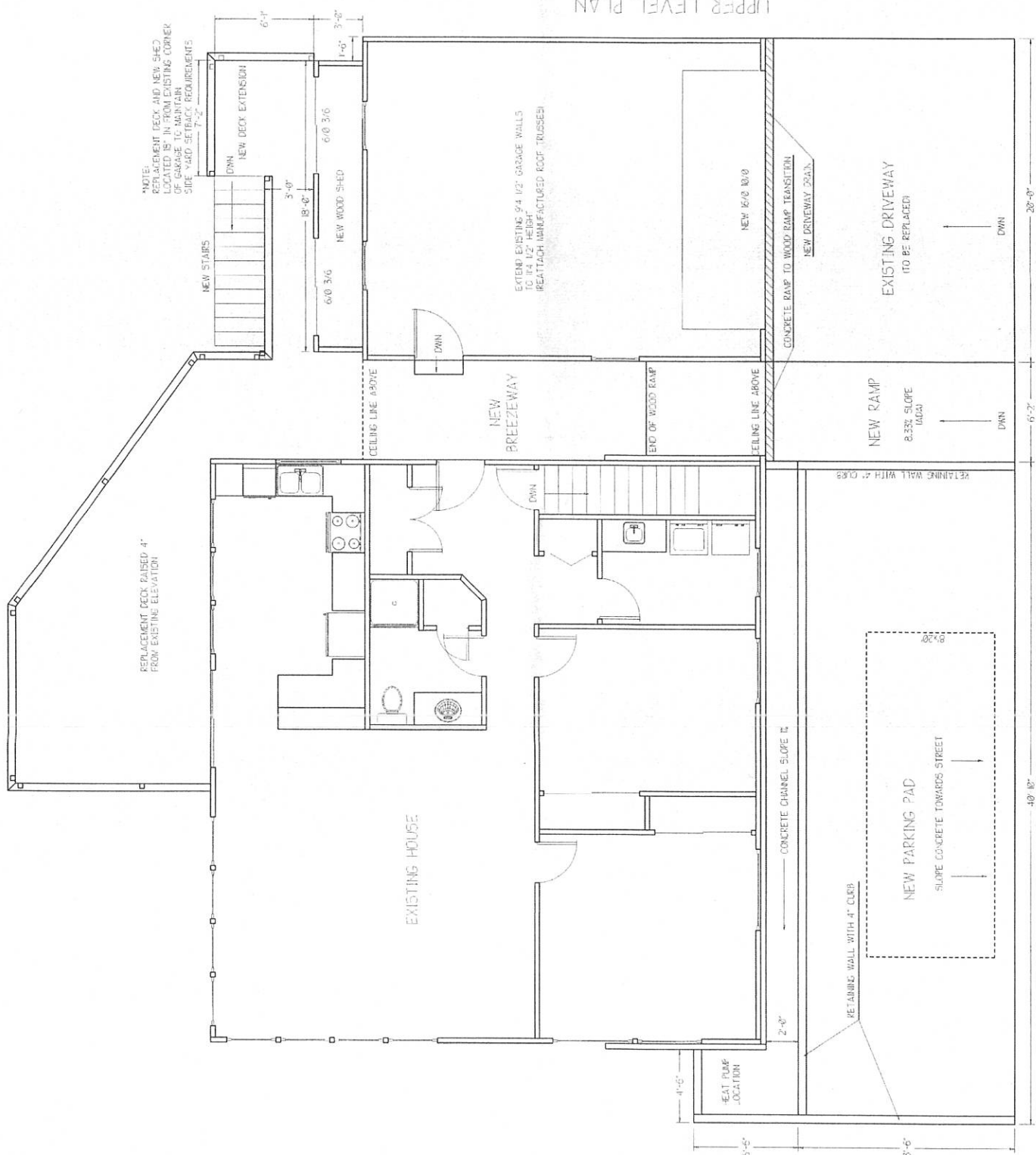
ALL DIMENSIONS ARE MEASURED TO ROUGH FRAMING. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.



CLIENT: WEBER  
OWNER: WEBER

OCB AND DESIGN  
DANVA@OCBDESIGN.COM  
903-514-0653

UPPER LEVEL PLAN  
1/4"=1' RD 7/26/21



\*NOTE:  
REPLACE DECK AND NEW SHED  
LOCATED IN FRONT EXISTING CORNER  
OF GARAGE TO MAINTAIN  
SIDE YARD SETBACK REQUIREMENTS

REPLACE DECK RAISED 4"  
FROM EXISTING ELEVATION

EXISTING HOUSE

EXTEND EXISTING 9/4 1/2" GARAGE WALLS  
TO 14 1/2" HEIGHT  
REATTACH MANUFACTURED ROOF TRUSSES

NEW BREEZEWAY

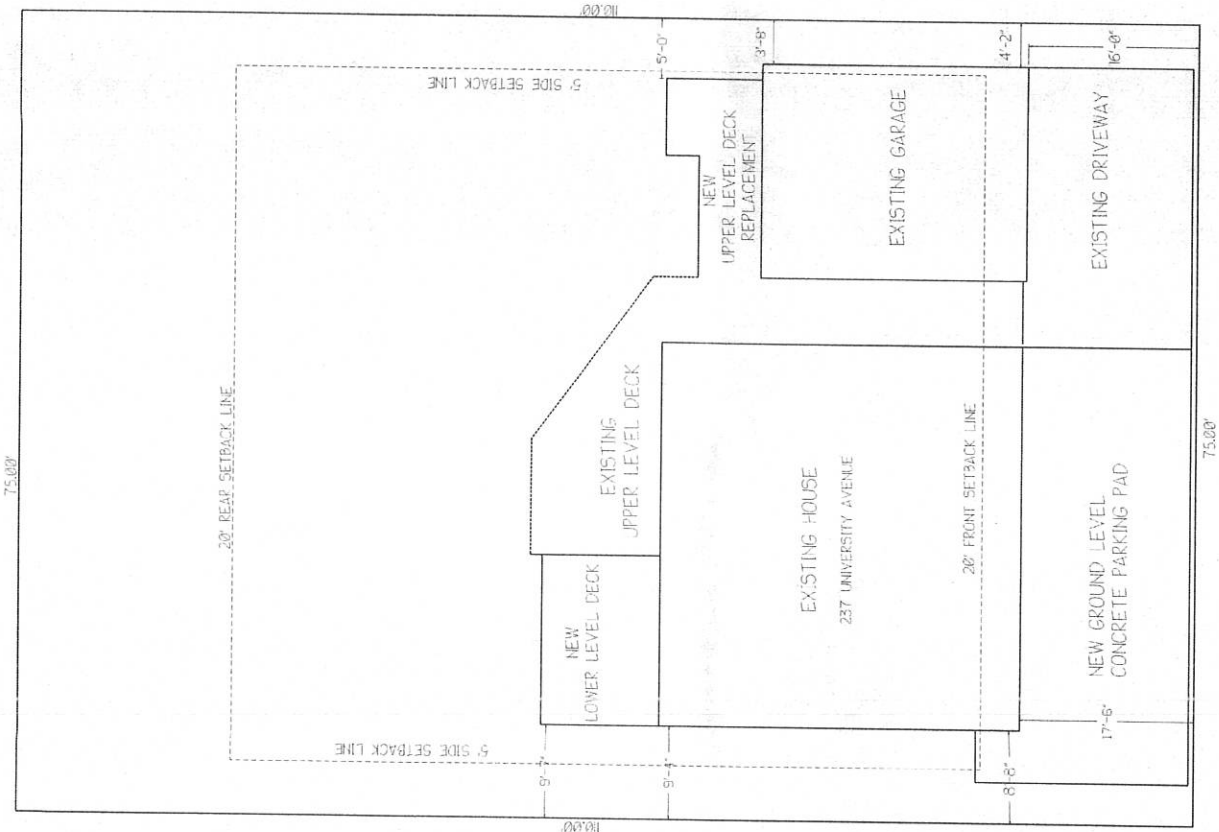
NEW RAMP  
2.33% SLOPE  
TOWARDS

EXISTING DRIVEWAY  
TO BE REPLACED

NEW PARKING PAD  
SLOPE CONCRETE TOWARDS STREET

UNIVERSITY AVE.

ALL DIMENSIONS ARE MEASURED  
TO ROUGH FRAMING. WRITTEN DIMENSIONS  
TAKE PRECEDENCE OVER SCALED DIMENSIONS.



245 UNIVERSITY AVENUE

20' TO PROPERTY LINE

233 UNIVERSITY AVENUE

14' TO PROPERTY LINE

UNIVERSITY AVENUE

SITE PLAN

1/8"=1' RD 8/17/21

CLIENT: WEBER  
OWNER: WEBER

OCB AND DESIGN  
DANAYERSO23@GMAIL.COM  
503 34 0653

**BASIS OF BEARING**

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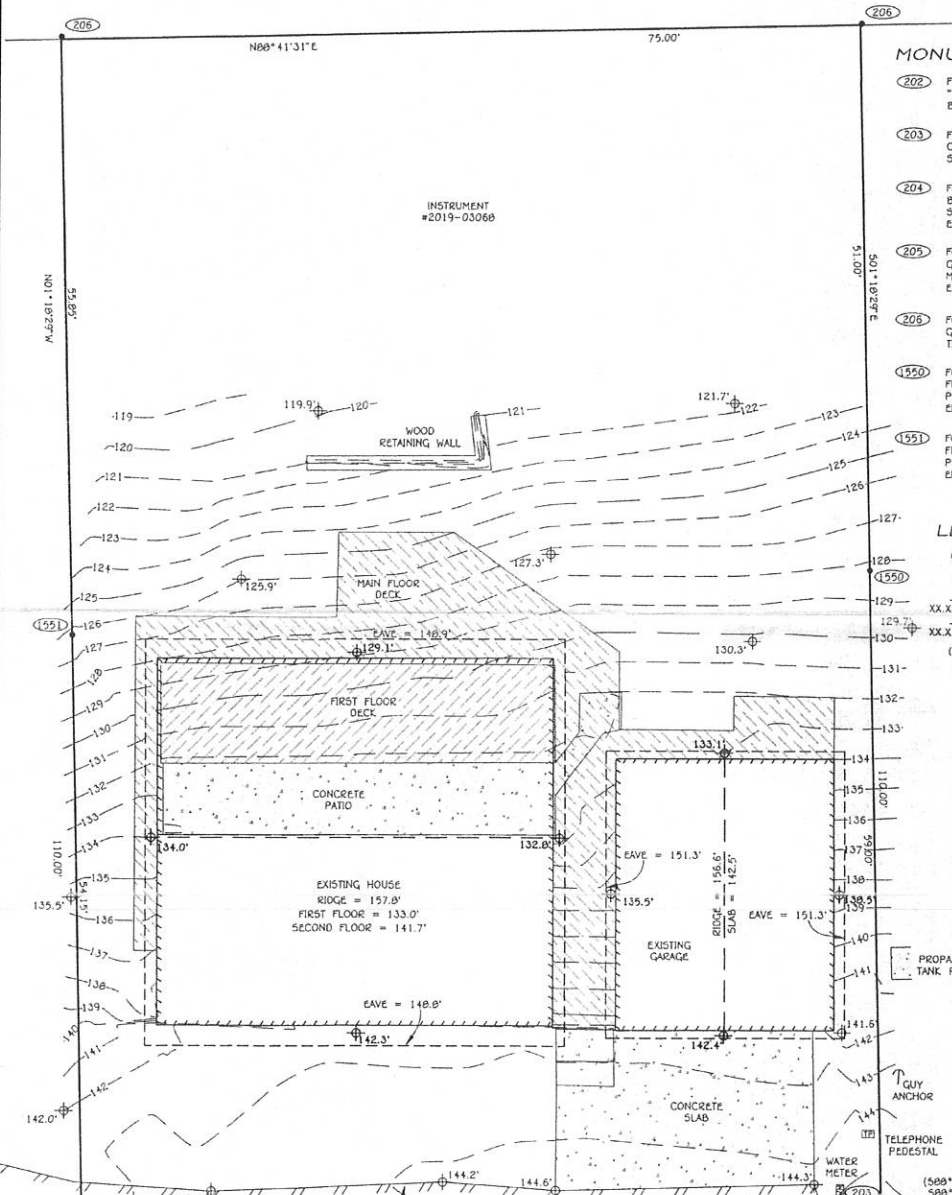
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REGISTERED PROFESSIONAL LAND SURVEYOR  
 Erick M. White  
 OREGON  
 APRIL 28, 2014  
 ERICK M. WHITE  
 78572  
 RENEWS 6/30/2022

**ONION PEAK DESIGN**  
 PO BOX 326  
 NEHALEM, OR 97131  
 (503) 368-6102  
 FAX (503) 368-6102

TOPOGRAPHIC SURVEY FOR:  
**ROBERT M. & VIVIAN WEBER, TRUSTEES**  
**WEBER MANZANITA TRUST**  
 A TRACT OF LAND AS DESCRIBED IN  
 INSTRUMENT #2019-03068,  
 TILLAMOOK COUNTY DEED RECORDS.  
 SE 1/4, SW 1/4, SECTION 20, T3N, R10W, W.M.  
 TILLAMOOK COUNTY  
 NOVEMBER 12, 2020

"WEBER" #A2020  
 WEBER2011-T.DWG



# EXHIBIT C

COMMENTS RE: #851-21-000340-PLNG:WEBER

As a nearby neighbor of 237 University Avenue, Manzanita, OR 97130  
I am writing to express my concern about a loss of ocean view if an increased roof height expansion is approved.

My husband and I have owned our home for over 26 years and have come to cherish the ocean view from our home and deck.

One of the criteria for your review is :  
TCLUO SECTION 7.020:  
NONCONFORMING USES AND STRUCTURES  
(11) (a) I 4. Visual impact

By allowing this proposal to proceed, it will reduce greatly and possibly eliminate our current ocean view.

Please reconsider the proposal and allow our home and deck to continue to enjoy the ocean view.

Thank you very much.

Sue Wochnick  
940 Hemlock Street  
Manzanita, OR 97130  
503.805.2614  
suewochnick@gmail.com

Primary home:

20421 NW Sauvie Island Rd  
Portland Or 97231

## Christopher Laws

---

**From:** Christopher Laws  
**Sent:** Monday, November 8, 2021 8:45 AM  
**To:** Bob Weaver  
**Subject:** RE: EXTERNAL: Notice of Administrative Review #851-00340-PLNG: WEBER

Mr. Weaver, please see the answers to your questions below:

1. The existing house is non-conforming due to it's encroachment into the east side-yard, and south front-yard property lines.
  - a. Due to the setback non-conformance any alteration to the house must undertake a Non-Conforming Minor Review pursuant to TCLUO 7.020(4)(a): *"EXPANSION of a NONCONFORMING STRUCTURE, EXPANSION of a structure devoted to a NONCONFORMING USE, or ALTERATION or EXPANSION of a NONCONFORMING USE shall be subject to Minor Review under Section 7.020(11)."*
2. The proposed addition meets the NK-15 zone maximum height restriction of Twenty-Four (24) feet pursuant to TCLUO 3.300(4)(g).
3. You can see how this measurement is determined by following this link: [Calculating Average Building Height | Tillamook County OR](#)
  - a. Pursuant to Article X Administrative Decisions require notification of property owners within 250 feet of the proposal and allows for a fourteen day comment period (TCLUO 10.070(a)(i)(2)). The review in question is triggered due to the side and front-yard setbacks as discussed above, not the building height.
4. The proposed building height is below the maximum allowed in the NK-15 zone.

- Christopher

Tillamook, OR 97141  
Phone (503) 842-1111 x1111  
Mobile (503) 812-1111  
claws@co.tillamook.or.us

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---

**From:** Bob Weaver <bob\_weaver@hotmail.com>  
**Sent:** Monday, November 8, 2021 12:24 AM  
**To:** Christopher Laws <claws@co.tillamook.or.us>  
**Cc:** Jean Horn <horn.jean@ymail.com>  
**Subject:** Re: EXTERNAL: Notice of Administrative Review #851-00340-PLNG: WEBER

Dear Mr. Laws:

We have some questions about the review of Robert and Vivian Weber's property and would very much appreciate any help you can provide. We aren't that familiar with this process and what kind of community comments pertain.

1. Why are this house's plans being reviewed? Is it because they vary from code in some way? What is non-conforming about this property?
2. Is the planned new garage roof height within the height-limit restrictions for zone NK-15?
3. Is the way the height was determined in accordance with the county methods or could/should the garage be calculated to be a different height, and if so what height? If the codes regarding height are all being followed, what role do our comments play?
4. The taller garage will take away portions of our ocean and Neahkahnie views, which we hate to lose. It upsets us and could reduce our property's value, but is that pertinent to this review if no related codes are being are being breached or altered?

Thanks so much for your time and consideration of this matter.

Sincerely,  
Bob Weaver and Jean Horn  
262 University  
(971) 378-9729

---

**From:** Christopher Laws <claws@co.tillamook.or.us>  
**Sent:** Friday, November 5, 2021 1:25 PM  
**To:** Bob Weaver <bob\_weaver@hotmail.com>  
**Subject:** RE: EXTERNAL: Notice of Administrative Review #851-00340-PLNG: WEBER

Mr. Weaver,

The comment period is established by statute and I am unable to extend the deadline.

You can review the application by following this link:

[Land Use Applications Under Review | Tillamook County OR](#)

- Christopher

**Christopher S. Laws** | Planner II  
TILLAMOOK COUNTY | Community Development  
201 Laurel Avenue  
Tillamook, OR 97141  
Phone (503) 842-1111 x1111  
Mobile (503) 812-1111  
[claws@co.tillamook.or.us](mailto:claws@co.tillamook.or.us)

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---

**From:** Bob Weaver <[bob\\_weaver@hotmail.com](mailto:bob_weaver@hotmail.com)>  
**Sent:** Friday, November 5, 2021 12:16 AM  
**To:** Christopher Laws <[claws@co.tillamook.or.us](mailto:claws@co.tillamook.or.us)>  
**Cc:** Jean Horn <[horn.jean@ymail.com](mailto:horn.jean@ymail.com)>  
**Subject:** EXTERNAL: Notice of Administrative Review #851-00340-PLNG: WEBER

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

Christopher S. Laws  
Department of Community Development  
Tillamook County

Dear Mr. Laws:

Could you please let us know how to obtain digital copies of the variance application and any supporting materials for the Administrative Review of Robert and Vivian Weber's project at 237 University Ave, Manzanita?

We're concerned about the possible visual impact of this proposal, afraid that it might encroach on our and others' cherished views of the ocean and Neahkahnie Mountain but need more information to really know.

We see it as a potential breach of the county's longstanding and wise height restrictions that are beneficial to all of us and preserve coastal character, visual sight lines, and natural beauty.

We'd like to request an extension of time beyond Nov. 9th to submit our comments, if that would be possible. This would give us time to review the new materials and better assess the possible impact on us and the neighborhood.

Thank you very much for considering our request.

Sincerely,

Bob Weaver and Jean Horn  
262 University Ave, Manzanita

(503) 927-6037