



Land of Cheese, Trees and Ocean Breeze

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

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

**Variance #851-21-000312-PLNG: Bauer
Administrative Decision & Staff Report**

Decision: Approved with Conditions as Modified
Decision Date: March 22, 2022
Report Prepared By: Sarah Absher, CFM, Director

I. GENERAL INFORMATION:

Request: Reduce required twenty (20) foot front-yard setback to eleven (11) feet for the construction of a new single-family dwelling to replace an existing single-family dwelling on a property located within the Unincorporated Community of Neskowin (Exhibit B).

Location: The subject property is accessed via Sheridan Avenue, a County road, is zoned Neskowin Low Density Residential (NeskR-1) and is designated as Tax Lot 4200 of Section 25CB, Township 5 South, Range 11 West, W.M., Tillamook County, Oregon.

Zone: Neskowin Low Density Residential Zone (NeskR-1)

Applicant: Hollie Workman, 2828 SE 61st Street, Portland OR 97206

Property Owner: Michael & Claressa Bauer, 6871 SW Greenwich Drive, Portland OR 97225

Description of Site and Vicinity: This property is a 0.14-acre property that is relatively flat with a grass lawn and fir trees. The property is located within the Unincorporated Community of Neskowin and is accessed via Sheridan Avenue, a County road. Adjacent properties, and those in the surrounding area, consist of single-family dwellings (Exhibit A & B).

The property is not within a wetland or flood hazard area pursuant to the National Wetland Inventory and the National Flood Hazard Layer FIRM map 41057C1005F and is not affected by Geologic Hazards. The subject property is outside of the Neskowin Coastal Hazard Overlay Zone and is within the Beach & Dune Overlay Zone on a Younger Stabilized Dune (Exhibit A).

II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:

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

- A. Article III: Section 3.322 Neskowin Low Density Residential Zone
- B. Article IV: Section 4.110 Exceptions to Yard Setback Requirements
- C. Article VIII: Section 8.030 Variance Procedures and Criteria
- D. Article III: Section 3.530 Beach and Dune Overlay
- E. Article IV Section 4.005: Residential and Commercial Zone Standards

III. ANALYSIS:

A. Section 3.322: Neskowin Low Density Residential Zone (NeskR-1)

Section 3.008(1), PURPOSE: *The purpose of the NeskR-1 zone is to designate areas for density single-family residential development and other, compatible, uses. Suitability of land for low-density uses is determined by the availability of public sewer service, and such limitations to density such as geologic and flood hazards, shoreline erosion, and the aesthetic or resource values of nearby natural features.*

Section 3.322(2)a list uses permitted outright in the zone.

Findings: Single-family dwellings are permitted outright in the NeskR-1 Zone.

Section 3.322 (4), STANDARDS: *Land divisions and development in the NeskR-1 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:*

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

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

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

(j) Structures shall meet the following standards. Applicants shall demonstrate compliance with these standards on submitted plans. For purposes of these standards, building depth is defined as the dimension of the building footprint measured between the front and rear setbacks, and building width is defined as the dimension of the building footprint measured between side property lines.

(1) The building depth at all points shall not exceed 70% of the distance between front and rear lot lines (measured as close to perpendicular to those lines as possible).

(2) Building width at all points shall not exceed 70% of the distance between opposite side lot lines (measured as close to perpendicular to those lines as possible).

(3) Structural elements which are exempted from setback requirements by other sections of the Land Use Ordinance shall be exempt from this standard. This standard shall not apply on lots smaller than 3000 sq ft; Section 5.100 shall apply to these lots.

Findings: The subject property is located in the NeskR-1 Zone and is 0.14 acres (6,098.4 square feet). Applicable development standards that are applicable to the subject property include standards for building height, driveway connection and lot coverage. Setback exceptions can be applied as per TCLUO Section 4.110: Exceptions to Yard Setback Requirements.

Review of the submitted site plan confirms that the applicable development standards are met or can be met through the Conditions of Approval (Exhibit B). Setbacks are discussed in the following section.

B. Article IV: Section 4.110 Exceptions to Yard Setback Requirements

(1) PURPOSE: The purpose of the EXCEPTIONS described in this Section is to provide a measure of ministerial relief from the requirements for yards in certain areas or zones when those requirements are unnecessarily restrictive.

(5) SMALL LOT EXCEPTIONS: In the RR, CSFR, RC, CC, CR-1, CR-2, CR-3, RMH and RMD zones and including those communities with adopted community growth boundaries, a front or rear yard, but not both, may be ten feet, provided the following apply to the subject parcel:

(a) The parcel is 7500 square feet or less in size.

(b) At least one side yard is ten feet or more wide.

(c) Required off-street parking is provided.

(d) The right-of-way width at the front of the lot is at least thirty feet. In the case of right-of-ways under 30 feet in width, a ten-foot yard may be approved if it is approved by the Public Works Department.

(e) The lot is not a corner lot. If the lot is a corner lot and meets the above criteria, the front yard may be 15 feet.

Findings: The subject property is less than 7,500 square feet. Review of the site plan confirms the property is not a corner lot and that required off-street parking requirements can be met. Site plan also confirms the required 10-foot side-yard setback can be maintained and that a rear yard 10-foot setback can also be maintained (Exhibit B).

TCLUO Section 4.110(5) allows for a front or rear yard to be reduced to 10-feet. The Applicant is proposing an 11-foot front yard setback and a 10-foot rear yard setback (Exhibit B). Staff finds that the proposed front yard setback reduction of 11-feet is subject to the requirements of TCLUO Article VIII: Variance Procedures and Criteria.

C. 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 January 4, 2022 (Exhibit C).

Comments include the following:

- Concerns regarding a 7'6" setback proposal when neighboring properties adhere to the 20-foot front yard setback requirements. (*Setback has been modified to 11-feet.*)
- Parking of vehicles in road right-of-way.
- Size of house proposed.
- Unclear what the Variance request is.
- Lack of evidence that criteria are met.

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 existing single-family residential structure to be replaced was established in 1935 (Exhibit A). The proposal seeks to replace the existing dwelling that conforms to current side yard setback requirements and maintains the established 10-foot rear yard setback permissible through TCLUO Section 4.110 (Exhibit B).

Applicant is requesting a Variance to the front yard 20-foot setback requirement and has confirmed the proposal to reduce the front yard setback to 11-feet (Exhibit B). The Applicant states: "*Many homes in the village of Neskowin were built before current setback standards and are built closer to the road. This is a feature in Neskowin and is part of the existing fabric of the neighborhood. The lots abutting the rear (south) property lines have built structures well within the setbacks and on one case built over the property line. This impacts the usability of the lot.*"

Properties within this vicinity are dedicated to residential use and improved with residential structures. Properties within this vicinity are lots of record platted several decades ago that do not conform to the minimum 75-foot lot depth requirement. Lot depth of properties within the vicinity is generally 60-feet.

As depicted on the vicinity map included in "Exhibit A", several dwellings are sited within current front and/or rear property line setbacks; on the north side of Sheridan Avenue, four out of seven properties have dwellings that appear to be at or across the front yard property line setback requirement and are encroaching into the right-of-way (ROW).

Application of the setback exemptions under TCLUO Section 4.110 allow for a maximum 30-foot-deep building footprint. In review of the size of building footprint depths within the vicinity, Staff also finds that several building depth footprints exceed 30-feet (Exhibit A).

Staff concludes the following:

- Several properties within the vicinity of the subject property have reduced front, rear and side yard setbacks given the size of dwellings and lotting patterns in this vicinity.
- Building footprint depth proposed is consistent with developed building footprints of other properties within this vicinity.
- Reduced setbacks are attributable to the dimensional characteristics of a legally existing lot.
- The front yard setback Variance request to replace the existing dwelling in a manner that maintains the established front yard setback (11-feet) is consistent with a property right enjoyed by others in the vicinity.

This criterion 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 residential structures are an outright use allowed in the NeskR-1 Zone and this use is consistent with surrounding properties. This criterion is 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.

Findings: Applicant states, “The replacement single-family residential structure is proposed to be placed so as to maximize setbacks to the east, and to the rear where an adjoining property’s structure intrudes into the Applicant’s property.” (Exhibit B). In review of the submitted site plan, Staff finds the proposed location of the building footprint of the replacement dwelling adheres to the lot coverage maximums required by the NeskR-1 zone, and that proposed side and rear setbacks range from 5-feet to 20-feet (Exhibit B). Consideration of the proposed 11-foot front yard setback in relation to TCLUO Section 4.005 and adjoining properties, Staff finds the following:

- (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;*

Findings: The Applicant states that the replacement single-family residential structure “...provides private open space and is adequately separated from neighboring properties.” and “The location of the porch enhances privacy by having the porch to the north along the roadway – a public space used frequently as pedestrian thoroughfare – instead of along the neighboring lots...”

In review of the site plan and proposed setbacks, Staff finds that there is availability of private open spaces as well as adequate light and air available to residential structures in the area (Exhibit B). The site plan confirms lot coverage maximums are maintained and that there is more than 6-feet between structures for emergency access (Exhibit B). Staff also finds that setbacks between the structure to side and rear property

lines meet or exceed the minimum setback requirements- meeting a primary purpose of a setback requirement that enhances privacy for occupants or residences (Exhibit B).

The Variance request is for the reduction of the front yard setback to 11-feet (Exhibit B). The front property line abuts Sheridan Avenue, a County road with a 40-foot wide right-of-way. Staff finds that the reduced setback does not limit or reduce availability of private open spaces, light and air, or privacy in relation to adjacent properties.

As mentioned previously, separation of structures exceeds 6-feet from side and rear yard property boundaries (Exhibits A & B). Staff also finds that the 11-foot setback to the front yard setback does not reduce separation of structures for emergency access given the proposal to maintain an 11-foot front yard setback as well as taking into account the 40-foot road right-of-way that buffers the subject property and the property to the north (Exhibits A & B). The site plan also confirms off-street parking and off-street loading requirements outlined in Section 4.030 of the TCLUO can be adhered to, and that there is adequate area for parking on the property without encroaching into County road right-of-way (Exhibit B).

- (5) *To ensure that all private land uses that can be reasonably expected to occur on private land can be entirely accommodated on private land, including but not limited to dwellings, shops, garages, driveway, parking, areas for maneuvering vehicles for safe access to common roads, alternative energy facilities, and private open spaces;*

Findings: Applicant’s submittal documents that all private land uses will occur on the subject property including off-street parking (Exhibit B).

- (6) *To ensure that driver visibility on adjacent roads will not be obstructed;*
- (7) *To ensure safe access to and from common roads;*

Findings: Comments received from the Tillamook County Public Works Department included the following:

“I’m sending a revised site plan with a reduced front porch and overhang. This compromise will ensure that the proposed porch with it’s overhang will be further from the right of way than the existing house. This and other measures are intended to be an improvement to the existing conditions” (Exhibit B).

In response to the comments received by the Tillamook County Public Works Department, the site plan was modified to maintain the 11-foot front yard setback, confirming that access to adjacent properties will not be impacted by the proposed front and rear yard reduction and that driver visibility will not be obstructed (Exhibit B).

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

Findings: The proposed replacement single family residential structure will be a two-story structure that is approximately twenty-four feet in height and less than the maximum of thirty-five (35) feet per Section 3.322(4)(k) (Exhibit B). The County regulates views through compliance with building height requirements. Staff finds that compliance with building height requirements can be demonstrated at the time of Zoning Permit and Building Permit submittal.

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

Findings: Applicant proposes the replacement of an existing single-family residential structure if the Variance is approved (Exhibit B). The residential use is allowed outright in the NeskR-1 Zone and is expected to occur in this area. Staff finds the criterion met.

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

Findings: County records do not indicate any such facilities are in the vicinity of the subject property. Given the lot coverage maximums are maintained, Staff finds that the proposed expansion does not unreasonably shadow or otherwise inhibit access to solar radiation on adjacent properties (Exhibit B).

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

Findings: Applicant states that the new footprint design maintains the existing front yard setback and is roughly equal to the front yard setback established by neighboring residences. Proposed development includes construction of a garage to help address parking concerns (Exhibit B). Applicant states: *“Many houses in Neskowin are unable to accommodate parking on site due to existing conditions...cars are often parked along the front of the house. This creates an unsafe/undesirable condition where cars are blocking the right-of-way for emergency vehicles...”* (Exhibit B).

Public comment regarding the proposed variance mainly focused on the relationship of the proposed dwelling to adjacent properties along the front yard property line setback and safety concerns regarding the narrow nature of Sheridan Avenue. The proposed variance seeks to accommodate the addition of a single-family garage and adequate space to the east to allow for adequate off-street parking.

Public works reviewed the site plan submitted by the Applicant and has confirmed maintaining the existing front yard setback is acceptable (Exhibit C). Applicant states, *“The design shows the footprint of the existing 1935 house to be just over 10 feet back from the right of way. We are willing to amend our offer of a variance to include one additional foot in order to accommodate existing design elements.*

Our variance offered is: No structural component lower than the overhangs and higher than the approved 12-inch stoop will be allowed closer than 14 feet from the public right of way. No part of the new construction will be within 10 feet of the right of way...

Staff finds the proposed Variance for an 11-foot front yard setback is reasonable given the size of the property and the established development pattern in this vicinity. The Variance request is limited to the front yard setback and the site plan demonstrates all other applicable setback and lot coverage standards will be met (Exhibit B). Staff also finds the Variance request is reasonable as the request is consistent with the established front yard setback historically maintained on the property (Exhibit B).

Staff finds this criterion met.

IV. DECISION: APPROVED WITH CONDITIONS

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

By accepting this approval, the applicants/property owners agree to indemnify, defend, save and hold harmless Tillamook County, and its officers, agents, and employees from any claim, suit, action or activity undertaken under this approval, including construction under a Building Permit approved subject to this

approval. The applicants/property owners shall obtain all of the necessary local, state, and federal permits and comply with all applicable regulations for the proposed building site.

Unless the Decision is appealed the effective date shall be **February 22, 2022**.

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 April 4, 2022**.

V. CONDITIONS OF APPROVAL:

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

1. The applicant/property owner shall obtain all Federal, State, and Local permits, as applicable.
2. Variance approval is to establish an 11-foot front yard setback. This setback shall be measured from the property line abutting Sheridan Avenue and not from an area within County road right-of-way.
3. The applicant/property owner shall submit a site plan, drawn to scale confirming all required yard setbacks and lot coverage maximums are adhere to. A copy of the site plan shall be submitted at the time of consolidated Zoning and Building Permit Application submittal.
4. Development of the property shall adhere to the applicable development standards of the Neskowin Low Density (NeskR-1) Zone, TCLUO Section 3.322.
5. Development shall adhere to the applicable development standards outlined in TCLUO Section 4.110 Exceptions to Yard Setback Requirements.
6. Development of the property shall adhere to TCLUO Section 4.030: Off-Street Parking and Off-Street Loading Requirements.
7. Development shall adhere to the applicable requirements of TCLUO Section 3.510: Beach and Dune Overlay Zone. A Beach and Dune Hazard report is required for development of this property in accordance with TCLUO Section 3.510.
8. Development shall adhere to the applicable requirements of TCLUO Section 5.100: Neskowin Erosion Control and Stormwater Management.
9. A copy of an updated Road Approach Permit from the Tillamook County Public Works Department shall be submitted at the time of consolidated Zoning and Building Permit Application submittal.
10. This approval shall be void on March 23, 2024, unless construction of approved plans has begun, or an extension is requested from, and approved by this Department.

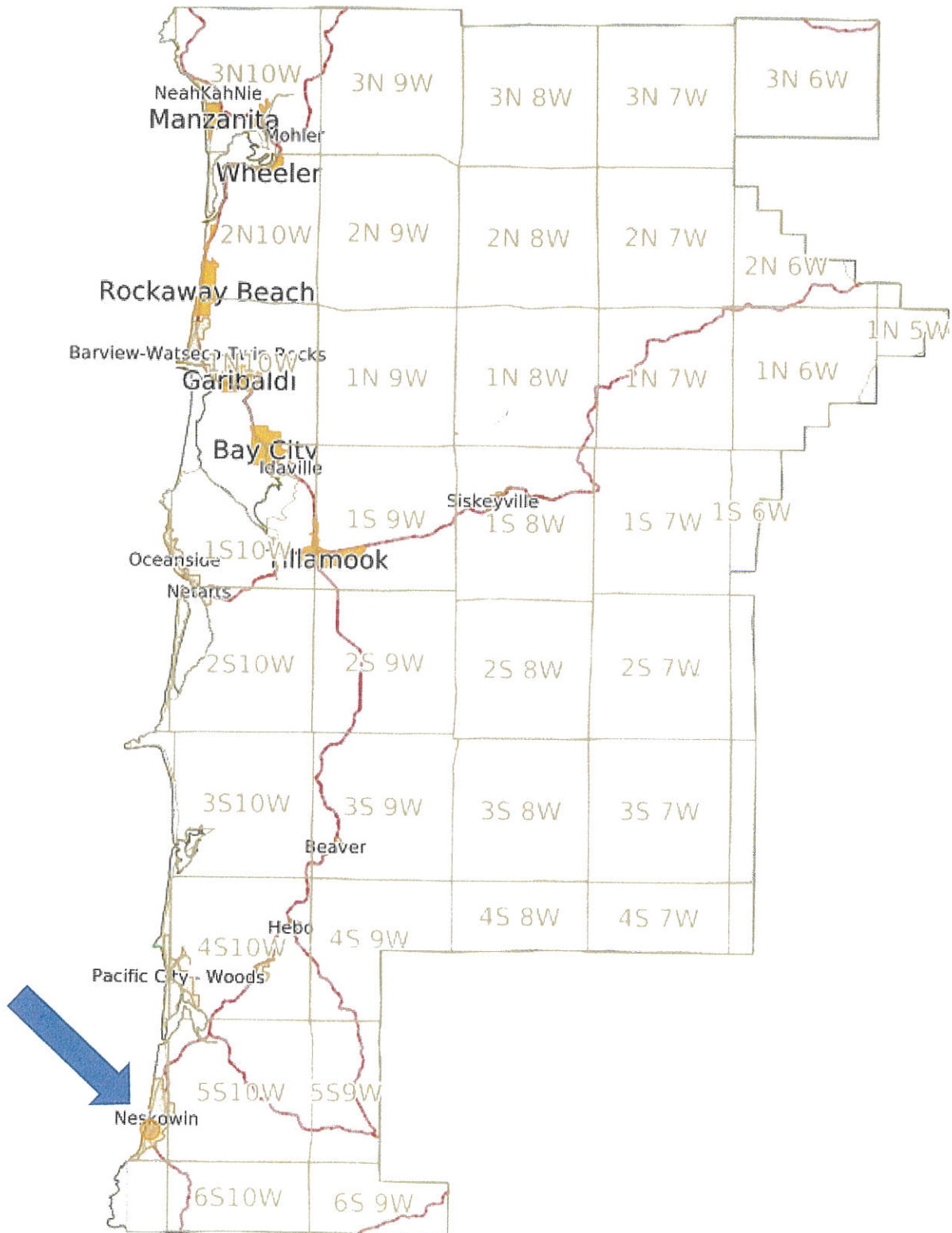
VI. EXHIBITS:

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

- A. Vicinity map, Assessor map, Zoning map, Assessor's Summary Report
- B. Applicant's submittal
- C. Public & Agency Comments

EXHIBIT A

AREA MAP

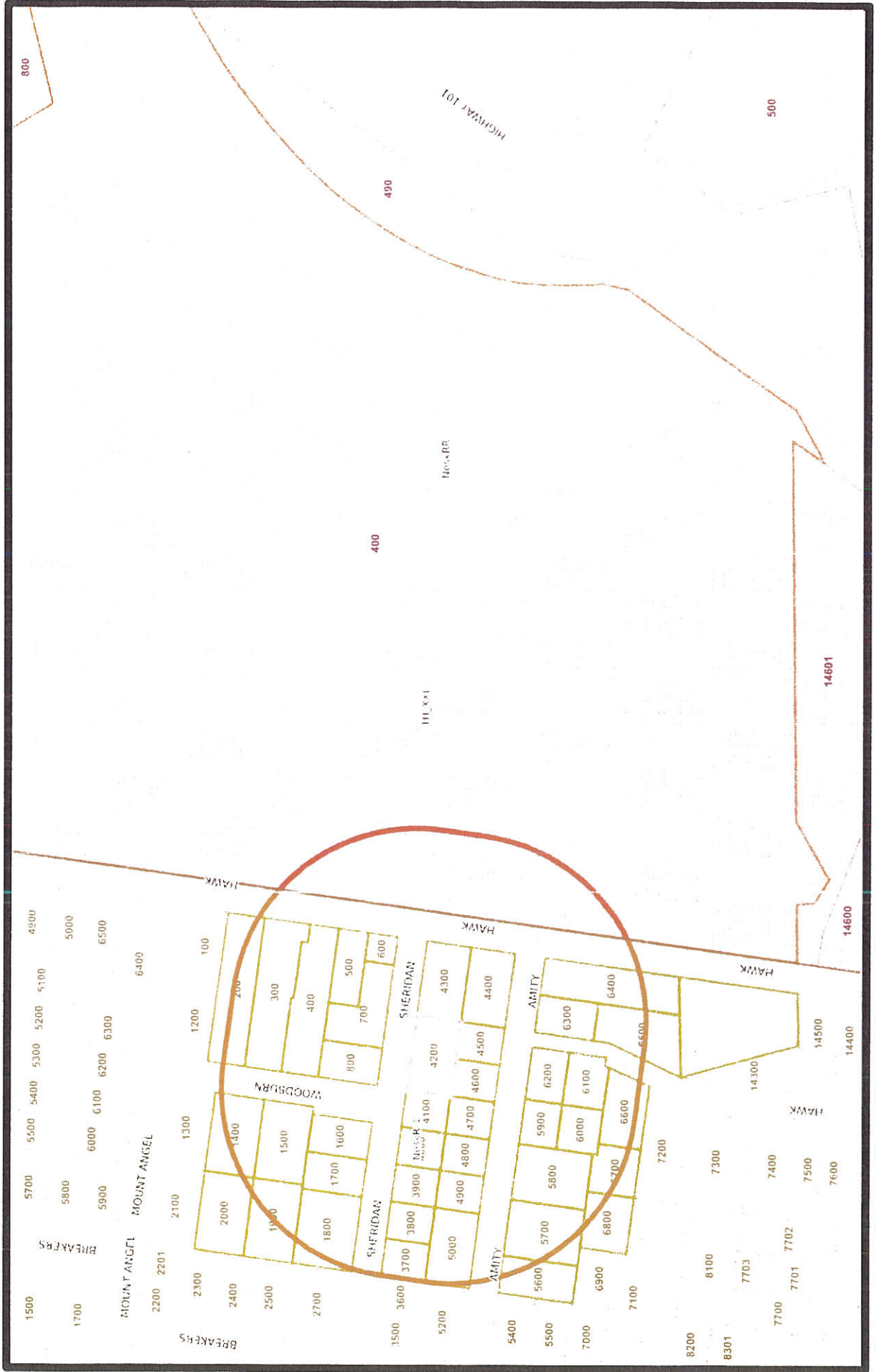


VICINITY VIEW OF PROPERTIES, LOT DEPTH OF 60-FEET, SIZE BUILDING FOOTPRINTS AND ORIENTATION OF BUILDING ENVELOPES IN RELATION TO PROPERTY BOUNDARY LINES



#851-21-000312-PLNG: Bauer

Map



National Wetlands Inventory

surface waters and wetlands



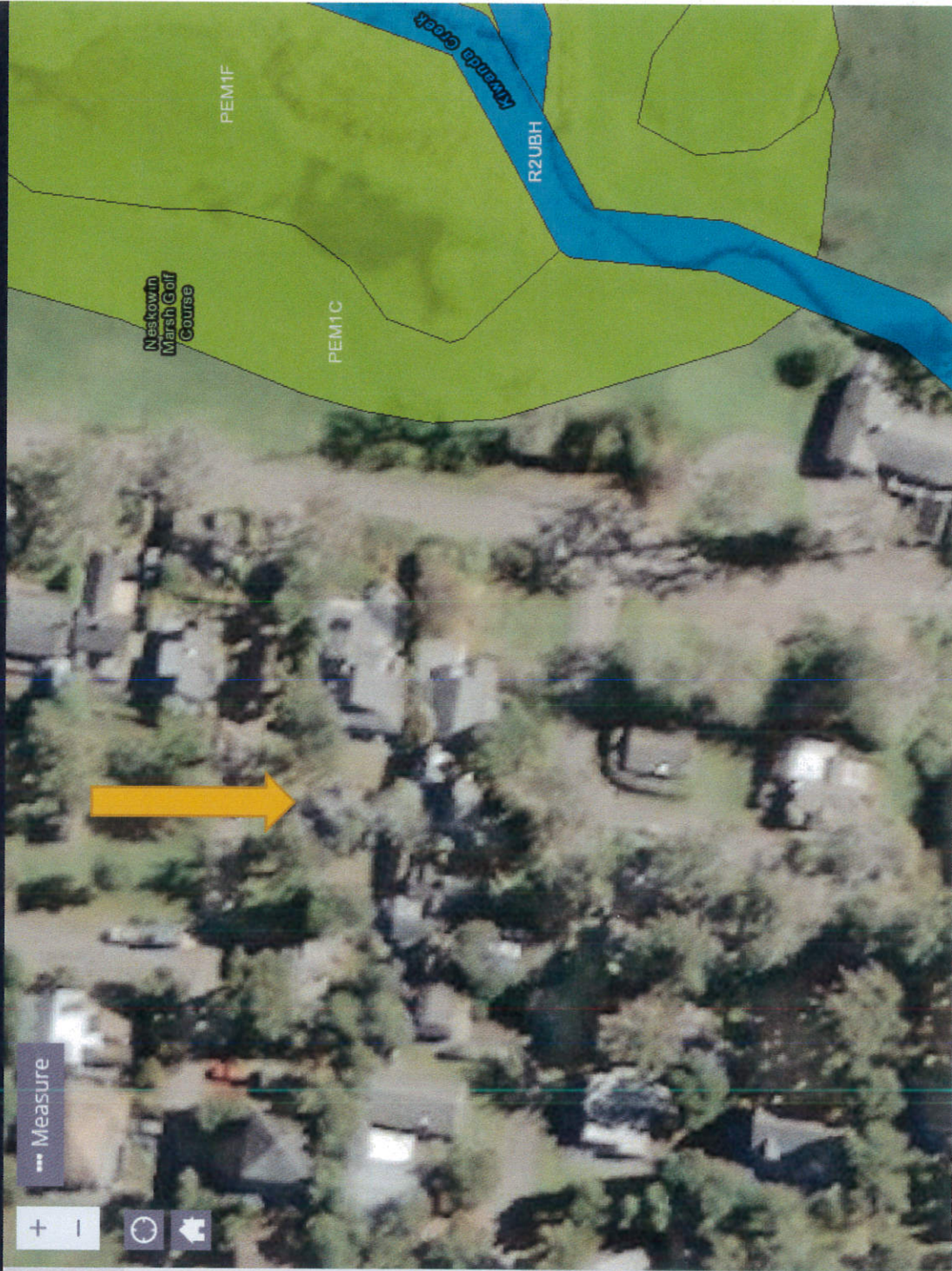
BASEMAPS >

MAP LAYERS >

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



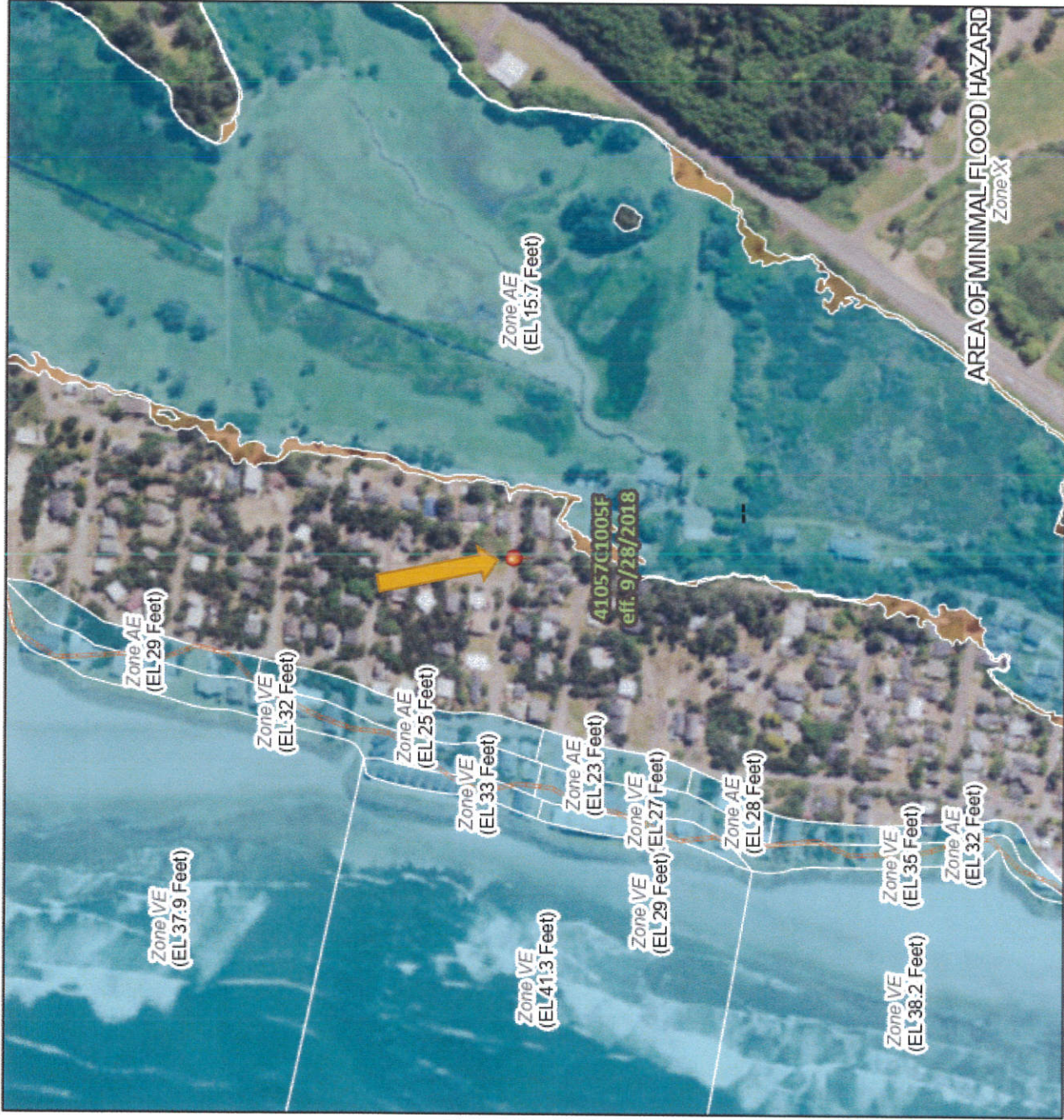
Measure



National Flood Hazard Layer FIRMette



123°59'1.4"W 45°6'38"N



0 250 500 1,000 1,500 2,000 Feet
1:6,000
Basemap: USGS National Map: Orthoimagery. Data refreshed October, 2020

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, X
- With BFE or 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

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

GENERAL STRUCTURES

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

CROSS SECTIONS WITH 1% ANNUAL CHANCE

- Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

OTHER FEATURES

- 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.

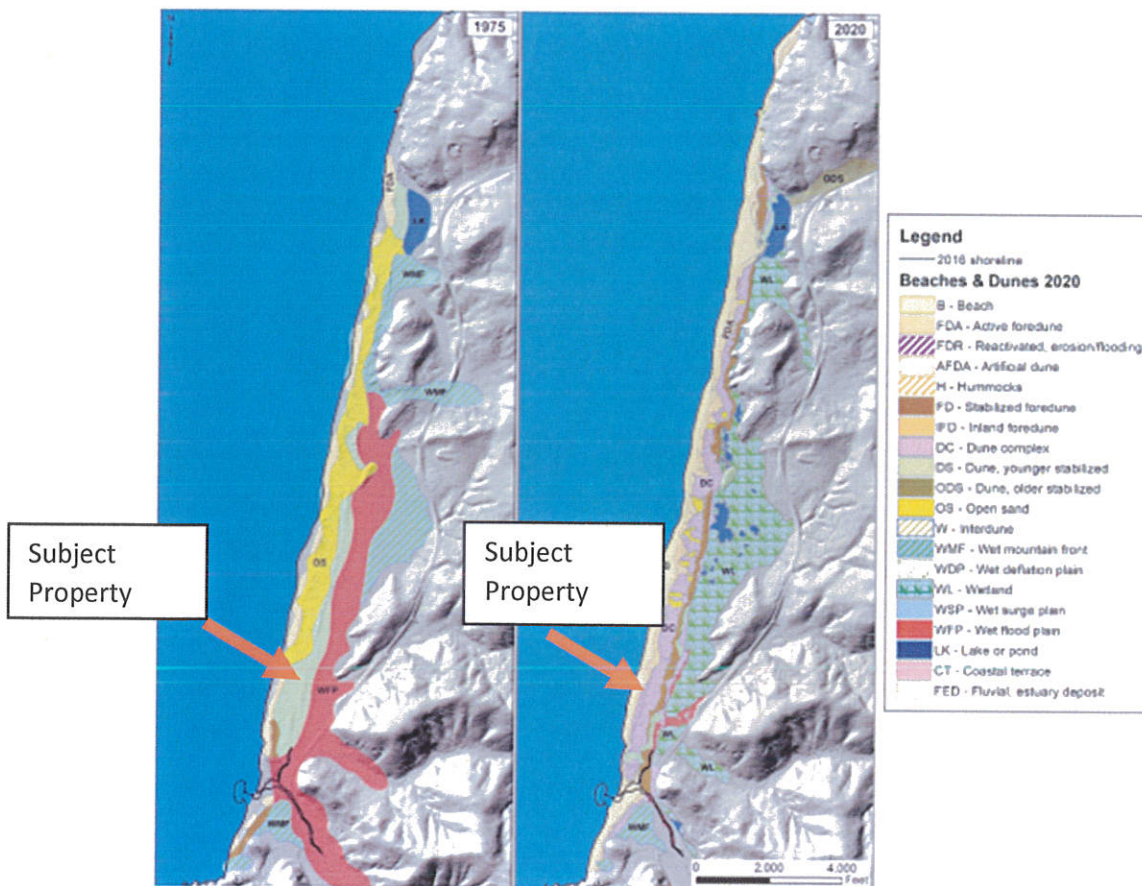
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/25/2021 at 6:35 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if 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.

4.9 Neskowin

Figure 12 shows changes in the suite of coastal geomorphic units based on the original mapping (left) compared with present-day conditions (right) for the Neskowin area. Consistent with other areas in Tillamook County, the largest change reflects the overall decrease (98%) in areas characterized as open sand. The remaining pockets of open sand are largely confined to areas where dune blowouts have occurred, due to aeolian and/or wave runup-inundation processes. Consistent with the decrease in open sand areas has been a shift toward stabilized foredunes, which are now spread along the length of the Neskowin shoreline. Because the area landward of the foredune exhibits a complex history with many factors contributing to its overall development, it is designated dune complex (DC). Finally, with refinements in the wet flood plain toward using a tidal datum-based shoreline, the wet flood plain in 2020 is significantly smaller when compared with the area mapped in the 1970s.

Figure 12. Beach and dune geomorphic mapping classifications for Neskowin. (left) original USDA (1975), (right) updated version.



TILLAMOOK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

November 29, 2021 8:01:53 am

Account # 250025 Map # 5S1125CB04200 Code - Tax # 2207-250025 Legal Descr Multiple Lots - See legal report for full description. Mailing Name BAUER, MICHAEL & CLARESSA Agent In Care Of Mailing Address 6871 SW GREENWICH DR PORTLAND, OR 97225 Prop Class 101 MA SA NH Unit RMV Class 101 09 ST 991 19126-1	Tax Status ASSESSABLE Acct Status ACTIVE Subtype NORMAL Deed Reference # 2020-7945 Sales Date/Price 11-04-2020 / \$410,000.00 Appraiser ROBERT BUCKINGHAM
---	--

Situs Address(s)	Situs City
ID# 1 4435 SHERIDAN AVE	COUNTY

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
2207	Land	261,650		Land	0
	Impr.	88,450		Impr.	0
Code Area Total		350,100	205,330		0
Grand Total		350,100	205,330		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown		Size	Land Class	Trended RMV
						TD%	LS			
2207					LANDSCAPE - FAIR	100				500
2207	1	<input checked="" type="checkbox"/>		NESKR -1	Market	104	A	0.14		237,950
2207					OSD - AVERAGE	100				23,200
Grand Total								0.14		261,650

Code Area	Yr Built	Stat Class	Description	Improvement Breakdown			Trended RMV
				TD%	Total Sq. Ft.	Ex% MS Acct #	
2207	1	1935	131	One story	123	679	88,450
Grand Total						679	88,450

Code Area	Type	Exemptions/Special Assessments/Potential Liability				
2207		SPECIAL ASSESSMENT:				
	■ SOLID WASTE	Amount	12.00	Acres	0	Year 2021

Comments: 03/12/14 Reappraised land; tabled values. RBB

EXHIBIT B



PLANNING APPLICATION

Applicant (Check Box if Same as Property Owner)
 Name: Hollie Workman Phone: 503 227-0461
 Address: 2828 SE 61st Ave
 City: Portland State: OR Zip: 97206
 Email: hollieworkmandesign@yahoo.com

Property Owner
 Name: Mike Bauer Phone: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Email: _____

Request: _____

OFFICE USE ONLY	
Date Stamp	
RECEIVED	
AUG 03 2021	
<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
Received by: <u>DA</u>	
Receipt #:	
Fees: <u>\$1089.00</u>	
Permit No:	
851-21 - <u>000312</u> - PLNG	

- | Type II | Type III | Type IV |
|--|--|---|
| <input type="checkbox"/> Farm/Forest Review | <input type="checkbox"/> Appeal of Director's Decision | |
| <input type="checkbox"/> Conditional Use Review | <input type="checkbox"/> Extension of Time | <input type="checkbox"/> Appeal of Planning Commission Decision |
| <input checked="" type="checkbox"/> Variance | <input type="checkbox"/> Detailed Hazard Report | <input type="checkbox"/> Ordinance Amendment |
| <input type="checkbox"/> Exception to Resource or Riparian Setback | <input type="checkbox"/> Conditional Use (As deemed by Director) | <input type="checkbox"/> Large-Scale Zoning Map Amendment |
| <input type="checkbox"/> Nonconforming Review (Major or Minor) | <input type="checkbox"/> Ordinance Amendment | <input type="checkbox"/> Plan and/or Code Text 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: _____

Map Number: 5 S 11 25 CB 4200

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.

[Signature]
 Property Owner/ Signature (Required)

7/20/2021
 Date

[Signature]
 Applicant Signature

8/3/2021
 Date

Tillamook County

DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS



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

150-DAY WAIVER

By my signature below, I confirm my agreement to hold the decision on my application(s) deemed to be complete, listed below, and hereby waive the 150-day decision requirement as specified under ORS 215.427. With the exception of mediation, the total of all extensions may not exceed 215 days after the date the application(s) were deemed complete.

Application(s): 851-21-00312-PLNG

AGREED TO BY:

Michael A. Bauer
APPLICANT SIGNATURE

11/30/2021
DATE

Michael A Bauer
NAME (PLEASE PRINT)

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.

We are proposing to add to the overhangs, front and back porches. This will to increase usability of the lot. This is requested due to the existing site constraints and unique hazards as outline in the "DUNE HAZARD REPORT" : Shifting sands and high wind conditions site. These requests do no impede or Theuse of the neighboring lots or road access, and is in character with the "village".

Many homes in the village of Neskowin were Built before current setback standards and are built closer to the road. This is a feature in Neskowin and is part of the existing fabric of the neighborhood. Fronts of houses very often jut out into the setback.

The lots abutting the rear (south) property lines have built structures well within the setbacks and and in one case built over the property line. This impacts the usability of the lot.

Proposed porches and overhangs will help buffer the wind and rain from the main house foundation. Adding a layer of protection. Keeping it from being undermined by potential erosion. As outlined in the excerpt of the beach and dune report below.

"Based on the 1975 Beaches & Dunes of the Oregon Coast report, the site is in an area classified as Open Dune Conditionally Stable (OSC). See Figure 12. I probed the site with a fiberglass rod in order to determine the density of the sand. Firm sand was found at a depth of 2 to 3 feet across the property. The site is in a 135 miles per hour basic wind gust speed zone, unprotected from the ocean winds (Exposure 'D' as per the 2017 State of Oregon Residential Specialty Code (ORSC))" DUNE HAZARD REPORT DATED JUNE 29, 2021 PROVIDED BY MORGAN CIVIL ENGINEERING, INC.

(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.

Many homes in the village of Neskowin were Built before current setback standards are built closer to the road. Many times Cars are parked alongside of the road. This design has provide 2 parking spaces within the property.

(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.

We are proposing to add the overhangs, front and back porches to increase usability of lot in order to have the same enjoyment as the neighbors in Neskowin.

* (4) There are no reasonable alternatives requiring either a lesser or no VARIANCE.
none

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;
The design provides for private open spaces and is adequately seperated from the neighboring houses.

(2) To ensure that adequate light and air are available to residential and commercial structures;
The porch is stepped and more open to provide more sun and openness to the front of the house.

(3) To adequately separate structures for emergency access;
Driveway and garage add an off road access to the neighboring property to the west and a and has more than the 5' minimum setback. The house is set back 20'+ from the east property line and is left open as a yard. And does not block roadway.

* (4) To enhance privacy for occupants of residences;
Proposed porches and overhangs will greatly enhance the usability by simultaneously linking the residence with pedestrian traffic and a barrier to vehicular traffic.

(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;
Proposed front porches is a typical distance from the road. Back poches and overhangs have no impact. Proposed design does not impede all of the above.

(6) To ensure that driver visibility on adjacent roads will not be obstructed;
Not on a corner lot.

(7) To ensure safe access to and from common roads;
Setback is typical distance from the road as other homes and does not impede traffic in any way.

* (8) To ensure that pleasing views are neither unreasonably obstructed nor obtained;
The placement and size of the house s an attempt to fit in the space with as little impact on the neighboring lots and roadway.

(9) To separate potentially incompatible land uses;
The porches help to provide privacy by separating main house and auto traffic.

(10) To ensure access to solar radiation for the purpose of alternative energy production.
The house steps down in height at the ends of the house. The house steps intoward the center of the lot in plan as well and is 10+ feet lower than allowable. Proposed overhangs and porches won't impact solar radiation of the neighboring lots.

REVIEW CRITERIA

ARTICLE VIII - VARIANCE PROCEDURES AND CRITERIA

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

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

SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

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

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

BAUER SUPPLEMENTAL

In response to 8.030 #4

*Many houses in Neskowin are unable to accommodate parking on site due to the existing conditions. Unfortunately - cars are often parked along the front of the house. This creates unsafe / undesirable conditions where cars are blocking the right of way for emergency vehicles and mixing with pedestrians. Current code requires two off-street parking spots. So- Instead of cars in the front of the house- we propose a front porch. The proposed porch pushes into the front setback only as far as the existing house and approximately equal to the neighbors to the east and west. Cars take up Even the proposed single car garage uses up almost a quarter of the build able area. This is significant amount of space. Building coverage only allows 70% of the length and width including overhangs. So instead of 5' sideyard setbacks -typical for single family zones it's more like 15' sideyard setbacks. This leaves just enough room to accommodate an accessible bedroom and bathroom and mud room and a modest size gathering space (kitchen, dining and living room) for the family on the lower floor. Leaving no room for a covered area. The proposed porch **does** fit into within the lot coverage.*

In response to 4.005 #4

The location of the porch enhances the privacy by having the porch to the north along the roadway a public space used frequently as a pedestrian thoroughfare- instead of along the neighboring lots to the east, west and south. The proposed porch location is the most freindly/ reasonable location. It is an attempt to free the front of the house from cars and offering a welcoming place for friends, family and neighbors.

Christopher Laws

From: Hollie Workman <hollieworkmandesign@yahoo.com>
Sent: Friday, December 17, 2021 8:45 AM
To: Christopher Laws
Cc: Hollie Workman
Subject: EXTERNAL: Re: Bauer Variance request

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

Additionally, the answer to Section 8.030 #4 and Section 4.005 #4 are not adequate.

Specifically, the response to section 8.030 #4 is simply "none". This criteria needs to be fully addressed by the applicant and should clarify precisely why there is no reasonable alternative. Reducing the size of the proposal so that it can be located on the property in compliance with current code may be reasonable.

In response to 8.030 #4

Many houses in Neskowin are unable to accommodate parking on site due to the existing conditions.

*Unfortunately - cars are often parked along the front of the house. This creates unsafe / undesirable conditions where cars are blocking the right of way for emergency vehicles and mixing with pedestrians. Current code requires two off-street parking spots. So- Instead of cars in the front of the house- we propose a front porch. The proposed porch pushes into the front setback only as far as the existing house and approximately equal to the neighbors to the east and west. Cars take up Even the proposed single car garage uses up almost a quarter of the build able area. This is significant amount of space. Building coverage only allows 70% of the length and width including overhangs. So instead of 5' sideyard setbacks -typical for single family zones it's more like 15' sideyard setbacks. This leaves just enough room to accommodate an accessible bedroom and bathroom and mud room and a modest size gathering space (kitchen, dining and living room) for the family on the lower floor. Leaving no room for a covered area. The proposed porch **does** fit into within the lot coverage.*

In response to 4.005 #4

The location of the porch enhances the privacy by having the porch to the north along the roadway a public space used frequently as a pedestrian thoroughfare- instead of along the neighboring lots to the east, west and south. The proposed porch location is the most freindly/ reasonable location. It is an attempt to free the front of the house from cars and offering a welcoming place for friends, family and neighbors.

Hollie Workman hollieworkmandesign@yahoo.com

On Monday, December 13, 2021, 11:33:36 AM PST, Hollie Workman <hollieworkmandesign@yahoo.com> wrote:

Hello Christopher,
Please find at the attached document. Let me know if I need to show anything else.
Thanks,
Hollie
503-224-0461

Hollie Workman hollieworkmandesign@yahoo.com

Site right of way

This is the approximate northeast corner of the 1935 existing house

OWNERS
Mike and Claressa Bauer

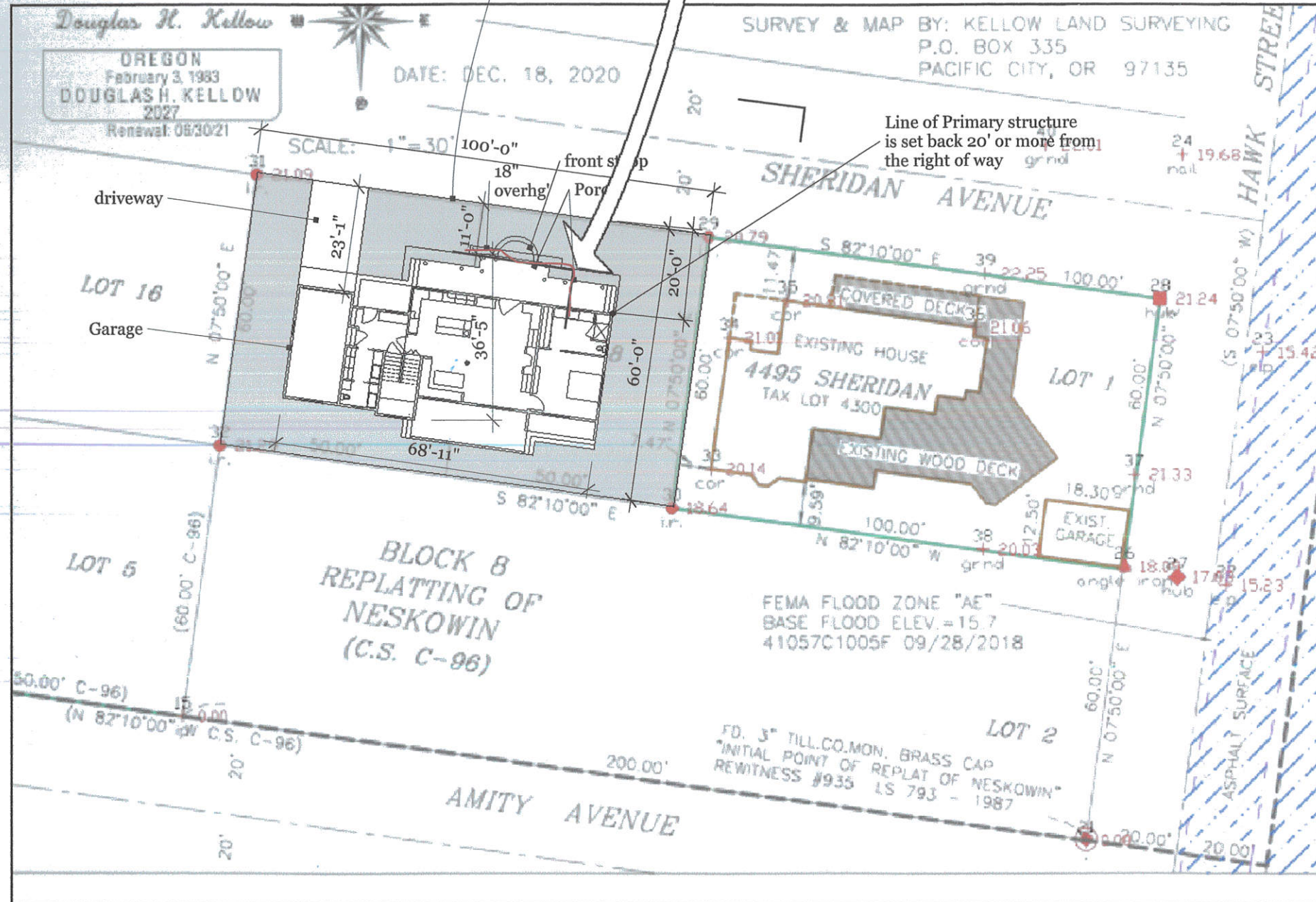
Project description
Remove existing house and replace w/ proposed house as shown.

Variance request
The variance request to the front yard setback is to allow for a front porch with a 11' setback along Sheridan ave.

1. The proposed house footprint is set back more than the (e) house.
2. It is not on a corner lot.
3. The primary structure is 20' or more (Garage is 23'), from the right of way.
4. Not a primary road, and is not a primary road connecting Hawk Creek and Breakers.
5. The porch steps back 4' on either side.

Buildable area calculations
proposed house is
70 wide' = 100' x 70 % lot width)
42 deep' = 60' x 70 % lot dedth)

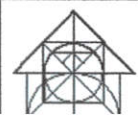
NOTE
SURVEY INFORMATION
overlayed on Doug Kellow's (land Surveyor) plot plan dated Dec 10, 2020



Site Plan



1"=30'-0"



Hollie Workman Design

2828 se 61st ave

The Bauer's Family Beach House

for Mike and Claressa Bauer

REVISIONS

MM/DD/YY	REMARKS
6/22/21	

EXHIBIT C

Sarah Absher

From: Chris Laity
Sent: Wednesday, March 23, 2022 9:10 AM
To: Sarah Absher
Subject: RE: Bauer Site Plan

Director Absher,

Tillamook County Public Works does not object to the variance request of 11-ft at 4435 Sheridan Avenue in Neskowin Oregon. The proposed construction does not place a structure closer to the roadway than the existing house.



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

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

From: Sarah Absher <sabsher@co.tillamook.or.us>
Sent: Tuesday, March 22, 2022 6:29 PM
To: Chris Laity <claity@co.tillamook.or.us>
Subject: Bauer Site Plan
Importance: High

Sincerely,



Sarah Absher, CFM, Director
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x3317
sabsher@co.tillamook.or.us

November 10, 2021

Dear Mr Laws,

Thank you for sending the variance notice 851-21-000312-Bauer. My husband and I are the owners of property at 4495 Sheridan Ave., immediately east of the subject property.

We look forward to welcoming Mike and Claressa as homeowners on the street. We have valued the friendship of Mike's family across the street from us for the last forty years. It is a comfort to us to know that Mike and Claressa intend to build a quality home to enjoy with their family for many years.

We studied the application material that was included with the notice and we have many questions about how it would impact us as neighbors, how it would relate to the other houses on the street, and how it fits into the County's decision-making process.

In the 10/25 email from Mike Bauer to Christopher Laws, included with the public notice, it is stated that "The new home has a variance request to match the front set backs on Tax ID Number 249984 and Tax ID Number 250043 along with my Parents home Tax ID Number 248850. This will ensure that everything on Sheridan Ave is consistent with the surrounding homes." In the materials that were included with the notice there is no way of telling how the front of the proposed house, and the front porch and stairs, relate to the properties on either side of the proposed house, and the other existing houses on the street. I don't see how we or the County can determine that the purpose for the variance request -- to match other houses on the street -- is met without a comparison of the proposed setbacks to the existing setbacks on adjoining property. From the limited information available in the notice, the proposed setbacks appear to place the home closer to the street right-of-way than any home on the street.

It is not entirely clear from the materials in the public notice what exactly is being requested. First, the variance request notes that variances are needed for eaves on all sides of the house. The 10/25 email states that the variance is only needed for the front set backs. The plot plan included with the notice indicates that the variance request addresses eaves on the east side of the proposed house. Third, there is no discussion of lot coverage or building height in the public notice materials. Does the variance request also cover these standards? The County needs this information before it can determine whether or not the variance standards have been met; and we need this information to provide meaningful input on this proposal.

In Section 8.030: Review Criteria, the first criterion is "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."

We have reviewed the materials available in the public notice, and could not find any information from the applicant addressing this criterion. From the limited information we have about the proposed building, we cannot determine if the proposed construction will effect the enjoyment of our property because the materials supplied do not include the elevations of the structures, a lot coverage calculation, or any indication of how the proposed set backs relate to our setbacks. Without this, we cannot form an opinion about criterion 1, and don't understand how the County can. Without evaluating building elevations, lot coverage, and the configuration of buildings on adjoining lots, it is not possible to determine the impacts of the proposal on light and views from our windows and the use and appearance of the street.

The 10/25 email mentions the Dune Hazard Report. All of the houses on the street are in a high wind condition site. The subject property is seven houses east of the ocean and a rock seawall, with fully landscaped properties buffering it from any shifting sands. As I understand it, the Dune Hazard Report is implemented through the County's land use ordinances. We do not see how the Dune Hazard Report is relevant to this request; nor is its relevance addressed in the application materials.

The application mentions that the abutting lots to the south property lines have structures within the setbacks. These encroaching structures have been present for many years with the knowledge of the prior owner, and were present when the property was purchased by the applicant. We do not see anything in the application materials showing how this small encroachment prevents the construction of a fully-compliant house on the subject property.

The variance request mentions "proposed porches and overhangs will help buffer the wind and rain from the main house foundation". Has the county made a determination that additional protection for the foundation is needed beyond that in the current code? There is nothing in the application materials available to us explaining how the eaves and porches protect the foundation; or why additional protection is needed.

(2) Variance criterion 2 reads as follows: "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." We agree that a single family dwelling is a use that can be reasonably expected to occur in this location; however, we could find no explanation of why the

variance is necessary. Since an existing single family dwelling already occupies the subject property, it is not clear why this variance is necessary. As I understand it, the applicant must prove that the variance is necessary.

(3) Variance criterion 3 reads as follows: "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." We do not have enough information to determine if the requested variance will effect our current enjoyment of our adjacent property. There is not enough information in the public notice about how the setbacks relate to the setbacks of other properties on the street and elevations of the structure so we can understand the size and profile of the structure, and how it will effect the light and views for our residence. Information is needed about how the proposed structure relates to the current lot coverage standards for the homes on the street. This information is important for us to provide meaningful comment on the proposal, and for the County to reach a decision on the variance request.

(4) Variance criterion 4 is: "There are no reasonable alternatives requiring either a lesser or no variance." We have so far been unable to find enough information in the public notice to make meaningful comments on this proposal. The application material available in the public notice does not include an analysis of alternatives as required by this criterion. It appears to us that a relatively minor reconfiguration of the proposed entry way would not need a variance, but the information provided with the notice is too incomplete to understand the repercussions of not granting the variance.

(5) The development standards in section 4.005 are cited in the public notice. We carefully reviewed the materials in the public notice, and could not find any evaluation of the proposal relative to these standards. We do not see how the County can review this variance without substantially better information about:

* lot coverage

* building elevations

* the proposed configuration compared to homes

* porch setbacks on existing homes to the west and east

* solar access impacts on adjacent existing homes

* proposed off-street parking, and an evaluation of on-street parking on Sheridan Ave.

* an evaluation of the proposal's impact on the street-scape

Via email and phone we have requested further information from the Community Development Department to help answer the questions we have regarding the variance issues listed above and we have been told that the information we are seeking is not currently available as part of the variance application. If any new information comes in from the applicant to supplement the variance materials that were originally posted we'd like the opportunity to review the new information, and comment on the variance, prior to a decision by the county. Please advise us when a staff report is available to the public, and when a final decision is made on this matter.

At the end of the building process we look forward to having a new home on the street that meets the current building standards and is in harmony with the neighboring properties as intended in the current land use code.

Please let us know that you received this email.

Thank you for your attention,

A handwritten signature in black ink, appearing to read "Laurie Kovack". The signature is written in a cursive, flowing style.

Laurie Kovack and Matthew Gill
4495 Sheridan Ave Neskowin OR 97149

Christopher Laws

From: Rudy Lachenmeier <rudy@ledrlaw.com>
Sent: Sunday, November 14, 2021 3:18 PM
To: Christopher Laws
Subject: EXTERNAL: Variance Request #851-21-000312-PLNG:BAUER

[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 Mr. Laws,

My wife and I live on the south side of Sheridan two houses west of the lot in question. We were surprised that no one talked to us about this in advance, explaining what they wanted to do or why they needed a variance. As I understand the criteria there must be "no reasonable alternative requiring either a lessor or no variance". I do not see an explanation of that anywhere in the county file explaining why there is no viable alternative. The properties listed by the applicant that have 7 ½ ' setbacks are all on the north side of our road. None of the houses on the south side are closer than 20' from the road. The reason this matters is that sometimes there are cars parked partly in the street next to the houses with the short setback and if the same were to occur on both sides the already narrow road could very easily become impassible for cars with trailers, including ours. I can understand a desire to maximize their back yard but hardly think that satisfies your criteria. We do not wish to be unreasonable but so far no one has shown why this extremely short set back is necessary. Rudy and Patti Lachenmeier

Now able to do online Mediations & Arbitrations

Rudy R. Lachenmeier
Dispute Resolution Law
PO Box 379
Neskowin Oregon 97149
Marilyn Direct 503-207-6917
Rudy Direct: 503-207-6932
Rudy Cell 503-781-6148

Rudy@ledrlaw.com
www.ledrlaw.com

This transmittal contains PRIVILEGED AND CONFIDENTIAL information intended only for the use of the addressee. If you are not the designated recipient or an employee or agent authorized to deliver such transmittals to the designated recipient, you are hereby notified that any dissemination, copying, or publication of this transmittal is strictly prohibited. If you have received this transmittal in error, please call us immediately. Please also immediately and permanently delete the email. Thank you.



Jeff Underwood (he/his) | Programmer/Analyst
TILLAMOOK COUNTY | Information Services
201 Laurel Avenue
Tillamook, OR 97141
Phone (503) 842-3406 x3480
Mobile (503) 812-2098
junderwo@co.tillamook.or.us

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

From: Tillamook County OR <tillamookcounty-or@municodeweb.com>
Sent: Thursday, November 11, 2021 5:43 AM
To: Webmaster <webmaster@co.tillamook.or.us>
Subject: EXTERNAL: Form submission from: Contact Us

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

Submitted on Thursday, November 11, 2021 - 5:42am

Submitted by anonymous user: 71.193.199.112

Submitted values are:

First Name David and Susan
Last Name Riley
Email sdriley2@comcast.net
Question/Comment

Comment on Mile Bauer request to change setback easement on beach home he is building on Sneridan St in Neskowin OR. We don't to see large houses built in this section of Neskowin Village. Setbacks were put in place for a reason and we don't see reason for change.

The results of this submission may be viewed at:

<https://www.co.tillamook.or.us/node/7/submission/3857>

Christopher Laws

From: Steve Stewart <drdemento.stew@gmail.com>
Sent: Sunday, November 7, 2021 2:30 PM
To: Christopher Laws
Cc: lkovac@mac.com; mattpdx10@me.com
Subject: EXTERNAL: Variance request # 851-21-000312-PLNG: BAUER

[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 Sir,

I own the property to the immediate West (4405 Sheridan Ave.) of the property asking for this variance. I have several concerns regarding the requested variance I would like to register before a decision is made to grant the variance(s).

Firstly, the site map accompanying the request lacks critical information necessary to making an informed decision. Specifically, the property lines are not labeled, making it difficult to site the requested accommodations. This impacts both the front and west side setback placements. The previously allowed Neskowin exemptions to the front setbacks have been made based on structures aligned with the two oldest houses on this block which are the ones immediately east and west of the new dwelling. I do not feel it appropriate to allow any structure accommodation closer to the front than those houses. It look like the request is for 3' 11", clearly significantly inside that preset limit. Secondly, my 80 y/o garage is approximately 2' from the east property line. Again, it appears the proposed side setback is 6'-1", making it just 8' from the side of my garage. Although I could not uncover the requirements for structure proximity in the regulations, I was somehow under the impression it was 10' in keeping with updated side setbacks. I was also under the impression that there were added requirements for allowing a closer proximity such as limited windows and possibly a fire wall. None of this was addressed in the request.

Thirdly, I don't see what height the plan proposes. Somehow, the garish 3 story monstrosity to my immediate west was allowed to be built, clearly in excess of the preexisting ordinance height limits. Don't want to see any more of that.

Lastly, I don't feel the process of variance consideration allows enough time or input from the affected property owners to adequately address concerns. Your offices are closed, the decision to be made apparently by vote at a closed administration meeting. I therefore, make a request to delay the decision on this variance request until these concerns have been addressed.

Thank you,
Stephen R. StewartMD

Christopher Laws

From: D/M Ogle <monogle3@gmail.com>
Sent: Thursday, November 11, 2021 1:57 PM
To: Christopher Laws
Subject: EXTERNAL: Variance: #851-21-000312-plng:Bauer

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

Re: Variance 3851-21-000312-PLNG:Bauer

Dear Community Development Office:

As homeowners of the property on the corner of Sheridan and Hawk Street in Neskowin, and friendly neighbors fo the family of Mike Bauer next door, we also have concerns with the variances being proposed for his new house.

It is not clear to us from the drawing submitted whether the setbacks proposed on the sides and front align with the properties on either side.

It would be helpful to get more information on the proposed structure including an elevation view and also on site parking.

We would welcome Mike and Claressa's house if it could retain the residential character of the street.

Thank you for your attention.

Margaret and Damon Ogle
4490 Sheridan Street
POBox 751
Neskowin, Oregon 97149

Christopher Laws

From: Rudy Lachenmeier <rudy@ledrlaw.com>
Sent: Sunday, November 14, 2021 3:18 PM
To: Christopher Laws
Subject: EXTERNAL: Variance Request #851-21-000312-PLNG:BAUER

[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 Mr. Laws,

My wife and I live on the south side of Sheridan two houses west of the lot in question. We were surprised that no one talked to us about this in advance, explaining what they wanted to do or why they needed a variance. As I understand the criteria there must be "no reasonable alternative requiring either a lessor or no variance". I do not see an explanation of that anywhere in the county file explaining why there is no viable alternative. The properties listed by the applicant that have 7 ½ ' setbacks are all on the north side of our road. None of the houses on the south side are closer than 20' from the road. The reason this matters is that sometimes there are cars parked partly in the street next to the houses with the short setback and if the same were to occur on both sides the already narrow road could very easily become impassible for cars with trailers, including ours. I can understand a desire to maximize their back yard but hardly think that satisfies your criteria. We do not wish to be unreasonable but so far no one has shown why this extremely short set back is necessary. Rudy and Patti Lachenmeier

Now able to do online Mediations & Arbitrations

Rudy R. Lachenmeier
Dispute Resolution Law
PO Box 379
Neskowin Oregon 97149
Marilyn Direct 503-207-6917
Rudy Direct: 503-207-6932
Rudy Cell 503-781-6148

Rudy@ledrlaw.com
www.ledrlaw.com

This transmittal contains PRIVILEGED AND CONFIDENTIAL information intended only for the use of the addressee. If you are not the designated recipient or an employee or agent authorized to deliver such transmittals to the designated recipient, you are hereby notified that any dissemination, copying, or publication of this transmittal is strictly prohibited. If you have received this transmittal in error, please call us immediately. Please also immediately and permanently delete the email. Thank you.

Christopher Laws

From: D/M Ogle <monogle3@gmail.com>
Sent: Thursday, November 11, 2021 1:57 PM
To: Christopher Laws
Subject: EXTERNAL: Variance: #851-21-000312-plng:Bauer

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

Re: Variance 3851-21-000312-PLNG:Bauer

Dear Community Development Office:

As homeowners of the property on the corner of Sheridan and Hawk Street in Neskowin, and friendly neighbors fo the family of Mike Bauer next door, we also have concerns with the variances being proposed for his new house.

It is not clear to us from the drawing submitted whether the setbacks proposed on the sides and front align with the properties on either side.

It would be helpful to get more information on the proposed structure including an elevation view and also on site parking.

We would welcome Mike and Claressa's house if it could retain the residential character of the street.

Thank you for your attention.

Margaret and Damon Ogle
4490 Sheridan Street
POBox 751
Neskowin, Oregon 97149



Jeff Underwood (he/his) | Programmer/Analyst
TILLAMOOK COUNTY | Information Services
201 Laurel Avenue
Tillamook, OR 97141
Phone (503) 842-3406 x3480
Mobile (503) 812-2098
junderwo@co.tillamook.or.us

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

From: Tillamook County OR <tillamookcounty-or@municodeweb.com>
Sent: Thursday, November 11, 2021 5:43 AM
To: Webmaster <webmaster@co.tillamook.or.us>
Subject: EXTERNAL: Form submission from: Contact Us

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

Submitted on Thursday, November 11, 2021 - 5:42am

Submitted by anonymous user: 71.193.199.112

Submitted values are:

First Name David and Susan

Last Name Riley

Email sdriley2@comcast.net

Question/Comment

Comment on Mile Bauer request to change setback easement on beach home he is building on Sneridan St in Neskowin OR. We don't to see large houses built in this section of Neskowin Village. Setbacks were put in place for a reason and we don't see reason for change.

The results of this submission may be viewed at:

<https://www.co.tillamook.or.us/node/7/submission/3857>

Christopher Laws

From: Sheila Shoemaker
Sent: Tuesday, November 16, 2021 8:14 AM
To: Julie Silveira
Cc: Christopher Laws
Subject: RE: EXTERNAL: Form submission from: Contact Us

Thank you Julie.

Chris, see below this one is for your variance. Bauer – 851-21-000312-PLNG



Sheila Shoemaker | Land Use Planner I
TILLAMOOK COUNTY | Community Development
1510-B Third Street
Tillamook, OR 97141
Phone (503) 842-3408 x 3123
sshoemak@co.tillamook.or.us

any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

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

From: Julie Silveira <jsilveir@co.tillamook.or.us>
Sent: Tuesday, November 16, 2021 7:52 AM
To: Sheila Shoemaker <sshoemak@co.tillamook.or.us>
Subject: FW: EXTERNAL: Form submission from: Contact Us

Hey Sheila,

All the Webmaster emails are now directed to me. This one is involving setbacks, so I assume that it is something for you. If it needs to go to someone else, please let me know.

Thank you!

From: Webmaster <webmaster@co.tillamook.or.us>
Sent: Friday, November 12, 2021 7:52 AM
To: Julie Silveira <jsilveir@co.tillamook.or.us>
Subject: FW: EXTERNAL: Form submission from: Contact Us

I think that this one is intended for DCD. Please forward it to the appropriate person, but if it's not for DCD just let me know!

Thank you,