



## VARIANCE REQUEST #851-21-000312-PLNG: BAUER

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

### NOTICE OF ADMINISTRATIVE REVIEW

**Date of Notice: November 1, 2021**

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

**#851-21-000312-PLNG:** A Variance request to reduce the required 20-foot front-yard setback to seven feet six inches (7'6") for construction of a single-family dwelling on a property located in the Unincorporated Community of Neskowin. The subject property is accessed via Sheridan Ave., a County road, is zoned Neskowin Low Density Residential (Nesk R-1) and is designated as Tax Lot 4200 of Section 25, Township 5 South, Range 11 West, W.M., Tillamook County, Oregon. The applicants and property owners are Michael & Claressa Bauer.

Written comments received by the Department of Community Development prior to 4:00 p.m. on November 14, 2021, will be considered in rendering a decision. Comments should address the criteria upon which the Department must base its decision. A decision will be rendered no sooner than the next business day, November 15, 2021. Notice of the application, a map of the subject area, and the applicable criteria are being mailed to all property owners within 250 feet of the exterior boundaries of the subject parcel for which an application has been made and other appropriate agencies at least 14 days prior to this Department rendering a decision on the request.

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

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

Sincerely,

Christopher S. Laws, Planner II

Sarah Absher, CFM, Director

Enc. Maps and applicable ordinance criteria

## REVIEW CRITERIA

### ARTICLE VIII - VARIANCE PROCEDURES AND CRITERIA

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

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

### SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

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

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

## 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:

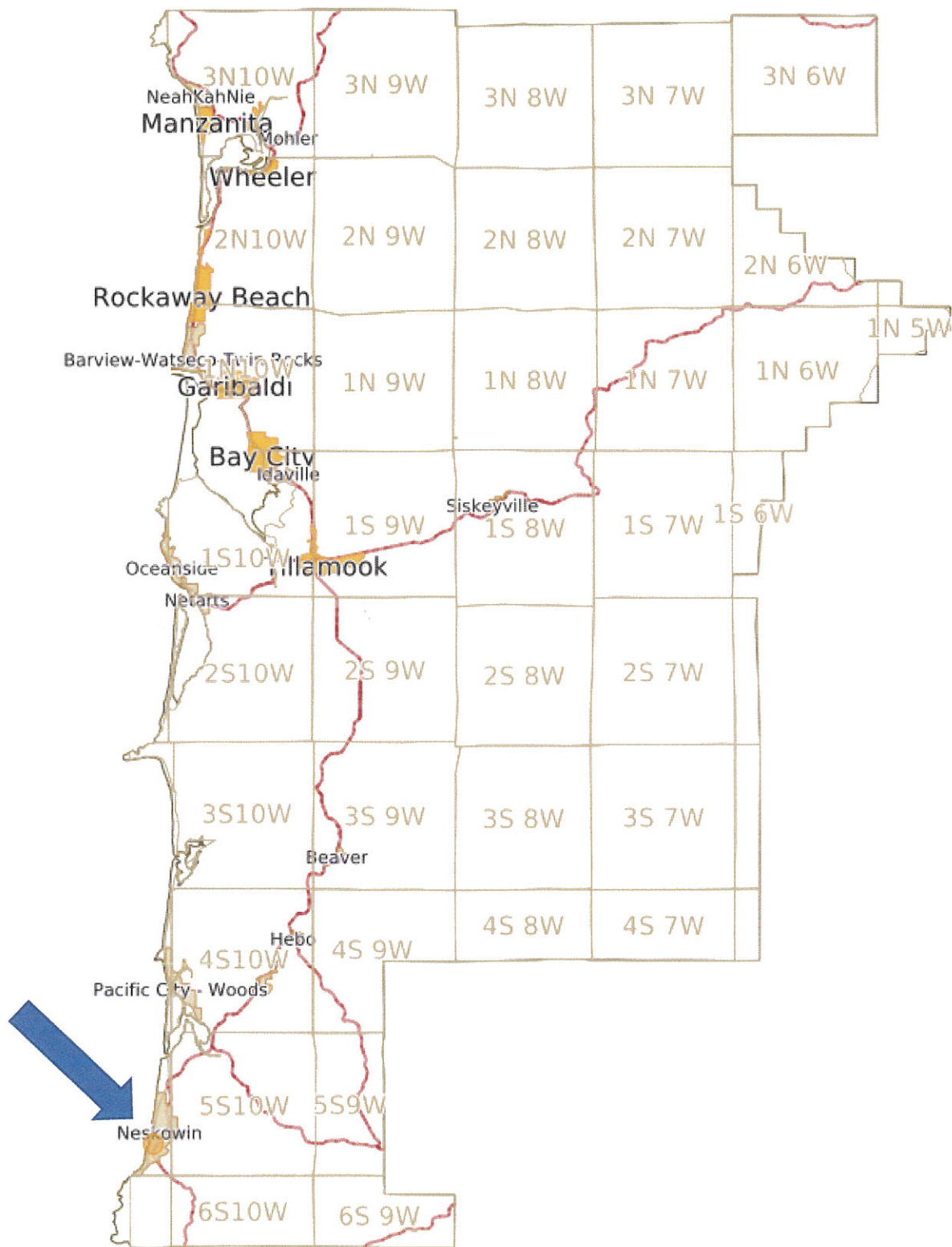
- (1) Circumstances attributable either to the dimensional, topographic, or hazardous characteristics of a legally existing lot, or to the placement of structures thereupon, would effectively preclude the enjoyment of a substantial property right enjoyed by the majority of landowners in the vicinity,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

AREA MAP





# Tillamook County Oregon

- Print This
- Jump to tax map
- Searches by Layer
- Select by poir

ump To:

Catalog

Drawing and Markup

Overlays

Land / Cultural

Marine / Estuary

Emergency Management

Community Development

Zoning

Tsunami Hazard Overlay Zone

Active Land Use Decisions

Floodway

National Wetlands Inventory

Neskowin Coastal Hazard Overlay Zone

Slide Landslide Deposits

Slide Landslide Deposits

Slide Historic Landslide Points

FEMA FIRI Panel Index

All\_CAV\_Sites

100yr Nestluca Special Flood Hazard Area

Nehalem Cross Section

2015 Nehalem BFES

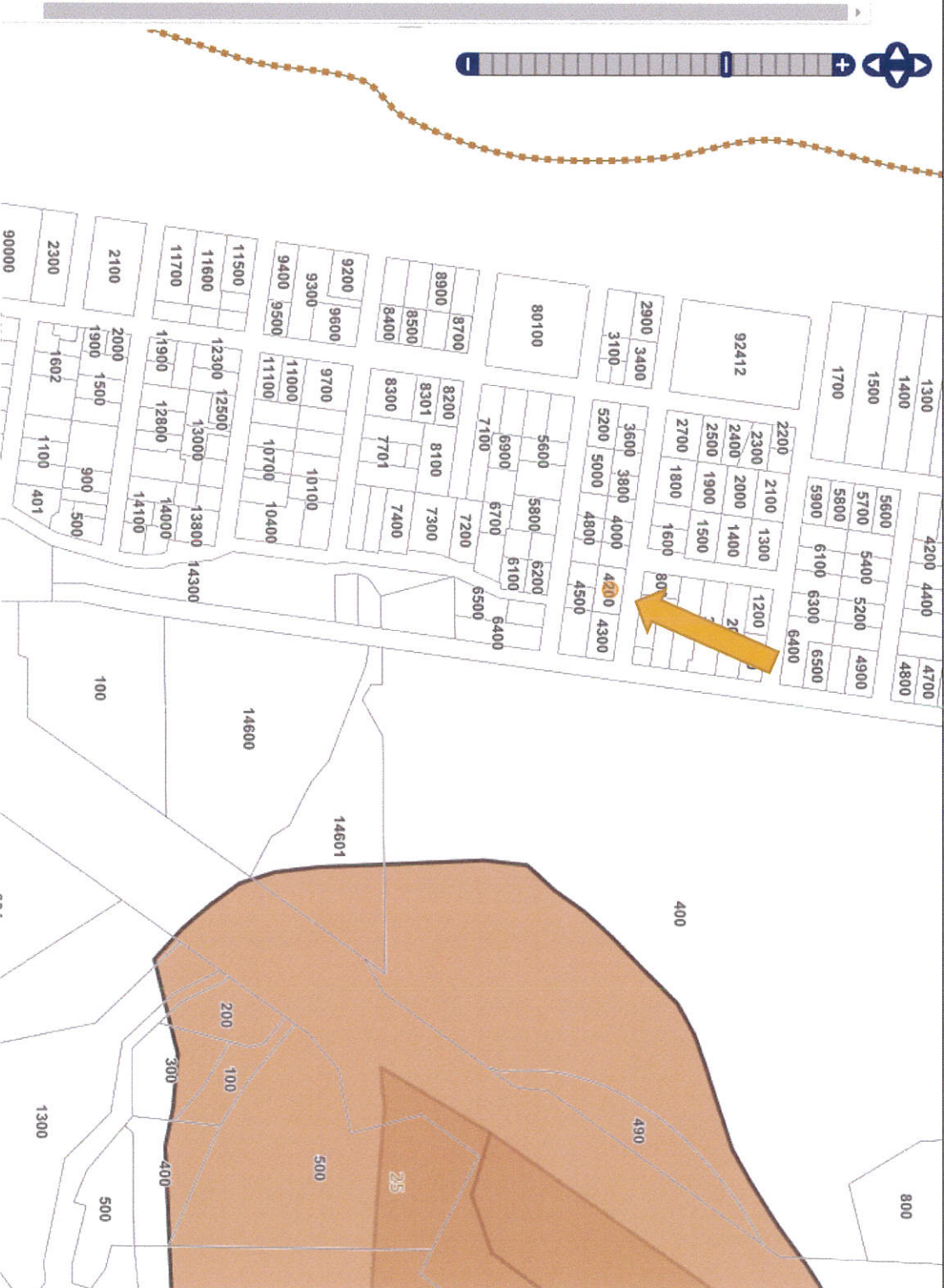
Nehalem SFHA

Proposed SFHA

Existing SFHA (filled)

Existing SFHA (lines)

Tillamook County, Oregon 97144





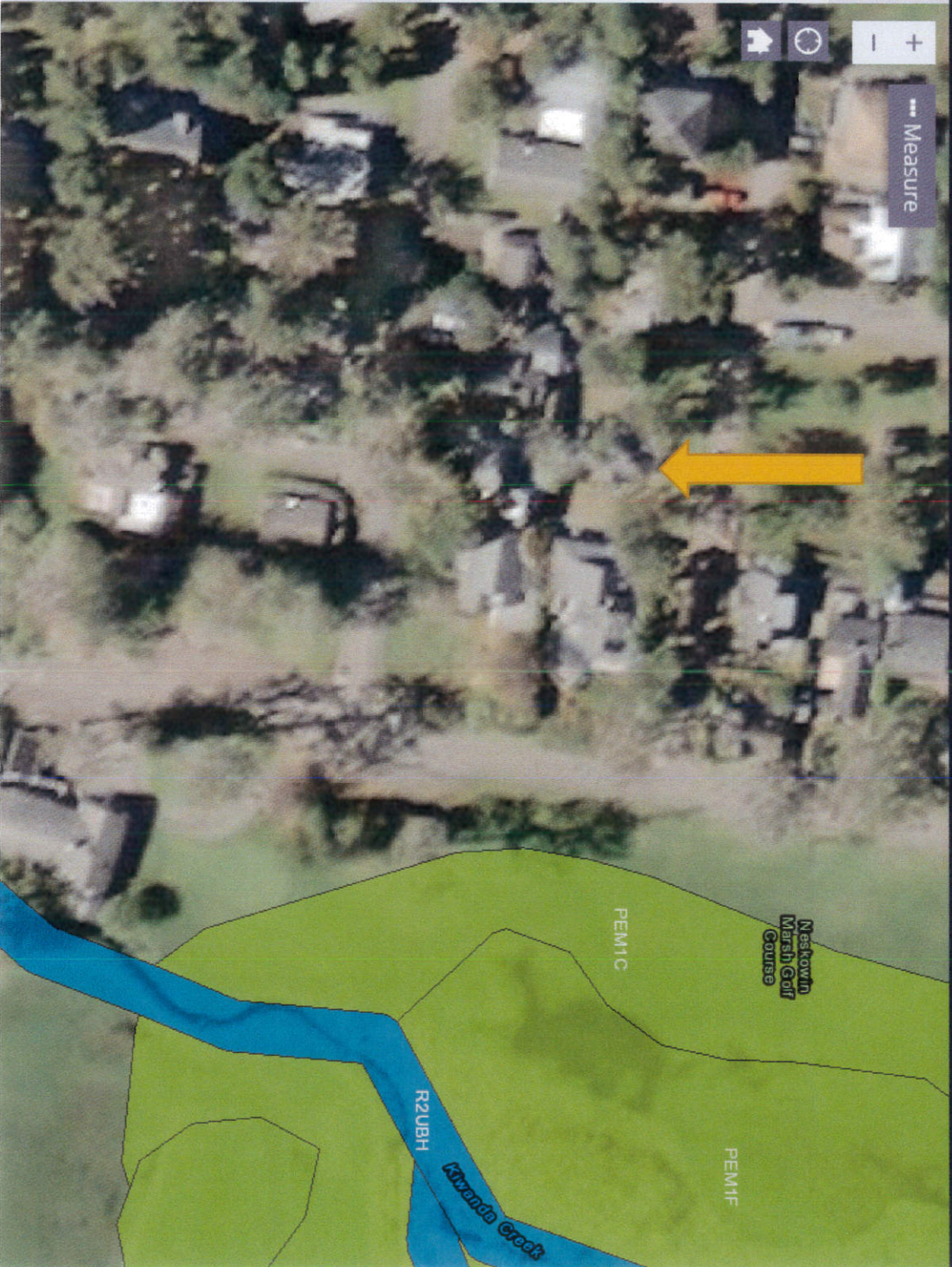
# National Wetlands Inventory

surface waters and wetlands

BASEMAPS >

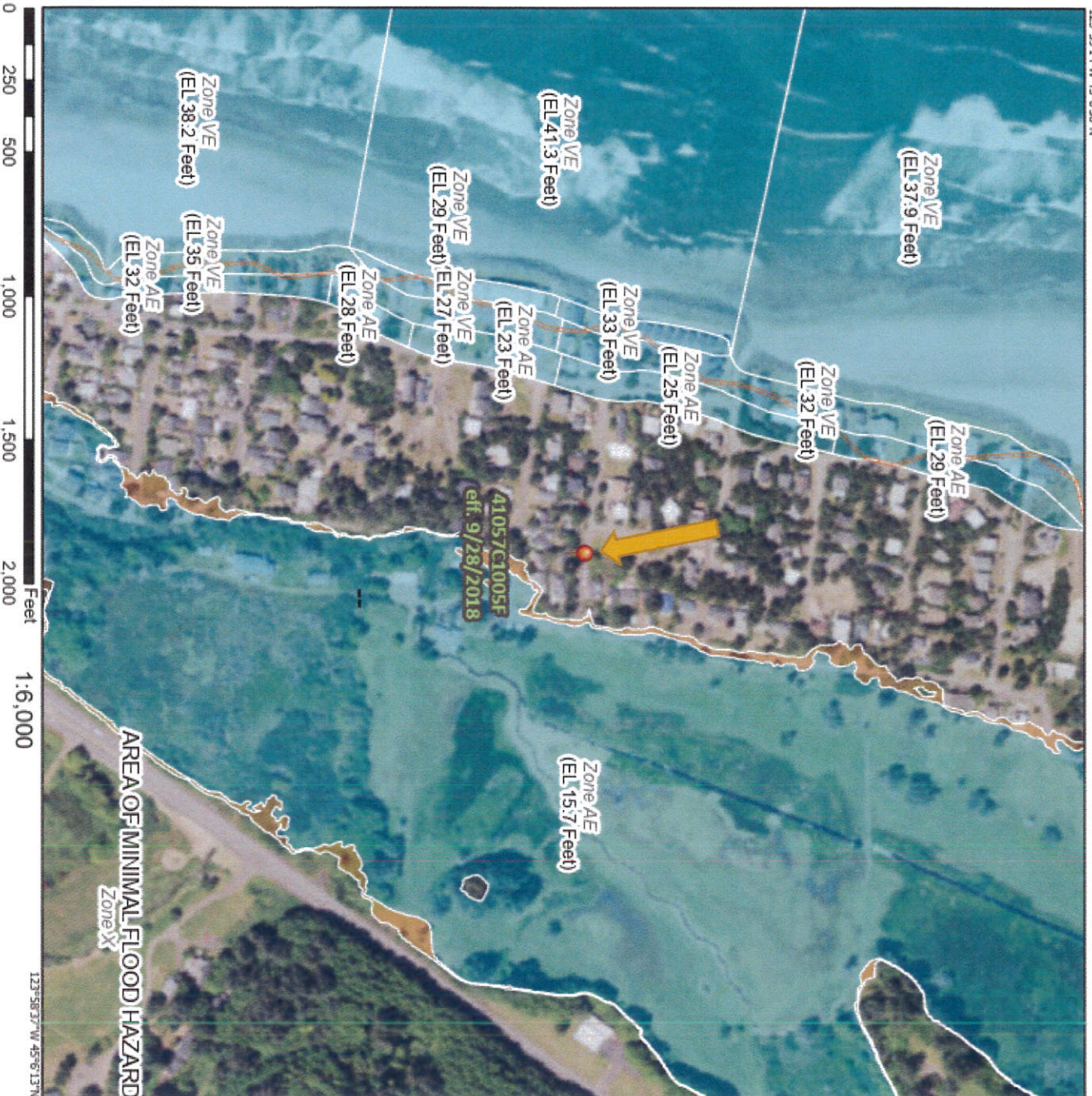
MAP LAYERS >

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



# National Flood Hazard Layer FIRMette

123°59'14"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  
 123°58'37"W 45°6'13"N

## 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, X99
- With BFE or Depth Zone AE, AO, AH, VE, AP
- Regulatory Floodway

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 OF FLOOD HAZARD**

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRs

**OTHER AREAS**

- Area of Undetermined Flood Hazard Zone D

**GENERAL STRUCTURES**

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

**OTHER FEATURES**

- Cross Sections with 1% Annual Chance
  - 29.2 Water Surface Elevation
  - 17.8 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

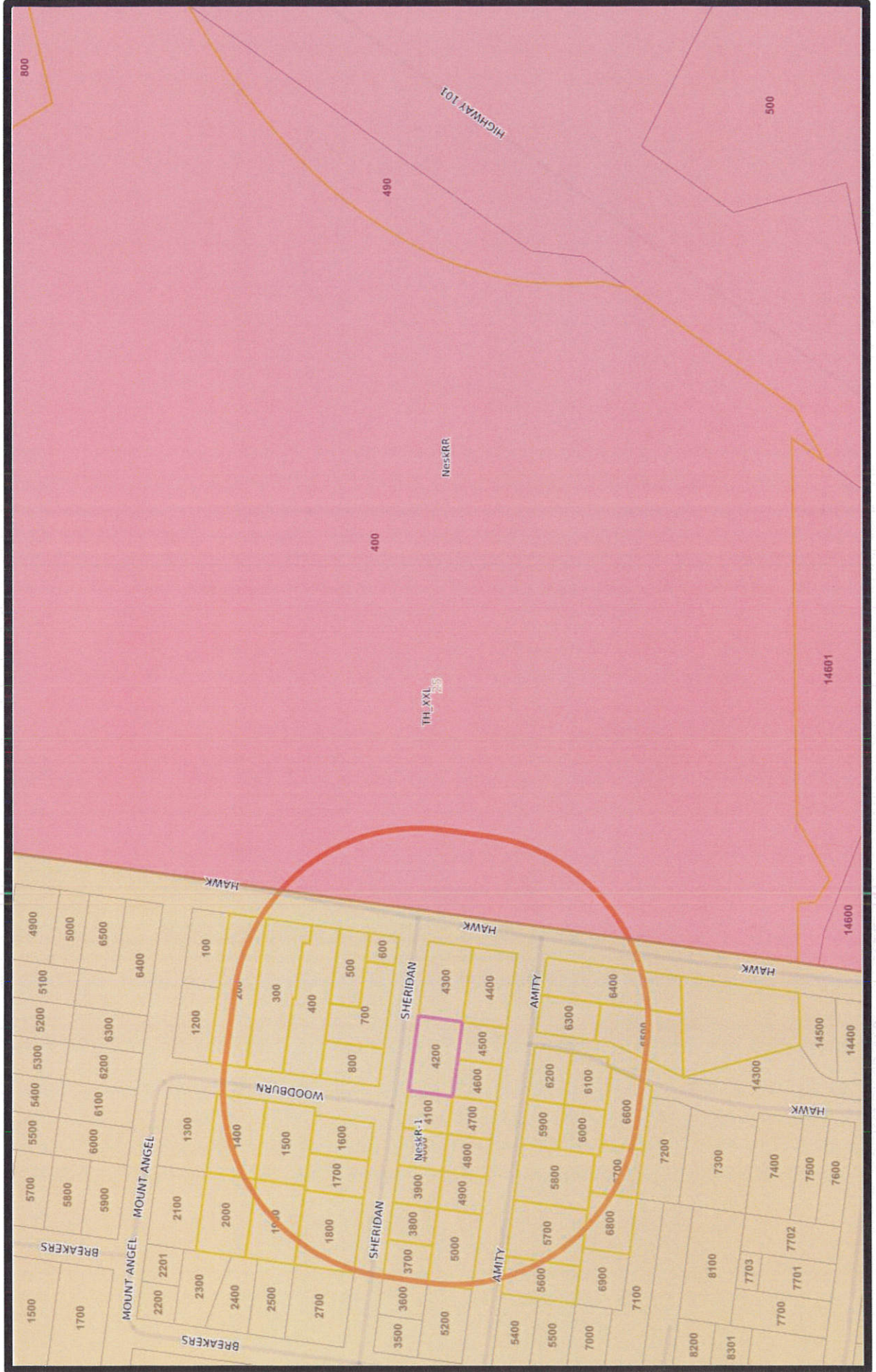
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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.

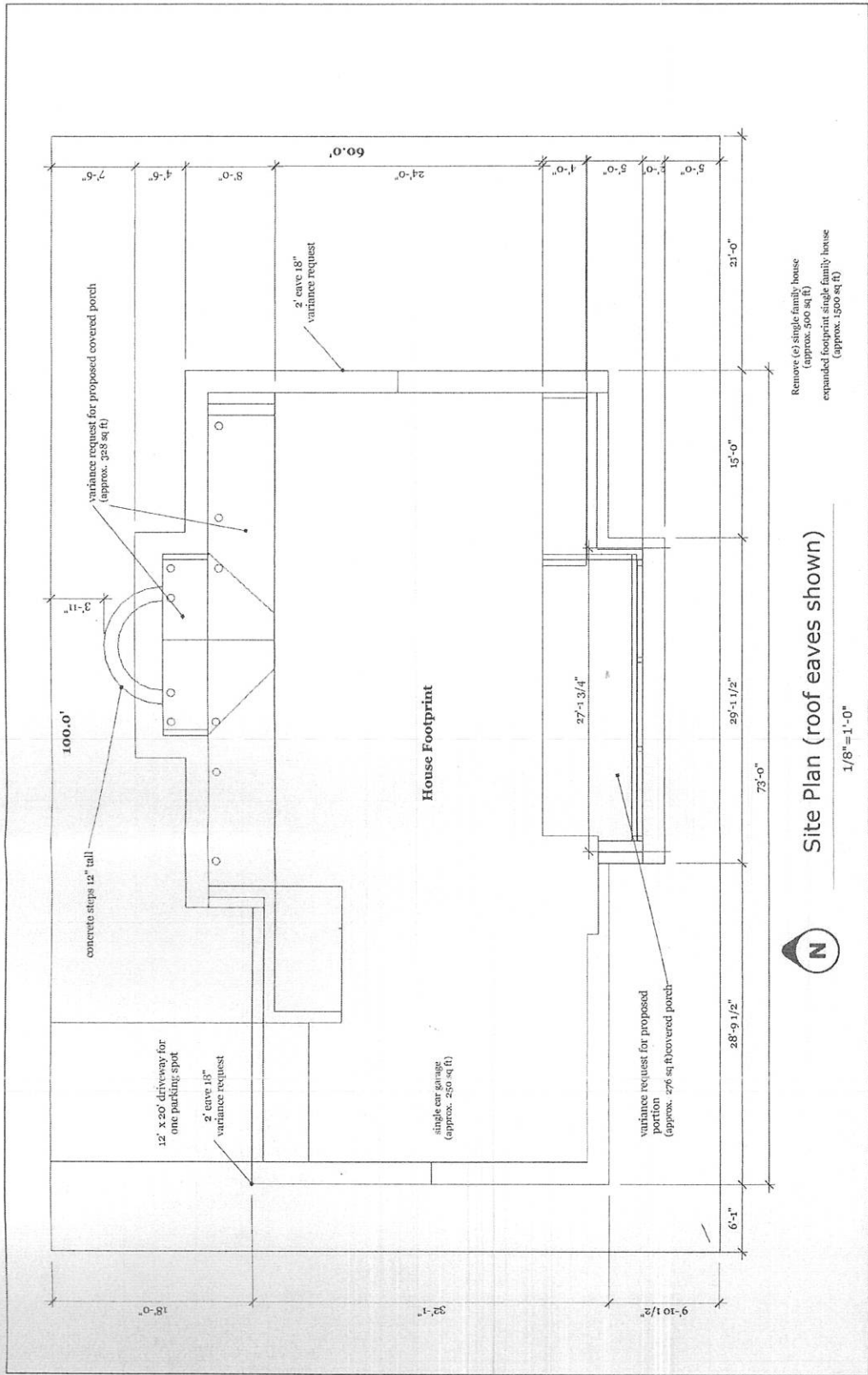
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/29/2021 at 6:35 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmapped areas cannot be used for regulatory purposes.

# Map







Site Plan (roof eaves shown)

1/8" = 1'-0"



Hollie Workman Design  
 2828 se 61st ave  
 Portland, Oregon 97206  
 hollieworkmandesign@yahoo.com



The Bauer's Family Beach House  
 for Mike and Claressa Bauer  
 4435 Sheridan Ave Neskowin Oregon

NO.	DATE	REVISIONS
1	9/21/11	
2		
3		
4		
5		



## 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: \_\_\_\_\_

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

Request: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

## Christopher Laws

---

**From:** Mike Bauer <MikeB@pipcohose.com>  
**Sent:** Monday, October 25, 2021 2:47 PM  
**To:** Christopher Laws  
**Cc:** Hollie Workman  
**Subject:** EXTERNAL: RE: Bauer Variance

[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

Good Afternoon

Here is the clarification of the Variance request for the Bauer Permit. The existing home will be removed since it has extensive dry rot, and the plumbing and electrical are out of code as it was built in 1935. 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 Avenue is consistent with the surrounding homes. This home will have a porch and stairs in the front that will mirror the 2 Tax ID Lots noted. The porch and stairs will be in the front set back as noted. I will reach out to our architect as well so that we can address any of your concerns. Hollie Workman has worked with Tillamook County for many years so he is very familiar with all the current set-backs.

The variance requests only relates to the front set back as the sides and rear are within Code.

We also have a Dune Survey that we had a engineer complete and are hoping that it is also is in the Que as it dates back to June 2021. I will say that the delay has been good as the cost of materials is finally stabilizing so I cannot be to upset for saving money on the new build.

Respectfully

Michael Bauer  
Peterson Industrial Products  
P.O. Box 10917  
Portland OR 97225  
1-800-452-1045  
FAX: 503-222-9449  
CELL: 503-706-8956  
FLUID HANDLING SPECIALISTS

---

**From:** Christopher Laws <claws@co.tillamook.or.us>  
**Sent:** Monday, October 25, 2021 2:06 PM  
**To:** Mike Bauer <MikeB@pipcohose.com>  
**Subject:** FW: Bauer Variance

Good Afternoon,

Please see the e-mail (below) I sent to Hollie.

- 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)

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:** Christopher Laws  
**Sent:** Friday, October 22, 2021 3:50 PM  
**To:** [hollieworkmandesign@yahoo.com](mailto:hollieworkmandesign@yahoo.com)  
**Subject:** Bauer Variance

Good Afternoon Hollie,

I am currently prepping the Bauer Variance request and need a little clarification – the criteria review states *“We are proposing to add to the overhangs, front and back porches...”* however, the submitted site plan states *“Remove single-family house (approx.. 500sf) replace expand footprint single family house (approx.. 1500sf)”*

- 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)

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.

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 alonside 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 impeded 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 housei 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.*

# TILLAMOOK County Assessor's Summary Report

## Real Property Assessment Report

### FOR ASSESSMENT YEAR 2021

October 22, 2021 3:40:54 pm

Account # 250025  
 Map # 5S112SCB04200  
 Code - Tax # 2207-250025

Tax Status ASSESSABLE  
 Acct Status ACTIVE  
 Subtype NORMAL

Legal Descr Multiple Lots - See legal report for full description.

Mailing Name BAUER, MICHAEL & CLARESSA

Deed Reference # 2020-7945

Agent In Care Of  
 Mailing Address 6871 SW GREENWICH DR  
 PORTLAND, OR 97225

Sales Date/Price 11-04-2020 / \$410,000.00  
 Appraiser ROBERT BUCKINGHAM

Prop Class 101 MA SA NH Unit  
 RMV Class 101 09 ST 991 19126-1

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

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

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

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

Exemptions/Special Assessments/Potential Liability

Code Area Type

2207 SPECIAL ASSESSMENT:  
 ■ SOLID WASTE Amount 12.00 Acres 0 Year 2021

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



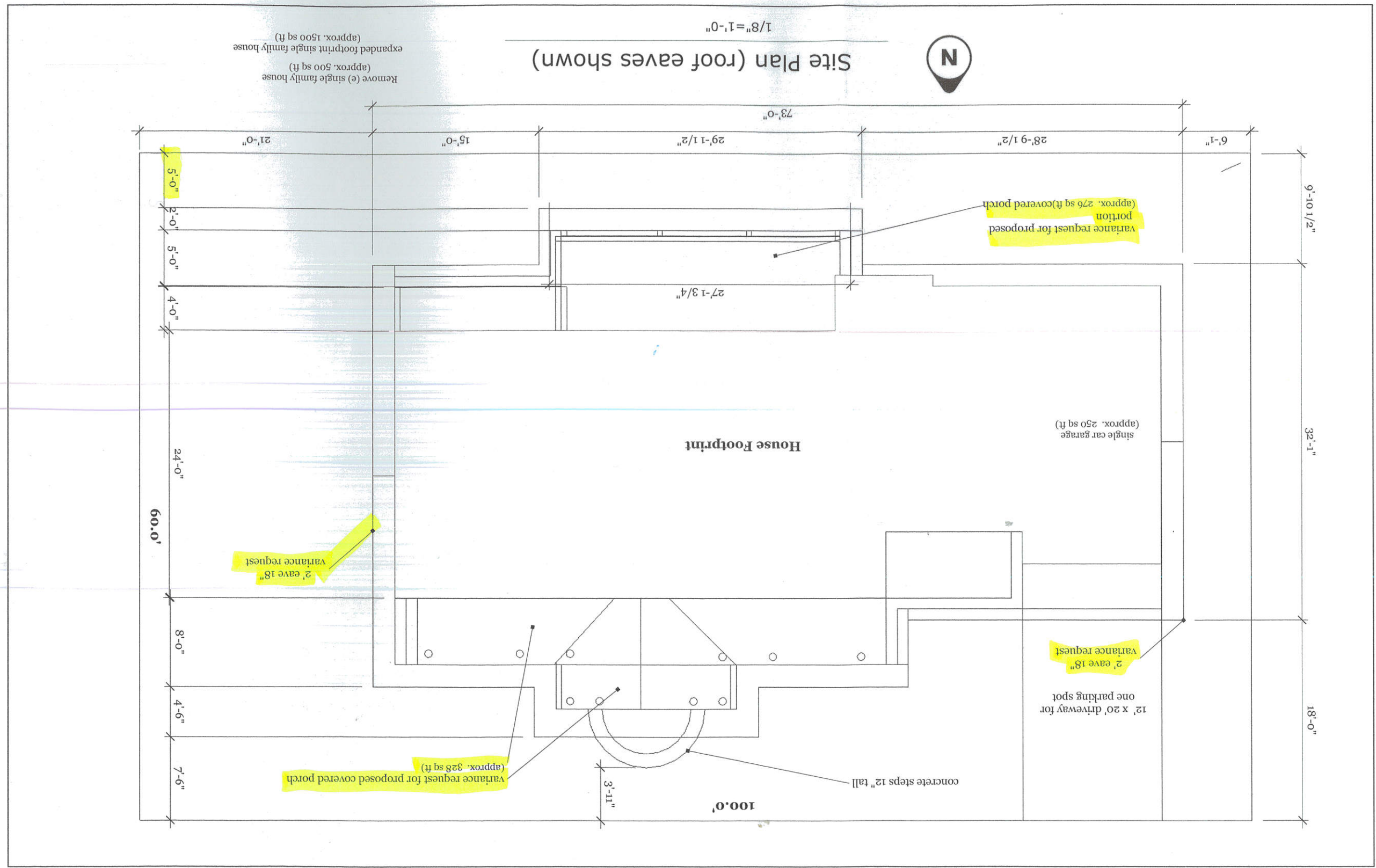
Hollie Workman Design  
 2828 se 61st ave  
 Portland, Oregon 97206  
 hollieworkmandesign@yahoo.com

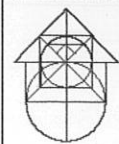
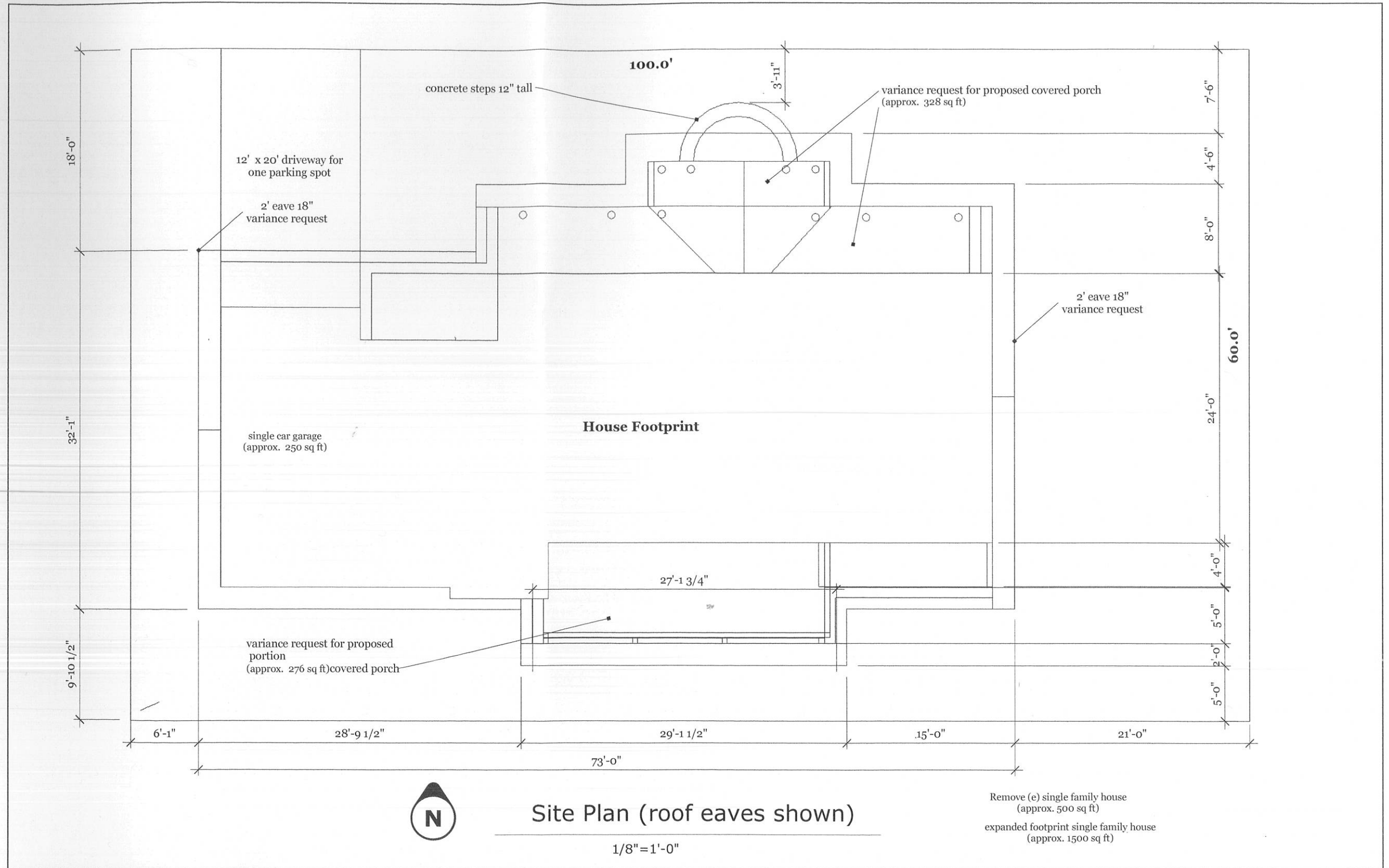
**The Bauer's Family Beach House**  
 for Mike and Claressa Bauer  
 4435 Sheridan Ave Neskovin Oregon

MM/DD/YY	REVISIONS
6/22/21	1
	2
	3
	4
	5

REVISIONS

3 of 7





**Hollie Workman Design**  
 2828 se 61st ave  
 Portland, Oregon 97206  
 hollieworkmandesign@yahoo.com

**The Bauer's Family Beach House**  
 for Mike and Claressa Bauer  
 4435 Sheridan Ave Neskowin Oregon

REVISIONS	
MM/DD/YY	REMARKS
1 6/22/21	...
2	...
3	...
4	...
5	...