



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

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

VARIANCE REQUEST #851-21-000124-PLNG: KOLIN

*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 24, 2021

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

#851-21-000124-PLNG: A Variance request to reduce the required 20-foot rear-yard setback to fifteen (15) feet for construction of a single-family dwelling on a property located in the Unincorporated Community of Barview-Watesco-Twin Rocks. The subject property is accessed via Ocean Blvd., a County road, is zoned Community Medium Density Urban Residential (CR-2) and is designated as Tax Lot 3207 of Section 07DA, Township 1 North, Range 10 West, W.M., Tillamook County, Oregon. The applicants are Iselin Architects and the property owner is Kevin Kolin.

Written comments received by the Department of Community Development prior to 4:00 p.m. on December 7, 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, December 8, 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.

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.

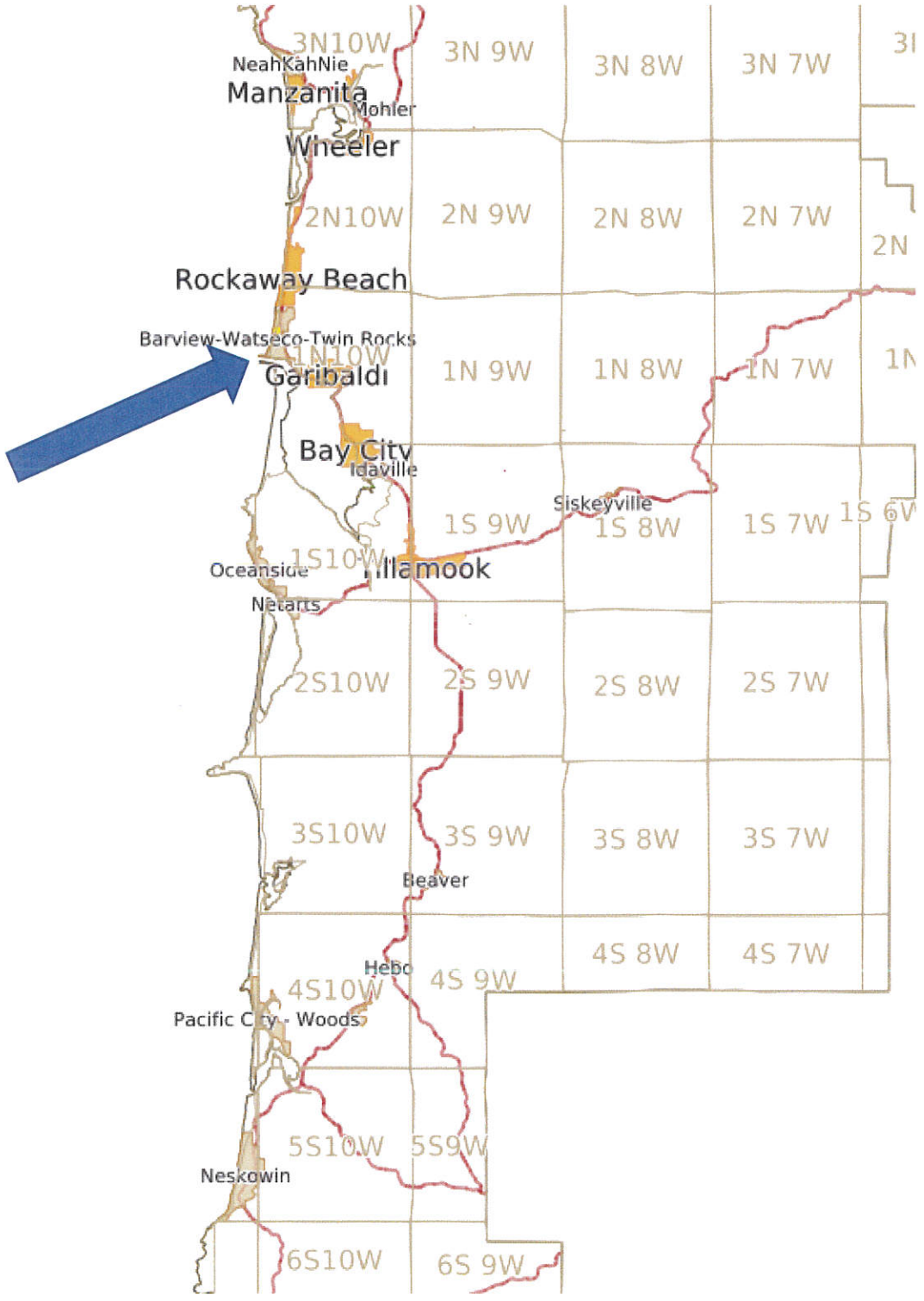
SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

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

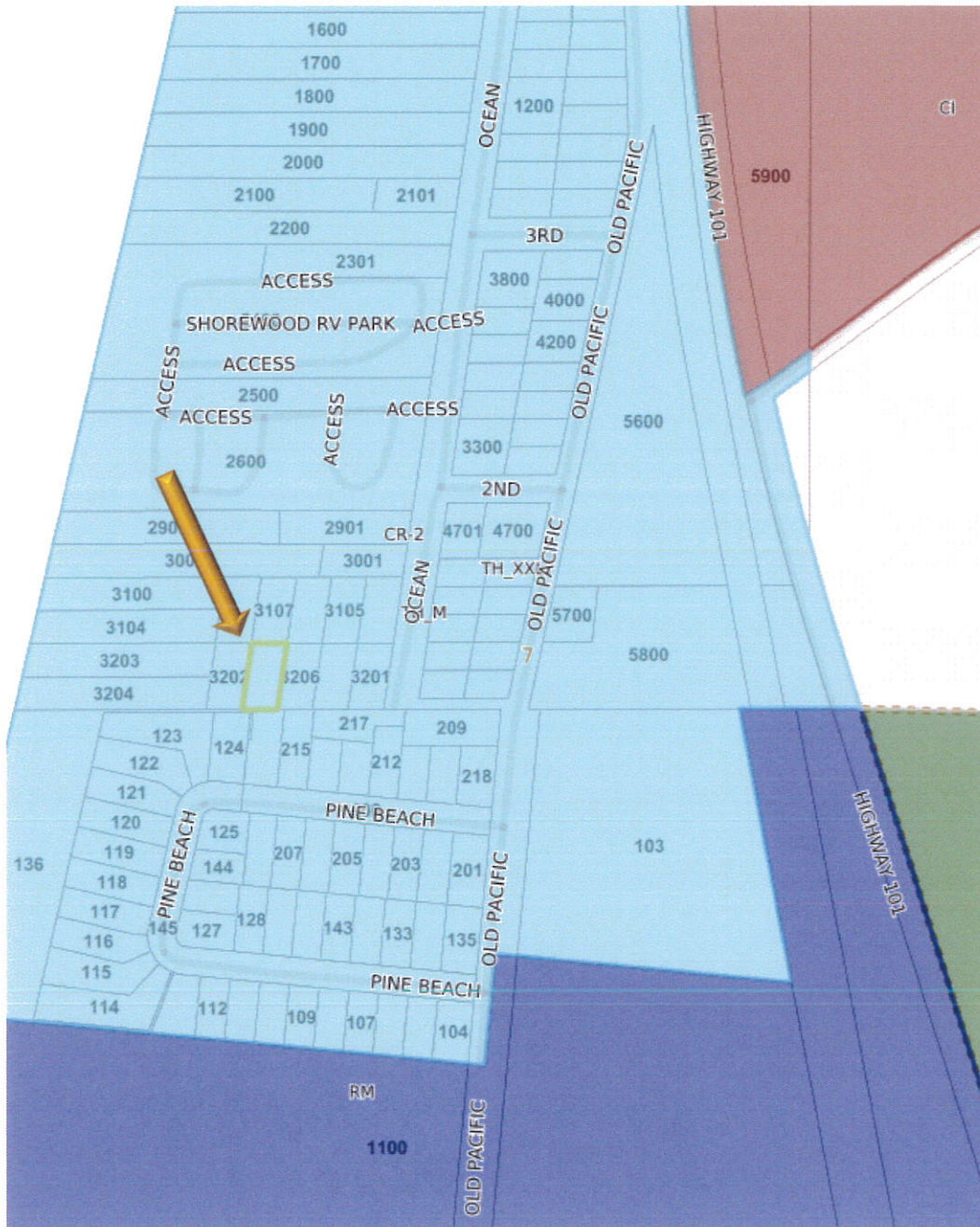
- (1) To ensure the availability of private open space;
- (2) To ensure that adequate light and air are available to residential and commercial structures;
- (3) To adequately separate structures for emergency access;
- (4) To enhance privacy for occupants of residences;
- (5) To ensure that all private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

EXHIBIT A

VICINITY MAP



ZONE MAP



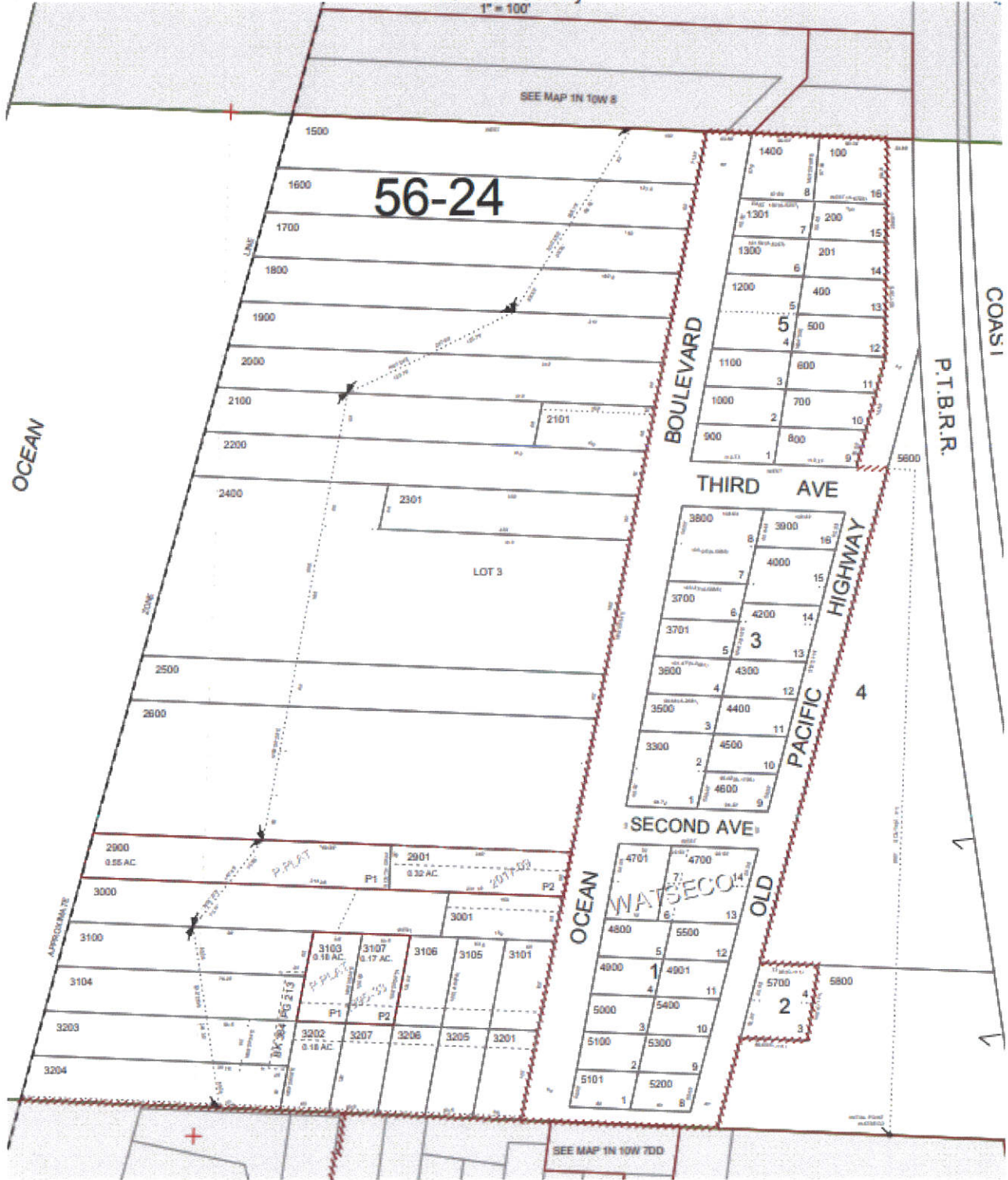
851-21-000124-KOLIN

TAX MAP

TAXATION ONLY, NOT SUITABLE FOR
RING, OR SURVEY PURPOSES

N.E. 1/4 S.E. 1/4 SEC. 7 T. 1N. R. 10W. W.M.
Tillamook County

1" = 100'



851-21-000124-PLNG KOLIN

EXHIBIT B

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)

)
)



PLANNING APPLICATION

| OFFICE USE ONLY | |
|-----------------------------------|---|
| Date Stamp | RECEIVED APR 28 2021 BY: |
| <input type="checkbox"/> Approved | <input type="checkbox"/> Denied |
| Received by: | |
| Receipt #: | |
| Fees: | |
| Permit No: 851-____-____-PLNG | |

Applicant (Check Box if Same as Property Owner)

Name: Iselin Architects Phone: 503-656-1942
 Address: 1307 7th St
 City: Oregon City State: OR Zip: 97045
 Email: todd@iselinarch.com

Property Owner

Name: Kevin Kolin Phone: 503-750-7756
 Address: 5301 N Coral St
 City: Rockaway Beach State: OR Zip: 97136
 Email: kevinkolin@yahoo.com

Request: To reduce rear yard setback from 20' to 15' to allow for attached covered patio construction

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

Location:

Site Address: 17480 Ocean Blvd, Rockaway Beach, OR

Map Number: 1N 10N 07DA 3207
Township Range Section Tax Lot(s)

Clerk's Instrument #: 1995-33, book 364, page 213

Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

Property Owner Signature (Required)

Todd J. Iselin
Applicant Signature

Date

April 27, 2021
Date



Tillamook County Department of Community Development
1510-B Third Street, Tillamook, OR 97141 | Tel: 503-842-3408 Fax: 503-842-1819
www.co.tillamook.or.us

PLANNING APPLICATION

RECEIVED
OFFICE USE ONLY
Date Stamp: APR 27 2021
BY: _____
 Approved Denied
Received by: ES
Receipt #: _____
Fees: 1089.00
Permit No: 851-21-000124 -PLNG

Applicant (Check Box if Same as Property Owner)
 Name: Iselin Architects Phone: 503-656-1942
 Address: 1307 7th St
 City: Oregon City State: OR Zip: 97045
 Email: todd@iselinarch.com

Property Owner
 Name: Kevin Kolin Phone: 503-750-7756
 Address: 5301 N Coral St
 City: Rockaway Beach State: OR Zip: 97136
 Email: kevinkolin@yahoo.com

Request: To reduce rear yard setback from 20' to 15' to allow for attached covered patio construction

Type II

- Farm/Forest Review
- Conditional Use Review
- Variance
- Exception to Resource or Riparian Setback
- Nonconforming Review (Major or Minor)
- Development Permit Review for Estuary Development
- Non-farm dwelling in Farm Zone
- Foredune Grading Permit Review
- Neskowin Coastal Hazards Area

Type III

- Appeal of Director's Decision
- Extension of Time
- Detailed Hazard Report
- Conditional Use (As deemed by Director)
- Ordinance Amendment
- Map Amendment
- Goal Exception

Type IV

- Appeal of Planning Commission Decision
- Ordinance Amendment
- Large-Scale Zoning Map Amendment
- Plan and/or Code Text Amendment

Location:

Site Address: 17480 Ocean Blvd, Rockaway Beach, OR
 Map Number: 1N 10N 07DA 3207
Township Range Section Tax Lot(s)

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Authorization

This permit application does not assure permit approval. The applicant and/or property owner shall be responsible for obtaining any other necessary federal, state, and local permits. The applicant verifies that the information submitted is complete, accurate, and consistent with other information submitted with this application.

Property Owner Signature (Required)

Applicant Signature

4/27/2021
Date

April 27, 2021
Date

1N10 7DA 3207

iAISELIN ARCHITECTS, P.C.

1307 Seventh Street Oregon City, OR 97045 p: 503-656-1942 f: 503-656-0658

Tillamook County
Department of Community Development, Planning and Building
Planning/ Land Use Dept.
1510-B Third St
Tillamook, OR 97141

April 26, 2021

Subject Parcel: T2N, R10N, Sec 07DA, 3207
Address: 17480 Ocean Blvd, Rockaway Beach, OR 97136

RE: Variance Request to reduce rear yard setback from 20' to 15'.

We are hereby requesting a reduced rear yard setback from the required 20' to 15'. We believe this request is reasonable and complies with the intent of the County Zoning Code per the following narrative responding to the applicable criteria.

Refer to attached site plan for proposed 5' reduction to accommodate a reasonably sized, one story covered porch to provide private outdoor space for property owners and to enhance the private outdoor area for the eastern neighbors.

SECTION 8.030: REVIEW CRITERIA

A VARIANCE shall be granted, according to the procedures set forth in Section 8.020. of 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.

The subject property is a parallelogram rather than a rectangular parcel. If the property were rectangular with a 63.5' wide x 120' depth, a 53.5' wide x 80' building envelope would be possible. With the skewed front and rear property lines the building depth is greatly reduced. The site is further constrained by an electric vault location located at the northwest corner of the property. This vault location has dictated that the garage be located on the east side. The total proposed depth of the proposed building including front and rear porches is 73'-6" with this proposed variance, rather than the 80' that would be allowed on a rectangular lot of the same dimensions.

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.

The residential use proposed is allowed within the CR-2 zone. The proposed encroachment into the rear setback of the underlying zone is for a single level covered porch and not the actual 2 story volume of the home.

3. The proposed VARIANCE will comply with the purposes of relevant development standards as enumerated in Section 4.005 and preserve the right of adjoining property owners to use and enjoy their land for legal purposes.

The proposed setback reduction variance will not impact the rights of adjoining property owners and can be found to comply with requirements of Section 4.005. Refer to following narrative for compliance with these criteria.

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

The requested variance is the minimum that will provide the property owner a covered 3 season outdoor kitchen/ entertaining area while maintaining a reasonable setback to the neighboring properties with this attached one story porch structure.

ARTICLE IV- SUPPLEMENTARY REGULATIONS

SECTION 4.005: RESIDENTIAL AND COMMERCIAL ZONE STANDARDS

1. To ensure the availability of private open space;

The requested variance will allow the property owner to have more useable private outdoor space with the enlarged porch area. A 6' high solid wood fence will be constructed on the property lines to create private open spaces for the subject property and neighboring properties.

2. To ensure that adequate light and air are available to residential and commercial structures;

The proposed reduction in the rear yard setback will have no or minimal impact on the neighboring property on this side. A 6' high fence will be constructed by the owner of the subject property and a 5' wide pedestrian access easement exists between this and the neighboring property to the south.

3. To adequately separate structures for emergency access;

The Zoning Code requires a 6' separation between structures to provide fire separation and allow for emergency access. The requested reduction to the rear setback to 15' provides more than adequate separation.

4. To enhance privacy for occupants of residences;

The larger covered patio area proposed will provide enhanced privacy for both the subject property and the home located immediately to the east. The single story roof structure will obscure the view from elevated deck on the property to the east into the backyard of the subject property, while being low enough not to obstruct territorial views to the south west.

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

The approval of the requested variance will allow the property owners to have a more usable private outdoor space in their backyard without impacting neighboring properties.

6. To ensure that driver visibility on adjacent roads will not be obstructed;

There is no impact on driver visibility with the reduced rear yard setback proposed that is not adjacent to any road frontage.

7. To ensure safe access to and from common roads:

The requested setback reduction variance does not impact access to or from any common road.

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

Pleasant views from neighboring properties will not be obstructed with the proposed single story covered porch structure that will be allowed with this variance. No additional views from the subject property will be gained through the requested variance.

iAISELIN ARCHITECTS, P.C.

1307 Seventh Street Oregon City, OR 97045 p: 503-656-1942 f: 503-656-0658

9. To separate potentially incompatible land uses;

Criterion is not applicable. The proposed residential use is compatible with the surrounding residential properties.

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

The requested rear yard setback variance is located on the south side of the subject property so will not impact any neighboring properties access to solar radiation. The enlarged single story roof area that will be allowed with approval of this variance will potentially allow the property owners to take advantage of this roof surface for alternative energy production.

If there are any questions regarding this application or additional information is needed to assist with decision making please contact me by phone or email.

Respectfully,



Todd L. Iselin
Principal

OCEAN BLVD.

