



VARIANCE REQUEST #851-22-000171-PLNG: KLEIN/RICHARDSON

*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: July 1, 2022

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

#851-22-000171-PLNG: A Variance request to reduce the required six (6) foot distance between buildings to four (4) feet for the construction of new carport. The subject property is located at 25700 Tyee Road, a private road, zoned Rural Residential 2-Acre (RR-2) and designated as Tax Lot 200 of Section 31BC, Township 3 South, Range 9 West, W.M., Tillamook County, Oregon. The applicant is Charmain Klein. The property owner is Fawn Richardson.

Written comments received by the Department of Community Development prior to 4:00 p.m. on July 15, 2022, 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, July 18, 2022. 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: <https://www.co.tillamook.or.us/commdev/landuseapps>.

If you have any questions about this application, please contact the Department of Community Development at (503) 842-3408 ext. 3412 or by contacting Lynn Tone, DCD Office Specialist, at ltone@co.tillamook.or.us.

Sincerely,

A handwritten signature in blue ink that reads "Melissa Jenck". The signature is fluid and cursive.

Melissa Jenck, CFM, Senior Planner

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

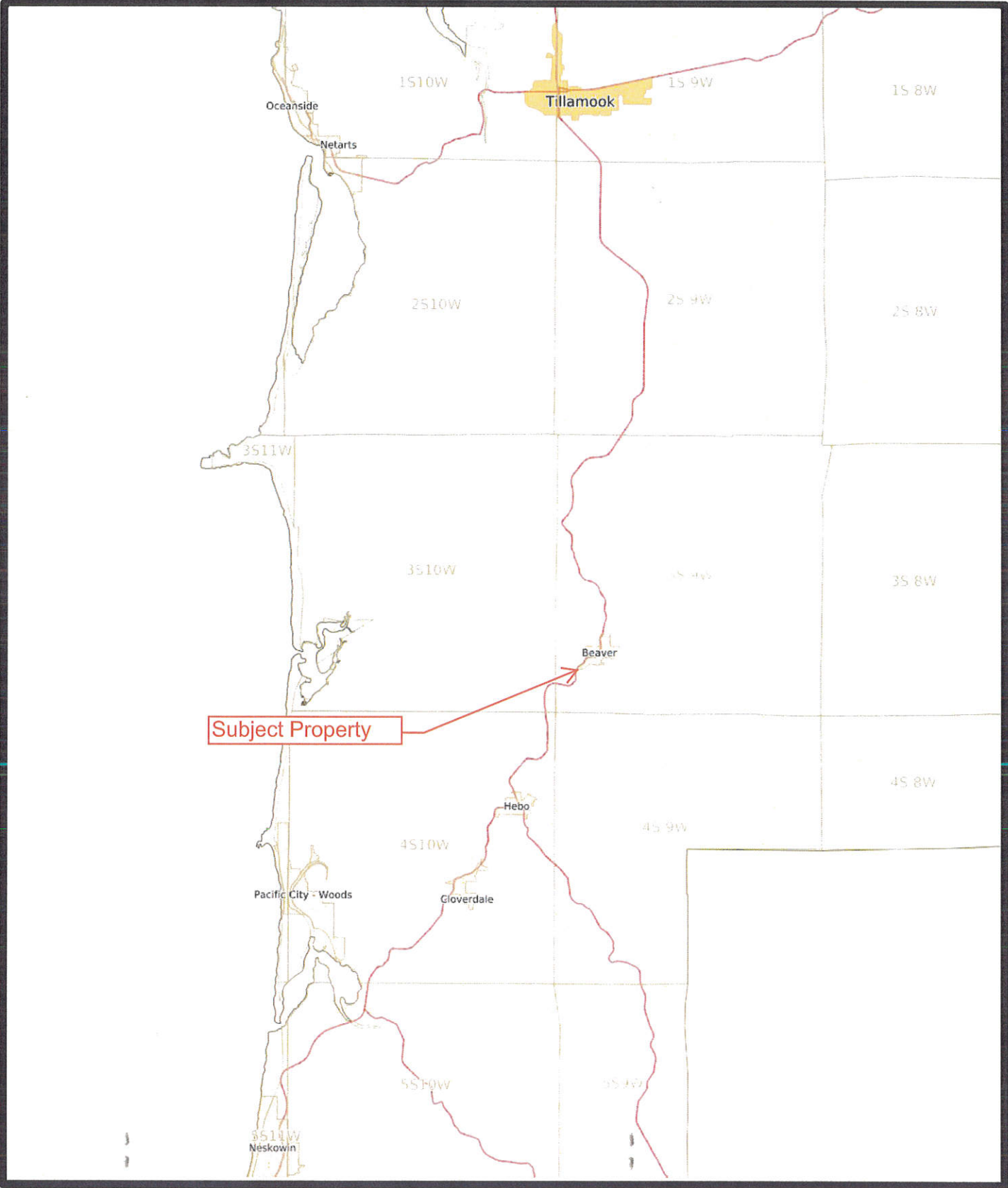
In all RESIDENTIAL AND COMMERCIAL ZONES, the purpose of land use standards is the following:

- (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



FOR ASSESSMENT AND TAXATION ONLY. NOT SUITABLE FOR
LEGAL, ENGINEERING, OR SURVEY PURPOSES.

S.W. 1/4 N.W. 1/4 SEC. 31 T.3S. R.9W. W.M.
Tillamook County
1" = 100'

03S09W31BC
NESTUCCA BEND

CANCELLED.

Subject Property

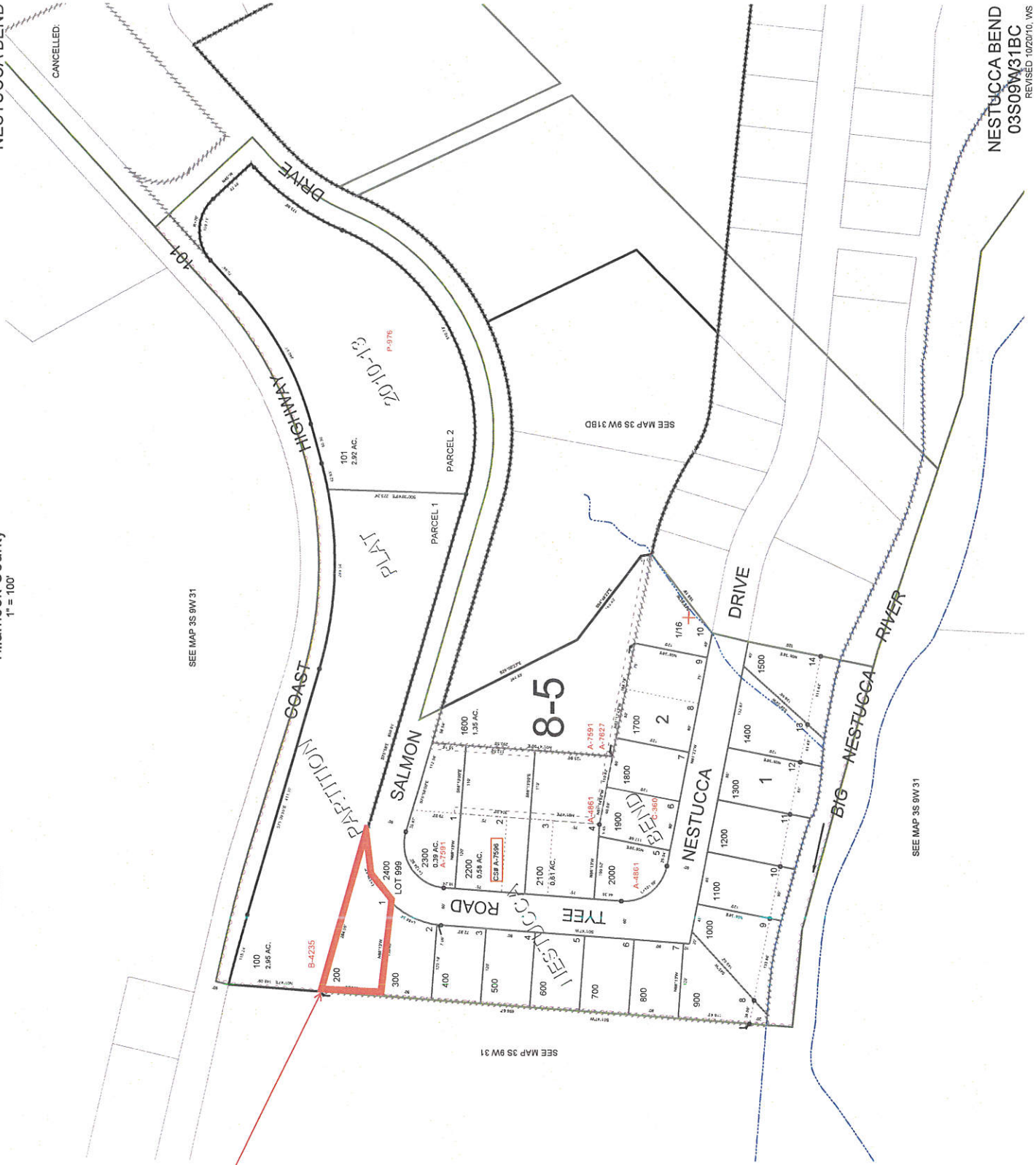
SEE MAP 3S 9W 31

SEE MAP 3S 9W 31

SEE MAP 3S 9W 31BD

SEE MAP 3S 9W 31

NESTUCCA BEND
03S09W31BC
REVISED 10/20/10, WS



TILLAMOOK County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

July 1, 2022 2:42:52 pm

Account # 205110
 Map # 3S0931BC00200
 Code - Tax # 0805-205110

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr See Record

Mailing Name RICHARDSON, FAWN

Deed Reference # 2022-3691

Agent

Sales Date/Price 06-07-2022 / \$417,500.00

In Care Of

Appraiser RANDY WILSON

Mailing Address 25700 TYEE RD
 CLOVERDALE, OR 97112-9630

Prop Class 010 MA SA NH Unit
 RMV Class 010 06 UB UBL 9078-1

Situs Address(s)	Situs City
ID# 25700 TYEE RD	COUNTY

Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
0805 Land	5,500			Land	0
Impr.	0			Impr.	0
Code Area Total	5,500	5,990	5,500		0
Grand Total	5,500	5,990	5,500		0

Land Breakdown										
Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
0805	0	<input checked="" type="checkbox"/>		RR-2	Market	100	A	0.35		5,500
Grand Total								0.35		5,500

Improvement Breakdown									
Code Area	ID#	Yr Built	Stat Class	Description	TD%	Total Sq. Ft.	Ex% MS Acct #	Trended RMV	
Grand Total							0	0	

Comments: 9/7/04 Changed hood to 018. KM 2/17 Reapp. of land w/abled values. RCW

EXHIBIT B



PLANNING APPLICATION

OFFICE USE ONLY	
RECEIVED	
Date Stamp JUN 22 2022	
BY:	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	
Receipt #:	
Fees:	
Permit No: 851-22-00171-PLNG	

Applicant (Check Box if Same as Property Owner)

Name: Charmae Klein Phone: 503-812-0509
 Address: 18955 Nestucca Dr.
 City: Cloverdale State: OR Zip: 97112
 Email: james.charmae.klein@gmail

Property Owner

Name: Fawn Richardson Phone: 406/240-9800
 Address: 25700 Tye Rd
 City: Beaver State: OR Zip: 97112
 Email: r.fawn3643@gmail.com

Request: Setback to Carport from house - request 4' Setback

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
- Fore-dune 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: 25700 Tye Rd. Cloverdale, OR 97112
 Map Number: 35 9W 3100 200
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.

Fawn Richardson
 Property Owner Signature (Required)
Charmae Klein
 Applicant Signature

06-20-22
 Date
6/22/22
 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 OFFICE USE ONLY

Date Stamp

Applicant (Check Box if Same as Property Owner)

Name: Phone: James Klein 503-812-0509
Address: 18955 Nestucca Drive
City: State: Zip: Cloverdale, OR 97112
Email: james.charmaine.klein@gmail.com Approved Denied

Property Owner

Name: Phone: Received by:
Address: Receipt #:
City: State: Zip: Fees:
Email: Permit No:
851-22-000171-PLNG

Request: Variance to allow 4' between house and metal carport instead of 6' allowing proper set back from street.

Type II

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- Conditional Use Review
- Variance
- Exception to Resource or Riparian Setback
- Nonconforming Review (Major or Minor)
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Site Address: 25700 Tye Rd. Cloverdale, OR 97112
Map Number: 34 35 9W 31 BC 0200
Township Range Section Tax Lot(s)

Clerk's Instrument #: _____

Authorization

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Property Owner Signature (Required)

James Klein

Date
4/26/22

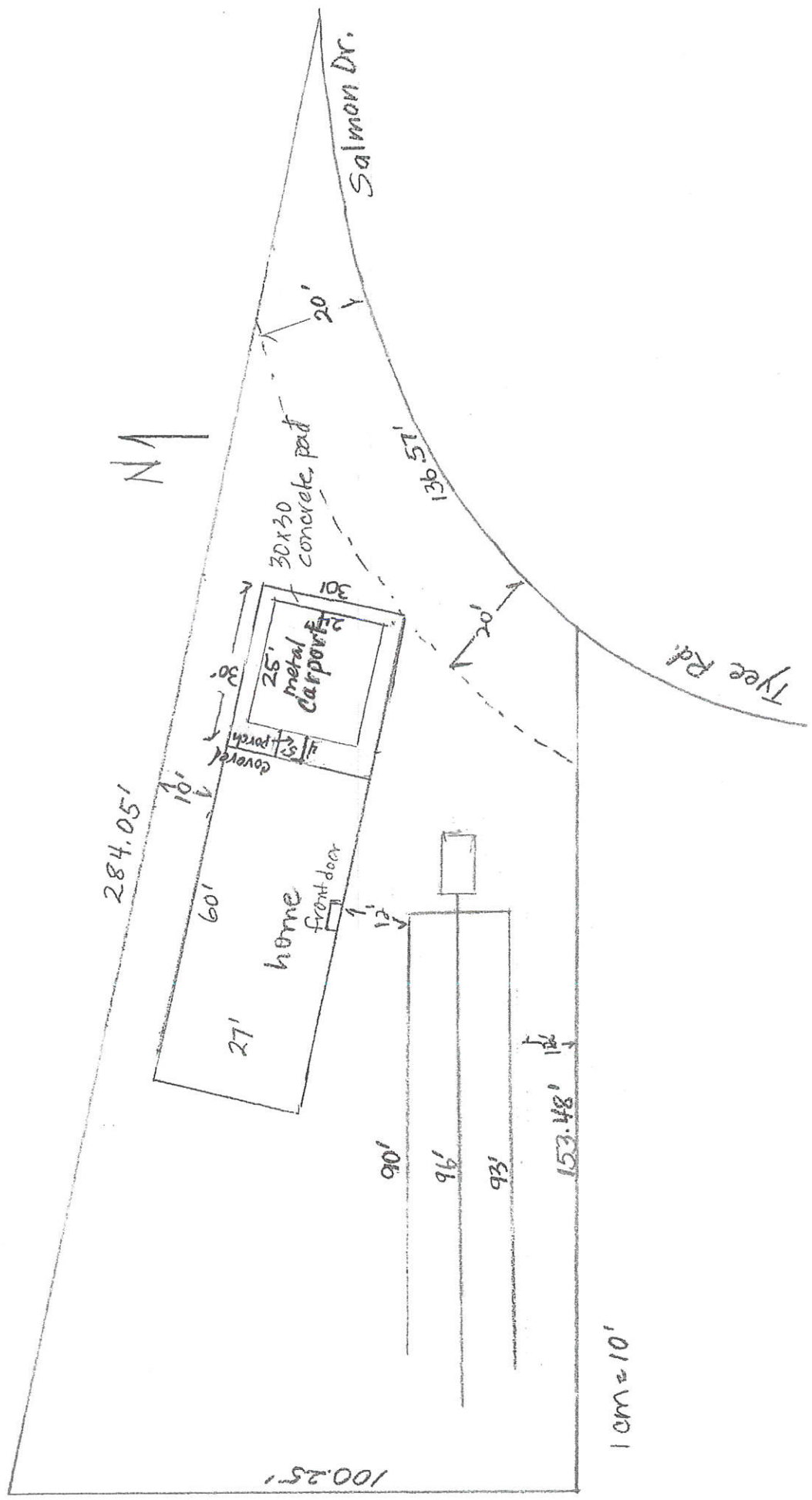
Applicant Signature

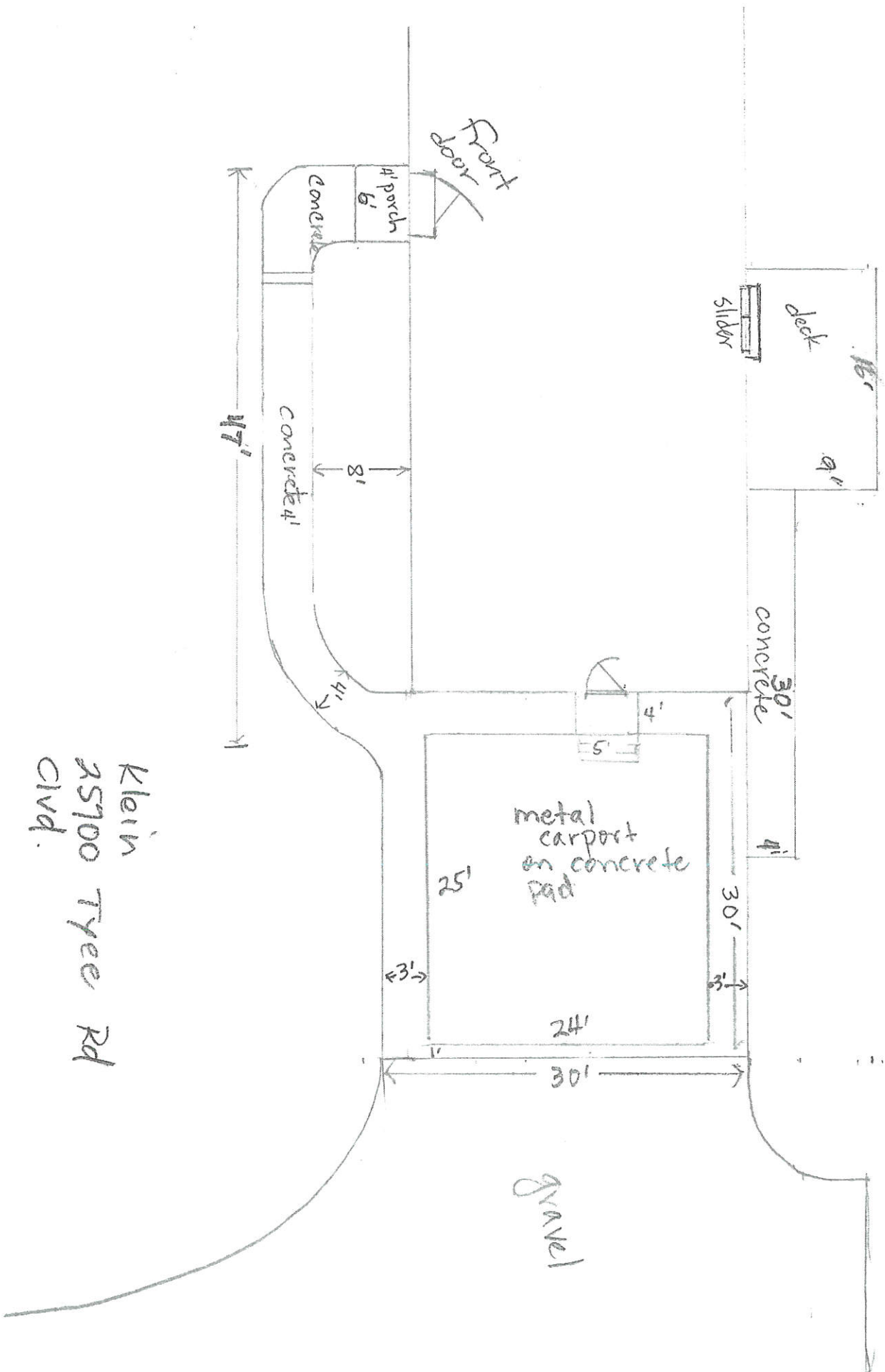
Date

James Klein
4/26/22

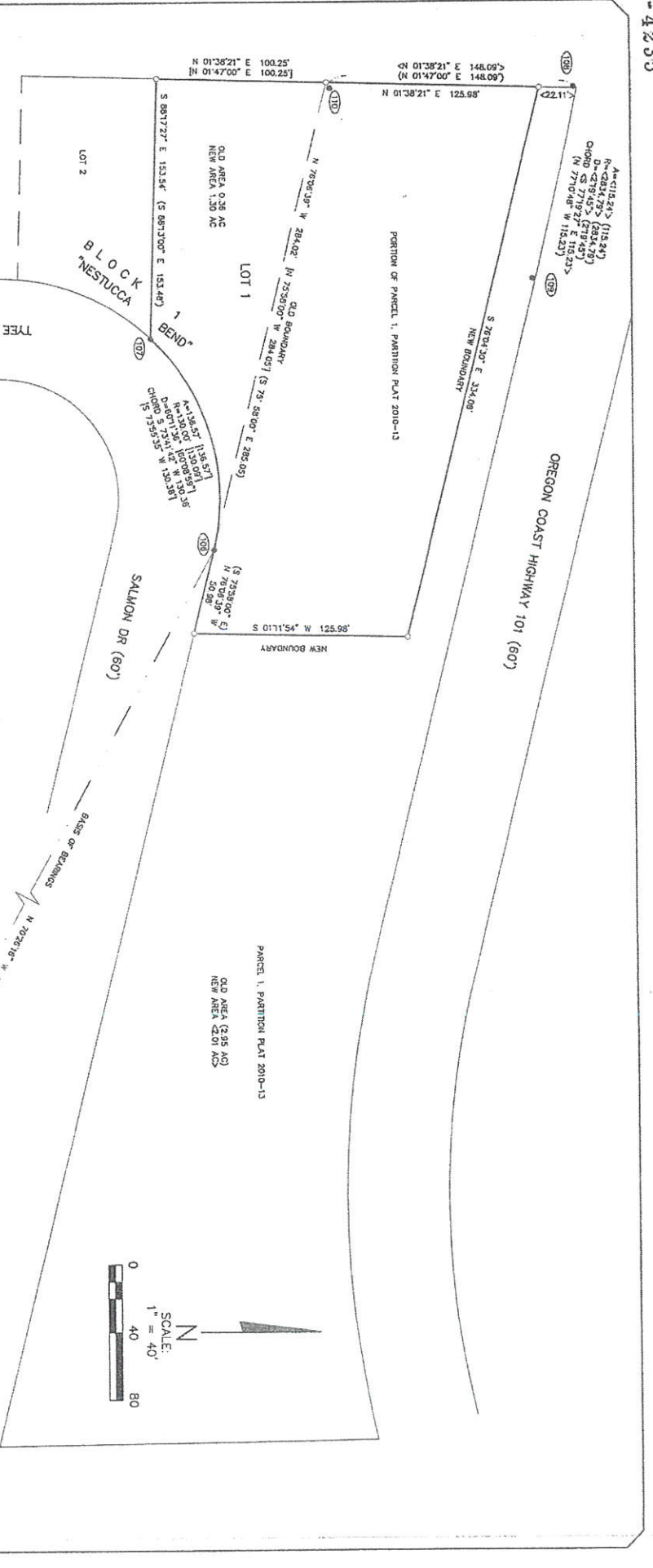
3S 9W 31BC Lot 200
Tillamook County, OR

James and Charmaine Klein
25700 Tyeé
Cloverdale, OR 97112
James.Charmaine.Klein@gmail.com
503-812-0509





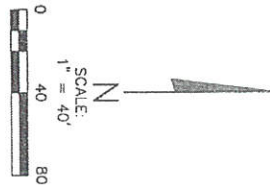
Klein
 35700 Tyee Rd
 Cvd.



OREGON COAST HIGHWAY 101 (60')

SALMON DR (60')

BASE OF BEARINGS



LEGEND

- SET 5/8" X 40" REBAR WITH PLASTIC CAP MARKED
- TOLLIES ESPUN LS 9327
- FOUND MONUMENT AS NOTED
- () RECORD VALUE FROM MAP P-976
- () RECORD VALUE FROM MAP C-390
- <> COMPUTED VALUE RECORD VALUE RELATED TO RT BASIS OF BEARINGS TRUE VALUE NOT EVALUATED
- MO () || OR << MEASURED VALUE

MONUMENT NOTES

- (10) FOUND 3/4" TILAMOOK COUNTY BRASS CAP MARKED NATURAL POINT NEST BEND NS 793 1982 WITH NAT FOR BASIS OF BEARINGS
- (10) FOUND 5/8" REBAR Q12 BELOW GRADE. SEE MAP FOR LOCATION AND MONUMENT POSITION. SEE MAP FOR BASIS OF BEARINGS
- (10) FOUND 5/8" REBAR SET MAP P-976. HEAD AS NORTHEAST CORNER OF LOT 3, BLOCK 1, NESTUCCA BEND
- (10) FOUND 5/8" REBAR, BENT, PULLED STRAIGHTENED, AND RESET, HEAD AS SOUTHWEST CORNER OF LOT 3, BLOCK 1, NESTUCCA BEND. SEE MAP P-976. C-390
- (10) FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "C" WAYNE COOK LS 1088". S 25°42'22" W 2.32 FROM CALCULATED POSITION. SEE MAP P-976. NOT FIELD FOUND 5/8" REBAR WITH PLASTIC CAP MARKED "C" WAYNE COOK LS 1088". S 25°17'22" W 1.97 FROM CALCULATED POSITION. SEE MAP P-976. NOT FIELD FOUND 5/8" REBAR, BENT, LOCATED AT BEND. NORTH 0°07' AND EAST 017' OF POSITION. NOT FIELD. SEE MAP C-390

NARRATIVE

THIS IS A DEPENDENT SURVEY OF LOT 1, PARCEL 1 AND PARCEL 1, PARTITION PLAT 2010-13, TILAMOOK COUNTY RECORDS, MAP P-976. TILAMOOK COUNTY SURVEY RECORDS INDICATED BOUNDARY LINE ADJUSTMENT AND MONUMENT THE BOUNDARY OF LOT 1, BLOCK 1, NESTUCCA BEND, TILAMOOK COUNTY RECORDS, RECORD MAP C-390, TILAMOOK COUNTY RECORDS. THE NEAREST AND SOUTHWEST CORNERS OF LOT 1, BLOCK 1 WERE LAD OUT FROM MONUMENT 106 USING RECORD PLAT VALUES REVISED 0783'9" COUNTERCLOCKWISE TO RT BASIS OF BEARINGS. PARCEL 1, PARTITION PLAT 2010-13 WAS LAD OUT FROM MONUMENT 106 USING RECORD PLAT VALUES REVISED 0783'9" COUNTERCLOCKWISE TO RT BASIS OF BEARINGS.

BASIS OF BEARINGS
THE BASIS OF BEARINGS IS NORTH AS DETERMINED BY GPS OBSERVATIONS USING THE OREGON COAST ZONE COORDINATE SYSTEM. THIS GIVES A BEARING OF NORTH 70°29'16" WEST DEFINED MONUMENTS 101 AND 106.
THIS IS A ROTATION OF 0783'9" COUNTERCLOCKWISE FROM MAP P-976

OREGON COORDINATE REFERENCE SYSTEM
OREGON COAST ZONE

ORTHIC MERCATOR PROJECTION
NORTH AMERICAN DATUM OF 1983
LATITUDE OF LOCAL ORIGIN: 44°58'07" N
LONGITUDE OF LOCAL ORIGIN: 124°03'07" W
FALSE EASTING: -300,000.000 METERS
FALSE NORTHING: -600,000.000 METERS
SCALAR FACTOR: 1.0000000000000000
SKEW ANGLE: UNKNOWN AT LOCAL ORIGIN +370700"

THE ABOVE INFORMATION IS RECORD FROM "OREGON COORDINATE REFERENCE SYSTEM" APPENDIX A, PAGE A-52, SECTION 5 OF 2-29-2017, APPENDIX A, PAGE A-52, SET (BOOK RECORDS)

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
DECEMBER 3, 2014
DALLAS W. ESPLIN
RENEWAL DECEMBER 31, 2021

DAVID E. ESPLIN, SURVEYOR BY
KAYSIDE SURVEYING
11785 HWY 101 SOUTH
TILAMOOK, OR 97141
503-842-5551

SURVEY FOR:
JAMES & CHARMAINE KLEIN
LOT 1, BLOCK 1, NESTUCCA BEND
PARCEL 1, PARTITION PLAT 2010-13
TILAMOOK COUNTY PLAT RECORDS
SW 1/4 NW 1/4 SECTION 31, T3S, R9W, W1M
TILAMOOK COUNTY, OREGON

DATE: MARCH 23, 2022
TILAMOOK COUNTY SURVEYORS OFFICE

April 27, 2022

35931 BC 200
851-22-000171-PLNG

Lynn Tone
Tillamook County Department of Community Development
1510 Third Street
Tillamook, OR 97112

RE: Variance Request for Carport at 25700 Tyee Rd. Cloverdale, OR

Dear Lynn,

Attached is the intake material requesting a variance to allow us to have a metal carport that is four feet from the backdoor of our home instead of six feet as the code calls for. There is a 30' x 30' 4" concrete pad where the 24' x 25' carport stands. Following the Review Criteria are addressed for this property:

1. None of the neighboring property owners will lose any enjoyment of any substantial property right by the installation of this carport.
2. A variance is necessary to accommodate the full use of the carport so that it fits on the lot and complies with the setback requirement for the front of the lot. Per this request, the 25' long carport comes up to the covered porch accessing the utility room. If it were moved back to 6' from the side of the house, there would be a two foot gap between the covered porch and the carport allowing rain to on that area and the carport would have to be cut shorter to allow for the setback requirement of the street. That extra two feet is important for a large pickup or small RV.
3. This proposed variance will comply with the purposes of any development standards for our Nestucca Bend Subdivision and does preserve the right of all adjoining property owners to use and enjoy their land for legal purposes. It does not affect any of them in any manner.
4. There is no other reasonable alternative available. This is the most reasonable alternative available, a variance allowing the distance between the carport and the house to be four feet instead of six feet. The ends of the carport are open, making the distance between the house and the carport seem much further, and any access to the side of the house much easier than if the end was enclosed.

Addressing the Supplementary Regulations of Section 4.005: Residential and Commercial Zone Standards, the responses follow:

1. Any open spaces are not affected by this request.
2. The amount of light and air to the residential structure is reduced by very little by this request. There are no windows on the end of the home that face the carport. Only a door accessing the utility room face the carport and is accessed by a covered porch that has polycarbonate material allowing light to the porch.
3. Because the ends are open on the carport, there is room for emergency access to the house.
4. By having the carport a little closer to the house, there is enhances privacy for the occupants of the residence.
5. This variance makes the access to the house and land easier to maneuver with any truck, tractor, car, etc. than without the variance.
6. Driver visibility on adjacent roads are not affected or obstructed by this variance.

7. Safe access to and from the common community road is not affected by this request. In fact, this request allows for more room to back into to the gravel apron and and pull out on to the road straight instead of backing into the common road to leave the property, making it safer.
8. No pleasing views are obstructed nor obtained by this request.
9. This request does not allow for incompatible land use.
10. This request does not affect access to solar radiation for the purpose of alternative energy production.

I hope that this satisfies any questions regarding the review criteria.

Sincerely,

James and Charmaine Klein
18955 Nestucca Drive
Cloverdale, OR 97112
503-812-050
James.Charmaine.Klein@gmail.com

1. There will be no change of use as a result of this variance, no increased traffic and the carport will meet requirements for the distance to neighboring properties. It also will meet our property line set-backs. Due to size of the lot and the location of the existing drain field and house the proposed location of the carport cannot be located elsewhere. The community of Nestucca Bend has many similarly situated carports.

4. The manufacturer of the carport will not install carport attached to dwelling. They require four feet from any other structures. We cannot build it with a six foot distance to the house because the carport would then intrude into the front yard set-back requirement.