

ROCKAWAY BEACH PLANNING COMMISSION

NOTICE OF DECISION

January 26th, 2024

IN THE MATTER OF:

CASE FILE: # VAR-23-05

Applicants: Stuart M. and Karen C. Hunt

Agent: Lewallen Architecture, LLC

Location: Unimproved real property in
Rockaway Beach (Tillamook County
Assessor's Map # 1N1005BA Lot #9900)

REQUEST: The Applicants are seeking a variance to build a new home. The Applicants seek a height variance and a reduction in the front yard setback to construct the home. The property is located in the R1 zone which has a 15-foot front yard setback. The Applicants are requesting the front yard setback be reduced 3'3", for an 11'7" front yard setback. Building height for this property is limited to 29'. The Applicants seek to construct a home that is 39' in height.

DECISION: The record and findings support the conclusion that the requested variance does not meet the criteria of the Rockaway Beach Zoning Ordinance Review Criteria §8.010. Variance #23-05 request is **DENIED**, based upon the application as submitted and findings.

FINDINGS: The Planning Commission finds:

1. The subject property consists of approximately 37,170 square feet and land zoned R1 (Single Family Zoning). The subject property located on an exceptionally steep slope off Pacific View Drive and is further identified as an area of potential land slide.
2. The application is for a single-family home, which is a use permitted outright in the R1 zone.
3. The applicable standards for the R1 zone have been met, with the exception of the minimum front yard setback and building height maximum, for which the Applicants are seeking variance approval.
4. The Applicants have submitted a variance application to reduce the front yard setback 3'3", for a 11'7" front yard setback and to build a 39' home, which is 10' above the 29' building height limit.
5. That the reduction to the front yard setback is inconsistent with the Rockaway Beach Comprehensive Plan. The encroachment into the front yard setback would be harmful to

the riparian vegetation of the steep slope where the subject property is located and could create a safety hazard to surrounding properties due to the potential erosion resulting from the riparian vegetation removal from the setback.

6. The home had been designed to the specifications of the Applicant's request and had not attempted to meet the criteria of the Rockaway Beach Zoning Ordinance. The Applicants failed to provide any evidence that they had attempted to or were unable to design a home which would meet the City's zoning criteria.
7. The Applicants failed to demonstrate that this is a case of unnecessary hardship and that they (the Applicants) had created the hardship based on their choice of the home design.

APPEAL: The decision of the Planning Commission is final unless it is appealed to the City of Rockaway Beach City Council within 15 days of this notice. See §11.070 Request for Review of a Decision (Appeals) within the City of Rockaway Beach Zoning Ordinance. Appeals must only be filed concerning criteria that were addressed at the initial public hearing.

A copy of the complete case, including the final order, is available for inspection at no cost during regular business hours at Rockaway Beach City Hall located at 276 Highway 101 S, Rockaway Beach, Oregon 97136. Copies of the final order are also available for purchase at reasonable cost.

Date: January 26th, 2024



William Massell, Planning Commission Chair