



City of Seaside, Planning Department

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

Land Use Application

PLEASE PRINT OR TYPE

NAME OF APPLICANT	ADDRESS	ZIP CODE
CKI Land Surveying	P.O. Box 2699, Gearhart, OR	97138
STREET ADDRESS OR LOCATION OF PROPERTY		
889 N. Lincoln Street, Seaside, OR 97138		

ZONE	OVERLAY ZONES	TOWNSHIP	RANGE	SECTION	TAX LOT
R2		6N	10W	15CC	10900

PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

The property contains two legal lots of record. There is an existing house and carport that straddles the north part of both lots. Both house and carport are to remain. This application will adjust the two lots that were north-south to be east-west. The North lot, "As Adjusted" will be below the minimum 5,000 square foot required lot size. The South lot will meet minimum Lot size Standards. The adjusted South lot is proposed use is to build 1 more single family residence.

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH)

OWNER:	APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):
PRINT NAME OF PROPERTY OWNER	PRINT NAME OF APPLICANT/REPRESENTATIVE
Marvin McCoy & Angela Van Agtmael	Scott S. Cooter, PLS - CKI Land Surveying
ADDRESS	ADDRESS
1121 Harrison Ave. #269, Centralia, WA 98531	P.O. Box 2699, Gearhart, OR 97138
PHONE / FAX / EMAIL	PHONE / FAX / EMAIL
206 375 7989 mrmarvinmccoy@gmail.com	503 738 4320/503 738 7854/scott@ckiinc.net
SIGNATURE OF PROPERTY OWNER	SIGNATURE OF APPLICANT/REPRESENTATIVE
	Scott Cooter <small>Digitally signed by Scott Cooter DN: cn=Scott Cooter, ou=CKI Date: 2023.09.25 15:53:54 -0500</small>

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> CONDITIONAL USE | <input type="checkbox"/> NON CONFORMING | <input type="checkbox"/> SUBDIVISION | <input type="checkbox"/> ZONING CODE AMENDMENT |
| <input type="checkbox"/> LANDSCAPE/ACCESS REVIEW | <input type="checkbox"/> PLANNED DEVELOPMENT | <input type="checkbox"/> TEMPORARY USE | <input type="checkbox"/> ZONING MAP AMENDMENT |
| <input type="checkbox"/> MAJOR PARTITION | <input checked="" type="checkbox"/> PROPERTY LINE ADJUSTMENT | <input type="checkbox"/> VACATION RENTAL | <input type="checkbox"/> APPEAL |
| <input type="checkbox"/> MINOR PARTITION | <input type="checkbox"/> SETBACK REDUCTION | <input checked="" type="checkbox"/> VARIANCE | <input type="checkbox"/> |

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE	BY
	JP 2/1/23
CASE NUMBER (S)	
23-007PLA, 23-008V	
HEARING DATE	P.C. ACTION

OFFICE USE:	
FEE	RECEIPT
430.00 / 185.50	18622 / 18633
DATE FILED	BY
1/20/23	JAS
9:46AM	

**ARTICLE 7 VARIANCES FEE: \$ 430.00 Planning Director Decision
\$670 for Planning Commission Decision**

The Planning Director may authorize variances from the requirements of the Seaside Zoning Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary hardship.

No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

In accordance with Article 7.031, a variance shall not be granted unless and until the following standards are met. The property owner must demonstrate by written application that all of the following circumstances exist. Please address how your request complies with the following standards.

1. What exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this Ordinance (6/28/83), topography, or other circumstances over which the applicant had no control?

The property contains one dwelling that will meet side yard setbacks between the two newly configured lots. The owner wishes to keep the existing dwelling and create a new vacant lot that would meet setbacks and Lot size standards.

The applicant is not asking for any additional units than already exist. (see also supplemental Narrative and information)

2. Which literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance?

The code asks for lots that are 5,000 square foot each. For the existing house to remain and meet side yard setback requirements of 5 feet, the existing line would have to be adjusted to be east and west rather than north and south to retain the existing 2 lots.

This does not meet the standard. However, we do meet the density requirements for two attached units.

3. Are these special conditions and circumstances a result of the actions of the applicant?

These conditions are not the result of the applicant. The applicant purchased the property with the house located in its current location.

4. Is there any evidence that granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district? No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for issuance of a variance.

There is no evidence that by granting the variance the applicant will not have any special privileges. This variance will allow the property to be used for its best and intended use for the zone and it will suit the neighborhood.

In addition to addressing the standards above, applications shall be accompanied by plans and specifications (plot plan), drawn to scale, showing the actual shape and dimension of the lot to be built upon, the sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure, and/or part thereof, the number of families, if any, to be accommodated thereon, and such other information as is needed to determine conformance with this Ordinance.

PROJECT INFORMATION

Developer/Owners: Marvin McCoy & Angela Van Agtmael
1121 Harrison Ave, #269
Centralia, WA 98531

Legal Description: 889 N. Lincoln Street, Tax Lot 10900, Map 6 10 15CC, City of
Seaside, Clatsop County, Oregon, Lots 2 & 3, Block 4, Long
Branch

Site Size: 8,935 sf

Zoning: R-2, Medium Density

PROPOSAL

The proposal is for a property line adjustment with a variance to lot size. The intent is to keep the existing house on the Northerly part of the two lots and re-orient the lots to be east and west rather than the current north and south configuration. The intent is also to build or make available for construction/sale a new single-family residence on the Southerly vacant lot.

The Northerly Lot has frontage on N. Lincoln Street and 9th Avenue. The Southerly lot has frontage on N. Lincoln Street. The North lot (existing house) is connected by individual sanitary sewer lines and water lines.

A variance is being sought for the required minimum lot size. For single family lots, the code requires a minimum of 5,000 square feet. For single family attached lots, such as a duplex scenario with a lot line between the units, the code only requires 3,750 square feet per unit. The applicant is asking for a variance to allow a single family detached residence on a 3,935 square foot lot and a 5,000 square foot lot.

There are several key factors to consider in justifying the variance:

1. The property, under current zoning, would allow zero lot line construction without a variance. However, the proposed unattached single-family houses allow for visibility between the two units and also incorporates standard setbacks between the homes.
2. The proposed 2 unit detached single family residence layout also is more suited to the character of the existing neighborhood more so than attached units.
3. There are currently two lots are legal lots of record. Each lot could have new single-family residences built on them without a variance. However, there is already an existing house and carport that are currently being renovated. The new Southerly tract will adhere to the current zoning setback requirements and lot size. The Northerly (existing house lot) will meet the standard for the side yard setback, which is 5 feet and be greater than the allowed 3,750 s.f. (with attached unit configuration minimum). No additional units of land are proposed. The new configuration allows for a better use of the land.

Given the above information the applicant is asking for the variance so that the proposed project be approved as requested.

PROPOSED PROPERTY LINE ADJUSTMENT SURVEY

889 N. LINCOLN ST., TAX LOT 10900 MAP 6 10 15CC

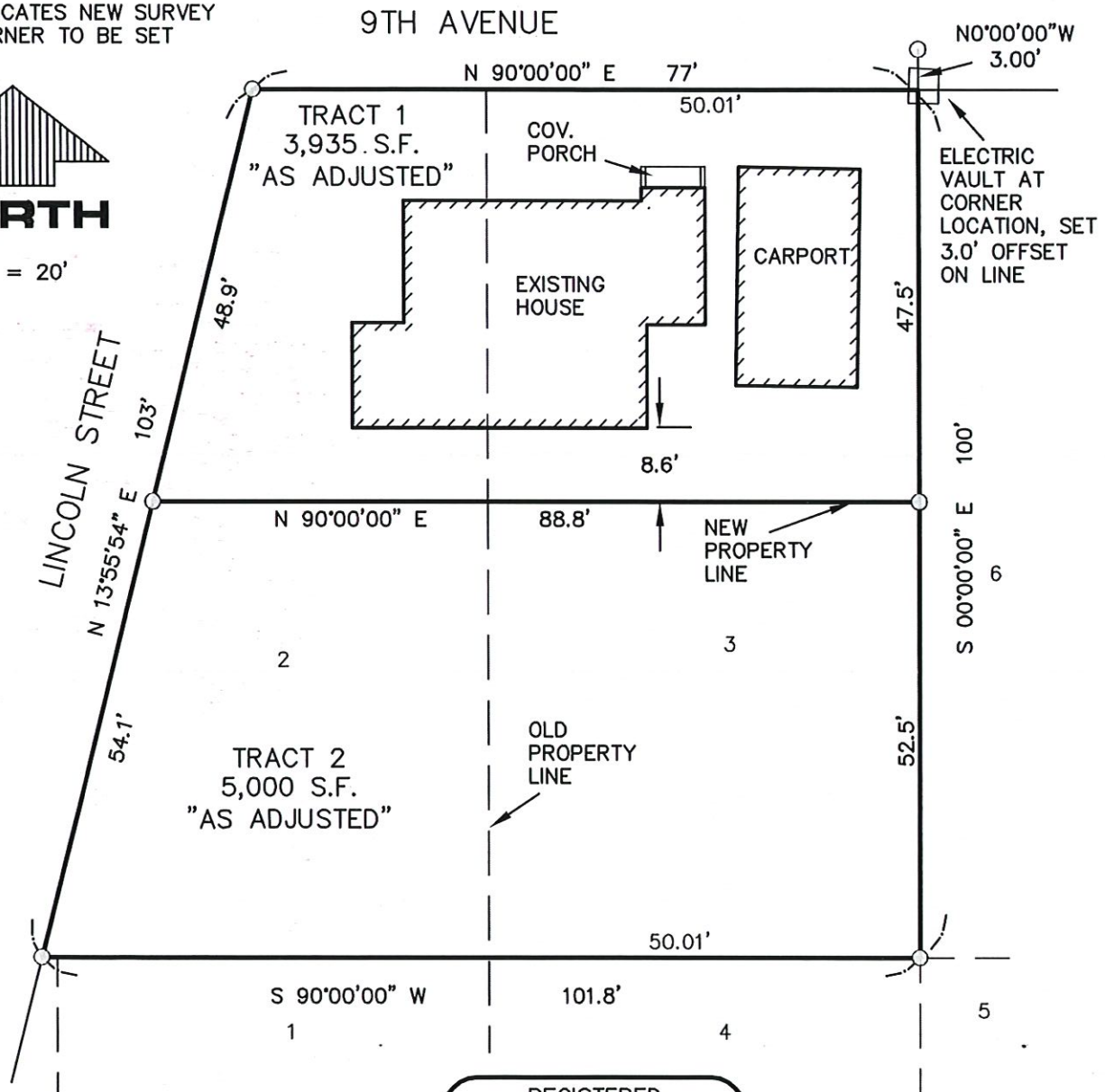
2-LEGAL LOTS OF RECORD - LOTS 2, & 3, BLOCK 4, LONG BRANCH

CITY OF SEASIDE, CLATSOP COUNTY, OREGON

DATE: JANUARY 25, 2023 SCALE 1" = 20'

LEGEND

- INDICATES NEW SURVEY
CORNER TO BE SET


$$1'' = 20'$$


REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 30, 1997
SCOTT S. COOTER
2829

MAP FOR: MARVIN McCOY/
ANGELA VAN AGTMAEL
MAP BY: CKI
P.O. BOX 2699
GEARHART, OR 97138
503 738 4320 PHONE

CKI
LAND SURVEYING

DRAWING NAME: 22-101

DATE OF PLOT: 1/25/23

RENEWS 12/31/23