



# CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138  
(503) 738-5501 • (503) FAX 738-9385

## APPLICATION BEFORE THE CITY OF GEARHART PLANNING COMMISSION

PLANNING COMMISSION  
2<sup>ND</sup> THURSDAY, 6:00 PM

DATE RECEIVED January 20, 2023

1. APPLICANT: Cedar Estates, LLC / Troy O'Bryan PHONE: (503) 860-5354  
MAILING ADDRESS: 2626 NW Three Sisters Drive Bend OR 97703  
EMAIL ADDRESS: troyobryan@gmail.com CELL PHONE: Same
2. PROPERTY OWNER: Cedar Estates, LLC / Troy O'Bryan PHONE: (503) 860-5354  
MAILING ADDRESS: 2626 NW Three Sisters Drive Bend OR 97703  
EMAIL ADDRESS: troyobryan@gmail.com CELL PHONE: Same
3. SURVEYOR/ ENGINEER: Ty Harris PHONE: (503) 476-5305  
MAILING ADDRESS: 2636 Nubgaard Rd Ferndale WA 98248  
EMAIL ADDRESS: Ty@wedengineering.com CELL PHONE: Same
4. LEGAL COUNSEL: Michael Licurse PHONE: (503) 749-9420  
MAILING ADDRESS: \_\_\_\_\_  
EMAIL ADDRESS: michael@hathawayleson.com CELL PHONE: same
5. PROPERTY LOCATION: 3899 HWY 101 N, Gearhart OR ~~97138~~ 97138
6. LEGAL DESCRIPTION OF PROPERTY:  
(A) ASSESSORS PLAT AND TAX LOT: 4701, 4700, 5200, 5303, 5300  
(B) ADDITION, BLOCK, AND LOT: \_\_\_\_\_

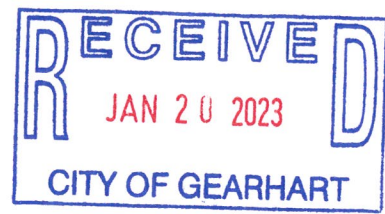
PER SEC 13.080 OF THE GEARHART ZONING CODE ACTUAL EXPENSES INCURRED BY THE CITY DURING THE PROCESS OF TECHNICAL EVALUATION OF AN APPLICATION SHALL BE BORNE BY THE APPLICANT, IN ADDITION TO THE FILING FEES ESTABLISHED BY RESOLUTION. UNPAID PENALTIES, FINES OR INCUMBRANCERS OWED TO THE CITY OF GEARHART ARE GROUNDS FOR WITHHOLDING ISSUANCE OF A PERMIT. DO YOU OWE ANY MONEYS TO THE CITY OF GEARHART? (CIRCLE) YES  NO

7. SIGNATURE (APPLICANT) [Signature] DATE: 1/20/23  
PRINT Troy O'Bryan

8. SIGNATURE (OWNER) [Signature] DATE: 1/20/23  
PRINT Troy O'Bryan

NOTICE: ALL ITEMS MUST BE COMPLETED IN ORDER FOR THE APPLICATION TO BE DEEMED COMPLETE AND READY FOR PROCESSING.

TO BE COMPLETED BY STAFF  
DOES APPLICANT OWN ANY MONEY TO THE CITY? NO IF SO, AMOUNT \_\_\_\_\_  
FOR \_\_\_\_\_ ACCOUNT # \_\_\_\_\_ DEPARTMENT STAFF \_\_\_\_\_ (INITIAL)



# CITY OF GEARHART

698 PACIFIC WAY • P.O. BOX 2510 • GEARHART, OREGON 97138  
(503) 738-5501 • (503) FAX 738-9385

**PALD**  
1/20/23 VS

## APPLICATION FOR VARIANCE

APPLICATION FEE: \$1500.00 PD

1,500.00 (AP)

APPLICANT Cedar Estates, LLC CONTACT PHONE # (503) 860-5354  
ADDRESS 2626 NW Three Siders Drive Bend OR 97703  
EMAIL ADDRESS troyobryan@gmail.com

OWNER NAME (PRINT) Troy O Bryan / Cedar Estates, LLC  
OWNER SIGNATURE Troy O Bryan

PROPERTY ADDRESS 3899 Hwy 101 N Gearhart Oregon 97703 PRESENT CITY ZONE DISTRICT \_\_\_\_\_  
LEGAL MAP & TAX LOT # 6 10 03 B / 4701, 4700, 5200, 5303, 5300

DESCRIBE THE REQUEST A) Requesting a 5ft set back on the northern property line to conform w/ natural berm. B) Requesting a 10ft fence to improve safety and security of the facility and residential area.

ATTACH A SITE PLAN SKETCH OF THE PROPOSAL DRAWN TO SCALE illustrating the size, and location, of existing uses and structures on the property and describing the proposed variance. (1"=20' scale will fit on an 8-1/2" x 11" sheet of paper.)

**GEARHART ZONE CODE SECTION 9.030 CRITERIA FOR GRANTING VARIANCE:** Variance to a requirement of this ordinance with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, decks and walls, and other quantitative requirements may be granted only if, on the basis of the application, investigation, evidence submitted and findings are made based on the four approval criteria. Please attach a narrative that answers the following approval criteria:

1. Explain how the request is necessary to prevent a hardship to the applicant; and
2. Will the proposed development that results from the granting of the variance be injurious to the adjacent area in which the property is located? Describe adjoining uses and possible impacts if the variance is granted; and
3. Is the request necessary to enable reasonable use of the property; and
4. Is the request in conflict with the Gearhart Comprehensive Plan?

PLEASE NOTE: In addition to the fee, costs may be incurred as a result of staff time investigating and/or writing of the staff report that may be required to be paid by the applicant. City Staff may determine that other material or information is deemed necessary for their evaluation. The applicant may find it beneficial to consult with the planning staff about the application.

**COPIES:** AFTER THE APPLICATION IS DEEMED COMPLETE SUPPLY 15 COPIES DRAWN TO SCALE NO SMALLER THAN 11" X 17" AND ONE PDF SENT TO [planning@cityofgearhart.com](mailto:planning@cityofgearhart.com)

**PUBLIC NOTICE:** ATTACH LIST OF NAMES OF RECORD OWNERS OF CONTIGUOUS LAND WITHIN 100 FEET

**NOTICE: ALL ITEMS MUST BE COMPLETED IN ORDER FOR THE APPLICATION TO BE DEEMED COMPLETE AND READY FOR PROCESSING.**

MARCH 2020

VARIANCE

## Variance Requests

- a) Northern Setback reduced from 15ft due to neighboring R zone to 6ft
  - b) Fence height to be addressed due to neighboring berm height
  - c) Fence material to remain vs reconstructed as a wooden fence
- 
- 1) Explain how the request is necessary to prevent a hardship to the applicant:
    - a) The setback decrease is requested to provide the highest and best use of the property. Due to the natural 8ft berm and vegetation the property is adequately screened to provide the same benefit to the residential community that the standard 15ft setback is in place to achieve. The standard setback would prevent the development of a storage building that would provide 27 10x10 units and 6 5x5 units. Based on current renting rates this is valued at approximately \$2,730 a month or \$32,760 annually. Alternatively the drive aisles could be reduced, this would lead to safety concerns for patrons accessing their units and access in the even of an emergency. Without the variance being granted this is direct impact to local economy, local storage needs of the public, and a detriment to the value of the property and business.
    - b) The 6ft fence height requirement is a safety concern. Due to the berm north of the property's height the 6ft fence is insufficient to provide safety and security to patrons of the storage facility. This is due to the fact that the berm is two feet higher than the top of the fence. This leads to a greater safety concern in the event of someone trying to scale the fence as well.
      - i) This adjustment could be made in one of two ways:
        - (1) Allowing up to 6ft above the crest of the berm instead of the base of fence to the north or;
        - (2) Allowing 10ft from the base of the fence
    - c) Lastly, a variance on the material of the fence is requested to retain the existing chain-link fence. The long term durability and greater resistance to damage and intrusion are the primary concerns. Due to the existing vegetation and berm the fence would be minimally visible for the residential properties to the north. Lumber prices and longevity/repairs are the greatest hardships. Stability of a 10ft wooden fence is also a major concern in heavy winds leading to a collapse and property damage or injury of a patron.
  
  - 2) Will the proposed development that results from the granting of the variance be injurious to the adjacent area in which the property is located? Describe adjoining uses and possible impacts if the variance is granted:
    - a) The property to the north is zoned R1. This is broken up by Garden Terrace Rd and a naturally existing berm. The properties to the north are residential homes. The closer setback is absorbed in the existence of the road and natural berm as well as mature vegetation along the property line.
    - b) The fence height adjustment would be beneficial for the residential parties as well as the storage facility. It will deter individuals from considering trespassing onto the storage facility property as well as deterring them from trespassing on the residential property with the goal of accessing the storage facility.

- c) The existing material is being requested to remain and be repaired and improved. The berm and the vegetation should provide adequate screening to limit the visual impacts the material would potentially cause the neighboring properties. Additionally not granting the variance could lead to injury or property damage in heavy winds due to a wood fence not allowing air to pass effectively.
- 3) Is the request necessary to enable reasonable use of the property?
- a) The variance will allow for the highest and best use of the property while maintaining reasonable separations and concerns for the neighboring properties. It is necessary to add another building that will provide 33 additional patrons in the community a storage solution.
  - b) The height adjustment will allow for the securest and safest option for the facility as well as the neighboring properties.
  - c) The material adjustment will allow for the best retention of security and lowest upkeep requirements. Allowing for the neighboring properties to have a lower likelihood of wrongdoers.
- 4) Is the request in conflict with the Gearhart Comprehensive Plan?
- a) The request does not conflict with the Gearhart Comprehensive Plan.

