



BEFORE THE CITY OF CANNON BEACH

IN THE MATTER OF A REQUEST FOR A)	
TYPE 3 DEVELOPMENT PERMIT FOR AN)	FINDINGS OF FACT,
ACCESSORY STRUCTURE IN THE REQUIRED)	CONCLUSIONS, AND
REAR YARD AT 140 TYEE ST APPROVING)	ORDER NO. DP 23-02
THE REQUEST AND ADOPTING FINDINGS)	

ZONE: Residential High Density (R3)

APPLICANT: Konrad Nau

The above-named applicant applied to the City for a Type 3 Development Permit for an accessory structure in the required rear yard 140 Tyee St., Taxlot 51032CC00800. The Community Development Department considered the above-entitled matter and approved the development permit on February 21, 2023. During a 20-day public comment period prior to the issuance of this permit one comment in support of the application was received. No comments in opposition of the application were received.

The City of Cannon Beach orders that this request for approval of a development permit is granted and adopts the findings of fact, conclusions, and conditions in attachment A.

This decision may be appealed to the Planning Commission by an affected party by filing an appeal with the City within fourteen days of this date.

DATED: February 21, 2023

Robert St. Clair
Planner

EXHIBIT "A"
FINDINGS OF FACT
TYPE 3 DEVELOPMENT PERMIT (DP# 23-02)

PROPERTY DESCRIPTION: 51032CC00800

PROPERTY LOCATION: 140 Tye St.

APPLICANT: Konrad Nau

PROPERTY OWNERS: Konrad & Margaret Nau, KCPEG Revocable Living Trust

BACKGROUND

Applicant, Konrad Nau, is requesting to place an accessory storage shed within the required rear-yard setbacks in an R3 – Residential High Density zoned district. Cannon Beach Municipal Code permits accessory structures in the required rear yard setback under a Type 3 Development Permit issued through CBMC 17.92.010.

APPLICABLE CRITERIA

Cannon Beach Municipal Code chapter 17.54.030, Accessory Structure or Building, and 17.92.010, Development Permits are applicable to this request.

FINDINGS

The City has determined that the application meets the following relevant criteria of Municipal Code Section 17.54.030, Accessory Structure or Building:

- A. *Structures and buildings accessory to a residential use shall comply with all yard requirements except that accessory structures and buildings may be located in the rear yard where a Type 3 development permit is issued for pursuant to Section 17.92.010. Structures and buildings six feet in height or less do not require a development permit. Structures and buildings accessory to a residential use located in the required rear yard shall comply with the following standards:*
1. *The structures or buildings do not have a total area of more than one hundred twenty square feet; and*
 2. *The structures or buildings are not closer than five feet to the rear property line; and*
 3. *The structures or buildings do not exceed twelve feet in height, measured as the vertical distance from the average existing grade to the highest point of the roof surface; and*
 4. *The structures or buildings are located in such a way as to not be detrimental to abutting property and shall not obstruct views from adjacent buildings.*

B. Structures or buildings, more than one hundred twenty square feet in size, accessory to a residential use shall not be metal clad (metal roofs are permissible).

The City has determined that the application meets the following relevant criteria of Municipal Code 17.92.010(3), Administrative review of Type 3 development permits:

- a. A development permit application shall be submitted in accordance with Section 17.92.040.*
- b. A notice of the proposed development shall be mailed to property owners within one hundred feet of the exterior boundary of the subject property. The notice shall include the information specified in Section 17.88.030(A), (C), (D), (E), (G) and (I). The notice shall also include a statement that persons are invited to submit information within twenty days relevant to the standards pertinent to the proposal giving reasons why the application should or should not be approved or proposing modifications the person believes are necessary for approval according to the applicable standards.*
- c. Following the end of the notice period described in Section 17.92.010(C)(3)(b), the planning director shall approve, approve with conditions or deny the application. The decision shall be by a signed written order. The order shall comply with Section 17.88.110 (B). The written order is the final decision on the matter and the date of the order is the date that it is signed. The order becomes effective on the expiration of the appeal period, unless an appeal has been filed.*
- d. The applicant and other persons who commented on the proposed development permit shall be notified of the decision in accordance with the provisions of Section 17.88.130.*
- e. A decision on the development permit may be appealed to the planning commission by a party who commented on the proposed development permit in accordance with Section 17.88.140.*

CONCLUSIONS

The Community Development Department has reviewed the application, visited the site and determined that the application meets the applicable criteria.

DECISION

The Type 3 Development Permit for the placement of a shed in the required rear yard is approved.