



VARIANCE REQUEST #851-25-000318-PLNG:

BAYSIDE SURVEYING LLC & O'QUINN

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: August 22, 2025

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

#851-25-000318-PLNG: A Variance request to reduce the side yard setback from 5-feet to 2.3-feet to allow for a boundary line adjustment on a property improved with two single family dwellings. The current location of the common lot line bisects one of the two dwellings. The subject property is addressed as 11085 and 11089 Seamont Way, a County road, is located within the Urban Growth Boundary (UGB) of the Incorporated City of Nehalem, zoned Nehalem Mixed Density Residential (RM) and designated as Tax Lot 5900 of Section 28DC, Township 3 North, Range 10 West, W.M., Tillamook County, Oregon. The applicant is Bayside Surveying LLC. The property owners are Ann and Shane O'Quinn.

Written comments received by the Department of Community Development prior to 4:00 p.m. on September 5, 2025, 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, September 8, 2025.

Notice of the application, a map of the subject area, and the applicable criteria are 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.tillamookcounty.gov/commdev/landuseapps>.

If you have any questions about this application, please contact the Department of Community Development at (503) 842-3408 or sarah.thompson@tillamookcounty.gov.

Sincerely,

Melissa Jenck, CFM, Senior Planner

Sarah Absher, CBO, CFM, Director

Enc. Maps and applicable ordinance criteria

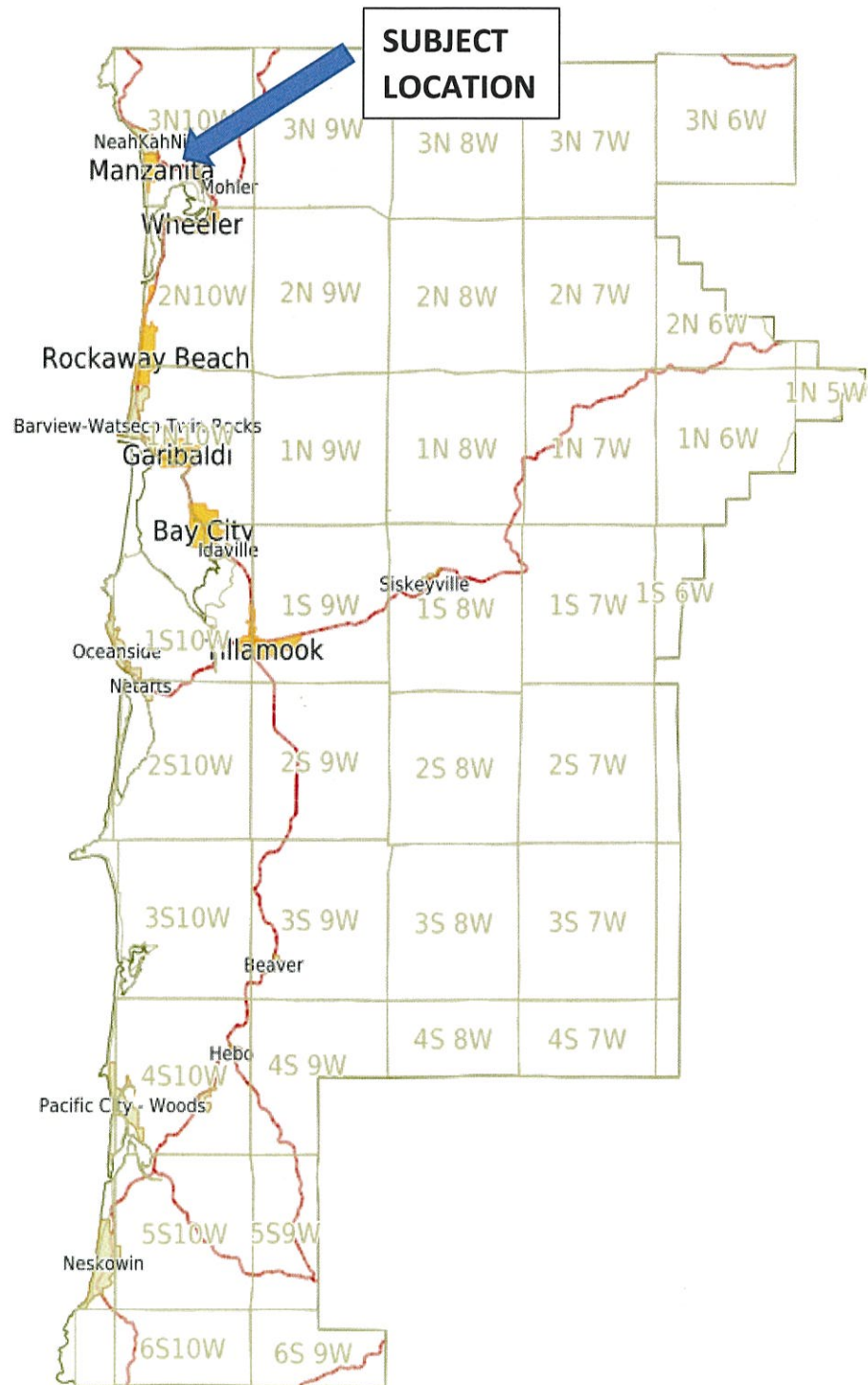
REVIEW CRITERIA

NEHALEM DEVELOPMENT ORDINANCE

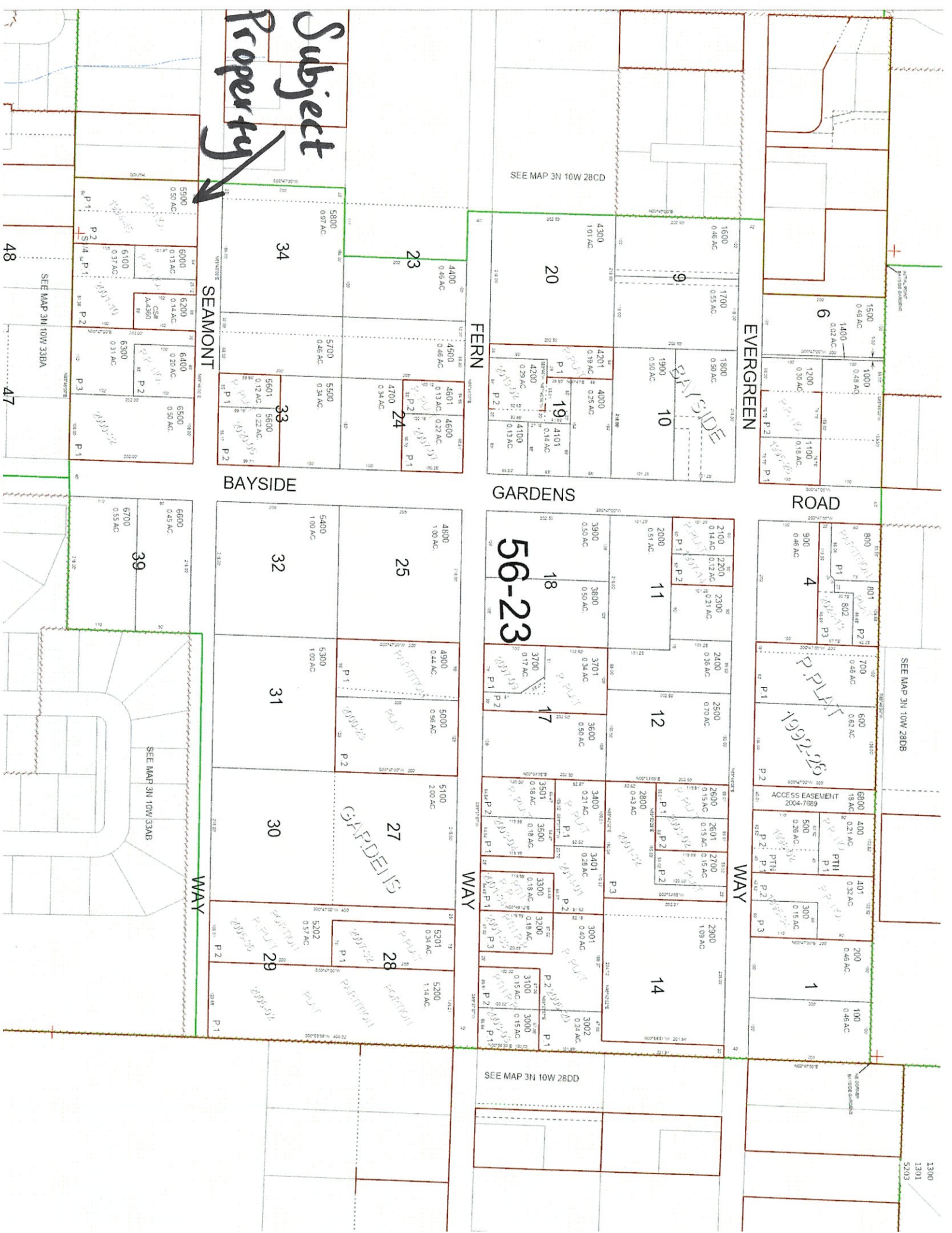
SECTION 157.506.06: DECISION CRITERIA:

- (A) Exceptional or extraordinary circumstances apply to the property which 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 the ordinance codified in this chapter, topography, or other circumstances over which the applicant has no control.
- (B) Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.
- (C) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any city plan or policy.
- (D) That the special conditions and circumstances on which the application is based do not result from a self-imposed hardship or a negligent or knowing violation of this chapter by the applicant.
- (E) The variance requested is the minimum variance which would alleviate the hardship.

VICINITY MAP



#851-25-000318-PLNG:
BAYSIDE SURVEYING LLC & O'QUINN



**Subject
Property**

SEAMONT
WAY

BAYSIDE
ROAD

FERN
WAY

GARDENS
WAY

EVERGREEN
ROAD

WAY

SEE MAP 3N 10W 33BA

SEE MAP 3N 10W 33AB

SEE MAP 3N 10W 28CD

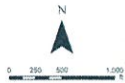
SEE MAP 3N 10W 28DD

SEE MAP 3N 10W 28DB

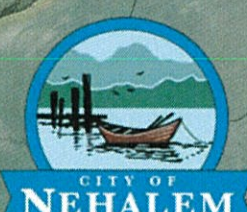
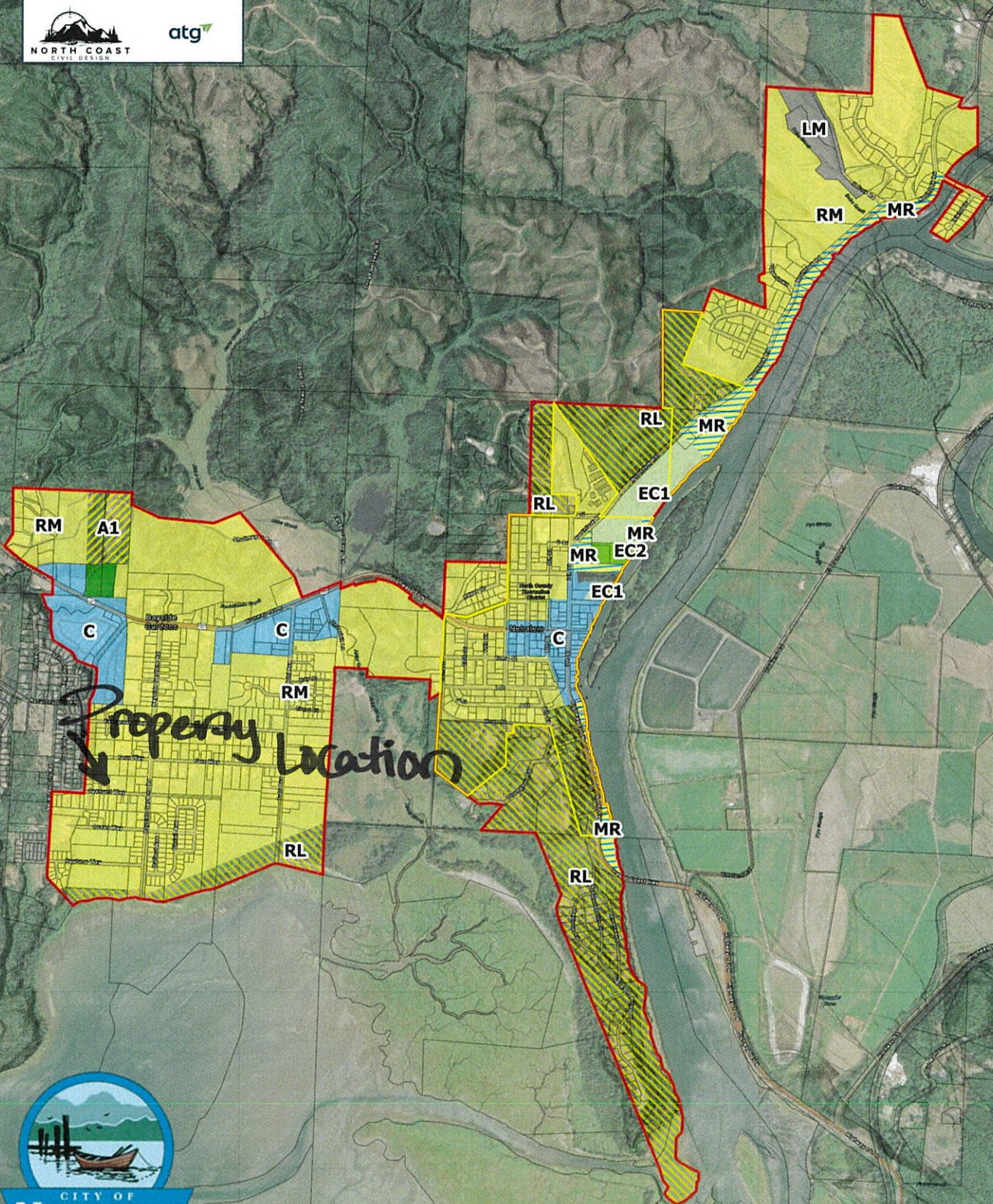
NEHALEM, OREGON

CITY ZONING MAP

-  A1 - Low Density Residential, Agricultural, Forestry and Recreation
-  RL - Low Density Residential
-  RM - Residential
-  MB - Medium Residential
-  C - Commercial
-  LM - Light Manufacturing
-  EC1 - Estuary Conservation
-  EC2 - Estuary Conservation
-  P - Public Lands
-  Hatched - Urban Growth Boundary



Data Sources: City of Nehalem, Tillamook County, OSU, Inter & Coast Civil Design
 Date: 4/18/2013
 Disclaimer: This map is not to survey accuracy and is meant for planning purposes only.





PLANNING APPLICATION

Applicant ☐ (Check Box if Same as Property Owner)

Name: BAYSIDE SURVEYING LLC Phone: 503-842-5551

Address: 6723 S PRAIRIE RD

City: TILLAMOOK State: OR Zip: 97141

Email: BAYSIDESURVEYING@GMAIL.COM

Property Owner

Name: ANN & SHANE O'QUINN Phone: (503) 440-7861

Address: 11085 SEAMONT WAY

City: NEHALEM State: OR Zip: 97131

Email: POPINVESTMENTCOMPANY@GMAIL.COM

OFFICE USE ONLY	
Date Stamp	RECEIVED
	JUN 27 2025
	BY: Counter-MJ
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Received by:	MJ
Receipt #:	
Fees:	\$1500 + \$1.0575
Permit No:	851-25-000318-PLNG

Request: SEE ATTACHED EXPLANATION

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

- ☐ Detailed Hazard Report
- ☐ Conditional Use (As deemed by Director)
- ☐ Ordinance Amendment
- ☐ Map Amendment
- ☐ Goal Exception
- ☐ Nonconforming Review (As deemed by Director)
- ☐ Variance (As deemed by Director)

Type IV

- ☐ Ordinance Amendment
- ☐ Large-Scale Zoning Map Amendment
- ☐ Plan and/or Code Text Amendment

Location:

Site Address: 11085/11089 SEAMONT WAY, NEHALEM, OR 97131

Map Number:	3N	10W	28 DC	5900
	Township	Range	Section	Tax Lot(s)

Clerk's Instrument #: 2022-4234

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.

Property Owner Signature (Required)	Ann M O'Q	6/25/25
Applicant Signature	Dallas Esplin	6/24/25

Explanation of Request

Reduce the side yard setback from 5.0' to 2.3' for the portion of the lot between the 2 houses. This would allow a proposed boundary line adjustment to move the existing boundary that currently splits one of the houses in half to run between the 2 houses. See attached maps

Also to ratify the existing side yard setback of the east house on the tax lot to match the existing structure, being approximately 4.5' from the property line.

157.506 – VARIANCES

157.506.06 Decision Criteria

The Planning Commission may allow a Variance from a requirement or standard of this Ordinance after a public hearing conducted in accordance with the Type III review procedures provided that the applicant provides evidence that the following circumstances substantially exist:

(A) Exceptional or extraordinary circumstances apply to the property which 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, topography, or other circumstances over which the applicant has no control.

Yes. There are 2 houses on the 2 parcels. The lot consists of 1 tax lot which has 2 underlying lot of record or parcels of land, see accompanying maps. The boundary between the 2 underlying parcels of land currently runs through the middle of one of the houses. The current owners did not build the houses nor contribute to the problem in any way. When the current owner purchased the property, they were led to believe that the houses were 2 separate and legal structures, NOT an accessory dwelling unit and NOT a duplex. This variance would allow the existing line between the 2 parcels to be adjusted to run between the existing houses, see attached maps.

(B) Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district.

Yes. There are other buildings in the Nehalem area where setbacks are not as large as needed. For example, Tax Lot 3N-10-28-DC-6500 has a structure that is less than 5 feet from the right-of-way of Seamount Way, Tax Lot 3N-10-28-DC-4700 has a structure that appears to be less than 5 feet from the side yard boundary, Tax Lot 3N-10-28-DC-4101 has a structure that appears to be less than 5 feet from the rear yard boundary.

The owners wish to refinance one of the houses just like any other house in the area. In addition, the owners are not able to get a traditional loan on the property (due to the mobile home) and had to get a Hard Money Temporary Loan at higher interest and the loan was only for 2 years. They had to extend the Hard Money Temporary Loan for 1 year with added fees, and extend again for 6 months with added fees. Only after the boundary line adjustment will the owners be able to get a traditional loan on the stick built house and close out the Hard Money Temporary Loan.

(C) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located, or otherwise conflict with the objectives of any City plan or policy.

No. There are already 2 houses with 2 separate families living there. This variance will allow the boundary between the 2 houses to be adjusted midway between the two houses rather than running through the middle of the house. The houses' location will stay the same and the distance between the houses will stay the same. This will not increase the number of residences in the area, nor will it increase the amount of traffic in the area. If required the owner is willing to agree to not allow fences or other obstructions to be built between the 2 houses.

(D) That the special conditions and circumstances on which the application is based do not result from a self-imposed hardship or a negligent or knowing violation of this Ordinance by the applicant.

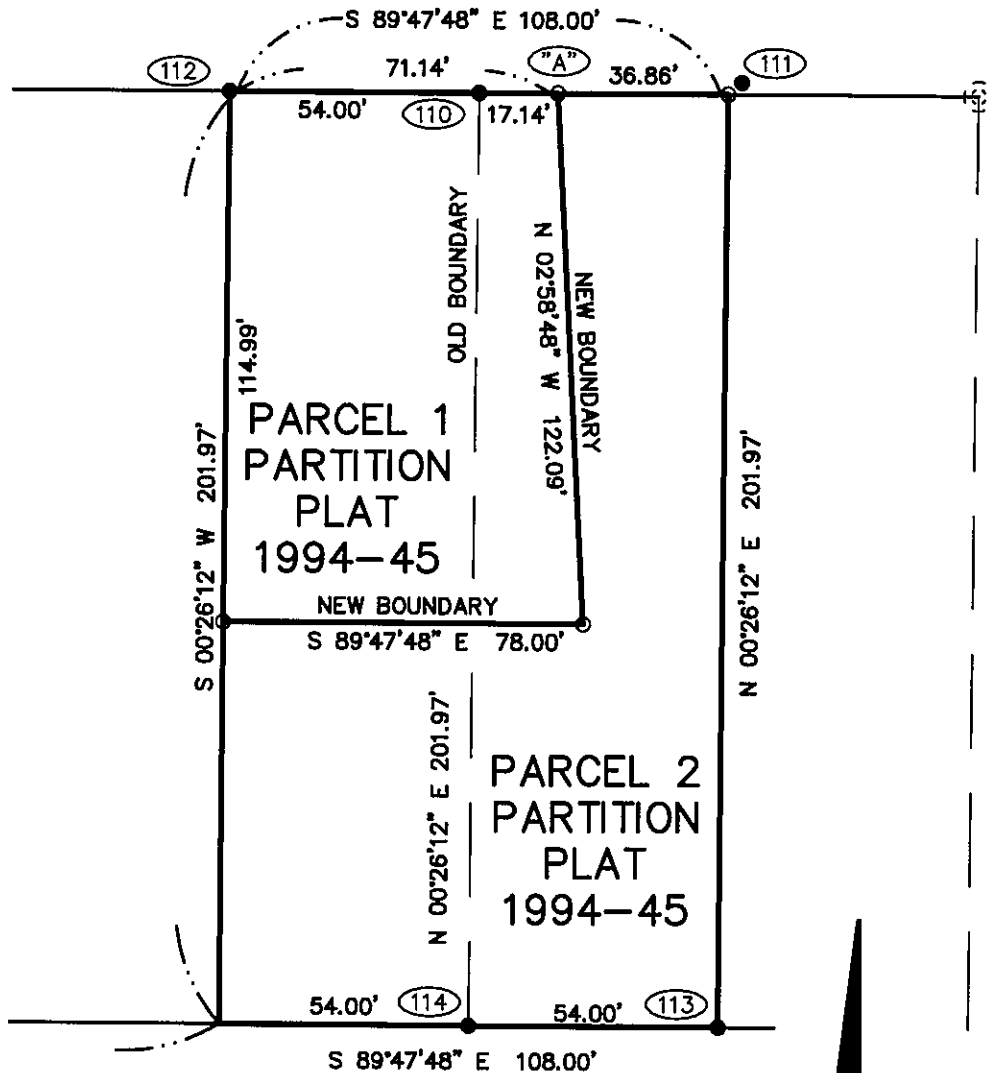
No. The structures were already in their current condition when the property was purchased. When the current owner purchased the property, they were led to believe that the houses were 2 separate and legal structures, NOT an accessory dwelling unit and NOT a duplex. The applicant (Bayside Surveying LLC) on behalf of the land owner has also reviewed the title policy and other purchasing documents to look for any clues that should have alerted the buyer (current owner) of this problem and Bayside Surveying LLC was not able to find any such warnings. In addition, the easterly house was originally built around 2002 with appropriate permits and the easterly house had additional living space added in 2017 with appropriate permits.

(E) The variance requested is the minimum variance which would alleviate the hardship.

Yes. The owner wishes to adjust the old boundary, which runs through the middle of a house, to a point midway between the 2 houses. This will not change the distance between the 2 houses. And both houses will be the same distance from the property line. The owners wish to refinance one of the houses just like any other house in the area. In addition, the owners are not able to get a traditional loan on the property (due to the mobile home) and had to get a Hard Money Temporary Loan at higher interest and the loan was only for 2 years. They had to extend the Hard Money Temporary Loan for 1 year with added fees, and extend again for 6 months with added fees. Only after the boundary line adjustment will the owners be able to get a traditional loan on the stick built house and close out the Hard Money Temporary Loan.

BEARINGS AND DISTANCES

SEAMONT WAY (40')



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dallas Esplin

OREGON
DECEMBER 3, 2014
DALLAS W. ESPLIN
83627

RENEWS: DECEMBER 31, 2025



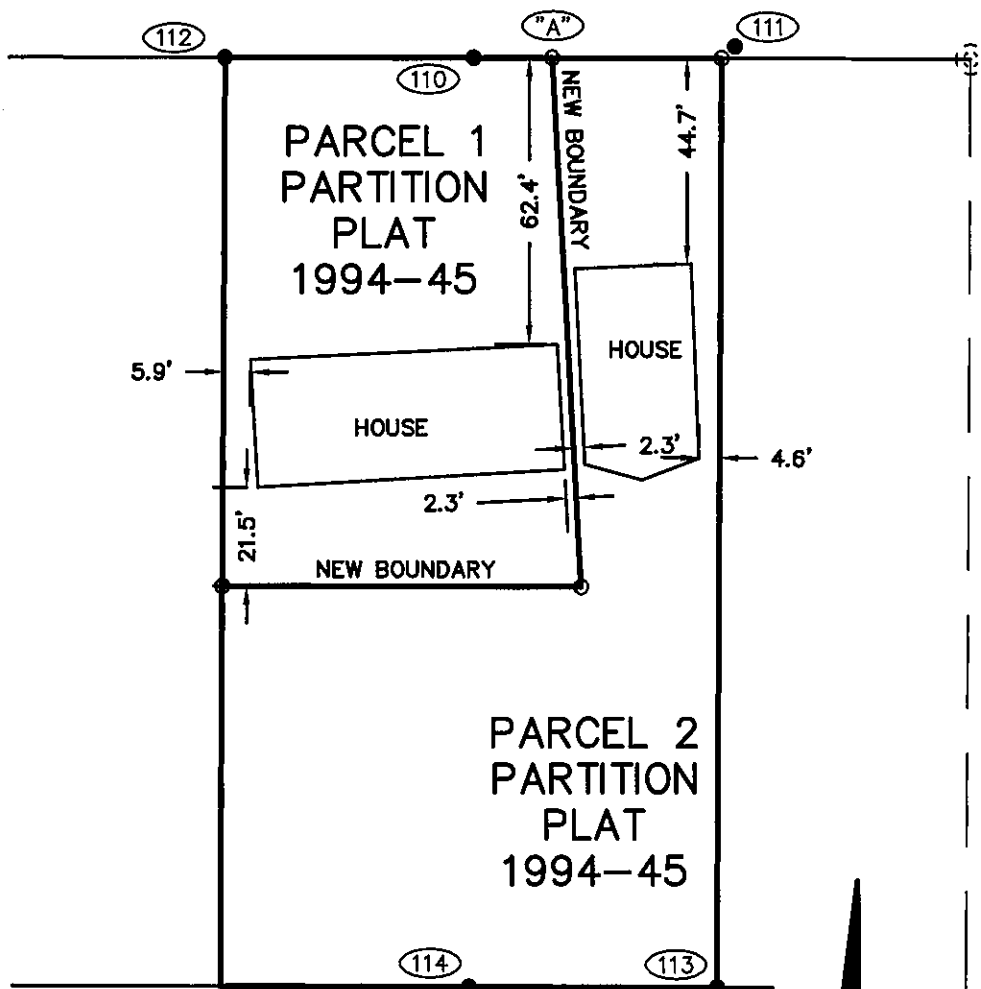
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SCALE:
1" = 40'



PROPOSED LOT CONFIGURATION
AFTER VARIANCE APPROVAL
AND BOUNDARY LINE ADJUSTMENT

SEAMONT WAY (40')

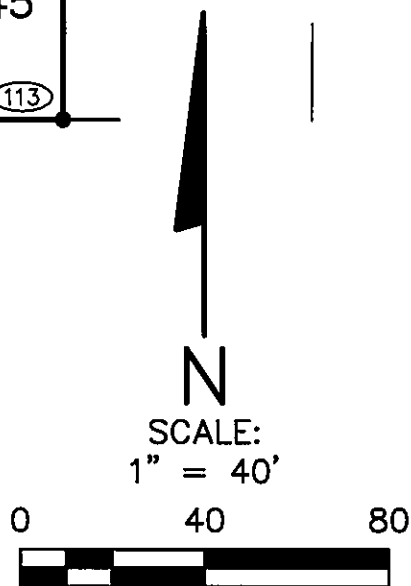


REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dallas Esplin

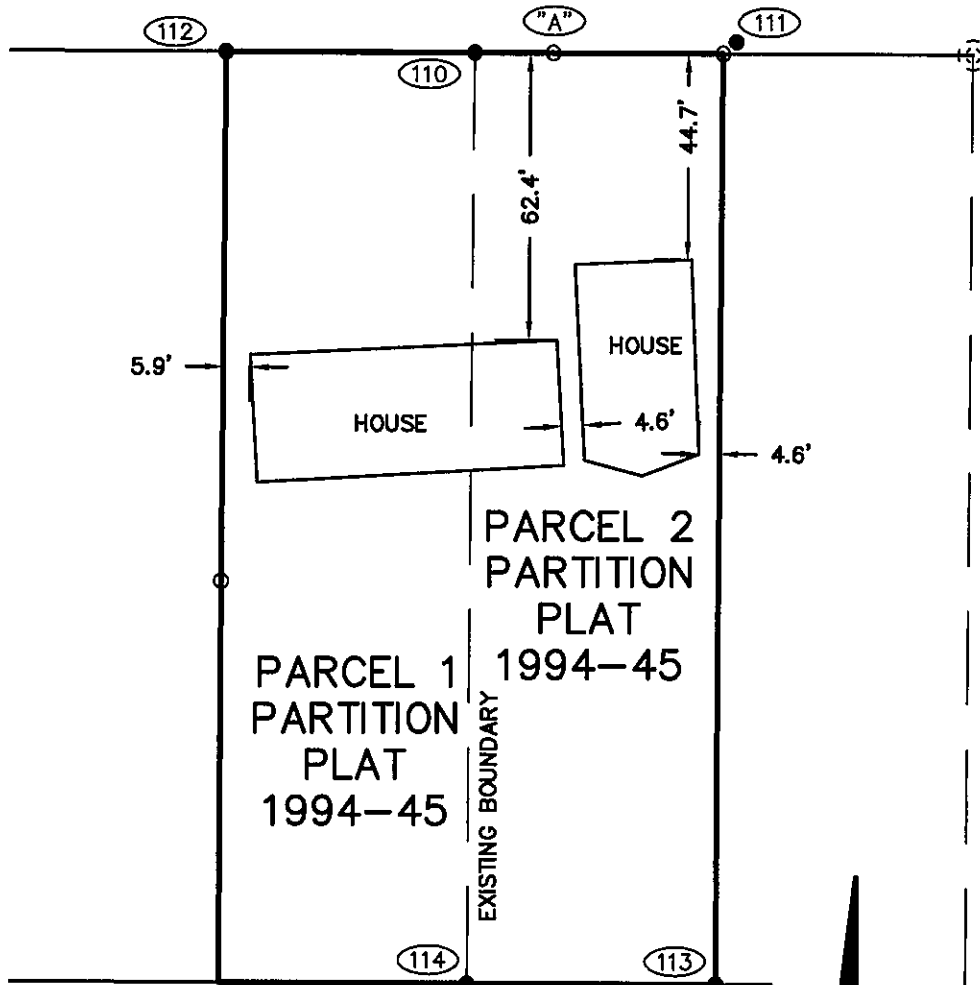
OREGON
DECEMBER 3, 2014
DALLAS W. ESPLIN
83627

RENEW: DECEMBER 31, 2025



EXISTING LOT CONFIGURATION

SEAMONT WAY (40')



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dallas Esplin

OREGON
DECEMBER 3, 2014
DALLAS W. ESPLIN
83627

RENEWES: DECEMBER 31, 2025



SCALE:
1" = 40'



Additional information about the walls:

Stick built 2-story @ 11089 (east house):

7 1/2 inches Thick walls

- Siding 3/4 inch
- Drywall 3/4 inch
- Framing/Insulation 5 1/2 inches
- Exterior plywood sheeting 1/2 inch

Manufactured home @ 11085 (west house):

Walls

- Siding 3/4 inch
- Drywall 3/4 inch
- Framing/Insulation 5 1/2 inches
- Exterior plywood sheeting 1/2 inch