

Variance

Staff Report for Planning Commission Public Hearing on May 5, 2026

Case File VAR 2026-01 Kombol

Date: April 24, 2026

Case File: VAR 2026-01 Kombol

Property Owners: William J Kombol Trustee and Jennifer M. Kombol Trustee

Situs Address: 1201 NW 14th Street

Location: Intersection of NW 14th Street and NW Harbor Avenue

Tax Map and Lot: 07-11-10-DC-07600-00

**Comprehensive
Plan Designation:** Ocean Lake Area (OA)

Zoning District: Ocean Lake Plan (OP) District Interior Mixed Use (IM)

Site Size: Approximately 18,592 square feet

Proposal: Request to vary the minimum street access requirements in LCMC 17.52.030 by dedicating an easement in lieu of providing direct street access

**Surrounding
Land Uses
and Zones:**
North: Houses, Undeveloped Land; OP-IM
South: Houses, Undeveloped Land; OP-IM
East: Condominiums; OP-IM
West: Hotels, Pacific Ocean; OP-OF

Authority: Lincoln City Municipal Code (LCMC) 17.76.020 states that all land use applications and approvals shall be decided by using Type I, II, III, or IV procedures. The procedure types govern the decision-making process for that application. Table 17.76.020-1 in LCMC Chapter 17.76 lists a variance as a Type III procedure with the Planning Commission as the review authority.

Procedure: The application was received on March 12, 2026. The application was deemed complete on March 30, 2026. On March 31, 2026, pursuant to LCMC 17.76.050.E, the Planning and Community Development Department mailed a notice of public hearing to property owners within 500 feet of the subject property. The *Lincoln County Leader* published the public hearing notice on April 22, 2026.

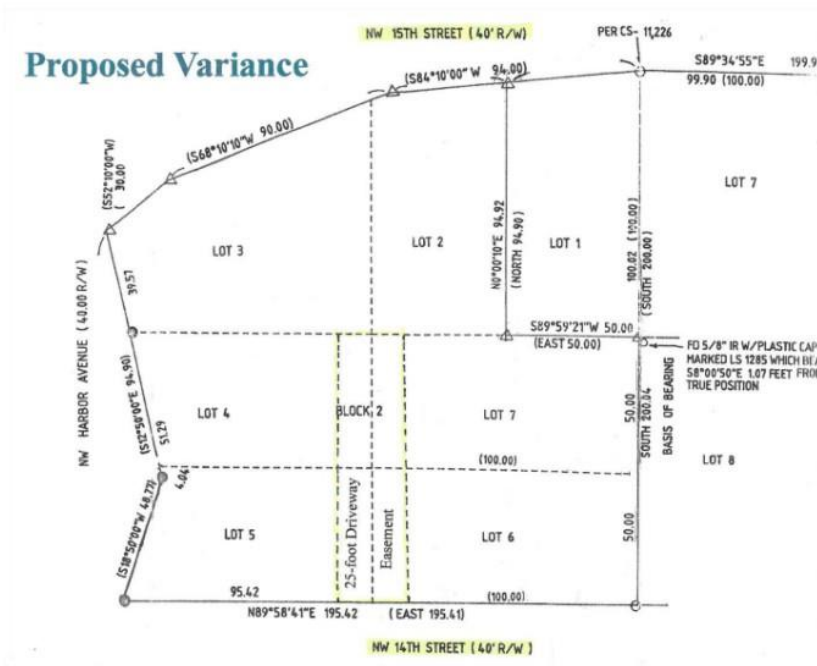
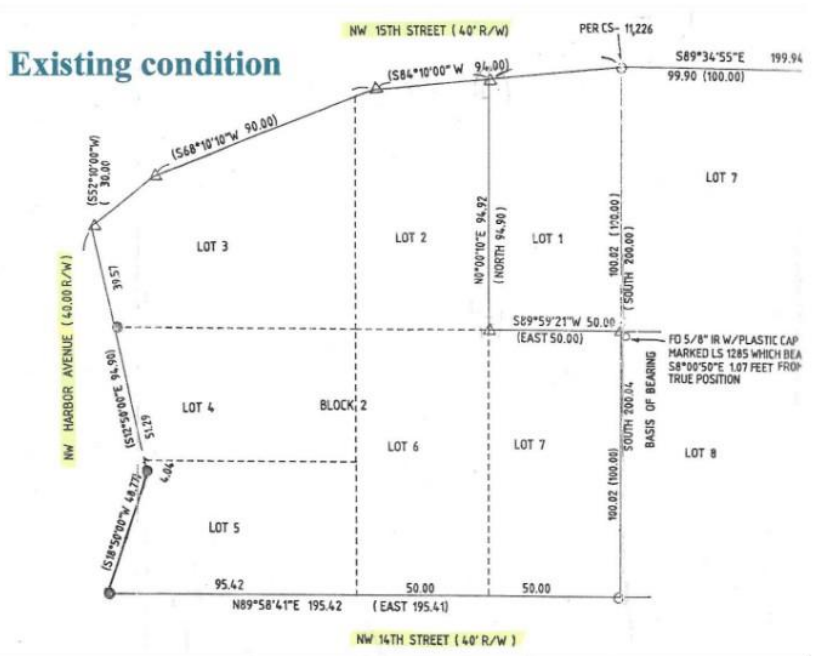
**Applicable
Substantive
Criteria:** LCMC Chapter 17.50 Ocean Lake Plan (OP) District
LCMC Section 17.52.030 Access Requirement
LCMC Section 17.76.050 Type III Procedure
LCMC Section 17.77.140 Variance



BACKGROUND

The subject property (site) is identified as Assessor’s 07-11-10-DC-07600-00 and addressed as 1201 NW 14th Street. The site consists of four legal lots that are currently undeveloped. The site is located at the intersection of NW 14th Street and NW Harbor Ave. The site does not contain any aesthetic resource, flood zone, or natural resource overlays.

The applicant is seeking to remove the access requirement in LCMC 17.52.030. This requirement stipulates that every lot must abut a street, other than an alley, for at least 25 feet. Currently, all four of the lots that encompass the site have the required 25 feet of street abutment. The applicant is seeking relief from this requirement in order to apply for a property line adjustment, which would turn the two easternmost lots towards the ocean. This would result in one lot that does not abut a street. In lieu of the street access requirement, the applicant is proposing a 25-foot-wide easement from NW 14th Street that would serve all four lots.



COMMENTS: Comments were received regarding the application and have been detailed below.

1. A general comment was received from the Department of State Lands regarding general wetland notification requirements for development. No wetlands are mapped on or adjacent to the site. This comment is not applicable.
2. The North Lincoln Fire and Rescue District #1 provided comments on the application. The comments relate to potential Oregon State Fire Code requirements that would affect the proposal, if approved. The comments stated:
 - a. 1 The driveway easement shall not be obstructed in any manner that reduces the width to less than 25 feet, in accordance with OFC 503.4.
 - b. 2. The driveway easement shall be marked in a manner approved by the Fire Code Official, per OFC 503.3.
 - c. 3. Traffic calming devices are prohibited unless specifically approved by the Fire Code Official, per OFC 503.4.1.
 - d. 4. Gates or barricades shall not be installed unless approved by the Fire Code Official, per OFC 503.5.
 - e. 5. The easement shall be constructed and maintained to support a minimum load of 75,000 pounds.
 - f. 6. Depending on the final design, Lots 4, 5, 6, and 7 may be limited to a maximum building height of 30 feet above finished grade.

The comments from the North Lincoln Fire District have been incorporated into the conditions of approval, in the case that the variance is approved.

3. The Lincoln City Urban Renewal Agency provided comments in support of the application. The comment states, “To Economic Development and Urban Renewal staff, this appears to be an appropriate request in order to address existing conditions with better land use. I am supportive of approving the variance.”
4. A comment was received from the Public Works department. The comment states, “The proposed variance leaves lot 7 with frontage, and no easements are noted for utilities. If granted, the necessary utility easements shall be provided to legally service the lot with all desired utility services.” This comment has been incorporated into the conditions of approval.
5. The next-door neighbor, Mary Prince, provided comments in support of the application, stating: “Thank you for providing me with the Notice of Public Hearing for the Kombol variance request referenced above. I live next door to the subject property. The Kombol family are longtime Lincoln City property owners having purchased their properties many decades ago. Bill and Jennifer have been good neighbors for as long as my late husband and I have known them. I support their variance request because it makes perfect common sense. The end result will be one common driveway serving five lots, rather than a hodgepodge of driveways serving individual lots. The Kombol variance preserves the intent of the Ordinance by providing a 25-foot permanent easement that performs the same purpose as the code requirement for a 25-foot abutment to a street or alley. Plus, the current condition of Lot 4’s access (above a 6-foot rockery and city parking spaces) means that something will have to be done to provide Lot 4 with access. Why not solve all these problems with one common access that will be safer for pedestrians and more aesthetic for the neighborhood? The

answer is simple – approve Variance Request #2026-01 and build a better future. Thank you for the opportunity to support this request.” This comment is addressed throughout the report.

ANALYSIS

Chapter 17.50 Ocean Lake Plan (OP) District

17.50.040 Development standards

Finding: This application is not for the development of any structures. All lots are existing lots of record. This requirement is not applicable to the approval or disapproval of this application. It is important to note that the lot width and depth are both 50 feet, which could allow for future property line adjustments. Compliance with the development standards of this section would be assessed at the time a property line adjustment or structural applications are submitted.

Chapter 17.76 Procedures

17.76.050 Type III procedure

- A. *General Description. Type III procedures apply to quasi-judicial permits and applications. Decisions on quasi-judicial permits and applications are made by either the planning commission or city council, and require substantial exercise of discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings.*
- B. *When Applicable. Table 17.76.020-1 identifies Type III applications. Applications not listed in Table 17.76.020-1 may be identified as Type III by the director based on the general description in this section.*
- C. *Pre-Application Conference. A pre-application conference is not required prior to application submittal of a Type III application, but is strongly encouraged. Guidelines for pre-application conferences are set forth in LCMC 17.76.090.*
- D. *Application Requirements. Type III applications shall:*
 1. *Be submitted on application forms provided by the department and shall include all information, exhibits, plans, reports, and signatures requested on the application forms.*
 2. *Be accompanied by the required fee as adopted by city council resolution.*
 3. *Be subject to the completeness review procedure set forth in LCMC 17.76.110(D) and (E).*

Finding: The required application forms and materials were submitted, along with the required fee. The application was deemed complete in accordance with LCMC 17.76.110.D and E.

- E. *Notice of Public Hearing.*
 1. *After a Type III application has been accepted as completed under LCMC 17.76.110(E), the department shall mail a written public notice to the following:*
 - a. *The applicant and applicant’s representative;*
 - b. *Owner of record of the subject property;*
 - c. *Property owners of record within 500 feet of the perimeter property line of the property or properties subject to the application, using the most recently provided property tax assessment roll of the Lincoln County assessor’s office as provided to the city to determine property owners of record; and*
 - d. *Any neighborhood or community organization or association recognized by the governing body and whose boundaries include the site.*
 - e. *At the discretion of the application, the department also shall provide notice to the Oregon Department of Land Conservation and Development.*

Finding: The Planning and Community Development Department mailed the public notice of a public hearing to the parties noted in LCMC 17.76.050.E.1.a through e.

2. *The notice of public hearing shall include the following:*
 - a. *A brief description of the request;*
 - b. *A list of the applicable criteria from the ordinance and the comprehensive plan that apply to the application at issue;*
 - c. *The street address or other easily understood geographical reference to the subject property;*
 - d. *The date, time, and location of the hearing;*
 - e. *A statement that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Board based on that issue;*
 - f. *The name of a department staff member to contact and the telephone number where additional information may be obtained;*
 - g. *A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;*
 - h. *A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and*
 - i. *A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.*

Finding: The public notice of hearing contained all the information required in LCMC 17.76.050.E.2.a through i.

- F. *Public notices for Type III applications shall be mailed a minimum of 20 days prior to the first evidentiary public hearing. The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent. Notice of the public hearing for Type III applications shall also be published in a newspaper of general circulation in the city, at least 10 days but not more than 21 days before the first scheduled public hearing on the proposal*

Finding: The public hearing was scheduled for May 5, 2026. The public notice was mailed on March 31, 2026. The Notice of Public Hearing was published in the Lincoln County Leader on April 22, 2026. This requirement is met.

Chapter 17.77 Applications
17.77.140 Variance

- A. *Procedure. Variance applications are subject to the Type III procedure, as described in LCMC 17.76.050.*
- B. *Submittal Requirements. Type III application submittal requirements are set forth in LCMC 17.76.050 and more specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.*

Finding: The required documents were submitted.

- C. *Approval Criteria. To approve a variance, the planning commission shall make findings of fact, based on evidence provided, that all of the following circumstances exist:*

1. *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 at least one of the following (city official or city staff error is not an exceptional or extraordinary circumstance):*
 - a. *Lot size or shape legally existing prior to the date of the ordinance codified in this chapter; or*
 - b. *Topography; or*
 - c. *Other circumstances specifically pertaining to the property over which the property owner has no control;*

Finding: The subject properties were platted in 1926, which is well before the adoption of any zoning codes within Lincoln City. A review of the plat map indicated the lots were platted in the current configuration, and a review of the title history provided by the applicant indicates they have historically been deeded as separate lots. The current configuration presents topographical challenges due to the rock wall, located at the westernmost portion of lots 4 and 5, which protects and accommodates the existing public parking. Many of the lots within this subdivision have a similar orientation to NW Harbor Ave, but none have a public parking lot between the front property line and the street. An aerial photo is provided below showing the existing conditions at the site. This requirement is met.



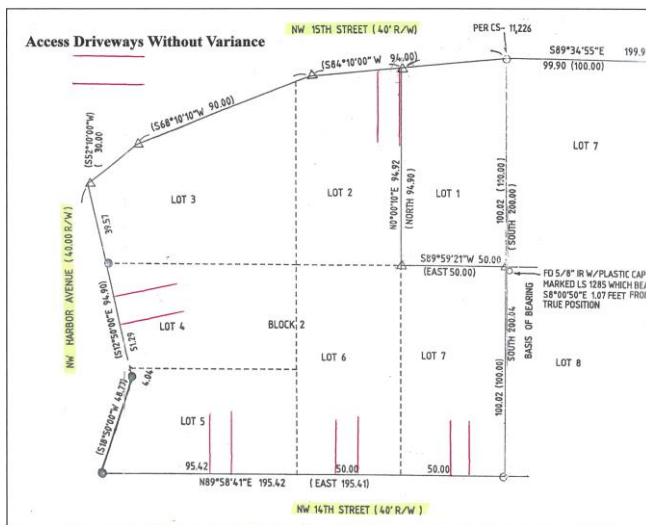
2. *The variance is necessary for the preservation of a property right of the property owner which is substantially the same as owners of other property in the same zone or vicinity possess;*

Finding: The application narrative submitted by the property-owner states, “The property right at question is the ability for this property owner to serve its five lots through a common driveway for ingress, egress, access, and utility easement. By using a common access driveway to Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, it will eliminate the need for three to four individual access driveways. This will result in one alley-like connection to the public street. The accompanying map titled “Access Driveways Without Variance” illustrates what may occur in the future if the lots are sold to different owners under circumstances if the variance is not granted.”

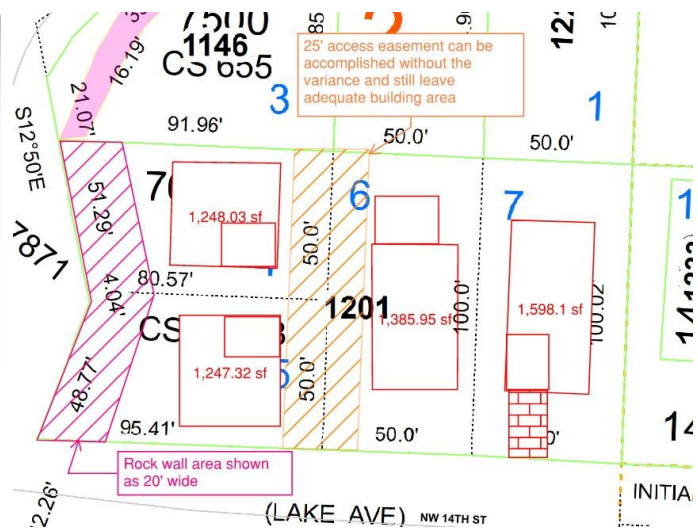
Typically, in this sort of situation, the property right in question is the ability for the property owner to develop their property in a similar manner to that of the surrounding property owners. Staff have provided a brief example of how the property could be developed under the current layout. In this example, it is feasible to grant the proposed easement without the proposed variance. Based on the setbacks and height requirements in the underlying zone, this method could still accommodate relatively large homes that are similar to what neighboring properties have developed. Lots 6 and 7 are not encumbered by the existing rock wall and currently have the required street access in LCMC 17.52.030. Lot 3 is currently being accessed off NE 15th.

Staff believe the ability to serve all of the lots through a common easement in lieu of providing the required street access is not necessary for the preservation of property rights, as the existing lots can be served without the variance, in a manner very similar to what is proposed. This would offer the applicant similar development potential to other property owners in the area. Staff recommends that the planning commission assess all evidence from staff and the applicant to determine if this requirement is met.

Applicant Provided Access Map



Staff Concept for Access



3. The variance should not be materially detrimental to the purposes of this title, or to any property in the vicinity of the subject property, or otherwise conflict with the goals or policies of the comprehensive plan;

Finding: The applicant provided an analysis of LCMC 17.04.020 "Purpose, Policy and Construction."

LCMC 17.04.020

- A. This title has been designed in accordance with the goals, policies and statements of intent of the adopted comprehensive plan for the city of Lincoln City and its environs. It is the general purpose of this title, therefore, to provide one of the principal means for the implementation of the comprehensive plan of Lincoln City.
- B. In adopting the ordinance codified in this title, the city council is responding to the growth and development of Lincoln City and its attendant problems, and is anticipating that as future growth and urbanization continues, sensitive control will be required in order to preserve and enhance the amenities necessary to maintain and improve the prosperity and appearance of the community.
- C. This title is designed to classify, designate and regulate the location and use of buildings, structures, agricultural, residential, commercial, industrial and other uses in appropriate places and, for said purposes, to divide the city into districts of such number, shape and area as be deemed best

suited to carry out these regulations and provide for their enforcement; to encourage the most appropriate use of lands; to conserve and preserve natural resources; to conserve and stabilize the value of property; to provide adequate open space for light and air and prevention of fires; to prevent undue concentrations of population; to lessen congestion of streets; to facilitate adequate provisions for community utilities such as transportation, water, sewerage, schools, parks and other public requirements; and to promote the public health, safety and general welfare.

D. To further implement the comprehensive plan of Lincoln City, the ordinance codified in this title is adopted for the following special purposes:

- 1. To promote coordinated, sound development, taking into consideration the city's natural environment, amenities, view and the appearance of its buildings and open spaces;*
- 2. To achieve a balanced and efficient land use pattern, to protect and enhance real property values, to promote safe and uncongested traffic movement and to avoid uses and development which might be detrimental to the stability and livability of the city;*
- 3. To encourage innovations in residential development and renewal so that the demand for housing may be met by a greater variety in the type and design of dwellings and by the conservation and more efficient and attractive use of open space;*
- 4. To safeguard and enhance the appearance of the city through the advancement of effective land use, architectural design and site planning, which reflect improvements in the technology of urban development.*

E. This title shall be construed most favorably to provide all the necessary authority to carry out the above purposes and policies.

(Ord. 84-2 § 1.020)

Finding: The applicant's response to the Purpose Policy and Construction section is as follows. “The Variance section of the code was not written in a vacuum but drafted to provide appropriate modifications when specific site conditions allow. We have underlined specific phrases which bear on our proposal. Section B of 17.04.020 makes clear that the city council anticipated future growth and expected sensitive controls to preserve and enhance amenities to improve the appearance of the community. In this context the word ‘sensitive’ speaks to a careful examination of what impacts and outcome a slight change to the code in this specific circumstance might yield. Because by the end of the day, the outcome is what we most care about. Section D of 17.04.020 explains that the codified ordinance was adopted for special purposes including subsection 2, that seeks to promote safe and uncongested traffic movement. Subsection 3 similarly encourages innovation in residential development, while subsection 4 speaks to site planning which reflects improvements in urban development.

And Section E puts an exclamation point on those principles by demanding that the code be construed most favorably to carry out the purposes and policies contained in 17.04.020. As Planning Commission members read and reflect upon the specific variance sought, they should keep be mindful of the purposes and policies that the Title 17 zoning code hoped to foster.”

Depending on how the policy statements are interpreted, some could view the proposal as conflicting or detrimental to the statements on sound development, stability, and livability in the city or to other adjacent property owners. The zoning code is typically the sensitive control that is in place to ensure that growth and urbanization are done in a sound and coordinated way. The proposal could be interpreted as an innovative approach or as a problematic approach, depending on one's perspective. Before the zoning code was enacted, the access requirement of 25 was not required, and many old land divisions were served via access easements. Given that this was adopted as a land use control, when previously none existed, it is safe to assume the drafters of this requirement were responding to real issues that would have been created in the absence of such a requirement. If one of the landlocked owners of the easement is being blocked from using it, the City has no legal authority to remedy the situation. If a future homeowner proposes constructing a structure in the easement, it is not subject to the planning code requirements. This can lead to neighborhood conflicts that can undermine the stability and livability of the area.

It could be detrimental to the appearance of the area, having lots 6 and 7 facing longways to the street. This could result in the sides of homes facing the street, which is less desirable than the fronts of both homes facing the street. Without a development proposal, there is no way to know what will be built in the future and if the design will ultimately be detrimental. Staff recommends that the Planning Commission assess the proposal to conclude whether or not the proposal meets the intent of the purpose and policy statements in LCMC 17.04 .

The applicant also provided an analysis regarding conflicts with the comprehensive plan, which is detailed with responses from staff below.

“We have read through Comprehensive Plan 2043 (CP 2043) and found no conflicts between our plan and CP 2043’S goals and policies. In fact, we found a number of goals and policies that comfortably endorse our planned common access easement. One of the goals of the CP 2043 (Page 15) is to “enable creative redevelopment and/or rehabilitation of existing residential neighborhoods to make them more sustainable.” Reducing the number of driveway stubs to city streets is a creative redevelopment effort to rehabilitate this existing residential neighborhood (consisting of Lots 3, 4, 5, 6, and 7) that today supports one home, but in the future might support five.”

“Page 17 of CP 2043 proposes to “Enhance and/or maintain the safety, walkability, and livability of residential neighborhoods.” It logically follows that having one driveway for pedestrians, cyclists, and motorists to ‘stop, look and listen’ before crossing is better than having three or four driveways to navigate. With the increasing use of Amazon and food delivery vehicles, the one driveway approach, where delivery drivers walk the final steps to each home, is preferable to a delivery driver pulling into and out of a four-driveway alternative.”

Staff agree with the applicant that the proposal is not conflicting or detrimental to the Housing Goals on pages 15 and 17 of the comprehensive plan.

“The Oceanlake Area is specifically mentioned on Page 57 of CP 2043 for providing maximum flexibility in the land use approval process while striving for excellence in design that is compatible with the coastal and historic nature of the Oceanlake area. It is a fact that this variance will accomplish the “excellence in design” concept that CP 2043 envisions, as it is clearly better than the three or four driveway alternatives. And by approving our variance request, the Planning Commission will be exercising the “maximum flexibility in the land approval process” that CP 2043 promotes and anticipates.”

“Page 58 sums up the primary Policy Object of CP 2043 by stating, “1. Utilize a range of land use planning tools to implement the goals, policies, and objectives of the comprehensive plan, including the development code.” Our tiny variance to a 42-year-old development code provision, which might have outlived its usefulness, is the very essence of utilizing a range of land use planning tools to implement the goals conceptualized in CP 2043.”

The Land Use Planning Goal states, “Ensure that the rate, amount, type, location, and cost of development will enhance Lincoln City’s quality of life by establishing a land use planning process and policy framework as a basis for all zoning and land use decision-making.” The 25’ access requirement that is the subject of the variance could be interpreted to be in compliance with the comprehensive plan, and it is one of the chosen tools and policies that have been enacted to ensure ongoing compliance with the goals and objectives. This provision allows for increased flexibility by not requiring the entire minimum lot width to front the street. It is also important to consider that the Ocean Lake Planned District Interior Mixed-use zone allows for a wide range of land use types, including restaurants, retail, mixed-style housing developments, single-unit dwellings, and duplexes. The development standards in this zone allow for minimal setbacks and

generous building coverage allowances. These development standards in this zone encourages the desired flexibility. No development proposal was included with the variance request, so there is no way to know what the future plan is for the site, to fully determine if the proposal will enhance the quality of life or not. Staff recommend that the planning commission assess all information provided to determine if the proposal conflicts with the Land Use Planning Goal.

The Public Facilities Goal States “To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for the city’s urban development. Timely, orderly, and efficient refers to systems or plans that coordinate the type, locations, and delivery of public facilities and services in a manner that best supports the existing and proposed land uses.” The proposal does not include information on how the public utilities will serve future development if this proposal is approved. Without this information, it is not possible to address whether or not this proposal will ultimately be in compliance with or conflict with this goal. All existing lots are currently served with Public Utilities, so the current development pattern is in compliance with this comprehensive plan goal.

In conclusion, the proposed variance is well supported by the transportation and housing goals in the comprehensive plan, but conflicts with other goals are less clear. Staff recommends that the Planning Commission assess all evidence provided to determine if the proposal is materially detrimental to the goals in the comprehensive plan.

4. *The variance requested is the minimum variance which would mitigate the exceptional or extraordinary circumstance.*

Finding: The applicant provided a response to this requirement stating, “ The variance requested is both minimum and quite simple – allow a Property Line Adjustment conditioned upon a requirement for a common access driveway to the five lots known as Lot 3, Lot 4, Lot 5, Lot 6, and Lot 7, Block 2 of Mrs. White’s First Addition at Devils Lake. Mrs. White’s plat was filed circa 1926. To simplify your decision-making process, consider what is really being discussed – Semantics, the branch of logic that concerns itself with meaning. Abutting a street for 25 feet is fundamentally a proxy for ensuring every approved city lot has legal access to a street or alley, so no owner’s property is landlocked. That is its intent and purpose. By providing an equally legal, permanent, and effective alternative, through a common access road that serves four or five lots, and acts exactly like a street or alley, the question comes down to: What are we arguing about? The simple answer is the proposed variance results in a superior civic condition while fully serving the goals and purposes of the code and Comp Plan as written.”

The proposed easement of 25’ is the minimum width that would be needed to replace the existing 25’ street access requirement. This width is consistent with the fire marshal’s recommendations and would be a typical width that allows for two-way access. This requirement is met.

RECOMMENDATION

Staff recommend that the Planning Commission hold a public hearing on the variance request, take public testimony, close the public hearing, deliberate, and determine whether the request complies with the criteria for granting approval of the request or doesn’t comply with the criteria. If the Planning Commission approves the variance, staff recommends the following conditions.

Planning:

1. The 25’ access easement as shown in the application materials must be dedicated to serve lots 2, 3, 4, 5, 6, and 7.

2. A homeowners' association or similar entity must be set up to ensure continued access and maintenance of the easement and utilities.

Public Works:

1. Appropriate utility easements must be dedicated to ensure city services can be delivered to the lots

Fire:

1. The driveway easement shall not be obstructed in any manner that reduces the width to less than 25 feet.
2. Gates or barricades shall not be installed unless approved by the Fire Code Official, per OFC 503.5.
3. The easement shall be constructed and maintained to support a minimum load of 75,000 pounds.