

Variance Application Request (the proposal and its justification by landowner is in bold type, blue color, and Times New Roman font) by William & Jennifer Kombol, Trustees, Kombol Real Property Trust of Oregon.

Prior to addressing the actual variance request, it will be useful to provide Planning Commission reviewers with an overview of the existing property, together with the proposed boundary line adjustment our variance is designed to enable.

The two lots intended to have their boundary lines changed are Lot 6 and Lot 7. In simple terms, the proposal is to turn them 90-degrees on their side, so both are horizontal (east to west) rectangles rather than their current vertical (north to south) orientation. The lot sizes (5,000 sf) remain the same.

However, this presents a problem as LCMC 17.52.030 requires that, “Every lot shall abut a street, other than an alley, for at least 25 feet.” The code requirement serves a useful municipal purpose by stipulating that privately-owned city lots have access to public streets or alleys. And we, as owners of property, endorse that requirement. For who would purchase a lot without access to a public street?

Our proposal cures the deficiency by providing an equally beneficial easement that will allow Lot 7 to a similar 25-foot access to N.W. 14th Street, by way of a recorded easement for ingress, egress, access, and utilities. Yet this runs counter to the literal reading of 17.52.030 that every lot shall abut a street for at least 25 feet. This is why we request a variance.

The plan of the owners of Lot 3, Lot 4, Lot 5, Lot 6, and Lot 7, is to provide a recorded easement access to all five lots with one common driveway to serve those lots. The driveway easement will be from south to north, as illustrated in the Proposed Variance Map below. The advantage is less impervious surface and fewer driveways connecting to city streets. This single driveway will provide more convenient access to all five lots than might exist if or when the lots are sold to third parties.

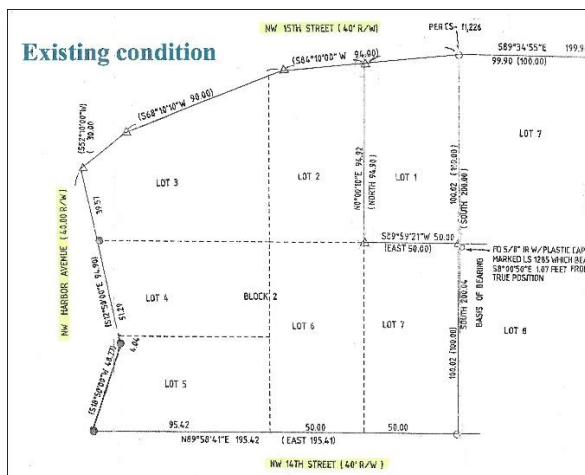
This common access driveway solves another lingering problem. After the City parking lot was installed on N.W. Harbor Avenue, due west of Lot 4, that lot forfeited its convenient access to Harbor Avenue, though it still technically abuts that street. However, to build an access driveway, to the street Lot 4 abuts, will require dismantling the quarry rock wall that stands 6 to 10 feet tall and then cutting a suitable grade to climb up to Lot 4’s current level. For there is no

assurance that the future owner of Lot 5 will grant the future owner of Lot 4 an easement from N.W. 14th.

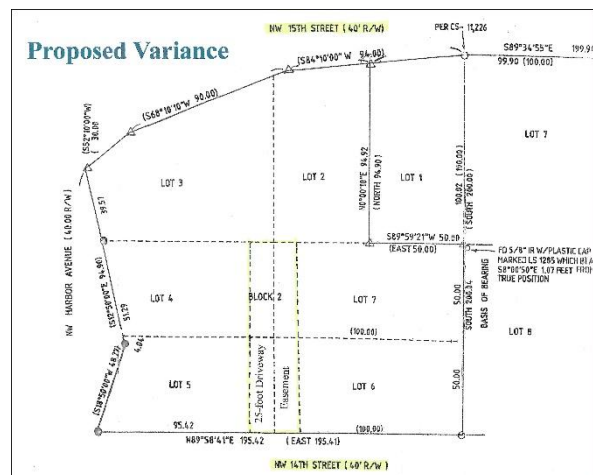
And to those who say that we, as owners of both lots can grant Lot 4 an easement, that is exactly what we are trying to accomplish by our current proposal – that correspondingly reduces the number of access driveways that might be needed to serve all five lots.

This Propose Variance access road will likely have to be built in any case, unless Lot 4 chooses direct access to Harbor Avenue and eliminates two to three parking spaces in the process. Under present conditions, Lot 6 and Lot 7 could very well build two separate driveways onto N.W. 14th as well yet a third to Lot 5. Even Lot 3 can be served by this common driveway access easement, which could remedy their very steep access drive from N.W. 15th.

The Existing Condition map (left) and Proposed Variance PLA map (right) illustrate the plan. Full size maps are found on pages 8 and 9.



Existing Condition map



Proposed Variance PLA Map

The remainder of our variance application explains how this plan conforms to:

- A.** The purpose, policy, and construction of Title 17 Zoning provisions (17.04.020).
- B.** The specific variance conditions, all of which must be satisfied (17.52.030).
- C.** How our proposal conforms to the intent of the code provision from which we seek relief.

A. While the property owner / proponent will be specifically addressing the code section cited in LCMC 17.52.030, it is equally important to first address the purpose, policy, and construction of the Lincoln City Municipal Code as detailed in the general provisions (17.04.020) detailed below.

17.04.020 Purpose, policy and construction.

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)

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.

17.52.030 Access requirement.

Every lot shall abut a street, other than an alley, for at least 25 feet. (Ord. 84-2 § 4.030)

B. We are seeking relief from this access requirement in order to pursue a Property Line Adjustment that reconfigures one lot (Lot 7), that will no longer physically abut a street, but will be served by an equivalent 25-foot ingress, egress, access, and utilities easement that connects said lot to the street.

LCMC 17.77.140 Variance

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;

The lots under consideration existed prior to the 1984 date of this ordinance. They were platted circa 1926 (see below) and have been conveyed as named separate lots ever since.

b. Topography;

The steep topography and potential Harbor Avenue parking lot disruption that affects Lot 4 is not a part of this variance application, but Lot 4 is owned by the same landowner and will benefit from the proposed Property Line Adjustment Application, which is the primary purpose of the variance.

c. Other circumstances specifically pertaining to the property over which the property owner has no control;

The owner has no control over the Harbor Avenue parking lot, which limits Lot 4's legal access to a public street for reasonable vehicular access. The property owner also has no control over how many driveways or where future owners of Lot 4, Lot 5, Lot 6, and Lot 7 might construct private driveways.

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;

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 accompany 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.

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;

We have examined the Zoning Code and can find no manner by which our plan to reduce the number of driveways accessing a public street is materially detrimental to its purposes, goal, or policies. The sole exception is the provision requiring a 25-foot street abutment. We contend that our substitute plan that provides a 25-foot access driveway to several lots better conforms to the intent of the requirement, though obviously not the letter of the code.

Likewise, we have walked throughout the neighborhood and spoken with neighbors, and none objected to having only one access driveway rather than potentially three or four.

COMPREHENSIVE PLAN CONFLICTS:

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.

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.

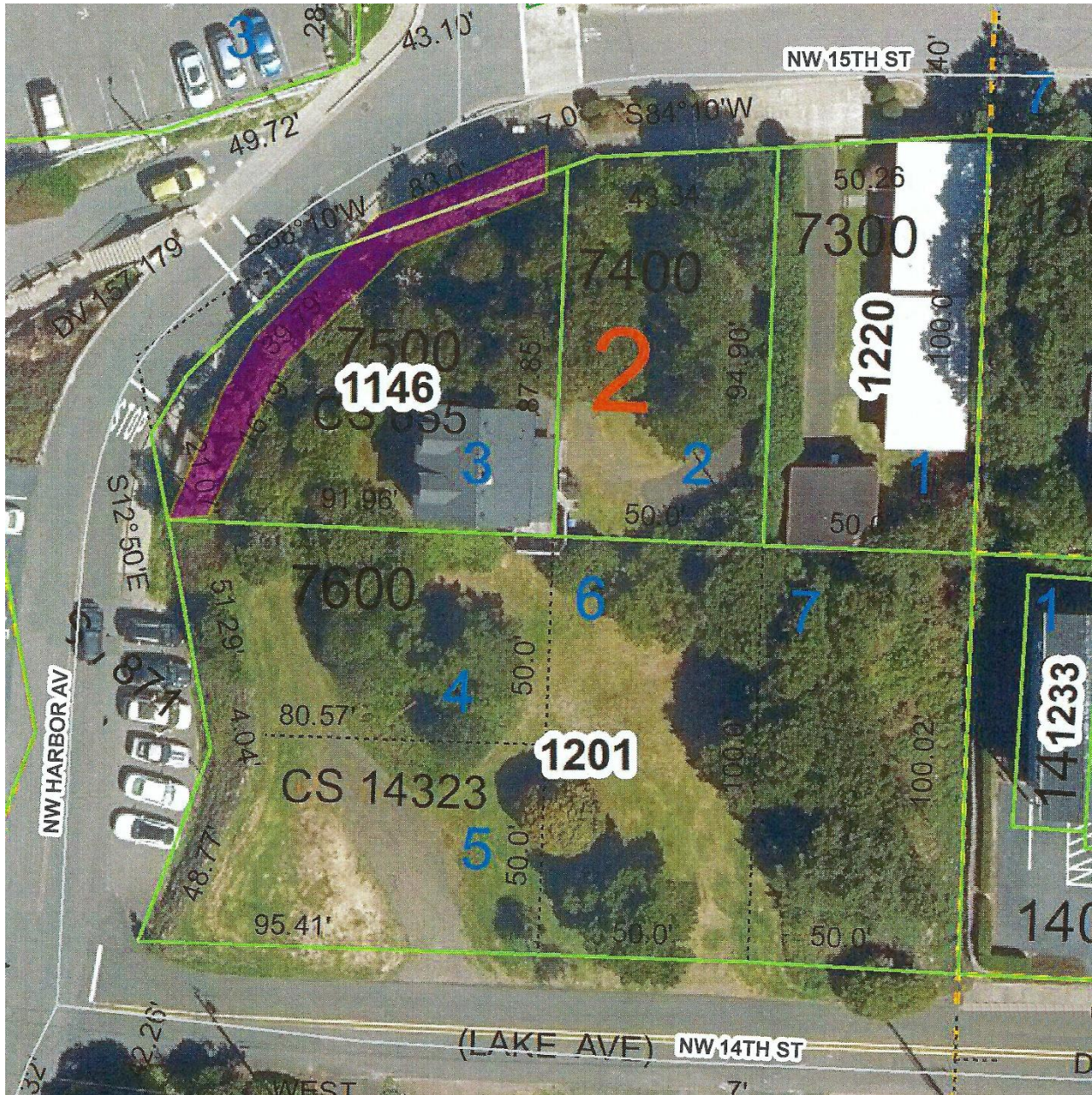
Page 58 sums up the primary Policy Object of CP 2043 by stating, “1. Utilize a range of land use planning tools to implement the goals, policies, and objectives of the comprehensive plan, including the development code.” Our tiny variance to a 42-year-old development code provision, which might have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

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

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?



Nov. 2025 Aerial Photo of the subject properties.

Note how Lot 4 no longer has convenient access to N.W. Harbor Avenue due to a 6 to 10-foot rockery and elevation difference. To obtain the required 25-foot access to Harbor Avenue, several parking spots will need to be removed and a steep driveway built. This problem is solved by the proposed 25-foot Driveway Easement to serve Lot 7 if the Property Line Adjustment is approved by this variance.