



**BEFORE THE CITY OF CANNON BEACH**

<b>IN THE MATTER OF A DEVELOPMENT PERMIT</b>	)	
<b>FOR AN ACCESSORY STRUCTURE IN A</b>	)	
<b>REQUIRED REAR YARD APPROVING THE</b>	)	<b>FINDINGS OF FACT,</b>
<b>REQUEST AND ADOPTING FINDINGS</b>	)	<b>CONCLUSIONS, AND</b>
		<b>ORDER DP#23-25</b>

ZONE: Residential Moderate Density (R1)

APPLICANT: Kraid Gobel  
P.O. Box 683  
Tolovana Park, OR 97145

The above-named applicant applied to the City for review and approval of a permit for the placement of an accessory structure not exceeding 200 square feet in the required rear yard at 4280 S. Hemlock St. The City of Cannon Beach orders that the request for a development permit is granted and adopts the following findings of fact, conclusions, and conditions contained in Exhibit A.

The E-Permitting record for this application can be reviewed here: [164-23-000090-PLNG](https://www.cannonbeach.gov/development-permitting/164-23-000090-PLNG)

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: August 22, 2023**




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Robert St. Clair  
Planner

**EXHIBIT "A"**

**FINDINGS OF FACT**

**Accessory Structure in a Required Rear Yard – DP#23-25**

**PROPERTY DESCRIPTION:** Taxlot# 41006BC09700  
**PROPERTY LOCATION:** 4280 S. Hemlock St.  
**APPLICANT:** Kraid Gobel  
**PROPERTY OWNERS:** Kraid and Loretta Gobel  
**ACTION:** Approved

**BACKGROUND**

The project is the placement of a 10 x 20 foot prefabricated accessory structure in the rear yard of 4280 S. Hemlock St.

The subject property is not a wetland affected lot, no geotechnical report is required, and no tree removal will be necessitated by this project.

A 20-day public comment period with notice sent to property owners within 100 feet of the subject property took place prior to the issuance of this permit. No comments were received during that time.

**APPLICABLE CRITERIA**

The following sections of the Cannon Beach Municipal Code are applicable to this application:

- 17.54.030 – Accessory Structure or Building

**FINDINGS**

(1) Section 17.54.030 requires the issuance of a Type 3 development permit for accessory structures more than 6 feet in height or over 120 square feet in area located in the required rear yard. The requested structure does not exceed the 12 foot height limit and is not metal clad. Building permits are not required for non-habitable accessory structures that do not exceed 200 square feet as per section R105.2 of the Oregon Residential Specialty Code.

*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).*
  - C. *Structures or buildings accessory to a commercial, industrial or institutional use shall comply with all yard requirements.*
  - D. *A guest house may be maintained accessory to a dwelling provided that there are no kitchen facilities in the guest house.*

**CONCLUSIONS**

The Community Development Department has reviewed the application and determined that it meets the applicable criteria.

**DECISION**

The development permit has been approved subject to the following conditions:

1. The accessory structure shall be no less than 5 feet from the subject property’s boundary lines.
2. The use of motorized equipment for installation shall be limited to between the hours of 7:00 AM and 7:00 PM per Municipal Code Section 8.16.

**Project Location – 4280 S. Hemlock St.**

