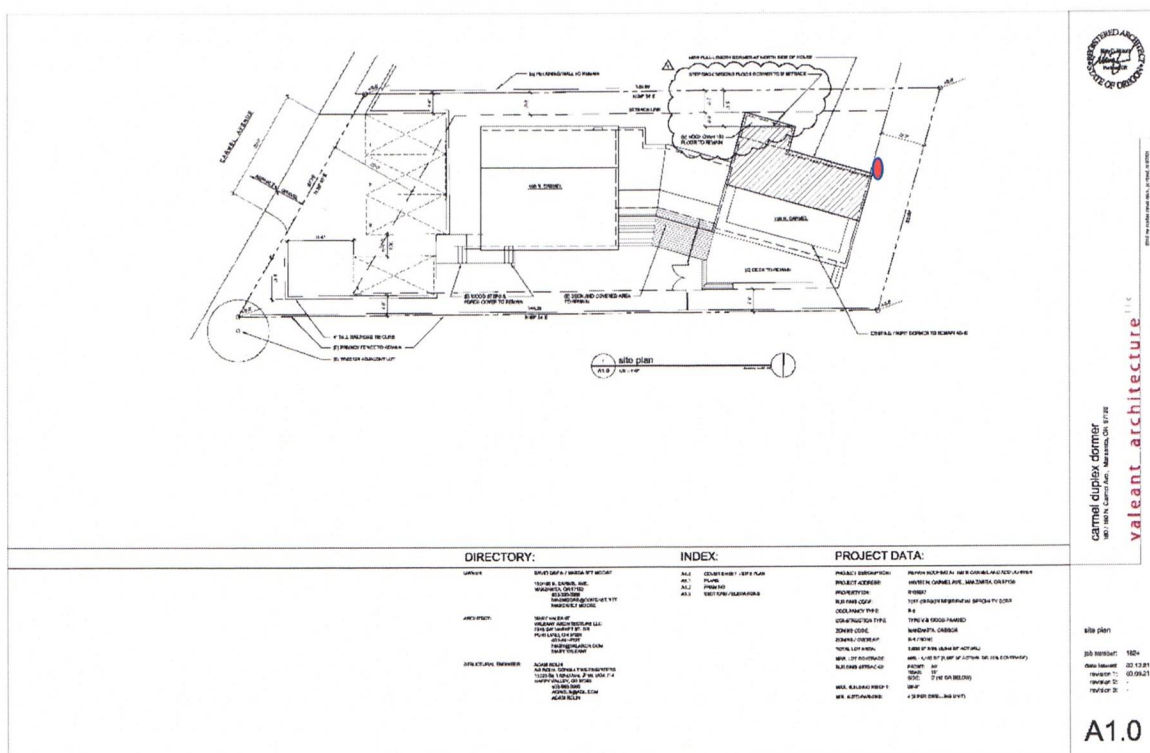


Matthew Lewis Construction, LLC
 CCB 206365
 21 December 2021
 ATTN: Scott Gebhart, City of Manzanita Building Official
 REG: 180 N Carmel Ave

This letter is to inform Scott Gebhart and the City of Manzanita of the current status on our work with permit # 547-21-000037-STR.

It was brought our attention on November, 5, 2021 by Scott Gebhart that we have altered the non-conforming use footprint and the North East corner dormer encroaches on the 10ft. setback. (See attached diagram below with red dot indicator for North East corner of existing structure.) In our immediate research, we discovered that the existing structure encroaches on the 10ft setback prior to our repairs.



One thing to account for on this project is that the main portion of the project is a repair/restoration from damage to the roof caused by a storm. The exception to this is the additional square footage and room added to the North West corner of the building. While one would look and assume that it is all a remodel only the small portion of the project is due to changes for a remodel.

The remaining house foot print has minor modifications to account for life and safety as well as Oregon Energy Code. The modification that took place were on the North side of the second level. It involved a 2x6 wall to meet energy code as well as a height increase resulting in a pitch change to allow for further overhead clearance. Not only was a pitch change required for an overhead clearance but also to accommodate an egress window in the existing bedroom located on the second floor on the east wall.

The minor changes that took place on the repair from a storm damage currently meet the City of Manzanita's ordinance in regards to the Oregon Statute 215.130 that it references as follows:

ARTICLE 7. NONCONFORMING USES

Section 7.010 Continuation of Nonconforming Use. Subject to the provisions of ORS 215.130 and subsequent provisions of this article, a nonconforming use or structure may be continued. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of Ordinance No. 74-2 is not considered an enlargement or expansion of a nonconforming use under Section 7.020 of this Ordinance.

Section 7.020 Enlargement or Expansion of a Nonconforming Use. In case of practical difficulty and unnecessary hardship, the Planning Commission may grant a variance for the enlargement or expansion of a nonconforming use up to 20% in floor area or in those cases not involving structures, up to 10% in land area as existing on the effective date of this Ordinance. The Planning Commission shall grant expansion or enlargement where required to conform to another law, such as a pollution control requirement.

Section 7.040 Change of a Nonconforming Structure. A structure conforming as to use but nonconforming as to height, yard requirements, lot coverage, equipment, its location on the lot or other requirements concerning the structure may be altered or enlarged provided the alteration or enlargement conforms to the current requirements of this Ordinance and the altered or enlarged building or buildings do not result in additional nonconformity.

Application of ordinances and comprehensive plan

- **alteration of nonconforming use**

(5) The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued. Alteration of any such use may be permitted subject to subsection (9) of this section. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215 (Reestablishment of nonfarm use), a county shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.

(9) As used in this section, "alteration" of a nonconforming use includes:

- (a) A change in the use of no greater adverse impact to the neighborhood; and
- (b) A change in the structure or physical improvements of no greater adverse impact to the neighborhood.

We see that under the Oregon Statute that in the case of the property located at 180 N Carmel Ave on the repairs of the structure we were able to add an egress window and increase ceiling height as well as increasing the energy offset of the building while maintaining ORS 215.130 subsection 9 and making the structure "more" conforming.

The work that took place in this nonconforming use has no adverse impact on the neighborhood.

In conclusion, we did not add any additional square footage to the second story, NE corner of the property located at 180 N Carmel Ave. In the process of repairing the storm damaged roof, we were able to bring the bedroom located on the second story of the NE side up to egress requirements and energy standard. If we did not change the roof pitch of the structure then we would not have been able to meet the requirements for window size on egress. The overall increase in wall height on the North side of the

structure was 5.5' for an overall height of the North wall eaves at approximately 14.5'. This did not add to the nonconforming of the structure.

We appreciate the consideration of this letter as a clear explanation of our work on the existing structure located at 180 N Carmel Ave. To the best of our knowledge, we believe we have followed all codes and standards for the addressed situation and qualify for the variance that allow this based on **Section 7.020 Enlargement or Expansion of a Nonconforming Use**. In case of practical difficulty and unnecessary hardship, the Planning Commission may grant a variance for the enlargement or expansion of a nonconforming use up to 20% in floor area or in those cases not involving structures, up to 10% in land area as existing on the effective date of this Ordinance. The Planning Commission shall grant expansion or enlargement where required to conform to another law, such as a pollution control requirement.

Regards,

A handwritten signature in black ink, appearing to read 'Matthew Lewis', followed by a stylized flourish.

Matthew Lewis
Matthew Lewis Construction LLC
CCB 206365