

**CITY OF NEWPORT
PUBLIC NOTICE¹**

NOTICE IS HEREBY GIVEN that an application for a Nonconforming Use Permit has been filed with the Community Development (Planning) Department.

File No. 1-NCU-12:

Applicants: James Hanselman & Joann Ronzio, 4044 NW Cherokee Ln, Newport, OR 97365.

Request: Approval of a request per Section 2-5-1/"Nonconforming Uses, Lots, and Structures" of the Newport Zoning Ordinance, for the replacement of a nonconforming residence. The property is located in an R-1/"Low Density Single-Family Residential" zoning district and contains two single-family residences built in 1954 and 1955. The lot is nonconforming based on density and setbacks.

Location: Lincoln County Assessor's Map 10-11-32-AB; Tax Lot 3200 (4044 NW Cherokee Dr).

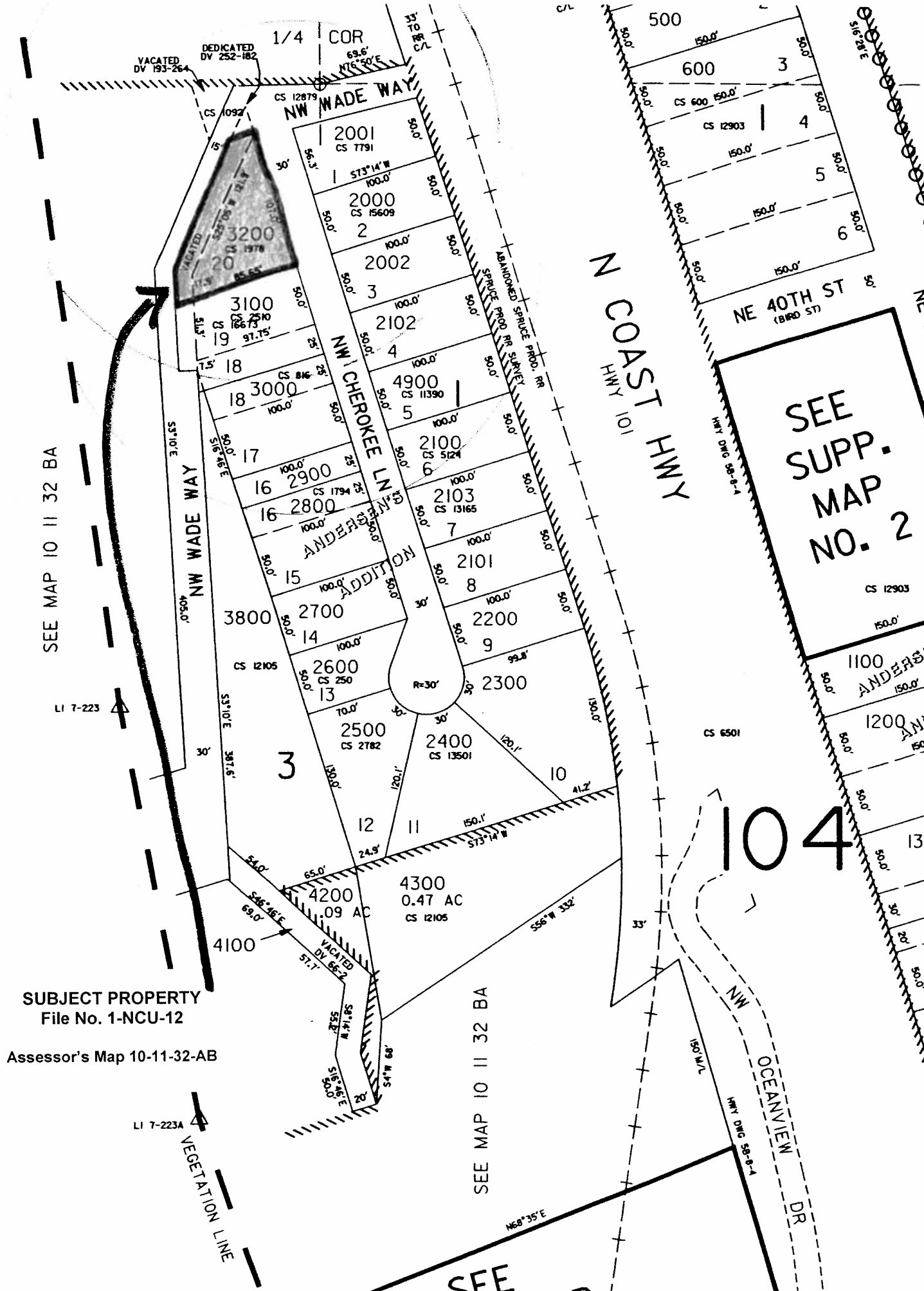
Applicable Criteria: Pursuant to NZO Section 2-5-1.030(A), the approval authority shall determine that the structure was legally established at the time the Zoning Ordinance was enacted or amended, and that the use has not been discontinued for a continuous 12 month period. The approval authority must also verify the nature and extent of the non-conforming use, considering (1) a description of the use; (2) The types and quantities of goods or services provided and the activities conducted; (3) The scope of the use (volume, intensity, frequency, etc.) including fluctuations in the level of activity; (4) The number, location and size of physical improvements associated with the use; (5) The amount of land devoted to the use; and (6) Other factors the approval authority may determine appropriate to identify the nature and extent of a particular use (Section 2-5-1.030(B)). Pursuant to NZO Section 2-5-1.035, after verification of the status of a nonconforming use pursuant to subsection 2-5-1.030, the approval authority may authorize alteration, expansion, or replacement of any nonconforming use or structure when it is found that such alteration, expansion, or replacement will not result in a greater adverse impact on the neighborhood when considering the following factors: (A) (1) The character and history of the use and of development in the surrounding area; (2) The comparable degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable within the neighborhood; (3) Adequacy of infrastructure, including sewer, water, and streets, to accommodate the use; (4) The comparative numbers and kinds of vehicular trips to the site; (5) The comparative amount and nature of outside storage, loading, and parking; (6) The comparative visual appearance; (7) The comparative hours of operation; (8) The comparative effect on solar access and privacy; (9) Other factors which impact the character or needs of the neighborhood. (B) The approval authority must consider the purpose of the current zoning provisions that cannot be satisfied when determining whether or not the alteration, expansion, or replacement of a nonconforming use or structure will have a greater adverse impact on the neighborhood.

Testimony: Testimony and evidence must be directed toward the criteria described above or other criteria in the Comprehensive Plan and its implementing ordinances which the person believes to apply to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal based on that issue. You may submit testimony in written form to the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy, Newport, Oregon 97365, by **5:00 p.m. February 7, 2012** (15 days from the date this notice was mailed). Those making written comment will be notified of the Community Development (Planning) Director's decision.

Contact: Derrick Tokos, Community Development Director, (541) 574-0626, (address above under "Testimony").

MAILED: January 23, 2012.

¹Notice of this action is being sent to the following: (1) Affected property owners within 200 feet of the subject property (according to Lincoln County tax records); (2) affected public/private utilities/agencies within Lincoln County; and (3) affected city departments.



SEE MAP 10 11 32 BA

LI 7-223

SUBJECT PROPERTY
File No. 1-NCU-12

Assessor's Map 10-11-32-AB

LI 7-223A

VEGETATION LINE

SEE MAP 10 11 32 BA

SEE MAP

104

SEE SUPP.
MAP
NO. 2