

Initial Project Review

Land Use Variance: Cultums 2nd Addition, Lot 2 & 3

Application Number: 916968
Parcel Number: 3365200082

Parkland-Spanaway-Midland Advisory Commission (PSMAC) Public Meeting: November 6, 2019, at 6:30 p.m., at the Parkland-Spanaway Sheriff's Precinct, 495 Shandon Wright Way South, Moran Conference Room, Tacoma, WA 98444.

Proposal: The applicants request approval of a Land Use Variance for the following:

- Reduce the front yard setback along 8th Avenue Court South to 5 feet; and
- Reduce the side yard setback to five feet.

Project Location: XXX 8th Avenue Court South, Tacoma, WA, in the Single Family (SF) zone classification, in the Parkland-Spanaway-Midland Communities Plan area, within Section 17, T19N, R03E, W.M., in Council District #6.

Review Summary: Staff has reviewed this proposal for compliance with all policies, codes, and regulations.

State Environmental Policy Act (SEPA): SEPA review is not required for this proposal.

County Contact: Andrew Van Gordon, Associate Planner, andrew.vangordon@piercecountywa.gov or 253-798-7113

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departementStatus?applPermitId=916968>



Project Data

Complete Application Date: August 19, 2019

Initial Project Review Mailed: October 30, 2019

Property Owner/Applicants: Christensen, Jeffrey P. & Daniela E.
P.O. Box 45168
Tacoma, WA 98448
redroofrealty@yahoo.com

Legal and Public Notice

- *August 28, 2019*: Notice of Application, including the Land Use Advisory Commission (LUAC) meeting date, was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the site.
- *September 2, 2019*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *October 23, 2019*: Legal notices were published in the official County newspaper (*Tacoma News Tribune*) advertising the Parkland-Spanaway-Midland Advisory Commission (PSMAC) public meeting.

2017 County Aerial

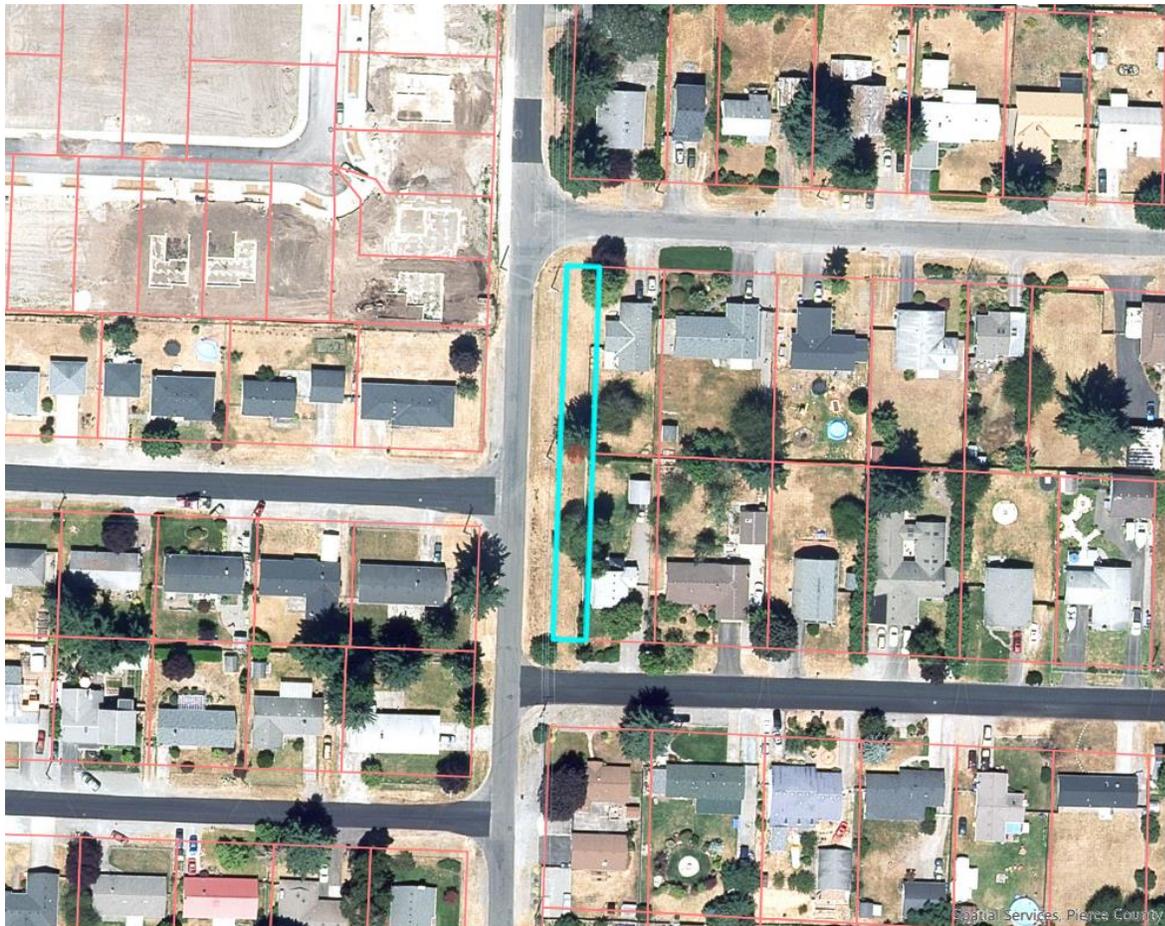


Figure 1: Project will be occurring on the highlighted parcel.

Zoning of the General Area

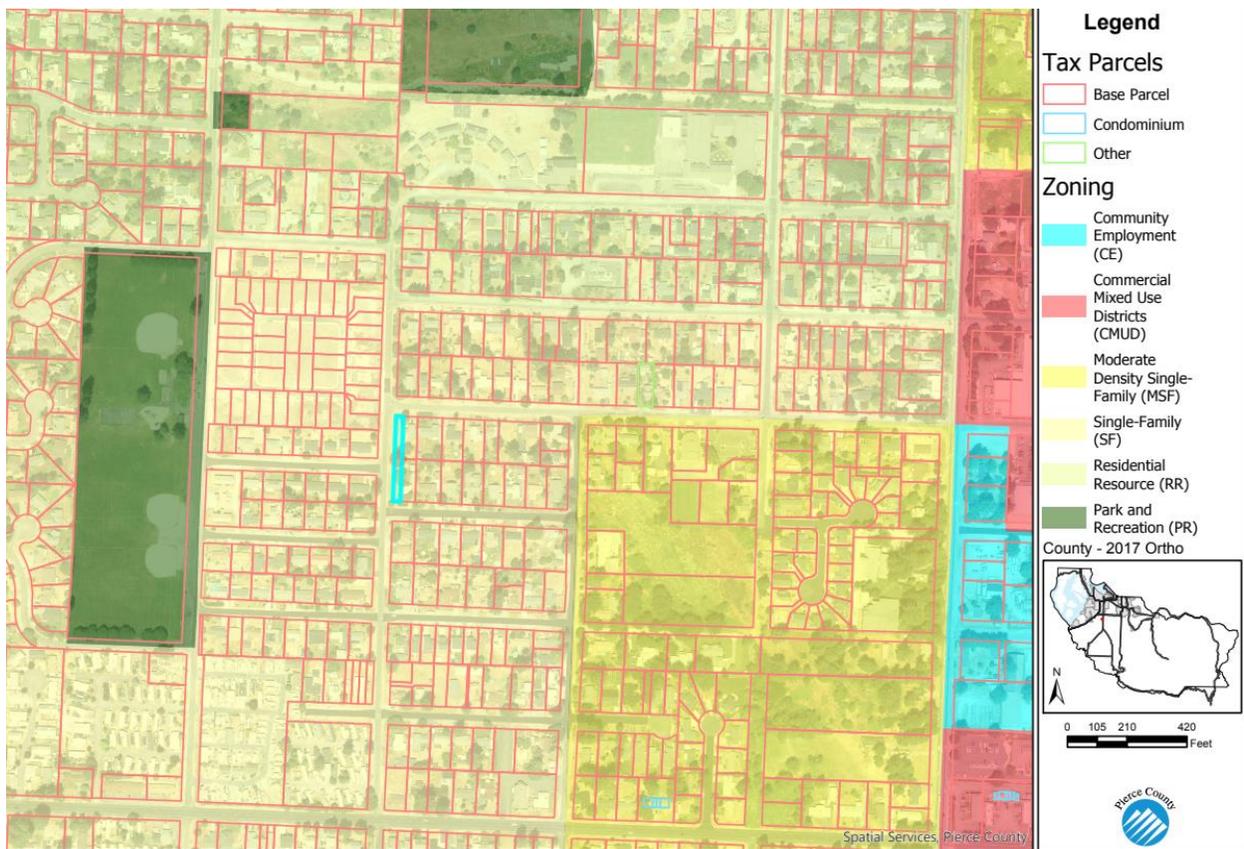
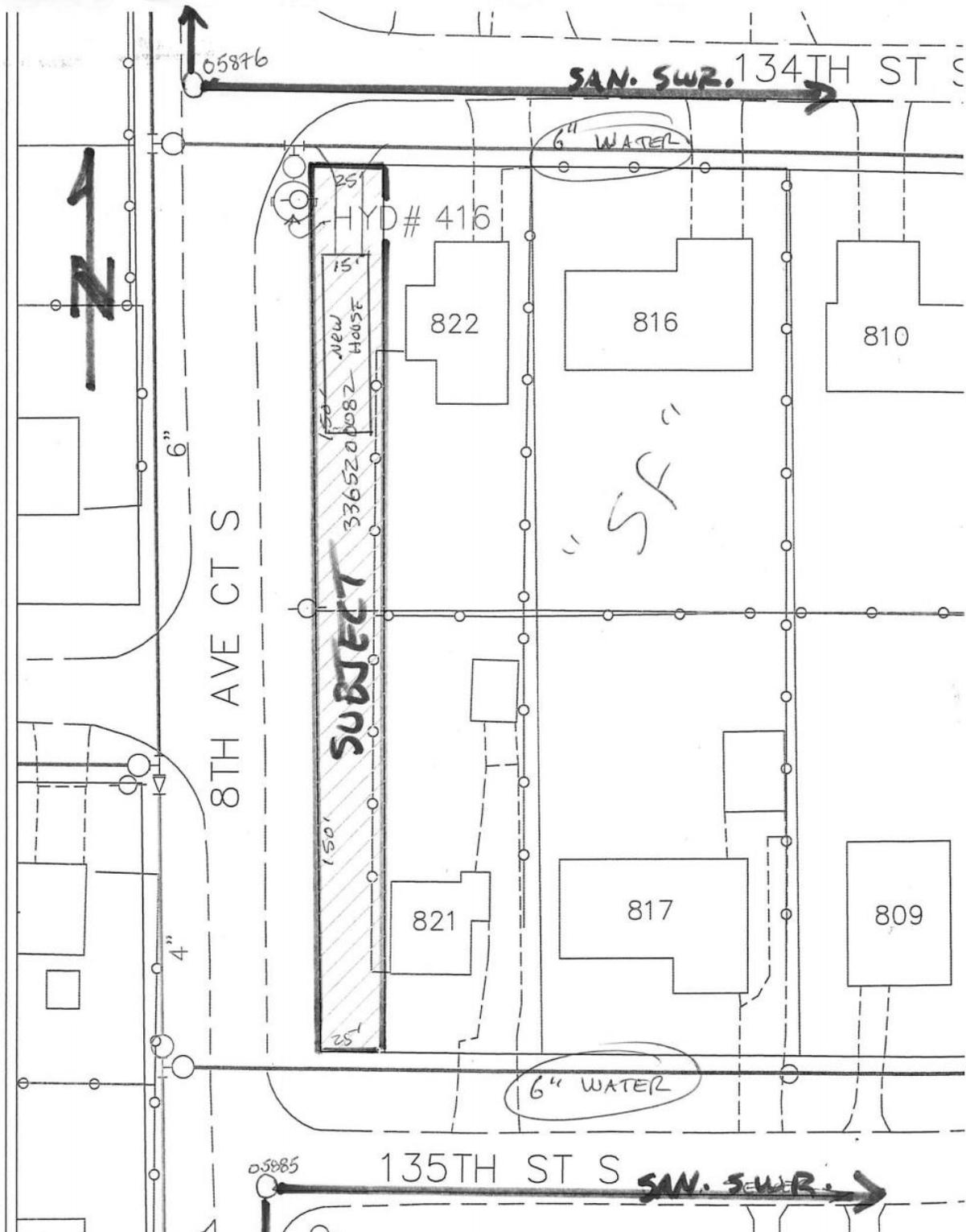


Figure 2: Project property highlighted.

Proposed Site Plan and Cross Section



Comments from the Public and Agencies

- Comments received on this proposal may be found by accessing the online permit information referenced on page 1.
- Staff has not received comments from agencies that are opposed to the project.
- Staff has received two letters from the public opposed to the project. Objections include concerns about traffic going onto the property, violation of the spirit and intent of the land use code, lot size, fire safety issues and reduction in property values.

Surrounding Land Use / Shoreline / Zoning Designation

	LAND USE	ZONING
North	134 th Street South	Single Family (SF)
South	135 th Street South	SF
West	8 th Avenue Court South	SF
East	Single Family Dwelling Units	SF

Initial Planning and Public Works (PPW) Staff Review for Consistency with Regulations and Policies

Title 19A Pierce County Comprehensive Plan

The Comprehensive Plan applies to all proposed land uses in the County. It supports single-family residences within the urban areas. Supporting policies include, but aren't limited to:

- **LU-24.2:** Allow a range of housing types and designs.
- **LU-27:** Urban level facilities and services must be provided prior to or concurrent with development.
- **H-1:** Allow for a range of housing types in appropriate areas of the County.
- **H-1.3:** Encourage creative solutions to housing issues through quality design which is functional as well as livable.
- **H-2:** Encourage the development of new housing within the Urban Growth Areas where facilities and services exist or are planned.

However, the proposed Land Use Variance from setback requirements is beyond the level of specificity found in the Comprehensive Plan policies. The proposal does not conflict with any goals or policies in the Comprehensive Plan.

Title 19A Appendix I: Parkland-Spanaway-Midland Communities Plan

The proposed Land Use Variance is beyond the level of specificity found in the Community Plan policies. Staff did not find that the proposal conflicted with any goals or policies in the Community Plan.

Title 18A Development Regulations – Zoning

Lots of Record. In any zone that permits a single-family dwelling unit, a single-family dwelling unit and permitted accessory structures may be constructed or enlarged on a lot

which cannot satisfy the lot size and/or density requirements of the zone where the lot was legally created. This Section shall not waive the requirements for setbacks and height limits of the zone. See PCC 18A.15.030 C. for regulations applicable to lots 25 feet or narrower. (18A.150.010 B)

The proposal is located within the Single Family (SF) zone in the Parkland-Spanaway-Midland Communities Plan area. Within this zone a detached single-family residence is permitted outright. The proposal is located on a legal lot of record created through the plat Cultums 2nd Addition. Regulations applicable to lots 25 feet or narrower will be addressed later in this report. The applicants have requested deviation from the standard setbacks and have applied for a Land Use Variance.

- Lot Dimension (18A.15.030)

- A. Lot Width Measurement.

1. When a lot has four side or has more than four sides and has an essentially rectangular, or pie shape, the lot width shall be the horizontal distance between the side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the lot front and the lot rear line. For pipe stem or flag lots, the access easement or lot extension shall not be included in determining the depth of the lot.
2. For lots with more than four side that are irregular in shape, lot width shall be measured at the widest portion of the lot between the side lot lines.
3. As an alternative to 1. and 2. above, lot width may be measured at the location of the proposed principle building development.

The proposal is located on a corner lot. A corner lot is defined as:

“‘Corner lot’ means a lot situated at the intersection of two or more street rights-of-way having an interior angle of less than 135 degrees. On a corner lot, all yards abutting street rights-of-way shall be considered front yards.”

The project property abuts 8th Avenue Court South on the west side and 134th Street South on the north. While the property is rectangular in shape per PCC 18A.15.040 A.2 a corner lot does not have a rear yard setback and consequently no rear yard. The lots lines that do not abut the right-of-way have side yard setbacks and are side yards.

Option 1 above is not applicable as a point midway between the lot front and the lot rear does not exist. Option 2 is not applicable as the lot does not have more than four sides and is not an irregular shape. Therefore, option 3 is used to measure the lot width. At the location of the proposed detached single-family residence the lot width is 25 feet.

- Situational Lot Dimension Provisions (18A.15.030 B)

1. 25-foot-wide-Lots: For residential development of lots that are 25 feet in width or less, two such lots shall be required to construct one detached single-family dwelling unit, and three such lots shall be required to construct a duplex, when all of the following apply:
 - a. Two or more such lots are in contiguous and common ownership;
 - b. The lots are located in an SF, RR, or MSF zone classification; and
 - c. The lots were created prior to August 13, 1974.

The proposal is located on tax parcel #3365200082. The parcel is made up of Lot 2 and Lot 3 of Block 6 of the Cultums 2nd Addition plat. This plat was finalized in 1907. The property is in the SF zone.

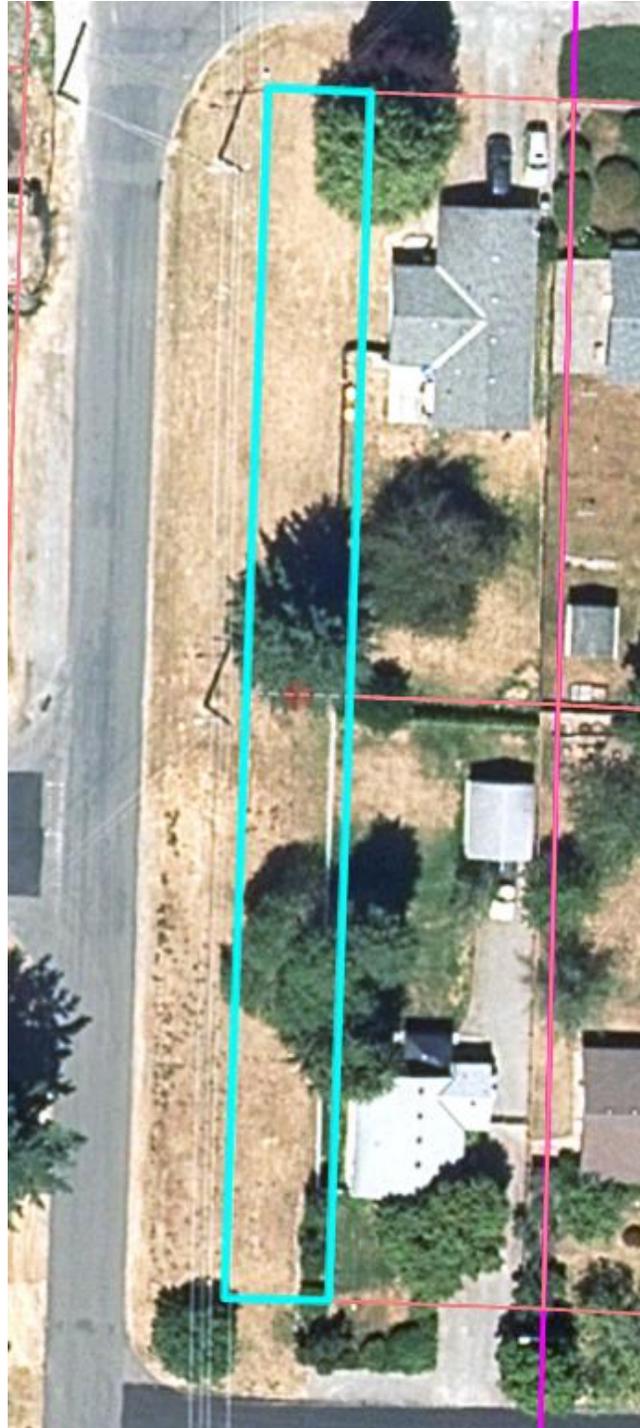


Figure 3: Project parcel is highlighted. A dashed line splits the tax parcel into Lot 2 (in the north) and Lot 3 (in the south).

While the owner does own two-contiguous properties they are back-to-back. The regulations for contiguous ownership are understood, and

implemented, to be side-by-side ownership. Public comment has been made that the proposal cannot be approved because the property owner does not have two contiguous 25-foot lots.

The requirement is that an applicant shall build on two 25-foot lots if **all** three of the above requirements are met. While the property is located within the SF zone and the lots were created prior to August 13, 1974, two or more 25-foot lots in contiguous and common ownership are not present. Therefore, two contiguous 25-foot lots are **not** required to build a detached single-family residence.

- Urban Setbacks (Table 18A.15.040-1)

The required Front – Non-Arterial setback for the SF zone is 12 feet for porches, 15 feet to other portions of the building and 25 feet for parking facilities such as a garage or carport either attached or detached and only applies on the side where the vehicle enters. The Interior/Side yard setback for the SF zone is 10 feet.

The applicant proposes to reduce the required front yard setback from 12/15/25 feet to five feet along 8th Avenue Court South. The applicant proposes to reduce the required side yard setback from 10 feet to 5 feet. The applicant has applied for a Land Use Variance to reduce the setbacks.

- Interior Yards. Existing lots of record that are 100 feet or less in width may reduce the interior yard setback to 10 percent of the lot width. Lots between 101 feet and 150 feet wide may reduce the interior yard setback to 15 percent of the lot width. Lots between 151 and 200 feet wide may reduce the interior lot setback to 25 percent of the lot width. In no case shall the setback be less than 3 feet unless a variance is approved. (PCC 18A.15.040 B.4)

The proposal is located on a lot of record 100 feet or less in width. The width of the lot is 25 feet. The side yard setback can be reduced to three feet. A Land Use Variance is not necessary to reduce the side yard setback from 10 feet to five feet.

- Parkland-Spanaway-Midland Use Table (18A.28)

The applicant requests the land use variance for the benefit of a detached single-family residence. Within the SF zone in the Parkland-Spanaway-Midland Communities Plan area a detached single-family residence is permitted outright.

- Variances (18A.75.040)

The purpose of this Section is to provide a means of deviating from the requirements of Title 18A PCC in specific instances where strict application of these requirements would prevent property from being utilized in a similar manner as other properties in the same zone and classification because of special features or constraints unique to the property involved.

Before any variance may be granted, it shall be shown that:

1. There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location or surroundings that not apply generally to the other property or class of use in the same vicinity and zone.

The applicants' property is a 25-foot wide legal lot of record. It is a corner lot, meaning on two property lines (the west side and the north side) a detached single-family residence is required to meet front yard setbacks.

Within the vicinity and same zone there are tax parcels with detached single family residences at every intersection. These parcels are corner lots and, just like the applicants' property, would be corner lots with front yard setbacks from two property lines. However, the difference is that where the applicant owns a singular 25-foot lot in width, other corner lots are composed of multiple underlying legal lots.

Some are made up of a 25-lots plus another, wider lot, while others are made up of multiple side-by-side 25-foot lots. This affords those property owners the ability to meet all setbacks that is not afforded the property owner of a single 25-foot lot.



Figure 4: Highlighted parcel on the left shows an example tax parcel with one residence built on four 25-foot lots. Highlighted box on the right shows an example detached single-family residence built on one 25-foot lot and one larger lot.

In conclusion, Planning Staff was not able to find another single 25-foot wide corner lot within the vicinity and same zone. All other corner lots were either made up of

more than one underlying 25-foot lot or were made up of a combination of underlying 25-foot lots in addition to a larger width lot. Staff finds that there are special circumstances applicable to the subject property that do not apply generally to the other property or class of use in the same vicinity and zone.

2. Such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and zone, but which because of special circumstances is denied to the property in question.

As has been previously stated in this report the project lot is a single 25-foot wide lot. It is a legal lot of record. The applicants propose to access off 134th Street South. The proposed house would be set back 25 feet from said street. From 8th Avenue Court South, without approval of a variance, the setback to the house would be 15 feet. With the reduced side yard setback of three feet this only leaves seven feet to meet setbacks. Seven feet is not a reasonable amount of width for a detached single-family residence.

Nearly all the other lots within the area are improved with detached single-family residences. Denying the variance denies the property owner a substantial property use possessed by others within the vicinity and same zone. Staff finds that the variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and zone, but which because of special circumstances is denied to the property in question.

3. The granting of such a variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone in which the subject property is located.

There is always a concern when a structure is proposed to be closer to a road. In this specific instance, Development Engineering, who reviews proposals for conformance with access, right-of-way requirements, site distance etc. has entered in their approval of the variance. As recommended conditions of approval Development Engineering requests that access be only from 135th Street South and that a professional, licensed surveyor in the State of Washington survey the property to ensure the most accurate measurements.

Additionally, concern has been raised by a neighbor regarding the distance from the neighboring property and the potential style of the residence being out of place as it will not be in the rambler style like most of the neighborhood.

First, as was spoken to previously in this report, the applicants can build as close as three feet from the side property line. While they may be permitted to do this, when the applicants come in for building and site development permits, they will be required to meet all applicable regulations including fire regulations.

Second, Staff concedes that the design of the residence will not be the same as the rest of the neighborhood. However, the applicants are proposing a permitted outright use on a legal lot of record. House design changes based on factors such as lot size, required setbacks, budget and popular architectural styles. Because the

design of the house is different from the surrounding neighborhood does not mean that it will be injurious to other properties in the vicinity and zone. Staff does not find that a detached single-family residence, that will be required to meet all applicable regulations minus the deviation from the front yard setback requirements, and is a different architectural design than the majority of other detached single-family residences will be materially detrimental to the public welfare or injurious to the property or improvement in the vicinity and zone in which the subject property is located.

4. The granting of such a variance is consistent with the Comprehensive Plan including any applicable Community Plan.

As previously spoken to, Staff finds that the granting of the variance would be consistent with the Comprehensive Plan and the Parkland-Spanaway-Midland Communities Plan.

5. No significant adverse environmental impact will be caused as a result of the variance approval.

Staff has not found nor seen evidence that approval of the variance will cause significant adverse environmental impact.