

# Initial Project Review

## Variance: Nimz

**Application Number: 964103**

**Tax Parcel Number: 0022347001**

**Key Peninsula Advisory Commission (KPAC) Public Meeting: August 18, 2021, at 6:30 p.m.** Although COVID 19 restrictions on gatherings have been relaxed, the State Emergency Declaration is still in effect. This meeting will be held remotely. To participate, visit [www.Zoom.com](http://www.Zoom.com) and click “Join a Meeting” or call 253-215-8782, then enter the Meeting ID: 913 4115 6298 and Passcode: 7156, or click on the following link:

<https://piercecountywa.zoom.us/j/91341156298?pwd=SULuRHNqVk51ajkxM3ZiVGRyaDRjQT09>

For additional questions regarding the virtual meeting process, contact Danica Williams at 253-798-7156, or [danica.williams@piercecountywa.gov](mailto:danica.williams@piercecountywa.gov)

**Proposal:** The applicant requests a variance to reduce the rear yard setback at the west property line from 30 feet to 8 feet and to reduce the side yard setback at the south property line from 10 feet to 8 feet, in order to construct a 660-square foot detached 2-car garage with a 462-square foot carport and 660 square feet of storage on the second floor. There is no existing covered parking.

**Project Location:** The site is in the Rural 10 (R10) zone classification and Key Peninsula Communities Plan area, located at 18922 Bayview Road, Vaughn, WA, within Section 34, T22N, R00E, W.M., in Council District #7.

**Staff Review:** County Staff reviewed this proposal for compliance with all applicable policies, codes, and regulations. Staff intends to recommend **denial** to the Hearing Examiner as the project does not meet Variance Review Criteria 2.

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

**County Contact:** Jenny Kreifels, Associate Planner, (253) 798-6322,  
[Jennifer.Kreifels@piercecountywa.gov](mailto:Jennifer.Kreifels@piercecountywa.gov)

**Pierce County Online Permit Information:**

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentsStatus?applPermitId=964103>



## Project Data

Complete Application Date: June 11, 2021

Initial Project Review Mailed: August 11, 2021

Property Owners/Applicant: Jeff and Jamey Nimz  
3003 Johnston Avenue  
Redondo Beach, CA 90278  
[jjnimz@verizon.net](mailto:jjnimz@verizon.net)

Agent: Carly Bloecher  
18922 Bayview Road N.W.  
Vaughn, WA 98394  
[carlybloecher@gmail.com](mailto:carlybloecher@gmail.com)

## Legal Notice

- *June 21, 2021*: Notice of Application, including the Key Peninsula Advisory Commission (KPAC) public meeting information, was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
- *June 22, 2021*: The site was posted with a public notice sign and confirmed with a Declaration of Posting.
- *August 5, 2021*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*) advertising the Key Peninsula Advisory Commission (KPAC) public meeting.

2020 Aerial Photo



Figure 1: Project highlighted.

Septic As-Built

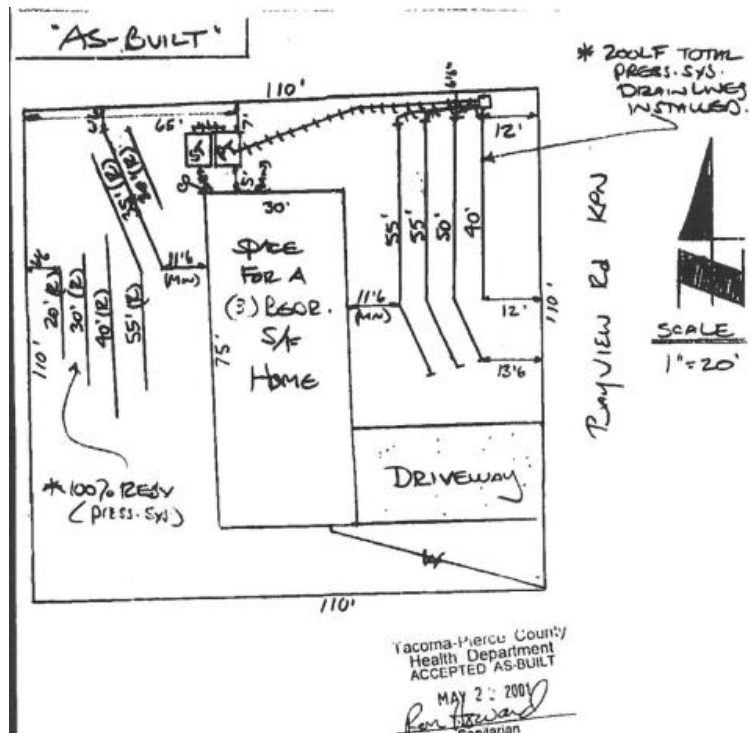


Figure 2: Shows placement of septic components. Submitted to TPCHD in 2001.

Proposed Site Plan, dated June 3, 2021

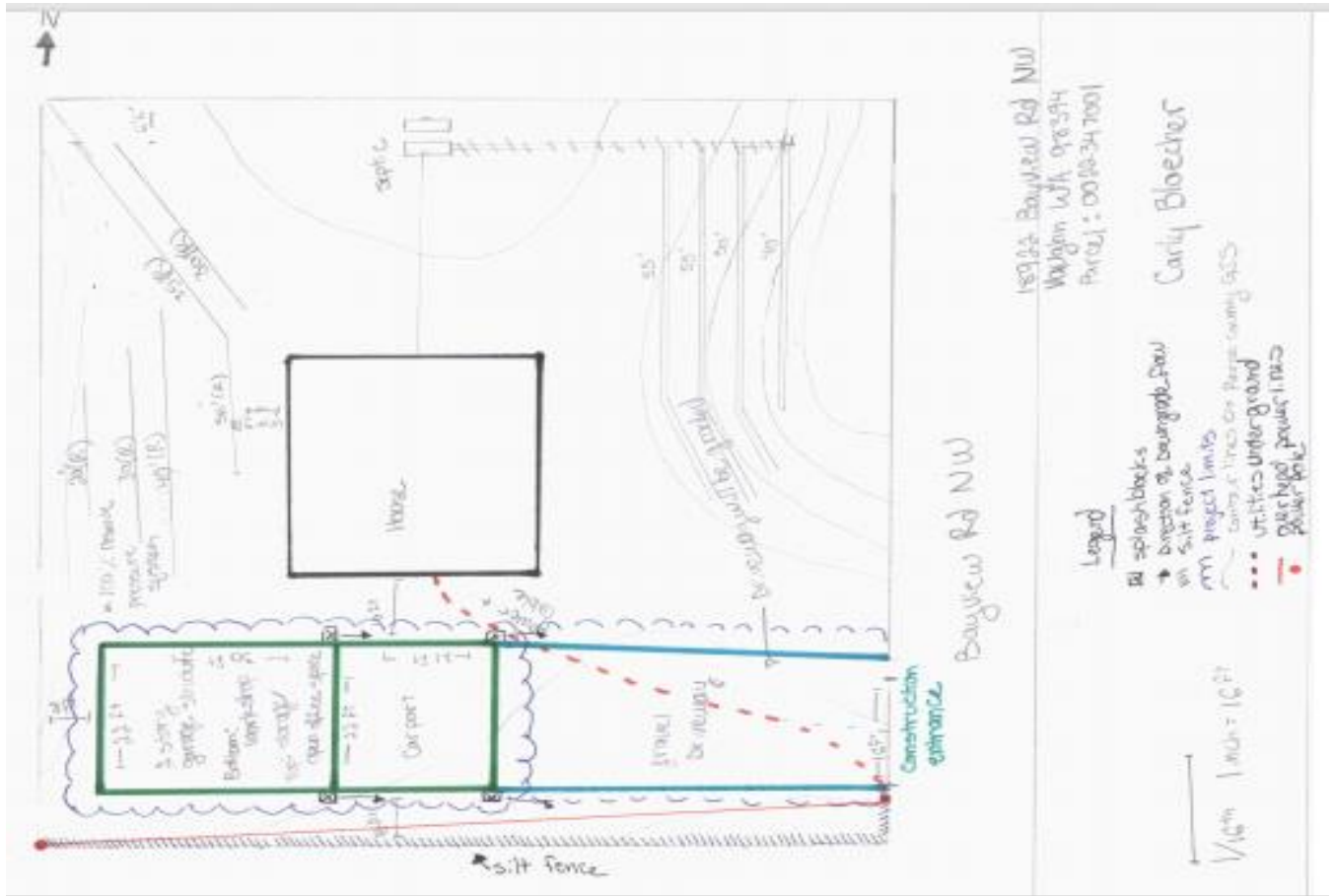


Figure 3: Detached garage/carport (1,122 sq. ft.). Second floor storage (660 sq. ft.).

Site Photo Accessed July 27, 2021, from Google Earth



Figure 4: Photo taken prior to 2011. Facing west.

**Site Image from Assessor-Treasurer Portal**



**Figure 5: Photo dated 2020 shows front access and adjacent single-family residence to the west.**

**Site Characteristics**

- Subject site became a legal lot through short plat 76-272 as Lot 1.
- The home was built in 1992.
- The County Assessor lists the parcel as 0022347001 and the Assessor data shows the lot is 0.28 acre in size.
- Access is at the east from Bayview Road N.W.
- Currently, the use is a single-family residence (SFR), approximately 1,024 square feet, with no covered parking.
- Application 961597 for a Boundary Line Adjustment (BLA) was made on May 7, 2021.
- The building site is relatively flat where the construction is proposed.
- There is a primary drainfield on the east, a reserve field on the west, and septic tanks to the north of the existing SFR.

**Surrounding Land Use and Zoning Designation**

LAND USE		ZONING
North	Single Family Residence (SFR)	Rural 10 (R10)
South	SFR	R10
West	SFR	R10
East	Bayview Road N.W. / SFR beyond	R10

## **Review Responsibility**

The following list includes jurisdictional areas for County departments and divisions involved in the review and administration of this proposal:

- A. Planning and Public Works (PPW):
  - Current Planning verifies compliance with the Pierce County Comprehensive Plan, Key Peninsula Community Plan, and development regulations including zoning, critical areas, design review and potential environmental impacts.
  - Natural Resources reviews for site constraints for wetlands or fish and wildlife.
  - Development Engineering reviews for drainage, erosion control, site development, flood, survey, landslide and erosion hazard, lot dimensions and road standards.
  - Cartography reviews road names and addresses.
  - Transportation Services reviews for traffic.
  - Sewer Utility Services reviews for sanitary sewer service.
- B. Fire Prevention Bureau reviews for emergency vehicle access and fire flow.
- C. Tacoma-Pierce County Health Department reviews for wastewater disposal and potable water.
- D. Assessor-Treasurer's Office reviews for tax segregation, depiction of record description, improvements, and property ownership.

## **Review Criteria**

The following regulations and policies shall be used during the review process including, but not limited to:

- A. Pierce County Development Regulations, and Construction and Infrastructure Regulations.
- B. Pierce County Comprehensive Plan and Key Peninsula Community Plan.
- C. Applicable state statutes.
- D. All applicable notes on related previously recorded County documents.

## **Agency and Staff Review Comments**

The proposed project has been routed to interested departments and agencies for review. Additional comments may be forthcoming. To date, no comments have been received from neighbors or the public. No comments, corrections or requests for additional information have been received from other departments or agencies.

## **PPW Staff Review for Consistency with Applicable Land Use Policies and Regulations**

The proposal is subject to review for conformance with Pierce County plans, codes and regulations.

## **Title 19A Pierce County Comprehensive Plan**

The Comprehensive Plan applies to all proposed land uses in the County. The proposed Variance from a setback requirement is beyond the level of specificity found in the Comprehensive Plan policies. Staff did not find that the proposal conflicted with any goals or policies in the Comprehensive Plan.

## Title 18A Development Regulations - Zoning

- Rural 10: R10 (18A.10.090 B.2. b.)  
The Rural 10 (R10) zone classification is intended to provide for rural uses at a rural density.
- Setback and Height (18A.15.040)  
A setback is measured from the edge of a road right-of-way, easement, or tract that provides vehicular access, or future road right-of-way as identified by the most recently adopted official control to the closest point of the vertical foundations. Where there is no road right-of-way, easement or tract that provides vehicular access or future road right-of-way as identified in the most recently adopted official control, a setback is measured from the property line.

Setbacks for the R10 zone is 10 feet from sides and 30 feet from the rear. The proposed detached 2-story garage/carport would be located 8 feet from the side property line at the south and 8 feet from the rear property line to the west. A Variance to reduce the side and rear yard setback has been applied for by the applicant.

- Archeological, Culture, and Historic Resources (18S.30.020)  
Staff has received no requests for a cultural resource survey to be completed. Language relating to inadvertent discovery will be included as part of the project approval. Staff did not receive comment from the Department of Archeological and Historic Preservation.
- Key Peninsula Community Plan Areas Use Table (18A.26.020)  
A detached single-family residence is permitted. The lot was legally established through a short plat 76-272 as Lot 1.
- Variances (18A.75.040)  
A Variance may be approved only if all the following findings can be made regarding the proposal.
  1. There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location or surroundings that do not apply generally to the other property or class of use in the same vicinity and zone.

Applicant Comment: Our property is currently zoned R-10, but we have .2799 acres of land, so we don't have the excessive space to accommodate R-10 setbacks. The proposed Garage (workshop/office/storage space) and carport will be located directly behind the only entrance/access point to our property from the county-maintained road. Unfortunately, we don't have the ability to build the structure on any other side of our house because of the locations of the septic tank, drainfield, and reserves. They flank all three other sides of our house. Additionally, based on where our house is located on the property, we have no room for the structure at the back, there is a steep sloping hill in the front, and gradual sloping to the north side. The proposed location is the only flat space large enough to accommodate the structure with access to the road. We are asking for a deviation from the current setbacks because we have 2 power poles that run the length of the southern end of the property (at a slight diagonal, gradually widening the useable space towards the back corner.) If we were to build the structure to accommodate the 30' R-10 setbacks from the back of the property, the structure would come too close to the power lines (as per Peninsula Light Company).

*Staff Comment:* With the placement of the septic components on three sides of the property, the south side is the only area for placement of the proposed structure. The primary drainfield is on the east, the secondary drainfield is to the west and the tanks are north of the SFR. The sloped topography and septic system are site constraints that create a special circumstance. There is also a power pole on the south side of the driveway that requires a 6-foot separation from the proposed structure. Staff finds that Review Criteria 1 is met with regard to the southern side yard given the need for a detached structure to be a minimum of 10 feet from the house for building code reasons. Staff does not find that Criteria 1 is met with regard to the rear yard. There are no constraints preventing the construction of a standard two-car garage without encroaching into the 30-foot rear yard setback.

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.

*Applicant Comment:* Correct. The Garage/workshop would allow my husband a safe and secure place to store his tools and protect his work from the elements, and we would love to have an additional secured, temperature-controlled, enclosed space for storage on our property. We currently don't have covered parking, and the covered carport would allow us to be able to protect our vehicles from the elements and neighboring tree debris. All of our neighbors have garage (one has both an attached and detached garage) and we would like to be able to have a similar structure and the same rights on our property.

*Staff Comment:* Staff concurs that a two-car garage is a substantial property right or use commonly possessed and enjoyed by other properties in the same vicinity and zone; however, staff finds the structure to be larger in size than what is typically regarded as a substantial property right for a residential vehicle garage. Staff does not find that a two-car garage and an attached two car carport is commonly associated with a single-family home. The subject site is smaller in area than many adjacent parcels so it would stand to reason that an accessory structure would also be smaller in size than the surrounding properties. The proposed structure is 1,782 square feet. The applicant has the option to build a smaller accessory structure to meet setbacks and benefit from this substantial property right. Staff finds that approval of a 22-foot wide garage with an additional 8 feet in length for a workshop area would comply with the criteria as a substantial property right similar to those in the vicinity. Staff also finds that detached garages often have second story living space. Staff finds that a 22x30 foot structure that encroaches 2 feet into the 10-foot side yard and 6 feet into the 30-foot rear yard would meet Review Criteria 2. A building of this size would allow the applicant to retain the existing storage shed that is located in the southwest corner of the lot. Staff does not find that an attached 22x21 foot attached carport would meet Criteria 2.

3. The granting of such 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.



Applicant Comment: Correct. The granting of the variance would not be detrimental to the public welfare or injurious to the property. In fact, it will add aesthetic value to the property.

Staff Comment: Staff finds no evidence that the granting of the variance would be detrimental to the public welfare or injurious to the property and finds Review Criteria 3 is met.

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

Applicant Comment: I don't believe that granting the variance will adversely affect the comprehensive plan. We do not intend to add additional dwellings to the property.

Staff Comment: Staff finds that the granting of the variance would be consistent with the Comprehensive Plan.

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

Applicant Comment: Correct. We are not located in an environmental impact zone and will follow local codes to combat runoff during construction.

Staff Comment: Staff finds no evidence that significant adverse environmental impact will be caused as a result of the variance approval and that Review Criteria 5 is met.

### **Title 18D - Environmental**

The proposal is not subject to environmental review under the State Environmental Policy Act (SEPA).

### **Title 18E – Critical Areas**

No critical areas have been identified on or near the site.

### **Question from Staff for the KPAC:**

Does the KPAC believe that the applicant is meeting the Variance Use Permit Requirements?