Initial Project Review

Variance: Perebeynos

Application Number: 978539
Tax Parcel Number: 3875000050

South Hill Advisory Commission Public Meeting: March 7, 2022, at 7:00 p.m.
Due to COVID-19 restrictions, this meeting will be held virtually. To participate, visit www.Zoom.com and click “Join a Meeting” or call 253-215-8782, then enter the Meeting ID: 979 5645 2752, and Passcode: 560394 or click on the following link: https://piercecountywa.zoom.us/j/97956452752?pwd=Ny82dkZioHZmYjNhHzQ2N16ZDRuUT09. For additional questions regarding the virtual meeting process, contact Tiffany Aliment at 253-798-3226 or tiffany.aliment@piercecountywa.gov.

Proposal: Request to reduce the required minimum building setback along the northern property line (side yard) from 3 feet to 2 feet, and to reduce the required minimum building setback along the eastern property line (front yard) from 15 feet to 0 feet, to allow construction of an approximate 435-square foot garage (the garage has been constructed without the necessary permits).

Project Location: 7121 149th Street East, Puyallup, WA, within the NW 1/4 of Section 20, T19N, R4E, W.M., in Council District #2

Review Summary: County staff has reviewed this proposal for compliance with all applicable policies, codes, and regulations. The County finds, based on an initial project review, the proposal does not appear to meet all five Variance review criteria.

State Environmental Policy Act (SEPA): The proposal is categorically exempt from SEPA environmental review in accordance with Pierce County Code, 18D, Environmental, and the State Environmental Policy Act Rules, WAC 197-11.

County Contact: Adonais Clark, Senior Planner, 253-798-7165, adonais.clark@piercecountywa.gov

Pierce County Online Permit Information:
https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentStatus?applPermitId=978539
Project Data

Application Complete Date: January 1, 2022

IPR Mailed Date: February 28, 2022

Property Owner/Applicant: Daniil and Irina Perebeynos
7121 149th Street East
Puyallup, WA 98375
United144@yahoo.com

Public and Legal Notice

- January 27, 2022: Notice of Application (NOA) and Public Meeting Notice, including the South Hill Advisory Commission (SHAC) 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.
- February 15, 2022: Revised NOA and Public Meeting Notice, including the Public Hearing 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.
- February 21, 2022: Legal Notice was published in the official County newspaper (Tacoma News Tribune), advertising the public meeting to be held by the South Hill Advisory Commission (SHAC).

Project History

- The residence was constructed in 1964, according to the Assessor/Treasurer’s Office. It is not clear when the carport was constructed, though it is visible in a 1998 aerial photo.
- It does not appear from our records that a building permit was issued for the carport.
- There are no County records of a violation of Pierce County Code for unpermitted development associated with the carport.
- The applicants purchased the parcel in March of 2017.
- A complaint was received on August 10, 2020, regarding the garage.
- A Notice of Violation was posted on the site on December 30, 2020.
- A Notice of Intent to File Certificate of Non-Compliance was sent to the landowners on November 17, 2021.
- A Certificate of Non-Compliance (no permits) was recorded against the parcel on December 16, 2021.
- A Variance application was submitted on January 1, 2022, to address the recent (2020) construction of a garage, which enclosed an already constructed carport, within the required interior (side) and front yard setbacks.
Vicinity Map

County Aerial Photo 1998
Site Photo - *Looking westerly at the carport on April 15, 2015*
Site Photo - Looking westerly at the garage under construction in August of 2020
Site Photo - Looking westerly at the garage on January 13, 2021

Zoning Map
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), Planning Division:
- Planning verifies compliance with the Pierce County Comprehensive Plan, the South Hill Community Plan, and the Pierce County development regulations including zoning, critical areas, land divisions, design review, and environmental.

Public and Agency Review Comments

Comments have been received on the Variance from the following departments and agencies. Comments received on this proposal may be found by accessing the Online Permit Information referenced on page 1:

- Nisqually Indian Tribe – The Nisqually Indian Tribe noted in their January 31, 2022, comment letter, “The Nisqually Indian Tribe’s THPO has reviewed the master application and supplemental material that you provided for the above named project and has no specific comments or concerns at this time.”

- Squaxin Island Indian Tribe – The Squaxin Indian Tribe noted in their February 1, 2022, comment letter, “We have no specific cultural resource concerns for this project.”

- No comments have been received from the public.
Site Characteristics

- The parcel is developed with a 1-story single-family residence, driveway, and garage.
- The primary residence is accessed from 149th Street East.
- The garage is accessed from 72nd Avenue East.
- The topography of the parcel is flat.

Surrounding Land Use / Zoning Designation

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>ZONING (Title 18A)</th>
</tr>
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<tbody>
<tr>
<td>North</td>
<td>Single family dwelling</td>
</tr>
<tr>
<td>South 149th East</td>
<td>MSF</td>
</tr>
<tr>
<td>East 72nd Avenue</td>
<td>MSF</td>
</tr>
<tr>
<td>West</td>
<td>Single family dwelling</td>
</tr>
</tbody>
</table>

Utilities/Public Facilities

Utility service and public facilities are:

- Water: Tacoma Water
- Sewer: On-site septic disposal system
- Power: Puget Sound Energy
- School: Puyallup

Governing Regulations

- Title 19A Comprehensive Plan - January 1, 1995, as amended
- Title 17A Construction and Infrastructure Regulations – Site Development and Stormwater Drainage
- Title 18 Development Regulations - General Provisions
- Title 18A Development Regulations – Zoning
- Title 18E Development Regulations – Critical Areas
- Title 18F Development Regulations - Land Division and Boundary Changes
- Title 18H Development Regulations - Forest Practices
- Title 18J Development Regulations - Design Standards and Guidelines

Initial PPW Staff Review for Consistency with Land Use Policies and Regulations

Title 19A – Pierce County Comprehensive Plan

Title 19A, Appendix J – South Hill Community Plan

Staff Comment: Staff did not identify any policies or regulations in the Pierce County Comprehensive Plan or South Hill Community Plan addressing this Variance issue or request.
Title 18, Pierce County Development Regulations – General Provisions
Chapter 18.160 - Vesting
18.160.030 Applicability.
18.160.050 Vesting of Applications.

*Staff Comment:* A complete application for a Variance was submitted to Pierce County on January 1, 2022. The Variance is subject to the development regulations in effect on that date.

Title 18A, Development Regulations – Zoning

18A.15.040 Setback and Height

### Table 18A.15.040-1. Urban Setbacks

<table>
<thead>
<tr>
<th>Urban Zone Classification (All County)</th>
<th>Minimum Building Setback (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front – Arterial</td>
</tr>
<tr>
<td>MSF Moderate Density Single Family</td>
<td>25</td>
</tr>
</tbody>
</table>

(3) 12-foot setback for porches; 15-foot setback to other portions of the building; and 25-foot setback for vehicle parking facilities such as garage or carport either attached or detached, setback applies on the side where vehicle enters only.

18A.15.040 Setback and Height

**A. General Provisions.** The following general setback and height regulations apply throughout this Chapter.

1. **Setback Measurement.** A setback is the minimum required distance between any structure and a specified line. 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. (Official control includes, but is not limited to, Pierce County Road Classification, Pierce County Six-Year Transportation Improvement Program, Pierce County Transportation Plan, Approved County Road Project (CRP) plans and/or approved right-of-way plans.) 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.

2. **Designation of Required Setbacks.** All lots must contain at least one front yard except pipestem lots. A front yard setback shall be required abutting each right-of-way on through lots. If a corner lot abuts the intersection of two or more rights-of-way, the yard not used for vehicular access may be reduced to 15 feet, provided the reduced yard does not abut a State Highway or any arterial. All lots must contain one rear yard setback except for corner, through, and pipestem lots. All other setbacks will be considered interior yard setbacks.

*Staff Comment:* The lot is a corner lot as the lot abuts two road right’s-of-way. The southern and eastern property lines abut 149th Street East and 72nd Avenue East, respectively, and are both front yards. Neither road is an arterial. The front yard setback adjacent to 149th Street East is 25 feet. The front yard setback adjacent to 72nd Avenue East is 15 feet as this yard is not used for vehicular access to the home. The garage occupies the entire 15-foot front yard setback and intrudes into the right-of-way for 72nd Avenue East by a couple of feet.

The western and northern property lines are both interior (side) yards.
B. Situational Setback and Height Provisions

4. Interior Yards.
   a. Detached single-story accessory structures, except for accessory dwelling units, may occupy 25 percent of the total area of an interior yard and shall maintain a minimum 3-foot setback. The interior yard does not include any portion of the front or rear yard for purposes of this calculation.

   **Staff Comment:** The structure is adjacent to the northern property line, which is an interior yard. The structure is an accessory structure which must maintain a minimum 3-foot setback. Staff estimates that the garage is approximately 2 feet from the northern property line.

18A.75.040 Variances.

C. Review Criteria. 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 do not apply generally to the other property or class of use in the same vicinity and zone;

   **Staff Comment:** The project site is served by an individual septic system, which is approximately 17 feet to the west of the structure. The septic system (primary and reserve) occupies the entire back yard, except for the NE corner. There is no room to construct a garage on the east side of the parcel, between the house and 72nd Avenue East or on the south side of the house between the house and 149th Street East. Most lots in the general vicinity are not corner lots and have room on the side of their house for a detached garage.

   The original carport was approximately 300 square feet in size (20 feet x 15 feet). The applicant enclosed the existing carport on the north, east, and south sides and expanded the carport/garage to the west by approximately 9 feet, to within approximately 7 feet of the septic systems so that the garage is now approximately 435 square feet in size (29 feet x 15 feet).

**2017 and 2020 County Aerial Photos Showing Edge of 15-foot 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;

*Staff Comment:* The parcel is in the MSF zone. Detached garages are an allowed accessory use to a lawfully established residence in the MSF zone classification per **Section 18A.37.020 General Provisions for Residential Accessory Uses and Structures.** It does not appear that any of the other properties in the same vicinity contain a detached garage, with the exception of a property across 72nd Avenue East that contains a garage outside the 25-foot setback.

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;

*Staff Comment:* The granting of a variance will not be materially detrimental to the public welfare or injurious to the property in the vicinity of the subject property.

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

*Staff Comment:* The granting of a variance is not inconsistent with the Comprehensive Plan or the South Hill Community Plan.

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

*Staff Comment:* No wetlands, streams, or steep slopes are located where the garage is located. No significant adverse environmental impact will be caused as a result of the variance approval.

**Title 18D, Development Regulations – Environmental**

The proposal is exempt from SEPA environmental review in accordance with Pierce County Code, 18D, Environmental and WAC 197-11-800 (6)(e).

**Title 18E, Development Regulations – Critical Areas**

- **Wetlands**
  - There are no regulated wetlands on site.

- **Regulated Fish and Wildlife Species and Habitat Conservation Areas**
  - No regulated Fish and Wildlife Species and Habitat Conservation Areas were identified on the project site.
Staff Comment: The proposal is not subject to the requirements in Title 18J.

Questions for SHAC Discussion and Consideration

Variance:
  • Is the request consistent with the Pierce County Comprehensive Plan or South Hill Community Plan? If not, how can it be made consistent?

Other Questions or Concerns?

Perebeynos Variance IPR SHAC-AC.docx