

Initial Project Review

Land Use Variance: Kersey

Application Number: 978265
Tax Parcel Number: 7580000012

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: March 9, 2022, at 6:30 p.m. Due to COVID-19 restrictions, this meeting will be held remotely. To participate in the virtual meeting, visit www.Zoom.com and click “Join a Meeting” or call 253-215-8782, then enter the Meeting ID: 912 1196 5753, and Passcode 061633, or click on the following link: <https://piercescountywa.zoom.us/j/91211965753?pwd=enJ0QUtKZHIkcy9nWnJvTTJQRVNRdz09>. For additional questions regarding the virtual meeting process, contact Tiffany Aliment at tiffany.aliment@piercescountywa.gov or by phone at (252) 798-3226.

A Public Hearing is scheduled before the Pierce County Hearing Examiner on **March 30, 2022, at 10:00 a.m.** It is unknown at this time whether in person attendance will be an option. Please call no earlier than a week in advance for information. For additional questions regarding the virtual hearing process, contact Stacy Weaver at stacy.manthou@piercescountywa.gov or at (253) 798-3292. The virtual hearing information follows: Meeting ID: 991 8366 4860, and Passcode: 704782, or follow this link: <https://piercescountywa.zoom.us/j/99183664860?pwd=VGh3dE9hSE4rb3czYzBBampENHErdz09>

Proposal: In order to apply for a future short plat of the property containing a house and an Accessory Dwelling Unit (ADU), the applicant is requesting a variance to reduce the interior setback from 10 to 9.3 feet. The applicant is also requesting to deviate from Pierce County Code (PCC) 18A.15.020 B.2. a., which would allow both lots, instead of only one lot, to exceed the maximum allowed 7,260 square feet in size. Deviation from PCC 18A.15.020 B.2. a. requires a public hearing and Pierce County Hearing Examiner approval. The property is to be serviced by Peninsula Light, Shore Acres Water, and on-site septic.

Project Location: 2706 and 2708 64th Street N.W., Gig Harbor, WA, within Section 17, T21N, R2E, W.M., in Council District #7.

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, that the proposal appears to meet the intent of the applicable codes and regulations and staff plans to recommend approval of the proposed variance, subject to conditions.

Zone Classification: The current zoning of the property is Single Family (SF). The primary use of the SF zone is single-family residences with a minimum, base, and maximum density of 4 dwelling units per acre. The Comprehensive Plan designates the property as Moderate Density Single-Family (MSF).

Community Plan: Gig Harbor Peninsula

State Environmental Policy Act (SEPA): Pursuant to the State Environmental Policy Act and the Pierce County Environmental Regulations, Title 18E, the proposal is considered exempt to the requirements of SEPA.

County Contact: Jenny Kreifels, Associate Planner, jennifer.kreifels@piercecountywa.gov, or 253-798-6322.

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmenStatus?applPermitId=978265>



Project Data

Application Complete Date: December 29, 2021

IPR Mailed Date: March 2, 2022

Property Owner: Robert B. Kersey
6515 27th Avenue Northwest
Gig Harbor, WA 98335
harborrbk@comcast.net

Agent: Carl E. Halsan
PO Box 1447
Gig Harbor, WA 98335
carlhalsan@gmail.com

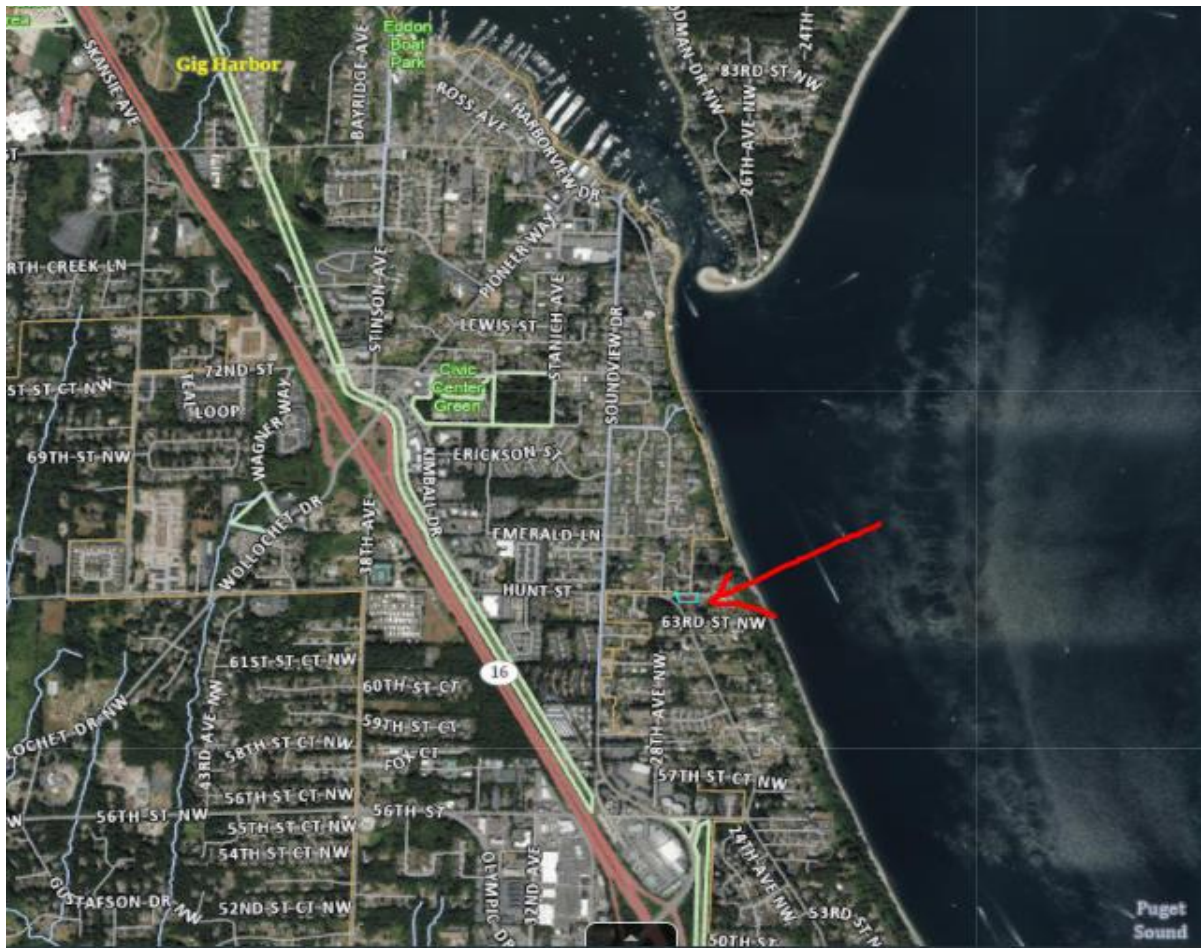
Public and Legal Notice

- *January 27, 2022:* Notice of Application and Public Meeting Notice, including the Gig Harbor Peninsula (PAC) public meeting and Examiner’s 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 7, 2022:* The site was posted with a Public Notice sign, confirmed with a Declaration of Posting.
- *February 23, 2022,* Legal Notice was published in the official County newspaper (*The News Tribune*), advertising the public meeting to be held by the Gig Harbor Peninsula Advisory Commission.

2020 County Aerial Photos



2020 County Vicinity Aerial



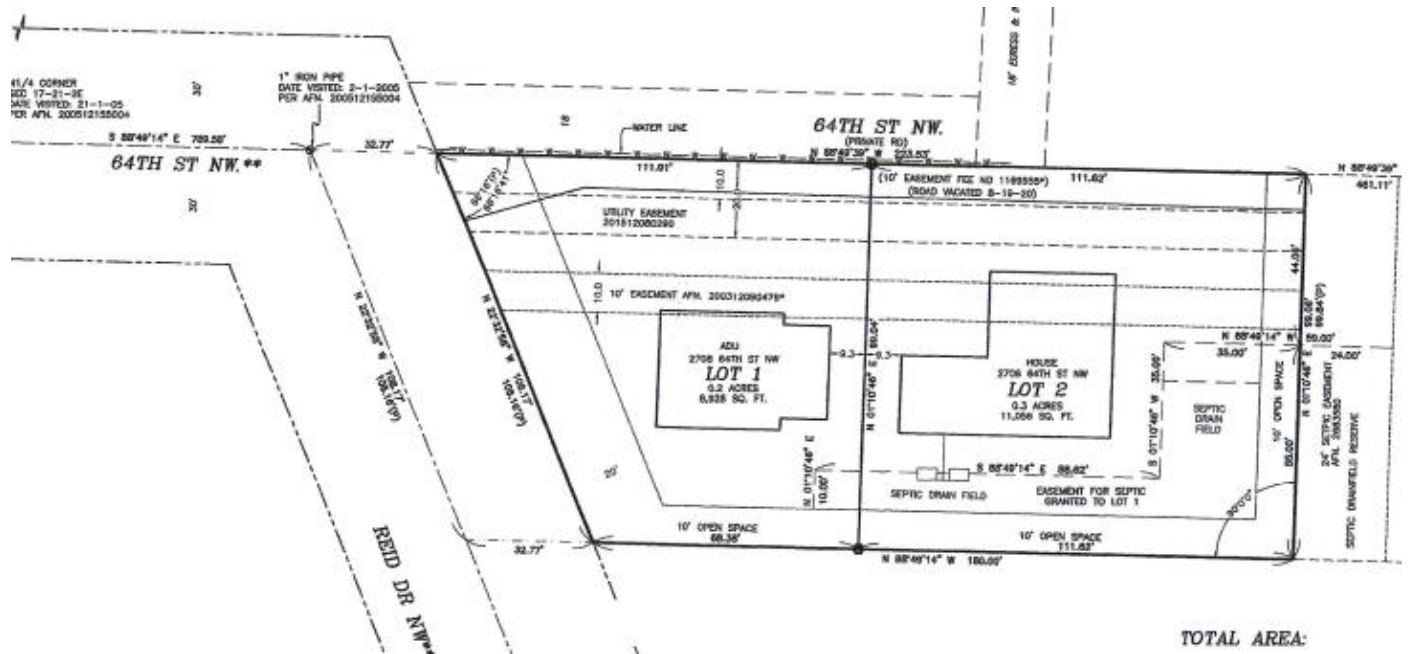
Subject site highlighted in blue.

Zoning Map

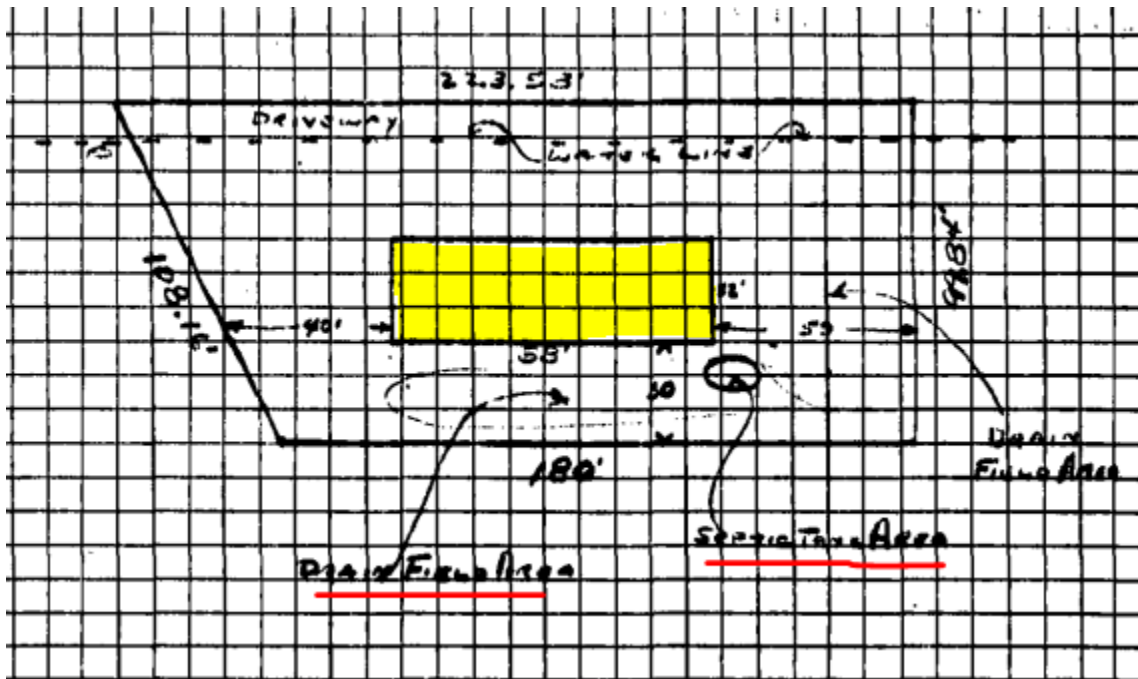


Subject site highlighted in blue.

Proposed Site Plan/Future Proposed Preliminary Short Plat



Septic As Built (TPCHD 1976)



Public and Agency Review Comments

To date, the County has not received any comments from nearby property owners in response to the notice of application that was mailed to neighboring property owners.

The proposed variance request is specifically a Planning design standard which does not usually affect any of the other review departments' requirements; therefore, no comments have been received to date from any departments or agencies in respect to the proposed variance. Any future proposals relating to a short plat would be routed to additional review departments.

Nisqually and Squaxin Tribes:

The tribes would like to be informed if there are any Inadvertent Discoveries of Archaeological Resources/Human Burials.

Resource Management Section of PPW:

The County Biologist has stated that there are no wetlands or fish & wildlife indicators on the subject property.

Comments received on this proposal may be found by accessing the Online Permit Information referenced on page 2. The substance of these comments is reflected, where appropriate, in the analysis provided below.

Background

The lot became legally existed through Short Plat 75-83. A Short Plat Alteration #20180915001 under Pierce County application #889016, to reduce the 40-foot open space along the western perimeter, was approved September 13, 2018.

Site Characteristics

- The 0.45-acre site is a four-sided parcel, relatively flat, and fronts 64th Street N.W. to the north and Reid Drive N.W. to the west.
- The parcel is currently developed with a Single-Family Residence (SFR) located along the east side and an Accessory Dwelling Unit (ADU) on the west half of the property. Each dwelling has an individual driveway.
- The Assessor’s data shows the existing SFR as 1,248 square feet with a 440-square foot attached garage and the ADU as 936 square feet with a 960-square foot attached garage. Both were built in 2019.
- The topography of the property is resulting in little to no slope.
- Based on the submitted site plan and Short Plat 201809145001, there is a designated 20-foot open space along the west and a 10-foot open space along the south and east perimeters. There are utility and access easements running west to east at the upper portion of the property under AFN 200312090479 and AFN 201512080290 for Peninsula Light Company.

Surrounding Land Use / Zoning Designation:

LAND USE		ZONING (Title 18A)
North	City of Gig Harbor/Single Family Dwelling	Municipal Area
Northeast	Single Family Dwelling	Single Family (SF)– PAC
South	Single Family Dwelling	SF – PAC
East	Single Family Dwelling	SF – PAC
West	Reid Dr. N.W.	SF – PAC

Utilities/Public Facilities: Utility service and public facilities are proposed as follows:

- Water - Fruitland Water Company
- Sewer- Individual Septic Systems
- Power - Puget Sound Energy
- School- Puyallup

Governing Regulations

The proposed plat is being reviewed for conformance with the following goals, policies and requirements in effect on the July 27, 2021 complete application date of this proposal:

- Title 19A Comprehensive Plan - January 1, 1995, as amended
- Title 17A Construction and Infrastructure Regulations – Site Development and Stormwater Drainage
- Title 17B Construction and Infrastructure Regulations – Road and Bridge Design and Construction Standards
- Title 18 Development Regulations - General Provisions

- Title 18A Development Regulations – Zoning
18A.75.040 - Variances
- Title 18D Development Regulations - Environmental
- Title 18E Development Regulations - Critical Areas
- Title 18F Development Regulations - Land Division and Boundary Changes
- Title 18H Development Regulations - Forest Practices
- Title 18J Design Standards and Guidelines

Initial Planning and Public Works Staff Review for Consistency with Land Use Policies and Regulations

Title 18E, Development Regulations – Critical Areas

Title 18A, Development Regulations – Zoning

Table 18A.15.020-1. Urban Residential Density and Urban Lot Dimensions							
Urban Zone Classification		Residential Density (du/ac)			Lot Dimensions		
		Minimum	Base	Maximum	Lot Size (square feet)		Minimum Lot Width (feet) (3)
					Mean	Minimum	
SF	Single Family (All County)	4	4	4	6,000	5,000	60

(4) Minimum lot size: MSF = 7,000 sq ft for 4 lots or fewer and 4,000 sq ft for 5 or more lots; NC = 7,200 square feet residential and 15,000 sq ft other; SF = 7,200 sq ft for 4 lots or fewer and 5,000 sq ft for 5 or more lots.

Staff Comment: The proposed short plat complies with the density requirement of 4 dwelling units per acre of the SF zone. The short plat will comply with the minimum 7,200 square feet of the Gig Harbor Peninsula Community Plan area for the SF zone.

Residential Density (Chapter 18A.15)

The proposed variance is to deviate from the following code sections of Title 18A:

PCC 18A.15.020.B states the following:

Minimum Density.

1. Urban land divisions and residential developments shall comply with Minimum Density, pursuant to Table 18A.15.020-1, for the zone classification in which the proposal is located, unless relief is allowed pursuant to 2. below.
2. Relief from minimum density is allowed as follows:
 - a. If a lot is more than 300 feet from a sewer hook-up, the minimum density requirement shall not apply; provided, that only one lot of the proposed short plat or subdivision may exceed 7,260 square feet in size and provided improvements associated with the land division do not preclude future access or other improvements needed to achieve minimum density for any future land division.

Staff Comment: The subject property is zoned SF, which is considered an urban zoning designation. The subject property is greater than 300 feet from a sewer hook-up. As proposed, the short plat would result in both lots exceeding 7,260 square feet, not just one lot; therefore, a Variance is required since they aren't sewer properties. Proposed Lot 2 contains the existing single-family residence and is 11,056 square feet (0.3 acres) in size and has the septic easement for Lot 1. Proposed Lot 1 has the existing Accessory Dwelling Unit (ADU) and would be 8,928 square feet (0.2 acres) in size. The ADU would then become the SFR on Lot 1.

PCC 18A.15.040-1 Table states the following:

Table 18A.15.040-1. Urban Setbacks					
PCC 18A.15.040 B.1.-6. provisions supersede the figures in this Table when applicable.					
Urban Zone Classification (All County)		Minimum Building Setback (feet)			
		Front – Arterial	Front – Non- Arterial	Interior/Side	Rear
SF	Single Family	25	12/15/25 (3)	10 (2)	10 (2)

Staff Comment: The applicant is also requesting a variance to reduce the interior yard setback from 10 to 9.3 feet, which is an administrative decision. The single-family residence and accessory dwelling unit are both existing structures.

PCC 18A.75.040 Variances

Section 18A.75.040 provides the below requirements for the proposed variances relating to the short plat.

- A. **Purpose.** 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 classification because of special features or constraints unique to the property involved.
- B. **Applicability.**
 - 1. A variance may be used to deviate from a dimensional requirement of Title 18A PCC.
 - 2. No variance shall be granted to permit the establishment of a use or density otherwise prohibited in the zone in which the property concerned is located, or to waive applicable design standards described in Title 18J PCC.
 - 3. Where a variance has been granted, further reduction or deviations, such as those allowed in PCC 18A.15.040 C., Situational Setback and Height Provisions, shall not be approved or allowed.
- 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;

Applicant Comment: The site was developed in 2019 with two homes. With the setback from Reid Drive on the west and the septic drainfield on the east, there was no way to place the homes 20' apart. As built, there is no way to reduce one of the lots down to 7,260 square feet without creating an extremely unusually shaped lot that would serve no practical purpose.

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: The property owner wants to have the ability to sell at least one of the homes, which could be done through the provisions of RCW 64.34, but Pierce County Planning & Public Works (PPW) would not recommend approval of such an act. PPW recognizes this right but prefers the owner use the subdivision process to short plat the site. As the site is currently developed, approval of a short plat is dependent on varying from the side yard minimum along one side and varying from the maximum lot size standard for one of the proposed lots. Approval of the project as proposed will allow the property owner to enjoy a substantial property right.

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: The site is fully developed and in use without any current adverse impacts. Allowing a property line to be added between the two homes and allowing both lots to be slightly larger than 7,260 square feet will not and cannot create any new impacts. More importantly, the sole purpose of the maximum lot size provision for urban development using septic systems is to allow for more development once sewer service becomes available. This is impossible on this site as the maximum density will be achieved once the short plat is approved.

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

Applicant Comment: Both the Comprehensive Plan and the Gig Harbor Community Plan are rife with housing policies that encourage new and additional home ownership possibilities throughout the region.

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

Applicant Comment: With no development proposed, it is impossible for approval the project to create any environmental impacts, and therefore none that would be significantly adverse.

D. Review Process.

1. An application for a variance will be considered an administrative variance if such request is to deviate not more than 20 percent from the minimum or maximum dimension allowed by Title 18A PCC including, but not limited to, the dimensions set forth in Tables 18A.15-040-1 and -2, and PCC 18A.15.040 C., Situational Setback and Height Provisions.

2. An application for administrative variance shall be reviewed and granted or denied by the Director or designee.
3. An application for variance to deviate more than 20 percent from the minimum or maximum dimension allowed by Title 18A PCC including, but not limited to, the dimensions set forth in Tables 18A.15.040-1 and -2, and PCC 18A.15.040 C., Situational Setback and Height Provisions, shall be reviewed and granted or denied by the Hearing Examiner.

E. **Approval Subject to Conditions.** Approval may include specific conditions which will serve to accomplish the standards and criteria established by this Title and policies established by the Comprehensive Plan and any applicable Community Plan.

Staff Comment: It does not appear that this proposal will be materially detrimental to the public welfare or to the general area where the subject parcel is located. Nor does it appear that it will create a significant adverse environmental impact as a result of the variance's approval. The two existing dwelling units will continue to provide living accommodations for the residents; however, the scope of the proposal for both lots to be greater than 7,260 square feet, is outside of the 20% realm of bulk standards for an Administrative Decision; therefore, this proposal will be subject to a public hearing and approval by the Pierce County Hearing Examiner.

Title 18F, Development Regulations - Land Division and Boundary Changes

Section 18F.50.040 provides the requirements for the future proposed short plat.

- D. Required Written Findings and Determinations. The Director shall inquire into the public use and interest proposed to be served by the establishment of the short subdivision/large lot division and dedication. A proposed preliminary short subdivision/large lot division shall not be approved unless the Director makes written findings that:
1. Appropriate provisions are made for the public health, safety and general welfare, for open spaces, drainage ways, stormwater runoff, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and
 2. The public use and interest will be served by such short subdivision/large lot division.
- E. Approval. The Director has the authority to approve or deny any proposed preliminary short subdivision/large lot division and may impose additional or altered conditions and requirements as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan, applicable community plans, other applicable County codes, state laws and the criteria contained in this Title.

Staff Comment: Appropriate provisions will need to be met for any future short plat proposal, as required, prior to the issuance of written findings.

Title 18J, Development Regulations – Design Standards and Guidelines

Staff Comment: The proposed short plat will be reviewed for compliance with all applicable Design Standards and Guidelines of Title 18J.

Gig Harbor Peninsula Communities Plan

The subject property is within the Moderate Density Single Family (MSF) land use designation within the Gig Harbor Peninsula Communities Plan. The MSF land use designation is intended to provide areas for urban single and two-family residential development. MSF is implemented by the Residential Resource (RR) and Single Family (SF) zone classifications. Areas with significant critical area complexes are zoned RR and allow for 1 to 3 units per acre and is limited to single-family detached housing. SF allows 4 units per acre. The following are the urban residential goals of the Gig Harbor Peninsula Communities Plan:

GOAL GH LU-2: Infill development should be designed to be compatible with the established neighborhood through transitions in housing density, screening, or other appropriate methods. Pierce County Comprehensive Plan | Gig Harbor Peninsula Community Plan

GH LU-2.1: Infill development on parcels less than 2 acres in size shall not exceed the density of the adjacent development pattern by more than 50% or 2 dwelling units per acre, whichever is greater.

GH LU-2.2: Residential infill development on sites exceeding 2 acres in size shall be required to be buffered from adjacent residential uses when the density of the infill exceeds the density of the existing platting and development pattern by more than 50%. At a minimum, a 30-foot natural buffer area shall be required. The density and depth of the buffer should be proportional to the intensity of the use.

GOAL GH LU-3 Residential density within the unincorporated portion of the Urban Growth Area should average 4 dwelling units per acre.

GH LU-3.1: Two-family development (duplexes) and attached single-family dwelling units should be allowed in single-family residential neighborhoods when they meet community design standards.

GH LU-3.2: An accessory dwelling unit should be permitted on lots where a single-family residence exists.

GH LU-3.3: Multi-family units shall be permitted in commercial and high-density residential zones when consistent with the impervious cover, open space, health and sanitation regulations, and other applicable regulations.

Questions for PAC Discussion and Consideration

- Does the variance proposal adequately address public health, safety, and general welfare issues as discussed above? If no, what changes are recommended?
- Will the public use and interest be served by the proposal? If not, what changes are recommended?

Other Questions or Concerns?