VARIANCE:

PEREBEYNOS
#978539

Adonais Clark
Pierce County Planning & Public Works

March 7, 2022
South Hill Advisory Commission
• 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).
A Variance application (#978539) was submitted on January 1, 2022. The project is, therefore, vested to the rules and regulations in effect on January 1, 2022.

The proposal is exempt from SEPA environmental review in accordance with WAC 197-11-800 (6)(e).

The Notice of Application was distributed on January 27, 2022.
A Revised Notice of Application was distributed on February 15, 2022.
The Initial Project Review was mailed on February 28, 2022.
The SHAC meeting is scheduled for March 7, 2022.
Looking westerly at the carport on April 15, 2015.
Looking westerly at the garage under construction in August of 2020
Looking westerly at the garage on January 13, 2021
Zoning = Moderate Density Single Family (MSF)
18A.15.040 Setback and Height

**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 for a garage 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.
18A.15.040 Setback and Height
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’x15’). 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’x15’).

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.
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 be consistent with the applicable land use codes and regulations and that staff will be recommending approval of the proposal.
QUESTIONS?
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