

Initial Project Review

Land Use Variance: Brynestad

Application Numbers: 981033 and 982088

Parcel Numbers: 0121257014

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: May 11, 2022, at 6:30 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: 926 2098 0190, and Passcode: 537949, or click on the following link:

<https://piercecountywa.zoom.us/j/92620980190?pwd=eDg1M2FJRTRcrbVZLYW5hNUNYK2U3dz09>

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

Proposal: The applicants are proposing to reduce the required 25-foot front yard setback to 14.5 feet from 61st Avenue Court NW and 7.5 feet from Cromwell Drive NW’s right of way (ROW) easement to construct the following addition to the existing single-family residence:

1. A second story addition for approximately 1,408 square feet to the existing residence.
2. A two-story entry addition for a total of 528 square feet (12 ft. x 22 ft. =264 sq. ft. on each floor) to the front of the residence along with a new 236-square foot covered porch.
3. Place an awning cover over the 269-square foot portion of the existing 298-square foot wood deck located on the back of the residence.

The project site is located on a .72-acre acre parcel on the northeast shore of Hale Passage.

Project Location: The site is in a Rural 10 (R10) zone classification, Residential Shoreline Environment, and Gig Harbor Peninsula Community Plan area, located at 1722 61st Avenue Court NW, Gig Harbor, WA, within the SW1/4 of Section 25, T21N, R1E, W.M., in Council District #7.

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

State Environmental Policy Act (SEPA): Pursuant to the State Environmental Policy Act and the Pierce County Environmental Regulations, Title 18E, the Pierce County Environmental Official designate has reviewed this project and determined that the project is exempt from SEPA provisions.

County Contact: Mojgan K. Carlson, Senior Planner, mojgan.carlson@piercecountywa.gov, 253-798-7234

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentsStatus?applPermitId=981033>



Project Data

Complete Application Date: February 22, 2022

Initial Project Review Sent: May 4, 2022

Applicant/Owner: Bjorn and Bailey Brynestad
1722 61st Avenue Court Northwest
Gig Harbor, W A 98335 -7574
bjornbyrenstad@gmail.com

Agent: Permit Granted LLC
Attn: Terri Schultz
4810 Pt. Fosdick Drive NW
Gig Harbor 98103
Terri@permitgranted.com

Legal and Public Notice

- *March 9, 2022:* Notice of Application (NOA) and Public Meeting Notice, including the Gig Harbor Peninsula Advisory Commission (PAC) 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.
- *March 16, 2022:* A revised NOA was sent to surrounding property owners to change the PAC's meeting date from June 8, 2022, to May 11, 2022.
- *March 24, 2022:* Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *April 27, 2022:* Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the PAC public meeting.

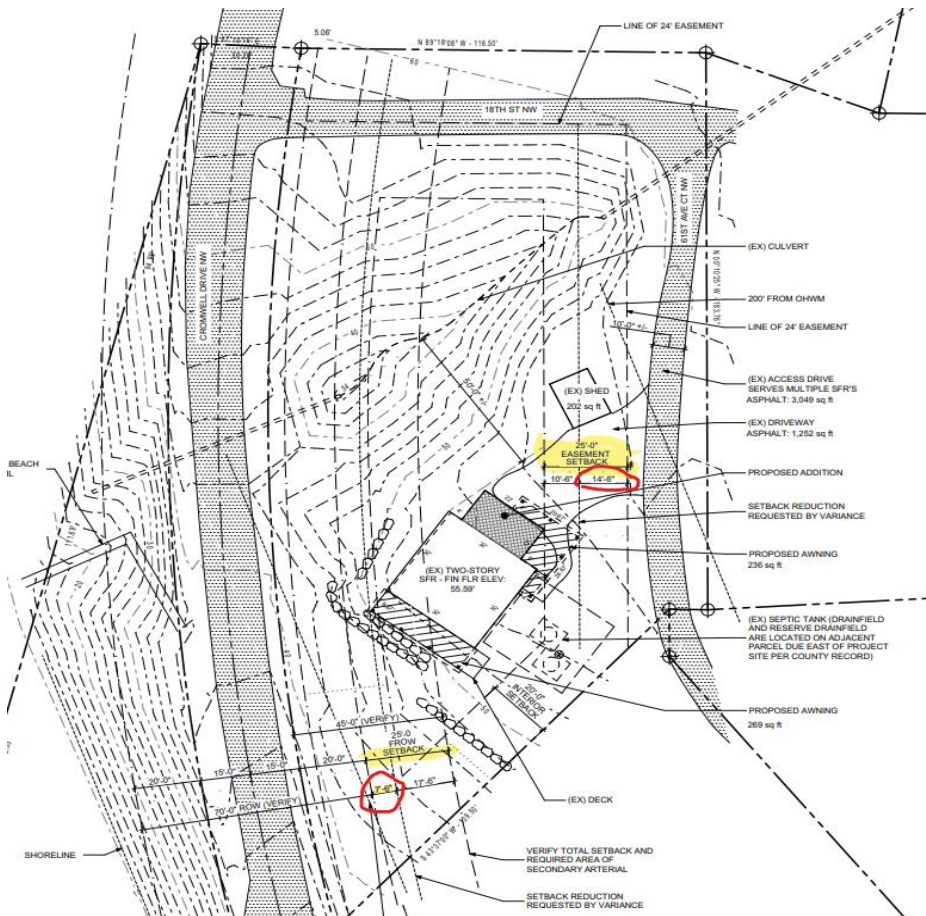
2020 Aerial Photo



Zoning: R10



Site Plan



Site Photos



Looking north and northeast



Looking south

Review Responsibility

The following list includes examples of jurisdictional areas for various County departments and divisions typically 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, applicable community plans, and Development Regulations such as, but not limited to, zoning, critical areas, natural resource lands, shoreline management, design review, and potential environmental impacts.
- Development Engineering reviews for drainage, erosion control, site development, flood, survey, landslide and erosion hazard, lot dimensions, and road standards.
- Resource Management reviews for consistency with the County wetland and fish & wildlife regulations.

B. Gig Harbor Peninsula Advisory Commission (PAC):

The PAC's role in the review process for a land use proposal includes the following:

- Review the proposal for consistency with the goals and policies in the Community Plan.

- Provide a local perspective that includes input from the community and insights of which PPW staff or the Hearing Examiner may not be aware.
- Offer recommendations for project design to fit with the community's vision while remaining consistent with the Community Plan.

PCC Chapter 2.45 Land Use Advisory Commissions provides regulations that apply to the PAC. Per PCC 2.45.130, Land Use Advisory Commission (LUAC) recommendations on a land use application shall be to approve, modify and approve, deny, or make no recommendation. The LUAC may recommend the Hearing Examiner continue a scheduled public hearing to obtain additional information or LUAC recommendations.

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 Gig Harbor Peninsula Community Plan;
- C. Applicable state statutes; and
- D. All applicable notes on related previously recorded County documents.

Site Characteristics

Staff conducted a site visit on March 16, 2022. and observed the following:

- The subject site became a legal lot (Lot 1) through approval of a short plat recorded under AFN 8109180303.
- The parcel is irregularly shaped, and per Assessor Treasurer's data, it is .72-acre in size.
- The parcel is surrounded by roads on three sides; 18th Street NW is located along the north property line, 61st Avenue Court NW is located along the east property line, and Cromwell Drive curves along the west and southwest sides of the site.
- The topography of the parcel is generally rolling with over 50% descending slopes along the northwest side and approximately 34% along the southwest side of the site.
- The site is currently improved with a single-family residence with an attached deck, constructed in 2001, which is located on the south portion of the parcel.
- A small shed (9 ft. x 11 ft.) is also located to the east side of the property and, which, per Ecology's Ortho photos, appears to be constructed sometime around 2015.
- A stream/drainage is located on the north side of the property which bisects the parcel to approximately 1/3 to the north and 2/3 to the south. Per the submitted site plan, this stream is located 50 feet from the existing single-family residence
- The proposed expansion to the front of the existing residence, if approved, will be located on the north and northeast portions of the existing residence. The expansion on the back side (southwest) of the residence will be placement of cover over the majority of the existing deck without creation of any additional impervious area.
- Both immediate adjoining parcels to the northwest and south are improved with larger single-family residences (2,484 sq. ft. and 1,736 sq. ft.).
- The access to the site is via a driveway off 61st Avenue Court NW.

Surrounding Land Use / Shoreline / Zoning Designation:

	LAND USE	SHORELINE	ZONING
North	18 th Street NW and Single-family residence	N/A	Rural 10 (R10)
South	Single-family residence	Residential	R10
East	61 st Avenue Court NW and Vacant lot	N/A	R10
West	Single-family residence, and Cromwell Drive NW	Residential	R10

Note:

PCC, Title 18A, Section 18A.15.040, states in part that all lots must contain at least one front yard. 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. In this case, 61st Avenue Court NW is considered the front yard; but, since Cromwell Drive NW is an arterial road, the setback from it cannot be reduced to 15 feet.

Google Earth 2021



Comments from the Public and Agencies

The proposed project has been routed to interested departments and agencies for review and comment. Comments received on this proposal may be found by accessing the online permit information referenced on page 2.

- No written comments were received from the general public.
- No adverse comments were received from reviewing agencies within the County and state.
- An email from the Puyallup Indian Tribe, dated March 22, 2022, stated in part that the site is in a very high probable area for impacting cultural resources. Therefore, a cultural resource survey will likely be requested depending on the level of ground disturbing.
- Both the Squaxin Island Tribe and Nisqually Indian Tribe requests notification of any inadvertent Discoveries of Archaeological Resources/Human Burials for this project. Language relating to inadvertent discovery will be included as a condition of approval for this project.

Initial Planning and Public Works 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. 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, as the proposed project meets the R10 designation which is intended for areas for low intensity development.

Pierce County Code Title Development Regulations – Zoning (PCC, Title 18A):

Per Section 18A.10.090 B.2. b. The Rural 10 (R10) zone classification is intended to provide for rural uses at a rural density.

Per Pierce County Code, Section 18A.15.040, the required setbacks in R10 zone are as follows:

- Front 25 feet, side 10 feet, and rear 30 feet
- Maximum height is limited to 35 feet due to the shoreline requirement as the parcel is located within 200 feet of the shoreline jurisdiction.
- 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.

Staff Comment: A front yard setback for the R10 zone is 25 feet. According to the submitted site plan, dated February 11, 2022, the expansion of the residence will be within the required 25-foot front yard setback, at its closest point, 14.5 feet from 61st Avenue Court NW, and 7.5 feet from Cromwell Drive NW. Therefore, approval of the front yard variance application is needed from both roads.

As stated previously, the proposed expansion of the residence along the southwest portion of the house will be located over the existing deck and will not create an additional impervious coverage on the site.

18A.75.040 Variances.

The purpose of this Section is to provide a means of deviating from the requirements of Pierce County Code, Title 18A, in specific instances where strict application of these requirements would prevent the 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.

In this project, the requested variance will be subject to a public hearing and approval by the Pierce County Hearing Examiner.

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;
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;
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;
4. The granting of such variance is consistent with the Comprehensive Plan including any applicable Community Plan; and
5. No significant adverse environmental impact will be caused as a result of the variance approval.

Staff Comment: This property already contains a single-family residence which, per County's and Google Earth's ortho photos, currently meets the required 25-foot front yard setback from 61st Avenue Court NW; however, it does not meet the required front yard setback from Cromwell Drive NW as, currently, the southwest corner of the house along with more than half of the attached deck, are located, at its closest point, 7.5 feet from the 70-foot right of way.

Since the existing non culverted stream is located along the northern portion of the site, any expansion of the residence to the north will require submittal of a habitat assessment application for review and approval.

One can argue that perhaps the stream buffer area can be reduced down to a minimum of 37.5 feet with a 15-foot building setback in order to accommodate for the expansion of the residence to the north; however, the distance between the existing house and the drainage is already at 50 feet (35-foot buffer and 15-foot building setback); therefore, to go any lower distance (expanding the residence to the north) will require approval of a Fish and Wildlife Variance application.

Staff has not seen evidence that granting of the variance from Cromwell Drive NW would be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone, as the proposed expansion on the back of the residence will be located over the majority of the existing deck, will not increase the impervious area of the site, and will not require removal of any vegetation or additional encroachment to the required 25-foot front yard setback (rear of the house) from Cromwell Drive NW.

Therefore, staff believes, per the submitted document, there appears to be special circumstances applicable to the subject site. Approval of the variance is necessary for the front yard setbacks to expand the existing residence, as the site is encumbered by roads and drainage and their respective required setbacks.

Title 18D - Environmental

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

Gig Harbor Peninsula Community Plan

The Plan was adopted as part of the County Comprehensive Plan under Appendix E (Title 19A) with the most recently amended date of October 1, 2021:

GH D-12.2 Require that setback areas be retained in natural vegetation where feasible and supplemented by planted native species where natural vegetation is sparse or nonexistent.

GOAL GH ENV-2 Development standards along shorelines should ensure the preservation of native vegetation and wildlife habitat and protect water quality and natural shoreline processes.

GH ENV-2.4 Base allowable uses along the shoreline on the Comprehensive Plan land use designation and SMP and permit them on a case by case basis.

GH ENV-2.4.3 Permit outright or administratively detached single-family residential homes and associated accessory structures when located outside of the defined shoreline setback.

GH ENV-2.6 Strictly control requests to obtain variances from development standards along the shoreline. Grant variances only in extraordinary circumstances relating to the physical character or configuration of the building lot.

Staff Comment: As proposed, the project would not cause the removal of any vegetation from the site or from the required 75-foot shoreline buffer area of the site.

Pierce County Development Policies and Regulations – Shorelines, (Title 18S)

Title 18S provides policies and regulations for development on Pierce County shorelines. The proposal is located within the Residential and Aquatic Shoreline Environment Designations.

18S.20.050 - Residential Shoreline Environment Designation (SED).

The intent of the Residential SED is to accommodate residential development in areas that are already developed with or planned for residential development. The Residential SED may also include water-oriented commercial and recreation uses.

- Priority should be given to residential and water-oriented commercial development where such development can be accommodated with no net loss of shoreline ecological functions.
- Development should be designed to preserve and enhance the visual quality of the shoreline, including views over and through the development from the upland side, and views of the development from the water.

Staff Comment: The proposed project is to add an addition to the existing single-family residence on the site, which is located within 200 feet of the shoreline jurisdiction and it is encumbered on three sides by roads. The proposed project, if approved with conditions, will not adversely impact the view of surrounding single-family residences, both from the water and/or from the land.

18S.40.100 Residential.

The intent of the Residential policies and regulations is to accommodate residential development and appurtenances. Single-family residences are a preferred use within the Conservancy and Residential Shoreline Environment Designations (SEDs) when consistent with control of pollution and prevention of damage to the natural environment. The Residential policies and regulations encourage sustainable residential development through restrictions on the scale of development, preservation of vegetation and topography, and minimization of impacts to fish and wildlife habitat.

- For residential development, not more than one third of the parcel within shoreline jurisdiction and landward of the ordinary high water mark shall be covered by effective impervious areas, except that new lots created in a Natural or Conservancy SED shall be limited to 10 percent effective impervious surfaces. The calculation for impervious surfaces shall include parking areas but may exclude a 12-foot-wide driveway. This restriction applies to both principal and accessory uses and structures.
- Retention of existing vegetation shall be a priority within the entire shoreline jurisdiction. Retention of existing trees is particularly important.
- Encourage sustainable residential development through restrictions on the scale of development, preservation of vegetation and topography, and preservation of views.
- Locate new residential structures with respect to views and with a height limit of 35 feet.
- Maintain, enhance, and/or restore shoreline features including vegetation.

Staff Comment: The proposed project is appropriately suited for residential use and is currently in single-family use. The proposal addition, if approved, will be outside of the required 75-foot shoreline buffer. Therefore, there is no need for a Shoreline Variance application for this project.

Question from Staff for the PAC

Does the PAC believe that the applicant is meeting the requirements or have any comments or recommendations for the proposed land-use variance?