

Initial Project Review

Variance: Chekhovskiy

Application Number: 1005817
Parcel Number: 0320342030

Parkland Spanaway Midland Advisory Commission (PSMAC) Public Meeting:
Wednesday, August 2, 2023, at 6:30 p.m., at the South East Tacoma Community Center, 1614 99th Street East, Tacoma WA

Proposal: Change a portion of the existing detached garage into an Accessory Dwelling Unit (ADU). The garage is closer to the front property boundary than the primary dwelling, in conflict with ADU regulations, so the owners are asking for the approval of a variance.

Project Location: 1223 85th Street East, Tacoma, WA, within the SE ¼ of the NW ¼ Section 34, T20N, R03E, W.M., in Council District #5

Review Summary: County staff is reviewing this proposal for compliance with all applicable policies, codes, and regulations. The County finds, based on an initial project review, that some version of the proposal could be found to be consistent with the applicable codes and regulations, subject to conditions.

Zone Classification: Single Family (SF)

Community Plan Area: Parkland-Spanaway-Midland Communities Plan

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

County Contact: Dan Buhl, Senior Planner, 253-798-3268, dan.buhl@piercecountywa.gov

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentsStatus?applPermitId=1005817>



Project Data

Application Complete Date: February 6, 2023

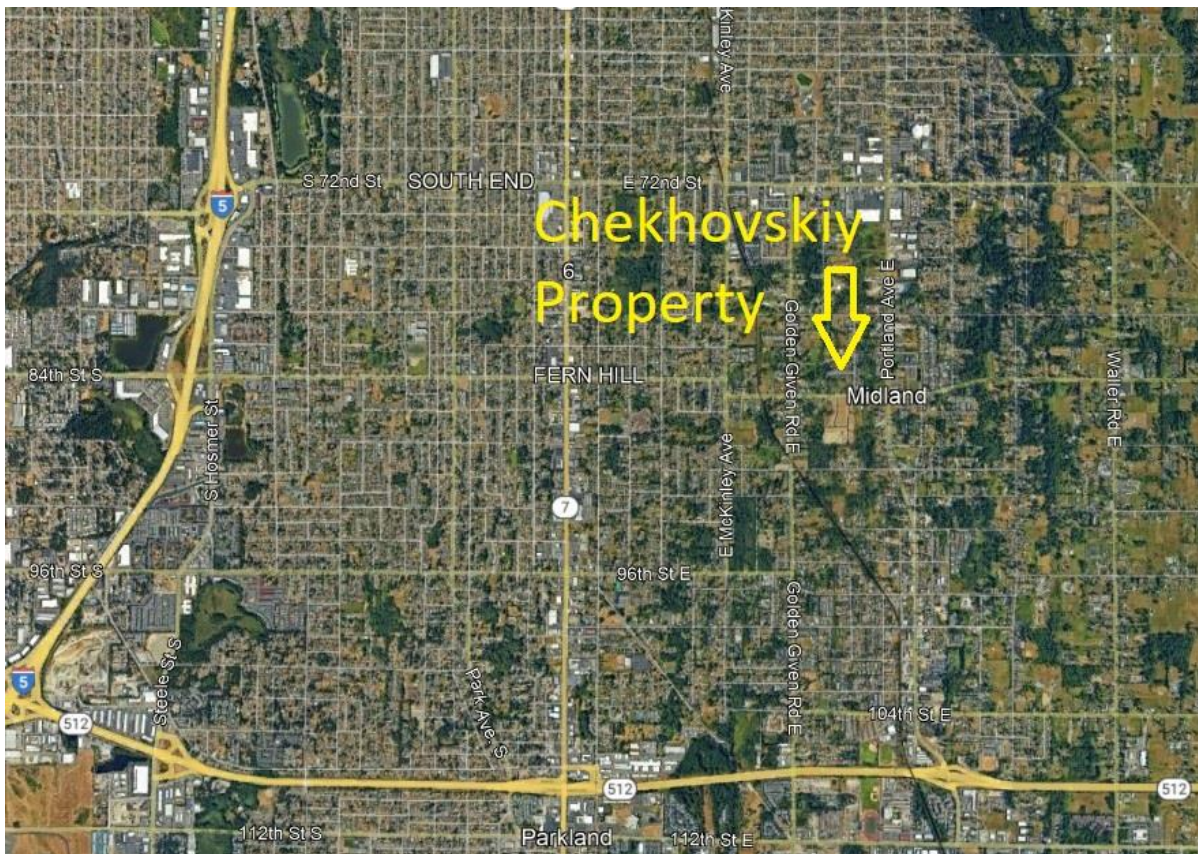
IPR Mailed Date: July 26, 2023

Property Owner/Applicant: Sergey Chekhovskiy
6608 South Montgomery Street
Tacoma, WA 98409
sergeyemg@live.com

Public and Legal Notice

- *June 5, 2023*: A Notice of Application (NOA), including the Parkland-Spanaway Midland Advisory Commission (PSMAC) 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 7, 2023*: The site was posted with a Public Notice sign, confirmed with a Declaration of Posting.
- *July 19, 2023*: Legal Notice was published in the official County newspaper (*The News Tribune*), advertising the PSMAC public meeting.

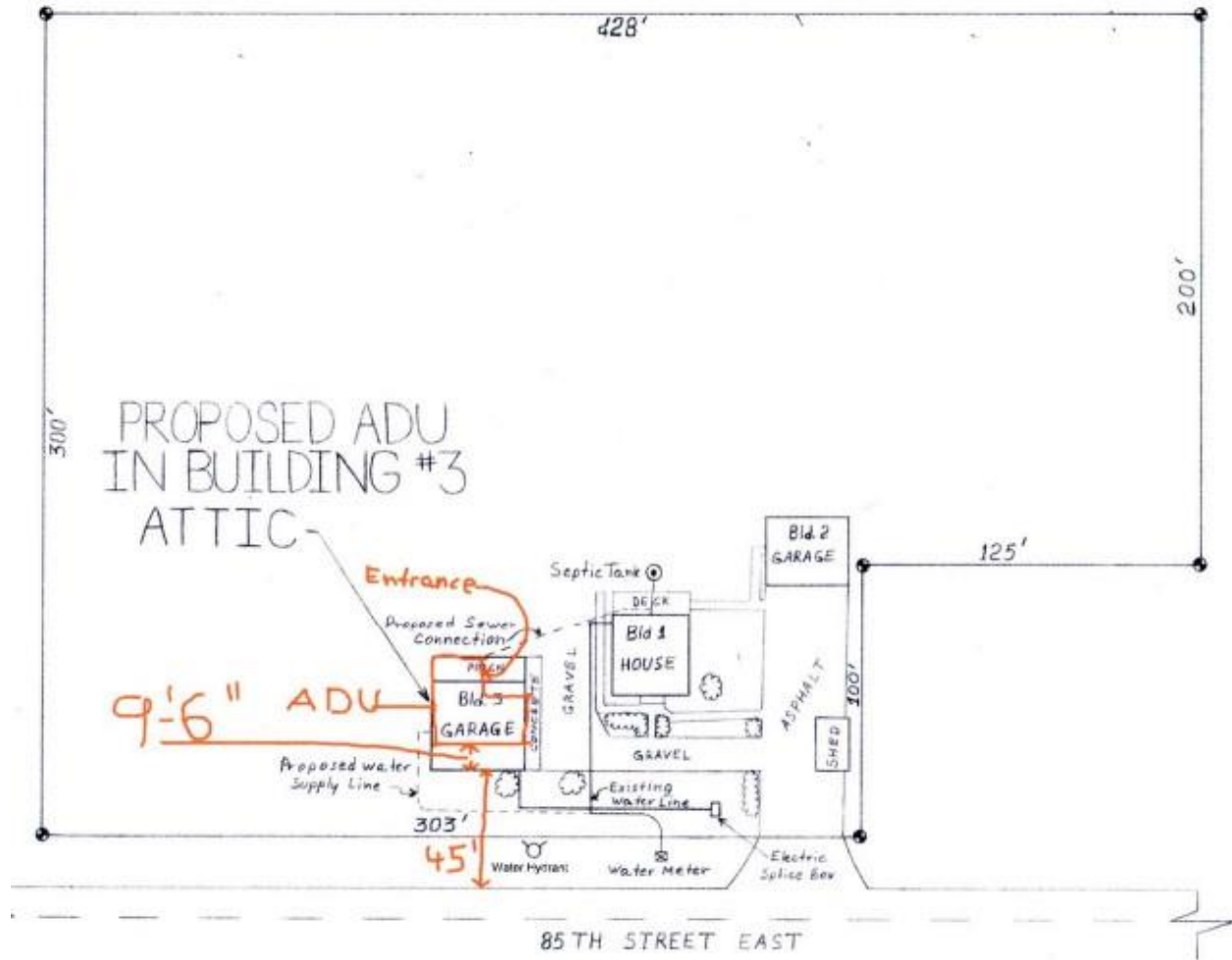
Vicinity Map



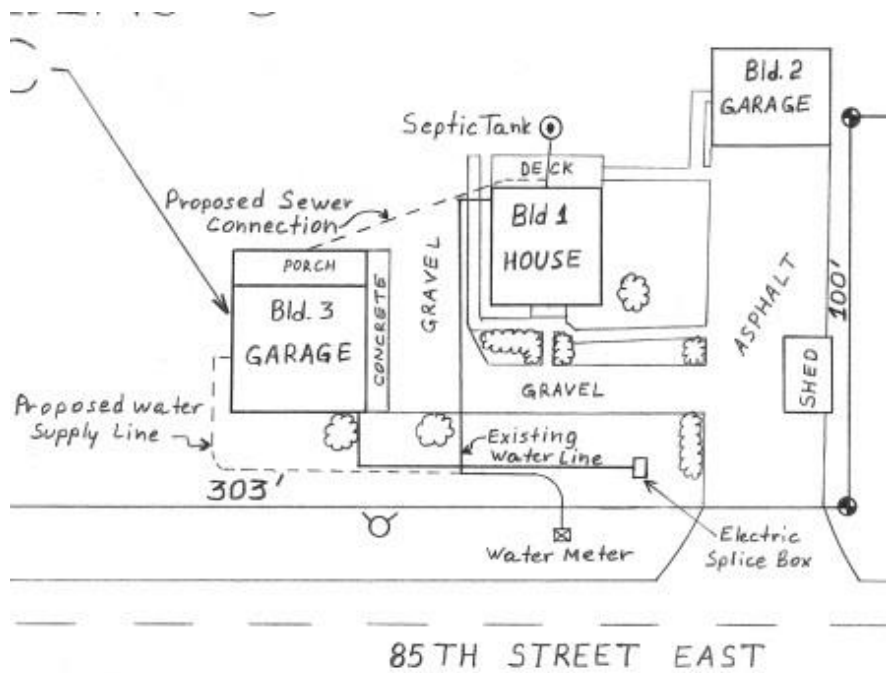
2020 County Aerial Photo



Variance Site Plan



Site Plan Inset



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.
- Cartography reviews road names and addresses.
- Resource Management reviews for consistency with the County wetland and fish & wildlife regulations.

B. Parkland-Spanaway-Midland Advisory Commission (PSMAC):

The PSMAC'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 PSMAC. 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.

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 Parkland-Spanaway-Midland Communities Plan;
- C. Applicable state statutes; and
- D. All applicable notes on related previously recorded County documents.

Comments from the Public and Agencies

- Comments received on this proposal may be found by accessing the online permit information referenced on page 1.
- No comments have been received from the public.
- The Squaxin Island Tribe Cultural Resource Center made comment that they have no requirements at this time.

Surrounding Land Use / Zoning Designation

LAND USE		ZONING (Title 18A)
North	Single-family home	Single Family (SF)
South	85 th Street East	N/A
East	Single-family home	SF
West	Single-family home	SF

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

- Water - Tacoma Water
- Sewer- Pierce County
- Power - Tacoma Power
- School- Franklin Pierce School District

Governing Regulations

The proposal has been reviewed for conformance with the following goals, policies and requirements:

- 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
- Title 18D Development Regulations - Environmental
- Title 18E Development Regulations - Critical Areas

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

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

Title 19A Pierce County Comprehensive Plan

The County Comprehensive Plan addresses signs with the Goal that they establish a system of sign controls that is uniform, balanced, and minimizes the number and size of signs while ensuring an opportunity for effective advertising. The subject property is zoned SF but has a Land Use Designation of Moderate Density Single-Family.

- GOAL LU-25 The Moderate Density Single-Family (MSF) designation allows for single- or two-family dwellings, and in limited circumstances multifamily housing.
- T-7.11 Establish minimum setbacks for property improvements to preserve sufficient right-of-way to serve future transportation needs.

Staff Comment: The application meets the policies of the Pierce County Comprehensive Plan.

Parkland-Spanaway-Midland Communities Plan (Pierce County Code, Title 19A)

The following statements comprise the goal for residential character and development in the Parkland-Spanaway-Midland Communities Plan:

- The key to health, safety, a strong sense of community, and a high quality of life in the Parkland-Spanaway-Midland region is to preserve, maintain, and enhance existing residential neighborhoods, and develop and maintain new residential neighborhoods which provide a variety of well and sensitively designed and sited housing types, densities, and complementary land uses;
- The majority of the Parkland-Spanaway-Midland region should consist of medium density residential neighborhoods with recreational, commercial, professional, and other services of low, moderate, and high intensity in defined locations convenient to residents;
- Residential development should be allowed to occur only when adequate public facilities and services are available and the carrying capacity of the natural environment is not exceeded;
- The character of historically low-density residential areas should be preserved, restored, and maintained;
- Areas with historically low residential densities, significant environmental constraints, or compatibility conflicts with adjacent military installations and industrial uses should be maintained with low urban densities; and Parkland-Spanaway-Midland Communities Plan Policies
- Public and private facilities and services, which enhance and are compatible with the living environment of residents and are of an appropriate scale and design, may be integrated into residential neighborhoods.

Staff Comment: The proposal is meeting the Parkland-Spanaway-Midland Communities Plan Comprehensive Plan goals. The property is zoned Single Family (SF) located within the Parkland-Spanaway-Midland Communities Plan area. The SF zone is primarily a residential zone. The Comprehensive Plan policies state that the character of residential areas shall be protected and preserved. Granting the variance will be consistent with the Comprehensive Plan.

GOAL PSM D-12 Develop specific design guidelines for single-family and multifamily residential development dealing with site planning and building placement.

PSM D-12.1 Promote the visual quality of neighborhood streetscapes so that they become a valued element of the character of the community and enhance neighborhood quality.

Staff Comment: The Comprehensive Plan policies state that the character of residential areas shall be protected and preserved. Granting the variance will be consistent with the Communities Plan. The applicant has an existing structure that is currently a barn and would be easily disguised as an accessory structure and not a primary structure. The applicant has applied for a variance to deviate from ADU design requirements.

Title 18A, Development Regulations - Zoning

18A.37 Accessory Development-Residential

18A.37.120 Accessory Dwelling Unit (ADU)

- C. *Design.* The following standards shall apply when the separation between the principal dwelling and proposed accessory dwelling is less than 100 linear feet:
1. The entrance to an attached ADU shall not be directed toward any front yard unless utilizing an existing doorway.
 2. Detached ADUs shall be no closer to the front lot line than the front edge of the principal dwelling. This provision shall not apply to waterfront lots regulated pursuant to Title 18S PCC, Development Policies and Regulations – Shorelines.

Staff Comment: The applicant is requesting to convert a portion of the existing accessory structure into a second story ADU. If an ADU is within 100 linear feet of the principal dwelling the ADU may not be placed closer to the property's front boundary line. The existing structure is closer to the front property line than the existing home and requires a variance. Otherwise, all of the other general requirements, size, and design requirements appear to be met by the proposal.

18A.37 Use Permit

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;

Applicant Response: a) The old main house (Building #1) was built in 1948 far away from the street and can not be used as point of order for new structures, b) The new garage (Building #3) built in 2019 is in line with next door neighbor's house and proposed ADU in this garage attic is over 9 feet into the property and away from the street with an entrance from the back yard with no proposed windows, balcony or exit doors from the street side, c) the houses in the new development across the street will be closer to the road than any other houses on the 85th street.

Staff Comment: There are special circumstances applicable to the subject property that do not apply generally to other property or classes of use in the same vicinity and zone. Typical properties in this zone do not have a prepared accessory structure for the installation of an ADU already in place on their property.

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 Response: A variance is necessary for the preservation and enjoyment of a substantial property right due to a need of additional living space at the time of major remodel of the main house building #1 and thereafter as an additional dwelling space.

Staff Comment: Any parcel in Pierce County that meets the applicable dimensional standards may apply and obtain an ADU permit. The property owner could potentially add any amenities or design elements required to support an ADU placed in a different location of the property, but at great cost in comparison to using an existing building for the installation of a new ADU.

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 Response: The proposed ADU in existing garage attic storage space does not include plans for any outdoor changes to an existing structure and will not effect the public in any way described in this question.

Staff Comment: The existing accessory structure the ADU will house is already constructed, and its placement was approved by Pierce County staff and will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone to anyone or anything in the vicinity.

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

Applicant Response: The variance will not affect comprehensive plan in any way, based on property size, existing structure and layout.

Staff Comment: The property is zoned SF located within the Parkland-Spanaway-Midland Communities Plan area. The SF zone is primarily a residential zone. The Comprehensive Plan policies state that the character of residential areas shall be protected and preserved. Granting the variance will be consistent with the Comprehensive Plan.

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

Applicant Response: No environmental impacts applicable for small indoor space conversion project.

Staff Response: The proposed interior remodel to the existing accessory structure and granting the variance will not cause adverse environmental impacts. Staff believes the use of the existing building would also reduce the need for further impervious surfaces by constructing an ADU in a different location on site.

Questions for PSMAC Discussion and Consideration

- Does the PSMAC believe that the applicant is meeting the Land Use Variance criteria?
- Other Questions or Concerns?