

PierceCountyWa.gov/PP

Jen Tetatzin, PE, PMP -
Director

Initial Project Review

Front Yard Setback Variance: Parker

Application Number: 1014284

Parcel Number: 6024080050

South Hill Commission (SHAC) Public Meeting: October 2, 2023, at 7:00 p.m., at the Pierce County Central Maintenance Facility, Elk Plain Room "A", 4812 196th St. E., Spanaway, WA.

Examiner's Hearing: October 18, 2023, at 1:00 p.m., at the Pierce County Public Services Building (Annex), public meeting room, 2401 South 35th Street, Tacoma, WA., and via Zoom at www.Zoom.com and clicking "Join A Meeting" or call 253-215-8782, then enter the Meeting ID: 969 7698 2841, and Passcode: 207928, or follow this link:

<https://piercecountywa.zoom.us/j/96976982841?pwd=MjNma0wyS3hLUElMZ3JrVEhiZ2pOZz09>

Proposal: Applicant seeks approval of a front yard variance to Lot 5, Morningview Estates Division 2, for construction of a new single-family residence. The variance proposes the following:

- Reduction of the 15-foot front yard setback for living space off 140th Avenue East to 13.7 feet (reduction of 1.3 feet) from the roof overhang.
- Reduction of the 25-foot front yard setback for the garage off 140th Avenue East to 12.1 feet (reduction of 12.9 feet) from the roof overhang.

Project Location: The site is in the Moderate Density Single Family (MSF) zone classification in the South Hill Community Plan area, located at 16729 140th Avenue East, WA, within the NW 1/4 of Section 25, T19N, R 4E, W.M., in Council District #1.

Staff Review: County Staff is reviewing this proposal for compliance with all applicable policies, codes, and regulations. Staff does not have a recommendation currently for the SHAC.

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

County Contact: Donna Rhea, Associate Planner, donna.rhea@piercecountywa.gov
253-798-3288.

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentsStatus?applPermitId=1014284>



Project Data

Complete Application Date: June 2, 2023, with clarifying site plan submitted on July 25, 2023

Initial Project Review Mailed: September 26, 2023

Property Owner: Joseph and Ana Parker
5623 Elaine Avenue Southeast
Auburn, WA 98092
aparker611@gmail.com

Applicant / Agent: Bosco Construction
Attn: Desarae Nash
PO Box 1281
Buckley, WA 98321
permits.bosco@gmail.com

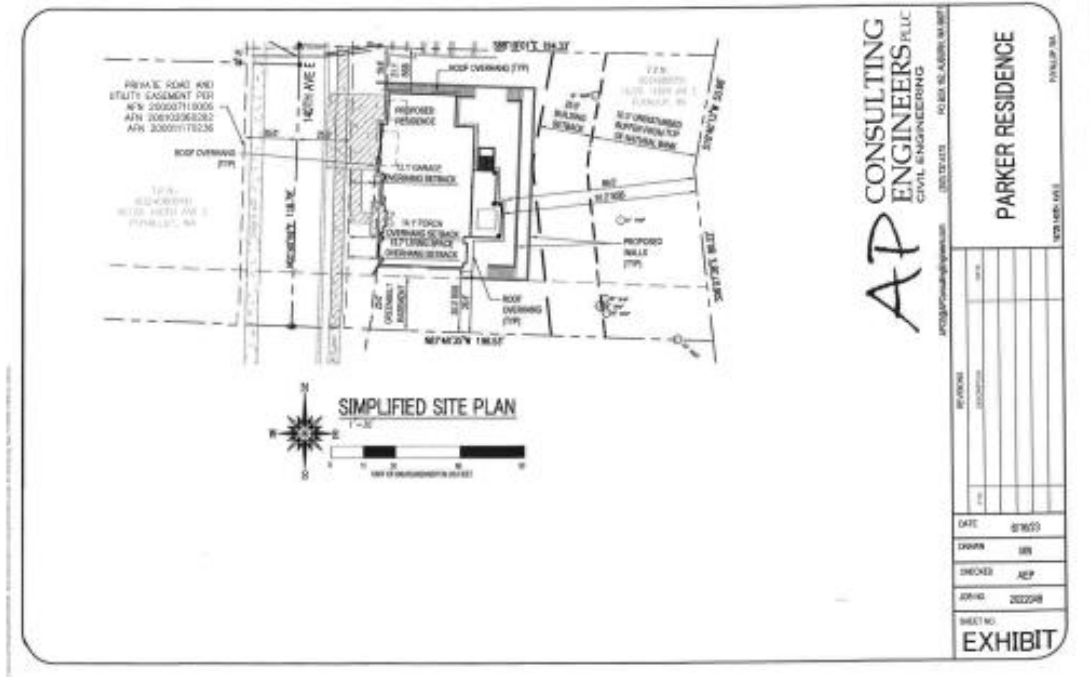
Legal and Public Notice

- *August 9, 2023*: Notice of Application and Public Meeting Notice, including the SHAC 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 site.
- *August 19, 2023*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *September 18, 2023*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*) advertising the SHAC public meeting.

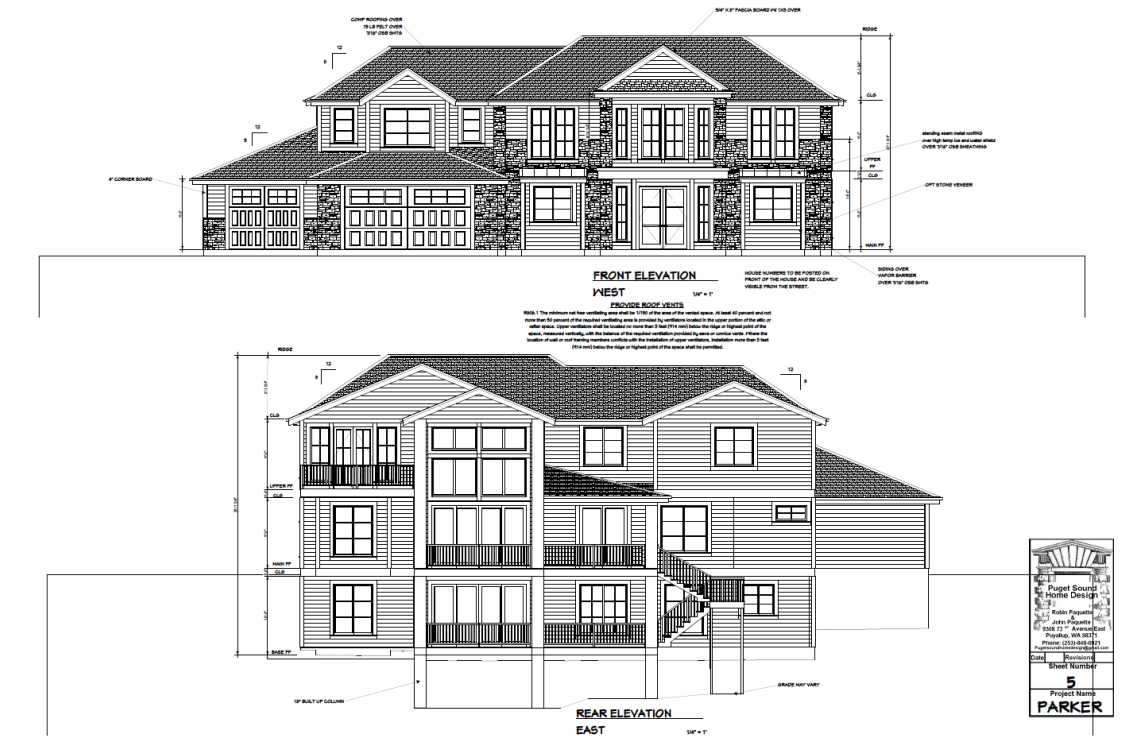
2022 County Aerial

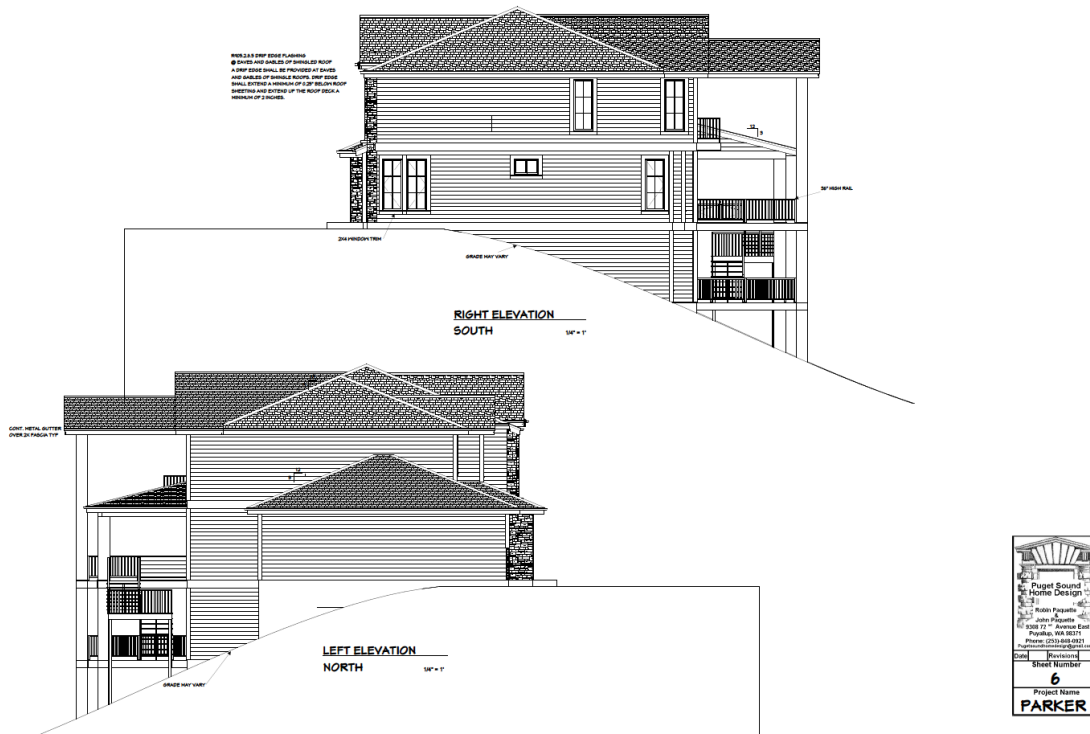


Proposed Site Plan



Proposed Building Elevations





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. South Hill Advisory Commission (SHAC):

The SHAC'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 SHAC. 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 South Hill Community 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.
- Both the Nisqually and Squaxin Tribe of Indians made comment that they have no requirements at this time.

Utilities/Public Facilities

Water - Tacoma Water
Sewer - Pierce County Sewer
Power - Puget Sound Energy
School - Puyallup School District

Surrounding Land Use and Zoning Designation

	LAND USE	ZONING
North	Single-Family Residence	Moderate Density Single-Family (MSF)
South	Open Space Tract	Residential Resource (RR)
West	Single Family Residence	MSF
East	Open Space Tract	RR

Governing Regulations

The proposal has been reviewed for conformance with the following goals, policies and requirements in effect on the complete application date of this proposal:

- Title 19A Comprehensive Plan - January 1, 1995, as amended.
- Title 18 Development Regulations - General Provisions
- Title 18A Development Regulations – Zoning

Staff Review for Consistency with Applicable Land Use Policies and Regulations

The proposal is subject to review for 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.

- 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 County wide Comprehensive Plan.

Title 18, Pierce County Development Regulations – General Provisions

Chapter 18.160 - Vesting

18.160.030 Applicability.

18.160.050 Vesting of Applications.

18.160.060 Duration of Vesting

Staff Comment: A complete application for a Variance was submitted to Pierce County on August 25, 2023. The Variance is subject to the development regulations in effect on that date.

South Hill Community Plan (Pierce County Code, Title 19A)

Staff Comment: The property is zoned Moderate Density Single Family (MSF) and is located within the South Hill Community Plan area. The MSF zone is primarily a residential zone. Staff was unable to find any goals or policies for a residential variance.

Pierce County Development Regulations – Zoning - Title 18A:

Section 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.
 - a. The rights-of-way referenced in this Section include unopened rights-of-way unless:

- (1) the applicant obtains a quiet title judgement from Superior Court confirming that the unopened right-of-way has already been vacated by operation of law and other possible claims of ownership interest are extinguished, or
 - (2) the unopened right-of-way is vacated via County ordinance.
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. See Figure 18A.15.040-1.

Building Setbacks - Table (Title 18A.15.040-1):

Urban Zone Classification (All County)		Minimum Building Setback (feet)			
		Front – Arterial	Front – Non-Arterial	Interior/Side	Rear
MSF	Moderate Density Single Family	25	12/15/25 (3)	5 (2)	10 (2)

Staff Comment: The parcel is zoned MSF which requires the building setbacks listed above; however, greater setbacks are required for this parcel along the eastern property boundary (rear yard) and southern interior yard, due to a 50-foot undisturbed slope buffer with 25-foot building setback and 25-foot greenbelt easement. The applicant meets all required setbacks with exception to the front yard.

The following front yard setback is measured from the centerline of 140th Avenue East to the roof eve of the porch, house, and garage:

Morningview Estates Division 2, Lot 5	Required Setbacks	Proposed	Reduction
Front -Non-Arterial (140 th Ave E) parcel goes to the center of the road which adds 25-feet to the required setback.	Porch: 25-feet + 12-feet = 37- feet House: 25-feet + 15-feet = 40-feet Garage: 25-feet + 25-feet = 50-feet	Porch: 25-feet + 14.1-feet = 39.1-feet House: 25-feet + 13.7-feet = 38.7-feet Garage: 25-feet + 12.1-feet=37.1-feet	Porch: N/A House: 1.3-feet Garage: 12.9-feet
Interior Yard (north property line)	5-feet	19.6'	N/A
Interior Yard (south property line)	25-foot greenbelt	28.5'	N/A
Rear	75-feet (50-feet undisturbed buffer from top of bank and 25-foot building setback)	89.5'	N/A

Use Permits (18A.75.040 Variances)

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: While the other homes on the street have the same minimum setback criteria, not all of them have the same steep slope as this property. When considering where to position the home, we had to make sure as much load as possible was on the plateau at the top of the slope, not on its flanks.

Staff Comment: Staff agrees that the parcel does have some special circumstances applicable for consideration of a variance. Note 10 of Morningview Estates Division 2 requires the applicant to provide a site-specific geotechnical report for the lot. Note 11 of the plat also allows reduction of the 25-foot building setback off the slope with geotechnical approval. A Landslide Hazard Geotechnical Evaluation, prepared by All American Geotechnical Inc., was submitted and approved by Development Engineering; however, the assessment did not address whether the building setback could be reduced. Staff requested that the applicant provide the additional information, which was done under a September 5, 2023, Setback Addendum to the Landslide Hazard Geotechnical Evaluation. The addendum verified that encroachment into the building setback was not feasible due to the slope stability models conducted.

In addition to slope buffer and setback, the parcel is also encumbered along the southern property boundary by a 25-foot greenbelt easement. Although this does not impact the setback from the front property line, it does reduce the width of the parcel which could allow the square footage and design of the house to be wider and further back on the parcel.

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: Moving the building back an additional 10 feet to the east would eliminate a large portion of the backyard. The property owner would like to have a usable back yard so that their kids have a safe place to play.

Staff Comment: The following bullet points address this variance criterion:

- The parcel was purchased with known slope easement, building setback, and greenbelt easement. The property owner could choose a different house plan that allows a back yard and fits the lot without having to apply for a variance.
- As part of the analysis, staff looked at the square footages of 7 homes adjacent to and located north (on both sides) of 140th Avenue East and found the average square footage of homes to be 4,675 square feet. The applicant proposes a 6,464-square foot single-family residence, which would be the largest of homes on a more constricted lot.

- The proposed building elevations on the east side (back side of the house) show several outside covered decks which could be reduced in size, still allow a view, and allow the home to be closer to compliance with the front yard 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.

Applicant Response: The current design of the site shows the front building setback as 40.2 feet instead of 50 feet. The variance would not be detrimental to public welfare since the building is not located within any known easements. Not moving the building an additional 10 feet would be less injurious to the property since there would be less disturbance to the steep slopes.

Staff Comment: The building setback mentioned above in the Applicant's Response shows the original dimension and not the actual dimension.

Staff believes that the variance could be detrimental to the public welfare for the following reasons:

Pursuant to Table 18A.35.040-1 – Required Parking:

- A single-family residence requires that two parking stalls be provided (Table 18A.35.040-1).
 - The standard parking stall size for a single-family residence is 9 feet by 18 feet (Table 18J.15.080-1).
 - Required parking facilities shall be located on the same lot or building site as the building they are required to serve, except for projects designed according to the Urban Infill Design Standards of Title [18J](#) PCC.
 - Reduction of the required 25-foot front yard setback for the garage to 12.1 feet from 140th Avenue East would not allow enough depth in the driveway for a car to be parked. Parking a car in a 12.1-foot driveway would be detrimental to the public as the car would impede the sidewalk and project into the right-of-way.
 - The applicant believes there is enough room along the north side of the proposed residence to allow for two parking spaces; however, the width of the setback may need to be modified as well as seeking approval from the geotechnical engineer for soil stability.
4. The granting of such variance is consistent with the Comprehensive Plan including any applicable Community Plan; and

Applicant Response: Leaving the current setback of 37.1-feet instead of 50 feet is not expected to cause significant impacts to the Comprehensive Plan.

Staff Comment: The building setback mentioned above in the Applicant's Response shows the original dimension and not the actual dimension. If the applicant can demonstrate that parking can be met on the north side of the home, there is no reason to believe that the granting of the variance would compromise the Comprehensive Plan and Community Plan.

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

Applicant Response: Not moving the building an additional 10 feet to the east would result in less disturbance of the steep slopes.

Staff Response: No environmental impact would be caused by granting of the variance.

Questions Staff has for the SHAC:

1. Does the SHAC believe that the applicant is meeting the Sign Variance criteria?

Parker Variance IPR SHAC-DR.docx