



**PLANNING & PUBLIC
WORKS**

10/02/2023

Front Yard Setback Variance: Joseph and Ana Parker Application No. 1014284

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Project Proposal

Proposal: Applicant seeks approval of a front yard setback 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.

All legal and public notice was sent to property owners within 300-feet of the proposal and two parcels deep as well as published in the official County newspaper (Tacoma News Tribune).

Public Notice sign was posted on the site August 19, 2023, confirmed with a Declaration of Posting.

The proposal is exempt from environmental review.

Aerial Photo / Zoning

The parcel is Lot 5 of the recorded plat of Morningview Estates Division 2.

The Parcel is surrounded to the north and west by the Moderate Density Single-Family (MSF) zone classification and the Residential Resource (RR) zone classification to the east and south.

The following uses surround the property:

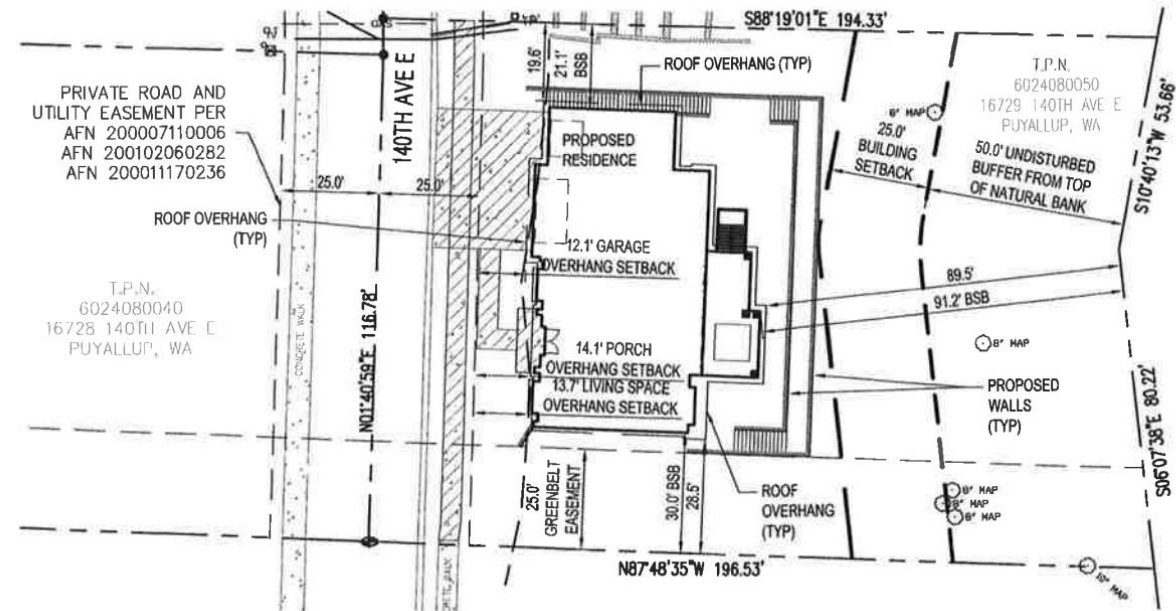
- North – Single Family
- West – 140th Avenue East
- East – Greenbelt for Plat
- South – Greenbelt for Plat



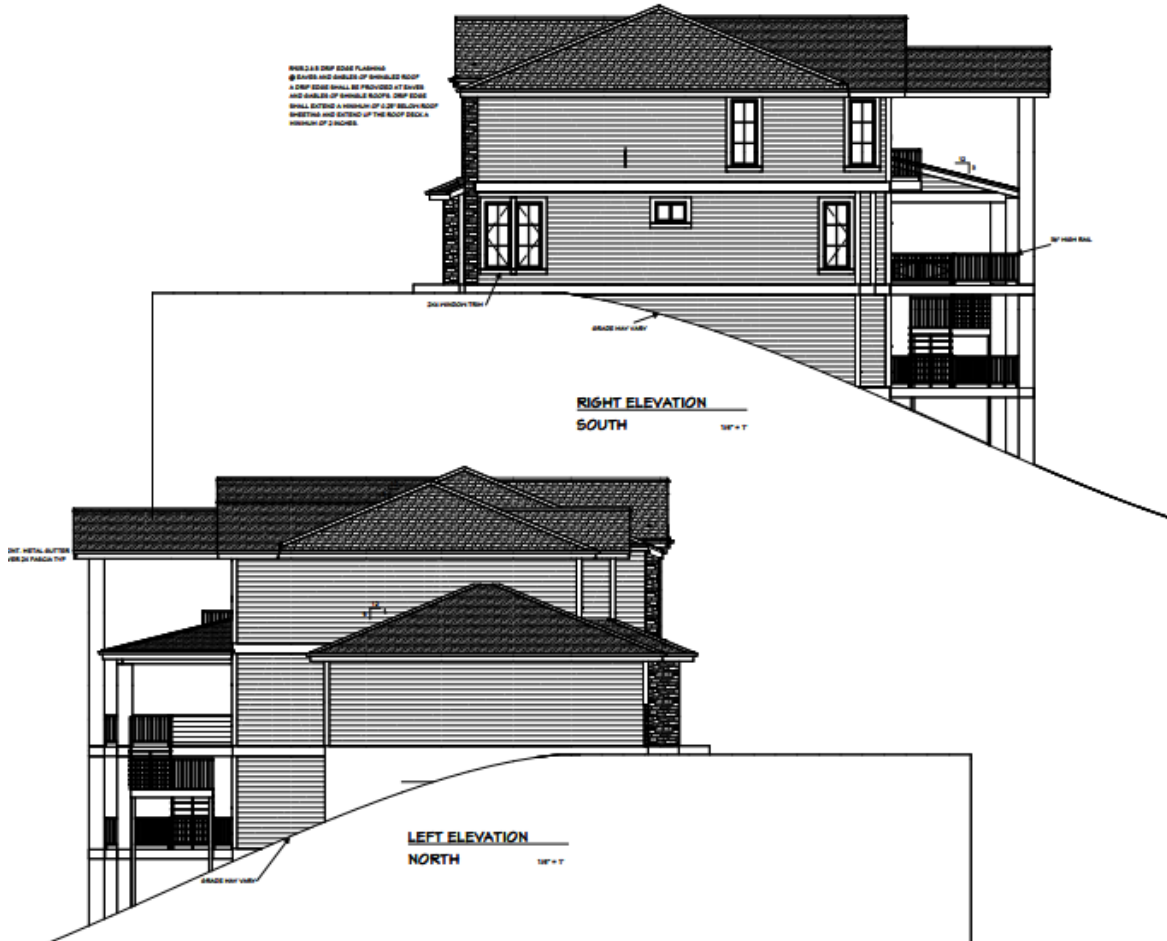
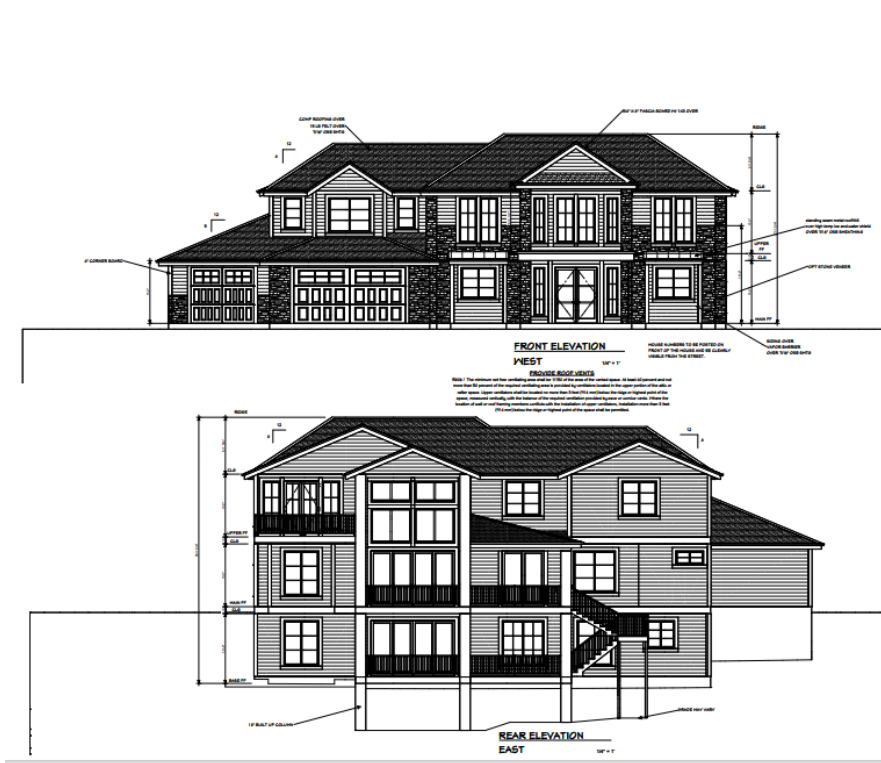
Site Plan – February 28, 2023

The subject parcel has the following constraints:

- 50' wide slope buffer and 25' foot building setback to the rear of the parcel.
- 25' Greenbelt easement to the south.
- The applicant verified through a Geotechnical Assessment that encroaching into the 25' building setback is not possible.



Building Elevations



Variance Findings

18A.75.040 Variances

Chapter 18B.080 – Sign Variance

D. *Review Process.*

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.

Staff Comment: The deviation is greater than 20 percent which requires approval of the variance by the Hearing Examiner.

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: Staff finds that there could be some circumstances applicable to the subject property for consideration of a variance:

The rear property boundary is encumbered with a 50-foot slope buffer and 25-foot building setback. The submitted Geotechnical Assessment verified that the single-family residence could not encroach into the 25-foot building setback in the rear .

The parcel is also encumbered along the southern property boundary by a 25-foot greenbelt which makes the lot narrower than other parcels.

Sign Variance Findings Continued.

- 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:

- As part of the review, staff looked at 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 parcel was purchased with known slope easement, building setback, and greenbelt easement. The property owner could reduce the size of the house or choose a different house plan that fits the lot and allows a back yard.
 - 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.**

Sign Variance Findings Continued.

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

- A single-family residence requires that two onsite 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 could project into the right-of-way.
- There is no allowance for guest parking off the road.
- *The applicant believes there is enough room along the north side of the proposed residence to allow for two parking spaces; however, the dimension between the house and north property line may not be wide enough to allow two cars with open doors to park. Approval would need to be granted by the geotechnical engineer for soil stability.*

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

Staff Comment: If the applicant can demonstrate that safe parking can be met 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.

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

Staff Recommendation

Even if the applicant can demonstrate parking along the northern side of the lot, Staff still believes that all five variance criterion would not be met.

The reduced driveway distance of 12.1 feet for the driveway would be considered detrimental to the public as it is most likely cars whether belonging to the property owner or company visiting could park in the reduced space.

The subject parcel was purchased with known property constraints and the proposed building plans have a greater square footage than others within the immediate vicinity. The building plans could be reconfigured or the square footage reduced to allow the distance for a safe driveway.



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Questions?

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