



Initial Project Review

Rear Yard Setback Variance: Fortino-Chavez

Application Number: 1019051

Parcel Number: 5025007158

Parkland – Spanaway - Midland Advisory Commission (PSMAC) Public Meeting:
November 1, 2023, at 6:30 p.m., at the South East Tacoma Community Center, 1614 99th Street East, Tacoma WA

Proposal: Land Use Variance to setback requirements for construction of a new attached garage with an ADU (Accessory Dwelling Unit) constructed above the garage. Proposed reduction of setbacks would be to reduce the rear yard setback, as measured from the rear property line to 4 feet, as opposed to the 10-foot rear yard setback required in Single Family (SF) zoning.

Project Location: The site is in the Single Family (SF) zone classification in the Parkland-Spanaway-Midland Communities Plan area and Residential Shoreline Environment, located at 16207 Lake Side Drive South, Spanaway, WA 98387, within the NW 1/4 of Section 28, T19N, R03E, W.M., in Council District #3.

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

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

County Contact: Kelsey Bean, Associate Planner, kelsey.bean@piercecounitywa.gov
253-798-2709

Pierce County Online Permit Information:

<https://pals.piercecounitywa.gov/palonline/#/permitSearch/permit/departementStatus?applPermitId=1019051>



Project Data

Complete Application Date: August 15, 2023

Initial Project Review Mailed: October 25, 2023

Property Owner: Arthur Chaves and Nicole Fortino
16207 Lake Side Drive South
Spanaway, WA 98387
Thankyouthankyouthankyou333@gmail.com

Applicant: Weddermann Architecture
4629 South Yakima Avenue
Tacoma, WA 98408
justin@weddermann.com

Legal and Public Notice

- *August 30, 2023*: Notice of Application and Public Meeting Notice, including the 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 site.
- *September 17, 2023*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *October 18, 2023*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*) advertising the PSMAC public meeting.

2017 County Aerial



Figure 1: Project will be occurring on the highlighted parcel.

Proposed Site Plan

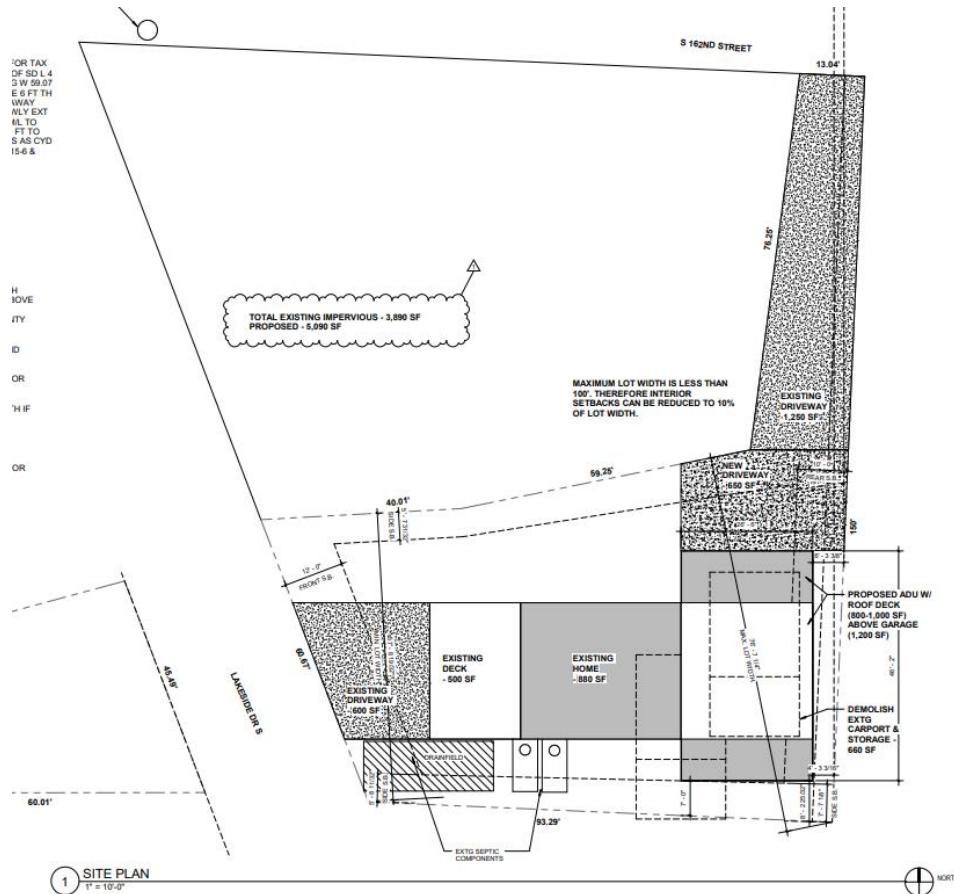


Figure 2: Site Plan

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 made comment that they have no requirements at this time (see the discussion in the “Archeological, Culture, and Historic Resources (18S.30.020)” section).

Surrounding Land Use and Zoning Designation

	LAND USE	ZONING
North	162 nd Street South	N/A
South	Single Family Residence	Single Family (SF)
West	Lake Side Drive South	N/A
East	Single Family Residence	SF

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

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.

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 5
- 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.

PSM D-12.2 Provide opportunity for porches and decks within front yard setbacks.

PSM D-12.2.1 Permit single-family detached dwelling units to encroach into front yard setbacks the same distance the garage entrance is recessed behind the front yard setback line.

Staff Comment: The application is meeting the policies of the Parkland-Spanaway-Midland Communities Plan. 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 Communities Plan. The applicant has site constraints as an unconventionally shaped lot and is creating a garage and ADU to reduce setbacks as much as possible. The applicant has applied for a variance to deviate from setbacks.

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
SF	Single Family	25	12/15/25 (3)	10 (2)	10 (2)

Required setbacks include:

- Front- 12-foot setback for porches; 15-foot setback to other portions of the building; and 25-foot setback for vehicle parking facilities, such as garage or carport either attached or detached, setback applies on the side where vehicle enters only.
- Interior/Side- 10-foot setback
- Rear- 10-foot Setback

Staff Comment: The proposed setback of 4 feet from rear yard setback will require a Variance to the 10-foot required rear yard setbacks from the rear property line.

Eaves are allowed to project up to two feet into a required setback. They may not, however, project into a setback altered by a Variance unless the Variance specifically allows for this added projection. The proposed site plan shows the structure and does not show the eaves going 2 feet past the proposed setback.

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: Site has a fairly steep slope up from its frontage; the new garage the owners want to build would need to move into the rear yard setback by about 6 feet to take advantage of the additional site access off 162nd St for access to the new garage.

Staff Comment: This property has special circumstances in that the shape and slope of the parcel creates very little buildable area on the lot.

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: Owner would like to build a garage to store their vehicles in lieu of parking them in the yard with an additional dwelling unit above for long-term living; the current rear yard setback limits the location of the proposed garage relative to the existing driveway off 162nd street and the size of the ADU.

Staff Comment: The exact size of the ADU has not yet been relayed to Planning. The maximum square footage of the ADU is 1,000 square feet and the applicant has expressed they mostly intend to build to the maximum square footage. The garage is tentatively shown to be 660 square feet.

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: Property is located on a small stretch of Lakeside Dr serving only 4 houses; granting a variance for rear setback will reduce this further and make access from the adjacent street, 162nd more feasible.

Staff Comment: The proposed garage and ADU addition will be approximately 6 feet closer to the rear property line than the property to the east. The home to the south is approximately 1 foot from the side lot line. Granting a variance to reduce the building setbacks to 4 feet from the rear yard setback will not be detrimental to the public welfare or to the neighborhood given that the placement of homes on abutting lots are relatively close to property lines.

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

Applicant Response: As the project is being constructed in place of an existing carport with a small addition to the overall size there will be a minimal removal of vegetation.

Staff Comment: The property is zoned Single Family (SF) located within the Parkland-Spanaway-Midland Communities Plan. 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: The project will potentially require a wetland review due to the proximity to the Spanaway Lake. New impervious surface (with removal of the shed and canopy) will amount to about 1200 square feet of new/replaced, with appropriate drainage features as required. The project will also help mitigate runoff from vehicles currently stored on a concrete driveway and open carport in the current location of the proposed garage. As it is also an ADU, additional sewage and plumbing work will be needed. Appropriate best management practices (BMPs) will also be employed during the construction process to minimize the environmental impact of construction.

Staff Response: The proposed addition to the residence and granting the variance will not cause adverse environmental impacts. Wetland review is unlikely since the development is located across Lakeside Drive South from the lake.

Questions Staff has for the PSMAC:

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