

# Staff Report

## Land Use Variance: Fick

**Application Number: 1003657**  
**Tax Parcel Number: 0220063032**

**Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: November 8, 2023, at 6:30 p.m.**, at the City of Gig Harbor, southeast entrance, 3510 Grandview Street, Gig Harbor, WA 98335

**Examiner's Hearing: Wednesday, November 29, 2023, at 2:00 p.m.** This hearing is being held remotely, via Zoom, and at the Pierce County Public Services Building (Annex), public meeting room, 2401 South 35<sup>th</sup> Street, Tacoma, WA. To participate in the virtual hearing, visit [www.Zoom.com](http://www.Zoom.com) and click "Join a Meeting", or call 253-215-8782, then enter the Meeting ID: 954 6687 8358, and Passcode: 335836, or follow this link: <https://piercecountywa.zoom.us/j/95466878358?pwd=c1g4K21nWWpSY0lyYjlabW1oL3JFUT09>

**Proposal:** Applicants request a Variance to reduce the front yard setback from the required 25 feet to 6 feet and 3 inches (4 feet and 2 inches to overhang) at the closest point, from the south property line to construct a two-car garage on the south end of the existing single-family residence located on a .25-acre parcel.

**Project Location:** The subject site is in the Rural 10 (R10) zone classification and Gig Harbor Peninsula Community plan area, located at 1125 Hyak Place, Fox Island, WA, in the SW ¼ of Section 6, T20N, R2E, W.M., in Council District #7.

**Staff Recommendation:** The project can be conditioned to comply with all applicable policies and objectives of the Pierce County Code, Comprehensive Plan, and Gig Harbor Peninsula Community Plan area. Staff reviewed this proposal for compliance with all policies, codes, and regulations and recommends approval subject to the conditions listed at the end of this report.

**State Environmental Policy Act (SEPA):** Pursuant to the State Environmental Policy Act and the Pierce County Environmental Regulations, Title 18D, 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, (253) 798-7234,  
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**Pierce County Online Permit Information:**

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departementStatus?applPermitId=1003657>



## Project Data

Application Complete Date: April 28, 2023  
Revised Application Date: September 13, 2023

Initial Project Review Mailed: November 1, 2023

Property Owners/Applicants: Ted and Pam Fick  
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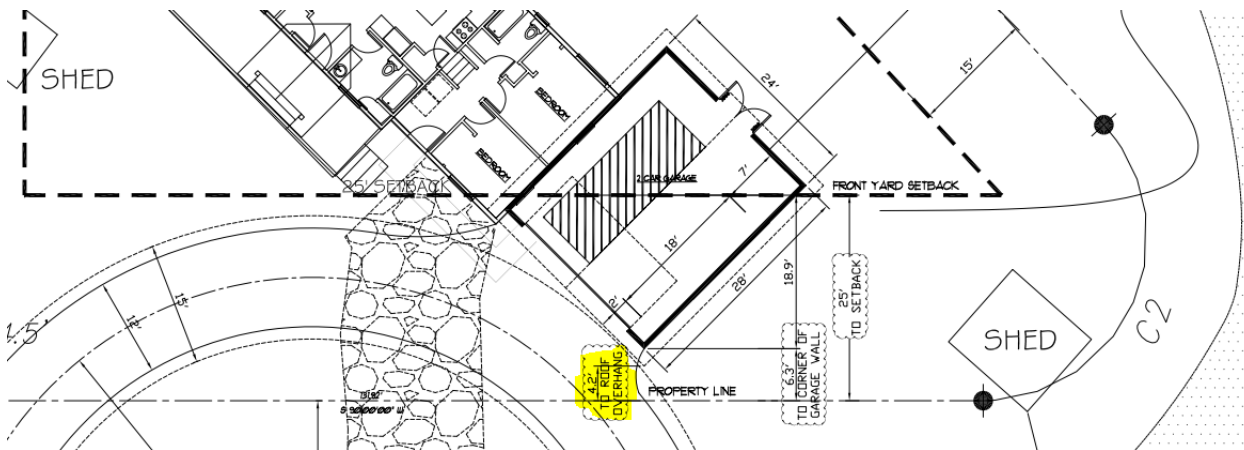
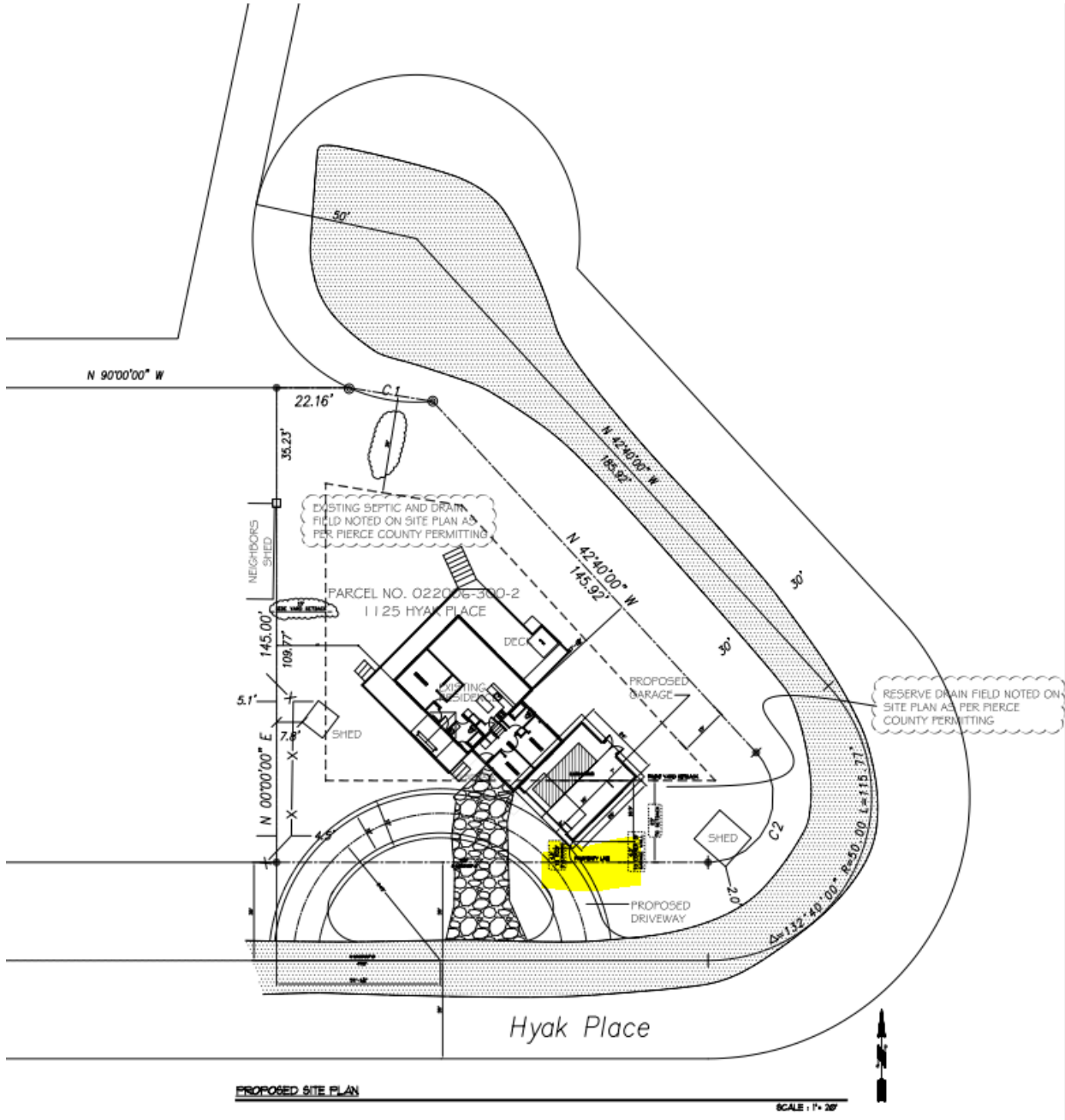
## Public and Legal Notice:

- *May 8, 2023*: Notice of Application (NOA) 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.
- *May 17, 2023*: A Public Notice sign was posted on the site by the applicant's agent. The posting was confirmed with a Declaration of Posting.
- *October 4, 2023*: Revised 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.
- *October 25, 2023*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the PAC public meeting.

Pierce County 2021 Aerial Photo



# Site Plan





**Site Inspection Photos, taken May 15, 2023**



## Site Characteristics

Staff conducted a site visit on May 15, 2023. and observed the following:

- The parcel is almost triangle shaped, and per Assessor-Treasurer’s data, it is .25-acre in size.
- Except along the west property line, the Hyak place road wraps around the parcel to the northeast, east, and south property lines.
- The topography of the parcel is generally flat with slope of almost 5% descending from the west to east side of the site.
- The site is currently improved with a single-family residence originally, constructed in 1973, located almost on the center of the parcel and a small shed located on the southeast corner of the site. Per Google Earth’s photos, it appears the existing shed (less than 200 square feet in size) was constructed sometime after 2021.
- Per documents from the Tacoma-Pierce County Health Department (TPCHD), the primary existing septic and drainfield is located to the north of the single-family residence and the reserved is located to the southeast of the residence.
- The proposed attached garage, if approved, will be located on the southeast portion of the existing residence and will encroach into the required 25-foot front yard setback by 20 feet and 8 inches (including overhang).
- Majority of the single-family residences within the immediate vicinity of the site are larger in size with either detached or attached garages.
- The access to the site is via a driveway off Hyak Place along the south property line.

## Surrounding Land Use / Shoreline / Zoning Designation

LAND USE		ZONING
North	Single-family residence and Hyak Place	Rural 10 (R10)
South	Hyak Place	R10
East	Hyak Place	R10
West	Single Family Residence	R10

### **Note:**

- The Administrative land-use variance application originally was submitted for 5 feet reduction (20%) of the required 25-foot front yard setback on March 20, 2023. The application was deemed complete on April 28, 2023. However, on September 13, 2023, the applicant revised their application for additional reduction to construct the proposed garage 4 feet and 2 inches (including overhang) from the required 25-foot front yard setback, thus requiring a public hearing for the proposed variance.
- All proposed setbacks are measured from the exterior edge of the eaves and not the exterior walls.

- **Section 18A.15.040.A.2. *Designation of Required Setbacks*** states in part that all lots must contain at least one front yard except pipestem 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. The proposed garage is more than 15 feet from the north and east property lines.

### **Comments from 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 1. The substance of these comments is reflected, where appropriate, in the conditions at the end of this report.

#### Public Comment:

- No comments have been received from the general public.

#### Agency Comments:

- No adverse comments were received from reviewing agencies within the County.
- Both the Nisqually Indian Tribe and Squaxin Island Tribe have no concerns at this time but would like to be informed of any Inadvertent Discoveries of Archaeological Resources/ Human Burials.

### **Governing Development Regulations**

The proposal has been reviewed for conformance with the following goals, policies, and requirements in effect on September 13, 2023, complete application date of this proposal:

- 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
- Title 18H Development Regulations - Forest Practices
- Title 18J Design Standards and Guidelines

## **Staff Review for Consistency with Policies and Regulations**

### **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.

### **Title 18 Development Regulations – General Provisions**

#### 18.25 Definitions

"Setback" means the minimum required distance between any structure and a specified line such as a lot, public or private right-of-way, easement, future street right-of-way as identified through an official control or buffer line that is required to remain free of structures unless otherwise provided herein.

### **Title 18D – Environmental**

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

### **Title 18E – Critical Areas**

No critical areas have been identified on or near the site.

### **Pierce County Zoning Code - Title 18A Development Regulations -Zoning**

#### **18A.15.040 Setback and Height**

The required setbacks for R10 zone classification are as follows:

- Front (road) yard setback is 25 feet.
- Rear yard setback is 30 feet.
- Interior (side) yard setback is 10 feet.
- Maximum height is 40 feet.

*Staff Comment:* The required front yard setback in the R10 zone is 25 feet. The applicant is applying for a variance to reduce the required front yard setback by setback by 20 feet and 8 inches (including overhang) from Hyak place to construct a garage 4 feet and 2 inches from the front yard setback.



### **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;

Applicant Comment: The shape of this property limits the use of the South and East end of property when the 25-foot setback from the south and 15-foot setback from the east limits the area for a garage.

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 Comment: This property has no existing garage and no existing onsite parking.

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 Comment: There is no off site development improvements planned. The land between the property line and street pavement will not be used.

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

Applicant Comment: No Comp Plan.

5. No significant adverse environmental impact will be caused because of the variance approval.

Applicant Comment: No environmental impact

Staff Comment: The site is zoned Rural 10 (R10), and it is located within the Gig Harbor Peninsula Community Plan area. This 0.25-acre site is an almost triangle shaped parcel that is impacted by a road on three sides with the primary access to the south of the site. The Hyak Place Road wraps around the northeast, south, and east of sides the site which other residences in the area are not subject to.

The existing residence is located on the flat area on the central portion of the site which dictates the approximate location for the proposed garage. Staff finds that due to the irregular shape of the parcel, location of the road wrapping around the parcel, location of the existing primary and reserved septic drainfield and their corresponding setbacks, it would be more difficult for the lot to accommodate a garage similar to that possessed by others in the neighboring properties in the area. In addition, staff did not receive any comments from any of the neighboring properties who are being served by this road.

Therefore, staff believes, per the submitted document, there appears to be special circumstances applicable to the subject site. In addition, approval of the variance will not have any impact to the adjoining neighbors, be materially detrimental to the surrounding area, or to be detrimental to the public or cause any damage to the other properties or improvement in the vicinity of the site.

**Question from Staff for the PAC:**

Does the PAC believe that the applicant is meeting the Land Use Variance requirements or have any comments or recommendations?

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