



City of Tacoma  
 Planning and Development Services Department  
 747 Market St, Room 345  
 Tacoma, WA 98402

# NOTICE OF DECISION

Date of Decision: 4/4/2016  
 Appeal Period Ends: 4/18/2016  
 Decision Effective: 4/19/2016

**Decision:** Approved, subject to conditions

**Proposal:**

The applicant has requested two lot area variances to allow the future creation of two parcels that will contain 4,312.5 square feet of area. The site is located in the 'R-2 STGPD' Single-Family Dwelling District and South Tacoma Groundwater Protection District. TMC 13.06.100 requires new parcels in this area have a minimum lot area of 4,500 square feet, subject to small lot single-family residential development standards.

**Applicant:** Peter Yakimenko, 1928 Crystal Springs Road W, Tacoma, WA 98405, 253-226-3118

**Location:** 2303 South Ferry Street, parcel number 4295000162

**Application No:** LU16-0005

For further information regarding the proposal, **log onto the website at <http://tacomapermits.org> and select "Message Board"**. The case file may be viewed in Planning and Development Services, 747 Market Street, Room 345.

**Appeal Procedures:**

**Reconsideration:** Any person having standing may request reconsideration of the Director's decision, based upon errors of procedure or fact, by submitting a request in writing to Planning and Development Services at the address below.

**Appeal to Hearing Examiner:** Any aggrieved person or entity may appeal to the Hearing Examiner by filing a written Notice of Appeal and submitting the filing fee of \$325.26 to the Hearing Examiners Office (747 Market St, Room 720) which contains the following:

- A brief statement showing how the appellant is aggrieved or adversely affected
- A statement of the grounds for the appeal, explaining why the appellant believes the administrative decision is wrong.
- The requested relief, such as reversal or modification of the decision.
- The signature, mailing address and telephone number of the appellant and any representative of the appellant.

THE FEE SHALL BE REFUNDED TO THE APPELLANT SHOULD THE APPELLANT PREVAIL.

**Staff Contact:** Dustin Lawrence, Senior Planner, 747 Market St, Room 345, (253) 591-5845, [dlawrence@cityoftacoma.org](mailto:dlawrence@cityoftacoma.org)

**Environmental Review:** Per SEPA, WAC 197-11-800 and TMC Chapter 13.12, the Environmental Official has reviewed this project and determined the project is exempt from SEPA provisions.

*To request this information in an alternative format or a reasonable accommodation, please call 253-591-5030 (voice). TTY or STS users please dial 711 to connect to Washington Relay Services.*



City of Tacoma  
Planning and Development Services Department  
747 Market St, Room 345  
Tacoma, WA 98402

## **NOTICE OF LAND USE DECISION**



**City of Tacoma**  
Office of the Director  
Report And Decision

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**VARIANCE APPLICATION OF:**

Peter Yakimenko  
1928 Crystal Springs Road W  
Tacoma, WA 98466

**FILE NO: LU16-0005**

**SUMMARY OF REQUEST:**

The applicant has requested two 187.5 square foot lot area variances in order to allow an existing 8,625 square foot parcel to be divided into two 4,312.5 square foot parcels for the future construction of two single-family dwellings. The property is located in the "R-2 STGPD" Single-Family Dwelling District and South Tacoma Groundwater Protection District. *Tacoma Municipal Code* Section 13.06.100 requires a minimum of 4,500 square feet in area for properties subject to small lot single-family residential development standards.

**LOCATION:**

The site is located at 2303 South Ferry Street; Parcel Number 4295000162

**DECISION:**

**Approved with conditions**

**Notes:**

The appeal period on this decision closes April 18, 2016 and the effective date of this decision is the following business day, provided no requests for reconsideration or appeals are timely filed as identified in APPEAL PROCEDURES of this report and decision.

The Director has jurisdiction in this matter per *TMC* 13.05.030. The applicant bears the burden of proof to demonstrate the proposal is consistent with the provisions of the *TMC*, the applicable provisions and policies of the City's *Comprehensive Plan*, and other applicable ordinances of the City.

**FOR ADDITIONAL INFORMATION CONCERNING THIS LAND USE PERMIT PLEASE CONTACT:**

Dustin Lawrence  
Planning and Development Services  
747 Market Street, Room 345  
Tacoma, WA 98402  
253-591-5845  
Email: [dlawrence@cityoftacoma.org](mailto:dlawrence@cityoftacoma.org)

## SUMMARY OF RECORD

The following attachments and exhibits constitute the administrative record:

Attachments:

A – Site Plan, Floor Plans, and Elevations

Exhibits<sup>1</sup>:

A – Applicant’s Justification for the Request

B – Historic Deed and County Records

The Director enters the following Findings of Fact and Conclusions of Law based upon the applicable criteria and standards set forth in the *Tacoma Municipal Code (TMC)*, the policies of the *Comprehensive Plan*, and the Attachment and Exhibit listed above.

### FINDINGS OF FACT<sup>2</sup>

**Proposal:**

1. The applicant proposes to divide one parcel into two parcels. The division will result in two parcels that will be 4,312.5 square feet in area. See Attachment “A”.
2. With the exception of the lot area requirement, the proposal will meet all requirements of the “R-2” Single-Family Dwelling District, including standards pertaining to setbacks, number of parking spaces and height. See Attachment “A”.
3. Each dwelling will be subject to the Level 1 and 2 small lot single-family residential development standards outlined in *TMC* 13.06.145. The proposed plans do not currently meet these requirements. See Attachment “A”.

**Project Site:**

4. The site address is 2303 South Ferry Street. The parcel number is 4295000162.
5. The site is currently vacant. It appears that it has previously been used as a gravel parking lot to allow overflow parking at the Unity Center Church across South Ferry Street to the west.
6. South Sprague Avenue, abutting the site to the east, contains a large undeveloped right-of-way that separates the project site from the actual road. The undeveloped right-of-way is roughly 45 feet in width and heavily vegetated. The section of S. Sprague Ave. is an extended on-ramp to SR 16 and I-5. As such, access to the site from this roadway is not feasible.
7. South 23<sup>rd</sup> Street abuts the site to the north and South Ferry Street abuts the site to the west.
8. The site is located in the “R-2 STGPD” Single-Family Dwelling District and South Tacoma Groundwater Protection District.
9. The Land Use Designation for the site, as specified in the City’s *Comprehensive Plan*, is “Single-Family Residential”.

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<sup>1</sup> All Exhibits are contained in Planning and Development Services File No. LU16-0005. They are referenced and incorporated herein as though fully set forth.

<sup>2</sup> Any conclusion of law hereinafter stated which may be deemed a finding of fact herein is hereby adopted as such.

10. The site is rectangular in shape, measuring 75 feet wide by 115 feet deep and contains 8,625 square feet of lot area. The site is considered a "through-lot" per *TMC* 13.06.700 since it has frontage on both S. Ferry Street and S. Sprague Avenue/SR 16 on-ramp. However, since S. Sprague Ave. is not feasible, the functional front yard is oriented to the west off of S. Ferry Street and functional rear yard is oriented to the east.

**Surrounding Area:**

11. The surrounding area is comprised of a mix of zoning and uses. The area to the south and east, across S. Sprague Avenue, is located in the "R-2 STGPD" Single-Family Dwelling District and South Tacoma Groundwater Protection District and is developed with single-family dwellings. The area to the east of S. Sprague Ave/SR-16 on-ramp is functionally disconnected from the site.
12. The area to the west is located in the "R-2 STGPD" Single-Family Dwelling District and South Tacoma Groundwater Protection District and is developed with the Unity Center Church. To the west and south of the Unity Center Church, the area is zoned "T" Transitional District and is or will be developed with townhomes and single-family homes on 25 ft. wide, 3,000 sq. ft. lots
13. The area to the north is located in the "PDB STGPD" Planned Development Business District and South Tacoma Groundwater Protection District and is developed with the DSHS office complex.
14. The homes to the south of the site are through-lots that have frontage on S. Ferry Street and S. Sprague Ave/SR-16 on-ramp. They are oriented such that they front on S. Ferry Street and have functional rear yards adjacent to S. Sprague Ave.
15. The block the site is located on currently provides a block density of 5.58 units per acre. The block density would be increased to 6.59 units per acre through the construction of two additional single-family dwellings, as proposed as part of the variance.

**Additional Information:**

16. The applicant has provided a written analysis of how they believe the proposal is consistent with the criteria required to be met for the approval of a variance. The Director understands the key points of the applicant's justification to be that the proposal will meet the City's small lot development standards, that the request is the minimum necessary, that the proposal will allow for two new lots that will fit into the neighborhood, and that the proposal will provide more affordable housing. The applicant's justification for the variance request is marked as Exhibit "A" to this report and decision.
17. A permit for a single-family dwelling was issued for the southerly portion of the parcel (Planning and Development Services File No. BLDRN16-0007). The proposed single-family dwelling complies with many of the small lot design standards, but would need to be revised to comply with all of the Level 1 and Level 2 standards.
18. According to historic deed records, the east ten feet of the site was excluded in the sale of the property in 1958. According to the deed, the east ten feet was going to be used for alley purposes. This resulted in the creation of two parcels (#4295000160 and 4295000161). These parcels were combined again in 1994, resulting in the current configuration and parcel number. See Exhibit "B".
19. Pursuant to *WAC* 197-11-800, Subsection (6)(b) and the City of Tacoma's *SEPA* Procedures, this proposed action is categorically exempt from the Threshold Determination and Environmental Impact Statement requirements of *SEPA*.

20. The application was filed and determined complete on February 9, 2016.

**Public Notice:**

21. Public notice of the application was mailed on February 11, 2016 to owners of property within 100 feet of the site as indicated by the Pierce County Assessor/Treasurer's records, the Central Neighborhood Council, and qualified neighborhood groups, allowing a 14-day comment period.

22. No comments were received in response to the public notice.

**Applicable Regulations:**

23. Construction of single-family dwellings and additions thereto is a permitted activity in the "R-2 STGPD" Single-Family Dwelling District and South Tacoma Groundwater Protection District subject to development regulations, including the minimum lot area requirement. See *TMC 13.06.100*. The minimum small lot area requirement of *TMC 13.06.100* is allowed subject to small lot design standards in *TMC 13.06.145*.

24. *TMC* Section 13.06.645.B.1.b includes the criteria required for approval of these variances.

25. The *Comprehensive Plan*, which sets forth policy regarding development in the City of Tacoma, provides the following policy guidance relative to residential development:

**GOAL DD-4 | Enhance human and environmental health in neighborhood design and development. Seek to protect safety and livability, support local access to healthy food, limit negative impacts on water and air quality, reduce carbon emissions, encourage active and sustainable design, and integrate nature and the built environment.**

***Policy DD-4.1*** *Preserve and enhance the quality, character and function of Tacoma's residential neighborhoods.*

***Policy DD-4.3*** *Encourage residential infill development that complements the general scale, character, and natural landscape features of neighborhoods. Consider building forms, scale, street frontage relationships, setbacks, open space patterns, and landscaping. Allow a range of architectural styles and expression, and respect existing entitlements.*

***Policy DD-4.6*** *Promote the site layout of residential development where residential buildings face the street and parking and vehicular access is provided to the rear or side of buildings.*

**Goal H-1 | Promote access to high-quality affordable housing that accommodates Tacomans' needs, preferences, and financial capabilities in terms of different types, tenures, density, sizes, costs, and locations.**

***Policy H-1.1*** *Maintain sufficient residential development capacity to accommodate Tacoma's housing targets.*

***Policy H-1.7*** *Consider land use incentives (e.g. density or development bonuses, lot size reductions, transfer of development rights, height or bulk bonuses, fee waivers, accelerated permitting, parking requirement reductions, and tax incentives) in appropriate locations to facilitate the development of new housing units.*

## CONCLUSIONS OF LAW<sup>3</sup>

### Analysis of Review Criteria:

1. In order for the Director to authorize a variance, the request must be found consistent with all criteria set forth in Section 13.06.645.B.1 of the *TMC*.
  - a. *The restrictive effect of the specific zoning regulation construed literally as to the specific property is unreasonable due to unique conditions relating to the specific property, and which do not result from the actions of the applicant, such as: parcel size; parcel shape; topography; location; documentation of a public action, such as a street widening; proximity to a critical area; or character of surrounding uses.* The site is currently undeveloped and surrounded by three separate streets. There is a large vegetated buffer between the site and South Sprague Avenue that does not provide a connection to S. Sprague Ave and will likely never be further developed. In addition, a majority of the surrounding uses and zoning allow for a more intense neighborhood development pattern. The combination of a large undeveloped area to the functional rear of the lot and the character of the surrounding uses constitute as unique conditions relating to the specific property. See Attachment "A"; Findings 1-3, 5-7, 10-15, 24.
  - b. *The requested variance does not go beyond the minimum necessary to afford relief from the specific hardship affecting the site.* The proposed lot configuration will result in two properties that will be the same width (37.5 feet) and contain the same amount of lot area (4,312.5 square feet). The request is the minimum necessary to provide relief. See Attachment "A"; Exhibit "A"; Findings 1-3, 24.
  - c. *The grant of the variance would allow a reasonable use of the property and/or allow a more environmentally sensitive site and structure design to be achieved than would otherwise be permitted by strict application of the regulation, but would not constitute a grant of special privilege not enjoyed by other properties in the area.* The use of the site is reasonable, as the construction of single-family dwellings is a permitted activity in the "R-2 STGPD". The variance will allow for the construction of two single-family dwellings that will be in character with the neighborhood. The block density of the area will be consistent with what is normally present throughout the "R-2 STGPD". If other properties presented similar facts, they could expect similar relief. Thus, the proposal would not constitute a grant of special privilege. See Attachment "A"; Exhibit "A"; Findings 1-3, 8-9, 15-16, 23-24.
  - d. *The grant of the variance will not be materially detrimental or contrary to the Comprehensive Plan and will not adversely affect the character of the neighborhood and the rights of neighboring property owners.* The neighborhood is characterized as having a variety of uses. The addition of two new dwelling units consistent with the character of the neighborhood will directly implement *Comprehensive Plan* polices pertaining to infill development and housing. Nothing in the record indicates the proposal will adversely affect the rights of neighboring property owners. The proposal is not contrary to *Comprehensive Plan*. See Attachment "A"; Exhibits "A"; Findings 1-3, 5-7, 10-16, 22, 24-25.
  - e. *The grant of the variance will not cause a substantial detrimental effect to the public interest.* The proposal will not have a negative impact on the character of the

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<sup>3</sup> Any Finding of Fact later deemed to be a Conclusion of Law is hereby adopted as such.

surrounding neighborhood. The proposal is not contrary to the *Comprehensive Plan*. No comments were received by the City in response to the public notice. The granting of the variance will not cause a substantial detrimental effect to the public interest. See Exhibit "A"; Findings 1-3, 11-16, 22-24.

- f. *Standardized corporate design and/or increased development costs are not cause for variance.* No information has been submitted to the Director that would indicate that this project involves corporate design.

### **DECISION**

Based on the findings and conclusions, the requested lot area variances are **APPROVED**, subject to the following conditions:

#### **Conditions:**

1. The site plan, floor plans, and elevation drawings, marked as Attachment "A", with this variance shall be modified through the building permit process to meet the Small-lot single-family residential development standards outlined in *TMC 13.06.145*. Both dwellings will be subject to Design Requirements – Level 2.
  - Revisions to the existing building permit (BLDRN16-0007) for the southern portion of the site will be required. It does not meet the driveway width limitation, requirement for 2' eaves, or street tree requirement.
  - The site plan, floor plans and elevation drawings submitted as Attachment "A" will need substantial revisions. The driveway and vehicular access must be from S. 23<sup>rd</sup> Street to the rear of the lot. The house shall be revised to meet the "housing variety" requirement as well as all other Level 1 and 2 small lot design standards.
2. The future division of the property, whether accomplished by a Boundary Line Adjustment or a Preliminary Short Plat, shall be consistent with the site plan marked as Attachment "A" with this variance.

#### **Advisory Notes:**

The below notes are meant to provide additional information to the applicant relative to the specific development proposal. These notes are not conditions of the permit nor do they constitute a complete review of the project.

1. The decision set forth herein is based upon representations made and information, including development plans and proposals, submitted to the Director. Any substantial change(s) or deviation(s) in such development plans, proposals, or conditions of approval imposed shall be subject to the approval of the Director, and may require additional permitting, public notification and comment.
2. The variance shall become void after a period of five (5) years has expired from the date of this decision or appeal decision in the event no substantial construction has taken place in accordance with plans for which the variance was authorized.

ORDERED this 4th day of April, 2016.

  
\_\_\_\_\_  
Peter Huffman  
Director, Planning and Development Services



FULL DECISION TRANSMITTED by first class mail to:

Peter Yakimenko, 1928 Crystal Springs Rd W, Tacoma, WA 98466  
Pierce County Office of the Assessor-Treasurer, Darci Brandvold, 2401 South 35<sup>th</sup> Street, Room  
142, Tacoma, WA 98409-7460

SUMMARY OF DECISION TRANSMITTED by first class mail and interoffice to:

All owners of property as indicated by the Pierce County Assessor/Treasurer's records within  
100 feet of the subject site.  
Central Neighborhood Council of Tacoma

**NOTE: Pursuant to *RCW 36.70B.130*, you are hereby notified that affected property owner(s) receiving this notice of decision may request a change in valuation for property tax purposes consistent with Pierce County's procedure for administrative appeal. To request a change in value for property tax purposes you must file with the Pierce County Board of Equalization on or before July 1st of the assessment year or within 30 days of the date of notice of value from the Assessor-Treasurer's Office. To contact the board, you may call 253-798-7415 or by e-mail at [www.co.pierce.wa.us/boe](http://www.co.pierce.wa.us/boe).**

## **RECONSIDERATION and APPEAL PROCEDURES**

Any request for RECONSIDERATION and/or any APPEALS must be submitted in the applicable manner as outlined below on or before April 18, 2016.

### **RECONSIDERATION:**

Any person having standing under the ordinance governing this application and feeling that the decision of the Director is based on errors of procedure or fact may make a written request for review by the Director within fourteen (14) days of the issuance of the written order. This request shall set forth the alleged errors, and the Director may, after further review, take such further actions as deemed proper, and may render a revised decision. A request for RECONSIDERATION of the Director's decision in this matter must be filed in writing to the staff contact listed on the first page of this document.

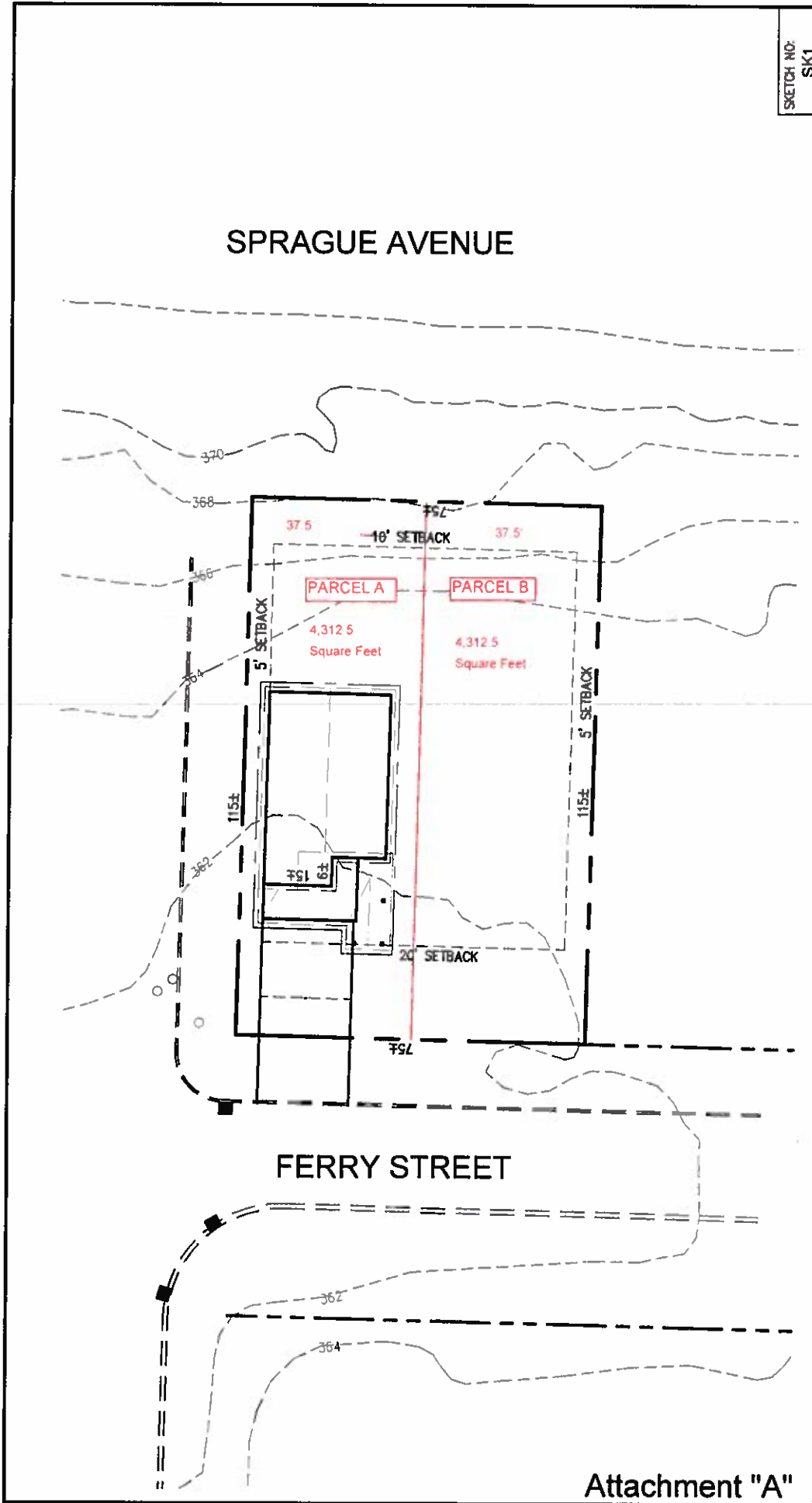
### **APPEAL TO HEARING EXAMINER:**

Any decision of the Director may be appealed by any aggrieved person or entity as defined in Section 13.05.050 of the *Tacoma Municipal Code*, within fourteen (14) days of the issuance of this decision, or within seven (7) days of the date of issuance of the Director's decision on a reconsideration, to appeal the decision to the Hearing Examiner.

An appeal to the Hearing Examiner is initiated by filing a Notice of Appeal accompanied by the required filing fee of **\$325.26**. Filing of the appeal shall not be complete until both the Notice of Appeal and required filing fee has been received. **THE FEE SHALL BE REFUNDED TO THE APPELLANT SHOULD THE APPELLANT PREVAIL.** (Pursuant to Section 2.09.020 of the *Tacoma Municipal Code*, fees for appeals shall be waived for qualifying senior citizens and persons who are permanently handicapped who are eligible for tax exemption because of financial status.)

The Notice of Appeal must be submitted in writing to the Hearing Examiner's Office, Seventh Floor, Tacoma Municipal Building, and shall contain the following:

- (1) A brief statement showing how the appellant is aggrieved or adversely affected.
- (2) A statement of the grounds for the appeal, explaining why the appellant believes the administrative decision is wrong.
- (3) The requested relief, such as reversal or modification of the decision.
- (4) The signature, mailing address and telephone number of the appellant and any representative of the appellant.



SPRAGUE AVENUE

FERRY STREET

SKETCH NO:  
SK1

DATE:  
1/12/16

PROJECT NO:  
16-016

BY:  
WGC

SITE PLAN:  
YAKIMENKO RESIDENCE  
XXX - S 23RD STREET  
PIERCE COUNTY, WA  
PN: 4295000162


PROJECT NAME:  
YAKIMENKO RESIDENCE

DEVELOPMENT  
ENGINEERING, PLLC  
820 DOCK STREET, SUITE 207  
PHONE: (253) 229-6813  
WWW.DE-ENR.COM  
MAIL TO: PO Box 448 TACOMA, WA 99409

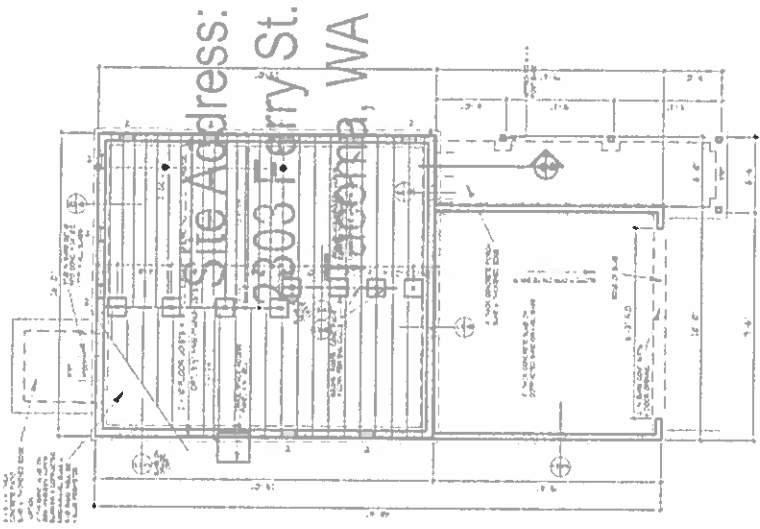
**SITE STATISTICS**

LOT AREA = 0.20 ACRES  
 CLEARED/WORK AREA = 0.20 ACRES  
 BUILDING IMPERVIOUS AREA = 1,180 SQFT  
 DRIVEWAY IMPERVIOUS AREA = 770 SQFT

SCALE:  
SITE PLAN 1" = 10'

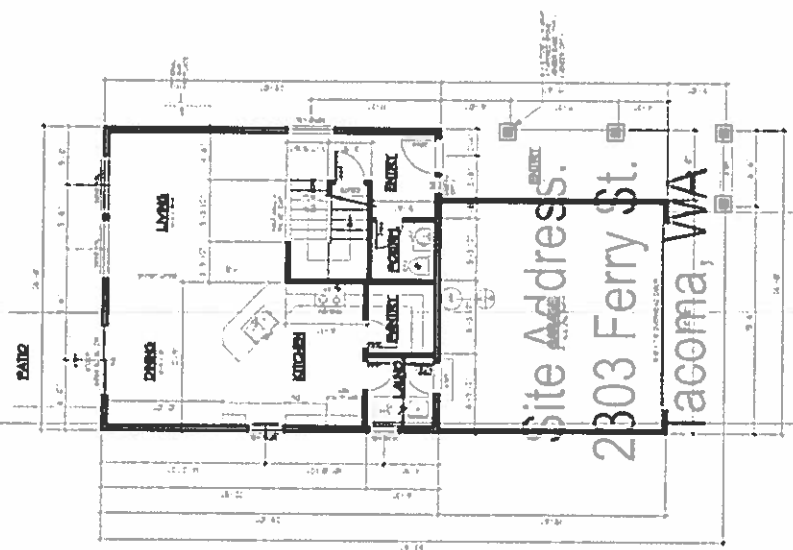


Attachment "A"



**FOUNDATION & FLOOR FRAMING PLAN**  
 FOUNDATION & FLOOR FRAMING PLAN  
 SCALE: 1/4" = 1'-0"

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 WWW.NHDDHOMEPLANS.COM



**FIRST FLOOR PLAN**  
 FIRST FLOOR PLAN  
 SCALE: 1/4" = 1'-0"

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VENTILATION REQUIREMENTS	
1	MINIMUM FRESH AIR INTAKE
2	MINIMUM EXHAUST FLOW RATE
3	MINIMUM EXHAUST FLOW RATE
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**NORTHWEST HOME DESIGNING, INC.**  
 6720 REGENTS BLVD. SUITE 104 UNIVERSITY PLACE, WA 98409 (253) 564-6309 FAX: (253) 568-0607  
 WWW.NHDDHOMEPLANS.COM

**NHDD**  
 NORTHWEST HOME DESIGNING, INC.  
 6510 UNIVERSITY PLACE, SUITE 104, TACOMA, WA 98409  
 (253) 564-6309  
 (253) 568-0607  
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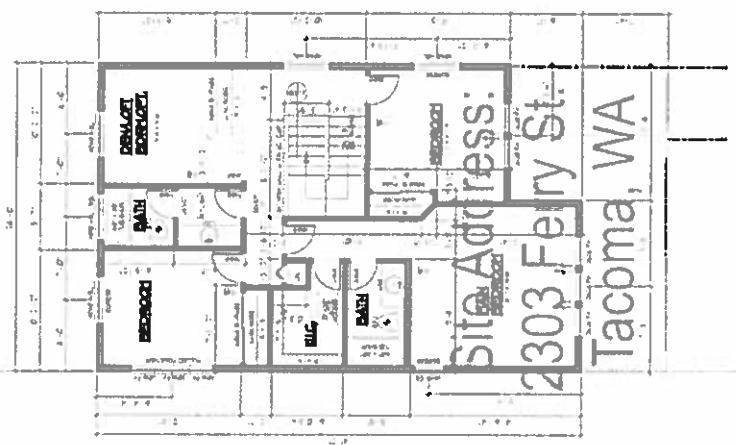
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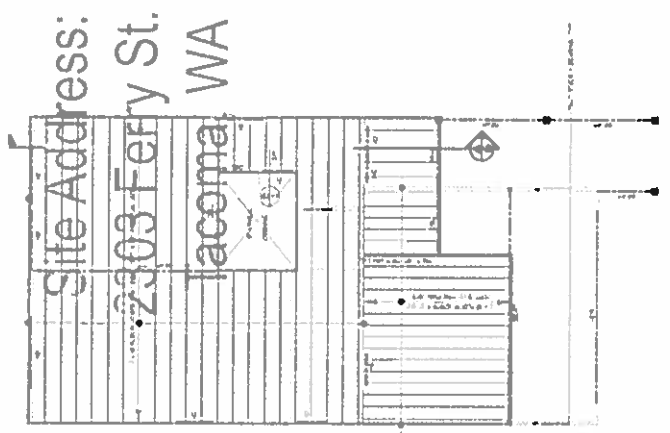
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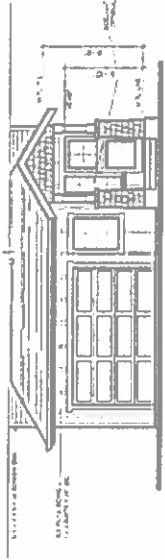


**SECOND FLOOR PLAN**  
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**SECOND FLOOR FRAMING PLAN**  
 © COPYRIGHT 2018 NORTHWEST HOME DESIGNING, INC. SCALE: 1/8" = 1'-0"

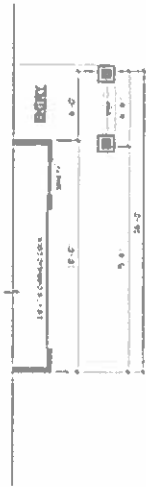




GARAGE OPENING ELEVATION OPTION  
SCALE 1/4" = 1'-0"

Site Address:  
2303 Ferry St.  
Tacoma, WA

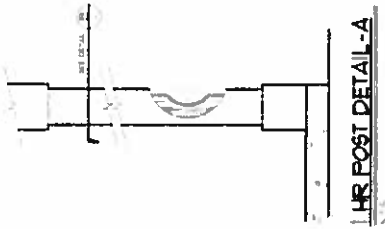
GARAGE OPENING FOUNDATION OPTION  
SCALE 1/4" = 1'-0"



GARAGE OPENING PLAN OPTION  
SCALE 1/4" = 1'-0"



GARAGE FRAMING PLAN OPTION  
SCALE 1/4" = 1'-0"



HR POST DETAIL-A



Site Address:  
HR PLAN VIEW  
POST DETAIL-B  
2303 Ferry St.  
Tacoma, WA



THICKENED SLAB DETAIL  
SCALE 1/4" = 1'-0"

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WWW.NHCHOMEDESIGN.COM

PROJECT NO.	6610
DATE	5
SCALE	1/4" = 1'-0"
DESIGNED BY	H
CHECKED BY	H
DATE	5

