



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

NOTICE OF DECISION

Date of Decision: 7/15/2016
 Appeal Period Ends: 7/29/2016
 Decision Effective: 8/1/2016

Decision: Approved, subject to conditions

Proposal:

A Locational Variance and Accessory Building Height Variance to allow a 19-foot detached accessory building to be located in front of the front wall line of the main building.

Applicant: Robert A. Bohlman

Location: 4756 Browns Point Boulevard (Parcel Number 0321215003)

Application No: LU16 – 0094

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 \$320.90 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: Charla Kinlow, Associate Planner, 747 Market St, Room 345, (253) 594-7971, ckinlow@cityoftacoma.org

Environmental Review: In accordance with the State Environmental Policy Act (SEPA) administered under the Washington Administrative Code (WAC) 197-11-800 and the City of Tacoma Environmental Regulations administered under TMC Chapter 13.12, the Environmental Official has reviewed this project and determined that 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



**VARIANCE PERMIT
APPLICATION FOR:**

FILE NO.: LU16 – 0094

Robert A. Bohlman
4756 Browns Point Boulevard
Tacoma, WA 98422

SUMMARY OF REQUEST:

A Locational Variance and Accessory Building Height Variance to allow a 19-foot detached accessory building to be located in front of the front wall line of the main building.

LOCATION:

4756 Browns Point Boulevard (Parcel Number 0321215003)

SUMMARY OF DECISION:

The request for a Locational and Accessory Building Height Variances are **Approved**, subject to conditions.

Notes:

The appeal period on this decision closes July 29, 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:**

Charla Kinlow
Planning and Development Services Department
747 Market Street, Room 345, Tacoma, WA 98402
253-594-7971 or ckinlow@cityoftacoma.org

SUMMARY OF RECORD

The following attachments and exhibits constitute the administrative record:

Attachments:

Attachment "A": Proposed Site Plan and Elevations

Exhibits¹:

Exhibit "A": Applicant's Justification for the Variance

FINDINGS

Proposal:

1. The applicant requests a Locational Variance and Accessory Building Height Variance to allow a 19-foot detached accessory building to be located in front of the front wall line of the main building.
2. The proposed accessory building is 1,120 square feet (28-feet by 40-feet).
3. Per the proposed site plan, the location of the detached structure will be approximately 200 feet from Browns Point Boulevard.

Project Site:

4. The site is located within the "R-2, VSD" Single-Family Dwelling District with a View-Sensitive Overlay.
5. The City's *Comprehensive Plan* designates the site as "Single-Family Residential".
6. The subject site is within the Northeast Neighborhood.
7. The subject site is 84,506 square feet according to Pierce County records.
8. The subject site is located at the top of a steep slope. The house is located approximately 450 feet south of Browns Point Blvd, and the steep slope starts approximately 500 feet south of Browns Point Blvd. There is no area within the rear yard where an accessory building could be practicably developed.
9. The site has a dense layer of mature, primarily deciduous trees on the north side of the parcel.
10. The site has frontage on Browns Point Boulevard to the north.

Surrounding Area:

11. The surrounding properties are developed with single-family dwellings on parcels that exceed lot area minimum requirements.
12. The adjacent parcels have a dense layer of mature, primarily deciduous trees on the north sides of the parcels.

¹ All Exhibits are contained within associated file of the Planning and Development Services Department. They are referenced and incorporated herein as though fully set forth.

Notification and Comments:

13. The application was determined to be complete on May 13, 2016. Written notice of the application was mailed to owners of property within 100 feet of the site as indicated by the Pierce County Assessor/Treasurer's records, the neighborhood council, and qualified neighborhood groups, allowing for 14 days of comment period. Public notice was posted on the site within seven days of the start of the comment period. No public comments were received.
14. Local governmental agencies and utility providers have reviewed the requested permit. Advisory comments were received from Jason Miller, Site Development, and Chris Seaman, Tacoma Fire.

Additional Information:

15. The applicant's justification for the Variance application is marked as an Exhibit to this report and decision. In summary, the applicant states the following:
 - The existing garage doesn't have the height or square feet to accommodate the applicant's RV, boat, and truck.
 - The South boundary of the lot is a cliff. Essentially the home has no back yard as the cliff is the back yard. Because of the lot size, topography of the back yard, and the existing home location, it is not possible to comply with the zoning requirement to locate the detached accessory structure in the back yard and it must be located in the front yard.
 - There are several homes in the immediate vicinity that have detached accessory structures build in the front yard.
 - Since the parcel is so large, the proposed structure will not infringe upon the privacy or safety of the neighbors. The structure would not be located near any of the neighbors' homes and would therefore not pose a fire hazard or privacy issue.
 - The main structure needs to have a 14 foot clearance to the ground to accommodate the height of the RV and the height of the boat tower.
 - The building location and height will not impact the neighbor's views and the building will sit well below the tree line of the existing trees on the site property and the adjacent properties.

Applicable Regulations and Policies:

16. *TMC* Section 13.06.100.C.4 allows for single-family detached dwellings and accessory buildings within the R-2 Single-family Dwelling District.
17. *TMC* Section 13.06.100.D requires front yard setbacks of 20 feet and side yard setbacks of 5 feet for structures within the "R-2" District.
18. *TMC* Section 13.06.100.D indicates that the maximum allowable height for an accessory building is 15 feet.
19. *TMC* Section 13.06.100.F.1 allows for the total square footage of all accessory buildings to be no more than 10 percent of the square footage of the lot when parcels are greater than ½ acre (21,780 square feet).
20. *TMC* Section 13.06.100.F.5 indicates:

Detached accessory buildings shall be located behind the front wall line of the main building

- on a lot, and shall not be located in the required side yard setback area of the main building.
21. *TMC* Section 13.06.100.F.6 states, “For garages that include vehicular doors facing the front property line, the building or portion of the building with such doors shall be setback at least 20 feet from the front property line or private road easement.”
 22. *TMC* Section 13.06.645.B.1.b includes the criteria required for approval of a locational variance.
 23. *TMC* Section 13.06.645.B.2.a(1) indicates that accessory building height variances may be considered in circumstances where the additional height is necessary to accommodate building door clearance to allow for the storage of a recreational vehicle or trailered boat.
 24. *TMC* Section 13.06.645.B.2.b includes the criteria required for approval of a height variance for accessory buildings.
 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 UF-13

Promote the unique physical, social and cultural character Historic Residential Pattern Areas as integral to Tacoma’s sense of place.

Pattern Area 1: Post-War Slopes

These areas were primarily developed during the post-war period and is characterized by the prevalence of garages, curvilinear streets, and cul-de-sac development. The disrupted street grid limits route directness but lends itself to a sense of privacy and security within neighborhoods. Houses tend to be ranch, double-ranch, or more contemporary building styles, often with garages more prominently situated at the front of the structure and facing the street, as alleys are rare. Many homes have long frontages and are typically 1–1.5 stories as the area includes view overlays.

GOAL EN-2

Protect people, property and the environment in areas of natural hazards.

Policy EN-2.1 Minimize the risk of damage to life and property by establishing robust development standards that ensure avoidance and/or minimization of potential geologic hazards.

Goal EN-3

Ensure that all Tacomans have access to clean air and water, can experience nature in their daily lives and benefit from development that is designed to lessen the impacts of natural hazards and environmental contamination and degradation, now and in the future.

Policy EN-3.3 Require that developments avoid and minimize adverse impacts, to the maximum extent feasible, to existing natural resources, critical areas and shorelines through site design prior to providing mitigation to compensate for project impacts.

GOAL H-5

Encourage access to resource efficient and high performance housing that is well integrated with its surroundings, for people of all abilities and income levels.

CONCLUSIONS²

1. Provided the conditions of approval are met, the proposal meets the criteria identified in *TMC* 13.06.645.B.1.b for approval of a Variance as follows:

- 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; location of an easement; or character of surrounding uses.*

The parcel size, topography, location of the main building, proximity to a steep slope, and character of surrounding parcels are unique conditions which create a hardship in meeting the Code provisions for locating the proposed structure behind the front wall line of the existing dwelling and render strict application of the Code unreasonable.

See Attachment "A", Exhibit "A"; Findings 1-4, 7-10, 15-17, 19-22, 24.

- b. *The requested variance does not go beyond the minimum necessary to afford relief from the specific hardship affecting the site*

The requested variance does not go beyond the minimum to afford relief. As proposed, the detached accessory building will remain approximately 200 feet from the front property line on Browns Point Boulevard. The proposed structure does not exceed size limitations allowed per *TMC* Section 13.06.100.F.1.

See Attachment "A" and Exhibit "A"; Findings 1-4, 8-10, 15.

- 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 grant of the variance will allow a reasonable use and will not be a grant of special privilege. Strict application of the code requirements would essentially prohibit construction of a detached accessory building on the site, absent an approved variance. It is reasonable for a residential use on this site to include a detached accessory structure. As other homes also access parking off of Browns Point Boulevard, and have detached accessory structures located in the front, and if other sites presented similar circumstances, they would be afforded similar relief, it will not be a grant of special privilege.

See Attachment "A" and Exhibit "A"; Findings 1-4, 7-15, 22.

- 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.*

Detached garages are an allowed accessory use to single-family homes in the "R-2" district. While the proposed garage will not be located behind the front wall of the main dwelling, it will be located approximately 200 feet from Browns Point Boulevard, and the area between the right-of-way and the proposed garage is heavily vegetated. Both

² Conclusions are based upon the applicable criteria and standards set forth in the *Tacoma Municipal Code (TMC)*, the policies of the Comprehensive Plan, and the Attachments and Exhibits listed herein. Any conclusion of law hereinafter stated which may be deemed a finding of fact herein is hereby adopted as such.

factors will serve to reduce any impact of a detached accessory structure in this location. The proposal allows the applicant to avoid negative impacts to the environment by keeping the proposed structure out of the steep slope critical area. The location of the structure, as proposed, would not be contrary to the *Comprehensive Plan* and would not adversely affect the character of the neighborhood or the rights of the neighboring property owners.

See Attachment "A" and Exhibit "A"; Findings 1-15, 22, 25.

- e. *The grant of the variance will not cause a substantial detrimental effect to the public interest.*

The proposal is consistent with the *Comprehensive Plan* and will not have a detrimental effect on neighboring properties. Therefore, it will not cause a substantial detrimental effect to the public interest.

- f. *Standard corporate design and/or increased development costs are not cause for variance.*

No information has been submitted to indicate that standardized corporate design and/or increased development costs were cause for the variance request.

2. Provided the conditions of approval are met, the proposal meets the criteria identified in *TMC 13.06.645.B.2.b* for approval of a Variance as follows:

- (1) *Additional height shall be the minimum necessary to afford relief.*

The requested variance does not go beyond the minimum to afford relief. The Code allows for height variances to be considered where the additional height is necessary to accommodate building door clearance to allow for the storage of a recreational vehicle or trailered boat. The requested relief also does not exceed the 25-foot height limit for main structures within the View-Sensitive District.

See Attachment "A" and Exhibit "A"; Findings 1, 3-4, 8-15, 18, 23-24.

- (2) *The variance is in the interest of the general public.*

The height of the proposed structure is not anticipated to affect any existing views. The proposal is consistent with the *Comprehensive Plan* and will not have a detrimental effect on neighboring properties. Therefore, it will not cause a substantial detrimental effect to the public interest.

See Findings 1-6, 13, 15, 23-25.

- (3) *The variance is in the general interest of the particular neighborhood.*

The height of the proposed structure is not anticipated to affect any existing views. The proposal is consistent with the *Comprehensive Plan* and will not have a detrimental effect on neighboring properties. Therefore, it will not cause a substantial detrimental effect to the particular neighborhood.

See Findings 1-6, 13, 15, 23-25.

- (4) *For purposes of this variance, the interest of the general public and the general interest of the particular neighborhood are indicated, in part, by the Comprehensive Plan.*

The proposal is consistent with the *Comprehensive Plan*.

DECISION

Based upon the above findings and conclusions, the requests for Locational and Height Variances are **Approved**, subject to the following conditions:

Conditions:

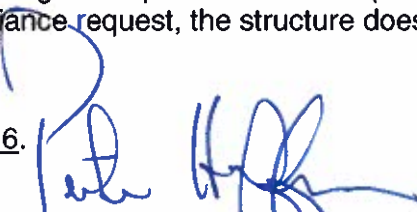
1. The proposal shall be developed substantially consistent with the attached site plan.

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 height of the garage will be measured per the method identified for buildings located within the View-Sensitive District, as described below:
 1. The height limit shall be the vertical distance between existing grade and a plane essentially parallel to the existing grade. The corners of such plane shall be located above the base points.
 2. The base points shall be located at the four corners of the foundation or, if the foundation of the structure does not form a rectangle, at the four corners of the smallest rectangle which surrounds the foundation.
 3. The base points shall be located on existing grade, unless determined otherwise by the Director in accordance with the provisions of Section 13.06.645.B.3.a.
 4. Additional height at the rate of one foot for each 6 percent of the slope shall be allowed. This additional height shall not be allowed on the uphill portion of the structure. For the purpose of this provision, the slope shall be the difference between the elevation of the highest base point and the elevation of the lowest base point divided by the distance between those two base points.
 5. No portion of a structure, including the highest gable, unless specifically excepted, shall extend above the height limit.
2. The proposal shall comply with all applicable requirements contained in the City of Tacoma Stormwater Management Manual, Side Sewer and Sanitary Sewer Availability Manual, Tacoma Municipal Code 12.08 and the City of Tacoma Right-of-Way Design Manual in effect at time of vesting land use actions, building or construction permitting.
3. Any utility construction, relocation, or adjustment costs shall be at the applicant's expense.
4. The structure shall not obstruct the existing fire department access (driveway and turnaround area). As shown in this variance request, the structure does not appear to obstruct access.

ORDERED this 15th day of July, 2016.



Peter Huffman
Director, Planning and Development
Services Department

FULL DECISION TRANSMITTED by first class mail to:

Robert A. Bohlman, 4756 Browns Point Boulevard, Tacoma, WA 98422

Interoffice Email:

Jason Miller, Site Development

Chris Seaman, Tacoma Fire

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

All property owners within 100 feet of the subject site

Northeast Neighborhood Council

Neighborhood Planning Team Members: Brian Boudet, Ian Munce, and Carol Wolfe

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 CALL 253-798-7415 OR <WWW.CO.PIERCE.WA.US/BOE>.

APPEAL PROCEDURES

Any request for RECONSIDERATION and/or any APPEALS must be submitted in the applicable manner as outlined below on or before **July 29, 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.

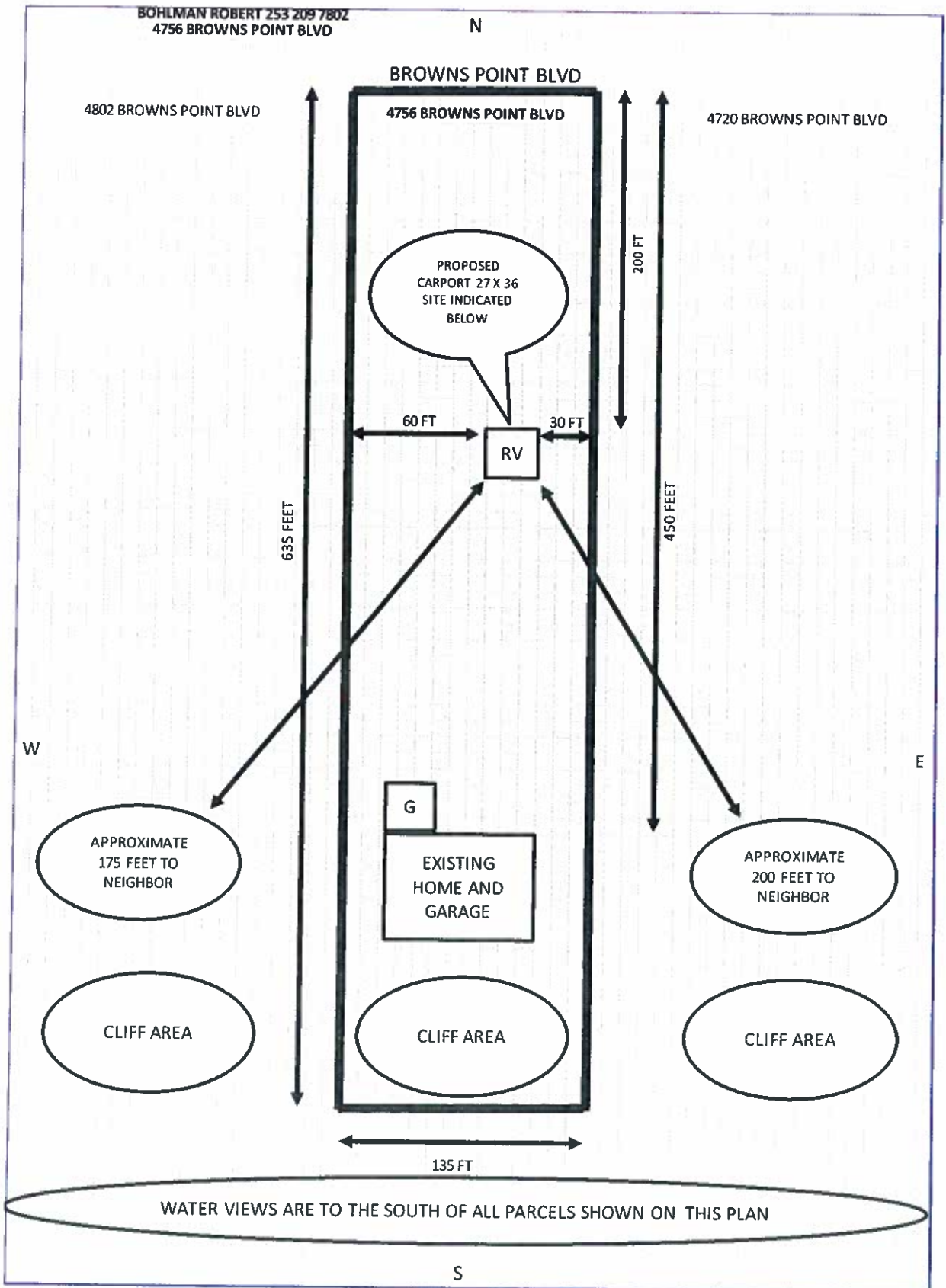
APPEAL TO HEARING EXAMINER:

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.)

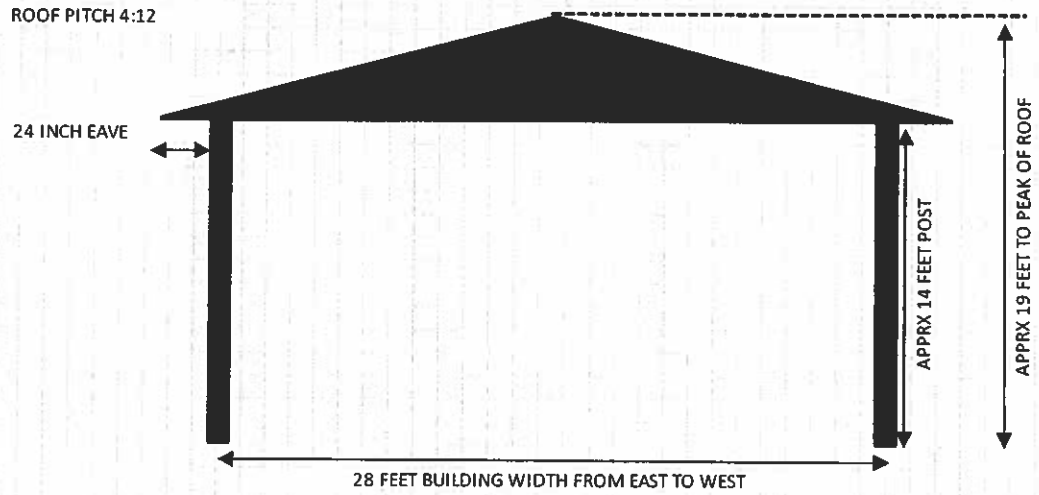
The Notice of Appeal must be submitted in writing to the Hearing Examiner's Office, Seventh Floor, Tacoma Municipal Building, and shall contain the following:

- (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.

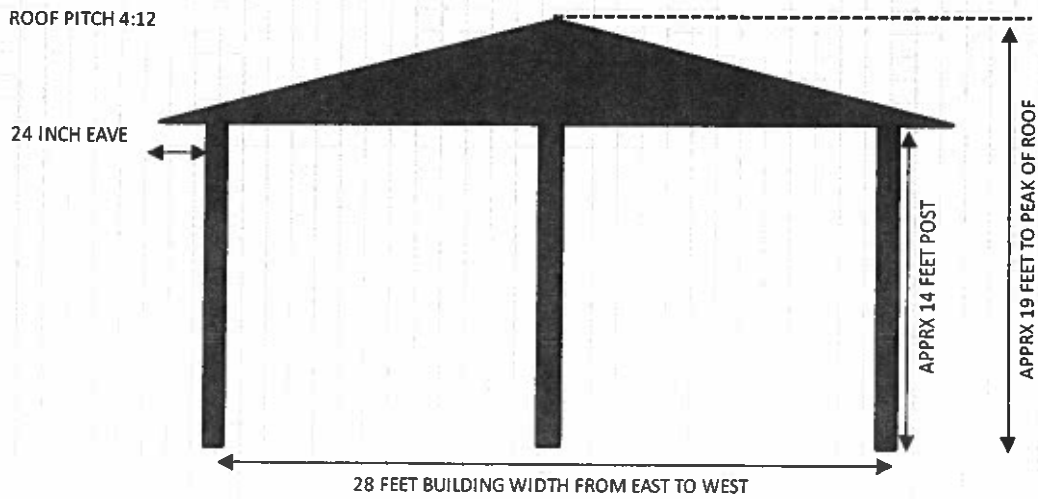


BOHLMAN ROBERT 253 209 7802
4756 BROWNS POINT BLVD

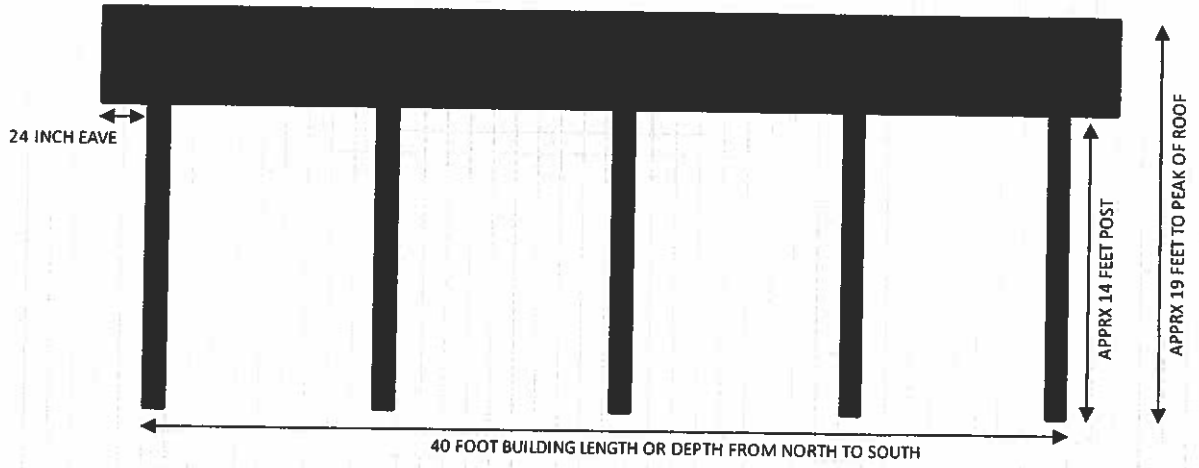
BUILDING ELEVATION FROM THE FRONT - VIEW WHEN LOOKING TO THE NORTH



BUILDING ELEVATION FROM THE REAR - VIEW WHEN LOOKING TO THE SOUTH



BOHLMAN ROBERT 253 209 7802
4756 BROWNS POINT BLVD
BUILDING ELEVATION FROM THE SIDE - VIEW WHEN LOOKING TO THE EAST
ROOF PITCH 4:12



BUILDING ELEVATION FROM THE SIDE - VIEW WHEN LOOKING TO THE WEST
ROOF PITCH 4:12

