

TACOMA PERMITS

CITY OF TACOMA

Planning & Development Services Department
747 Market St, Rm 345 | Tacoma, WA 98402

NOTICE OF DECISION

Date of Decision: 12/27/2017

Appeal Period Ends: 01/10/2018

Decision Final: 01/11/2018

Decision: Approved, subject to conditions

Applicant: shelton keys
6716 so.madison st.
tacomaWA98409

Location: 606 E 75th St.
Parcel: 7909000230

Application No.: LU17-0226

Proposal: The applicant has requested a reasonable accommodation pursuant to allow the reconstruction of a detached carport in the front yard.

For further information regarding the proposal, **log on to the website at tacomapermits.org and select "Public Notices"**. The case file may be viewed in Planning and Development Services, 747 Market Street, Rm 345.

Reconsideration: Any person having standing may request reconsideration of the Director's decision, based upon errors of procedure or fact, but 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 **\$332.46** to the Hearing Examiner (747 Market St., Rm 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: Latasha Santos, Associate Planner, 747 Market St, Room 345, (253) 594-7971, lsantos1@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, please contact Planning and Development Services by phone at (voice) 253-591-5030. TTY or STS users please dial 711 to connect to Washington Relay Services



**REASONABLE ACCOMMODATION
APPLICATION FOR:**

FILE NO.: LU17-0226

Mai Dixon
606 E 75h St.
Tacoma, WA 98404

SUBJECT: Request for Reasonable Accommodation

File Number: LU17-0226
Site Address: 606 E 75th St.
Parcel Number: 7909000230

SUMMARY OF REQUEST:

The applicant has requested a reasonable accommodation pursuant to Tacoma Municipal Code (TMC) 13.06.100.F.5, which requires detached accessory structures to be located behind the front wall line of the main structure on a lot. Specifically, the applicant requests that the City allow an approximately 14X12' detached carport be re-constructed in the front yard, along the northern property line adjacent to E 75th St.

LOCATION:

The site is located at 606 E 75th St., Parcel Number 7909000230

DECISION:

The request for a reasonable accommodation is hereby **APPROVED**, subject to conditions.

SUMMARY OF RECORD

The following attachments and exhibits constitute the administrative record:

Attachments:

- Attachment "A": Site plan
- Attachment "B": Letter from Benjamin O. Dy, MD

FINDINGS OF FACT

Proposal:

1. The applicant requests a reasonable accommodation to allow the re-construction of a detached carport in the front yard.
2. The existing vehicular access is located in the front of the subject site along E 75th St; no change is proposed to the access or driveway.
3. The applicant has submitted a site plan (Attachment "A") indicating that the proposed

structure would be located in front yard and built up to the north front property line.

4. The applicant submitted a letter (Attachment "B") from Benjamin O. Dy, MD, detailing the medical conditions that affect Ms. Dixon's stability and ability to walk. The letter states that the applicant "needs her carport and its canopy to keep her walkway dry and prevents her from sliding and falling and sustaining serious injury".

Project Site:

5. The site is located within the "R-2" Single-Family Dwelling District.
6. The site is within the South End Neighborhood Council area.
7. Rear access is not available, as the rear property line abuts the side property line of the adjacent parcel 7909000210 (7509 E. F St.)
8. The site is developed with a single family residence built in 1976.

Surrounding Area:

9. The surrounding properties are primarily developed with single family residences or vacant, undeveloped parcels.
10. The zoning for all adjacent parcels is also R-2.

Applicable Regulations and Policies:

11. *TMC* Section 13.05.030.D. Reasonable Accommodation: Any person claiming to have a handicap, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this Land Use Code under the Fair Housing Amendments Act of 1988, 42 USC § 3604(f)(3)(b), or the Washington Law Against Discrimination, Chapter 49.60 RCW, must provide the Director with verifiable documentation of handicap eligibility and need for accommodation. The Director shall act promptly on the request for accommodation. If handicap eligibility and need for accommodation are demonstrated, the Director shall approve an accommodation, which may include granting an exception to the provisions of this Code.
12. *TMC* Section 13.06.100.F.5: 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.

CONCLUSIONS¹

1. Based on the above facts, the applicant has proven an identifiable handicap. Further, there is an identifiable relationship between the requested accommodation and the applicant's particular disabilities. See Findings of Fact 4.
2. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors, with or without conditions:
 - a) The requested accommodation is necessary to make specific housing available to a disabled person;
 - b) The housing will be used by a disabled person;
 - c) The requested accommodation would not require a fundamental alteration in the nature of a City program or law, including land use and zoning; and

¹ 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.

- d) The requested accommodation would not impose an undue financial or administrative burden on the City;

DECISION

Based upon the above findings and conclusions, the request for a Reasonable Accommodation is **approved**, subject to the following conditions:

Conditions:

1. The proposal shall be developed substantially consistent with the attached site plan.
2. The applicant shall sign an Accomodation Agreement, prepared by the City of Tacoma, and said Agreement shall be recorded with the Pierce County Auditor. The Agreement shall stipulate that reasonable accommodation is granted and limited to the property owner, Mai Dixon.
3. The applicant shall apply for all necessary permit(s) for the carport. The applicant shall submit a copy of the recorded Accomodation Agreement and this decision with the permit application materials.
4. When the need for the reasonable accommodation ends, removal/demolition of the carport is required.

ORDERED this 27th day of December, 2017.



Peter Huffman
Director, Planning and Development
Services Department

FULL DECISION TRANSMITTED by first class mail to:

Mai Dixon, 606 E 75th St, Tacoma, WA 98404

Shelton Keys 6716 S. Madison St., Tacoma, WA 98409

SUMMARY OF DECISION TRANSMITTED by first class mail, e-mail and/or interoffice mail to the following:

All property owners within 100 feet of the subject site

South End 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 **January 10, 2018**.

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 **\$332.46**. 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.

Attachment A

Site Plan



Attachment B

Letter from Benjamin O. Dy, MD



BENJAMIN O. DY, MD
OSCAR M. ORTEGA, MD

— Portland Avenue Family Clinic
4314 Portland Avenue, Suite 7
Tacoma, WA 98404

Phone: 253-476-9121
Fax: 253-476-8942

OCT. 30, 2017

To Whom it may concern,

Mrs. Dixon, has been our patient in this clinic for the last 10 years - She has multiple, health issues, among them Diabetes Mellitus, a complication affecting her legs -

She has difficulty walking at times, also affecting her stability -

It needs her caregiver, in its capacity, to keep her walkway dry and prevents her from slipping and falling and sustain serious injury, which she can not afford.

Hoping for your kind consideration

Sincerely,
Benjamin O. Dy, MD