**PUBLIC NOTICE**

| Applicant: | James Steel, Steel Architects, PO Box 7600, Tacoma, WA 98417, 206-491-3232 |
| Location: | 55 Summit Road, parcel number 0321311097 |
| Application No: | MLU2014-40000234456 |
| Proposal: | Rear and front yard setback variances to allow construction of new single-family dwelling. Additionally, a location variance to allow construction of a new detached garage located in the required front yard. All existing structures on the site will be removed as part of the proposal. The property is located in the "R-2 VS" Single-Family Dwelling and View-Sensitive District. |

**Documents to Evaluate the Proposal:**
Comprehensive Plan, Tacoma Municipal Code

**Studies Requested:**
None

**Other Required Permits:**
Building Permit

**Applicable Regulations of the Tacoma Municipal Code:**
TMC 13.05 Land Use Permit Procedures, TMC 13.06 Zoning

A final decision on the proposal will be made following the comment period. A summary of the final decision will be sent to those parties who receive this notice. A complete copy of the final decision will be mailed to those parties who request a copy or to those who have commented on the project. Appeal provisions will be included with both the summary and the complete copy of the final decision.

**Comments Due:** 12/1/2014

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

**Staff Contact:** Dustin Lawrence, Senior Planner, 747 Market St, Room 345, (253) 591-5845, 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.
NOTICE OF LAND USE APPLICATION
## Property Information (All fields marked with * are required for submittal)

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## Contact Information

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<tr>
<td>Contact Person</td>
<td>James Steel</td>
</tr>
<tr>
<td>Business Name</td>
<td>Steel Architects</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>PO Box 7600, Tacoma WA, 98417</td>
</tr>
<tr>
<td>Phone Number</td>
<td>(206) 491-3232</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:james@steelarchitects.com">james@steelarchitects.com</a></td>
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<td>Property Owner</td>
<td>Bruce and Gloria Steel</td>
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<tr>
<td>Mailing Address</td>
<td>55 Summit Road, Tacoma WA, 98403</td>
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<tr>
<td>Phone Number</td>
<td>(253) 759-2287</td>
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<tr>
<td>Email</td>
<td><a href="mailto:bsteel@norpoint.com">bsteel@norpoint.com</a></td>
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## Type of Permit

- Accessory Dwelling Unit
- Boundary Line Adjustment
- Conditional Use
- Plat
- Short Plat
- Reclassification
- Site Approval
- Shoreline
- Variance
- Shoreline

- Zoning Verification
- Other

* Pre-Application Number:

Note: Some Land Use permits require a pre-application meeting with City staff prior to submitting the application. If you have not had a pre-application meeting with staff, you can request one online or by phone. After your meeting, you will be given a pre-application number to use with this application form.

## Current Use of Property

Please describe how the property is currently being used and what structures exist

Single-family residence and detached garage.
Proposal

Please describe your proposal. To help you write your description, review the requirements and criteria for the permit for which you are applying. Please address the permit requirements and criteria in your description below, or if more appropriate, in the maps and attachments you provide.

New single-family house and detached garage.

See attached letter, submitted with and to support two applications for the above-referenced property:

a) For a variance from front and rear yard building setbacks; and

b) From the building location standards.

Attachments

Please review the instruction sheet to determine what attachments* must be submitted with your application.

Types of attachments that may be required are:

- Site plans, floor plans and building elevations
- Building or site sections
- Landscape plans
- Question sheets or studies

* All application materials must be provided electronically in PDF format. Attach files below.

Please ensure this application is as complete as possible before submittal to avoid any unnecessary delays.

How will payment be made:  

- [ ] Mail in Check
- [ ] Walk-in Payment
- [ ] Credit Card

I certify that the information contained herein is complete and accurate to the best of my knowledge.

Applicant's Name: ____________________________
Signature: ____________________________
Date: 11/3/2014
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**Route to:** Jana

**Permit Number(s):**
October 30, 2014

Planning and Development Services
City of Tacoma
747 Market Street, Third Floor
Tacoma, WA 98402

RE: Steel Residence - 55 Summit Road

This letter is submitted with and to support two applications for the above-referenced property:

a) For a variance from front and rear yard building setbacks; and

b) From the building location standards.

Before turning to the specific variance criteria as they apply to each of the requested actions, we note several things about the subject parcel that make it unique and that directly relate to the requested variances.

First, the property is very large at 14,100 square feet, more than double the minimum lot area in the R-2 zone. Because the proposed house is relatively modest in size, this means that the site overall will have significantly more open area than would minimally be required.

The second important fact is that both the lot and surrounding area are already developed. That means that there are certain uses and expectations about view and open spaces that have arisen out of the historical use of the property. The owners of the subject property have been mindful of the impacts and expectations and have tried to design the home in a way that respects those interests.

Third, the Prospect Hill area has steep topography and winding roads and was largely developed many years ago under very different rules. It is challenging to build here and many existing homes either have variances or would need them if built today.

Fourth and finally, the subject property is at the end of a cul-de-sac, and its yard adjoins the yards of four other homes directly. That means that a yard for the subject property might be
classified as, for example, a rear yard, but might actually function as a side yard because of the lay-out and orientation of improvements on neighboring properties. This comes into play directly in applying the variance criteria to the subject property.

Front And Rear Yard Building Setback Variance

The Applicant proposes to reduce front and rear side yard setbacks to five feet. An analysis of the applicable criteria is set forth below with a statement of each requirement and a following discussion.

TMC 13.06.645.B.1(b)(1)

“(1) 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.”

Discussion: Because of the orientation of the lot, the proposed improvements and the surrounding improvements, the Code-determined front and rear yards function more like side yards, and the Code-determined side yards on the east and west function more like the front and rear yards respectively. This is consistent with the topography which slopes down substantially on the eastern portion of the property, leaving that area open and making it extremely challenging for any type of construction. That eastern portion of the property is also the location of an approximately 27-28-foot wide view easement, again limiting development. Because of those factors and the view, it is logical to orient the house to face northeasterly. It is not oriented to the cul-de-sac which is, by Code, the front yard.

This orientation is also consistent with the property to the north. That property’s shared boundary with the subject property is a side yard and treating the north side of this property as the side yard, with a five-foot setback is consistent with that.

Turning to the front yard setback (on the south), that part of the proposed house adjoins a cul-de-sac. The existing home on the subject property is located well within the Code-required setback as are several other surrounding garages on their lots. Maintaining a full width setback on this “front yard” would not serve any purpose, would be inconsistent with the manner in which the property was previously developed, and would be inconsistent with surrounding developments. All of the four factors described above have direct application to this criterion.
TMC 13.06.645.B.1(b)(2)
“(2) The requested variance does not go beyond the minimum necessary to afford relief from the specific hardship affecting the site.”

Discussion: The proposed variances allow a modest-sized residence. The front yard setback variance is only for a corner of the residence that abuts the edge of the cul-de-sac. Other portions of the house along the south side meet the required setback. The setback is maintained from any adjoining parcels on the south. As noted above, the setback on the rear or north side of the property adjoins a side yard on the neighboring property. We also note that the proposal minimizes overall effects by using a one-story design. While a two-story house could more closely conform to setback requirements, the additional height would have greater adverse effects on views, which are important in the neighborhood.

TMC 13.06.645.B.1(b)(3)
“(3) 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.”

Discussion: The proposal would result in a more sensitive design and be more consistent with the historic uses of the subject property. As noted above, a two-story design would more closely meet setbacks but would have additional view impacts that the owner has sought to avoid. The building has been laid out to maintain a low profile and be consistent with the setbacks as they function in reality rather than as they exist within the specific requirements of the Code. We would submit that this is exactly the kind of purpose for which the variance process is created in city codes.

There is no special benefit. As noted above, the area is completely built out, in many cases by homes built many many years ago. Many of the neighborhood homes, including adjacent parcels, do not comply with current setback requirements. As a result, the proposal does not grant a special privilege, but simply allows the use of this property in a manner consistent with the existing structures and expectations of the community.

TMC 13.06.645.B.1(b)(4)
“(4) 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.”

Discussion: The decision to utilize a single-story better protects the character of the neighborhood and the rights of adjoining owners than would a two-story proposal that more
closely met the setback regulations. As noted, the proposed structure is intended to reflect its surroundings, both in terms of the orientation of the neighboring buildings and the location of those buildings. It also is consistent with the historic development of the subject property, which has been the basis for the expectations of nearby property owners. There is no adverse effect on light and views and the proposal actually better protects both light and views than would an alternative that more strictly met the Code requirements.

**TMC 13.06.645.B.1(b)(5)**

“(5) The grant of the variance will not cause a substantial detrimental effect to the public interest.”

**Discussion:** For the reasons above, there is no adverse effect of the public interest. The requested variance is for a private parcel at the dead-end of Summit Road, a very lightly-travelled street with very limited public travel.

**TMC 13.06.645.B.1(b)(6)**

“(6) Standardized corporate design and/or increased development costs are not cause for variance.”

**Discussion:** Not Applicable.

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**Building Location Variance to Provide for an Accessory Structure (Garage) Forward of the Main Residential Building**

Tacoma Municipal Code 13.06.100.F.(5) requires detached accessory buildings to be “located behind the front wall line of the main building on a lot.” The Applicant seeks to deviate from that to allow a more sensitive site design.

**TMC 13.06.645.B.1(b)(1)**

“(1) 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.”

**Discussion:** Because of the orientation of the lot and the factors noted above, the logical place to put the garage is in the southwest corner as proposed. Because of the cul-de-sac and shape of the lot, there is very little “front yard” adjoining the street. In its proposed location, the garage will not appear to be in front of or to dominate the residence. It will
actually be tucked in below and predominantly outside the view of the nearest structure on
the property to the west. Placing the garage “behind” the proposed house would actually
result in less green space, more paving, a more circuitous route to the garage, and a greater
impact of the garage on the view from neighboring properties. Under any interpretation, that
is unreasonable.

\textit{TMC 13.06.645.B.1(b)(2)}

“(2) The requested variance does not go beyond the minimum necessary to afford relief
from the specific hardship affecting the site.”

\textbf{Discussion:} The proposed garage location on the southwest corner of the parcel is the
location that best reduces impacts to view, and light of adjacent parcels. It also minimizes
the impact of the garage when viewed from Summit Road.

\textit{TMC 13.06.645.B.1(b)(3)}

“(3) 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.”

\textbf{Discussion:} Many of the neighborhood’s homes, including adjacent residences to the south,
have garages located forward of the residences. The requested variance does not constitute
the grant of a special privilege and is the best location practicable on this lot because of the
configuration of other improvements.

\textit{TMC 13.06.645.B.1(b)(4)}

“(4) 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.”

\textbf{Discussion:} The variance will not adversely affect the character of the neighborhood and the
rights of neighboring property owners. Locating the garage to the southwest corner of the
parcel actually reduces the impact on neighboring properties. The best way to reduce the
impact to the historic character of the area is to minimize view of the garage by tucking it
away in this corner of the property.

\textit{TMC 13.06.645.B.1(b)(5)}

“(5) The grant of the variance will not cause a substantial detrimental effect to the public
interest.”
Discussion: The variance does not cause adverse effect to the public interest as the subject property is at the dead-end of Summit Road, a very lightly travelled street. Because of its location, the street functions essentially as a private driveway. Locating the garage in the southwest corner of the parcel will reduce its visual impact.

TMC 13.06.645.B.1(b)(6)
“(6) Standardized corporate design and/or increased development costs are not cause for variance.”

Discussion: Not Applicable.

We could certainly go on about the various ways in which this proposal meets the variance criteria. We are confident that all of the criteria are met and that the proposed design is more consistent with the intent of the zoning code and the interests of the surrounding community.

Very truly yours,

William T. Lynn

WTL:fto
cc: Bruce and Gloria Steel