

TACOMA PERMITS

CITY OF TACOMA

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

NOTICE OF DECISION

Date of Decision: 12/22/2017

Appeal Period Ends: 01/05/2018

Decision Final: 01/08/2018

Decision: Approved, subject to conditions

Applicant: Scott Menefee
1125 S. 62nd St
TacomaWA98408

Location: 1125 S 62ND ST
Parcel: 9145000540

Application No.: LU17-0202

Proposal: An approximately 8 foot rear yard setback variance to allow construction of a small mudroom addition to an existing home. The site is in the R-2 district where the rear setback requirement is 25 feet.

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



**VARIANCE PERMIT
APPLICATION FOR:**

FILE NO.: LU17-0202

Scott Menefee
3717 N Vassault St.
Tacoma, WA 98407

SUMMARY OF REQUEST:

The applicant has requested an approximately 10 foot rear yard setback variance to allow the construction of a 72 square foot mudroom addition to an existing single family dwelling.

LOCATION:

The site is located at 1125 S 62nd St., Parcel Number 9145000540

DECISION:

The request for a setback variance is hereby **APPROVED**.

Notes:

The appeal period on this decision closes January 5, 2017, 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:**

Tasha Santos, Associate Planner
Planning and Development Services Department
747 Market Street, Room 345, Tacoma, WA 98402
253-594-7971 or lsantos1@cityoftacoma.org

SUMMARY OF RECORD

The following attachments and exhibits constitute the administrative record:

Attachment "A": Site plan

FINDINGS OF FACT

Proposal:

1. The applicant requests a variance to *TMC* 13.06.100.D Lot Size and Building Envelope Standards, Section 6 – Setbacks, to allow an addition to encroach into the rear yard setback.
2. The applicant proposes to repair and rebuild an existing 72 square foot (6'x12') non-conforming addition as part of building permit BLDRA17-0617.
3. The applicant has submitted a site plan (Attachment "A") indicating that the proposed addition would be located in the rear yard and set back approximately 15 feet from the northern property line.
4. The applicant proposes a reduction of the rear yard setback from 25' to 15'.
5. The lot will continue to meet all other lot size and building envelope standards, including minimum usable yard space.

Project Site:

6. The site is located within the "R-2" Single-Family Dwelling District.
7. The site is within the South End Neighborhood Council area.
8. The site is developed with a single-family home that was constructed in 1926.
9. The lot area is 3,850 square feet and is therefore considered a Level 2 Small Lot.

Surrounding Area:

10. The surrounding properties are developed with single-family dwellings on parcels that exceed lot area minimum requirements.
11. The zoning for all surrounding parcels is also "R-2" Single-Family Dwelling District.

Notification and Comments:

12. The application was determined to be complete on October 4, 2017. 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.
13. No public comments were received for the project.

Additional Information:

14. The applicant's justification for the Variance application is summarized below:
 - The subject parcel has only 3,850 square feet of lot area. The small lot size substantially restricts any additions that can be made on to the current single family dwelling.
 - The addition was constructed prior to the applicant purchasing the house and the proposal is to make necessary repairs to the existing enclosed porch. The floor of the addition was rotting and the project allows necessary improvements to the property

including: an updated electrical panel to meet current energy code, a new hot water tank, and washer and dryer.

- The proposal does not further encroach into the setbacks that already existed when the home was purchased.
- In order to maintain privacy for the rear neighbor, the 6 foot tall rear fence will be left intact, no new windows will face the rear property, and the applicant will retain the rear existing yard to meet the 10% minimum usable yard space requirement.

Applicable Regulations and Policies:

15. *TMC* Section 13.06.100.D.6 requires rear yard setbacks of 25 feet within the “R-2” District.
16. *TMC* Section 13.06.100.D.7 requires all single family dwellings to provide a contiguous rear or side usable yard space equivalent to at least 10% of the lot size.
17. *TMC* Section 13.06.145.E.10 requires one street tree to be installed per small lot, per the provisions of *TMC* 13.06.502.
18. *TMC* Section 13.06.645.B contains the criteria for approval of a variance.
19. **Policy H-1.4** Promote the maintenance and improvement of the existing housing stock and encourage the adaptation of the existing housing stock to accommodate the changing variety of household types.

CONCLUSIONS¹

1. Provided the conditions of approval are met, the proposal meets the criteria identified in *TMC* 13.06.645.B.1 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 small lot size is a unique condition for the block. All other lots on this block exceed the 5,000 square foot standard lot size for the R-2 district. Additionally, the need for a variance did not result from the actions of the applicant, as the lot configuration and addition existed prior to current ownership. Strict application of the Code requirements would require the addition to be removed, consequently removing or requiring relocation of necessary improvements such as the electrical panel, washer/dryer, and hot water heater.
 - 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. The proposal does not expand the footprint of the existing addition. The variance would allow the structure’s existing footprint to remain as-is.

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, Exhibits and Findings listed herein. Any conclusion of law hereinafter stated which may be deemed a finding of fact herein is hereby adopted as such.

- 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. As stated above, strict application of the code requirements would prohibit the addition, absent an approved variance. It is reasonable for a residential use on this site to include a mudroom or laundry room. The site will meet all other requirements including front and side yard setbacks and minimum usable yard space.

- 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 proposal is consistent with the City of Tacoma's Comprehensive Policy to promote the maintenance and improvement of existing housing stock. The proposal does not adversely affect the character of the neighborhood and the applicant is maintaining a 6' fence and rear yard area for the privacy of neighboring property owners.

- 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. Additionally, neighboring property owners were provided an opportunity to comment on the project; however, no public comments were received.

- 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.

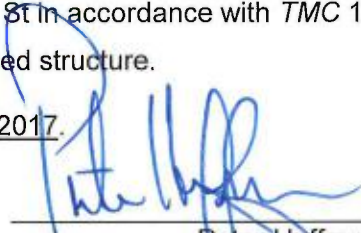
DECISION

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

Conditions:

1. The proposal shall be developed substantially consistent with the attached site plan.
2. One street tree will be planted along S 62nd St in accordance with TMC 13.06.502.
3. Building permits are required for the proposed structure.

ORDERED this 22nd day of December, 2017.



Peter Huffman
Director, Planning and Development
Services Department

FULL DECISION TRANSMITTED by first class mail to:

Scott Menefee, 3717 N Vassault Street, Tacoma, WA 98407

SUMMARY OF DECISION TRANSMITTED by first class and 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 5, 2017.

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.)

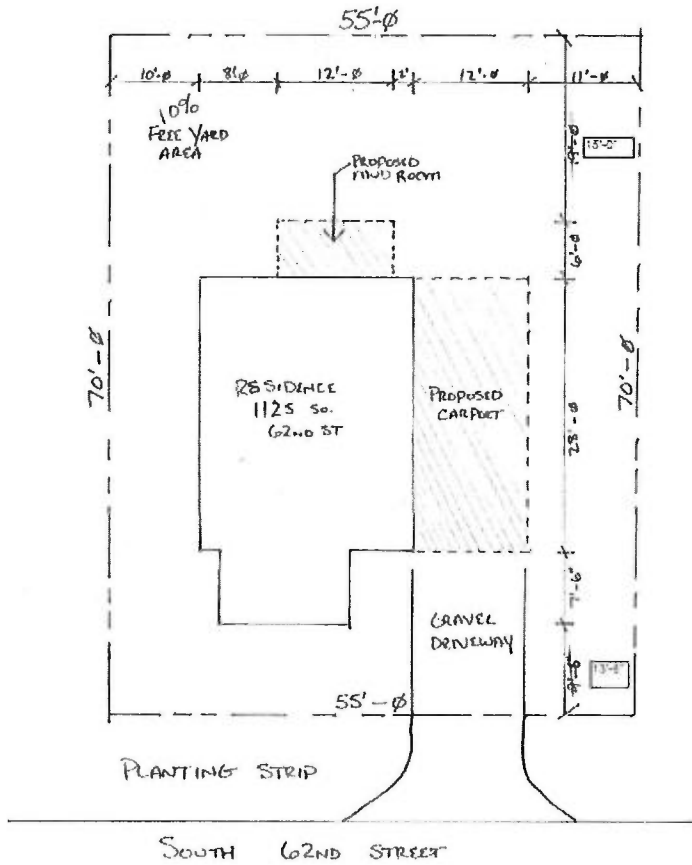
The Notice of Appeal must be submitted in writing to the Hearing Examiner's Office, Seventh Floor, Tacoma Municipal Building, and shall contain the following:

- (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

PROJECT SCOPE:

PROPOSED CONSTRUCTION DOCUMENTS FOR
PREVIOUSLY BUILT MUD ROOM & CARPORT
UPGRADE FOUNDATIONS FOR 12'x6'
MUD ROOM PER PLAN



SITE PLAN
SCALE 1/8" = 1'-0"
PARCEL # 914 5000 540

MENCELL
MUD ROOM &
CARPORT
1125 S. 62ND