



THE CITY OF FIRCREST

115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

FIRCREST PLANNING/BUILDING DEPARTMENT STAFF REPORT CASE # 17-07 – Major Variance

APPLICANT/OWNER: Jeff Gordon
1204 Coral Drive
Fircrest WA 98466

PROPOSAL: Construct a 192 square foot accessory structure (shed) in the required 25' setback of a through-lot.

LOCATION: 1204 Coral Drive

PARCEL ID: Assessor Parcel Number 6680320090

PARCEL SIZE: 10,234 square feet / .23 acres

ZONING CLASSIFICATION: Residential-4 (R-4)

PLAN DESIGNATION: Low Density Residential (LDR)

ADJACENT ZONING: West/East/South: Residential-4 (R-4)
North: R-1 Residential (City of University Place)

ENVIRONMENTAL

DETERMINATION: Not Applicable - Project is exempt from environmental review pursuant to WAC 197-11-800(2)(e) and (6)(e).

BACKGROUND: On May 23, 2017, the City of Fircrest received an unsigned complaint letter for a shed being built, possibly without permits, along Claremont Drive (exhibit 3). Upon inspection it was determined that the shed did not require a building permit but was in violation of FMC 22.58.003, which requires the minimum setback from lot line on either street frontage on a "through-lot" to be the same as specified for required front yard for a principal residential structure. In this case that is a 25-foot setback from the rear property line. The building being constructed is 3 feet from the rear property line. A compliance letter was sent May 25, 2017.

In response to the letter, Mr. Gordon has stated he had previously contacted city staff about constructing the building. Due to the fact that no building permit was required, normal

procedure would have been to have provided Mr. Gordon a copy of FMC 22.58.003, accessory buildings. Mr. Gordon based his setbacks on the rear yard setback of 3 feet, unaware of difference for through-lots.

The applicant was provided two options to remedy the land use violation. The first was to move the building to a location that meets the setback standard. The second was to apply for and obtain approval for a variance to allow the continued construction of the accessory building in its present location. The applicant has opted for the major variance.

PROPOSAL SUMMARY: The applicant is requesting a variance to construct a 192-square foot accessory building (shed) with a three-foot setback, whereas FMC 25.58.003(a) requires a minimum 25-foot setback for a through-lot (exhibit 4) in the R-4 zone. The proposed building is 8-feet in height at the wall and 10-feet in height at the ridgeline and will sit behind a six foot fence. The addition of the structure will not exceed the 40% maximum coverage limit of structures and the 50% maximum coverage limit of impervious surface. The square footage is below the threshold to require a building permit. The building is to be painted to match the house and the applicant has stated he is willing to plant landscaping along the right-of-way to help mitigate the view.

REVIEW PROCESS: Major variances are subject to review under FMC 22.74.002, which is reiterated, below:

The appropriate review authority (director or planning commission) shall grant a variance from the provisions of this title when it has determined that the criteria listed in FMC 22.74.003 have been met by the proposal. When granting a variance, the review authority may attach specific conditions to the variance to ensure that the variance will conform to the criteria listed in FMC 22.74.003 and all other applicable codes, design guidelines, and comprehensive plan goals and policies. The review authority shall not grant a variance which establishes a use otherwise prohibited within a zoning district.

A major variance is one that is greater than 10 percent of the standard contained in this title and which may be approved by the planning commission.

CRITERIA FOR MAJOR VARIANCE APPROVAL: FMC 22.74.003(a) provides the approval criteria that must be met by the proposal in order for the Commission to grant approval of the variance.

Before any major variance may be granted, the review authority shall adopt written findings showing that the following criteria are met by the proposal:

(1) There are special circumstances applicable to the subject property or to the intended use such as size, shape, topography, location, or surroundings that do not apply to other property or classes of use in the same vicinity and zoning classification.

(2) The variance is necessary for the preservation and enjoyment of a substantial property right or use which is possessed by other property in the same vicinity and zoning classification but denied to the subject property because of special circumstances.

(3) The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zoning classification in which the subject property is located.

(4) Strict enforcement of the provisions of this title would create a practical difficulty or unnecessary hardship for the property owner.

(5) The practical difficulty or unnecessary hardship has not been created by the owner or by a predecessor in title. (This finding does not apply if the zoning classification for the property has changed and the difficulty or hardship was created solely as a result of the reclassification.)

(6) The granting of the variance will be consistent with the purpose and intent of the zoning classification and the comprehensive plan land use designation of the subject property and will not conflict with other applicable codes, design guidelines, or comprehensive plan goals and policies.

ANALYSIS: An analysis of the requested variance is provided below. Included in this analysis are the approval criteria that must be met in order for each variance to be approved and the arguments presented by the applicant in favor of an affirmative finding for each criterion.

Criterion (1): There are special circumstances applicable to the subject property or to the intended use such as size, shape, topography, location or surroundings that do not apply to other property or class of this use in the same vicinity and zoning classification.

Applicant's Statement: A through property is stated to have a street on the front of the property and on the back of the property and requires the same setback for the front yard and the back yard of 25 feet. A corner lot only needs a 10 foot setback and a non through property only needs a 3 foot set back from the property line for any structure (i.e. gazebos, sheds).

Staff Assessment: Due to the shape and location, the property is categorized as a through-lot which places requirement that do not apply to other single-family residential uses in the zone. Of the 1,928 properties in low density residential, about 3 percent fall into the category of a through-lot. The property has similar circumstances to all other through-lots, but the requirement to use the front yard setback (25' for an R-4) requirement for the rear yard is not applicable to other properties in the zone and only applies to accessory buildings. For example, fence standards for the rear yard of a through-lot are the same as other rear yards. In the case of corner lots, a 15-foot setback from the property line of the side street side yard is the same for fences and accessory buildings.

Criterion (2): The variance is necessary for the preservation and enjoyment of a substantial property right or use which is possessed by other property in the same vicinity and zoning classification but denied to the subject property because of special circumstances.

Applicant's Statement: The setback of 25 feet would put the shed within a couple of feet of my home and my neighbors' homes and leave no room to enjoy the yard we have created. Putting a shed that close to the house would also create a safety hazard. One of the main reasons for the shed is to store power equipment that require fuels and to reduce clutter. The shed is at the farthest point from my home and my neighbors on both sides making the location safe and appropriate.

- a) Staff Assessment: Due to the property being a through-lot, the area available for accessory buildings is very limited. The variance would allow the property to preserve their existing yard and place the shed further from the house.

Criterion (3): The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zoning classification in which the subject property is located.

Applicant's Statement: The shed will not block the view of traffic, it is not located on a corner, it does not impede utilities (no utilities in back yard). Attached photos of 12 "through properties" all have a building/shed closer than 25' setback. Photo #13 the house itself is less than 25' setback....I will complete the shed with the appropriate siding as to match my home and it will not be an "eye sore."

Staff Assessment: Granting of the variance will not create any site obstacles and should not be materially detrimental to the public welfare or injurious to property in the vicinity. The shed is of minimal size and will be constructed to be consistent with the exterior finish materials of the house and is partially screened by a fence to the north and a fence and landscaping to the west. The applicant has offered to provide landscaping on the north as well.

Criterion (4): Strict enforcement of the provisions of this title would create a practical difficulty or unnecessary hardship for the property owner.

Applicant's Statement: A hardship would be created financially, the money already spent and my neighbors' time whom have helped. The cost to tear down & dispose of all materials would create an unnecessary hardship financially. After having a face to face with Angelie in October 2016, the money was saved up to build.

Staff Assessment: Strict enforcement would require the applicant to tear down and construct the building outside of the 25-foot setback.

Criterion (5): The practical difficulty or unnecessary hardship has not been created by the owner or by a predecessor in title. (This finding does not apply if the zoning classification for the property has changed and the difficulty or hardship was created solely as a result of the reclassification.)

Applicant's Statement: I have attached photos of 13 properties that have the same zoning (through property) but do not have a 25' setback.

Staff Assessment: The need for the variance is not the result of deliberate actions of the applicant.

Criterion (6): The granting of the variance will be consistent with the purpose and intent of the zoning classification and the comprehensive plan land use designation of the subject property and will not conflict with other applicable codes, design guidelines, or comprehensive plan goals and policies.

Applicant's Statement: *Photo #1 is a garage that was built without permits and has a 0" set back. Case #96-7 was approved by the city. I did not build without approval, I researched on line and then met face to face with Angelie the Planning and Building Administrator.*

Staff Assessment: The project design will comply with all other code requirements and comprehensive plan goals and policies. Granting of the variance would not be inconsistent with the purpose and intent of the R-6 zoning classification and the Low Density Residential land use designation as it allows accessory buildings. The building meets all the other development code requirements for height, design, and lot coverage. A building permit is not required. A major variance was granted in 1996 for an accessory building with a zero inch setback for a rear yard of a through-lot.

COMMENTS RECEIVED:

- Written comments provided by the applicant are listed as exhibit 5.
- Written comments submitted during the comment period are listed as exhibit 6.
- Land Use Referral Response are listed as exhibit 7.

CONCLUSION: Through-lot regulations were intended to keep "rear" yards of properties fronting on streets such as Claremont Street looking like front yards. From both an aesthetic and functional viewpoint, the requirement was intended to reduce clutter along street frontages and to prevent sight obstructions for pedestrians and vehicles. The idea being that a through-lot backyard could be adjacent to another properties front yard and the intent was not to see large garages lined up along the street. The original regulations included limiting fence heights to four feet, similar to front yards. The code now treats through-lots as rear lots for everything outside of accessory building setbacks. The accessory building proposed is of a minimum size, would be behind a 6-foot fence, and does not create a site obstruction.

RECOMMENDATION: Staff recommends that the Planning Commission accept public testimony on the proposal, consider the findings and conclusions. If after receiving public testimony and reviewing the findings and conclusions, the Planning Commission feels the applicant meets the approval criteria, staff would recommend adoption of the following motion approving the request:

I move to approve Notice of Decision/Resolution no. 17-05, a resolution of the Planning Commission of the City of Fircrest, Washington, approving a major variance to construct a 192 square

foot accessory structure (shed) with a 3-foot setback from the rear property line of a through-lot.

Angelie Stahlnecker

June 30, 2017

Angelie Stahlnecker, Planning & Building Administrator

Date

Exhibits:

1. Application
2. Site Plan and Elevations
3. Complaint letter and photos
4. FMC 22.58.003(a)
5. Written Comments provided by applicant
6. Written Comments received during comment period
7. Land Use Referral
8. Draft Resolution

Received
JUN 14 2017
Planning Building

Land Use Application

Type of Project

Please check all that apply
and attach submittal sheet(s):

- ☐ Administrative Design Review
- ☐ Administrative Use Permit
- ☐ Boundary Line Adjustment
- ☐ Amendment – Comprehensive Plan
- ☐ Amendment – Zoning Regulations
- ☐ Amendment – Zoning Map *
- ☐ Conditional Use Permit *
- ☐ Detached Accessory Structure *
- ☐ Development Plan – Preliminary *
- ☐ Development Plan – Final
- ☐ Plat Subdivision – Preliminary *
- ☐ Plat Subdivision – Final *
- ☐ Plat – Alteration/Vacation *
- ☐ Reasonable Use Exception
- ☐ Short Plat
- ☐ Site Plan Review – Minor
- ☐ Site Plan Review – Major *
- ☐ Site Plan Review – Final
- ☐ Variance – Major *
- ☐ Variance – Minor*
- ☐ Variance – Sign
- ☐ Other:

*Pre-application conference required



THE CITY OF FIRCREST

Planning and Building
115 Ramsdell St Fircrest WA 98466
253-564-8901
www.cityoffircrest.net

Applicant Name: <u>Jeff Gordon</u>	
Address: <u>1204 Coral Dr</u>	
Representative (if different):	
Phone: <u>253 691-9924</u>	Email: <u>jgordonf65@gmail.com</u>
Property Owners (if different):	
Phone:	Email:

Project Address: <u>1204 Coral Dr</u>	
Brief Description of Project: <u>Variance to build a shed (192 sq ft)</u> <u>in required through street set back</u>	
Parcel Number(s):	Site Area (square footage): <u>192</u>
Land Use Designation: <u>Single Family residential</u>	Zoning Designation: <u>R-4</u>
Environmental sensitive areas on or within 150': Yes <input type="radio"/> No <input checked="" type="radio"/>	
Physical Characteristics of Site: <u>Site slope towards street</u>	

I certify that all of the information submitted in this application including any supplemental information is true and complete to the best of my knowledge and I acknowledge that willful misrepresentation of information will result in the cancellation of this permit application. I have read this application in its entirety and understand that my submittal will be reviewed for completeness and, if found to be complete, will be processed in accordance with FMC 22.05.

Signature: <u>[Signature]</u>	Date: <u>6-14-17</u>
Signature: _____	Date: _____
Signature: _____	Date: _____

CASE NO. <u>17-07</u>
EXHIBIT NO. <u>1</u>
DATE ENTERED: <u>7-10-17</u>

Dear The City of Fircrest:

In October 2016, I looked at the City's web site for the requirements to build a shed. I then went to City Hall and spoke with Angelie, I told her about the shed and the size (200 Square feet or smaller) and gave her my address. She told me I did not need a permit and my set backs would be 3 feet minimum and to build it. May of 2017, I poured a cement slab, because it is less expensive than wood, and constructed the walls.

The story should end there.

Friday, May 26th 2017, I received a letter from the City of Fircrest stating an anonymous letter was received complaining about the shed (letter attached). The letter from the city (attached) states the code violation of "set backs" because my property is a "through Property" and I must have a 25' set back, not the 3 foot set back I have now. I called Angelie that day and she stated " after receiving the complaint we researched the building codes and found the violation and we made a mistake telling you it was ok to build".

I have spoke to my neighbors (see attached signatures) and nobody that can see the shed has a problem with it, including neighbors in the City of University Place.

1. A through property is stated to have a street on the front of the property and on the back of the property and requires the same set back for the front yard and the back yard of 25 feet. A corner lot only needs a 10 foot set back and a non through property only needs a 3 foot set back from the property line for any structure (i.e. gazebos, sheds).
2. The set back of 25 feet would put the shed within a couple feet of my home and my neighbors homes and leave no room to enjoy the yard we have created. Putting a shed that close to the house would also create a safety hazard. One of the main reasons for the shed is to store power equipment that require fuels and to reduce clutter. The shed is at the farthest point from my home and my neighbors on both sides making the location safe and appropriate.
3. The shed will not block the view of traffic, it is not located on a corner, it does not impede utilities (no utilities in back yard). Attached photos of 12 "through properties" all have a building/shed closer than 25' set back. Photo #13 the house itself is less than 25' set back.
4. A hardship would be created financially, the money already spent and my neighbors time whom have helped. The cost to tear down & dispose of all materials would create an unnecessary hardship financially. After having a face to face with Anglelie in October 2016, the money was saved up to build.
5. I Have attached photos of 13 properties that have the same zoning (through property) but do not have a 25' set back.
6. Photo #1 is a garage that was built with out permits and has a 0" set back. Case #96-7 was approved by the city. I did not build with out approval, I researched on line and then met face to face with Angelie the Planning and Building Administrator.
7. Every time I have called or met with any department of the city I have been treated with respect and kindness. Weather its asking about permits, sewer issues, using the park

gazebo for events, signing my kids up for swim lessons (and now swim team) or having a garage sale, I have always had a great interaction.

I have put in a great amount of time and money improving my home and yard. I have replaced the old fence and deck (deck permitted) costing approximately \$8,000.00, new widows, cutters and paint \$ 20,000.00, new driveway and retaining wall (engineered and permitted) \$8,000.00, cutting down trees that posed a safety risk for my home and drivers on Claremont \$6,500.00. I have kept my home and yard in the best condition possible, not just for me but for the pride and ownership of our city. I will complete the shed with the appropriate siding as to match my home and it will not be an " eye sore ". If I need to plant trees on the other side of the fence I will do so. I have great relationships with my neighbors and I will not compromise that.

I have done the research. I am submitting photos of other properties that match mine, researched cases of approved variances, collected signatures from neighbors and personal letters, measured my property with diagram. I understand there is cost to doing business, I hope my research will keep those costs at a minimum.

Sincerely

Jeff Gordon





#9



#11

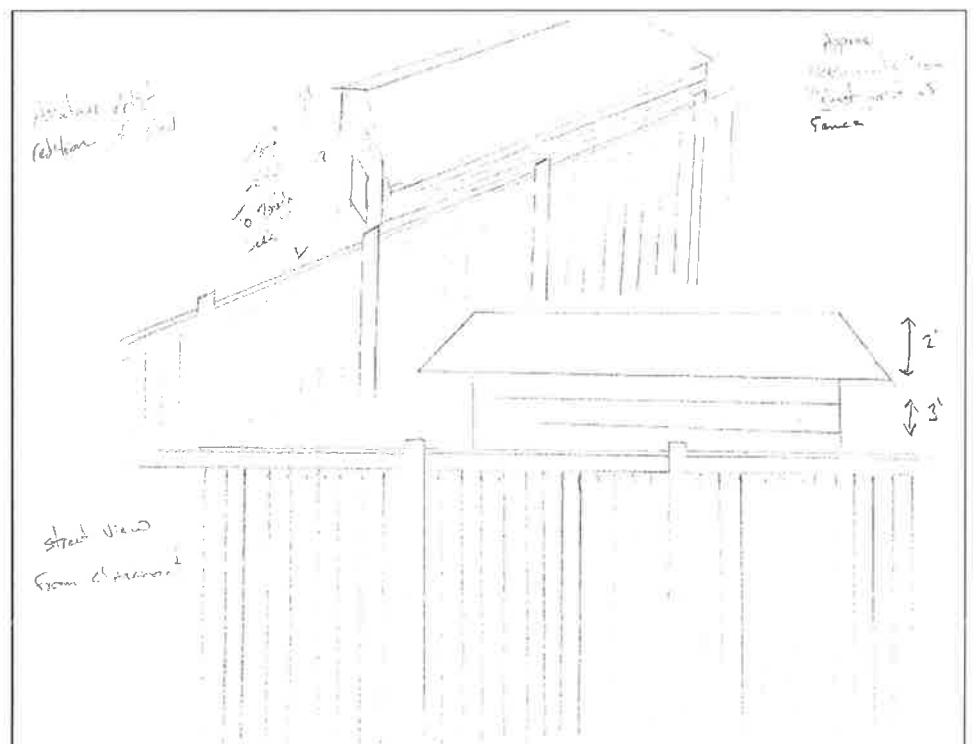
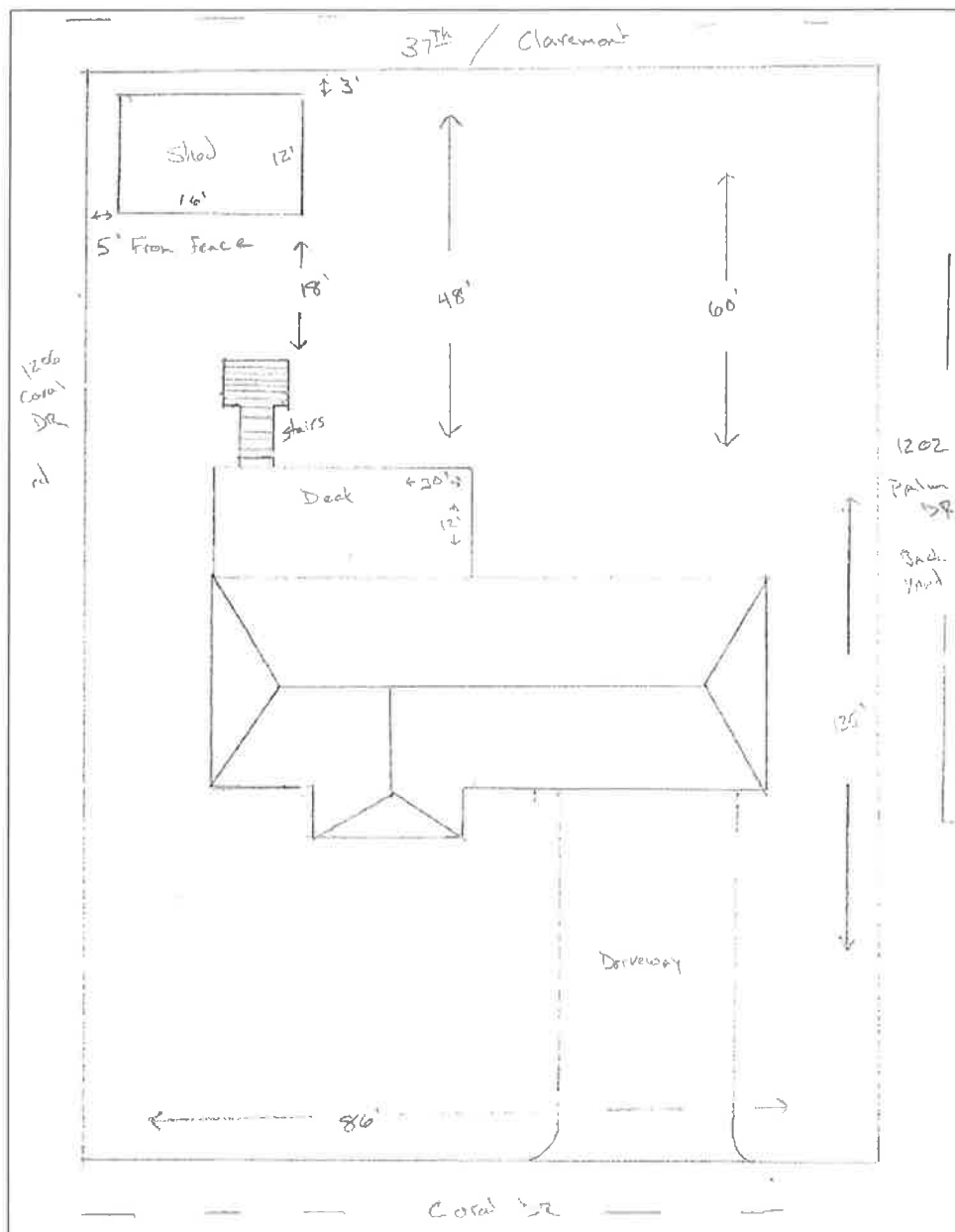
#10



#13

#12





CASE NO. 17-07
EXHIBIT NO. 2
DATE ENTERED: 7-10-17



Subject:

City Code

CITY OF FIRCREST

MAY 23 2017

RECEIVED

City of Fircrest

It appears that a large storage building is under construction that is against City code. It will be an eyesore.

Please drive west down Claremont Street and you will see it from the street about 2 or 3 homes before you reach 67th street.

It is on the south side of Claremont in a back yard and clearly visible.

It was probably built without a permit.

Please stop construction if it is against code as it effects the neighborhood.

Thank you for enforcing City code, height rules and setbacks.

Respectfully,

The neighborhood

22.58.003 Accessory buildings.

(a) One or more detached accessory buildings, including, but not limited to, garages, carports, garden sheds, greenhouses and other similar structures, may be constructed on a parcel containing a principal residential structure, subject to the following standards:

Maximum building footprint area	600 sf.
Maximum lot coverage	10% of the lot area or 1,000 sf, whichever is less, for all accessory buildings combined on a single lot.
Maximum building height	18 feet at top of ridge and 10 feet at top of wall.
Minimum front yard setback	Same as specified for principal residential structure.
Minimum interior side yard setback	3 feet, if located \geq 50 feet from the front property line. 5 feet, if located $<$ 50 feet from the front property line.
Minimum side street side yard setback on a corner lot	Same as specified for principal residential structure.
Minimum rear yard setback	3 feet.
Minimum setback from lot line on either street frontage on a "through lot"	Same as specified for required front yard for principal residential structure.
Minimum setback from alley	3 feet. Vehicle access points from garages, carports or fenced parking areas shall be set back from the alley property line to provide a straight line separation of at least 22 feet from the access point to the opposite property line of the alley. No portion of the garage or the door in motion may cross the property line abutting the alley.
Minimum separation from principal residential structure	5 feet. Note: the building code may require a 6-foot minimum separation based on construction design.
<i>Calculations resulting in a fraction shall be rounded to the nearest whole number with .50 being rounded up.</i>	

To The City of Fircrest

1204 Coral Dr in the city of Fircrest is building a shed on there property, we " The Neighborhood" have no issues with the structure.

From the home owner Jeff Gordon:

I will complete the shed to the standards of our neighborhood, I will have the appropriate siding and color for our neighborhood. The shed will not be an " eye sore " and it will meet The City of Fircrest size regulations.

My intensions are genuine, its a shed for tools and lawn equipment, it is a feature I have always wanted. I have no intentions of disrupting the neighborhood or causing any problems.

Sincerely
Jeff Gordon
1204 Coral Dr

By signing your name and address below you agree this statement.

Name	Address
Theresa and David Frugette	Theresa 1202 Palm Dr, Fircrest
Art & Francisco Ward	6521-37 th St W. UP
Amber Dancer	1208 Coral Drive Fircrest WA 98466
Gene T. Hunt	1214 Palm DR " " "
Carolyn Petersen	1216 Coral Dr Fircrest WA 98466
Ron Williams	1220 CORAL DR FIRCREST WA 984
Timothy Flippin	1207 Palm Dr. Fircrest WA 98466
Emma Marcinkiewicz	1219 Palm Drive Fircrest WA 98466
ART ANDERSON	1302 CORAL DR. FIRCREST 98466

CASE NO. 17-07
EXHIBIT NO. 5
DATE ENTERED: 7-10-17

From the Desk
Of
Bertil F. Johnson
P.O. Box 1657
Tacoma, WA 98401
(253) 23805140
bjohnson@dpearson.com

June 2, 2017

To: Town of Fircrest
Town Council
Planning Department

My name is Bertil F. Johnson and I have resided in Fircrest for over 50 years and since 1977 I have lived with my wife, Nancy, and family at 1212 Coral Drive.

The town of Fircrest is sort of like family. The residents are pretty close and prideful of their town. This is in no small part because it is expected the town government will govern with integrity and be fair to all of its residents.

I have recently learned that our neighbors, Jeff and Mara Gordon, who live two doors away at 1204 Coral Drive, took the time and showed great consideration to explain and seek permission from the appropriate department of the town to build a storage shed in their back yard. Permission was granted. In good faith and in reliance on the permission granted they spent time and money to prepare a concrete foundation and wooden super structure only to be ordered to stop what they were doing because of an

Town of Fircrest
Town Council
Planning Department
June 2, 2017
Page 2

anonymous complaint from someone in University Place. Apparently there is pending an order to tear down the superstructure that has been built rendering the concrete slab useless and all at the expense of the Gordons. That simply isn't fair.

If the Department made a mistake in assuring Mr. Gordon he could construct his shed, Jeff and Mara and their young family should not suffer economic or non-economic consequences. These good people have always kept their property in showcase condition and certainly I have no complaint about their shed nor do I know any close by neighbor who does.

If it takes a variance so be it. Do what is right and don't denigrate the reputation of fairness the Town has stood for while we have lived here for these many years.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Bertil F. Johnson". The signature is fluid and elegant, with the first letters of the first and last names being capitalized and prominent.

BERTIL F. JOHNSON

Nancy Johnson

1212 Coral Dr
253-564-1349
Ladybertil@aol.com

June 1, 2017

To Whom it May Concern,

This letter is regarding a shed that is being built at the home of Jeff and Mara Gordon. They live two doors down from us on Coral Dr. and their property is always kept in beautiful condition.

After the Gordons obtained permission from Fircrest to build, someone in UP complained, so Fircrest then goes "oops" stop building the shed because of an archaic building code we just found. It's too late. Hundreds of dollars have been spent on a poured concrete floor and frame, knowing there was full permission to do so. I find it ridiculous that Fircrest would now come back and say halt. Fircrest blundered.

Because this shed is not inhibiting the function of any street, sidewalk, or public lighting, and will not be an eyesore upon completion, the Gordons should be able to finish their shed. Look around---it is not the only shed on a through lot in Fircrest.

Regards,



Nancy Johnson



To: City Manager, City Council, City Planning Commission:
Re: Code Enforcement and Variance Requests

The City of Fircrest is a great place to live. It is a wonderful community and free of many of the issues that cheapen other cities. One of the many thing that keep Fircrest looking nice is our ordinances, set back requirements, and other building codes. We are writing asking the City Manager, City Council and Planning Commission to enforce our codes and to not issue variances to our codes unless absolutely necessary. Codes are there for a reason and most requests for a variance should be rejected instantly even if the neighbors claim not to care. Some neighbors are coerced to say they do not care. Regardless codes need to be enforced and variances should be rare if they are ever given.

The backyard shed on the West end of Claremont that can be seen from the street as you look south needs to come down. It is against code and an eyesore.

Thanks for your consideration of the rights of the entire City to enforce building codes and to stop granting variances.

We do not want to look like Parkland.

Concern Citizens and Voters of Fircrest

CASE NO.	17-07
EXHIBIT NO.	6
DATE ENTERED:	7-10-17

Angelie Stahlnecker

From: Frank Mellas <frank@soundinspection.com>
Sent: Wednesday, June 28, 2017 7:21 PM
To: Angelie Stahlnecker
Subject: Re: Land Use Referral - Variance

The back wall shall have no openings

Frank Mellas
Sound Inspections, LLC
Email frank@soundinspection.com
253-606-9559

From: Angelie Stahlnecker <astahlnecker@cityoffircrest.net>
To: Jerry Wakefield <jwakefield@cityoffircrest.net>; Frank Mellas <frank@soundinspection.com>
Sent: Thursday, June 22, 2017 4:07 PM
Subject: Land Use Referral - Variance

LAND USE ACTION REFERRAL

Date: June 22, 2017

To: Jerry Wakefield – Public Works Director
Frank Mellas – Building Official

From: Angelie Stahlnecker – Administrator, Planning/Building Department

Applicant: Jeff Gordon

Proposed Location: 1204 Coral Drive, Fircrest WA 98466

Proposal Description: Major Variance to build 192 sf accessory structure in required through-lot setback

Attachments: Site Plan and aerial

If you would like to see additional details of the project, please contact Planning and Building.

Please Return By: July 6, 2017

Please comment below and be explicit as to required/desired changes or your need for additional information. Proposed conditions for approval should also be provided.

1. _____ I have reviewed the enclosed application and have no objection to its approval as submitted.
2. _____ See comments attached.
3. _____ I recommend denial of the application, for the following reasons:



CITY OF FIRCREST PLANNING COMMISSION
Notice of Decision / Resolution No. 17-05
Case No. 17-07

A NOTICE OF DECISION / RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF FIRCREST, WASHINGTON, APPROVING A MAJOR VARIANCE TO PERMIT TO CONSTRUCT A 192 SQUARE FOOT ACCESSORY STRUCTURE (SHED) WITH A 3-FOOT SETBACK FROM THE REAR PROPERTY LINE OF A THROUGH-LOT.

WHEREAS, an application was made for a major variance for 1204 Coral Drive on June 14, 2017; and

WHEREAS, this application was deemed complete on June 22, 2017; and

WHEREAS, the subject property is designated Low Density Residential in the City's Comprehensive Plan; and

WHEREAS, the subject property is zoned Residential-4 (R-4), which provides for accessory buildings as an accessory use to a detached single-family dwelling; and

WHEREAS, the development code, FMC 22.58.003, establishes the minimum setback from the rear lot line on a "through lot" to be the same as specified for the required front yard of the principal residential structure (25 feet) for the construction of an accessory building in the R-4 zone; and

WHEREAS, the applicant, Jeff Gordon, is requesting a variance to construct an accessory building with a 3-foot setback from the rear property line of a through-lot; and

WHEREAS, the criteria for granting a major variance is as follows:

- a) There are special circumstances applicable to the subject property or to the intended use such as size, shape, topography, location, or surroundings that do not apply to other property or classes of use in the same vicinity and zoning classification.
- b) The variance is necessary for the preservation and enjoyment of a substantial property right or use which is possessed by other property in the same vicinity and zoning classification but denied to the subject property because of special circumstances.
- c) The granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zoning classification in which the subject property is located.
- d) Strict enforcement of the provisions of this title would create a practical difficulty or unnecessary hardship for the property owner.

CASE NO.	17-07
EXHIBIT NO.	8
DATE ENTERED:	7/10/17

- e) The practical difficulty or unnecessary hardship has not been created by the owner or by a predecessor in title. (This finding does not apply if the zoning classification for the property has changed and the difficulty or hardship was created solely as a result of the reclassification.)
- f) The granting of the variance will be consistent with the purpose and intent of the zoning classification and the comprehensive plan land use designation of the subject property and will not conflict with other applicable codes, design guidelines, or comprehensive plan goals and policies.

WHEREAS, the Planning Commission held a public hearing on this application on July 10, 2017, considered public testimony, and has examined pertinent maps, drawings and documents; and

WHEREAS, the Planning Commission makes the following Findings of Fact and Conclusions of Law:

- a) Special consideration is applicable to the subject property because the shape and location categorize it as a through-lot which regulates accessory buildings differently than other single-family residential uses in the same vicinity and zoning classification.
- b) Granting of the variance would allow the property to preserve their existing yard and place the shed further from the house.
- c) Granting of the variance will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity and zoning classification in which the subject property is located as it will not create any site obstacles. The shed is of minimal size and will be constructed to be consistent with the exterior finish materials of the house and is partially screened by a fence to the north and a fence and landscaping to the west.
- d) Strict enforcement of the provisions of this title would create a practical difficulty or unnecessary hardship for the property owner as the applicant would be required to tear down and rebuild the building as well as locate it in their yard.
- e) The need for the variance is not the result of deliberate actions of the applicant.
- f) The project design will comply with all other code requirements and comprehensive plan goals and policies. Granting of the variance would be consistent with the purpose and intent of the R-6 zoning classification and the Low Density Residential land use designation as it allows accessory buildings. The building meets all the other development code requirements for height, design, and lot coverage. A building permit is not required.

THEREFORE BE IT RESOLVED that the Planning Commission of the City of Fircrest hereby approves a major variance for 1204 Coral Drive to construct a 192 square foot accessory structure (shed) with a 3-foot setback from the rear property line of a through-lot and as depicted on Exhibit #2.

1. The variance approval shall be valid for one year beginning on the effective date of approval by the City. The variance approval shall automatically become null and void at the end of this one-year period, unless construction has commenced or an extension is requested and granted in accordance with FMC 22.74.006.

PASSED AND ADOPTED by the Planning Commission of the City of Fircrest on the 10th day of July 2017, by the following vote:

AYES: ()

NOES ()

ABSENT: ()

Karen Patjens, Planning Commission Chair

ATTEST: _____
Angelie Stahlnecker, Planning and Building Administrator

Assessor's Notice per HB 2567: Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

Information Regarding Appeals

Appeals of this decision shall be governed by the provisions contained within Fircrest Municipal Code Chapter 22.10. Only parties of record have standing to appeal the Planning Commission's decision. An appeal of this decision must be filed within fourteen (14) calendar days of the date of this July 11, 2017 Notice of Decision. Therefore, the appeal deadline for this decision is July 25, 2017, at 5:00 P.M. Appeals shall be in writing, accompanied with by an appeal fee, and containing the information requested in FMC 22.10.004(A)(4). For more information, contact Angelie Stahlnecker, Planning and Building Administrator, 115 Ramsdell Street, Fircrest WA 98466, planning@cityoffircrest.net, 253-564-8902.