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**FIRCREST PLANNING/BUILDING DEPARTMENT  
STAFF REPORT  
CASE # 23-01 Conditional Use Permit**

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**APPLICANT / OWNER:** Abbey Beal, 435 Spring Street, Fircrest WA 98466

**PROPOSAL:** Conditional Use Permit to convert a 365 square-foot garage into a detached accessory dwelling unit (DADU).

**LOCATION:** 435 Spring Street

**PARCEL ID:** Assessor Parcel Number 7160200770

**PARCEL SIZE:** 6,250 square feet

**ZONING CLASSIFICATION:** Residential-6 (R-6)

**PLAN DESIGNATION:** Low-Density Residential (LDR)

**ADJACENT ZONING:** North, East, South, and West: Residential-6 (R-6)  
Nearby: Parks, Recreation, Open Space (PROS), and Neighborhood Commercial (NC)

**ENVIRONMENTAL**

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

**PROPOSAL SUMMARY:** The applicant has applied to convert a 365-square-foot detached garage into a detached accessory dwelling unit. A site plan, elevations, and floor plan have been included in Exhibit 2.

**REVIEW PROCESS:** Conditional Use Permits are subject to review under FMC 22.68.002, which is reiterated, below:

*The hearing examiner may approve, approve with conditions, modify, and approve with conditions, or deny, a conditional use permit. The hearing examiner shall grant a conditional use permit when it has determined that the criteria listed in FMC 22.68.003 are met by the proposal. The hearing examiner may impose specific conditions upon the use, including an increase in the standards of this title, which will enable the hearing examiner to make the required findings in FMC 22.68.003. These conditions may include but are not limited to restrictions in hours of operations; restrictions on locations of structures and uses; structural restrictions which address safety, noise, light and glare, vibration, odor, views, aesthetics, and other impacts; and increased buffering requirements, including open space, berms, fencing, and landscaping.*

**ANALYSIS:** An analysis of the requested conditional use permit is provided below. Included in this analysis are the approval criteria listed in FMC 22.68.003 that must be met for the application to be approved, staff observations, and arguments presented by the applicant in favor of an affirmative finding for each criterion.

**Criterion (1): The proposed use will not be detrimental to the public health, safety, and welfare; injurious to property or improvements in the vicinity; or adversely affect the established character of the surrounding vicinity.**

Staff Finding: The proposal would convert a detached garage into a detached accessory dwelling unit in the rear yard of this parcel. This small-scale residential use is conditionally allowed in the applicable Low-Density Residential land use designation and the R-6 zoning classification and would fit the established character of the surrounding vicinity. As such, the proposal will not be detrimental to the public health, safety, and welfare nor be injurious to the surrounding properties.

**Criterion (2): The proposed use will meet or exceed all applicable development, design, and performance standards and guidelines required for the specific use, location, or zoning classification.**

Staff Finding: The proposed use will comply with all applicable building, performance, and design standards and guidelines, as well as all the standards and criteria listed in FMC 22.58.012 Accessory Dwelling Units. *(Note: some of the criteria specified in this section apply only to attached ADUs and are neither reiterated nor assessed, below.)*

*FMC 22.58.012(c) Standards and Criteria. A detached ADU shall meet the following standards and criteria:*

1. *The design and size of the ADU conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.*

Finding: The FMC requires the applicant to obtain construction permits, construct the improvements per code, and obtain inspections that confirm all applicable codes are met for a living space prior to occupancy.

2. *Only one ADU is being created.*

Finding: Currently, there are no other ADUs on the property. Only one ADU is being proposed under this application.

3. *The property owner will occupy either the principal unit or the ADU as their permanent residence.*

Finding: The property owner will sign an affidavit attesting to compliance with this requirement.

4. *The detached ADU complies with the accessory building size limits and related standards listed in FMC 22.58.003.*

Finding: The proposed detached ADU will be 365 square feet, which is less than the maximum 600 square feet allowed under FMC 22.58.003. The existing building meets all other accessory building standards except for the minimum required 5' side yard setback, where the building has a 4'-8" setback. Proposed modifications to the structure will not increase this nonconformity.

5. *The detached ADU uses the same design vocabulary as the principal unit to the extent feasible.*

Finding: The proposed ADU will be located in an existing accessory building that was designed to resemble the exterior design and colors of the principal unit. Both buildings have gable roofs with composition shingles.

6. *No additional off-street parking is required for an ADU unless the director determines that insufficient on-street parking will exist to satisfy parking demand in the neighborhood once the ADU has been occupied.*

Finding: Off-street parking is currently, and will continue to be, provided on the existing driveway. On-street parking is available on Spring Street. Staff does not believe any additional off-street parking will be needed or should be required.

7. *The ADU shall be connected to the utilities of the principal unit.*

Finding: The ADU's Fircrest utilities will connect to those serving the principal unit.

8. *The total number of occupants in both the principal unit and ADU combined will not exceed the maximum number established by the definition of "family" in FMC 22.98.267.*

Finding: The total number of occupants will not exceed the City's definition of family.

9. *A concomitant agreement shall be filed as a deed restriction with the Pierce County auditor to indicate the presence of the ADU, the requirement of owner-occupancy, and other standards for maintaining the unit as described above.*

Finding: The agreement will be signed and filed prior to the issuance of the Certificate of Occupancy.

**Criterion (3): The proposed use will be consistent and compatible with the goals, objectives, and policies of the comprehensive plan.**

Staff Finding: The proposed use is supported by the following Housing Element goals and policies of the Fircrest Comprehensive Plan:

**GOAL H1**

*Preserve and enhance existing residential neighborhoods.*

**Policy H1.1**

*Effectively implement zoning regulations, including design standards and guidelines, to help support the stability of established residential neighborhoods.*

**GOAL H2**

*Achieve a mix of housing types to meet the needs of diverse households at various income levels.*

**Policy H2.1**

*Support and encourage innovative and creative responses, using appropriate incentives, to meet Fircrest's needs for housing affordability and diversity for a variety of household sizes, incomes, types, and ages.*

**Policy H2.3**

*Permit accessory dwelling units in conjunction with single-family structures.*

**GOAL H4**

*Support opportunities for the provision of special needs housing, including group homes, assisted care facilities, nursing homes, and other facilities.*

**Policy H4.7**

*Encourage and support accessible design and housing strategies that provide seniors the opportunity to remain in their own neighborhood as their housing needs change.*

**Criterion (4): All conditions necessary to lessen any impacts of the proposed use are measurable and can be monitored and enforced.**

Staff Finding: The proposed conditions recommended by staff would ensure zoning code compliance in terms of specific ADU requirements. The project will be monitored and enforced through the conditional use permit and building permit approval processes and subsequent site inspection processes.

**COMMENTS RECEIVED:** No public or agency comments were received prior to the issuance of the written staff report. Staff did receive an inquiry from a neighbor about utility hook-ups and the ADU height. Staff provided the neighbor with all application materials and informed them that the ADU will connect to existing utilities and meet the Code requirement for height.

**RECOMMENDATION:** Staff recommends approval of the application with the following conditions:

1. Prior to issuance of a certificate of occupancy, the property owner shall file a form required by the planning director with the Pierce County Auditor identifying the presence of the ADU and applicable ADU restrictions as required by FMC 22.58.012(c)13.

2. Prior to issuance of a certificate of occupancy, the property owner shall sign and record an affidavit confirming that she will be residing in either the principal unit or DADU and that she will at no time receive rent for the owner-occupied unit.

Jayne Westman

June 7, 2023

Jayne Westman, Planning & Building Director

Date

**Exhibits:**

1. Conditional Use Permit Application
2. Site Plan, Floor Plan, and Building Elevations
3. Instant Streetview Image
4. Notice of Application
5. Legal Notice