

1
2
3
4
5
6
7
8 **BEFORE THE HEARING EXAMINER FOR THE CITY OF FIRCREST**

9
10
11
12

RE: Jake Holmgren Major Variance (25-VP0003) Design Review (25-DR0003)	FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECISION
--	--

13 **SUMMARY**

14
15 Jake Holmgren requests approval of several after-the-fact variances for the construction of a garage
16 without a building permit at 461 Alameda Avenue. The variances propose to increase the maximum
17 authorized size of the garage from 600 square feet to 1,100 square feet, to increase the maximum
18 authorized height from 18 feet to a little over 20 feet, to increase the maximum lot coverage for
19 accessor buildings from 825 square feet to 1,470 square feet, and to waive the design requirements
for modulation and articulation. Mr. Holmgren also requests approval of required design review for
the garage. The variance is denied. The design review is not addressed since the building will have
to be removed or modified to conform to City code standards.

20 The consequences of the variance denial are unfortunately severe. However, that severity is
21 attributable to Mr. Holmgren's construction of a major structure without any building permit.
22 Variances cannot be awarded on that basis. If Mr. Holmgren had applied for the variance in advance
23 of construction, the application would have been unquestionably denied. Mr. Holmgren needs the
24 variance to store and maintain a collection of classic cars and tools. That is not a substantial property
25 right enjoyed by residents of the R-6 zoning district. That zoning district is designed to maintain
26 "modest" scaled residential development in line with historical development projects. The type of
residential use Mr. Holmgren has in mind isn't compatible with that development pattern.

TESTIMONY

A computer-generated transcript of the June 22, 2026 hearing has been prepared to provide an overview of the hearing testimony. The transcript is provided for informational purposes only as Appendix A.

EXHIBITS

Exhibits 1-10 of the June 8, 2026 Staff Report were entered into the record during the June 22, 2026 hearing. During the hearing as well an anonymous letter was entered as Exhibit 12 and a Notice of Publication as Exhibit 11.

FINDINGS OF FACT

Procedural:

1. Applicant. Jake Holmgren, 461 Alameda Avenue, Fircrest WA 98466.
2. Hearing. A hearing was held on the application at 9:00 am on June 22, 2026 in the City of Fircrest Council Chambers.
3. Project Description. Jake Holmgren requests approval of several after-the-fact variances and design review approval for the illegal construction of a garage at 461 Alameda Avenue.

The garage is approximately 1,100 square feet as measured at the footprint and approximately 1,470 square feet as measured by the roof (Exhibit 3). The garage was built without a building permit. It is located in the rear yard of the lot.

The site is an 8,250 square foot lot developed with a single-family residence constructed in 1960, an attached garage, and typical appurtenant improvements. The site is a relatively flat, rectangular property with nominal topographic relief and no known or suspected critical areas (Exhibit 2).

The requested FMC variances are as follows:

FMC Provision	Dimensional Standard	Proposed
22.58.003(a): Maximum building footprint area, Accessory Building	600 square feet	Appx. 1,100 square feet

22.58.003(a): Maximum lot coverage, Accessory Building	10% of the lot area, or 1,000 square feet, whichever is less, for all accessory building on a lot. In the case of the subject lot, maximum lot coverage for accessory buildings is 825 square feet (10% of the lot area)	Appx. 1,470 square feet
22.58.003(a): Maximum building height, Accessory Building	18' at top of ridge 10' at top of wall	20'-3 1/8" at top of ridge 12' at top of wall
22.58.003(a): Minimum separation from principal residential structure, Accessory Building	5', noting that the Building Code may require additional separation based on construction design	Unknown; suspected to exceed based on site photographs (Exhibit 4). Applicant's submitted survey does not include principal structure (Exhibit 1). Applicant has been nonresponsive to the City's request for this information.
22.36.005: Exterior wall modulation	Building elevations greater than 40' in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least four feet (4') for front and side street side yard elevations of single-family dwellings, and size feet (6') for all elevations of all other buildings. The projections or recesses shall extend at least 20% of the length of the elevation. No uninterrupted length of any elevation shall exceed 40 horizontal feet.	No modulation on east and west elevations, which exceed 40' in length
22.36.005: Articulation	Building elevations exceeding 20' in length, measured horizontally, shall incorporate a minimum of two (2) articulation components, such as a stoop, porch, chimney or other substantial projections, windows, multiple contrasting siding materials, or substantial trim including a belt course	0 articulation components on any elevation, each of which exceed 20' in length

- 1
2 4. Surrounding Uses. The project site is surrounded on three sides by single-family residences. A
3 golf course is located across Alameda street to the west.

4 Five of the parcels adjoining or close to the project site have the following sizes:

- 5 · 455 Alameda Avenue (8,250 square feet, based on Pierce County Assessor records)
6 · 467 Alameda Avenue (8,250 square feet, based on Pierce County Assessor records)
7 · 446 Alameda Avenue (11,000 square feet, based on Pierce County Assessor records)
8 · 434 Alameda Avenue (8,250 square feet, based on Pierce County Assessor records)
9 · 440 Alameda Avenue (5,500 square feet, based on Pierce County Assessor records)

10 According to the staff report there are no accessory structures as large as that proposed in the
11 vicinity of the project site.

- 12 5. Adverse Impacts. The proposed variance may create some modest impacts to neighboring
13 properties. In assessing the impacts of the proposal it is important to recognize that the impacts
14 are limited to those that would be caused by the variance, most notably the added height and size
15 that would be authorized by the variance. To the extent pertinent to the variance request, some
16 public comments identified the blockage of views and increased building massing. The record
17 is unclear on whether the increase in height of 2 feet and 3 inches would make any material
18 difference in views. The significant increase in building massing is a valid issue given that the
19 zoning code creates a code based expectation that accessory buildings shall not exceed 600
20 square feet in area. The Applicant proposes to increase this size by almost 83% to 1,100 square
21 feet. Similarly, the Applicant proposes to increase maximum lot coverage from 10% to 18%.
22 Neighbors also asserted that surrounding property values were affected. The difference in
23 property value impacts between an authorized 600 square foot accessory structure and the
24 proposed 1,100 square foot structure are highly speculative. No conclusions can be rendered on
25 that issue.

26 Other impacts identified in the public comment letters include fire and structural safety,
stormwater management, property value reduction and an underlying sewer line that may be
rendered inaccessible. Those impacts, if extent, are attributable to the failure to acquire a
building permit. The City's building and construction codes address those impacts. If the
variance had been approved, the Applicant would have still had to acquire a building permit
approval and the structural etc. issues raised by the neighbors would have been addressed in that
review process. There was also an assertion that noise and bad odors were generated by the
structure. emanating from the structure. Those impacts are primarily addressed through
nuisance laws, zoning district performance and use standards and/or the City's home occupation
laws.

The increased size of the Application request could create added conflicts over the sewer line
and also could result in additional odors and noise. However, those impacts would have to be
materially greater than the impacts created by a garage that conforms to the City's zoning code

1 bulk and dimensional standards. There is insufficient information to conclusively determine that
2 those impacts are materially attributable to the nonconforming dimensions of the garage.

3 CONCLUSIONS OF LAW

- 4 1. Authority. Major Variances qualify as Type III-A review pursuant to FMC 22.05.003 Table A.
5 As outlined in FMC 22.05.003 Table B, the Hearing Examiner is authorized to hold hearings and
6 issue final decisions on Type III-A applications subject to judicial appeal.
- 7 2. Zoning. The subject property is zoned Residential-6 (R-6).
- 8 3. Review Criteria. Variance criteria are governed by FMC 22.74.003.a. Applicable variance
9 criteria are quoted below in italics and applied through corresponding conclusions of law.

10 **FMC 22.74.003.a** *Before any major variance may be granted, the review authority shall adopt
11 written findings showing that the following criteria are met by the proposal:*

- 12 *(1) There are special circumstances applicable to the subject property or to the intended use
13 such as size, shape, topography, location, or surroundings that do not apply to other property
14 or classes of use in the same vicinity and zoning classification.*
- 15 8. The criterion is not met. There are no special circumstances that apply to the subject property or
16 intended use. As detailed in FOF No. 4, the Applicant's lot size is of similar size to surrounding
17 lot sizes. The Applicant asserts that the subject lot size is larger than surrounding lots. The
18 evidence identified in FOF No. 4 doesn't support that position. There is nothing special about
19 the property as compared to surrounding properties or in terms of constraints on development.
- 20 *(2) The variance is necessary for the preservation and enjoyment of a substantial property right
21 or use which is possessed by other property in the same vicinity and zoning classification but
22 denied to the subject property because of special circumstances.*
- 23 9. The criterion is not met. The variance isn't necessary for a reasonably sized garage or accessor
24 structure. As demonstrated by the fact that the Applicant was able to build the subject building
25 at almost twice the allowed size, the Applicant has ample room to build a code compliant
26 accessory structure. There is no need for any variance to enable the construction of a 600 square
foot structure authorized by the zoning code. An accessory structure that exceeds allowed size
and height is not necessary for any "substantial property right" enjoyed by others in the project
vicinity. According to the staff report, no other lots in the vicinity include accessory structures
of the size proposed by the Applicant.

Mr. Holmgren testified that he needs the added space to store and maintain a collection of classic
cars. That type of property use is not a substantial property right enjoyed by others in the same
vicinity and zoning district. Residents in the area are not engaging in indoor classic car storage
in the vicinity or zone. As discussed below in COL No. 13, the R-6 district in which Mr.
Holmgren's home is located is a zoning district designed to maintain historically "modest"

scaled residential development. Indoor car collections are not consistent with this historical development pattern and thus does not constitute a substantial property right enjoyed by others in the same vicinity and zoning district.

(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.

10. The criterion may not be met. As identified in FOF No. 5, the impacts of authorizing the proposed variance are somewhat debatable. The Applicant must meet all variance criteria for approval. Even if the Applicant meets this criterion and the variance isn't materially detrimental to surrounding properties, the variance would still have to be denied for failing to meet other variance criteria.

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

11. Criterion met. As identified by the Applicant, having to demolish or modify the garage to conform to the zoning code would be a practical difficulty.

(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.)

12. The criterion is not met. The practical difficulty of having to conform the garage to the City's zoning code was created by the Applicant's construction of the garage without a building permit. The criterion is not met.

(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.

13. The criterion is not met. FMC 22.36.001 identifies that the purpose of the R-6 zone is to allow for "modestly-scaled" single-family dwellings as set by historical development patterns. As noted in the staff report, the Applicant's proposal is out of scale with similar structures throughout the surrounding vicinity. The structure is also substantially out of scale with the bulk and dimensional standards set by the R-6 zone to maintain "modest-scaled" development. For these reasons, the proposal is not found consistent with the purpose and intent of the R-6 zone.

DECISION

Variance Application 25-VP0003 is denied for the reasons identified in the Conclusions of Law above. Since the variance is denied and at the least the design of the structure will have to be

1 substantially modified, the merits of the design review application are not found necessary to
2 address.

3 Dated this 6th day of July 2026.

4 

5 Phil A. Olbrechts
6 City of Fircrest Hearing Examiner

7 **APPEAL RIGHT AND VALUATION NOTICES**

8 Hearing Examiner Conditional Use Permits and Major Variances qualify as Type III-A review
9 pursuant to FMC 22.05.003 Table A. As outlined in FMC 22.05.003 Table B, the Hearing Examiner
10 is authorized to hold hearings and issue final decisions on Type III-A applications subject to judicial
11 appeal.

12 Affected property owners may request a change in valuation for property tax purposes
13 notwithstanding any program of revaluation.
14
15
16
17
18
19
20
21
22
23
24
25
26