

Initial Project Review

Shoreline Substantial Development Permit / Shoreline Variance Permit: Breneman

Application Numbers: 897790 / 897785
Parcel Number: 0121034027

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: March 13, 2019, at 6:30 p.m., City of Gig Harbor, 3510 Grandview, southeast entrance, Gig Harbor, WA 98335

Proposal: Construct a 1,600 square foot addition to the existing 1,092 square foot home. Both the home and proposed addition are with the shoreline buffer. A Shoreline Variance is requested to reduce the required 50-foot setback from the shoreline for the location of the new addition.

Project Location: 8520 - 86th Avenue NW, Gig Harbor, WA, within the NE 1/4 of the SE 1/4 of Section 3, T21N, R1E, W.M., in Council District #7

Review Summary: Staff has reviewed this proposal for compliance with all policies, codes, and regulations.

Zone Classification: Rural 10 (R10)

Community Plan Area: Gig Harbor

Shoreline Environment: Rural Residential

State Environmental Policy Act (SEPA): SEPA review is not required for this proposal.

County Contact: Dan Buhl, Associate Planner, dan.buhl@piercecountywa.gov, 253-798-3268

Pierce County Online Permit Information:

<https://palsonline.co.pierce.wa.us/palsonline/#/permitSearch/permit/documents?applPermitId=897790>



Project Data

Complete Application Date: October 25, 2018

Initial Project Review Mailed: March 4, 2019

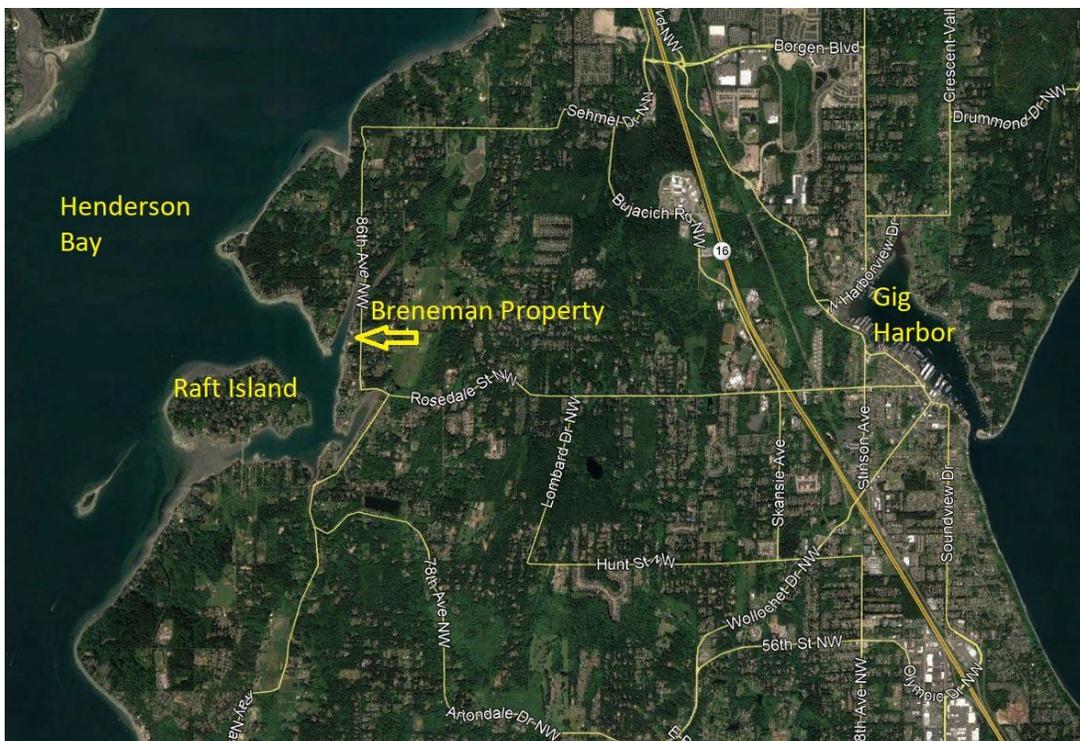
Property Owners/Applicants: David Breneman
8520 - 86th Avenue NW
Gig Harbor, WA 98332
David_breneman@hahoo.com

Agent: DK Fisher Architecture
708 Market Street #415
Tacoma, WA 98402
David@DKFisherArchitects.com

Legal and Public Notice

- *November 16, 2018*: Notice of Application and Public Meeting Notice was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the site.
- *November 20, 2018*: A Declaration of Posting was received stating the property was properly posted.
- *February 27, and 28, 2019*: Legal notices were published in the official County newspaper (*Tacoma News Tribune*) and the *Peninsula Gateway* newspaper advertising the Gig Harbor Peninsula Advisory Commission (PAC) public meeting.

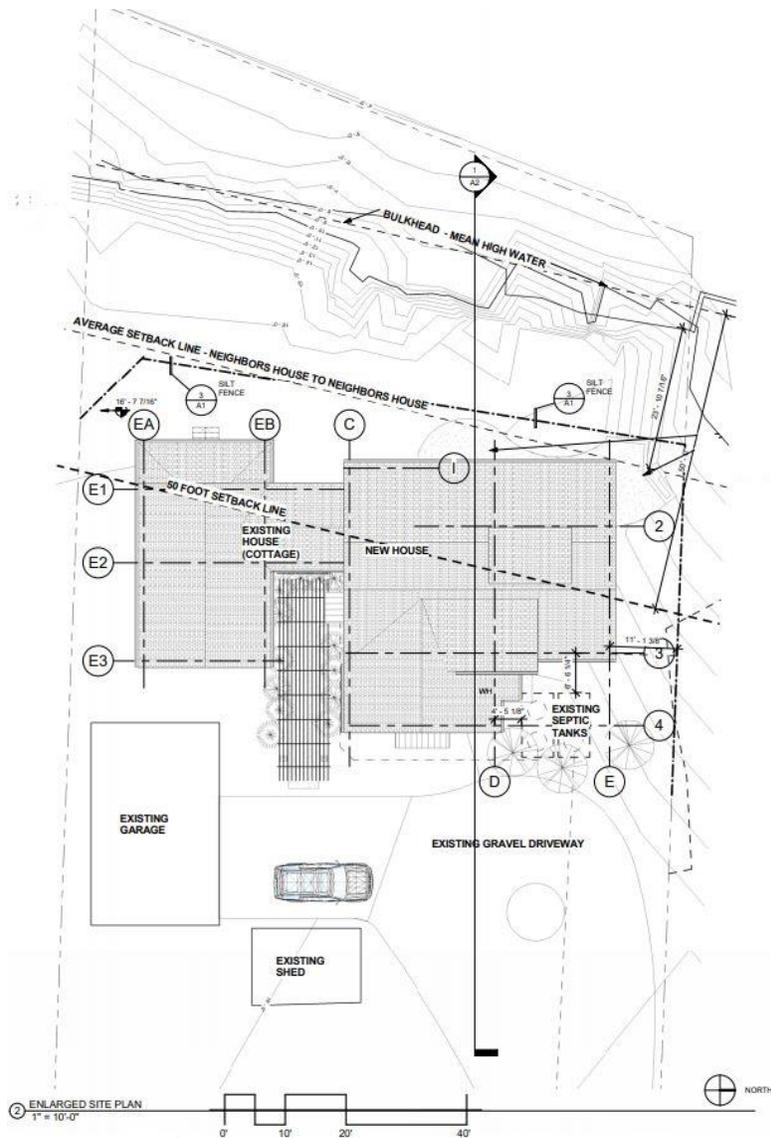
Vicinity Photo



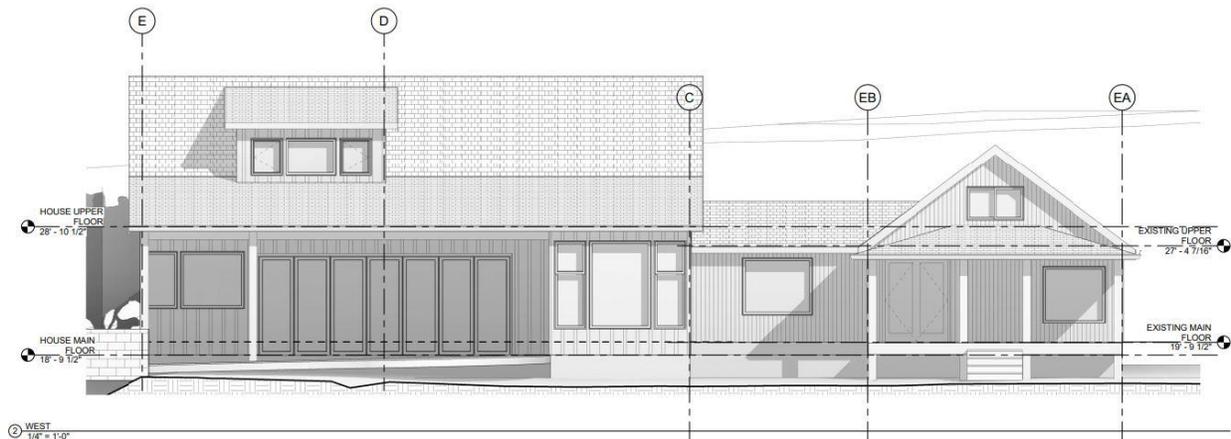
2017 Aerial Photo



Site Plans



Cross Section



View of the home with the new addition from the water.

Review Responsibility

The following list includes examples of jurisdictional areas for various County departments and divisions typically involved in the review and administration of this proposal:

A. Planning and Public Works (PPW):

- Current Planning verifies compliance with the Pierce County Comprehensive Plan, applicable community plans and Development Regulations such as, but not limited to, zoning, critical areas, natural resource lands, shoreline management, design review, and potential environmental impacts.
- Development Engineering reviews for drainage, erosion control, site development, flood, survey, landslide and erosion hazard, lot dimensions, and road standards.
- Cartography reviews road names and addresses.
- Resource Management reviews for consistency with the County wetland and fish & wildlife regulations.

B. Gig Harbor Peninsula Advisory Commission (PAC):

The PAC's role in the review process for a land use proposal includes the following:

- Review the proposal for consistency with the goals and policies in the Community Plan.
- Provide a local perspective that includes input from the community and insights of which PPW staff or the Hearing Examiner may not be aware.
- Offer recommendations for project design to fit with the community's vision while remaining consistent with the Community Plan.

PCC Chapter 2.45 Land Use Advisory Commissions provides regulations that apply to the PAC. Per PCC 2.45.130, Land Use Advisory Commission (LUAC) recommendations on a land use application shall be to approve, modify and approve, deny, or make no recommendation. The LUAC may recommend the Hearing Examiner continue a scheduled public hearing to obtain additional information or LUAC recommendations.

Public and Agency Review Comments

1. Agencies: Various agencies have provided comments with the following of note:
 - A. County Resource Management has approved the proposal stating there is no visible wetlands within the shoreline and the project does not extend in to Federal Emergency Management Agency (FEMA) protected area.
 - B. County Development Engineering has approved the proposal, with conditions, requesting an abbreviated site development plan and states there may be a need for a Flood Boundary Delineation Survey.
2. Public: The neighbor that shares the Breneman's southern property boundary sent an email in support of the proposal.

Site Characteristics

- The subject parcel, 0121034027, is listed by the County Assessor as 0.57 acre in size. Mr. Breneman also owns the 1.29-acre parcel to the west that is predominantly tidelands.
- The parcel is located on Lay Inlet.
- The lot is about 372 feet deep from the ordinary high water mark (OHWM) to the right-of-way (ROW) of 86th Avenue NW and 98 feet wide.
- The parcel information for the property on the Assessor's website shows the home was built in 1940.
- The lot is quite flat.

Surrounding Land Use / Shoreline / Zoning Designation

	LAND USE	SHORELINE	ZONING
North	Single-family residences	Rural-Residential	Rural 10 (R10)
South	Single-family residences	Rural-Residential	R10
West	Lay Inlet	Not Applicable	Not Applicable
East	Single-family residences	Rural-Residential	R10

Initial Planning and Public Works (PPW) Staff Review for Consistency with Regulations and Policies

County Comprehensive Plan and Community Plan

The proposed variance has been reviewed for compliance with the Pierce County Comprehensive Plan and the Gig Harbor Community Plan. There were no major conflicts found.

Title 18A, Development Regulations- Zoning

The following is an analysis of how the project complies with various provisions of Title 18A:

Table 18A.15.040-2. Rural and Resource Setbacks				
Rural and Resource Zone Classification (All County)		Minimum Building Setback (feet)		
		Front	Interior	Rear
R10	Rural Ten	25	10	30

Staff Comment: The property is zoned R10 and contains a single-family home, a garage, and a shed. The Applicant seeks to add a 1,600-square foot addition to their existing 1,092-square foot single-story home. Although the rear property line is in close proximity to the new addition, rear yard setbacks as found in Table 18A.15.040-1 and Table 18A.15.040-2 do not apply in areas regulated under Shoreline Management Use Regulations. Table 18A.23.020 of the Zoning Code lists single-family residences as permitted outright in the R10 zone.

Shoreline Management Use Regulations - Title 20

Pierce County Shoreline Master Program (Pierce County Code Title 19D.190 and Title 20)

Rural-Residential Shoreline Environment Policies/Regulations (applies to the entire proposal)

- A. Definition and Purpose. The Rural-Residential Environment is an area of medium intensity land use, that is, having use types and densities which do not imply large-scale alterations to the natural environment. It is an area that will serve as a buffer between the highly intensive development of the urban environment and the non-intensive development of rural environment. It is an Environment Designation that will allow medium intensity residential, commercial and agriculture development. The purpose of assigning an area to a Rural-Residential Environment is to allow for a natural transitional area between the sometimes incompatible intensive land uses of urban areas and the agricultural uses, recreational uses, and open space found in the rural environment.
- B. General Regulations/Policies (PCC, Title 19D.190, page 16 / PCC Chapter 20.10)
 - Existing land use patterns that reflect a suburban environment and also by virtue of existing development do not have the potential for supporting intensive agricultural or recreational activities should be designated as a Rural-Residential Environment if urban expansion is not anticipated.
 - Medium intensity residential uses should be encouraged in the Rural-Residential Environment in order to relieve pressure from urbanized areas and provide living area for those wishing to enjoy a less densely developed shoreline.
- C. Preferred Uses
 - Single family residence.
 - Neighborhood commercial uses such as small service establishments.

Staff Comment: The proposal is for an extensive home addition within the 50-foot shoreline buffer. As such, the proposed expansion of the home is consistent with the Rural-Residential Shoreline Environment.

Chapter 20.62 Residential Development

A. General

- Section 20.62.040 B.1. states that the construction of single-family residences in the Rural-Residential Shoreline Environment does not require approval of a Shoreline Substantial Development Permit. However, it states that other structures commonly accessory to residences (such as a garage) do require a Shoreline Substantial Development Permit.
- The County Shoreline Master Program has both policies and regulations with regards to residential development.

Staff Comment: The construction of a single-family home is exempt from obtaining a shoreline substantial development permit, so staff is not certain which element of the proposal requires an SD. The presented proposal does not obstruct navigation routes, does not unduly block views or public use, is similar to development within the shoreline environment in proximity to the property, and is exempt.

Policies (PCC Title 19D.190, pages 28-29):

- Recognizing that the location, density and design of residential development can have large impacts on hydrological systems, developers should be responsible for incorporating into their plans solutions to the problems of contamination of surface waters, depletion and contamination of ground water supplies, and the generation of increased surface runoff.
- Adequate distances between shorelines and structural developments should be maintained in order to protect water quality, maintain dynamic systems, prevent dangerous geological stresses, and insure aesthetic quality.
- Residential development over surface water should be prohibited.
- Residential developers should be required to indicate how they plan to preserve shore vegetation and control erosion during construction.

Regulations (PCC Chapter 20.62)

- The proposed development site is suited for residential use and is not located in areas having significant hazard to life and property and likely to require future public funds to protect and rehabilitate.
- Adequate methods of erosion control will be utilized during and after project construction.
- Disturbance of shoreline vegetation will be minimized.
- Solutions will be provided to the problem of contamination of surface waters, depletion and contamination of ground water supplies and generation of increased runoff into water bodies.
- All residential structures shall be landward of the extreme high-water mark.
- Bulkheading, filling, substantial regrading or any other similar structure or activity shall not be permitted when such structures or activities are clearly non-essential for the reasonable use or production of the lot or tract upon which it is located.
- Not more than 33-1/3 percent of the gross lot area shall be covered by impervious material including parking areas but excluding driveways.
- The required setback for buildings and structures from any lot line or lines abutting the ordinary high-water line or lawfully constructed bulkhead shall be 50 feet except that the special shoreline setback shall not apply to docks, floats, buoys, bulkheads, launching ramps, jetties and groins.
- Height limit is 35 feet.

Staff Comment: The proposed structure requires a Shoreline Variance as the location of the home addition, like the existing home, is within the 50-foot shoreline setback. Applicants will need to provide evidence that the proposal will not increase the property's impervious surfaces in excess of 33 1/3 percent of the gross lot area. The neighbor to the south has a setback of 41 feet from their bulkhead and the neighbor to the north has a setback of roughly 32 feet from their bulkhead. Where the Breneman property's OHWM is measured from is recessed compared to the two neighboring bulkheads so that placing the home addition in the same setback would block the view from the Breneman home.

Chapter 20.72 Shoreline Substantial Development Permits, Variances, Conditional Uses, and Expansion of Nonconforming Use Permits

20.72.020 Variances.

It is understood that the regulations may cause unnecessary hardships in particular situations, or that the regulations might be unreasonable in light of new evidence, technology, or other special circumstances, and the goals and policies of the Master Program may not necessarily be served by the strict application of the regulations. The property owner must show that if he complies with the provisions he cannot make any reasonable use of his property.

A Variance will be granted only after the applicant can demonstrate the following:

- A. There are conditions or circumstances involved with the particular project that make strict application of the regulations unnecessary or unreasonable for the applicant's proposal.

Applicant Response: The proposed house addition is parallel to the shoreline and back behind the existing historical cottage as well as both neighbors north and south. By placing the home addition 50 feet from shoreline would be unreasonable and unfair since neighbors are closer to the shoreline and would block views and enjoyment of the waterfront. The addition is placed where a historic barn was and subsequent trellis arbor above an outdoor space is currently.

- B. That granting the Variance will not violate, abrogate, or ignore the goals, policies, or individual environment purposes spelled out in the Master Program.

Applicant Response: The addition is placed where a historic barn was and subsequent trellis arbor above an outdoor space is currently. Since the outdoor space is impervious gravel and has a structure above with a masonry fireplace/barbecue we are not creating more environmental impact of the shoreline ecology, nor the goals or policies of the Master Program.

- C. That no other applicable regulations will be violated, abrogated, or ignored.

Applicant Response: The addition will be built to current Building Code and standards including managed clean water stormwater systems that were not previously required. The new installed septic system is as far as possible from the shoreline environment. The existing well will be inspected by the health department and upgraded as required prior to the building permit approval.

- D. That the public health, safety and welfare will not be adversely affected.

Applicant Response: The addition will be built to current Building Code and standards including managed clean water and stormwater systems that were not previously required. The new installed septic system is as far as possible from the shoreline environment. The existing well will be inspected by the health department and upgraded as required prior to the building permit approval.

- E. That the specific provision or provisions to be relaxed clearly did not foresee or consider the particular situation the applicant is facing.

Applicant Response: The owner is simply adding the home addition in the space where the original barn and present outdoor space is located. The original property and historic cottage have been in the family for generations and slowly more and more shoreline regulations and creped (sic) in to prevent the owner from enjoying the property and shoreline as the always have.

Staff Comment: Each review criteria will need to be met before a Shoreline Variance can be granted. It does appear the impervious surface has remained after the demolition of a historic and an existing masonry grill/barbecue are in the same location as the proposed addition, meaning no additional impervious surfaces will be added by the proposal. It also appears that locating the home further landward of the existing home would be blocked by the existing garage, driveway, and most importantly a newer septic tank.

173-27-170 Review criteria for variance permits.

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

173-27-170(2) Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

- (a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;

Applicant Response: The Breneman family has owned the property for over 80 years (1939) and the addition is located on the exact area where there has previously had a barn. The area is now an outdoor space with overhead trellis and arbor and outside masonry barbecue. The new addition is sandwich between the shoreline and the existing driveway and septic tanks. Both neighbors, at south and north, are up in front or closer to the shoreline than our existing cottage and proposed home addition. This significantly interferes and is not a reasonable use of the water front property- based on the family's historic use. By moving the addition back creates a penalty that would be imposed at this one point in time that is unreasonable and unfair.

- (b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;

Applicant Response: The hardship is based on the family's historic use, use the neighbors enjoy that the property owner would not if held to the current code, type and shape of water front.

- (c) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;

Applicant Response: The design is compatible as a single-family residence and would be the same use historically has been the case for over 80 years. Adverse impacts on the shoreline would be the same or better with a new storm system. Imperious surface areas are only slightly increased. The rock bulkhead and trees at the natural shoreline would be retained, see photos.

- (d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

Applicant Response: We would have the same privilege of enjoying the shoreline as both neighbors to the south and north. We would be penalized if we would be required to have a 50' shoreline setback

- (e) That the variance requested is the minimum necessary to afford relief; and

Applicant Response: We are asking to use the same impervious surfaced outdoor space and barn that has historically been there for over 80 years.

- (f) That the public interest will suffer no substantial detrimental effect.

Applicant Response: The public interest would not be affected since the use is the same as it has been - single family residence.

173-27-170 (4) Granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

173-27-170 (5) Variances from the use regulations of the master program are prohibited.

Staff Comment: Each review criteria for the State regulations will need to be met as well before a Shoreline Variance could be granted.

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