

Initial Project Review

Variance: Hollingsworth

Application Number: 897193
Parcel Number: 7239900190, 7239900100

Key Peninsula Advisory Commission (KPAC) Public Meeting: March 20, 2019, at 6:30 p.m.,
Key Peninsula Civic Center, VFW Room, 17010 South Vaughn Road, Vaughn, WA 98335

Proposal: Applicants request a variance to reduce the prescribed 25-foot front setback to 8 feet and reduce the interior yard setback from 10 feet to 6.5 feet on a vacant parcel to accommodate the construction of a new single-family home. A variance with a very similar request for a new home was approved for this property by the previous owners (permit number 548643, V4-06, McLoughlin). In addition, the applicants request a 19% increase in the maximum square footage for an accessory structure without a principal use from 576 to 688 square feet to construct a garage on the lot across the street that contains components of the proposed home's septic system.

Project Location: 18904 115th Street KPN, Gig Harbor, WA 98329, within Section 10, T21N, R01W, W.M., in Council District #7

Review Summary: The project can be conditioned to comply with all applicable policies and objectives of the Pierce County Code, Shoreline Regulations, Comprehensive Plan, and Key Peninsula Community Plan area. Staff has reviewed this proposal for compliance with all policies, codes, and regulations and intends to recommend approval with conditions.

Zone Classification: Rural 10 (R10)

Community Plan Area: Key Peninsula

Shoreline Environment: Rural

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

County Contact: Dan Buhl, Associate Planner, 253-798-3093, dan.buhl@piercecountywa.gov

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentsStatus?applPermitId=897193>



Project Data

Complete Application Date: October 18, 2018

Initial Project Review Mailed: March 13, 2019

Applicants/Owners: Greg and Linda Hollingsworth
3370 4th Avenue SW
Federal Way, WA 98023

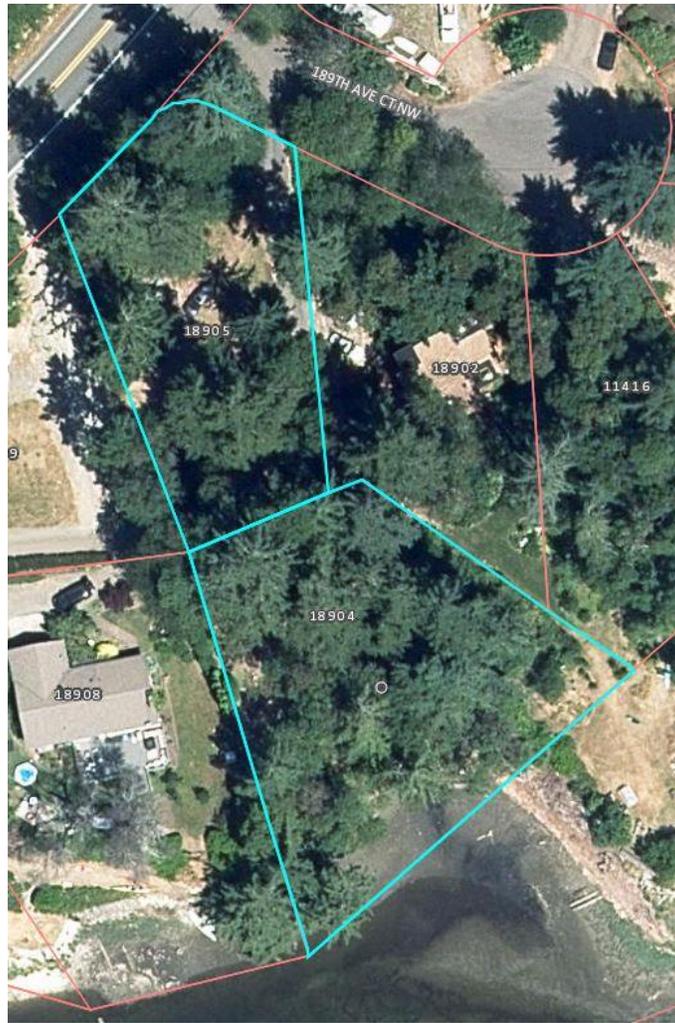
Legal Notice

- *November 14, 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 subject property.
- *November 27, 2018*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *March 6, 2019*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the public meeting to be held by the Key Peninsula Advisory Commission (KPAC).
- *March 7, 2019*: Legal notice was published in the *Peninsula Gateway* newspaper, advertising the public meeting to be held by the KPAC.

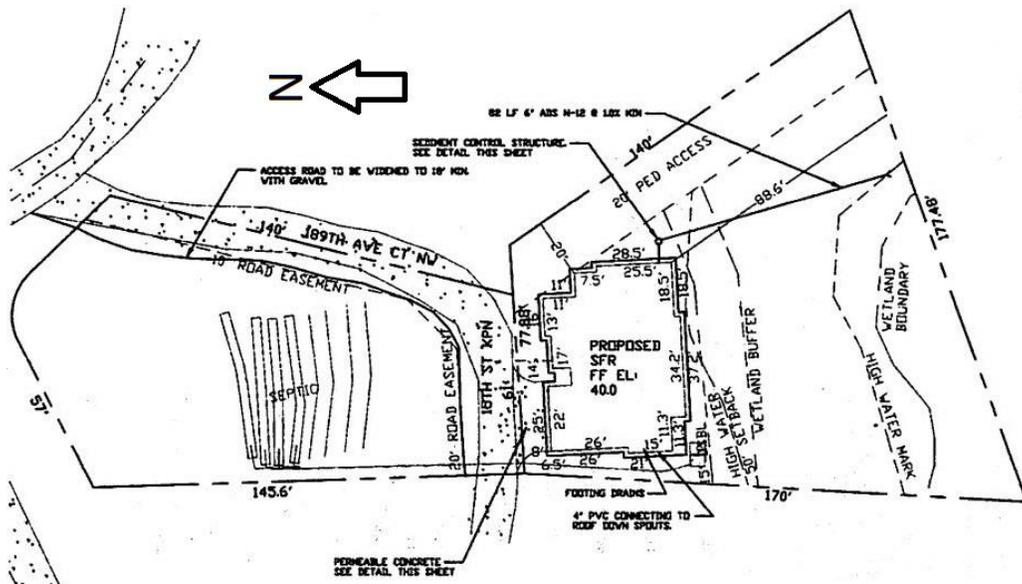
Vicinity Map



2017 Aerial Photo



Site Plan



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. Key Peninsula Advisory Commission (KPAC):

The KPAC'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 KPAC. 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.

Review Criteria

The following regulations and policies shall be used during the review process including, but not limited to:

- A. Pierce County development regulations and construction and infrastructure regulations;
- B. Pierce County Comprehensive Plan and Key Peninsula Community Plan;
- C. Applicable state statutes; and
- D. All applicable notes on related previously recorded County documents.

Site Characteristics

- The County Assessor lists parcel 7239900090 as being 0.27 acres and parcel 7239900100 as being 0.49 acres in size.
- The parcels are Lots 9 and 10 of the Rock Bay plat. The garage is to be placed on Lot 9 and the home on Lot 10.
- The parcel is accessed via a driveway from 115th Street NW, a private road that is accessed from another private road, 189th Avenue Court NW (a cul-de-sac), that is accessed from SR 302.
- It is roughly 110 feet from the ordinary high-water mark (OHWM) at the south side of the property to the edge of the road surface of 115th Street NW.
- A septic system has already been installed on the property.

- The parcel is located on a small inlet on the west shore of Rocky Bay. There is a sand spit across the inlet from the shoreline.
- The parcel is vacant and heavily forested.
- A previous variance application was approved for this layout (Variance V4-06) on this parcel.

Surrounding Land Use / Shoreline / Zoning Designation

	LAND USE	SHORELINE	ZONING
North	Single-family Residence	N/A	Rural 10 (R10)
South	N/A	Rocky Bay	N/A
East	Single-family Residence	Rural	R10
West	Single-family Residence	Rural	R10

Agency Review Comments

The proposed project has been routed to interested departments and agencies for review. Comments received from various departments and agencies may be found by accessing the Online Permit Information referenced on page 1.

Comments have been received, and corrections and/or additional information requested by the following agencies on the application:

- The Nisqually Indian Tribe noted the area is in a very high risk for archaeological findings and noted the presence of a midden on the water at this property and requests an archaeological survey be performed before any groundbreaking activities. They also request to be notified of inadvertent discoveries of archaeological significance (letter dated November 27, 2018).
- Resource Management has approved the proposal. Reducing the building setbacks allows for more of the wetland buffer to be applied.

Public Comments

Staff received comments from three neighbors. Two are in full support of their request, one neighbor is greatly concerned about access for larger vehicles and emergency vehicles.

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

Pierce County Comprehensive Plan – Title 19A

The Comprehensive Plan provides policies that PPW applies to interpret development regulations. Where there is a conflict between policies in the Comprehensive Plan and an implementing regulation, the conflict will be resolved by applying the provisions of the Comprehensive Plan.

Staff Comment: Staff found the proposal is consistent with the Comprehensive Plan.

Key Peninsula Community Plan (Pierce County Code, Title 19B)

KP LU-2.1 The dominant land use shall be detached single-family residences.

Staff Comment: The policy for Key Peninsula supports single-family detached residences. This proposal includes the construction of a new single-family home on a vacant lot. The Community Plan also asks that vegetation and tree preservation be a priority in shoreline locations that are identified on the Open Space Corridors Map, the subject property qualifies.

Title 18 Development Regulations – General Provisions

18.25 Definitions

"Setback" means the minimum required distance between any structure and a specified line such as a lot, public or private right-of-way, easement, future street right-of-way as identified through an official control or buffer line that is required to remain free of structures unless otherwise provided herein.

Title 18A Development Regulations - Zoning

Current Planning has reviewed the proposal for conformance with Pierce County Development Regulations Title 18A. Staff review comments are in *italics*.

The property is zoned R10 and is vacant. Table 18A.26.020 of the Zoning Code lists single-family detached housing as permitted outright in the R10 zone. Any new construction must be pursuant to this subsection and shall be in compliance with applicable standards in the Title 18 series of Development Regulations.

Staff Comment: The applicant seeks to construct a new single-family home; 115th Street KPN is classified as a private road. PCC Table 18A.15.040-2 Rural and Resource Setbacks shows structures on parcels with a zoning designation of R10 must maintain a 25-foot front yard setback from the home and any abutting private road easement and a 10-foot interior yard setback from all neighboring property boundaries. The northernmost property boundary is the southern boundary of the easement for 115th Street KPN, as shown on the Rocky Bay plat, and requires a 25-foot setback. There are components of an existing septic system, the lot has an unusual shape, there is a wetland along the shoreline, and the eastern property boundary for the parcel is encumbered by a 20-foot-wide pedestrian access. With these encumbrances the applicants request relief from the front setback from 25 to 8 feet and the western property boundary's 10-foot setback to 6.5 feet to accommodate the new home.

18A.37.020 General Provisions for Residential Accessory Uses and Structures

18A.27.020 B Structures typically accessory to a residence, such as garages, greenhouses and storage buildings, may be permitted without a principal use up to a maximum of 576 total square feet.

Staff Comment: As Lot 9 contains components of the septic system for the proposed home on Lot 10 and there are a limited number of water connections available to residents on 115th Street NW, staff views the construction of an accessory structure that exceeds the required square footage limit by 112 square feet as de minimis.

18A.75.040 - Variances

The proposal to vary from the prescribed front setback must be reviewed for consistency with the five Variance criteria listed in PCC 18A.75.040 C. For a variance to be granted it must be shown that the five review criteria listed in subsection 'C' of said chapter must be met:

1. There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to the other property or class of use in the same vicinity and zone;
2. Such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and zone but which because of special circumstances is denied to the property in question;
3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone in which the subject property is located;
4. The granting of such variance is consistent with the Comprehensive Plan including any applicable Community Plan; and
5. No significant adverse environmental impact will be caused as a result of the variance approval.

Staff Comment: The variance request is to encroach into the front and interior building setbacks and build an accessory structure on the neighboring parcel to the north. The lot shape, existing encumbrances, the residential nature of the surrounding properties, consistency with the Comprehensive Plan and Key Peninsula Community Plan, and no environmental impacts make the proposal approvable.

Pierce County Shoreline Master Program (Pierce County Code Title 19D.190)
Pierce County Shoreline Management Use Regulations (Pierce County Code Title 20)

Chapter 20.10 – Rural-Residential Environment

Rural Shoreline Environment Policies/Regulations (page 17, applies to the entire proposal)

- A. Definition and Purpose. The Rural Environment is intended for those areas which are presently used for intensive agricultural and recreation purposes or for those areas having the potential of supporting intensive agricultural and recreational development. The Rural Environment is intended to protect agricultural land from urban expansion, restrict intensive development along undeveloped shorelines, and encourage the preservation of open spaces and opportunities for recreational uses compatible with agricultural activities.
- B. General Regulations/Policies (PCC, Title 19D.190, page 17 / PCC Chapter 20.10)
 6. Prime agricultural land should be maintained for present and future agricultural needs.
 7. New developments in a Rural Environment should reflect the character of the surrounding area by limiting residential density, providing permanent open space and by maintaining adequate building setbacks from the water.
- C. Preferred Uses
 - Intensive agricultural uses.
 - Intensive recreational uses.
 - Low density residential uses.

Staff Comment: The entirety of Lot 10 and a portion of Lot 9 are within the shoreline environment. The project site is currently vacant. The applicant's proposal is consistent with the purpose and general policies of the Rural Shoreline Environment. A single-family dwelling and its accessories are a preferred use in the Rural Environment. The proposed new home will be located over 50 feet from the OHWM, will increase the impervious coverage of the site less than 33.3% (roughly 24%), will not alter the shoreline character of the area as this is one of the remaining vacant lots in the area that has a viable building envelope due to the decision from the prior variance, and will not have any impact on the aesthetic quality of other residences within the immediate vicinity of the site.

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