



TOWN OF RUSTON

PLANNING SERVICES

5117 North Winnifred Street Ruston, Washington 98407-6597
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Staff Report to the Planning Commission 5311 N Shirley Setback Variance VAR 10-01

I. General Information

A) Owner:

Wells Fargo Bank
4143 121st Street
Urbandale, IA 50323

B) Applicant:

Claude Remy
P.O. Box 11145
Tacoma, WA 98407
(253) 988-5754

C) Contact/Agent:

Brennen Masters
6430 Tacoma Mall Blvd. #1
Tacoma, WA 98409
(253) 722-3731

D) Site Address/Parcel Number:

5311 North Shirley Street, Ruston, WA - Parcel Number 4655200150

E) Zoning Designation: Residential (RES)

II. Project Description

The proponent, Claude Remy, has applied to the Town of Ruston for approval of a variance to decrease the required side yard setbacks for the site from 7.5 feet to 5 feet in order to allow more room to reconstruct the single family residence that was recently destroyed by fire. As the existing legal lot of record measures only 30 feet wide, the current side yard setback requirements for the RES zone would limit the width of any new structures to 15 feet. If approved, this variance request would provide a total increase in building envelope width of 5 feet, with the resulting building envelope measuring 20 feet in width.

III. Staff Analysis, Findings, and Conclusions

A) SEPA Analysis

The Town's SEPA Responsible Official has determined that this variance request qualifies as a minor land use decision and is therefore categorically exempt from SEPA review as per WAC 197-11-800(6)(b).

B) Comprehensive Plan

Section 2.2 Year 2010 Population Forecast

"Population forecasting is an integral part of the planning process. The GMA requires jurisdictions to estimate the number of new households and jobs that will be accommodated by the year 2010. Through the comprehensive planning process, each jurisdiction must, at a minimum, provide adequate land, transportation, capital facilities and utilities to accommodate this growth over a twenty-year period.

"Because the Town of Ruston is predominantly built out and its boundaries are set, there is little opportunity for growth in the area."

"Pierce County as a whole is projected to grow from 700,820 people in 2000 to 1,071,468 people in 2025, an increase of approximately 12%. This growth is significant. The Pierce County Growth Management Coordinating Committee preliminary population allocation for Ruston is 760 people by the year 2022, a 0.03% increase from the 2000 population of 738. The Town believes this number to be a realistic reflection of growth of Town areas outside the MPD zone. In 2017, areas outside the MPD zone should be built to the current zoning capacity and have at least a population of 760."

Staff finds that the proposal is consistent with this Comprehensive Plan goal in that it encourages redevelopment of a site that is currently vacant. Redevelopment opportunities for increased density should be encouraged throughout the Town to help achieve population goals and increase the Town's tax base, particularly for those areas outside the MPD zone.

Section 3.4 – Residential Concepts and Goals

Goal 1: "Protect and enhance the character and vitality of established residential neighborhoods."

Staff finds that the proposal is consistent with this goal in that it proposes to reconstruct a single family residence, a use that is currently anticipated

within the RES zone and is specified as a permitted use. As shown in Exhibit D, structure width and spacing between residences within the vicinity of the site varies greatly. Allowing a 2.5 foot reduction in the side yard setbacks for this site would not negatively impact the character and vitality of the established residential neighborhood. In fact, most of the sites shown on Exhibit D have at least one existing structure that has a side yard setback of 5 feet or less, which reflects the setback dimensions of this proposal.

Goal 2: “Promote residential design that is environmentally sensitive, energy-efficient, and aesthetically pleasing. Implement state regulations related to energy conservation and environmental preservation in addition to Town regulations. View protection is addressed in the height limit aspects of the zoning code. Encourage building types and designs that respect the natural landscape and are compatible in scale and character with any significant historic properties and nearby residential development.

Staff finds that the proposal is consistent with this goal in that it proposes to reconstruct a single family residence, a use that is currently anticipated within the RES zone and is specified as a permitted use. As shown in Exhibit D, structure width and spacing between residences within the vicinity of the site varies greatly. Allowing a 2.5 foot reduction in the side yard setbacks for this site would not negatively impact the character and vitality of the established residential neighborhood. In fact, most of the sites shown on Exhibit D have at least one existing structure that has a side yard setback of 5 feet or less.

Although many of the structures located within Ruston have historic qualities which the community should take action to protect, Staff is unaware of an official designation of any structure within the vicinity of the site, or within the Town’s entire jurisdiction as a historically significant site.

Section 4.3 – Housing Concepts and Goals

Goal 2: “Encourage maintenance and rehabilitation of the residential neighborhoods, including continued private investment in the existing housing stock.”

Staff finds that the proposal is consistent with this goal in that it provides the applicant with the flexibility needed in order to replace a structure that was destroyed by fire. If flexibility is not provided to property owners who demonstrate site specific hardships, lack of interest in redevelopment activities for existing legal lots of record that do not conform to current zoning standards may result.

Goal 4: "Provide flexibility in zoning and subdivision regulations to encourage a variety of housing types."

Staff finds that the proposal is consistent with this goal in that it provides the applicant with the flexibility needed in order to replace a structure that was destroyed by fire. Doing so helps to "encourage a variety of housing types" by allowing infill of one existing legal lot of record with a single family residence of a type and style of the property owner's choosing.

C) Ruston Municipal Code

RMC 25.01.040 – Residential (RES) Zoning Standards

RMC 25.01.040(a) Purpose. The residential (RES) zone is intended to preserve and enhance the character of the original Ruston residential neighborhood. Redevelopment of existing homes is encouraged, as well as new housing compatible in scale and design. Any permanent habitable structure permitted after the date of adoption of this code must meet the International Building Code standards in effect at the time that the building permit is issued.

RMC 25.01.040(d) Minimum Lot Area and Width. Every building erected or structurally altered in the RES zone shall provide a lot area of at least 4,800 square feet with a minimum width of 50 feet for single-family dwellings.

RMC 25.01.040(e) Setback Requirements.

(1) Lots developed after enactment of this code shall maintain at least these setbacks:

- (A) Front yard, 20 feet to property line.
- (B) Rear yard, 25 feet.
- (C) Side yards, seven and one-half feet.

RMC 25.01.110 - Conditional Uses, Unclassified Uses and Variance Procedures

RMC 25.01.110(d) Variances.

(1) Authorization for Variance – Findings Required. A variance from any area, setback, yard, parking or other dimensional requirements contained in this chapter shall be granted by the Council after receiving the recommendation and written findings of fact from the Planning Commission if the Council finds that the standards in subsection (d)(2) of this section are established by the applicant.

(2) Variance Standards. Before any variance can be granted, the applicant must establish the following:

(A) There is a unique condition relating to the size, shape, topography, location, or character of surrounding uses that would make the application of the regulation too restrictive; or

(i) The purpose of the regulation from which the variance is sought would not be harmed by allowing the variance, thus making application of the regulation to the applicant's property unreasonable. Such uses may include fire safety, adequate traffic sight distance, and open space for light, air, and recreational uses; and

APPLICANT'S JUSTIFICATION (From Exhibit A):

"The proposed single-family residence will be replacing a single-family dwelling which existed a short time ago. The lot is surrounded by other single-family residences in a residential district. Approval of the variance will not grant a special privilege not enjoyed by other properties in the vicinity which are also single-family residences on existing lots of record. The proposed variance will not conflict with the Town's comprehensive plan which allows for single-family dwellings in the area nor will it adversely affect the neighborhood's residential character. The variance will not adversely affect the use or value of neighboring properties which are also residences."

FINDING: Staff finds that the applicant's justification for this requirement has been met. The existing legal lot of record measures only 30 feet in width, while RMC 25.01.040(d) requires a minimum width of 50 feet. Since the variance request is applicable to an existing legal lot of record which was created either prior to the adoption of the 50 foot minimum lot width, or through no action of the applicant, it qualifies as a site specific hardship. As such, there exists a unique condition relating to the size and shape of the site. Specifically, the narrowness of the lot causes unnecessary hardship upon the property owner when the existing 7.5 foot side yard setbacks are applied. The application of the side yard setback regulation in this case results in a regulation that is too restrictive.

(B) Approval of the variance will not grant a special privilege not enjoyed by other properties in the vicinity; or

(i) The proposed design is more environmentally sensitive than would be the case if the design met the regulation from which a variance is sought; and

APPLICANT'S JUSTIFICATION (From Exhibit A):

"The proposed single-family residence will be replacing a single-family dwelling which existed a short time ago. The lot is surrounded by other single-family residences in a residential district. Approval of the variance will not grant a special privilege not enjoyed by other properties in the vicinity which are also single-family residences on existing lots of record. The proposed variance will not conflict with the Town's comprehensive plan which allows for single-family dwellings in the area nor will it

adversely affect the neighborhood's residential character. The variance will not adversely affect the use or value of neighboring properties which are also residences."

FINDING: Staff finds that this requirement has been met. As can be observed on Exhibit D, most of the properties within the vicinity of the site have existing reduced side yard setbacks. Granting a side yard setback variance would not grant a special privilege not enjoyed by other properties in the vicinity.

(C) The proposed variance will not conflict with the Town's Comprehensive Plan; and

APPLICANT'S JUSTIFICATION (From Exhibit A):

"The proposed single-family residence will be replacing a single-family dwelling which existed a short time ago. The lot is surrounded by other single-family residences in a residential district. Approval of the variance will not grant a special privilege not enjoyed by other properties in the vicinity which are also single-family residences on existing lots of record. The proposed variance will not conflict with the Town's comprehensive plan which allows for single-family dwellings in the area nor will it adversely affect the neighborhood's residential character. The variance will not adversely affect the use or value of neighboring properties which are also residences."

FINDING: Staff finds that this requirement has been met. The proposed variances will result in the development of a site that will help to accomplish the goals of the Town's Comprehensive Plan as described in Section III.(B) of this report.

(D) Will not adversely affect the neighborhood's character; and

APPLICANT'S JUSTIFICATION (From Exhibit A):

"The proposed single-family residence will be replacing a single-family dwelling which existed a short time ago. The lot is surrounded by other single-family residences in a residential district. Approval of the variance will not grant a special privilege not enjoyed by other properties in the vicinity which are also single-family residences on existing lots of record. The proposed variance will not conflict with the Town's comprehensive plan which allows for single-family dwellings in the area nor will it adversely affect the neighborhood's residential character. The variance will not adversely affect the use or value of neighboring properties which are also residences."

FINDING: Staff finds that this requirement has been met. The existing neighborhood character primarily consists of a variety of single family housing types and styles. Granting of the requested variance will not adversely affect the surrounding neighborhood's character, rather, it will

help to improve it by allowing the reconstruction of a single family residence upon a site that has been in a dilapidated state for some time.

(E) Will not adversely affect the use or value of neighboring properties.

APPLICANT’S JUSTIFICATION (From Exhibit A):

“The proposed single-family residence will be replacing a single-family dwelling which existed a short time ago. The lot is surrounded by other single-family residences in a residential district. Approval of the variance will not grant a special privilege not enjoyed by other properties in the vicinity which are also single-family residences on existing lots of record. The proposed variance will not conflict with the Town’s comprehensive plan which allows for single-family dwellings in the area nor will it adversely affect the neighborhood’s residential character. The variance will not adversely affect the use or value of neighboring properties which are also residences.”

FINDING: Staff finds that this requirement has been met. Granting of the requested variances will not adversely affect the surrounding neighborhood’s value, rather, it will improve it by allowing the redevelopment of a site that has been in a dilapidated state for some time. Additionally, the application of the most recent edition of the International Building and Fire codes will ensure that the use of combustible materials within reduced proximity to other structures will be adequately regulated. This will result in a new structure being constructed which will likely surpass the structural condition and fire prevention elements of most other residences in the vicinity.

It should also be noted that as reflected in section IV of this report, comments were received from Ruston’s Fire Chief which requested that any portion of any structure which is located closer than the required zoning setback for this site be constructed with either non-combustible materials or as specified for a 2-hour fire wall assembly in the International Building and Fire Codes.

IV. Recommendation

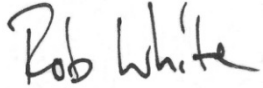
Staff recommends that the Planning Commission approve the requested setback variance subject to the following conditions:

- A) All portions of structures within 7.5 feet of the side lot lines shall be completely constructed of non-combustible materials, or such that a minimum 2 hour fire wall rating is achieved as specified in the International Building and Fire Codes.
- B) Expiration of approval. If the Town does not receive a complete building permit application to construct a single family residence within 24 months of granting this variance request, the variance approvals shall lapse and be of no further

effect. The Mayor may extend the period of approval prior to the expiration date, if requested by the property owner.

V. Public Notice

Public notice was provided 14 days prior to the public hearing date of March 10, 2010, as required by RMC Title 19.



March 5, 2010

Rob White,
Town Planner

The following documents pertinent to your review are either attached or available for review in the Town file:

Application Materials (Exhibit A)

Walker-Turner Letter (Exhibit B)

Walker-Carpio Letter (Exhibit C)

Existing Neighborhood Conditions Map (Exhibit D)