



Agenda
Board of Adjustment Meeting
Thursday, April 21, 2016
City Hall Council Chamber | 505 Swift Boulevard

Board Members: Chair Lowry, Vice-Chair Watson and Board Members Haggerty, Kobus and Boring

Liaisons: Staff Liaison Senior Planner O'Neill

Regular Meeting – 6:00 p.m.

Welcome and Roll Call

Approval of Agenda: (Approved by Motion)

Approval of Minutes: (Approved by Motion)

- I. Draft Minutes from the January 21, 2016 Regular Board of Adjustment Meeting
 - Rick Simon, Development Services Manager

Public Hearing Explanation:

Unfinished Business - Public Hearing:

New Business – Public Hearing:

- I. Applicant: Edgar Magana
 - Location: 1029 Cedar Avenue, Richland
 - Request: Variance to Convert a Carport to a Garage Within Side Yard Setback
 - Shane O'Neill, Senior Planner

Communications:

Adjournment

The next Board of Adjustment Meeting is May 19, 2016

Richland City Hall is ADA accessible with special parking and access available at the entrance facing George Washington Way. Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the Board of Adjustment Meeting by calling the City Clerk's Office at 942-7388.



MINUTES
BOARD OF ADJUSTMENT MEETING
City Hall – 550 Swift Boulevard – Council Chamber
Thursday, January 21, 2016
7:00 PM

Call to Order:

Chairman Lowry called the meeting to order at 7:00 PM.

Attendance:

Present: Board members Watson, Haggerty and Kobus and Chairman Lowry. Also attending were Development Services Manager Rick Simon, Sr. Planner Shane O'Neill and Recorder Pam Bykonen.

Approval of Agenda:

Chair Lowry presented the January 21, 2016 meeting agenda for approval.

The January 21, 2016 meeting agenda was approved as presented.

Approval of Minutes

Chair Lowry presented the meeting minutes of the July 16, 2015 meeting for approval.

A motion was made by Board Member Haggerty and seconded by Board Member Kobus to approve the meeting minutes of the July 16, 2015 meeting as written.

Motion carried unanimously.

PUBLIC HEARING

New Business

- 1. APPLICANT: JEANNIE RITCHIE-BLASKI**
BA2015-102

Chairman Lowry opened the Public Hearing at 7:10 PM.

Mr. Simon presented the staff report for a variance at 1205 Cottonwood Drive. The applicant, Ms. Ritchie-Blaski, wishes to build a carport closer to the property line and at a greater length than the current code allows. The property shape, size and existing permanent structures

prevents the carport from being sited elsewhere. Staff agreed that the request met all of the criteria to grant a variance and is a common structure throughout the surrounding neighborhood.

Board members asked staff clarifying questions regarding other locations for the proposed carport.

Jeannie Ritchie-Blaski, 1205 Cottonwood Drive: Concurred with the staff report presented by Mr. Simon. Ms. Ritchie-Blaski assured board members that all changes to the home have been made to enhance the home and be aesthetically pleasing.

Chairman Lowry closed the Public Hearing at 7:12 PM.

Discussion:
None.

A motion was made by Board Member Haggerty and seconded by Board Member Kobus that the Board of Adjustment concur with the Findings and Conclusions set forth in the staff report and approve a variance from RMC 23.38.040 to allow for construction of a carport to be located within one foot from the side property line and allow for a carport to be built to a depth of 30 feet, subject to the condition that the carport include rain gutters to catch runoff and direct it away from the adjoining lot.

Motion carried unanimously.

Communications:

Mr. Simon introduced Shane O'Neill, Sr. Planner in Development Services.

Board of Adjustment Members agreed that a meeting start time of 6:00 p.m. would be preferred.

ADJOURNMENT:

The July 16, 2015 Richland Planning Commission Regular Meeting was adjourned at 7:16 PM.

PREPARED BY: Pam Bykonen, Recorder, Planning and Development

REVIEWED BY:

Rick Simon, Secretary
Richland Board of Adjustment



BOARD OF ADJUSTMENT AGENDA ITEM COVERSHEET

Meeting Date: 04/21/2016

Agenda Category: New Business – Public Hearing

Prepared By: Shane O'Neill, Senior Planner

Subject:

Applicant: Edgar Magana

Location: 1029 Cedar Avenue, Richland

Request: Variance to Convert a Carport to a Garage Within Side Yard Setback

Department:

Community & Development Services

Recommended Motion:

I move that the Board of Adjustment concur with the Findings and Conclusions set forth in the staff report and APPROVE a variance from Richland Municipal Code Sections 23.18.040 to allow for conversion of a carport into a garage within four feet of a side property line subject to the condition that the garage include rain gutters to catch runoff and direct it away from the adjoining lot.

Summary:

The Applicant desires to fully enclose the existing attached carport in order to convert the carport to an attached garage. The carport measures 24 feet (d) by 15 feet (w) and is attached to the southeast side of the home.

Site inspections by city staff indicate the carport support posts are set approximately four feet from the nearest side property line and that the roof eave overhangs 1.5 feet into the side yard. This is currently not allowed in the R-1-10 zoning and would require approval of a variance to complete.

Attachments:

1. BA2016-100 Staff Report
2. Site Photo 1 - Carport
3. Site Photo 2 - Facade
4. Site Photo 3 - Setback



STAFF REPORT

TO: BOARD OF ADJUSTMENT
FILE NO.: BA2016-100

PREPARED BY: SHANE O'NEILL
DEVELOPMENT SERVICES

MEETING DATE: APRIL 21, 2016

GENERAL INFORMATION

APPLICANT: EDGAR MAGANA

REQUEST: VARIANCE FROM RICHLAND MUNICIPAL CODE (RMC) SECTION 23.18.040 TO ALLOW FOR AN EXISTING CARPORT TO BE CONVERTED INTO A GARAGE LYING WITHIN FOUR (4) FEET OF A SIDE PROPERTY LINE.

LOCATION: 1029 CEDAR AVENUE

ZONING: R-1-10 SINGLE FAMILY RESIDENTIAL

SITE DESC: 14,048 SF LOT, DEVELOPED, WITH A SINGLE FAMILY RESIDENCE.

ADJACENT USES: SINGLE FAMILY RESIDENCES ARE LOCATED ON FOUR SIDES OF THE SITE.

SPECIFIC CODE REQUIREMENTS

23.18.040 Site requirements for residential districts.

(continued on pg. 2)

Standard	R-1-12	R-1-10	R-2	R-2S	R-3
Minimum Lot Area Requirement – One-Family Detached Dwelling	10,000 feet ¹	8,000 feet	6,000 feet	4,000 feet	4,000 feet
Minimum Lot Area Requirement – Two-Family Detached Dwelling	N/A	N/A	10,000 feet	7,000 feet	7,000 feet
Minimum Lot Area Requirement – One-Family Attached Dwellings	N/A	N/A	N/A	3,000 feet	3,000 feet
Maximum Density – Multifamily Dwellings (Units/Square Foot)	N/A	N/A	N/A	N/A	1:3,000
Minimum Lot Width – One-Family Detached Dwelling	90 feet	70 feet	50 feet	42 feet	42 feet
Minimum Lot Width – Two-Family Detached Dwelling	N/A	N/A	70 feet	64 feet	64 feet
Minimum Lot Width – One-Family Attached Dwellings	N/A	N/A	N/A	30 feet	30 feet
Average Lot Size Requirement ²	12,000	10,000	None	None	None
Minimum Front Yard Setback ³	20 feet	20 feet	20 feet	15 feet/18 feet ⁴	20 feet ^{6,10}
Minimum Side Yard Setback	10 feet	10 feet	6 feet	6 feet ⁵	6,10
Minimum Alley/Private Access Easement Setback	6 feet	6 feet	6 feet	6 feet	6 feet
Minimum Rear Yard Setback	25 feet	25 feet	25 feet	20 feet/3 feet ⁷	25 feet ^{6,10}
Maximum Lot Coverage ⁸	40%	40%	40%	50%	33%/45% ^{9,10}
Maximum Building Height – Main Building	30 feet	30 feet	30 feet	30 feet	40 feet ¹⁰
Maximum Building Height – Detached Accessory Buildings ¹¹	16 feet	16 feet	16 feet	16 feet	16 feet

23.38.040 Carports.

A. Detached carports shall comply with all requirements of an accessory building.

B. Attached carports may project into an existing or required front yard, whichever is lesser, a maximum distance of three feet and into any required rear yard a distance of 15 feet; provided, that such carport:

- 1. Is no longer than 24 feet;*
- 2. Is open on two or more sides;*
- 3. Shall not extend closer than 10 feet to the front lot line.*

C. Attached carports may project into one required side yard to within five feet of an interior lot line; provided:

1. The carport is unenclosed on the side facing the street and the side facing the nearest lot line; and

2. The slope of the carport roof surface does not exceed 45 degrees from the horizontal, over the required side yard; and

3. The carport is no longer than 24 feet.

D. Storage walls, not exceeding four feet in depth, may be utilized as supporting members of detached and attached carports.

E. Carports complying with all requirements of a main building need not comply with length and height restrictions noted in this section.

On corner lots, attached carports may project into a flanking side yard in conformity with the requirements of carports encroaching upon front yards.

REASON FOR REQUEST

The Applicant desires to fully enclose the existing attached carport; thereby converting the carport into an attached garage. The carport measures 24 feet in depth by 15 feet in width, and is attached to the southeast side of the home. Site inspections by city staff indicate the carport support posts are set approximately four feet from the nearest side property line and that the roof eave overhangs 1.5 feet into the side yard.

The R-1-10 residential zoning district imposes a ten (10) foot minimum side yard setback applicable to the primary structure. There are however setback exceptions specific to attached carports. Zoning Code provisions (RMC 23.38.040) allow for a reduced setback of five (5) feet for attached carports meeting certain dimensional criteria. This reduced setback exception does not apply to attached garages which the applicant wishes to create by way of conversion. Considering the existing four (4) foot side setback the applicant requests a six (6) foot side yard setback variance for an attached garage.

STAFF FINDINGS

Conformance with Section 23.70.140. The following are Staff's findings relative to the requirement for the granting of a variance as set forth in Richland Municipal Code (RMC) Sections 23.70.110, Applications and 23.70.140, Findings.

1. Special conditions and circumstances exist which are peculiar to the subject property and not applicable to other properties in the same zoning district.

The configuration of this subject lot is fairly typical and at approximately 14,048 square feet in area would normally include enough area to accommodate a garage without the need for a variance. However, the lot contains an existing home originally constructed with a flat-roof carport located at or within the minimum side yard setback. Because the driveway terminates into the carport and because the opposite side of the home is set 14.9' from the northwest property line there is insufficient space on either side of the home to accommodate an attached garage on-site without making substantial changes to the home's design. Additionally, a 21-foot wide utility easement crosses through the center of the rear yard; making it difficult to suggest the carport be removed to allow access to a detached garage, which would be a significantly more involved project to achieve the same purpose of enclosing the carport.

2. Literal interpretation of the ordinance would deny the applicant rights commonly enjoyed by other properties in the district.

Literal interpretation of the R-1-10 zoning district setback requirements would prohibit the existing carport from being walled-in to create an enclosed garage. Providing the minimum ten (10) foot side setback for an attached garage is not possible without substantial alteration of the existing home. A majority of other properties in the vicinity do not have attached garages or even carports for that matter. Instead, those properties with garages contain detached garages located either in front yard or rear yard areas. The subject site does not present the possibility of a front loaded garage without demolition of the existing home. The rear yard area is somewhat encumbered by a 21-foot utility easement and access to a detached garage in the rear yard would require demolition or modification of the existing carport.

3. The special conditions and circumstances do not result from actions of the applicant.

The applicant was not responsible for the configuration of the lot nor the encumbrances created by the easements that cross the property. The applicant's residence is no larger than other homes in the neighborhood.

4. The requested variance will not confer a special privilege to the applicant that is denied others in the same use district.

There would be no granting of a special privilege if the requested variance is approved. Garages are a common feature of single family residences. Granting of the variance would provide the applicant with the ability to enjoy an enclosed garage, which is a right conferred to home owners in single family residential zones.

5. Justification for granting the variance.

The variance would allow the applicant to add one wall with a garage roll-up door to an existing structure and to make any necessary improvements to that portion of the home to bring it up to meet current building code requirements. Without variance authorization the carport will be considered non-conforming and building permits to improve the structure would not be issued. The location of the carport is also a typical location for a garage and would not seem irregular to surrounding residents and passers-by.

6. The variance is the minimum necessary to make reasonable use of the property.

The placement of the carport is the only logical and feasible location for a garage on this particular lot. The only question concerning the carport conversion is one of side yard setback. Granting the variance would allow a building permit to be issued to add a front wall with roll-up door to the carport. Adding the front wall is a minimal modification to an existing structure and would not have a significant impact on the character of the neighborhood.

7. The variance would be consistent with the general purpose and intent of the Code and would not be injurious to the surrounding neighborhood or detrimental to the public welfare.

RMC 23.18.010(B) describes the R-1-10 zoning districts as follows:

The single-family residential – 10,000 (R-1-10) is a residential zone classification requiring a low density of population, providing protection against hazards, objectionable influences, building congestion, and lack of light, air, and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated low-density residential (zero to five dwellings per acre) under the city of Richland comprehensive plan.

The variance would provide for the applicant to enjoy the benefit of a garage in the same fashion that any of his neighbors could with the exception of a reduced side

yard setback. The neighbor who would be most impacted by the variance is 1027 Cedar Ave. to the southeast.

In order to ensure that the impacts of the garage within four (4) feet of the property line are adequately addressed, the converted carport should be designed so that rain water does not runoff onto the adjacent property. With that caveat, staff maintains this proposal would not be injurious to the surrounding neighborhood or detrimental to the public welfare.

RECOMMENDED CONDITIONS:

1. Converting the existing carport into an enclosed garage shall include the addition of rain gutters to catch runoff and direct it away from the adjoining lot.

RECOMMENDED MOTION:

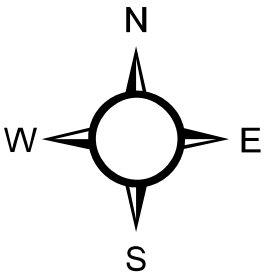
I move that the Board of Adjustment concur with the Findings and Conclusions set forth in the staff report and **APPROVE** a variance from Richland Municipal Code Sections 23.18.040 to allow for conversion of a carport into a garage within four feet of a side property line subject to the condition that the garage include rain gutters to catch runoff and direct it away from the adjoining lot.

EXHIBITS

- 1.** Vicinity Map
- 2.** Application
- 3.** Notice of Application & Public Hearing
- 4.** RMC 23.70.110 Variances
- 5.** Site Plan
- 6.** Site Photos 1 - 3

Vicinity Map

Item: Setback Variance
Applicant: Edgar Magana
File #: BA2016-100





Development Services Division
840 Northgate Drive • Richland, WA 99352
General Information: (509) 942-7794 • Fax: (509) 942-7764

Exhibit #2

P.O. Box 190 Richland, WA 99352
www.ci.richland.wa.us

VARIANCE INFORMATION AND APPLICATION

To the applicant: Applications for variance from the Richland Zoning Ordinance (Richland Municipal Code, Title 23) are heard and decided by the Board of Adjustment, a body of five voluntary members appointed by the Mayor and confirmed by the City Council.

The Board holds its regular meeting on the third Thursday of each month. **Variance applications must be received at least 20-days prior to the Board meeting.**

To be considered at the APRIL, 21, 2016 meeting, the variance application must be received on or before _____ at the Development & Permit Services Division, Current Planning Section, located at 840 Northgate Dr., Richland, Washington.

A variance application must include the following:

1. **Filing fee.**
2. Completed and signed **application form.**
3. **Plot plan** including:
 - a. Easily read scale drawing, and
 - b. Be either one (1) copy on an 8-1/2" x 11" sheet or ten (10) copies if a larger size, and
 - c. Show lot boundaries, location and dimensions of existing buildings, fences, or other structures, driveways, and proposed construction.
4. **Floor plan** where use of existing buildings is involved, a floor plan showing existing conditions and proposed changes is required. The drawing must meet the same dimension guidelines as plot plans.
5. **Ownership report** because variances are considered at a public hearing, notice of the hearing is given to surrounding and nearby properties. The Richland Zoning Ordinance requires that the applicant submit a report from a title insurance company showing:
 - a. The ownership of record of the property involved, and
 - b. An accurate legal description of the property involved, and
 - c. A list of names and addresses of all owners of record of property within 100-feet of the property involved, and
 - d. An accurate key map showing the property involved, delineating property within 100-feet of the property involved, and with properties numbered to correspond with the ownership report.
6. **Optional attachments**, such as photographs, may be helpful to illustrate subjects under discussion. Materials submitted cannot be returned and are retained for the case file.

VARIANCE APPLICATION

File No.: BA2016-100

APPLICANT INFORMATION

Name <u>EDGAR MAGANA</u>			
Address <u>107 E. Riverside Dr</u>			
City <u>SunnySide</u>		State <u>WA</u>	Zip <u>98944</u>
Phone Number <u>509-643-1140</u>	Fax Number	E-mail/Other <u>Magana, EDGAR@gmail.com</u>	
Relationship to property <u>OWNER</u>			

OWNER OR AUTHORIZED AGENT INFORMATION (if other than applicant)

Name			
Address			
City		State	Zip
Phone Number	Fax Number	E-mail/Other	
Relationship to property			

Location of Property (address or general description):

1029 Cedar Ave Richland WA 99354

Legal Description

Lot	Block <u>1000</u>	Plat
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Project briefly describe the variance being requested:

Turn a carport into a garage

Justification attach additional sheets as necessary:

- a. Describe the physical conditions and circumstances of the property (lot shape, slope, building location, easements, etc.) and how they affect the project for which the variance is being requested:

the house is centered on the property with the carport already attached ~~with~~ and is too close to the fence/property line than the code allowed. Do not demolish the existing carport we would like to convert it to a garage

- b. Describe how the conditions and circumstances are peculiar to the property; do not apply to other properties in the use district, and how a special privilege will not be conferred by granting of the variance:

The other homes already have garages while the house itself only has a carport.

- c. Describe how literal interpretation of the zoning ordinance affects your rights (ability to use the property):

a garage must be 10ft from the fence line while the carport (existing) is only about 5ft from the fence line

- d. Did any of the conditions and circumstances of the property described above result from your actions? Yes ☐ No ☒ Explain:

the house was purchased this way.

- e. Explain how the requested variance is the minimum necessary to make reasonable use of the property:

the house has a brand new roof and an existing carport and now they to reach the back yard without having lawn apart of the house.

- f. Explain how the requested variance will be in harmony with the purpose and intent of the zoning ordinance will not be injurious to the neighborhood, or detrimental to the public welfare: *The garage will be built to code and after it has been built and the house refinished/remodeled it will be of greater financial value thus improving the value of the homes around us as well. Also, the garage itself will be built 100% on what has already be established as the parking area.*

I DECLARE UNDER PENALTY OF THE PERJURY LAWS THAT THE INFORMATION I HAVE PROVIDED ON THIS FORM/APPLICATION IS TRUE, CORRECT AND COMPLETE.


Applicant Signature

4/5/16
Date

Owner or Authorized Agent Signature(s)

Date

FOR OFFICE USE ONLY

Approved by

Date

1. Filing fee.
2. Completed and signed application.
3. Plot plan.
4. Floor plan.
5. Ownership Report.

Optional attachments

City of Richland Board of Adjustment
Notice of Public Hearing

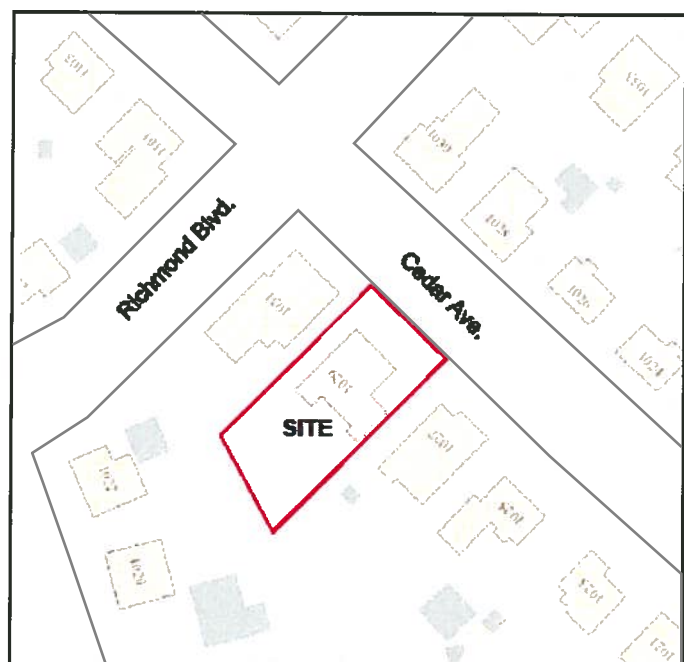
Notice is hereby given that the Richland Board of Adjustment on Thursday, April 21, 2016, at 6:00 p.m. in the Council Chamber at Richland City Hall (505 Swift Blvd.) will conduct a public hearing and review on the application of:

Applicant: Edgar Magana (BA2016-100)
Request: Variance from Richland Municipal Code (RMC) Section 23.18.040 to allow an existing carport to be converted into a garage that would be located within 5 feet of a side property line.
Location: 1029 Cedar Avenue
Legal: Lot 2, Block 250 of the Plat of Richland

Any persons having interest in this matter are invited to attend and be heard at the public hearing. Written comments may be mailed to Rick Simon, Development Services Division, P.O. Box 190, Richland, WA 99352. Comments may also be faxed to 942-7764 or sent by e-mail to rsimon@ci.richland.wa.us. All written comments received prior 5:00 p.m. on April 14th will be provided to the Board of Adjustment prior to the hearing. Any comments received after April 14th will be presented to the Board of Adjustment at the hearing.

Copies of the staff report will be available for review in the Richland Development Services Center, 840 Northgate Drive, as of Friday, April 15, 2016.

Rick Simon, Secretary
Richland Board of Adjustment



23.70.110 Variances – Applications.

A variance from the terms of this title shall not be granted by the board of adjustment unless and until a written application for variance is submitted demonstrating:

- A. That special conditions and circumstances exist which are peculiar to the land, structures, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- B. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.
- C. That the special conditions and circumstances do not result from the actions of the applicant.
- D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same district. [Ord. 28-05 § 1.02].

23.70.120 Variances – Application – Plans.

The application shall be accompanied by a report from a title insurance company showing ownership of record of the property involved, an accurate legal description of the property involved, and a list of the names and addresses of all owners of record of property within 100 feet of the proposed variance, and such fees as are required by this title. In addition, the report shall include an accurate key map showing the property involved and delineating the property within 100 feet of the proposed variance. Each parcel falling wholly or partly within the 100-foot distance shall be numbered to correspond with the ownership report.

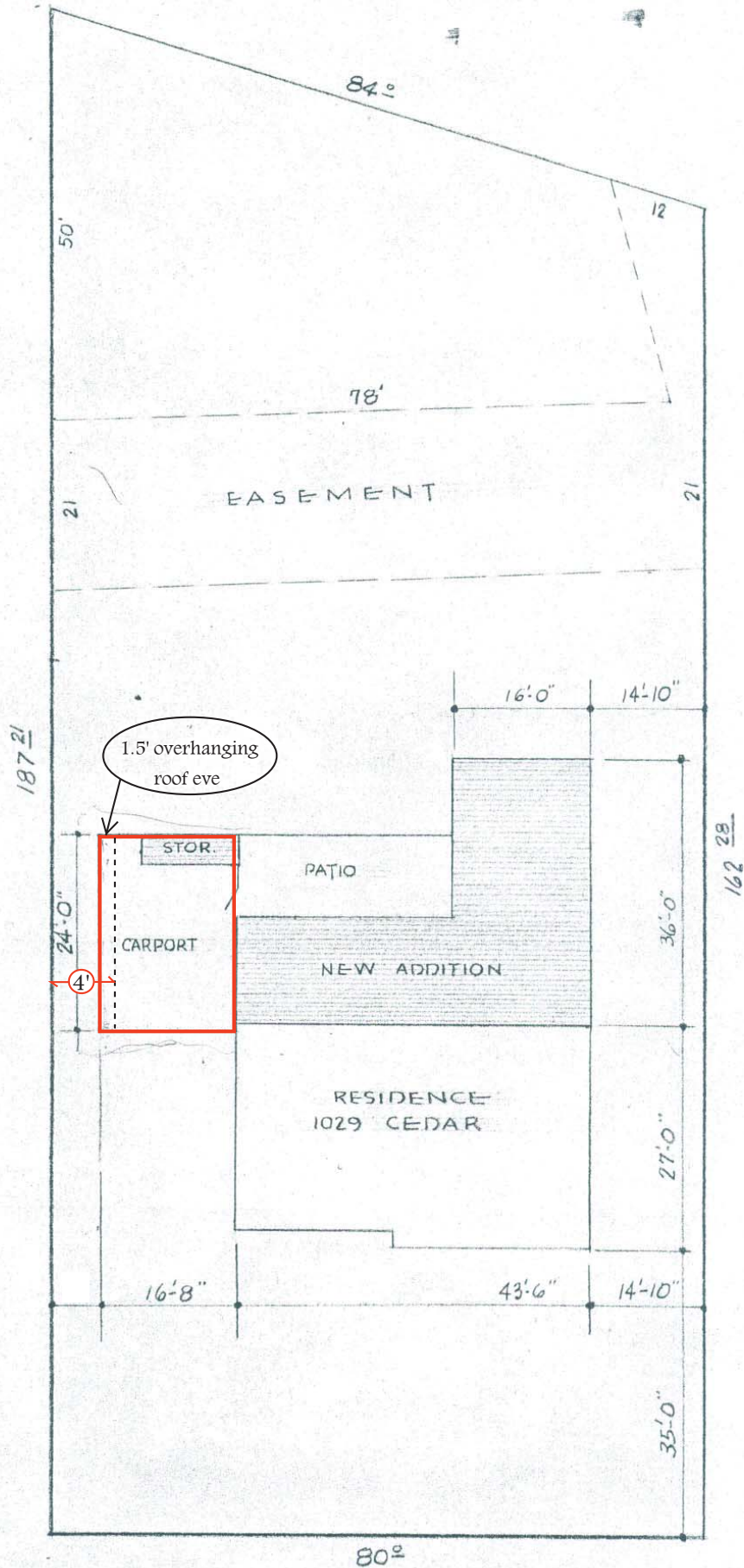
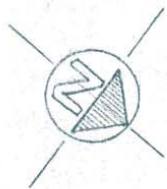
The application shall also be accompanied by a plot plan of the property showing location and dimensions of existing and proposed improvements and proposed location of accessory facilities such as automobile parking areas. If new building construction is involved, tentative plans and sketches shall also be submitted. Where use of existing buildings is involved, a floor plan showing existing conditions and proposed changes shall be submitted. [Ord. 28-05 § 1.02].

23.70.130 Variances – Notices – Hearings.

Written notice of public hearing shall be addressed through the United States mail to the property owner requesting the variance and to the owners of record of all property within 100 feet of the exterior boundaries of subject property pursuant to the title insurance company report required by RMC [23.70.120](#). Notice of the time and place of the hearing shall also be published at least once in the official newspaper of the city. Both published and mailed notices shall be given at least 10 days in advance of the public hearing. [Ord. 28-05 § 1.02].

23.70.140 Variances – Findings.

The board of adjustment shall make findings that the requirements of RMC [23.70.110](#) have been met by the applicant for the variance. The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, structure, or buildings. The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this title, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. [Ord. 28-05 § 1.02].



PLAN_N
SCALE 1/16" = 1'-0"
BLOCK 250
OF RICHLAND
N COUNTY, WN.





1029 Cedar Ave. Front Facade



4-Foot Side Setback