



Agenda
Board of Adjustment Meeting
Thursday, June 15, 2017
City Hall Council Chamber | 505 Swift Boulevard

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

Liaisons: Staff Liaison Senior Planner O'Neill

Regular Meeting - 6:00 p.m. (City Hall Council Chamber)

Welcome and Roll Call

Approval of Agenda: (Approved by Motion)

Approval of Minutes:

1. November 10, 2016 Meeting Minutes

Public Hearing Explanation:

New Business:

- I. BA2017-100, Variance from Richland Municipal Code (RMC) Section 23.18.040
- Shane O'Neill, Senior Planner

Communications:

Adjournment

The next Board of Adjustment Meeting is to be determined.

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.



BOARD OF ADJUSTMENT AGENDA ITEM COVERSHEET

Meeting Date: 06/15/2017

Agenda Category: Approval of Minutes

Prepared By: Shane O'Neill, Senior Planner

Subject:

November 10, 2016 Meeting Minutes

Department:

Community & Development Services

Recommended Motion:

Approve the minutes of the Board of Adjustment meeting held on November 10, 2016.

Summary:

Attachments:

1. November 10, 2016 BoA Minutes



MINUTES
BOARD OF ADJUSTMENT MEETING
City Hall – 550 Swift Boulevard – Council Chamber
Thursday, November 10, 2016
6:00 PM

Call to Order:

Chairman Lowry called the meeting to order at 6:00 p.m.

Attendance:

Present: Chair Lowry and Board members Haggerty and Kobus. Also attending were Development Services Manager Rick Simon and Senior Planner Shane O'Neill.

Approval of Agenda:

Chair Lowry presented the November 10, 2016 meeting agenda for approval.

MEMBER HAGGERTY MOTIONED AND MEMBER KOBUS SECONDED A MOTION TO APPROVE THE AGENDA AS SUBMITTED. MOTION CARRIED.

Approval of Minutes:

Chair Lowry presented the meeting minutes for the April 21, 2016 and September 15, 2016 meetings. Board member Kobus noted that a correction to the September 15th minutes was needed to reflect the discussion concerning the location of the subject property within a historic district.

BOARD MEMBER KOBUS MOVED AND MEMBER HAGGERTY SECONDED A MOTION TO APPROVE BOTH MEETING MINUTES SUBJECT TO THE CORRECTION NOTED TO THE SEPTEMBER 15, 2016 MINUTES. MOTIONED CARRIED.

Public Hearing:

New Business

- 1. APPLICANT: David Helderbrant**
BA2016-102

Chair Lowry opened the Public Hearing at 6:06 PM.

Mr. O'Neill presented the staff report for a variance at 1023 and 1015 Meadows Hills Drive to allow for a 6 foot fence in the front yard and to allow placement of an accessory structure within the required front yard.

Chair Lowry opened the public comment period Board members asked staff clarifying questions regarding the application and the permitting process.

Member Kobus asked about possible public hazards presented by this application. **Mr. Simon** stated that this application does not present any additional hazards. **Chair Lowry** offered a similar circumstance in which approval was granted.

The Board requested an additional condition be added to the variance that it be contingent on the installation of the fence. The Board expressed concern about having an outdoor kitchen so close to the street without a fence. Mr. Simon offered to add condition seven to the variance request to say 'The outdoor kitchen shall be enclosed with a six (6) foot fence or wall'.

David and Elizabeth Helderbrant stepped forward to testify about reasons for the request and to answer questions from the Board.

Chair Lowry closed the Public Hearing at 6:42 PM.

Discussion:

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 Richland Municipal Code section 23.38.0701b(1) and 23.38.020b(1) to allow construction of a six foot wall/fence up to the property line and to locate a freestanding pergola and outdoor kitchen within the front yard area of 1015 Meadow Hills Drive subject to the conditions listed and with the additional condition that the outdoor kitchen shall be enclosed within a 6 foot fence.

Motion carried unanimously.

Communications:

ADJOURNMENT:

The Board of Adjustment Regular Meeting was adjourned at 6:51 p.m.

PREPARED BY: Lynne Follett, Recorder, Planning and Development

REVIEWED BY:

Rick Simon, Secretary
Richland Board of Adjustment



BOARD OF ADJUSTMENT AGENDA ITEM COVERSHEET

Meeting Date: 06/15/2017

Agenda Category: New Business

Prepared By: Shane O'Neill, Senior Planner

Subject:

BA2017-100, Variance from Richland Municipal Code (RMC) Section 23.18.040

Department:

Community & Development Services

Recommended Motion:

Approve BA2017-100, Variance from Richland Municipal Code (RMC) Section 23.18.040

Summary:

Variance from Richland Municipal Code (RMC) section 23.18.040 to allow for construction of an attached garage lying within eleven (11) feet of a rear property line

Attachments:

1. BA2017-100 STAFF REPORT



STAFF REPORT

TO: BOARD OF ADJUSTMENT
FILE NO.: BA2017-100

PREPARED BY: SHANE O'NEILL
DEVELOPMENT SERVICES

MEETING DATE: JUNE 15, 2017

GENERAL INFORMATION

APPLICANT: TRENT CRAVENS

REQUEST: VARIANCE FROM RICHLAND MUNICIPAL CODE (RMC)
SECTION 23.18.040 TO ALLOW FOR CONSTRUCTION OF AN
ATTACHED GARAGE LYING WITHIN ELEVEN (11) FEET OF A
REAR PROPERTY LINE.

LOCATION: 1125/1127 MCPHERSON AVENUE

ZONING: R-2 [MEDIUM DENSITY RESIDENTIAL]

SITE DESC: 10,017 FT² LOT, DEVELOPED, WITH A RESIDENTIAL DUPLEX

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

SPECIFIC CODE REQUIREMENTS

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

Footnote:

3. Front yard setbacks are required from all street rights-of-way adjoining a lot as shown in the table above, except as follows:

- a. In single-family residence districts and in R-2 and R-3 districts where more than 50 percent of the normal or average-size lots in a block fronting on one side of the street are developed with existing buildings, other than accessory buildings, with front yard setbacks less than that required for the district, a new single-family or duplex dwelling shall adopt a minimum front yard setback dimension which is the average of the setbacks of the buildings on the two adjoining lots, existing prior to July 22, 1960, but in no case shall this dimension be less than 15 feet nor need it exceed 30 feet.
- b. Residential Districts. In any R district, or any combination therewith, on any corner lot where there is provided a side yard along the interior side lot line at least equal in width to the minimum depth of the rear yard required for the district, the main building may encroach upon the required rear yard up to a line where the remaining rear yard is no less in depth than the minimum width of the side yard required for the district. No accessory buildings may be located in said side yard, except a patio shelter enclosed on no more than two sides by walls or other enclosures and in conformity with the other provisions of this title.
- c. The flanking frontage or nonaddress front yard of a corner lot may reduce the front yard setback of said frontage to 15 feet; see diagram below.

BACKGROUND

On May 30th the applicant's contractor submitted a building permit application for 1125/1127 McPherson Avenue to construct an attached garage together with an attached front covered porch. Based upon a preliminary review of the site plan, noticing minimum setbacks not being met, the application was not assigned a permit number for review. Instead, Planning Department staff advised the applicant's contractor of the issues at hand. The following day the contractor filed the subject variance application for review by the Board.

While this report was being developed staff identified a Zoning Code provision for unenclosed front porches available to benefit the proposal to add the front porch. Planning staff worked with the applicant's contractor to modify the construction design of the front porch in a way that meets Zoning Code setback requirements. In consideration of the design modification, the front porch is no longer a subject component of this variance application review by the Board.

REASON FOR REQUEST

Attached Garage - Rear

The applicant formally requests to newly construct an attached garage onto the west wall of the existing home to within eleven (11) feet of the west (rear) property line where the Zoning Code imposes a twenty five (25) foot minimum rear setback. A request for a fourteen (14) foot rear yard setback reduction amounts to a 56% reduction from the minimum. The site plan (**Exhibit 5**) submitted with the building permit application indicates the attached garage lying twenty (20) feet from the flanking street (Roberdeau St.) frontage, in-line with the leading north wall of the existing home. The attached garage would benefit from an existing curb cut on Roberdeau Street. Construction drawings indicate the peak roof height of the proposed garage to be approximately 17.5' above grade. This height complies with the 30-foot limit for primary structures in the R-2 zone. Due to the way structure height is measured (at roof mid-point), the garage would also meet the 16-foot height limit applied to accessory structures in the event it was to be detached from the home.

The applicant has indicated the need for the proposed garage to be attached to the home relates to an elderly family member with limited mobility. This person would benefit from the convenience of being able to enter the home directly from the garage without going outside. This would be especially useful during times of inclement weather when walking surfaces can become uneven and slippery.

The home (1309 Roberdeau St.) lying on the adjacent site to the west is placed approximately 25-feet from the shared property line which is treated as a side yard in the case of 1309 Roberdeau Street. Due to the generous existing setback there, a reduced setback is unlikely to create a sense of encroachment felt by the resident(s) of 1309 Roberdeau Street. The shared property line between these two properties is treated differently in terms of setbacks, for each property. Staff administers rear yard setbacks for the west line of the subject 1125 McPherson Ave. and side yard setbacks for the same line in the case of 1309 Roberdeau Street.

STAFF FINDINGS

Conformance with Section 23.18.040. 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 fairly typical configuration of this 10,017 square foot corner lot would normally include enough area to accommodate an attached garage without the need for a variance. However, the lot contains an existing home originally constructed thirty nine-feet from the west (rear) property line; twenty five feet being the minimum setback allowed for rear yards. A detached carport/garage existed on-site until recently when it was demolished due to its deteriorating condition.

The property owner desires to rebuild a 28 'x 28' (784 ft²) garage in the same approximate location as the previous structure but in an attached fashion. Attaching the garage to the home would benefit the owner's elderly mother by way of providing a means to enter the home directly from the garage without having to battle inclement weather conditions as experienced during the most recent winter. The expectation to have an attached garage on a residential lot is a reasonable one. The current location of the home combined with the minimum rear yard setback limits the owner's ability to locate the reasonably sized attached garage.

Placement of the structure could be approved by the Planning Department if it were shown to be detached from the home, even to the slightest degree as the Zoning Code does not distinguish how much separation is required between structures. If the applicants' request were to be denied the likely result would be that the same sized structure would be built but as an accessory building. In doing so the placement would be adjusted closer to the shared (west) property line. This would have a greater impact on the neighboring site.

Ultimately the notable special circumstances are twofold, they are: 1) the homes' placement central to the lot, and 2) the sites' lack of a covered parking area.

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

Literal interpretation of the R-2 zoning district setback requirements would prohibit the garage from being attached from the home or for it to be substantially reduced in width down to a maximum of fourteen (14) feet. Not many attached garages are so narrow because they are difficult to accommodate practical ingress and egress of the vehicle. It is a reasonable and common expectation for residential property owners to be allowed to have an attached garage of a normal size such as the proposed.

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. The applicant's residence is no larger than other homes in the neighborhood. Like many homes in central Richland this home was originally constructed without an attached garage. Due to the age and condition of the original detached garage it could not be preserved.

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. The reduced setback is consistent with several similar properties within the immediate vicinity.

One important consideration relating to setbacks is that the garage if it were detached could be placed 5-feet from the property line. But attaching the same structure to the home, thereby providing an increased 11-foot setback, is not permitted by Code. The proposal for an attached garage with an 11-foot setback would be less intrusive to the neighboring property than a detached garage permitted to be within five feet of the same property line.

5. Justification for granting the variance.

The variance would allow the applicant to add a garage on to an existing structure. Without variance authorization the proposed garage would need to be substantially reduced in width or detached from the home.

A similar duplex at the opposite corner of the same road intersection benefitted from a setback variance approved by the Board to allow construction of a front covered porch placed on the front property line where the right-of-way encroaches further into the front yard area. It appears that many of the surrounding properties also lack attached garages and covered parking structures. The location of the proposed garage would not seem irregular to surrounding residents and passers-by.

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

Placement of the garage is the only logical and feasible location for a garage on this particular lot. The only question concerning the new construction is one of rear yard setback. Granting the variance would allow a building permit to be issued to add a 784 ft² garage to the home. Adding onto the home within 11-feet of the rear property line 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(C) describes the R-2 zoning districts as follows:

"The medium-density residential (R-2) is a residential zone classification permitting a higher density of population including the establishment of duplex dwellings and providing for these single-and two-family residences a high degree of protection from 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 medium-density residential (5.1 to 10 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 rear yard setback. As the addition would maintain an eleven-foot setback from the adjacent neighboring

property, the neighbor is unlikely to feel crowded or encroached upon. Perhaps the neighbor would experience a greater sense of encroachment if the structure was required to be detached in nature.

Staff maintains this proposal would not be injurious to the surrounding neighborhood or detrimental to the public welfare.

RECOMMENDED CONDITIONS:

1. The attached garage shall be located in accordance with the site plan submitted with the variance application, included in this report as Exhibit 5.

RECOMMENDED MOTION:

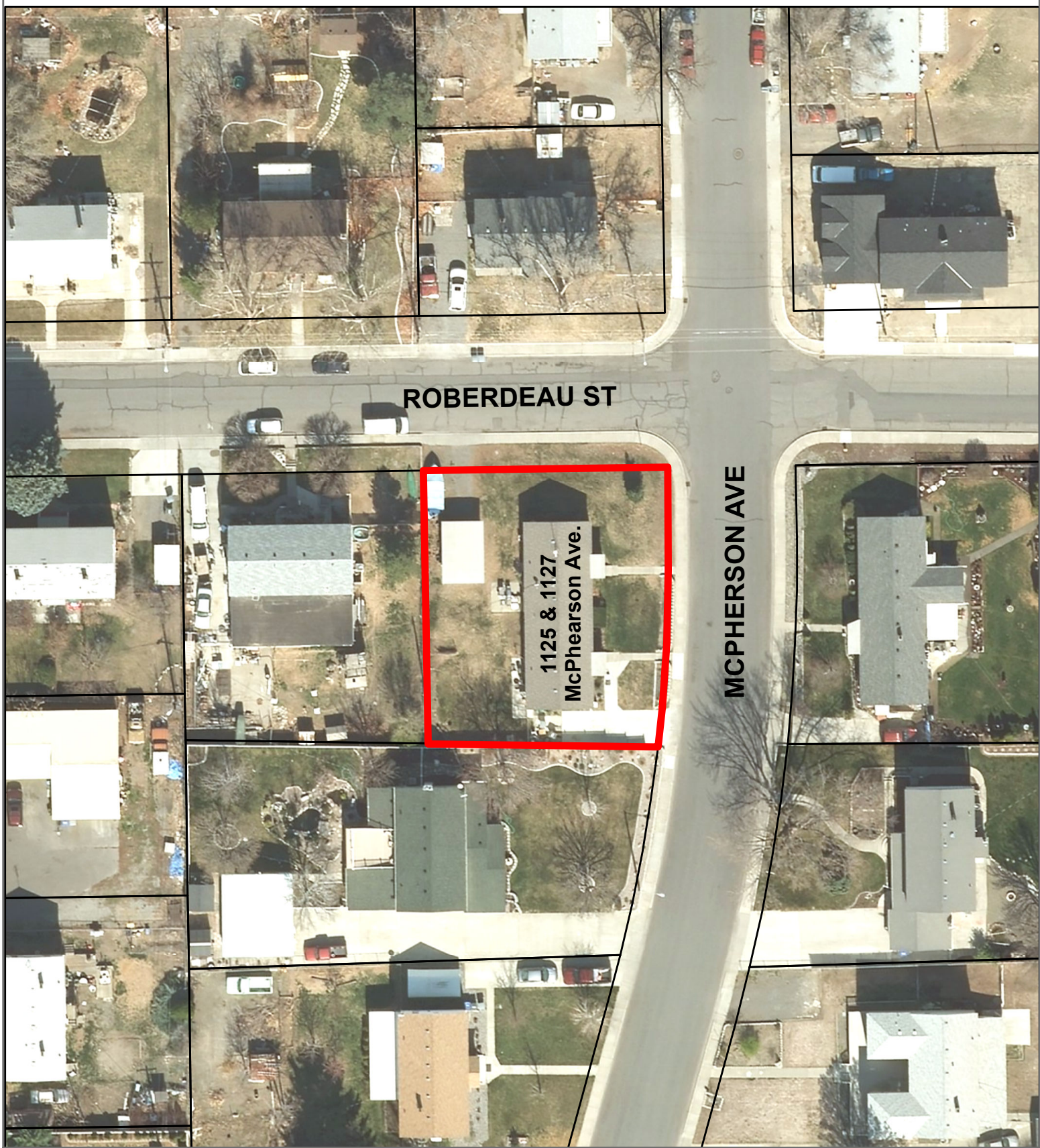
I move that the Board of Adjustment concur with the Findings and Conclusions set forth in the staff report and **APPROVE** a variance from Richland Municipal Code Section 23.18.040 to allow construction of an attached garage within eleven feet of a rear property line subject to the condition that the garage be placed in accordance with the site plan submitted with the variance application.

EXHIBIT LIST:

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Site Map
- Exhibit 3 – Zoning Map
- Exhibit 4 – Land Use Map
- Exhibit 5 – Proposed site plan (1125/1127 McPherson Ave.)
- Exhibit 6 – Site and vicinity photos taken June 2, 2017
- Exhibit 7 – Public notice
- Exhibit 8 – Affidavit of mailing
- Exhibit 9 – Affidavit of posting

Vicinity Map

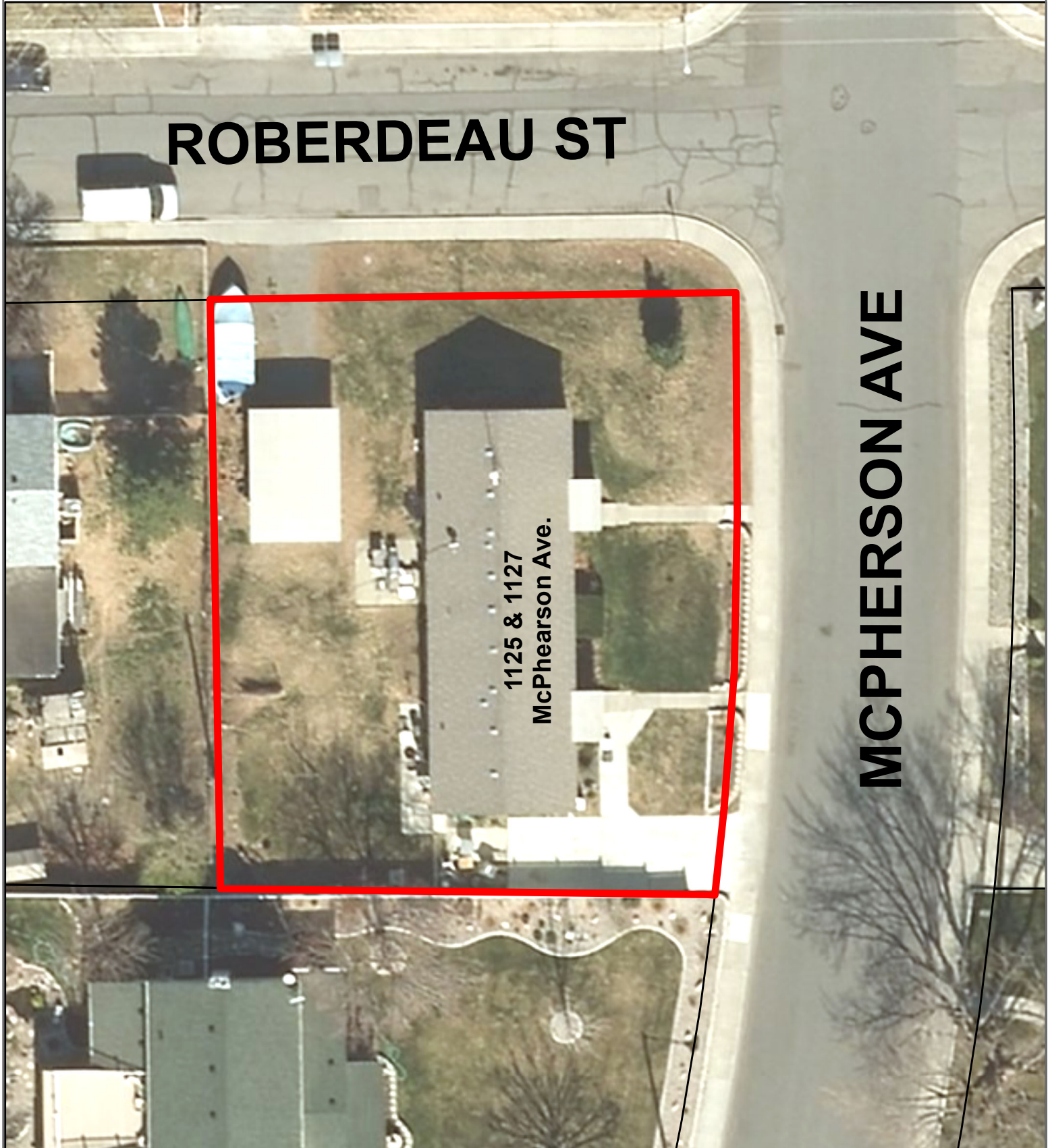
Item: R-2 Setback Variance
Applicant: Trent Cravens
File #: BA2017-100



Site Map

Item: R-2 Setback Variance
Applicant: Trent Cravens
File #: BA2017-100

N



Zoning Map

Item: R-2 Setback Variance N
Applicant: Trent Cravens
File #: BA2017-100



R-2

R-2

ROBERDEAU ST

1125 & 1127
McPhearson Ave.

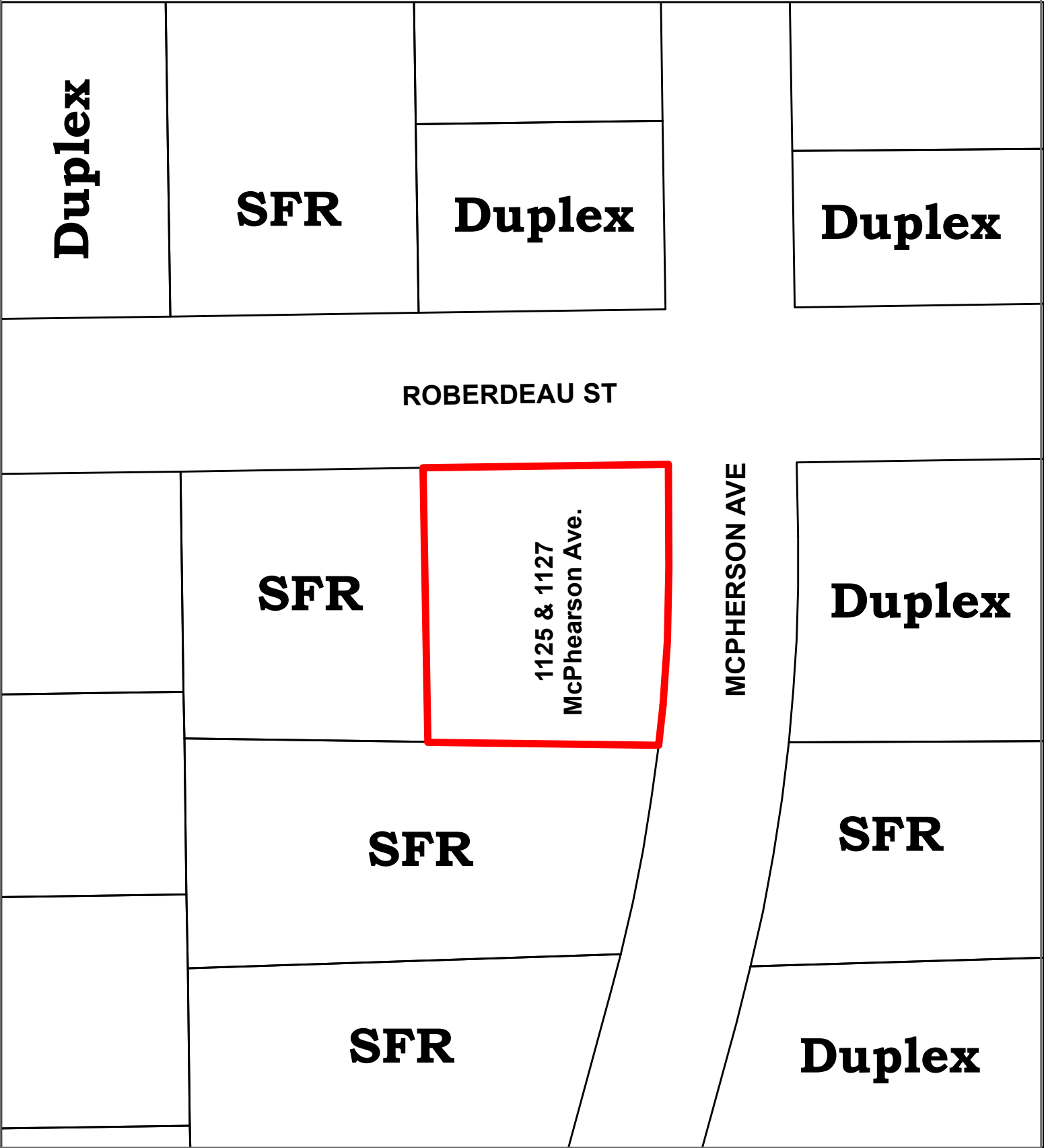
MCPHERSON AVE

R-2
Med. Density
Residential

R-2

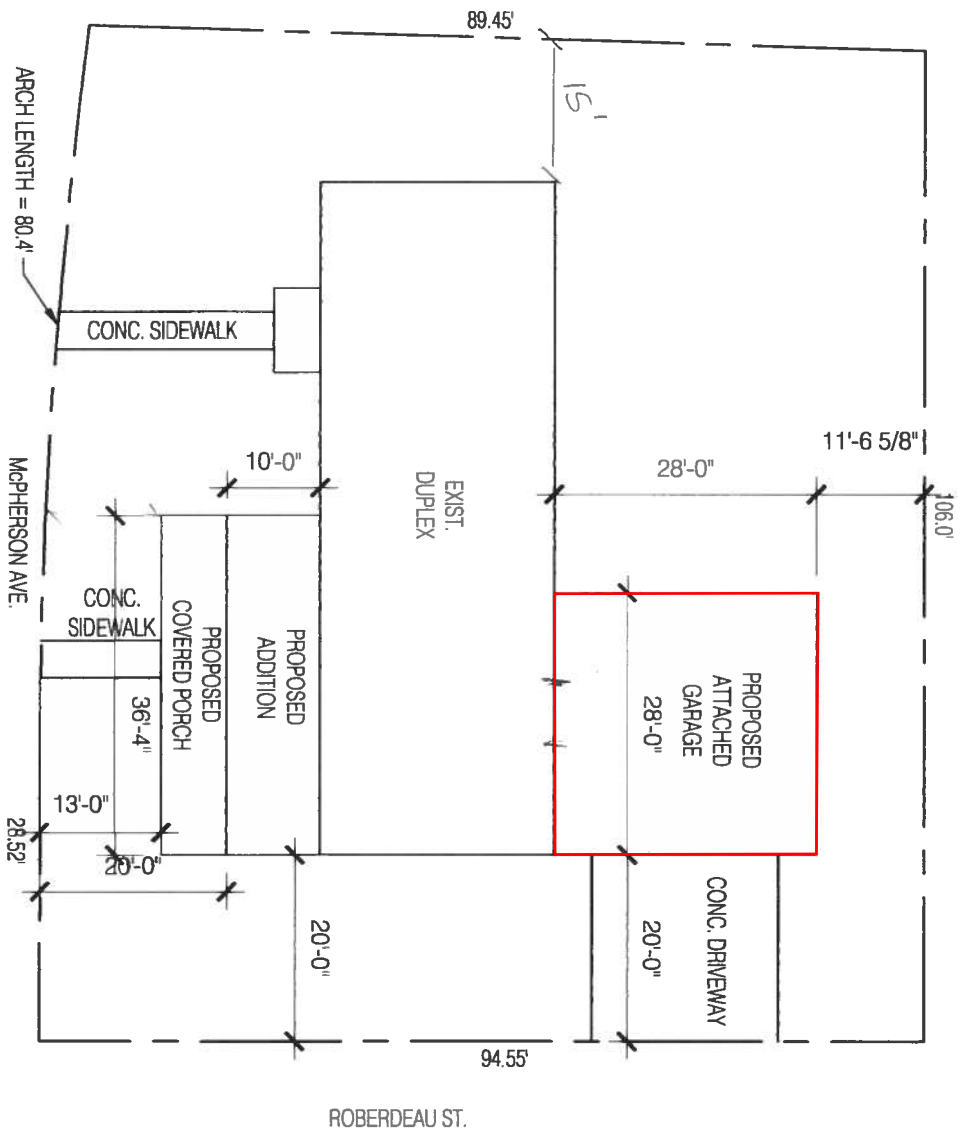
**Land Use
Map**

Item: R-2 Setback Variance
Applicant: Trent Cravens
File #: BA2017-100



DR. DALE HOEKEMA
TAX PARCEL ID #: 110981020603010
1125 & 1127 McPHERSON ST., RICHLAND, WA 99353

Exhibit 5



SITE PLAN
SCALE: 1" = 20'-0"



TRENT CRAVENS
RESIDENTIAL ADDITION
1125 & 1127 McPHERSON ST., RICHLAND, WA 99352
SITE PLAN

BIG RIVER
DRAFTING, DESIGN AND CONSULTING
PO BOX 4796
PASCO, WA 99302
509-378-8872

REVISIONS

Date:	1 Nov 2016
Job No.:	16069
Rev:	0

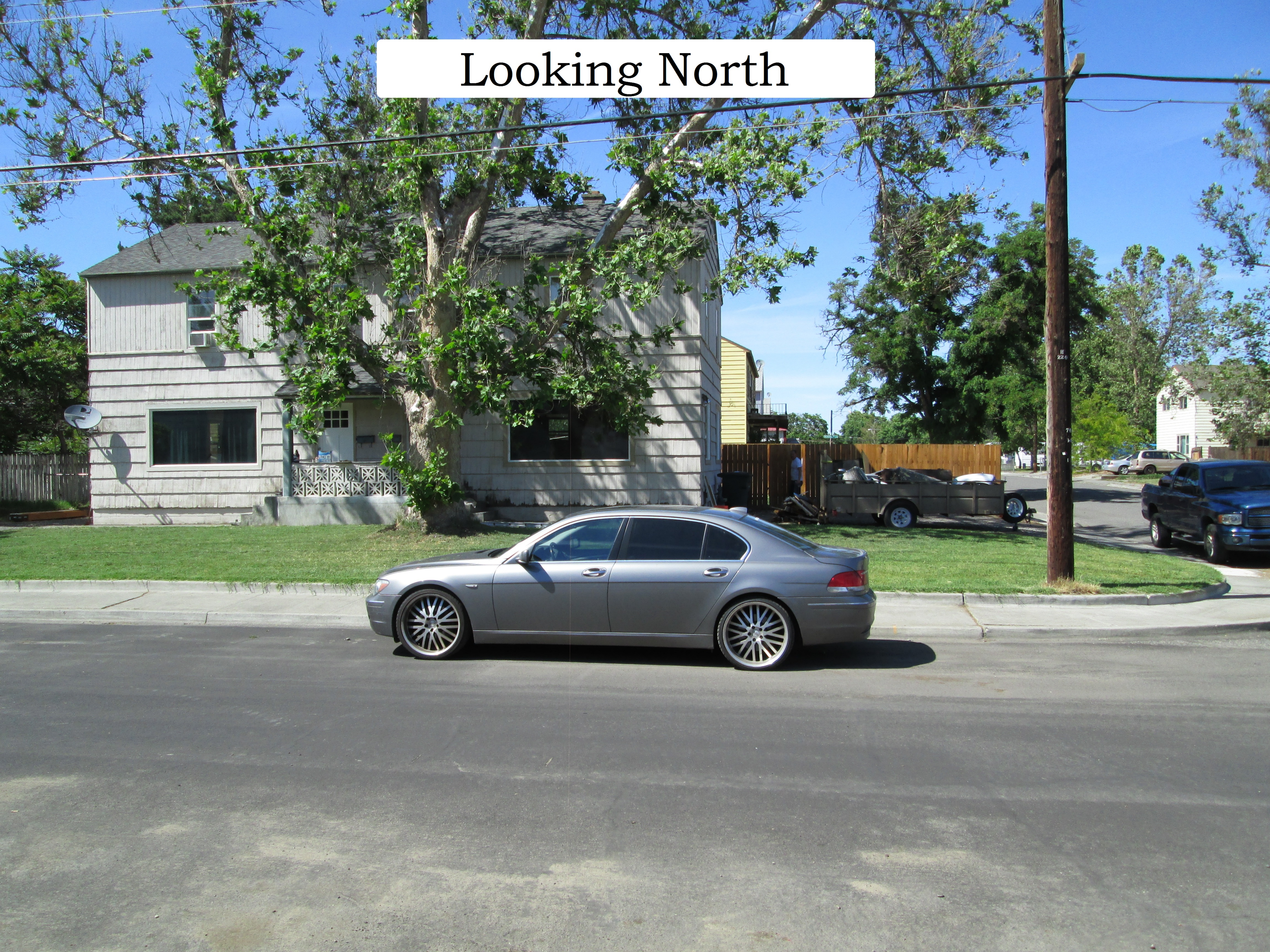
A1.1

Site

(1125/1127 McPherson Ave.)



Looking North



Looking East



Looking South

Approx. Front P.L.



Looking West



Site (Rear Yard)





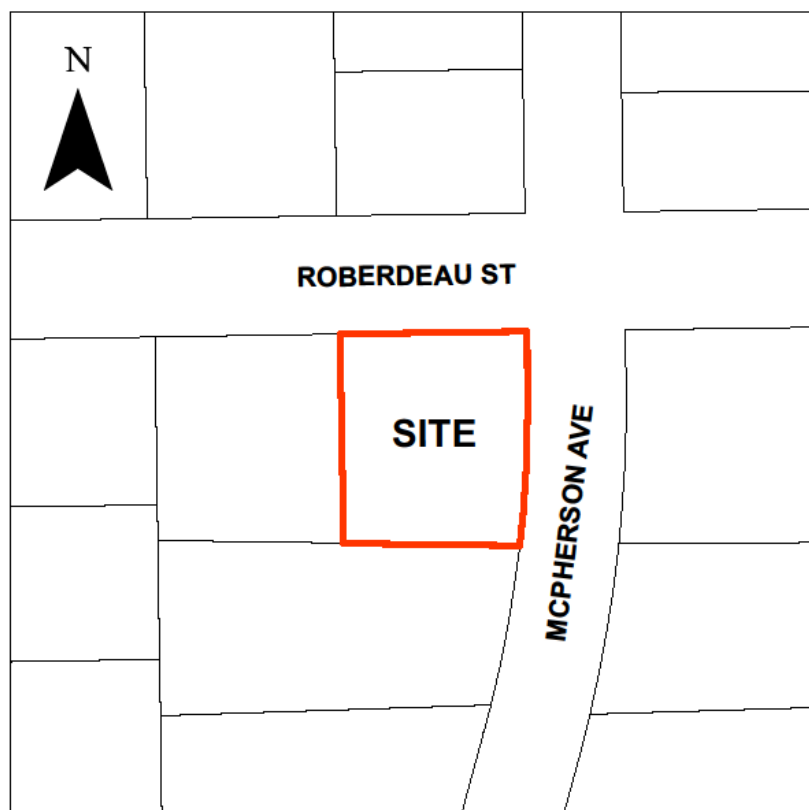
City of Richland Board of Adjustment
Notice of Public Hearing

Notice is hereby given that the Richland Board of Adjustment on **Thursday, June 15, 2017, 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: Trent Cravens (BA2017-100)
Request: Variance from Richland Municipal Code (RMC) Section 23.18.040 to allow construction of an attached garage together with a front porch not meeting the minimum setbacks of the R-2 Zone.
Location: 1125/1127 McPherson Avenue
Legal: Lot 10, Block 603, 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 Shane O'Neill, Senior Planner, Development Services Division, P.O. Box 190, Richland, WA 99352. Comments may also be faxed to 942-7764 or sent by e-mail to soneill@ci.richland.wa.us. All written comments received prior 5:00 p.m. on June 9, 2017 will be provided to the Board of Adjustment prior to the hearing. Any comments received after June 9th 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 Monday, June 12th, 2016.

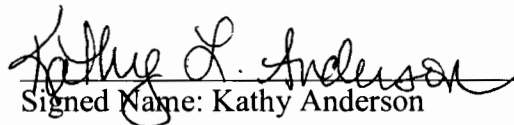


AFFIDAVIT OF MAILING

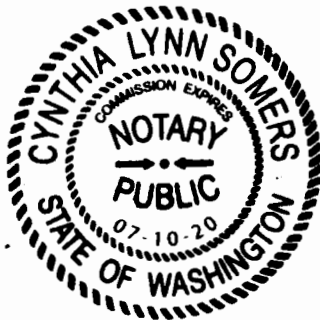
STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

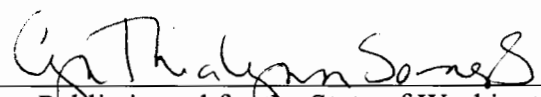
COMES NOW, Kathy Anderson, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning & Development Department for the City of Richland.
2. On the 6th day of June, 2017, I mailed a copy of the attached NOTICE OF PUBLIC HEARING to the attached list of individuals via regular USPS or E-mail on the date indicated above. The Notice of Public Hearing is related to 1125/1127 McPherson Avenue.


Signed Name: Kathy Anderson

SIGNED AND SWORN to before me this 6 day of June, 20 17 by Kathy Anderson.




Notary Public in and for the State of Washington,
Residing at Kennelworth WA
My appointment expires: July 10, 2020
Cynthia Lynn Somers
Printed Name

AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Shane O'Neill**, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning & Development Department for the City of Richland.

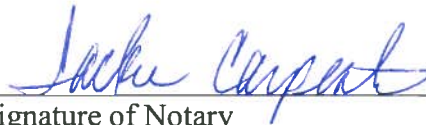
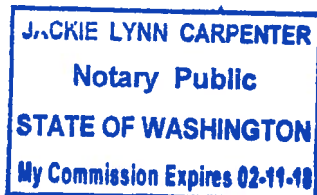
2. On the 2nd day of June, 2017, I posted the attached NOTICE OF PUBLIC HEARING, File Number BA2017-100 on the property at:

1125/1127 McPherson Avenue
PIN # 1-10981020603010



Print Name: Shane O'Neill

SIGNED AND SWORN to before me this 2nd day of June, 2017 by SHANE O'NEILL.



Signature of Notary



Printed Name

Notary Public in and for the State of Washington,

Residing in Franklin County

My appointment expires: 2-11-18