



Agenda
Board of Adjustment Meeting
Monday, November 6, 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: (Approved by Motion)

September 21, 2017 Minutes

Public Hearing Explanation:

New Business – Public Hearing:

I. BA2017-102 - R-2 Setback Variance, Applicant Neal Gifford

Communications:

Adjournment

The next Board of Adjustment Meeting is as needed.

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: 11/06/2017

Agenda Category: Approval of Minutes

Prepared By: Rick Simon, Development Services Manager

Subject:

September 21, 2017 Minutes

Department:

Community & Development Services

Recommended Motion:

Approve the minutes of the Board of Adjustment meeting held on September 21, 2017.

Summary:

Attachments:

1. September 21, 2017 Minutes



**MINUTES
BOARD OF ADJUSTMENT MEETING**
City Hall – 550 Swift Boulevard – Council Chamber
Thursday, September 21, 2017
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 Watson and Kobus. Also attending was Development Serviced Manager Rick Simon.

Approval of Agenda:

Chair Lowry presented the September 21, 2017 meeting agenda. There were no changes or additions.

Approval of Minutes:

Chair Lowry presented the meeting minutes for the June 15, 2017 meeting. Board member Kobus pointed out a typographical error. Staff clarified and agreed there was only one set of minutes for approval at the June meeting.

BOARD MEMBER WATSON MOVED AND MEMBER KOBUS SECONDED A MOTION TO APPROVE THE MEETING MINUTES OF THE JUNE 15, 2017 MEETING AS AMENDED. MOTIONED CARRIED.

Public Hearing:

New Business

- 1. APPLICANT: Connie Brockman
BA2017-101**

Chairman Lowry introduced the item

Chair Lowry opened the Public Hearing at 6:05 PM.

Mr. Simon reviewed the application for variance and highlighted the pictures and information submitted by the applicant. Mr. Simon also noted the special conditions and justifications for approval related to this property.

Board member Watson asked staff if there were any encumbrances, easements, utilities or

responses from neighbors. Mr. Simon affirmed that there were no issues with encumbrances, easements or utilities and that public notice was given and posted as required. Board Members discussed the request.

Chair Lowry closed the Public Hearing at 6:12 p.m.

A MOTION WAS MADE BY BOARD MEMBER KOBUS AND SECONDED BY BOARD MEMBER WATSON 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 CARPORT UP TO THE SOUTHSIDE PROPERTY LINE OF 1304 COTTONWOOD SUBJECT TO THE TWO CONDITIONS NOTED IN THE STAFF REPORT. MOTION CARRIED UNANIMOUSLY.

Communications:

BOARD MEMBER WATSON announced that he will be moving at the end of November. Mr. Simon asked that he submit a formal letter so that his position could be advertised and filled.

ADJOURNMENT:

The Board of Adjustment Regular Meeting was adjourned at 6:42 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: 11/06/2017

Agenda Category: New Business – Public Hearing

Prepared By: Rick Simon, Development Services Manager

Subject:

BA2017-102 - R-2 Setback Variance, Applicant Neal Gifford

Department:

Community & Development Services

Recommended Motion:

Motion to concur with the Findings and Conclusions set forth in staff report BA2017-102, and APPROVE a variance from Richland Municipal Code Section 23.38.020(B)(4) to allow construction of an detached garage up to the north side property line of 1105 Willard Avenue subject to the two (2) conditions listed in the staff report.

Summary:

Neal Gifford, resident at 1105 Willard Avenue, is requesting a variance from Richland Municipal Code (RMC) Section 23.38.020(4)(b) to allow for construction of a detached garage lying with a zero (0) foot setback from a side property line.

Attachments:

1. BA2017-102 - 1105 Willard Ave



STAFF REPORT

TO: BOARD OF ADJUSTMENT
FILE NO.: BA2017-102

PREPARED BY: RICK SIMON
DEVELOPMENT SERVICES

MEETING DATE: NOVEMBER 6, 2017

GENERAL INFORMATION

APPLICANT: NEAL GIFFORD

REQUEST: VARIANCE FROM RICHLAND MUNICIPAL CODE (RMC) SECTION 23.38.020(4)(B) TO ALLOW FOR CONSTRUCTION OF A DETACHED GARAGE LYING WITH A ZERO (0) FOOT SETBACK FROM A SIDE PROPERTY LINE.

LOCATION: 1105 WILLARD AVENUE

ZONING: R-2 - MEDIUM DENSITY RESIDENTIAL

SITE DESC: 4,891 FT² LOT, DEVELOPED, WITH A SINGLE-FAMILY RESIDENCE

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

SPECIFIC CODE REQUIREMENTS

23.38.020 Accessory buildings in residential zoning districts.

A. Attached accessory buildings and detached accessory buildings meeting the main building setbacks shall comply with all the site requirements for the main building including maximum building height, minimum setbacks and maximum lot coverage as set forth in RMC [23.18.040](#).

B. Detached accessory buildings not meeting the main building setbacks are subject to the following requirements:

1. Detached accessory buildings shall be erected or altered so as not to be nearer to any street lot line than the minimum depth required for a front yard in the district.

2. Detached accessory buildings built adjacent to the front half of an adjoining lot shall comply with applicable side yard requirements of the underlying zoning district.
3. Detached accessory buildings under 200 feet may be located adjacent to the primary structure provided all building and fire codes are met. Those sheds less than 200 feet located in the side yard shall maintain a minimum five-foot clearance to the property line or primary structure from the leading edge of the shed; see diagram below.
4. When a detached accessory building is built adjacent to the back half of the adjoining lot or is 75 feet or more from any right-of-way line bounding the lot, the following setbacks shall apply:
 - a. If the accessory building is 120 square feet or less in floor area and 10 feet or less in height, a one-and-one-half-foot setback is required from the side and rear property lines.
 - b. Accessory buildings over 10 feet in height and those between 120 square feet and 600 square feet in floor area shall be set back a minimum of three feet from the rear and side property lines.
 - c. Any accessory building exceeding 600 square feet in floor area shall be set back a minimum of five feet from the rear and side property lines.

SITE DESCRIPTION

The site is one of the smaller lots in the R-2 zoning district, measuring 49 feet in width by 100 feet in depth. There is a 660 square foot residence on the property that is setback 23 feet from the Willard Street right-of-way, 12 feet from the northerly property boundary, 13 feet from the southerly property boundary and 59 feet from the rear property boundary. There is an existing sewer easement that occupies the westerly 20 feet of the lot.

REASON FOR REQUEST

The applicant desires to build a 20 x 24 foot (480 square foot) garage on his lot. The sewer easement that occupies the westerly 20 feet of his lot restricts the potential location of a garage, forcing it to be located closer to the existing home. With a 12 foot side yard setback between the home and the northerly property line, there exists just enough room for a driveway to extend past the residence and provide access to the garage. The close proximity of the garage to the residence and the narrow driveway that hugs the property line would severely restrict access into the garage and has prompted the variance request.

STAFF FINDINGS

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 4,900 square foot lot would normally include enough area to accommodate a detached garage without the need for a variance. However, the sewer line easement takes up 980 square feet (20%) of the lot, restricting the placement of any accessory building. Further, the placement of the residence on the lot forces the driveway to be built adjacent to the property line. The location of the easement forces the garage to be built closer to the home than it otherwise would be and the limited area for a driveway creates a situation where the garage cannot be sufficiently accessed from the driveway without the issuance of a variance. These two factors work together to create a special circumstances that is peculiar to the subject site.

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 prohibits a functional detached garage from being placed in the rear yard of the lot. Further, the setback distance on either side of the home is insufficient to accommodate an attached garage, leaving the proposed garage location as the only feasible alternative. The size of the garage is a typical two car garage, which is commonly enjoyed by other properties owners in single family residential districts.

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 placement of the home on the lot, nor the 20 foot easement that encumbers the westerly 20 feet of the lot.

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 covered vehicle parking, 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 having accessory structures.

5. Justification for granting the variance.

The variance would allow the applicant to add a garage on to an existing lot that currently contains no accessory structures. Without variance authorization the proposed garage would not be easily accessible from the proposed driveway location, thereby limiting the usefulness of the structure. Additionally, there are an the abundance of accessory structures in the neighborhood built up to side or very nearly on side or rear property boundaries.

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

A standard two car garage is 20 X 24 feet, the exact size that the applicant is requesting. The proposal does meet the standard of the minimum variance necessary to make reasonable use of the property.

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 allow the applicant to enjoy the benefit of a detached garage in the same fashion that any of the neighbors could. Staff maintains this proposal would not be injurious to the surrounding neighborhood or detrimental to the public welfare.

RECOMMENDED CONDITIONS:

1. The detached garage shall be located in accordance with the site plan submitted with the variance application, included in this report as Exhibit 2; and
2. The garage shall be designed to divert stormwater to be captured and infiltrated on-site.

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 23.38.020(B)(4) to allow construction of an detached garage up to the north side property line of 1105 Willard Avenue subject to the two (2) conditions above.

EXHIBIT LIST:

- Exhibit 1 – Variance application including supplemental responses to application criteria
- Exhibit 2 – Proposed site plan
- Exhibit 3 – Vicinity Map
- Exhibit 4 – Site Map
- Exhibit 5 – Zoning Map

- Exhibit 6 – Land Use Map
- Exhibit 7 – Public notice
- Exhibit 8 – Affidavit of mailing
- Exhibit 9 – Affidavit of posting
- Exhibit 10 – Vicinity site photos taken by staff

Exhibit 1

VARIANCE APPLICATION

File No.: BA2017-102

APPLICANT INFORMATION

Name <u>NEAL S GIFFORD</u>			
Address <u>1105 WILLARD AVE</u>			
City <u>RICHLAND</u>		State <u>WA</u>	Zip <u>99354</u>
Phone Number <u>509-392 2631</u>	Fax Number		E-mail/Other
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):

1105 WILLARD AVE, RICHLAND, WA

Legal Description

Lot	Block	Plat
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Project briefly describe the variance being requested:

BUILD GARAGE CLOSER TO THE PROPERTY
LINE

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:

SEWER EASEMENT IS 23' OFF THE BACK PROPERTY
LINE PUSHING PROPOSED GARAGE CLOSER TO HOUSE
THEREBY LIMITING AUTOMOBILE ACCESS. → OTHER SIDE

- 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:

OTHER OUT BUILDINGS ARE AND HAVE BEEN BUILT
VERY CLOSE TO PROPERTY LINES

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

IN ORDER TO MAINTAIN THE PROPER EASEMENTS (SIDE & FRONT)
THE HOUSE WOULD SHADE (ECLIPSE) THE AUTO/GARAGE DOOR
AND POSSIBLE INTERFERENCE WITH POWER LINE TO THE HOUSE

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

SEWER EASEMENT CITY REQUIREMENT.

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

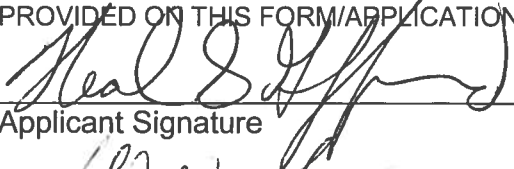
SHIFTS GARAGE, AND GARAGE DOOR TO THE SIDE
FACILITATING SAFER ACCESS BY AUTO INTO THE GARAGE

- 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:

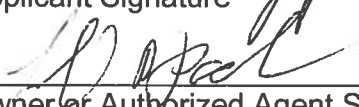
~~IT WOULD ALLOW ME TO MOVE MY~~
PROPERTY IS ZONED R2, AND AS A MINIMAL
LOT SIZE NEEDS THE VARIANCE TO FACILITATE
CONSTRUCTION, AND PROPERTY USE.

A) CONT. . . WITH THE SEWER EASEMENT EFFECTIVELY LIMITS THE FULL USE OF MY PROPERTY BY RESTRICTING 25-30% OF THE BACK YARD UNLIKE MY NEIGHBORS WHOSE LOT ARE NOT ENCUMBERED WITH THIS SAME EASEMENT.

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

10/11/2017
Date


Owner or Authorized Agent Signature(s)

10/11/17
Date

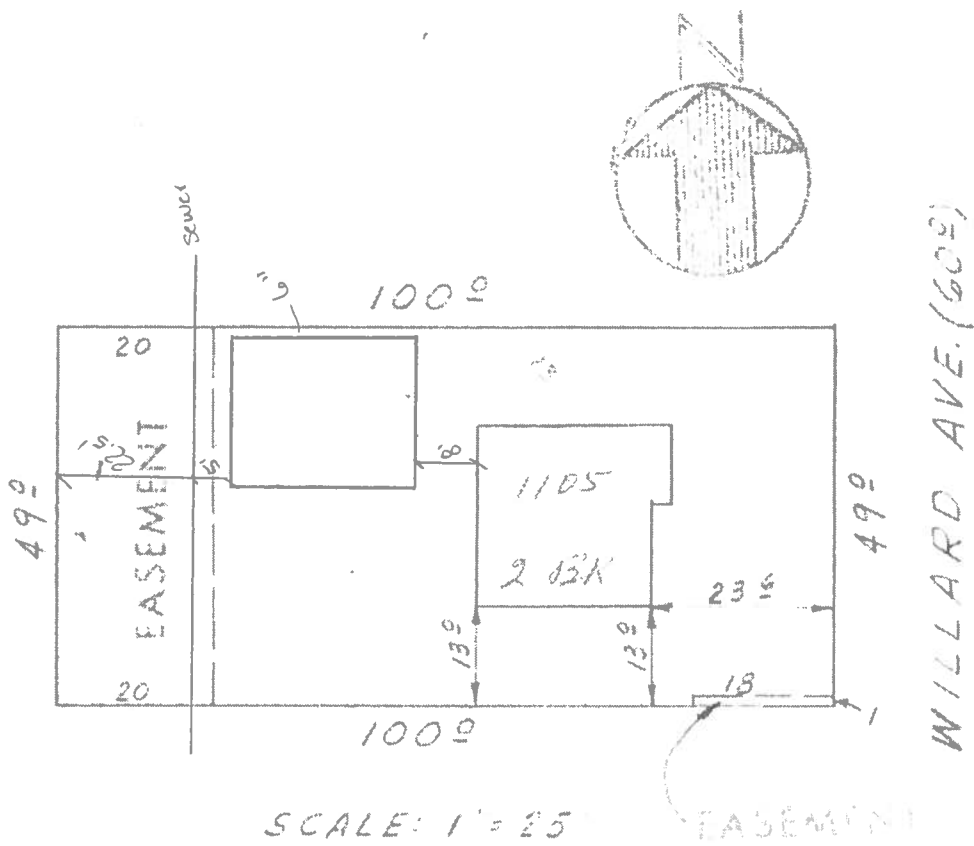
FOR OFFICE USE ONLY

Approved by _____

_____ Date

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

Optional attachments



LOT 18 BLOCK 245
 PLAT OF RICHLAND
 BENTON COUNTY WASH

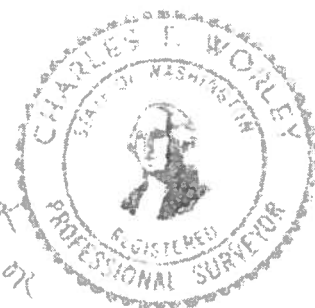
I hereby certify I have examined the above described property and find the measurements to be situated there as shown and there are no encroachments.

Date

50 Scale 10B OK

40 Scale 10-7 OK

Field OK

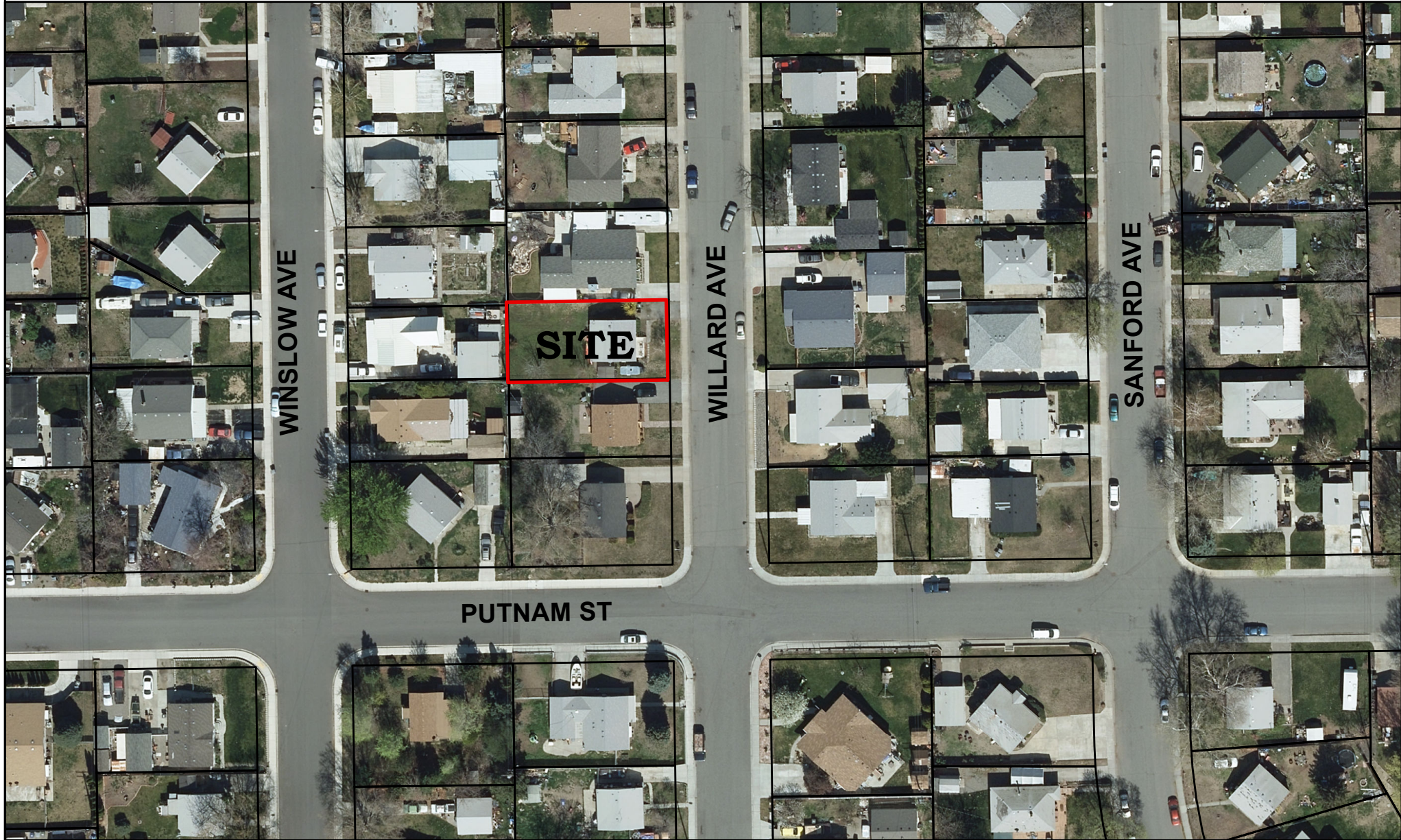


Vicinity Map

Item: R-2 Setback Variance
Applicant: Neal Gifford
File #: BA2017-102

Exhibit 3

N



Site Map

Item: R-2 Setback Variance
Applicant: Neal Gifford
File #: BA2017-102

Exhibit 4

N

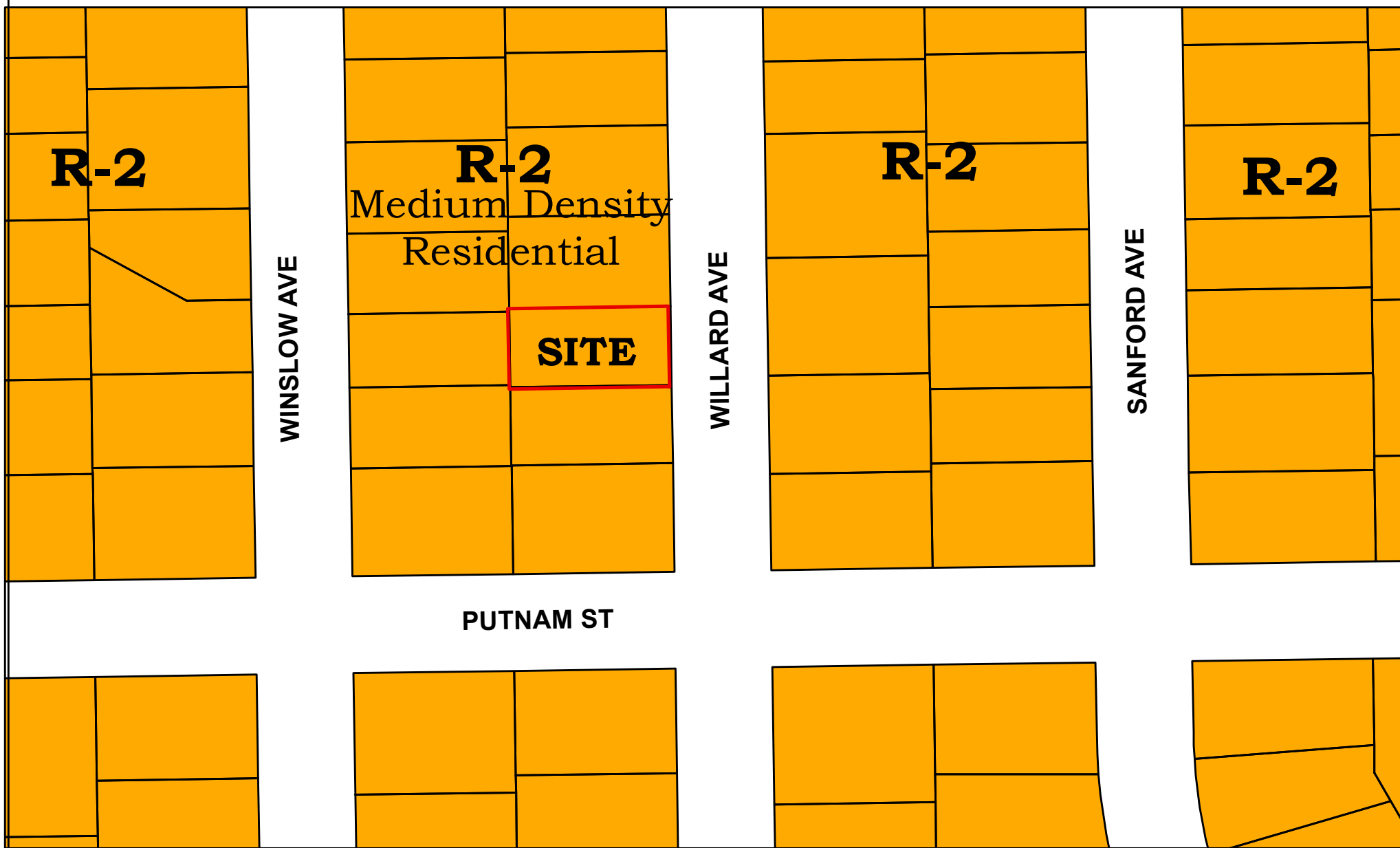


Zoning Map

Item: R-2 Setback Variance
Applicant: Neal Gifford
File #: BA2017-102

Exhibit 5

N



Land Use Map

Item: R-2 Setback Variance
Applicant: Neal Gifford
File #: BA2017-102

Exhibit 6

N

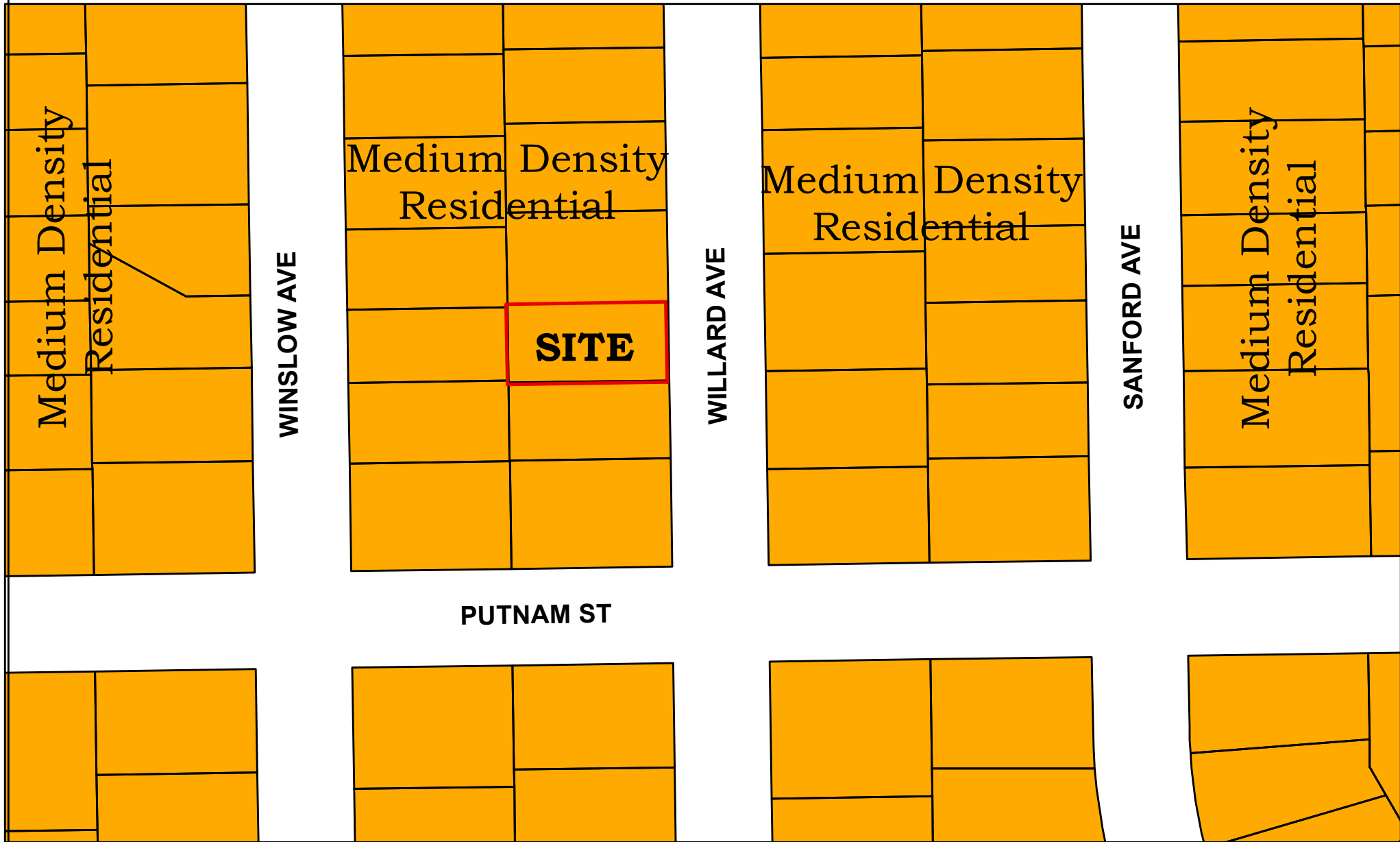




Exhibit 7

City of Richland Board of Adjustment Notice of Public Hearing

Notice is hereby given that the Richland Board of Adjustment on **Monday, November 6, 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: Neal Gifford (BA2017-102)
Request: Variance from Richland Municipal Code (RMC) Section 23.38.020(B)(4) to allow construction of a detached garage within one foot of the side property line of a residential lot.
Location: 1105 Willard Avenue

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, 505 Swift Ave MS 35, Richland, WA 99352. Comments may also be faxed to 942-7764 or sent by e-mail to soneill@ci.richland.wa.us.



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 26th day of October, 2017, I mailed a copy of the attached BOARD OF ADJUSTMENT 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 Variance from Richland Municipal Code (RMC) Section 23.38.020(B)(4) to allow construction of a detached garage within one foot of the side property line of a residential lot. Located at 1105 Willard Ave.

Kathy L. Anderson
Signed Name: Kathy Anderson

SIGNED AND SWORN to before me this 27 day of October, 20 17 by Kathy Anderson.



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

Exhibit 9

AFFIDAVIT OF POSTING

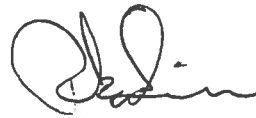
STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Rick Simon**, 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.

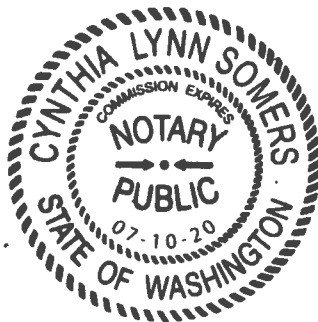
2. On the 26th day of October, 2017, I posted the attached NOTICE OF PUBLIC HEARING, File Number BA2017-102 on the property at:

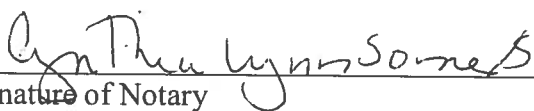
1105 Willard Ave
PIN # 1-10982020245018



Print Name: Rick Simon

SIGNED AND SWORN to before me this 1st day of November, 2017 by RICK SIMON




Signature of Notary

Cynthia Lynn Somers
Printed Name

Notary Public in and for the State of Washington,
Residing in Kennedick WA

My appointment expires: July 10, 2018

Site



Neighbors to the north



Neighbor to the north



Looking east



Neighbor to the east



Neighbors to the south

