

**Town of Ruston**

**ORDINANCE 1318**

**AN ORDINANCE of the Town of Ruston relating to the approval of a variance from side yard setback standards within the RES zone, regarding an application made by Daniel and Beverly Wombacher for the residence located at 5402 North Commercial Street, Ruston, WA.**

**WHEREAS**, pursuant to Ruston Municipal Code (RMC) Chapter 25.01.110(d) an application for a variance from any area, setback, yard, parking or other dimensional requirements contained in RMC 25.01 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 variance approval criteria found in RMC 25.01.110(d)(2) have been established by the applicant, and

**WHEREAS**, pursuant to RMC Chapter 25.01.110(d), Daniel and Beverly Wombacher submitted a complete application for a variance to reduce the required side yard setback from 7'-6" to 6'-8", (attached hereto as Exhibit A and incorporated herein by reference), and

**WHEREAS**, pursuant to RMC Chapter 25.01.110 and 19.01.011 the Town of Ruston Planning Commission reviewed the application and conducted a public hearing to hear testimony on the application on August 18, 2010, after deliberation on the public testimony, the Planning Commission voted 5-0 to recommend conditional approval of the proposal to the Town Council, and

**WHEREAS**, this approval is pursuant to Ruston Municipal Code (RMC) Chapter 15.02 and RCW 43.21C, in that the decision has complied with SEPA, and

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF RUSTON:**

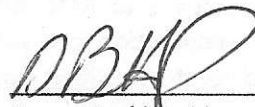
**Section 1:** The Council for the Town of Ruston hereby accepts the Planning Commission's Findings and Recommendation, (attached hereto as Exhibit B and incorporated herein by reference), for conditional approval of the application submitted.

**Section 2:** The Council for the Town of Ruston hereby approves the requested variance to reduce the required side yard setback from 7'-6" to 6'-8", SUBJECT TO the following conditions:

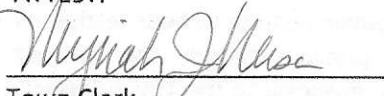
- A) Except for fences as allowed in RMC 25.01.101, and accessory structures as allowed in RMC 25.01.040, no structures, vehicles, parking areas, lumber, or any other construction materials shall be located in any side, front or rear setback areas. A single driveway per residence may be located within the front yard setback, but only if paved with asphalt or Portland cement and located at least 4'0" behind the front façade of the residence and that habitable living space with windows facing the street be located above the garage. All areas within required setbacks which are not utilized for driveways, sheds, or other allowed uses shall be landscaped. All landscaped areas shall be properly maintained.
- B) The applicant shall demonstrate proof of compliance with condition A above to the Town prior to approval of any permit, plat, or other request or approval for development of the subject site. This condition only applies to the existing attached garage if structurally modified, or if the garage use is discontinued.
- C) Expiration of approval. If the Town does not receive proof of compliance as described in condition B above 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.

**Section 3:** This Ordinance shall become effective immediately upon publication hereof as provided by RCW 35.27.300.

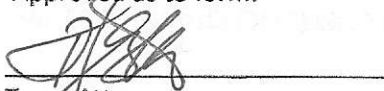
PASSED BY THE COUNCIL AND APPROVED by me this 20 day of September, 2010.

  
Bruce Hopkins, Mayor

ATTEST:

  
Town Clerk

Approved as to form:

  
Town Attorney

Publication Date: \_\_\_\_\_, 2010