

**Staff Report to the Hearing Examiner
5428 North 49th Street (Upton) Accessory Dwelling
Conditional Use Permit and Height Variance
CUP 16-01/VAR 16-01**

I. General Information

A) Applicant:

Lawrence and Elvira Upton
5428 North 49th Street
Ruston, WA 98407

B) Site Address/Parcel Number:

5428 North 49th Street, Ruston, WA - Parcel Number 7700000041

C) Zoning Designation: Residential (RES)

II. Project Description

The proponents have applied to the City of Ruston for approval of a conditional use permit to construct an accessory dwelling above a side-loaded detached garage located to the rear of the property near the alley. The proponents have also applied for a variance from the City's height standards to increase the maximum height of the accessory dwelling from 18 feet to 25 feet.

Please see the application materials attached to this report as Exhibit A for additional information.

III. Staff Analysis, Findings, and Conclusions

A) State Environmental Policy Act (SEPA) Analysis

The City's SEPA Responsible Official has determined that this proposal 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

This section of the staff report provides a listing of relevant Comprehensive Plan goals and/or policies and provides staff findings and analysis as to how the proposal complies with them.

1) Relevant Comprehensive Plan Goals/Policies

- a. Growth Management Act Goal #2
Reduce Sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- b. Growth Management Act Goal #4
Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- c. Framework Policy FW-6
Design development to be architecturally compatible with the traditional arts and crafts style, including: scale; mass; or modulation of adjacent and nearby homes. Emphasis should be placed on the form of structures over their use.
- d. Framework Policy FW-14
Encourage and integrate: multifamily; accessory dwelling; and live-work housing types when appropriate, into neighborhoods. Design their forms to fit-in with neighborhood character and environmental characteristics.
- e. Framework Policy FW-23
Encourage accessory dwelling units as a permitted use to provide more affordable housing choices and options for accommodating growth. Provide architectural examples.
- f. Framework Policy FW-29
Pursue affordable housing whenever possible, primarily through: multifamily; accessory dwelling; and live-work housing types. Promotion of these housing types will also help Ruston meet their goals for “fair share” housing.
- g. Community Character Policy CC-4
Allow development that encourages pedestrian-oriented architecture.
- h. Community Character Policy CC-5

Allow infill development when lot and home size are in proportion, similar to existing neighborhood character.

- i. Community Character Policy CC-6
Design residential developments with arts and crafts-style homes (i.e. Craftsman, Tudor, and Pacific Northwest Timber Frame). Visible building materials should reflect human handicraft (cedar lap siding or shingles) over plywood siding such as T-111.
- j. Community Character CC-16
Create an excellent pedestrian experience through the use of safely defined walkways, landscaping, architecture and art. Pedestrian connections are important and should be required between all uses, encouraging a more walkable and healthful community.
- k. Community Character Policy CC-23
Encourage low-impact infill development such as accessory dwelling units by simplifying the permitting process. Provide architectural examples of accessory dwelling units that show good integration with the existing neighborhood.
- l. Land Use Policy LU-7
Design developments to encourage access by modes of travel other than driving alone, such as walking, bicycling and transit, and provide connections to the non-motorized system.
- m. Land Use Policy LU-13
Encourage affordable housing in appropriate areas where there is convenient pedestrian access to local stores and services. Affordable housing development should not detract from the established small-town atmosphere of the community of block defined scenic view corridors.
- n. Land Use Policy LU-15
Development should be designed to be environmentally sensitive, energy-efficient, and aesthetically pleasing.
- o. Housing Policy HO-1
Support a fuller range of housing types in Ruston's neighborhoods that offer housing for a variety of income levels and family sizes.
- p. Housing Policy HO-8
Achieve more affordable housing options in Ruston mainly through multifamily, accessory dwelling and live-work units.

- q. Capital Facilities CF-5
Seek opportunities to reduce impervious surfaces with pervious surfaces to improve water quality.

2) Staff Findings Regarding Consistency with the Comprehensive Plan

Staff finds that the proposal is consistent with the City’s Comprehensive Plan as it proposes to construct an accessory dwelling unit upon a lot that is currently occupied by an existing single family home. This infill development increases the City’s density without the need to demolish an existing home and proposes to do so in a two-story structure of architectural design appropriate for the neighborhood, while also using space more efficiently. Finally, the provision of a balcony over a portion of the garage and a sidewalk connecting the pedestrian entrance to the 49th Street sidewalk creates additional open space and enhances pedestrian connectivity.

All of the features described above work in concert to create a very livable, affordable and connected, infill housing unit in Ruston, which is consistent with the City’s Comprehensive Plan policies listed in the section above.

C) Ruston Municipal Code

This section of the staff report provides a listing of relevant portions of the City’s zoning regulations and provides staff findings and analysis as to how the proposal complies with them.

1) RMC 25.01.040(j) – Residential (RES) Zoning Standards (Accessory Dwellings)

Ruston Municipal Code 25.01.040(j) states the following:

RMC 25.01.040(j) Accessory Dwellings. Accessory dwellings may be conditionally allowed following review and approval by the City Hearing Examiner subject to the following conditions.

- (1) A lot may have not more than one accessory dwelling.*

Staff findings and analysis:

Staff finds that the proposal is consistent with this requirement as only one accessory dwelling is being proposed and none currently exist on the site.

- (2) The owner must occupy either the principal structure or the accessory dwelling.*

Staff findings and analysis:

Staff finds that since the applicant is the current owner of record according to the Pierce County Assessor's records, and that the applicant intends to occupy either the primary residence or the accessory dwelling, the proposal is consistent with this requirement.

(3) *Parking must meet the requirements of Section 25.01.090.*

Staff findings and analysis:

Staff finds that the proposal includes three on-site parking stalls located within the proposed garage and is therefore consistent with this requirement.

(4) *Design Requirements. The design of an accessory dwelling shall be incorporated into the principal structure's design or is shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family dwelling.*

Staff findings and analysis:

Staff finds that the proposal is consistent with this requirement in that the proposed structure includes similar traditional siding materials, includes a pitched roof, and is of appropriate mass and scale to the existing single family residence and surrounding neighborhood.

(5) *Enforcement. If a unit cannot be legalized because it fails to meet the standards herein and the unit cannot or will not be brought into conformance with these standards, the use will have to be discontinued. The City may cite owners of illegally occupied units who do not apply for legalization. Owners who do not apply for a permit will be subject to civil penalties and other enforcement penalties under Chapter 25.03 of this Code.*

Staff findings and analysis:

Staff finds that since this proposal does not include conversion or alteration of an existing structure or existing accessory dwelling unit that this approval criteria item is not applicable.

2) RMC 25.01.110(b) – Conditional Uses

Ruston Municipal Code 25.01.110(b) states the following:

RMC 25.01.110(b) Conditional Uses.

(1) *Purpose of Conditional Use Permit. It is the purpose of this chapter to establish review and approval procedures for unusual or unique types of land uses which due to their nature require consideration of their impact on the neighborhood and land uses in the vicinity. The purpose*

of the conditional use permit is to allow certain uses in zoning districts that would normally be prohibited, when the requested use is consistent with the goals and policies of the Comprehensive Plan or zoning code and is deemed consistent with the existing and potential uses within the zoning district. No existing building or structure shall be converted to a conditional use unless such building or structure complies, or is brought into compliance, with the provisions of this section.

A conditional use permit is a mechanism by which the City may require specific conditions on development or the use of land to ensure that designated uses or activities are compatible with other uses in the same zone and in the vicinity of the subject property. If imposition of conditions will not make a specific proposal compatible, the proposal shall be denied. The City's Hearing Examiner may grant conditional use permits only if all applicable provisions of this code are fulfilled:

- (A) The proposed use will not be injurious to the neighborhood or otherwise result in substantial or undue adverse economic, aesthetic, or environmental effects on adjacent property.*

Applicant's statement of justification for the above approval criteria:

"It has been our goal to design this project to add value and character to our property while posing no negative effects or impacts to the neighborhood."

Staff findings and analysis:

Staff finds that the proposed use is both architecturally and aesthetically consistent with the character of the surrounding neighborhood and does not anticipate any undue adverse economic, aesthetic, or environmental effects to result. The proposed garage and accessory dwelling will be located within a building which is of similar mass and scale; and which is designed with similar architectural elements including a pitched roof, traditional siding materials, typical window size/placement, and lot orientation, to surrounding buildings in the existing neighborhood.

- (B) The proposed use will not create a hazard for pedestrian or vehicular traffic. Traffic and circulation patterns of vehicles and pedestrians relating to the proposed use shall not be detrimental to the existing and proposed allowable uses in the zoning district. The traffic and circulation patterns shall assure safe movement in the surrounding area.*

Applicant's statement of justification for the above approval criteria:

“No traffic impact anticipated.”

Staff findings and analysis:

Staff agrees with the applicant’s statement that no significant traffic impact is anticipated. Pedestrian circulation patterns will be enhanced by providing a link from the accessory dwelling’s entrance to the 49th Street sidewalk, thus connecting this unit to the greater pedestrian network.

(C) Adequate access will be available for emergency vehicles.

Applicant’s statement of justification for the above approval criteria:

“Location of Accessory Dwelling is on current compliant lot for emergency vehicle access and is less than 150’ from public way on Shirley Street.”

Staff findings and analysis:

Staff agrees with the applicant’s statement that adequate emergency vehicle access is provided via existing right of way, including both 49th Street and Shirley Street.

(D) Adequate off-street parking will be provided to prevent congestion of public streets.

Applicant’s statement of justification for the above approval criteria:

“Off street parking consists of 3 car garage and driveway.”

Staff findings and analysis:

Staff agrees with the applicant’s statement that adequate off-street parking is provided. The combined total parking requirement for the accessory dwelling and single family residence equals three parking stalls. Since the proposal includes both on-site driveway space large enough to park upon, and a three car garage, staff finds that this requirement has been met.

(E) The bulk and lot coverage of the proposed use shall be compatible with the surrounding property, or shall be conditioned so as to not impose an adverse impact upon the surrounding property.

Applicant’s statement of justification for the above approval criteria:

“Surrounding property consists of vacant land to the South, two story single family home to the West, primary residence to the North, new driveway and yard to the East.”

Staff findings and analysis:

Staff finds that the bulk and scale of the proposed use is typical for the zone in which it is located and therefore does not anticipate that it will impose an adverse impact upon surrounding properties.

(F) Building and structure heights shall conform to the requirements of the surrounding zoning district. Bell towers, public utility antennas or similar structures may exceed the height requirements, provided that they are conditioned so as to not impose an adverse impact upon the surrounding community.

Applicant’s statement of justification for the above approval criteria:

“Requesting a variance to RMC 25.01.040(f)(4) No accessory building, including detached garages shall exceed 18 feet in height as measured from the lot grade. Variance request with supporting documentation to follow.”

Staff findings and analysis:

Staff finds that although the proposal exceeds the maximum height for accessory dwellings, that the applicant has provided adequate justification for a variance, which is discussed later in this report. Assuming that the Hearing Examiner will agree with the applicant’s justification for the requested height variance, staff finds that this requirement will have been met upon receiving approval of the requested variance.

(G) Potential noise, light and glare impacts relating to the proposed use shall not unduly impact nor detract from the surrounding properties in the zoning district. The Hearing Examiner shall find that the potential noise, light and glare shall not deter from the surrounding properties in the zoning district.

Applicant’s statement of justification for the above approval criteria:

“Proposed Garage/ADU noise, light and glare impacts would be consistent with similar structures in surrounding properties.”

Staff findings and analysis:

Staff agrees with the applicant's statement that noise, light and glare impacts resulting from the proposed accessory dwelling would be typical for other similar uses in the zone and do not need any further mitigation beyond what the City's codes already require, (i.e. RMC 25.01.103 – Outdoor Lighting, for example).

(H) Hours of Operation. The hours of operation shall not create intrusive impacts into the neighborhood.

Applicant's statement of justification for the above approval criteria:

"Does not apply. Intended use is garage and residence."

Staff findings and analysis:

Staff agrees with the applicant's statement. Hours of operation limitations are intended for non-residential conditional uses and are not applicable to this proposal.

(2) Landscaping. Landscaping shall be provided in all areas not occupied by buildings or paving. The Hearing Examiner may require exceptional landscaping as a condition.

(3) Effect of Conditional Use Permit.

(A) Once the conditional use permit is approved, no building or development shall occur contrary to that specified in the conditional use permit.

(B) The owner shall record a declaration with the Pierce County Auditor showing the land to be bound by a conditional use permit.

(i) The declaration shall reference the official files of the City through which the permit was granted.

(ii) The declaration shall be a covenant running with the land.

(iii) No building permit shall be issued unless such declaration is recorded.

(iv) No building permit shall be issued for structures other than those specified in the permit.

3) RMC 25.01.110(d) – Variances

Applicant's reasoning for the variance request includes the following:

"Reasons for Variance Request

(1) Due to the slope of the lot the existing lot grade elevation would require excavation of over 4 feet of rear yard to keep the proposed 2-story

- garage/ADU under the 18'-0" max height restriction as defined in RMC 25.01.040(f)(4) No accessory building, including detached garages, shall exceed 18 feet in height as measured from the lot grade.
- (2) The 18'-0" max height creates a hardship of minimal use of the upper floor, while attempting to capture comfortable economic area of living quarters.
 - (3) With the peak not being able to exceed the height of 18'-0" max height the architectural character is minimized such that a flat roof is the only option in allowing the living quarters above the garage without the lift in height allowance. A flat roof deviates from the existing character of the neighborhood and parcel's principal structure as defined in RMC 25.01.040(j)(4) Design Requirements. The design of an accessory dwelling shall be incorporated into the principal structure's design with matching materials, colors, window styles, and roof design.
 - (4) Excavation of the rear yard to satisfy the 18'-0" max height restriction creates a greater than 15 degree slope driveway access from the rear alley to the garage.
 - (5) Excavation of this magnitude will lead to probability of excessive water management issues. If most concern is water runoff from the alley into yard."

Applicant's additional justification for the variance request includes the following:

"Justification for Variance Request:

Planning for this project took into consideration the location of the ADU being above the garage as to limit the lot coverage and minimizing ground coverage in utilizing the same square footage of roof above a three-car garage and capturing an ADU.

Project will be constructed to current International Building Codes as adopted by the Town [City] Council.

It is our belief that the proposed project meets the conditions for an Accessory Dwelling Unit as defined in the Ruston Municipal Code and will fit within the Residential zone as defined in RMC 25.01.040(a) and (j) with little to no impact to the neighborhood."

Ruston Municipal Code 25.01.110(d) states the following:

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 may be granted by the Hearing Examiner after receiving the recommendation and written findings of fact from the City staff as described in (d)(6) below if the Hearing Examiner 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 the 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*

Staff findings and analysis:

Staff agrees with the applicant's reasoning that there is a unique condition on the property resulting from the sloping topography from the rear to the front of the lot and how that creates a hardship relative to the applicant's desire to balance economic efficiency, (through two-story construction), with minimized building lot coverage, and the resulting unnecessary increase to impervious surfaces that would result by constructing two single-story structures instead of a single two-story structure. The situation is made more difficult when attempting to comply with the City's ADU standards to utilize similar architectural elements found in the existing single family residence – the inclusion of a pitched-roof in this case on a two-story structure. The result is a building that is very difficult to construct if limited to 18-feet in height, at least not without major excavation to unnaturally lower lot grade so as to set the building "into the ground" – a condition which then creates unnecessary drainage issues by directing water from the alley toward the garage.

(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*

Staff findings and analysis:

Staff finds that the proposed variance, if approved, will not grant a special privilege not enjoyed by other properties in the vicinity as there are other sites within the City which enjoy the efficiency of placing an accessory dwelling unit over the garage. Additionally, given that a two-story

structure housing two uses, (garage and accessory dwelling), creates less impervious surface and results in increased open space, staff finds that the proposed design is also more environmentally sensitive than would be the case if the design met the Residential zoning maximum height standard for accessory dwellings of 18 feet.

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

Staff findings and analysis:

Staff finds that the proposed use is consistent with the City's Comprehensive Plan. Construction of accessory dwellings creates opportunities for more affordable housing, (while encouraging quality tenant management by requiring an on-site owner occupant), and allowing two-story construction to occur as opposed to single story construction encourages increased open space and more efficient use of Ruston's limited development area – all of which are consistent with the City's Comprehensive Plan, as discussed in section III.B of this report above.

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

Staff findings and analysis:

Staff finds that the proposed variance request, if approved, will not adversely affect the neighborhood's character as structures within the Residential zone are predominantly sloped-roof, two-story structures.

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

Staff findings and analysis:

Staff finds that the through the combination of limiting the height to no more than 25 feet above the alley and requiring a north-south oriented roof peak, that the proposal will not adversely affect the use of value of neighboring properties.

(3) [THIS SECTION WAS OMMITTED AS IT IS NOT RELEVANT TO THIS PROPOSAL].

(4) [THIS SECTION WAS OMMITTED AS IT IS NOT RELEVANT TO THIS PROPOSAL].

(5) Variance Subject to Conditions. The Hearing Examiner may grant a variance subject to conditions or safeguards to ensure that the purpose and intent of the City's zoning regulations and Comprehensive Plan will not be violated.

(6) Report and Recommendation from Mayor. The Planning Director or other City official designated by the Mayor shall prepare a written report and recommendation on the variance application and shall submit such report to the Hearing Examiner prior to his or her consideration of the variance application in a public hearing.

IV. Staff Conclusion and Recommendation

Staff concludes that given the findings and analysis detailed above that the proposal is consistent with the City's Comprehensive Plan and applicable zoning regulations for consideration of a conditional use permit and height variance and therefore recommends that the Hearing Examiner approve the proposed accessory dwelling conditional use permit and height variance subject to the following conditions:

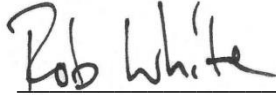
- A) The owner must occupy either the primary residence or the accessory dwelling.
- B) Prior to issuance of a building permit, the proposed site plan and/or elevation drawings shall be revised as follows:
 - a. The site plan shall be revised to include a minimum private open space area of 100 square feet. The proposed balcony shown on the floor plans may be adequate for this purpose, so long as the site plan is labelled to reflect the proposed outdoor open space. Alternatively, required open space may be provided by constructing a private ground level patio for use by the accessory dwelling unit tenant(s). Ground level patio areas, if provided, shall be made private through the use of screening in the form of a fence or hedge.
 - b. The site plan and elevation drawings shall be revised to include a minimum of 20 square feet of weather protection over the area providing pedestrian access to the unit entrance. Weather protection in the form of a roof or awning may extend toward the alley, so long as it does not project out into the public right of way.
 - c. The site plan shall be revised to include a minimum 3-foot wide pedestrian route between the pedestrian entrance and the sidewalk along the 49th Street frontage. Outdoor lighting which complies with the City's outdoor lighting standards shall be provided at the pedestrian entrance, and at typical intervals along the route.
 - d. The pedestrian entrance area shall include a physical barrier along the rear lot line which prevents pedestrians from inadvertently entering the right of way without warning to motorists. Alternatively, the applicant may revise the floor plan to include a west facing pedestrian entry, which would not

necessitate a physical barrier as it would open out to the side yard rather than the alleyway.

- e. The site plan shall be revised to include a designated location for storage of solid waste and recycling containers for both the primary residence and the accessory dwelling unit.
- C) Prior to occupancy of the proposed accessory dwelling, the following items must be completed:
- a. The existing carport/shed structures located within the rear yard adjacent to the alley must be demolished.
 - b. Address numbering visible from 49th Street shall be provided.
 - c. The final Hearing Examiner decision and a copy of a revised site plan, (having been revised prior to building permit approval as required above), must be recorded with the Pierce County Auditor in accordance with RMC 25.01.110(b)(3)(B).
- D) The proposed accessory dwelling shall be constructed of materials which are architecturally compatible with the primary residence, including window, siding and roofing materials and colors, such that it gives the outward appearance of being an aesthetically and architecturally coordinated site.
- E) The maximum height of the accessory dwelling unit shall not exceed 25 feet above the alley level adjacent to the lot, which is shown at 182 feet above sea level on the cross section provided on sheet A2 in Exhibit A, for a maximum allowable roof height of 207 feet above sea level. Additionally, the ridge of the roof must be constructed in a north-south orientation. A height survey prepared by a licensed surveyor confirming the above shall be submitted with the building permit application.
- F) No building or development shall occur contrary to that which is specified in this proposal, as required by RMC 25.01.110(b)(3)(A).
- G) Expiration of approval. If the City of Ruston does not receive a complete building permit application to construct an accessory dwelling as proposed herein, within 24 months of granting this conditional use permit and variance request, the approvals shall lapse and be of no further effect. The Planning Director may extend the period of approval for not more than two years, provided that the request is submitted to the City by the property owner prior to the expiration date.

V. Public Notice

Public notice was provided 14 days prior to the public hearing date of June 10, 2016, as required by RMC Title 19.

Handwritten signature of Rob White in black ink, written over a horizontal line.

June 5, 2016

Rob White,
Planning Director

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

Application Materials (Exhibit A)

Exhibit A – Application Materials

CYP 16-01



**TOWN OF RUSTON
PLANNING SERVICES**

5117 North Winnifred Street Ruston, Washington 98407-6597
Phone (253)759-3544 Fax (253)752-3754

**Accessory Dwelling Conditional Use Permit
Application and Submittal Checklist**

Tax Parcel Number 7700000041	Permit Number (staff use only)
Site Address 5428 N. 49th ST Ruston WA 98407	Project Name (staff use only)
Property Owner Name Lawrence + Elvira Upton	Applicant Name Same as Owner
Property Owner Mailing Address 5428 N. 49th St. Ruston, WA 98407	Applicant Mailing Address Same as Owner
Property Owner Phone (253) 370-5542	Applicant Phone Same as Owner
Property Owner E-mail Address Lawupton@gmail.com	Applicant E-mail Address Same as Owner

Zoning Designation

RES

COM

COM-P

MPD

I certify that I have read and examined this application and have completed it with information that I know to be true and correct. I also give permission for Town employees to enter the site to perform any necessary inspections.

Lawrence D. Upton
Property Owner Signature

3-4-2016
Date

Applicant Checklist

Yes	N/A		Included?		
			Yes	Need	N/A
<input checked="" type="checkbox"/>		Review Fee Deposit of \$2,912.50 (\$150 fee, plus \$2762.50 deposit per RMC 1.14.050(e)). Please attach a copy of proof of payment.	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>		Project Description (general description of the proposed use, including the existing/proposed sq/ft, amount of fill materials imported/exported, etc)	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>		Statement of Justification Please provide a written statement that addresses all approval criteria for the proposed conditional use as specified in RMC 25.01.110(b)(1)(A), and also for any specific criteria applicable to the underlying zone.	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Site Plan - showing grade, the height, the lot coverage, the dimensions of all existing and proposed structures and the distance from property lines and all improvements to be added to the property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Impervious Surface Calculations (Show impervious surface in sq/ft on Site Plan)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Critical Areas Documentation Provide documentation regarding the presence of any critical areas located on site. (wetlands, steep slopes, aquifer recharge, fish and wildlife, etc)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Additional Information - additional written or graphic information necessary to enable the Planning Commission and Town Council to act on the application.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**TOWN OF RUSTON
PLANNING SERVICES**

5117 North Winnifred Street Ruston, Washington 98407-6597
Phone (253)759-3544 Fax (253)752-3754

**Variance
Application and Submittal Checklist**

Tax Parcel Number 77000000 41	Permit Number (staff use only)
Site Address 5428 N. 49th St Ruston, WA 98407	Project Name (staff use only)
Property Owner Name Lawrence + Elvira Upton	Applicant Name Same as Owner
Property Owner Mailing Address 5428 N 49th St Ruston, WA 98407	Applicant Mailing Address Same as Owner
Property Owner Phone (253) 370 5542	Applicant Phone Same as Owner
Property Owner E-mail Address Lawupton@gmail.com	Applicant E-mail Address Same as Owner

Zoning Designation <input checked="" type="checkbox"/> RES <input type="checkbox"/> COM <input type="checkbox"/> COM-P <input type="checkbox"/> MPD	<p>I certify that I have read and examined this application and have completed it with information that I know to be true and correct. I also give permission for Town employees to enter the site to perform any necessary inspections.</p> <p><i>Lawrence D. Upton</i> Property Owner Signature</p> <p><u>3-4-2016</u> Date</p>
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Applicant Checklist - (Please see RMC 25.01.110)		Included?		
Yes	N/A	Yes	Need	N/A
<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
Review Fee Deposit of \$3350, (\$150 Fee, plus \$3200 deposit) as per RMC 1.14.050(d)				
<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
Nature of the Action Requested. Please describe in detail the specific code section(s) you are requesting variance from and what site specific hardships exist that would help to justify the request, as required by RMC 25.01.110(a)(1).				
<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
Site Plan - showing grade, the height, the lot coverage, the dimensions of all existing structures and the distance from property lines and all improvements to be added to the property, including yard areas, etc, as required by RMC 25.01.110(a)(1).				
<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
Justification Statement - Provide a concise written statement explaining how the proposed use complies with the criteria of RMC 25.01.110(d), as required by RMC 25.01.110(a)(1) - (see RMC for a complete listing of approval criteria.)				
<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
Additional Information - additional written or graphic information necessary to enable the Planning Commission and Town Council to act on the application, as required by RMC 25.01.110(a)(1).				
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SEPA Checklist , if applicable				

staff use only

Accessory Dwelling Conditional Use Permit

and

Variance Submittal

Property Owners & Applicants: Lawrence (Larry) & Elvira (Veta) Upton

Tax Parcel #: 7700000041

Address: 5428 N 49th St

Ruston, WA 98407

Proposed Project: Demolish and remove existing rear yard detached garage/carport and construct a new 36' X 30', 3 car garage with Accessory Dwelling Unit (ADU) above the garage as defined by RMC 25.01.040 (j) & (k)

It is our belief that the proposed project is 100% in line with the vision and intent spelled out in the 2015 Comprehensive Plan for the City of Ruston and complies with the criteria of RMC 25.01.110 - Conditional uses, unclassified uses and variances.

All of the criteria listed below have been taken into consideration and served as a guide throughout the planning and designing process.

A)The proposed use will not be injurious to the neighborhood or otherwise result in substantial or undue adverse economic, aesthetic, or environmental effects on adjacent property. It has been our goal to design this project to add value and character to our property while posing no negative effects or impacts to the neighborhood.

(B)The proposed use will not create a hazard for pedestrian or vehicular traffic. Traffic and circulation patterns of vehicles and pedestrians relating to the proposed use shall not be detrimental to the existing and proposed allowable uses in the zoning district. The traffic and circulation patterns shall assure safe movement in the surrounding area. No traffic impact expected.

(C)Adequate access will be available for emergency vehicles. Location of Accessory Dwelling is on current compliant lot for emergency vehicle access and is less than 150 from public way on Shirley St.

(D)Adequate off-street parking will be provided to prevent congestion of public streets. Off street parking consists of 3 car garage and driveway.

(E)The bulk and lot coverage of the proposed use shall be compatible with the surrounding property, or shall be conditioned so as to not impose an adverse impact upon the surrounding property. Surrounding property consist of vacant land to the South, two story single family home to the West, primary residence to the North, new driveway and yard to the East.

(F) Building and structure heights shall conform to the requirements of the surrounding zoning district. Bell towers, public utility antennas or similar structures may exceed the height requirements, provided that they conditioned so as to not impose an adverse impact upon the surrounding community. Requesting a variance to RMC 25.01.040(f)(4) "No accessory building, including detached garages shall exceed 18 feet in height as measured from the lot grade." Variance request with supporting documentation to follow.

(G) Potential noise, light and glare impacts relating to the proposed use shall not unduly impact nor detract from the surrounding properties in the zoning district. The Hearing Examiner shall find that the potential noise, light and glare shall not deter from the surrounding properties in the zoning district. Proposed Garage/ADU noise, light and glare impacts would be consistent with similar structures in surrounding properties.

(H) Hours of Operation. The hours of operation shall not create intrusive impacts into the neighborhood. Does not apply. Intended use is garage and residence.

(2) Landscaping. Landscaping shall be provided in all areas not occupied by buildings or paving. The Hearing Examiner may require exceptional landscaping as a condition. Yard and landscaping will be provided along the East side of rear yard.

(j) Accessory Dwellings. Accessory dwellings may be conditionally allowed following review and approval by the City Hearing Examiner subject to the following conditions:

(1) A lot may have no more than one accessory dwelling. Project meets condition

(2) The owner must occupy either the principal structure or the accessory dwelling. Project meets condition

(3) Parking must meet the requirements of Section 25.01.090. Project meets condition

(4) Design Requirements. The design of an accessory dwelling shall be incorporated into the principal structure's design with matching materials, colors, window styles, and roof design or it shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family dwelling. Project meets condition

(k) Garages, Surface Parking, Driveways and Accessory Structures. Garages, surface parking, driveways and accessory structures are permitted within the rear yard setback, subject to the following provisions:

(1) When alley access is available, garages, surface parking and driveways are prohibited from accessing the site through front or side yards. If alley access is not available, then side yard access shall be utilized. If neither alley nor side yard access is available, then the following standards will apply to all garages, surface parking and driveways: Does not apply. Alley access is available and will be used.

(A) Side-loaded garages are preferred over front-loaded garages when access is provided through front yards. Does not apply. Access will be through alley in rear yard.

(B) Front-loaded garages with vehicle doors facing the front lot line that are attached to the primary structure shall include habitable space above the garage with windows facing the street, (habitable space must also meet International Building and Fire Code egress standards for bedrooms). The area of habitable space shall be at least 50 percent of the area of the garage. Does not apply. Detached Garage/ADU in rear yard.

(C) Driveways and surface parking areas located within ten feet of the front lot line shall have a maximum width of ten feet and shall either contain a three-foot wide grass strip along its center (perpendicular to the right-of-way or access street) or be paved with grass pavers. Does not apply. Detached Garage/ADU in rear yard.

Requested Variance: Owners are requesting a variance to RMC 25.01.040(f)(4) “No accessory building, including detached garages shall exceed 18 feet in height as measured from the lot grade.”

Reasons for Variance Request:

1. Due to the slope of lot the existing lot grade elevation would require excavation of over 4 feet of rear yard to keep the proposed 2-story garage/ADU under the 18'-0" max height restriction as defined in RMC 25.01.040 (f)(4) *No accessory building, including detached garages, shall exceed 18 feet in height as measured from the lot grade.*
2. The 18'-0" max height creates a hardship of minimal use of the upper floor, while attempting to capture a comfortable economic area of living quarters.
3. With the peak not being able to exceed the height of 18'-0" max height the architectural character is minimized such that a flat roof is the only option in allowing the living quarters above the garage without the lift in height allowance. A flat roof deviates from the existing character of the neighborhood and parcel's principal structure as defined in RMC 25.01.040 (j) (4) Design Requirements. *The design of an accessory dwelling shall be incorporated into the principal structure's design with matching materials, colors, window styles, and roof design.*
4. Excavation of the rear yard to satisfy the 18'-0" max height restriction creates a greater than 15 degree slope driveway access from the rear alley to the garage.
5. Excavation of this magnitude will lead to probability of excessive water management issues. Of most concern is water runoff from the alley into yard.

Justification For Variance Request:

Planning for this project took into consideration the location of the ADU being above the garage as to limit the lot coverage and minimizing ground coverage in utilizing the same square footage of roof above a three-car garage and capturing an ADU.

Project will be constructed to current International Building Codes as adopted by the Town Council.

It is our belief that the proposed project meets the conditions for an Accessory Dwelling Unit as defined in the Ruston Municipal Code and will fit within the Residential zone as defined in RMC 25.01.040 (a) & (j) with little to no impact to the neighborhood.

(a)The residential district is represented by Ruston's traditional residential-style buildings with small front, side and rear yards along tree-lined streets. Structures are one to two stories in height with front porches and pitched roof forms. Neighborhoods predominantly include single-family homes, with limited instances of two-family and multi-family homes. Home occupations and accessory dwellings are encouraged where impacts to nearby residential uses are minimized. Pedestrian-oriented street-side facades with clear entries and front porches are a high priority. Vehicle access is limited to on-street parallel parking and alleys where available.

The proposed project also meets the vision and intent of multiple elements of the Growth Management Act and 2015 Comprehensive Plan for the City of Ruston listed below.

Growth Management Act

GOAL 2.

Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

GOAL 4.

Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

2015 Comprehensive Plan For City of Ruston

Goals for Ruston

To identify locations for and support infill, including live-work and accessory dwelling units. Ensure these developments are integrated seamlessly with existing development and neighborhood character. Residential neighborhood character has remained constant with mostly traditional arts and crafts style homes that offer porches or other amenities oriented toward the street and garages accessed from alleys. New development is mainly infill, achieved through subdivision, live-work units, or accessory dwelling units.

Framework Policies

FW-6

Design development to be architecturally compatible with the traditional arts and crafts style, including: scale; mass; or modulation of adjacent and nearby homes. Emphasis should be placed on the form of structures over their use.

FW-14

Encourage and integrate: multifamily; accessory dwelling; and live-work housing types when appropriate, into neighborhoods. Design their forms to fit-in with neighborhood character and environmental characteristics.

FW-23

Encourage multifamily, accessory dwelling units, and live-work units when their form is designed to be compatible with surrounding uses

FW-26

Encourage accessory dwelling units as a permitted use to provide more affordable housing choices and options for accommodating growth. Provide architectural examples.

Community Character Policies

CC-5

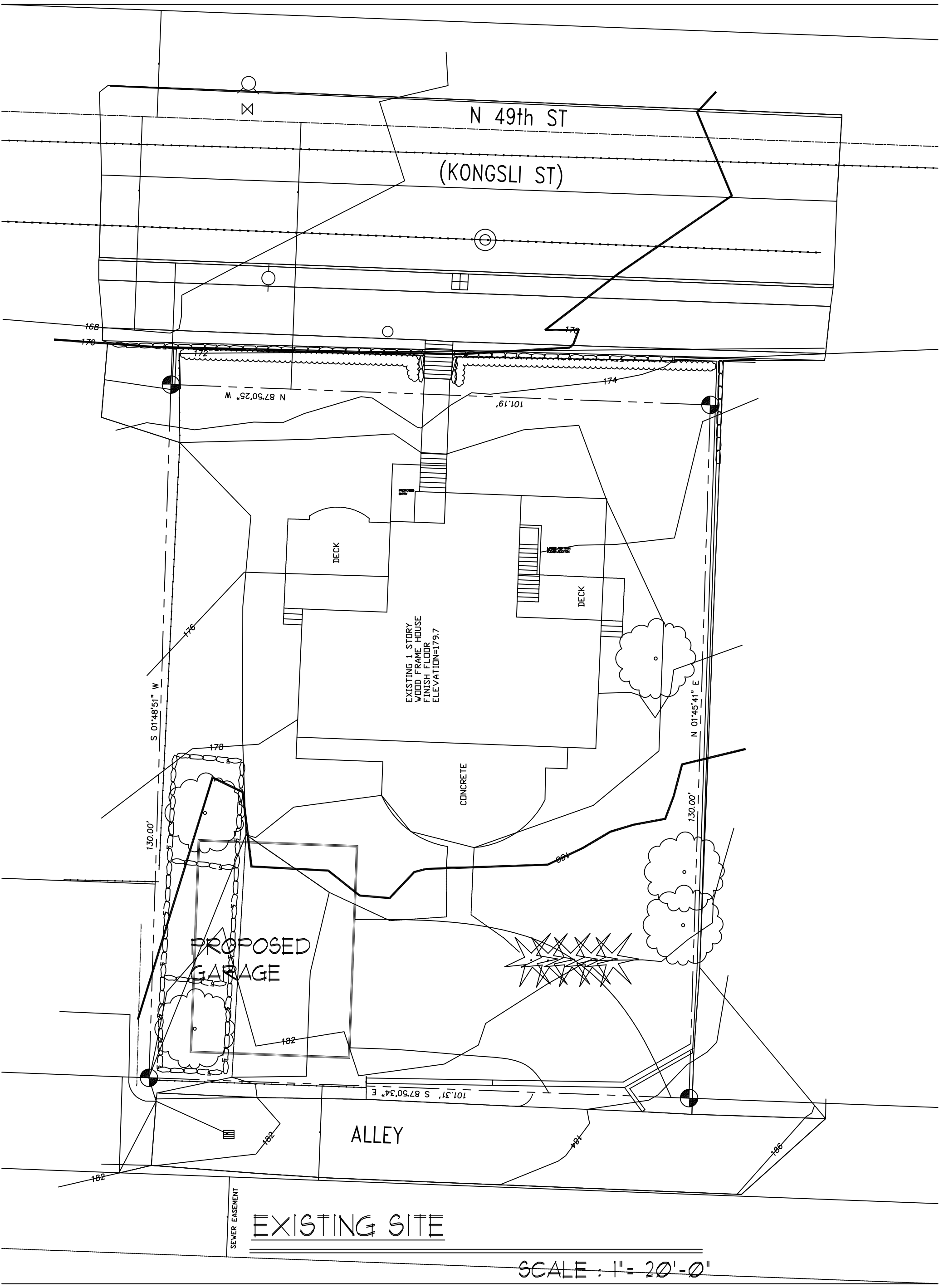
Allow infill development when lot and home size are in proportion, similar to existing neighborhood character.

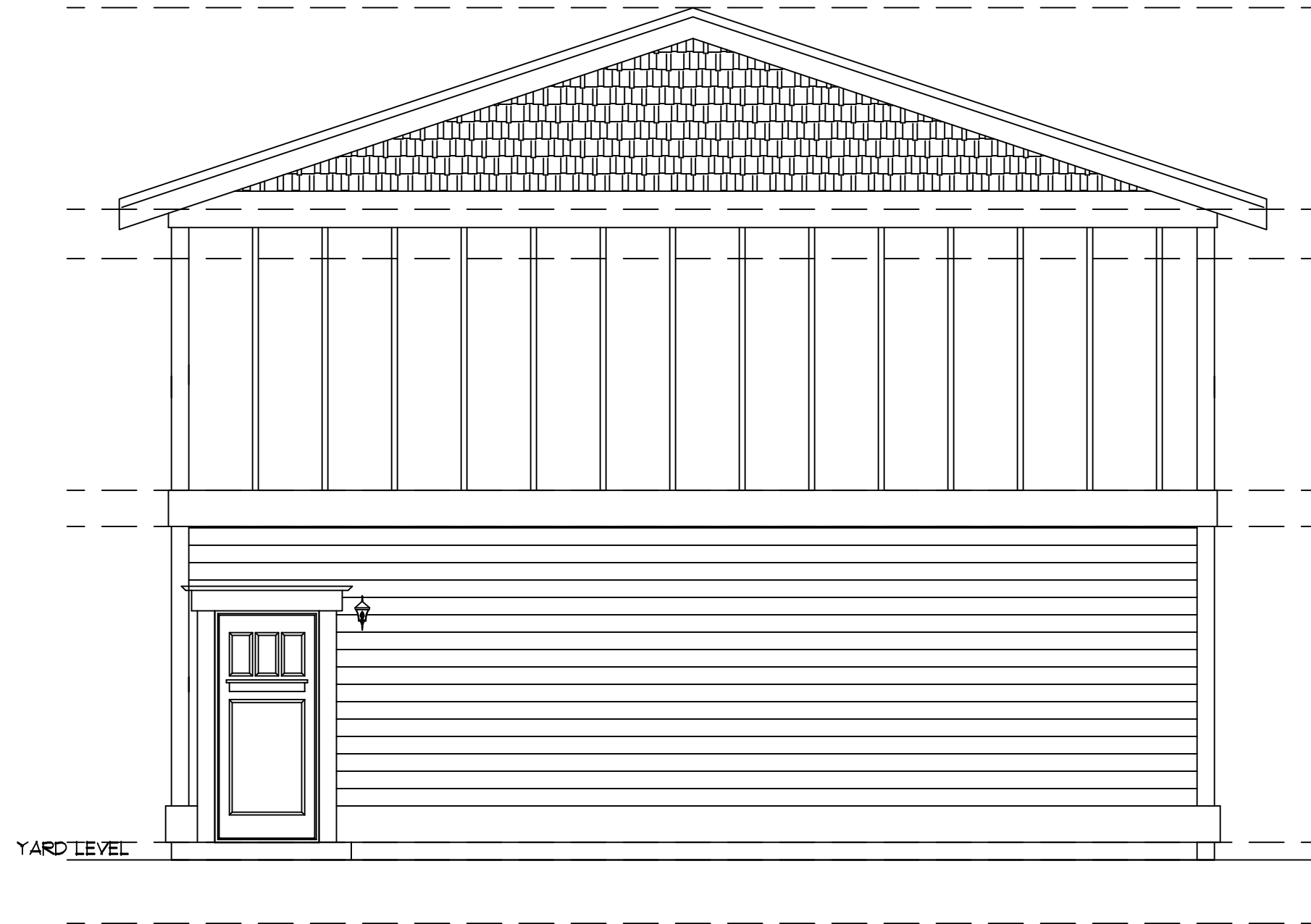
CC-6

Design residential developments with arts and crafts-style homes (i.e. Craftsman, Tudor, and Pacific Northwest Timber Frame). Visible building materials should reflect human handicraft (cedar lap siding or shingles) over plywood siding such as T-1-11.

CC-23

Encourage low-impact infill development such as accessory dwelling units by simplifying the permitting process. Provide architectural examples of accessory dwelling units that show good integration with the existing neighborhood.

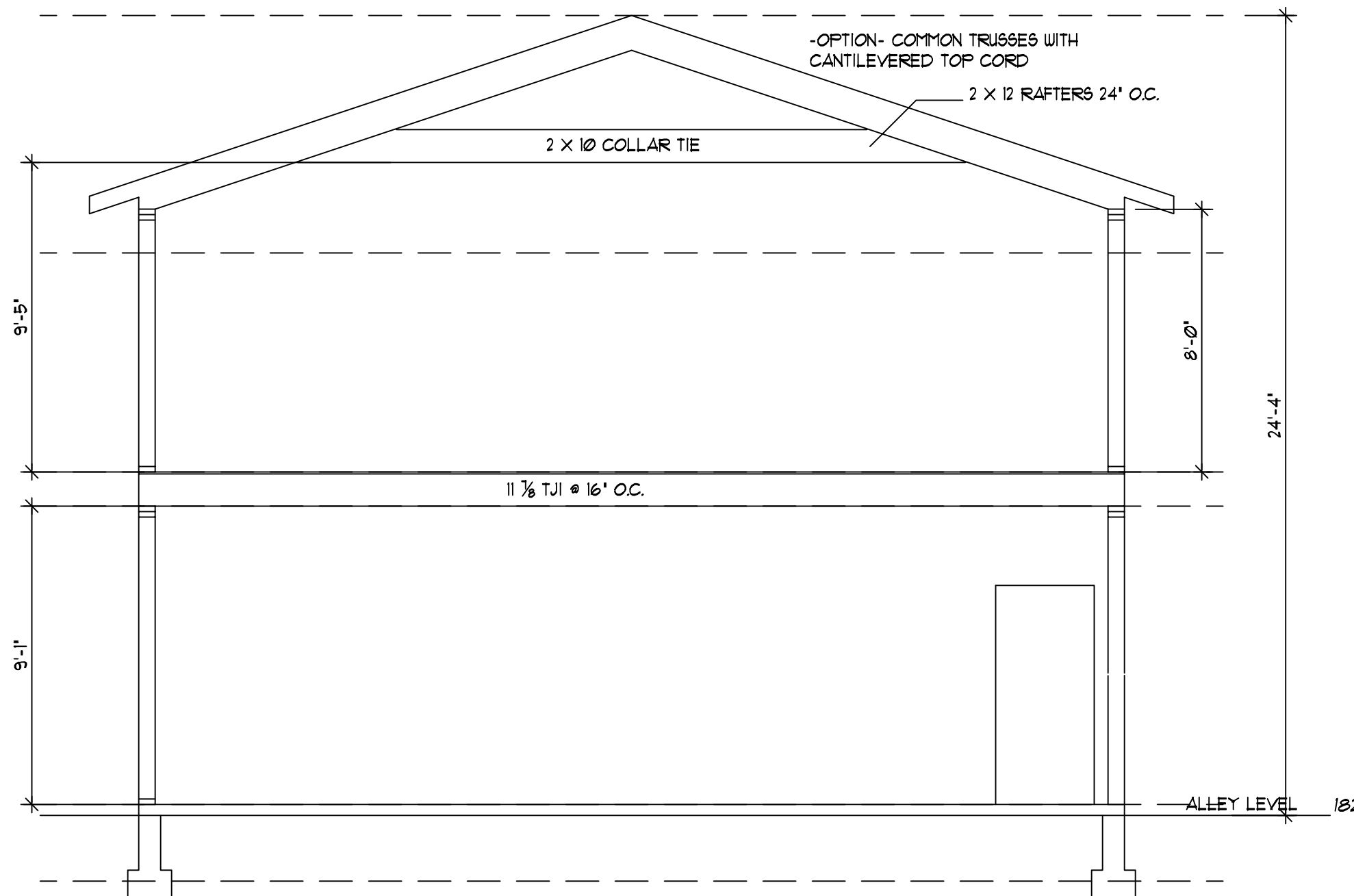




SOUTH ELEVATION

ALLEY

SCALE : 1/4" = 1'-0"



SECTION

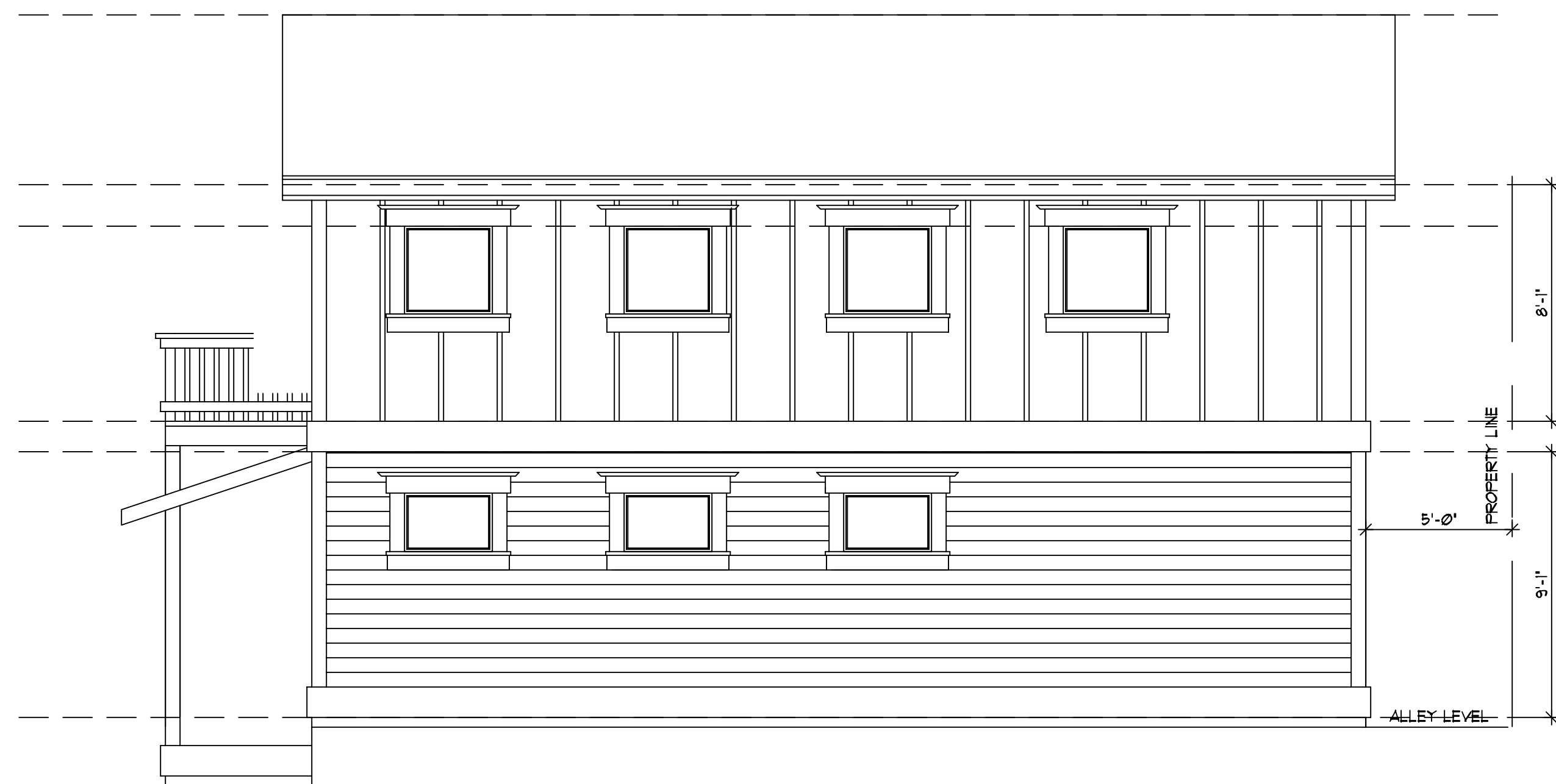
SCALE : 1/4" = 1'-0"



NORTH ELEVATION

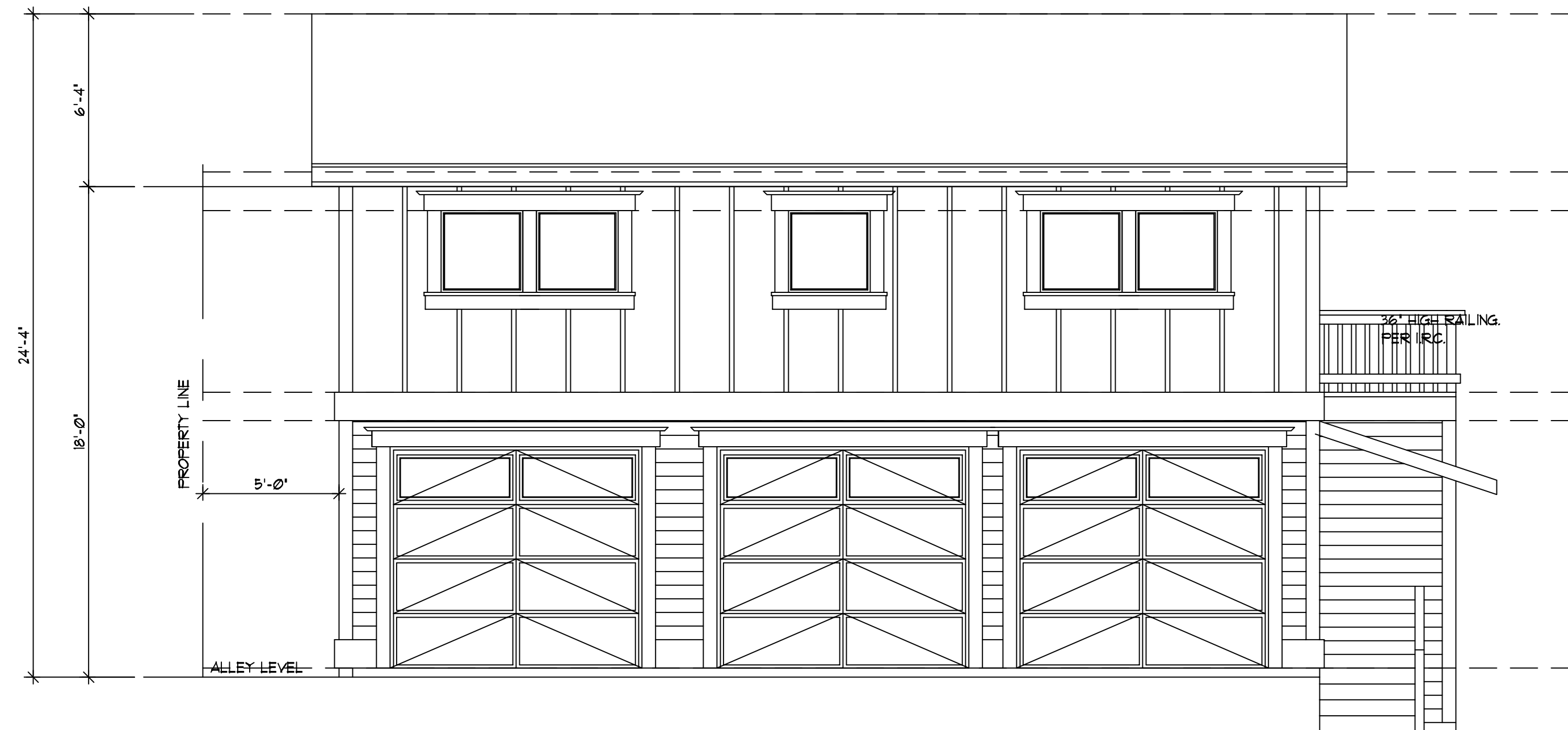
YARD

SCALE : 1/4" = 1'-0"



WEST ELEVATION

SCALE : 1/4" = 1'-0"



EAST ELEVATION

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SCALE : 1/4" = 1'-0"

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PRELIMINARY ELEVATIONS

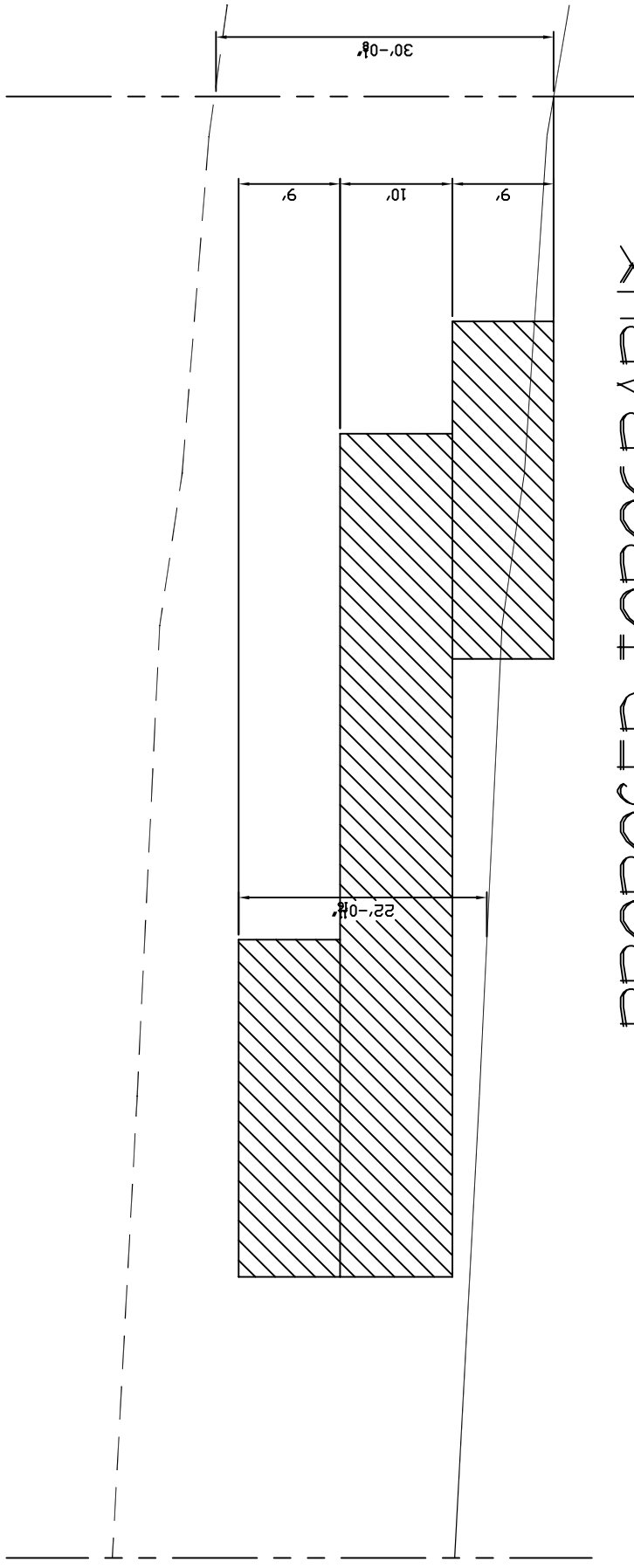
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A2

DATE:
1/29/15
DESIGNER:
JPD

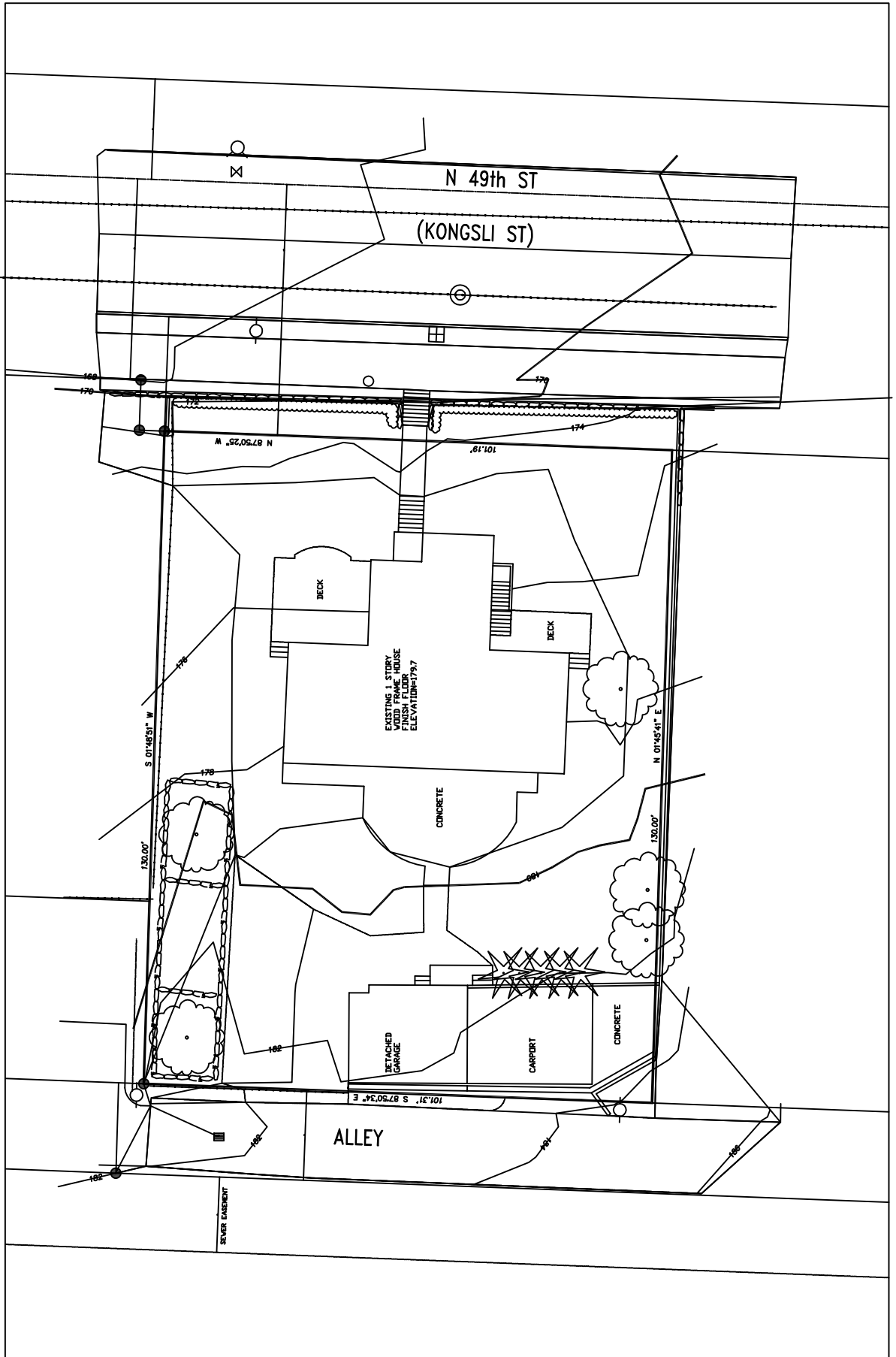
2

PROJECT #



PROPOSED TOPOGRAPHY

SCALE : 1" = 20'-0"



EXISTING SITE

SCALE : 1" = 20'-0"