

**Staff Report to the Hearing Examiner
PAZ Residence Setback Variance
VAR 19-01**

I. General Information

A) Applicant:

Ramon and Melissa Paz
5411 N Court St
Ruston, WA 98407

B) Agent:

Drager Architecture
2602 N Proctor St
Tacoma, WA 98407

C) Site Address:

5411 N Court St
Ruston, WA 98407

D) Zoning Designation: Residential (RES)

II. Project Description

The applicant has applied to the City of Ruston for approval of a variance from RMC 25.01.040(e) and 25.01.040(f), to decrease both the front yard and side yard setbacks and also to increase the maximum allowable height, which together work in tandem to allow remodel of an existing non-conforming structure upon a steeply sloping lot. Please see the applicant justification letter for full details on the proposal, which is attached to this report as Exhibit A.

Since Ruston's code allows for variances to be granted in instances where there is either a site specific hardship, or when the purpose of the regulation from which the variance is sought would not be harmed, the applicant suggested that the use of architectural treatments and site design concepts could be utilized as a way of providing a superior design, while also recognizing the issues that the site's steep slope present. Given that the intent of the RES zone states that "*Pedestrian-oriented street-side facades with clear entries and front porches are a high priority*", and that the code also seeks to encourage traditional style architecture with one or two story pitched roof structures, staff encouraged the applicant to consider a design which

included traditional detailing such as a large front porch, pitched roof with overhangs and street facing pedestrian entry, which might result in a superior design for both the applicant and the community, while also meeting the overall intent of the RES zone. The resulting design and justification letter are included within Exhibit A, which is attached to this report for consideration of the requested variance.

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. 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.
- c. Community Character Policy CC-4
Allow development that encourages pedestrian-oriented architecture.
- d. Community Character Policy CC-5
Allow infill development when lot and home size are in proportion, similar to existing neighborhood character.
- e. 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.

- f. 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.
- g. Land Use Policy LU-15
Development should be designed to be environmentally sensitive, energy-efficient, and aesthetically pleasing.

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 remodel an existing non-conforming single-family home, making it more functional, while also providing a traditionally detailed, pedestrian-oriented, design that will exceed the City's standards for residential architecture as its justification for provision of the requested variance.

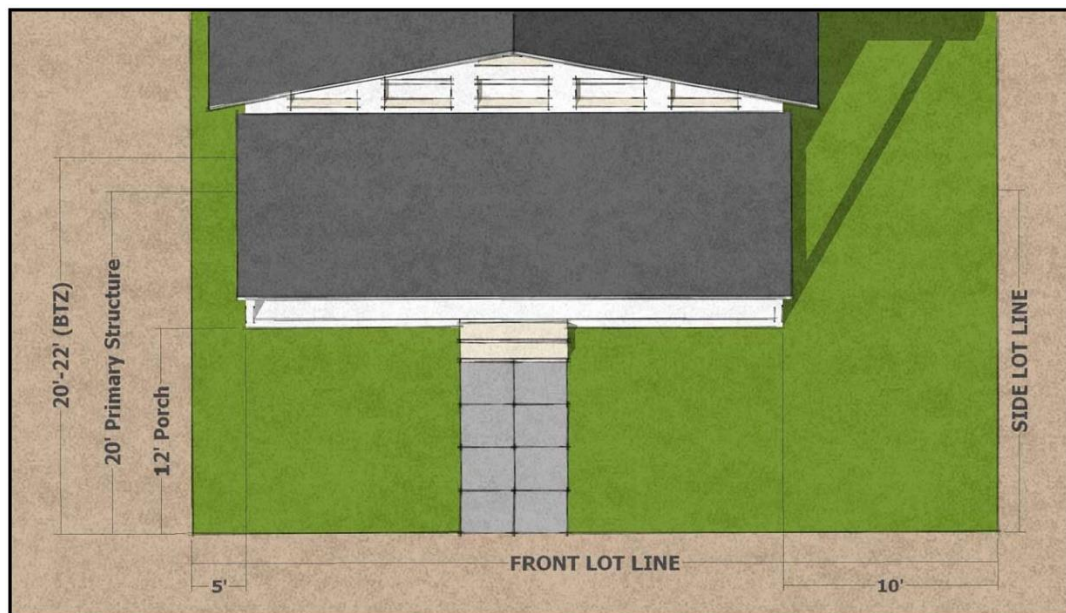
C) Ruston Municipal Code

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(a) – Residential (RES) Zone Intent

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.

2) RMC 25.01.040(e) – Residential (RES) Zone Setback Standards



The Ruston Municipal Code section cited above, (including the above code graphic) from which the variance is sought, states the following:

(1) Front Yard

(A) The primary structure minimum setback is 20 feet from the front lot line. The primary structure [Build to Zone] (BTZ) is located between 20 and 22 feet from the front lot line. At least 50 percent of the ground floor front façade of the primary structure must be located within the BTZ.

(B) Porches may be located as close as 12 feet from the front lot line, provided that the finished floor elevation of the primary structure is at least 18 inches above the average elevation of the front lot line, as described in subsection (f) below.

(3) Side Yards.

(A) Primary structures, attached garages and porches, must be set back a minimum of five feet from the side yard, with a combined total of 15 feet of setback space for both side yards. Existing lots of record which do not comply with the minimum lot width may reduce the combined total side yard width to no less than ten feet.

3) RMC 25.01.110(d) – Variances

Applicant's reasoning for the variance request:

The applicant's variance justification letter is located within the contents of Exhibit A, which is attached for reference.

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 the sloping topography surrounding the site makes the site more difficult to develop than most sites within the RES zone. Additionally, staff feels that since the applicant is proposing to improve an existing non-confirming structure in ways that do not appear to negatively impact neighboring properties with regards to both setbacks and height, *AND* as the applicant suggested, (and the staff agreed), that a more pedestrian-oriented design could be achieved by allowing the requested variances, staff supports the request.

The resulting design presented in Exhibit A, successfully proposes to balance slope; enhanced pedestrian-oriented design with a large front porch and street-facing entry; sloped roof with overhangs; and a predominantly traditional architectural style; all in a manner which will not harm the purpose and intent of the RES zone, and is superior to what would have otherwise been achieved had a variance not been sought.

- (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 most single-family residences existing elsewhere within the RES zone are not located upon steeply sloped lots.

- (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 a single-family residence which includes a prominent pedestrian entry and front porch; and pitched roof with overhangs, is consistent with Ruston's design and housing goals within 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. Single family homes and garages are typical in Ruston's neighborhoods. Further, it is the staff's position that the use of the residential architectural design presented in this application exceeds that which the code requires. Additionally, given that lots across the street to the south are significantly higher than the subject site, the requested height variance is expected to have little to no impact on surrounding views.

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

Staff findings and analysis:

Staff finds that the proposed variance request, if approved, will not adversely affect the use or value of neighboring properties. Single family homes and garages are typical in Ruston's neighborhoods. Further, it is the staff's position that the use of the residential architectural design presented in this application exceeds that which the code requires. Additionally, given that lots across the street to the south are

significantly higher than the subject site, the requested height variance is expected to have little to no impact on surrounding views.

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

(4) *[THIS SECTION WAS OMITTED 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

As stated in detail above, (and within the applicant's justification letter and conceptual plans), the proposed single-family development provides a well-balanced infill redevelopment in an area that, due to steep slopes and the location of the existing non-conforming structure, would otherwise be difficult to complete. The proposed development also exceeds the City's design standards through its thoughtful placement of vehicle and pedestrian oriented design elements.

Staff therefore 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 the requested variance and therefore recommends that the Hearing Examiner approve the proposal subject to the following conditions:

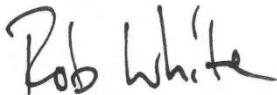
- A) Prior to issuance of a building permit, the proposed site plan and/or elevation drawings shall comply with the following requirements:
 - a. The site plan, floor plans, and building elevations, (including but not limited to façade and structural details such as roof pitch and overhangs, siding materials and colors, window and door placement, window grid patterns, garage door style, patios, water features, landscaping, etc.), submitted with this application are hereby adopted as integral to the successful implementation of the requested variance as discussed in the staff analysis section of this staff report above, and shall not be modified, except that minor modifications to the architecture or landscaping may be approved by the Planning Director provided that the applicant demonstrates, and the Planning Director agrees, that such modifications are "as good or better"

than those approved under this variance. In the event that a conflict occurs between this project as approved and the City's architectural design standards, the architectural details approved in this application shall prevail.

- B) Prior to occupancy of the proposed structure(s), the following items must be completed:
 - a. The final Hearing Examiner decision and a copy of a revised site plan, (having been revised, only if needed, prior to building permit approval), must be recorded with the Pierce County Auditor in accordance with RMC 25.01.110(b)(3)(B).
- C) Any new construction subject to Ruston's adopted building and fire codes shall be designed appropriately with fire-resistive construction materials and/or methods and shall be reviewed by the City's building official and addressed prior to building permit issuance.
- D) 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).
- E) Expiration of approval. If the City of Ruston does not receive a complete building permit application to construct the structures as proposed herein, within 24 months of granting this 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 at least 14 days prior to the public hearing date of March 21, 2019, as required by RMC Title 19.



March 14, 2019

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)