




TOWN OF RUSTON
PLANNING SERVICES

5117 North Winnifred Street Ruston, Washington 98407-8597
 Phone (253)759-3544 Fax (253)752-3754

RECEIVED
 SEP 26 2019

Conditional Use Permit
Application and Submittal Checklist CITY OF RUSTON

Tax Parcel Number 7356000450	Permit Number (staff use only) CUP 19-02
Site Address 5211 N. Highland Ruston, WA 98407	Project Name (staff use only)
Property Owner Name Tom and Ginger Kryger	Applicant Name Tom and Ginger Kryger
Property Owner Mailing Address 5211 N. Highland Ruston, WA 98407	Applicant Mailing Address 5211 N. Highland Ruston, WA 98407
Property Owner Phone 253-752-3041	Applicant Phone 253-752-3041 / 253-988-7777
Property Owner E-mail Address t.kryger@comcast.net	Applicant E-mail Address t.kryger@comcast.net
Zoning Designation <input type="checkbox"/> RES <input type="checkbox"/> COM <input type="checkbox"/> COM-P <input type="checkbox"/> 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.  Property Owner Signature
	Date 9/25/2019

Applicant Checklist		Included?		
Yes	N/A	Yes	Need	N/A
<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	
	Review Fee Deposit of \$1937.50 (1619 345.81.00.01) (\$150 admin fee, plus \$3725 per Ruston Fee Resolution. 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 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 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"/>	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 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"/>
<p>* All included in attached copy of previously approved ADU.</p>				

Statement of Justification

For Approval of Conditional Use Permit for STR

Property location: 5211B N Highland St (presently approved ADU attached to 5211 N Highland St)

Description: The existing 1286.5 square foot unit over existing garage at the rear of the property, currently used as a Conditional Use Accessory Dwelling Unit, legally permitted and recorded with the Pierce County Auditor as of September 23, 2016.

Additional background: We applied for and received Conditional Use/Accessory Dwelling Unit status for our property in September 2016. Our unit has been successfully rented/occupied the entire 3 years since by the same family.

At the time of our initial request for an ADU, Short Term Rental status was not addressed or available under Ruston's Code. There was a need to address the STR, specifically for Air BnB's, so Ruston updated the Conditional Use permit for ADU to include STR, granted concurrently.

We are requesting approval of both ADU AND STR Conditional Use Permit status. We are specifically seeking to change from current long-term rental to also Short Term Rental in order to pursue an Air B n B. We believe there to be little or no change in the impact to our neighborhood.

We are resubmitting some of the original paperwork from 2016 as there have been no changes, other than upgrades, to the unit since.

Thank you for your consideration.

Respectfully,

Tom and Ginger Kryger
5211 N Highland St, Ruston, WA 98407

253 752 3041 (home)
253 988 7777 (Tom cell)
253 381 3732 (Ginger cell)
t.kryger@comcast.net
gingerkryger@comcast.net

(From previous submission for ADU)

PROJECT DESCRIPTION

Conversion of 1,286.5 square feet of existing finished square footage within **5211 North Highland Street** to an **Accessory Dwelling Unit**.

Part of an addition completed, inspected and approved by the Town of Ruston in 1996 was designed by our architect to be a separate, self-contained living unit. It was our intent at that time to live in one part of the home and to have caregivers be able to live on-site in a separate unit when we got older.

Since we have lived on the property for 43 years now and our medical conditions still don't require attention from caregivers, we have decided to take advantage of the City of Ruston's intention to provide more affordable housing within the city limits by encouraging the use of Accessory Dwelling Units and even duplexes.

We have added an outside exit to the proposed ADU through an existing Permit with the City of Ruston. That Permit should have a FINAL this week. The deck and stairwell were finished to somewhat mirror the existing front porch of our Craftsman style home.

Under the above Permit Number RST16-1431, all site plans have been submitted and have been approved by the City. There are not changes to the plans already approved.

It has not been necessary to make any other additions to the existing, already Ruston-approved unit. We will simply need to lock the doors that lead from the unit into the rest of our home.

There is an approximate 200 square foot side yard at the bottom of and behind the new deck and stairs dedicated to the future occupants of the ADU.

The occupants will have exclusive use of an existing one-car attached garage. Additionally, they will have exclusive use of the driveway to the garage. With the garage and driveway, in tandem, the occupants will have 2 off-street parking stalls.

Additionally, if the occupants have visitors, we have 100 feet of frontage on Highland Street available. No one except temporary visitors has parked on the 100 feet during our 43 years of ownership.

Tom and Ginger Kryger

253-752-3041

t.kryger@comcast.net or gingerkryger@comcast.net

Submitted July 26, 2016

201609230679 CCOMITA 9 PGS
09/23/2016 03:03:11 PM \$81.00
AUDITOR, Pierce County, WASHINGTON

Name & Return Address:

Thomas A. Kryger
5211 N. Highland St.
Ruston, WA 98407-3208

Washington State Recorder's Cover Sheet (RCW 65.04) Please print legibly or type information.

Document Title(s) <i>Title Note</i>
Grantor(s) <i>City of Ruston</i> ____ Additional Names on Page ____ of Document
Grantee(s) <i>Thomas A. & Ginger L. Kryger</i> ____ Additional Names on Page ____ of Document
Legal Description (Abbreviated: i.e., lot, block & subdivision name or number OR section/township/range and quarter/quarter section) Complete Legal Description on Page ____ of Document
Auditor's Reference Number(s)
Assessor's Property Tax Parcel/Account Number(s) <i>7356000450</i>
Non Standard Fee \$50.00 By signing below, you agree to pay the \$50.00 non-standard fee. I am requesting an emergency non standard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.
Signature of Party Requesting Non Standard Recording NOTE: Do not sign above or pay additional \$50.00 fee if document meets margin/formatting requirements.
The Auditor/Recorder will rely on the information provided on this cover sheet. Staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

OFFICE OF THE HEARING EXAMINER

CITY OF RUSTON

REPORT AND DECISION

CASE NO.: **Accessory Dwelling Unit
Conditional Use Permit CUP 16-03**

APPLICANTS: **Tom and Ginger Kryger
5211 North Highland Street
Ruston, WA 98407**

PLANNER: **Rob White, Planning Director**

SUMMARY OF REQUEST:

Conditional use permit to construct an accessory dwelling unit above the attached garage of an existing single-family residence. The proposed unit contains approximately 1,287 square feet and includes a dedicated, one-car parking space within an existing garage and approximately 200 square feet of outdoor open space. The site is located at 5211 Highland Street.

SUMMARY OF DECISION: **Request granted, subject to conditions.**

DATE OF DECISION: **September 20, 2016**

PUBLIC HEARING:

After reviewing the City of Ruston Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on September 14, 2016, at 3:00 p.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

- EXHIBIT "1"** - **City of Ruston Staff Report**
- EXHIBIT "A"** - **Application Materials**
- EXHIBIT "B"** - **Written Comments**

The Minutes of the Public Hearing set forth below are not the official record and are provided for the convenience of the parties. The official record is the recording of the hearing that can be transcribed for purposes of appeal.

ROB WHITE appeared, presented the Planning Department Staff Report, and testified that the applicants propose to locate an ADU above their existing garage. They will also provide 242 square feet of open space dedicated to the ADU occupant. Staff recommends approval subject to four conditions. The proposed ADU is above an attached garage.

GINGER KRYGER, applicant, appeared and testified that she is one of the owners and that they propose the ADU to provide living quarters for a future caregiver that will allow them to remain in their home during their old age. The parcel presently provides eight parking spaces and has a large yard. However, they want to dedicate open space for the private use of the ADU occupant. They have added lighting and have provided two accesses from the unit. She has no problem with conditions of approval and no questions with the Staff Report.

TOM KRYGER, applicant, appeared and testified that Mr. Barth, the building inspector, was checking on the progress of their project and agreed to inspect the premises for an ADU. His only requirements were to change a smoke detector to a smoke/CO2 detector. The City has signed off on their ADU structure and it is ready for occupancy. They will rent the ADU until they need a caregiver.

WILLIAM WALKER appeared and testified that he supports the project and that the City needs to approve it.

MR. WHITE reappeared and testified that the site provides an ideal circumstance for an ADU to provide either rental income or assistance in allowing the applicants to remain in their home. People desire to remain in the City as long as possible and do not want to move to outside care facilities.

No one spoke further in this matter and the Hearing Examiner took the matter under advisement. The hearing was concluded at 3:15 p.m.

NOTE: A complete record of this hearing is available in the office of the City of Ruston.

FINDINGS, CONCLUSIONS, AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony, and taken this matter under advisement.

2. The City's Responsible Official determined that this proposal qualifies as a minor land use decision and is therefore categorically exempt from review pursuant to the State Environmental Policy Act (SEPA) per WAC 197-11-800(6)(b).
3. Public notice was provided 14 days prior to the public hearing date of September 14, 2016, as required by RMC Title 19.
4. The applicants, Tom and Ginger Kryger, have a possessory ownership interest in a rectangular, 12,000 square foot parcel of property abutting the east side of North Highland Street, south of North 53rd Street within the City of Ruston. The parcel abuts North Highland Street for 100 linear feet and measures 120 feet in depth. The east property line abuts an alley that provides vehicular access to the site. Improvements on the site include a single-family residential home, attached garage, and second story addition above the garage. A concrete driveway extends from the garage to the alley. A small shed abuts the north property line.
5. The applicants request a conditional use permit to allow conversion of the second story addition above the garage into an accessory dwelling unit (ADU). The ADU would contain approximately 1,287 square feet and would have an internal access to the home and a separate, exterior, stairway access from the driveway. A single car garage and concrete parking space adjacent thereto would provide parking for two vehicles. The applicants have also dedicated 242 square feet of open space for the exclusive use of the ADU occupants. A paved pedestrian access extends from the ADU along the south side of the house to North Highland Street.
6. The applicants have resided on their parcel for 43 years and desire to remain there as long as possible. They propose to eventually use the ADU as living quarters for a caregiver, which would allow them to remain in their home. In the meantime the applicants will rent the ADU to a third party tenant.
7. The proposed use of the upper floor of the garage for an ADU is strongly supported by policies of the City of Ruston Comprehensive Plan as set forth on pages 2-4 of the Staff Report. Policies include FW-23 that encourages ADUs as a permitted use; FW-29 that encourages the pursuit of affordable housing through ADUs; CC-23 that encourages low-impact, infill development such as ADUs; and HO-8 that encourages more affordable housing options within the City such as ADUs. The proposal also meets the overall intent of the Comprehensive Plan as it increases residential density in the City without the demolition of an existing home. Furthermore, the structure will benefit the overall aesthetics of the neighborhood. The separate pedestrian sidewalk connection to North Highland Street and the dedicated open space for ADU residents creates additional open space and enhances connectivity.
8. The parcel is located within Residential (RES) zone classification of the Ruston Municipal Code (RMC). Section 25.01.040(j) RMC authorizes ADUs within the RES

classification subject to a requirement that the property owner occupy either the principal structure or the ADU. Said section also limits the number of ADUs to one per lot. The applicants will continue to reside on the site and propose only one ADU. Said section also requires that off-street parking meet the requirements of RMC 25.01.090. The existing garage will provide one parking stall and an additional parking stall is available between the garage and the street. Furthermore, the overall site provides eight off-street parking spaces. Thus, the project meets parking requirements. The ADU design is consistent with the existing single-family home and is attractively constructed with a pitched roof that matches the roof on the existing residence. The structure is of appropriate size and scale to complement the existing neighborhood. The application therefore satisfies all requirements for an ADU as set forth in RMC 25.01.040(j).

9. Prior to obtaining a conditional use permit the applicants must show that the request satisfies all criteria set forth in RMC 25.01.110(b). Said section requires that the ADU be consistent with the goals and policies of the Comprehensive Plan or zoning code and consistent with existing and potential uses within the RES classification. As previously found the proposed ADU is consistent with the goals and policies of the Comprehensive Plan, meets all criteria of the zoning code, and is located in a single-family residential area. Abutting parcels in all directions are improved with single-family residential homes. Prior to obtaining approval of a conditional use permit the applicants must also show that the request satisfies the specific criteria set forth in RMC 25.01.110(b). Findings on each criteria are hereby made as follows:
 - A. The proposed, second story ADU will neither injure the existing neighborhood nor create undue adverse aesthetic or environmental effects on adjacent parcels. The structure is consistent with the character of the neighborhood and creates no adverse environmental impacts. The ADU must comply with all City standards. The proposed ADU is similar in mass and scale to the applicants' residence and other structures in the area.
 - B. The proposed ADU will not create hazardous conditions for pedestrians or vehicular traffic. A three car garage currently exists adjacent to the alley and the proposed ADU will have no impact thereon. The applicants propose to dedicate one of the garage parking spaces for the exclusive use of the ADU residents. The alley will experience very little, if any, increase in traffic, and the new sidewalk to North Highland Street will enhance pedestrian circulation.
 - C. The alley and street provide adequate access for emergency vehicles.
 - D. As previously found the project provides two parking stalls with other stalls available. Such satisfies RMC off-street parking requirements.

- E. The bulk of the structure and its 1,287 square foot area are compatible with improvements on surrounding properties. Abutting uses are limited to single-family residential homes.
- F. The building height conforms to the requirements of the RES classification, and the structure satisfies all structural setback requirements from all property lines.
- G. The ADU will create no noise, light, or glare impacts nor will it detract from surrounding properties. The ADU will create no more impacts than a primary single-family residential home.
- H. The remaining criteria address hours of operation, landscaping, and the effect of the conditional use permit and are either not applicable or are addressed by specific code requirements. Exceptional landscaping is not required, but landscaping will be provided in all areas not occupied by buildings or pavement.


CONCLUSIONS:

1. The Hearing Examiner has the jurisdiction to consider and decide the issues presented by this request.
2. The applicants have shown that the request for a conditional use permit to allow conversion of a second story space above an existing garage to an accessory dwelling unit satisfies all criteria within the RMC and therefore should be approved subject to the following conditions.
 - A) The owner must occupy either the primary residence or the accessory dwelling.
 - B) Prior to occupancy of the proposed accessory dwelling the final Hearing Examiner decision and a copy of a the site plan, must be recorded with the Pierce County Auditor in accordance with RMC 25.01.110(b)(3)(B).
 - C) 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).
 - D) Expiration of approval. If the applicant does not satisfy the above stated conditions within 24 months of granting this conditional use permit, 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.

DECISION:

The request for a conditional use permit to allow an accessory dwelling unit on a parcel located at 5211 North Highland Street, Ruston, is hereby granted to the conditions contained in the conclusions above.

ORDERED this 20th day of September, 2016.



STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

TRANSMITTED this 20th day of September, 2016, to the following:

APPLICANTS: Tom and Ginger Kryger
5211 North Highland Street
Ruston, WA 98407

OTHERS:

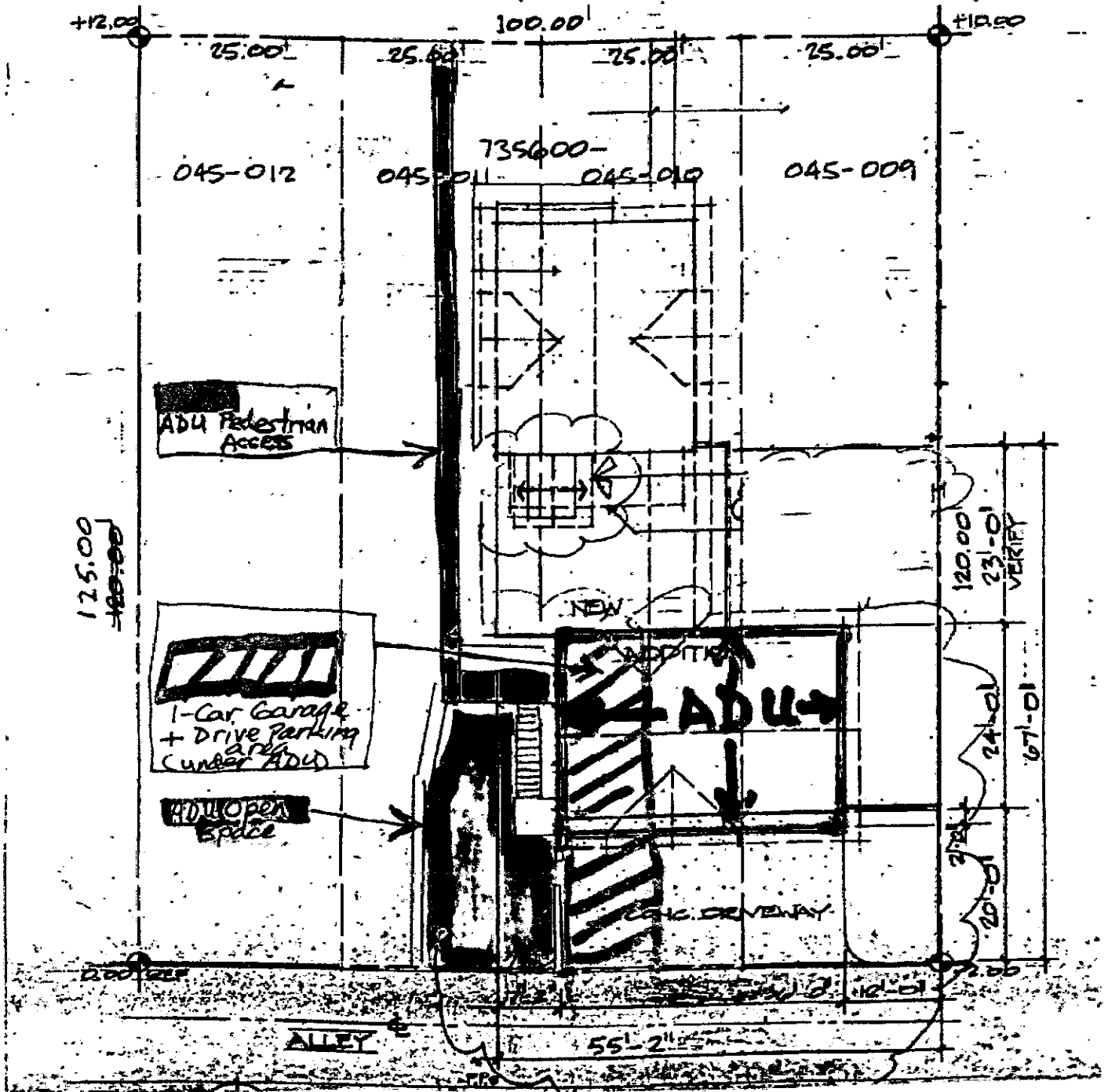
Pat Cummings
5207 North Highland Street
Ruston, WA 98407

CITY OF RUSTON

**CASE NO.: Accessory Dwelling Unit
Conditional Use Permit CUP16-03**

In accordance with RMC 19.08.010 this land use decision may be judicially appealed pursuant to the Land Use Petition Act set forth in RCW 36.70C.

NORTH HIGHLAND STREET



SITE PLAN

5211 North Highland Street, Ruston, WA 98407-3208

Proposed ADU, projected address: 5211A North Highland Street, Ruston

Unit Posting of basic City of Ruston Rules and Short Term Rental License

Tom and Ginger Kryger
5211B North Highland Street
Ruston, WA 98407
253-988-7777

Occupancy Limits: The maximum occupancy is 4. Two for the bedroom and two additional overnight occupants.

Parking: The designated parking spot is 5211B parking space in driveway off alley.

Quiet Hours: 9:00 pm to 8 am.

Respect Neighbors: Please refrain from trespassing and littering and observe the quiet hours.

Garbage: Garbage and recycling bins are located in the alley behind the unit next to the parking space. Green is garbage. Blue is recycling. Tin, aluminum, paper, plastic are all okay, but no glass! Garbage day is Tuesday morning. Generally best to set it out the night before. The recycling is on Wednesday morning.

Emergency Procedures: In case of emergency, please exit the premises and gather in the alley. Ensure that all your party are present. Call 9-1-1 with the information using the address above.

Disturbances: Guests at our unit shall behave in a manner that will prevent disturbances to the neighboring properties which are not typical of a residential neighborhood, including, but not limited to, loud music, loud noises, excessive traffic, loud and uncontrolled parties, junk/debris/garbage accumulation in the yard, trespassing, or excess vehicles, boats or RVs parked in the streets in front of the house.

Pets: We do not accept pets.

Occupants, owners and managers of this short-term rental are subject to civil penalties for violation of the City rules and regulations.

Property Management Plan

Tom and Ginger Kryger
5211B North Highland Street
Ruston, WA 98407
253-752-3041
gingerkryger@comcast.net

We operate an AirBnB in a self-contained, approved ADU behind our home. Ginger Kryger is the primary contact. We make every effort to make it seamless to the neighborhood. Should you experience an issue with one of our guests, please contact us.

We have obtained the proper licenses and permits to operate the unit. We expect that our guests will follow the basic guidelines of any neighborhood.

We are usually home in the evenings and make every effort to respond to issues ASAP.

The tenants are made aware of where to place garbage and recycling at the rear of our unit. They have provided personal identification, driver's license, passport, etc. with photo. Each AirBnB guest is rated with AirBnB regarding their behavior and care of the unit. Most also come with previous ratings from other AirBnB hosts. We would cancel those with tow ratings.

Below is the Complaint procedure as prescribed by the City of Ruston. 25.10.010 — Short Term Rentals

(I) Complaints. All complaints shall proceed as follows:

(1) The complaining party shall first attempt to communicate with the local contact person designated on the permit and property management plan, describe the problem and leave a contact phone number for call back information;

(2) The contact person shall respond promptly to the complaint, regardless of time of day, and make reasonable efforts to remedy any situation that is out of compliance; and

(3) If the response is not satisfactory to the complaining party, then the complaining party may next provide a written complaint to the Ruston Code Enforcement Officer, which complaint shall identify and be signed by the complaining party. The complaint shall include a description of the informal attempts to resolve the complaint. A copy of the written complaint shall be provided to the owner and contact person by the City. The Ruston Code Enforcement Officer shall attempt to resolve the complaint. If so required, the owner or local contact person shall provide a written response to the complaint with the anticipated

corrective action within ten days. A copy of the complaint will be filed in the City's short term rental license file.

(m) Compliance and Revocation.

(1) Owners of short-term rentals shall obey all applicable laws and ordinances of the City and shall be subject to permit revocation procedures and appeals processes outlined in the Ruston Municipal Code;

(2) If there have been two or more violations of this ordinance related to the same short term rental within 12 calendar months, or if there have been two or more violations of other City ordinances related to the same short term rental within 12 calendar months, the Planning Director shall revoke the short term rental license and underlying short term rental permit, and the property owner shall be prohibited from obtaining a new short term rental permit and license for at least one year from the date of said revocation;

(3) The property owner may appeal the revocation of the short term rental license and permit pursuant to the appeals procedures outlined in the Ruston Municipal Code, or any amendment thereto; and

(4) Nothing in this subsection precludes the City of Ruston from proceeding with formal enforcement action against a property owner and/or occupants for violations of this ordinance or any other provisions of the City Code as authorized under the City's code enforcement procedures.

(n) Additional Conditions of Approval. The Planning Director may impose other conditions of approval, such as additional parking, improved access, fencing, landscaping, architectural detailing, open space, or minimum screening to ensure the proposed use is compatible with the surrounding residential neighborhood, provided that said conditions of approval are consistent with goals and policies of the Ruston Comprehensive Plan. (Ord. 1505, S 3, Feb. 5th, 2019)