



City of Longview

1525 Broadway
Longview, WA 98632
www.ci.longview.wa.us

Agenda

Appeal Board of Adjustment

Tuesday, April 9, 2019

4:30 PM

Longview Council Chambers

1. **CALL TO ORDER**
2. **APPROVAL OF MINUTES**
3. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**
4. **DECLARATION OF EX-PARTE COMMUNICATIONS AND APPEARNESS OF FAIRNESS**
5. **PUBLIC HEARINGS**

19-00093 ABA 2019-2 SPECIAL PROPERTY USE REQUEST FOR A DETACHED ACCESSORY DWELLING UNIT
IN THE R-1 RESIDENTIAL DISTRICT

RECOMMENDED ACTION:

Motion to grant a Special Property Use permit for a detached accessory dwelling unit at 2216 Cascade Way.

6. **OTHER BUSINESS**
7. **ADJOURNMENT**



City of Longview

Agenda Summary

ABA 2019-2 SPECIAL PROPERTY USE REQUEST FOR A DETACHED ACCESSORY DWELLING UNIT IN THE R-1 RESIDENTIAL DISTRICT

RECOMMENDED ACTION:

Motion to grant a Special Property Use permit for a detached accessory dwelling unit at 2216 Cascade Way.

ABA 2019-2

RECOMMENDED ACTION:

Motion to grant a Special Property Use permit for a detached accessory dwelling unit at 2216 Cascade Way.

Attachments:

1. Staff Report 2019-2 SPU for detached ADU 2216 Cascade Way
2. Exhibit A SPU application
3. Exhibit B - site 2216 Cascade Way
4. Exhibit C ADU plans
5. Exhibit D Notice



STAFF REPORT
to the
LONGVIEW APPEAL BOARD OF ADJUSTMENT

PRESENTED BY: Adam Trimble, Planner

HEARING DATE: April 9, 2019

APPLICATION NO.: ABA 2019-2

APPLICANT: Jonathan H. Trussell

PROPERTY OWNER: Jonathan/Adrienne M Trussell

REQUEST: Special Property Use Permit in accordance with LMC § 19.22.020 (15) to allow a detached accessory dwelling unit in the R-1 Residential district.

LOCATION: 2216 Cascade Way, Longview, WA (Parcel No. 05168)

ASSOCIATED CASES: N/A

ZONING DISTRICT: R-1 Residential District

BACKGROUND AND PROPOSAL

The property owners of 2216 Cascade Way desire to construct a detached accessory dwelling unit (ADU) on their property [Exhibit A]. The lot is 16,597 sq feet and approximately 120 feet wide along Cascade Way. [Exhibit B]. The proposal is to remodel the interior of an existing 30 ft. x 40 ft accessory building on the site to create a residence that is about 360 sq. ft in area. No additional driveways are proposed [Exhibit C]. Accessory dwelling units sometimes referred to as mother-in-law apartments are allowed in all residential zones, however, detached units are permitted as a Special Property Use. In addition, detached ADU's are permitted on lots with a minimum of 80 feet of street frontage, and must have 25 feet of visibility from a public road.

As part of the permit process, the owners will be asked to sign an affidavit stating their agreement to use the property only in accordance with the requirements of 19.22.020 of the Longview Municipal Code, which requires the owner of the property to reside in either the ADU or the principle home.

Neighboring land-uses include:

North – single family residences.

South – single family residences.

East –single family residences.

West – single family residences.

The Comprehensive Plan classification for the site is Low Density Residential.

In accordance with LMC §19.12.090(1), written notice of the public hearing for the Special Property Use Permit petition was mailed to the applicant and to the owners of all properties adjacent to or abutting this proposal on Thursday, March 28, 2019 [Exhibit D].

The property was posted with a notice of public hearing announcing the proposed land use application. Legal notice of the public hearing appeared in the Longview Daily News on Sunday, March 31, 2019. No comments have been provided as of the date of this report.

SEPA DETERMINATION

Not required.

CRITICAL AREA ORDINANCE REQUIREMENTS

There are no identified Critical Areas on this parcel. Therefore, a Critical Area Permit is not required.

APPLICABLE CODE SECTIONS

Section 19.22.020(15) of the Longview Municipal Code (LMC) requires the land use proposed to receive approval via a public hearing process, and the issuance of a Special Property Use Permit by the Appeal Board of Adjustment. The specific code citations are listed below.

19.22.020 Accessory dwelling units.

(15) Detached ADU Units. In the event that the appeal board of adjustment grants a special property use permit for the construction of a detached ADU (i.e., an ADU that is not added to or created within the single-family dwelling) in accordance with LMC [19.12.055](#), all of the provisions of this chapter shall be applicable thereto. In addition, the following provisions shall be applicable to such detached ADUs:

(a) The lot or tract of land upon which such ADU is to be constructed is 10,000 square feet or more in size;

(b) The front property line of the lot or tract of land upon such ADU is to be constructed is 85 feet or more in distance;

(c) The lot or tract of land upon which such ADU is to be constructed has no direct access to an alley or any street other than the street upon which the single-family dwelling to which the ADU is accessory fronts;

(d) All detached ADUs shall comply with all setback and separation requirements for detached accessory buildings except that the minimum rear yard setback shall be 10 feet;

(e) Detached ADUs shall be designed in such a manner as to blend with or complement the architectural design of the single-family dwelling to which such ADU is accessory; approval of such design shall be made by the appeal board of adjustment;

(f) Detached ADUs shall share the same hard-surfaced driveway as the single-family dwelling to which such ADU is accessory, and shall have direct access to the street upon which the single-family dwelling fronts, unless alley access is provided. No new or additional curb cuts shall be permitted for the ADU;

(g) Detached ADUs shall have a minimum of 25 feet of unobstructed street frontage with no intervening structures present, to ensure adequate visibility and access for emergency vehicles; and

(h) Detached accessory dwelling units are not permitted in townhouse, zero lot line detached housing, or attached zero lot line housing developments. (Ord. 3182 § 6, 2011; Ord. 3122 § 15, 2010).

19.12.055 Special property use – Detached accessory dwelling units (ADU).

Subject to the provisions of LMC [19.12.050](#), and in accordance with Chapter [19.22](#) LMC, the appeal board of adjustment may grant a special property use permit for the construction of a detached accessory dwelling unit (ADU). (Ord. 3122 § 9, 2010; Ord. 2591 § 3, 1995).

LMC § 19.12.050 Power of Board – Special Property Use

1. Recognizing that there are certain uses of property that may or may not be detrimental to the public health, safety, morals and general welfare, depending upon the facts in each particular case, a limited power to issue special permits for such uses is vested, by special mention in this title, in the board.
2. The board shall have an exercise original jurisdiction in receiving, granting or denying all applications for such special property uses as are provided for in this title and shall have the power to place in such permits, conditions or limitations in its judgment required to secure adequate protection to the zone or locality in which such use is to be permitted. No special permit shall be issued by the board until after public hearing, as hereinafter provided, and until after the building official has found that

all other provisions of this code, with which compliance is required, have been fulfilled.

3. No such special property use permit shall be granted by the board unless it finds:
 - (a) That the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, morals and general welfare;
 - (b) In making such determination the board shall be guided by the following considerations and standards:
 - (i) That the use will not be detrimental to the character and use of adjoining buildings and those in the vicinity,
 - (ii) That the use will not create a hazard in the immediate area either for pedestrian or vehicular traffic,
 - (iii) That adequate ingress and egress will be available for fire and other vehicular emergency equipment,
 - (iv) That adequate off-street parking will be provided to prevent congestion of public streets [LMC 19.12.050].

LMC §19.12.120 Special Property Use Permits – Time Limitation

Whenever the board by its decision authorizes the issuance of a permit for a special property use, if such building permit and/or occupancy permit is not obtained by the applicant within six months from the date of the board's decision, the board's decision shall cease to be effective.

STAFF DISCUSSION

The City's Building Official and Public Works Department have reviewed the proposed special property use permit for a detached ADU at 2216 Cascade Way. No comments were provided.

STAFF ANALYSIS

In reviewing LMC §19.12.050, which contains the criteria that shall guide the Board during their review of this petition, staff finds the following:

- (i) *That the use will not be detrimental to the character and use of adjoining buildings and those in the vicinity.*

Given the size, shape and location of the subject property, the proposed detached accessory dwelling unit meets the standards of the zoning ordinance and will not be detrimental to the character or use of adjoining properties.

- (ii) *That the use will not create a hazard in the immediate area either for pedestrian or vehicular traffic.*

The detached ADU will use the existing driveway and approach and will not access any other streets besides Cascade Way.

(iii) That adequate ingress and egress will be available for fire and other vehicular emergency equipment.

Both the principle home and the detached ADU will be within 40 feet of the public street.

(iv) That adequate off-street parking will be provided to prevent congestion of public streets.

The detached ADU will have one parking space as required by the zoning code.

LMC §19.12.050 also requires the Board to adopt the following finding if granting the Special Property Use Permit:

(a) That the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, morals and general welfare.

Adding an additional dwelling unit to a lot in a single family neighborhood is permitted under the provision of 19.22.020, subject to (12) “The owner or contract purchaser of record of the single-family dwelling to which an ADU is accessory shall reside either in the single-family dwelling or the ADU as a permanent place of residence; only one of the residences may be rented or leased. The ownership of ADUs may not be separated from ownership of the single-family dwelling to which they are accessory. The owner or purchaser of record shall execute an affidavit biannually (once every two years) stating that he, she or they are and will remain in compliance with this provision. Said affidavit shall be filed and maintained in the office of the community development department.”

The City’s comprehensive plan section 3-26 recommends accessory dwelling units as a strategy for affordable housing and section 3-28 notes: “Accessory units are particularly suited to and affordable for elderly persons, college students, and lower income persons. Some communities allow accessory units specifically to address the needs of aging parents to be near their children”, and “accessory units are often viewed as a more acceptable method of increasing density and land efficiency in single-family neighborhoods than would be the siting of a few large apartment complexes.”

As of this writing, staff has not received any written comments regarding this proposal as a result of the notice of public hearing that was mailed to all adjoining or adjacent property owners, or the public notice posting or legal ads published in the newspaper.

STAFF FINDINGS

1. The use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, morals and general welfare.
2. The R-1 Residential District permits the proposed use subject to a granting of a Special Property Use Permit by the Longview Appeal Board of Adjustment.
3. The use as proposed meets the criteria found in LMC §19.22.020 and the standards for residential zones under 19.20

RECOMMENDATION

Staff recommends that the Appeal Board of Adjustment grant a Special Property Use Permit for the construction of a detached accessory dwelling unit in the R-1 Residential District, at 2216 Cascade Way.

EXHIBITS

- A. Special Property Use Permit application.
- B. Site Plan
- C. Construction Drawing
- D. Notice of Public Hearing

Staff Report Date: Wednesday, April 03, 2019



Special Property Use Permit Application to the Appeal Board of Adjustment

Community Development Department ♦ 1525 Broadway, P.O. Box 128 ♦ Longview, WA 98632 ♦ 360.442.5086/Fax 360.442.5953

Special Property Use Permit Application To the Appeal Board of Adjustment

LMC 19.12

Case Number: _____

Related Case Number: _____

THIS SECTION FOR OFFICE USE ONLY:

MAR 25 2019

Community Development

APPLICATION AND AUTHORIZING SIGNATURES

Each current property owner of record must sign the application or provide a letter authorizing an agent or representative to act on his or her behalf.

I hereby apply for the Special Property Use Permit as described in this application and certify that the information provided is accurate. I further certify that I am authorized to make the application and that there are no covenants, conditions, or restrictions that may limit or prohibit the Special Property Use Permit requested.

Property Owner: Jonathan H. Trussell Phone: 360 - 703 - 4141
(Print All Information)

Mailing Address: 2216 Cascade Way Fax: _____
(Street or PO Box)

City: Longview State: WA Zip: 98632

Property Owner: _____ Phone: _____

Mailing Address: _____ Fax: _____
(Street or PO Box)

City: _____ State: _____ Zip: _____

Applicant: _____ Phone: _____
(Print All Information)

Mailing Address: _____ Email: _____
(Street or PO Box)

City: _____ State: _____ Zip: _____

Relationship to Property Owner: _____

BASIC INFORMATION ABOUT THE SITE AND PROPOSAL (attach additional pages if necessary)

Briefly describe the proposed project (land use) and/or type of business you wish to conduct: _____

Build ADU in existing detached shop

Address of Property: 2216 Cascade Way, Longview Parcel No. _____

Comprehensive Plan Designation: Low Density Residential Zoning District: R-1

Current Use of Property: SFR

Gross land area of the site to be developed: 12 x 30, 360 ft² Square Feet 900 Acres

Net land area (gross land area minus land dedicated for public purposes): _____

Describe any existing structures on the site: 30 x 40 shop

Number and surface type of all existing driveways at the site: concrete

Number, type and dimensions of existing signage at the site: _____

Describe signage proposed for the land use requested: _____

Existing zoning and land uses of adjacent properties (including across the street, if applicable):

North: R-1 Current Land Uses: _____

South: R-1 Current Land Uses: _____

East: R-1 Current Land Uses: _____

West: R-1 Current Land Uses: _____

Describe any Critical Areas identified on or located within 300 feet of the site: _____

Describe any private wells, septic tanks, drain fields, etc. located on the site: N/A

BASIC INFORMATION ABOUT THE SITE AND PROPOSAL (CONT'D)

Proposed hours of operation: Mon-Sun 8am-7pm

Describe how parking will be accommodated for the proposed use: parking in driveway
and street parking

Describe how the proposed use will impact traffic circulation: I don't believe any impact

To assess whether the City will need additional information and/or whether you need to obtain additional permits or applications from other departments or agencies, please answer the following questions:

Will the proposed land use:

- | | | |
|--|-----------|-------------|
| a) Require removal or demolition of any existing structure(s)? | Yes _____ | No <u>X</u> |
| b) Affect historic structures or historically significant features? | Yes _____ | No <u>X</u> |
| c) Require a Variance from a development standard? | Yes _____ | No <u>X</u> |
| d) Involve fill or removal of contaminated soils or hazardous materials? | Yes _____ | No <u>X</u> |
| e) Involve grading/fill over an existing public storm drain, sanitary sewer or water line? | Yes _____ | No <u>X</u> |
| f) Involve land that has a slope of 15% or greater? | Yes _____ | No <u>X</u> |
| g) Require an Environmental Checklist be submitted and reviewed under the SEPA Rules (WAC 197-11)? | Yes _____ | No <u>X</u> |
| h) Be located within 300 feet of a shoreline? | Yes _____ | No <u>X</u> |

If you answered yes to any of the above, please contact the Planning Division before submitting your application.

SPECIAL PROPERTY USE PERMIT REVIEW CRITERIA AND DEVELOPMENT STANDARDS

In accordance with LMC 19.12.050, the Appeal Board of Adjustment shall exercise jurisdiction in receiving, granting or denying applications for Special Property Uses. No Special Property Use Permit shall be issued by the Board until after a public hearing, and until after the Building Official has found that all other provisions of the Longview Municipal Code have been fulfilled.

Criteria reviewed by the Appeal Board of Adjustment include:

- 1) The proposed use is consistent with the intended character of the zoning district and the operating characteristics of the neighborhood.
- 2) The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, or that the proposal identifies acceptable mitigation measures.
- 3) The transportation system is capable of supporting the proposed land use in addition to the existing land uses in the area. Evaluation factors include street capacity and level of service, availability of off-street parking to accommodate the proposed land use, access requirements, neighborhood impacts, and pedestrian safety.
- 4) Public services for water, sanitary and storm sewer, and to ensure that fire and police protection are capable of servicing the proposed land use and the immediate area.

Criteria that the Board utilizes to review all applications is established in LMC §19.12.050.

FILING FEES:

Public Hearing Fee: Per LMC 19.06.060

SEPA Review Fee(if applicable): Per LMC 17.02.070

Total Fees: _____

Comments: _____

LONGVIEW APPEAL BOARD OF ADJUSTMENT:

Public Hearing Scheduled: Date: _____4:30 PM

Comments: _____

FOR STAFF USE ONLY:

- _____ Telecommunications Facility Propagation Map provided, if applicable.
- _____ Legal Description of Property.
- _____ Copy of Deed Restrictions and Restrictive Covenants (CCR's).
- _____ One copy of the property deed; and, if the applicant is not the owner, a notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application.
- _____ Title Report, if applicable.
- _____ Critical Area Permit, if required.
- _____ SEPA Environmental Checklist, if required.
- _____ Certificate of Appropriateness issued by the Historic Preservation Commission, if applicable.

Comments: _____

NOTES TO APPLICANT/OWNER:

1. If the Appeal Board of Adjustment or City Staff determine that additional and/or revised information is needed, and/or if other unforeseen circumstances arise, any dates outlined for processing the application may be rescheduled by the City.
2. All items shall be completed as determined by the Community Development Department prior to the application being deemed complete for processing.
3. All costs incurred by the City in reviewing this application shall be paid prior to any public hearings.
4. The applicant or authorized representative must attend the Appeal Board of Adjustment public hearing and be prepared to respond to any questions the Appeal Board may have.
5. **Time limitation for Special Property Uses:** if such building permit and/or occupancy permit is not obtained by the applicant within six months from the date of the board's decision, the board's decision shall cease to be effective.

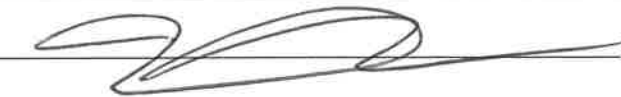
Comments: _____

SIGNATURES:

I/we understand that if it is determined the application is not complete, the City shall immediately reject the application and identify in writing what is needed to make the application complete for a public hearing. No public hearings will be scheduled on this application until all outstanding issues have been resolved and the application is considered complete.

I/we agree that the City of Longview staff may enter upon the subject property at any reasonable time to consider the merits of the application, to make assessments, take photographs and to post public hearing notices.

I/we declare under penalty of the perjury laws that the information provided on this form/application is true, correct and complete.

Signature of Property Owner:  Date: 7/25/19

Signature of Property Owner: _____ Date: _____

Signature of Applicant: _____ Date: _____

(If different than property owner)



Bureau of Land Management, State of Oregon, State of Oregon DOT, S



Permit/Plan Review Application

Building/Plumbing/Mechanical/Electrical/Fire Life Safety

Community Development Department, 1525 Broadway, P.O. Box 128, Longview, WA 98632

360.442.5086/Fax 360.442.5953

All Applicable Blanks Must Be Filled In. Use INK OR TYPE – DO NOT USE PENCIL

PROPERTY INFORMATION

Project Address: <u>2216 Cascade Way</u>	Suite #	Parcel #:
--	---------	-----------

APPLICANT INFORMATION (info for person signing application)

Applicant/Authorized Agent: <u>Jonathan Trussell</u>	Email Address: <u>jontrussell@gmail.com</u>
Mailing Address: <u>2216 Cascade Way</u>	City: <u>LV</u> State: <u>WA</u> Zip: <u>98632</u>
Daytime Phone: <u>(360) 703-4141</u>	Cell/Alternate Phone: <u>same</u>

PROJECT PROPERTY OWNER INFORMATION

Property Owner: <u>Trussell, Jonathan</u>	Email Address: <u>jontrussell@gmail.com</u>
Mailing Address: <u>2216 Cascade Way</u>	City: <u>LV</u> State: <u>WA</u> Zip: <u>98632</u>
Daytime Phone: <u>(360) 703-4141</u>	Cell/Alternate Phone: <u>same</u>

CONTRACTOR INFORMATION OR OWNER AS CONTRACTOR—Note licensed contractor's info or state if owner is to do work.

Contractor's Name or Owner: <u>Owner as contractor</u>	Email Address:		
Mailing Address:	City: State: Zip:		
Daytime Phone: ()	Cell/Alternate Phone: ()		
City Business License #	UBI#	State Contractor License #	Exp. Date:

TYPE OF PERMIT - Check the type or types of permits you are applying for:

- | | | | |
|---|--|---|---|
| ☒ RESIDENTIAL | ☒ Building | <u>kitchen sink</u>
<u>3 bath sink</u>
<u>1 bath shower</u> | ☐ FIRE/LIFE SAFETY |
| ☐ COMMERCIAL | ☒ Electrical * | | ☐ Fire Sprinkler |
| | ☒ Plumbing # fixtures <u>3</u> | | ☐ Fire Alarm |
| | ☒ Mechanical # of units <u>2</u> | | ☐ Other |

*The electrical permit can be issued only to the person doing the electrical work.

DETAILED DESCRIPTION OF PROJECT (Details/specifications about what you want to build, plumb, wire, install, etc.)

<u>Add in existing shop; detached</u>		
Water Provided By: City of LV ☒ PUD ☐ Other ☐	Sewage Disposal: City of LV ☒ BHSD ☐ Septic ☐	
Will any work be done in the public right-of-way: (circle one) YES NO		# sets of plans submitted: <u> </u>

PROJECT INFORMATION

Valuation of Complete Project (Pre- Tax) <u>\$24,262.50</u>	Square Footage:	Number of Stories:
Amount of Cubic Yards of Grading/Filling Associated with Project:	# New/added Parking Spaces:	
Existing Amount (sq ft) of Impervious Surface:	New Amount:	Total Amount:

I hereby certify that I have read and examined this application and know the same to be true, accurate and complete under penalty of perjury by the laws of the State of Washington.

APPLICANT'S SIGNATURE	PRINTED NAME <u>Jonathan Trussell</u>	DATE <u>3/24/19</u>
-----------------------	---------------------------------------	---------------------

3-0/3-0

114"

BEDROOM

132" (11')

304A

REF

79

92"

140

3-0/6-8

36"

78"

19.5A

3-0/6-8

1/2" SHEETROCK
BOTH SIDES

2X6 CONSTRUCTION
R-21 WALLS
R-21 CEILING WITH
R-21 IN EXISTING CEILING + WALLS

TIE PLUMBING INTO EXISTING IN SHOP NE
CORNER

EXISTING SHOP

60"

TO
PROP LINE

40'

SLOPE



ELECTRIC
PANEL

30'

City of Longview

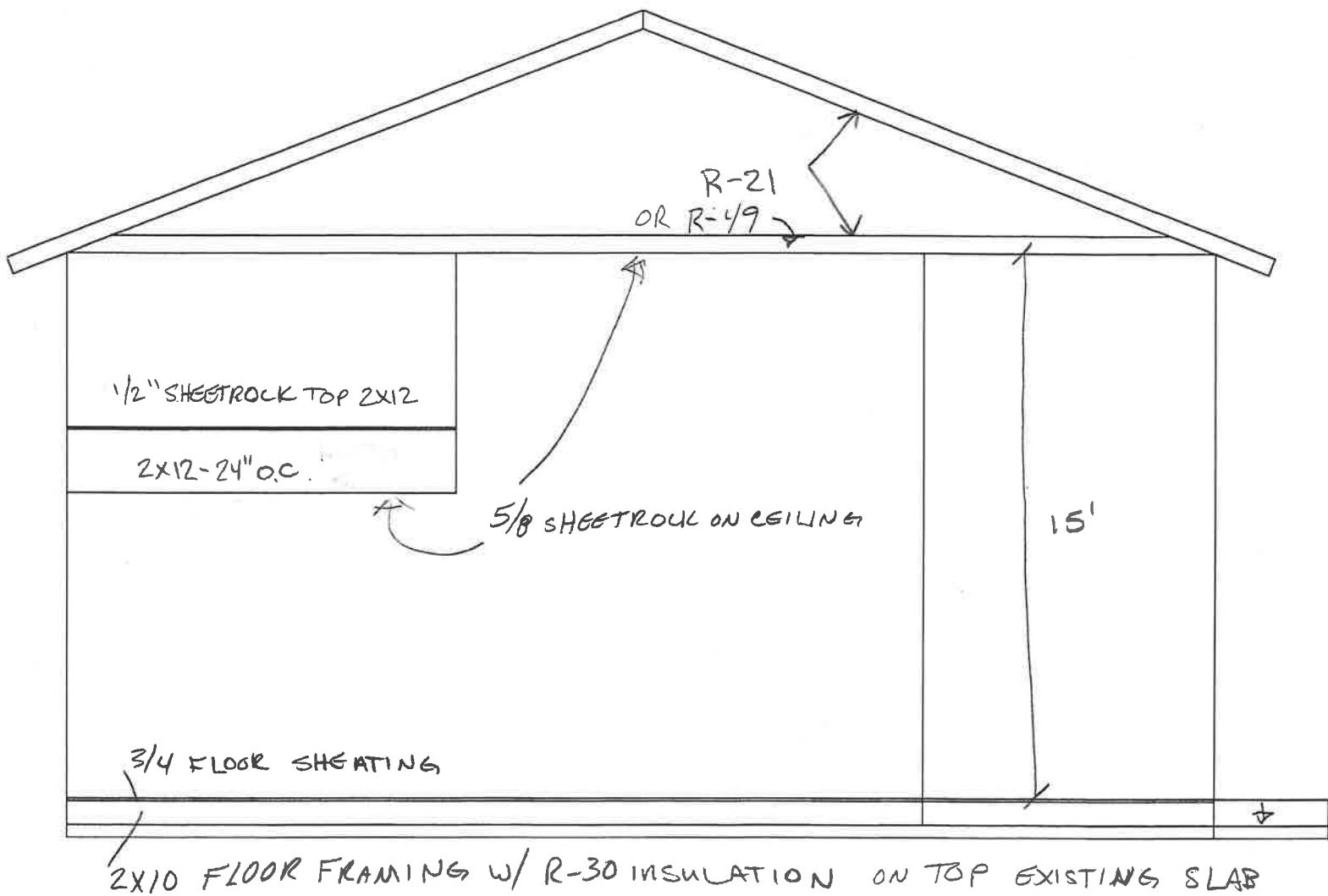
NTS

MAR 25 2019

Community Development

EXISTING SLAB

ADU
OWNER: JON TRUSSELL
2216 CASCADE WAY
LONGVIEW, WA



NTS

ADU
 JON TRUSSELL
 2216 CASCADE WAY
 LONGVIEW, WA 98043
 Page 18 of 20



NOTICE OF PUBLIC HEARING
Longview Appeal Board of Adjustment
April 9, 2019 starting at 4:30 P.M.

Case No: ABA 2019-2

Applicant: Jonathan Trussell

Location: 2216 Cascade Way. Parcel number involved: 05168

Request: Special Property Use Permit to establish a detached accessory dwelling unit inside an existing detached accessory building (garage) on a 0.38 acre lot in the R-1 Residential District, in accordance with the requirements of the Longview Municipal Code Section 19.22.020.

Why You Are Receiving This Notice: You own real property located adjacent to or abutting the property affected by the Special Property Use request. The Longview Municipal Code requires all property owners owning real property located adjacent to or abutting a land use proposal subject to a public hearing to be notified of the proposal and of the hearing date, place, and time. Contact: Adam Trimble, Planner 360-442-5092

Copies of the Special Property Use application are available for review at the City of Longview Community Development Department located at 1525 Broadway Street, between the hours of 7:00 a.m. to 6:00 p.m., Monday through Thursday, except holidays.

Comments: If you would like to provide comments in writing on this proposal, please submit them **no later than 4:00 p.m. Tuesday, April 9, 2019** to the City of Longview Community Development Department, PO Box 128, Longview, WA 98632, **ATTN: Adam Trimble, Planner**. For electronic submissions, provide your comments along with full name, address and contact information to adamt@mylongview.com **RE: ABA 2019-2**

Public Hearing: You are invited to attend the Appeal Board of Adjustment public hearing scheduled for **4:30 p.m. on Tuesday, April 9, 2019**. You may provide comments either for or against this petition at the meeting. The public hearing will be held in the Longview City Council Chambers, located on the 2nd floor of City Hall at 1525 Broadway Street, Longview, Washington.

Attachment: Proposed site plan

Date Mailed: Thursday, March 28, 2019

Proposed Site Plan

