



City of Longview

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

Agenda

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Meeting ID: 873 5043 7412

Password: 712831

contact Adam Trimble at adam.trimble@ci.longview.wa.us
with any questions.

Appeal Board of Adjustment

Tuesday, May 12, 2020

4:30 PM

Longview Council Chambers

1. **CALL TO ORDER**

2. **APPROVAL OF MINUTES**

20-000204 Minutes of the November 11, 2019 regular meeting

3. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

3.1 Oral Communications

Persons in the audience may discuss business not scheduled on this agenda or any item of interest within the jurisdiction of the Appeal Board of Adjustment. This Board will listen to all communication, but in compliance with the Washington Open Public Meetings Act, will not take any action on items that are not listed on the agenda.

3.2 Written Communications.

Correspondence for the Appeal Board of Adjustment received after preparation of this agenda.

4. **DECLARATION OF EX-PARTE COMMUNICATIONS AND APPEARNESS OF FAIRNESS**

5. **PUBLIC HEARINGS**

20-000202 ABA 2020-1 Special Property Use Permit to establish a detached accessory dwelling unit inside an existing detached accessory building on a 0.76 acre lot in the R-1 Residential District at 2363 E Lynwood Drive.

RECOMMENDED ACTION: Motion to adopt the findings and recommendation of the staff report and grant the special property use permit.

20-000203 ABA 2020-2 Variance request to reduce the required side yard setback (flanking street side) from 15' to 0 feet along 24th Ave for an accessory structure.

RECOMMENDED ACTION: Motion to adopt the findings and recommendation of the staff report to approve the variance request.

6. OTHER BUSINESS

7. ADJOURNMENT



City of Longview

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Minutes

Agenda

Appeal Board of Adjustment

Tuesday, November 12,
2019

4:30 PM

Longview Council Chambers

1. **CALL TO ORDER**

Chairman Backstrom called the regular meeting of the Longview Appeal Board of Adjustments to order at 4:30 p.m. in the City Hall Council Chambers, 1525 Broadway, Longview, WA.

***Present:** Chairman Mark Backstrom, Vice Chairman Roger Peters, Tracy Goldsmith, and Dan Petersen*

***Absent:** Steven Dahl*

***Staff Present:** Adam Trimble, Planner; Jim McNamara, City Attorney; James McNamara, City Attorney; John Brickey, Community Development Director/Building Official; Ken Hash, City Engineer and Nancy Vandehey, Administrative Assistant.*

2. **APPROVAL OF MINUTES**

19-000439 Approval of the Minutes of the September 10, 2019 meeting

A motion was made by Tracy Goldsmith, seconded by Roger Peters, that the minutes be accepted and approved.

3. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

3.1 Oral Communications

Mr. Trimble spoke with a resident of a nearby Residential Tower.

3.2 Written Communications

No written communications were received.

4. **DECLARATION OF EX-PARTE COMMUNICATIONS AND APPEARANCE OF FAIRNESS**

The Declaration of Ex-Parte Communications and Appearance of Fairness Doctrine was read into the record by Adam Trimble and there was no comments from the audience.

5. **PUBLIC HEARINGS**

19-000450 ABA 2019-6 Variance request: 1632 3rd Ave to reduce the required front yard setback in the Riverfront District, RF-1 from 25 feet to 10 feet and side yard setbacks of 5 feet.

RECOMMENDED ACTION:

Motion to adopt the staff analysis and findings and grant a variance to reduce the front yard setback to 10' and side yard setbacks to 5' for the property at 1632 3rd Ave. Parcel numbers involved: 08108, 081080101 in the Riverfront District, RF-1.

Public Works Director, Ken Hash, spoke regarding the project. One of the reasons we do set backs is to provide sight distance for vehicles exiting the property onto the street.

Sight distance is defined by a sight triangle. So the closer you move the building to the street the more you encroach on the sight triangle. The good news is that this is on the outside of the curve, which helps that sight triangle. Even if the variance is approved, we still have to go through the sight design, review the sight design and make sure that the sight triangle exist and is safe for the public entering the street. There may be some point that we may not be able to build on this lot. The applicant may not be able to because of Engineering constrictions. At this point, we can't say yes or no. It's yet to be seen.

Adam Trimble received one question but no comments from neighboring owners. A nearby residential tower resident inquired about the notice. Adam was able to explain the technical terms in the notice and they had no further questions.

Public Hearing opened at 4:41 pm

Public Comments:

Charles Bond, applicant, 1548 River Road, Longview

Adam covered most of it, but would like to answer any questions of the Board.

Dan Petersen asked how many units it would be in total? 13 units per floor, and probably 3 floors per unit and parking underneath.

Mark Backstrom asked if this was just a preliminary design? Yes, this is just preliminary. It didn't make sense to go too much further until things like this were taken care of.

Tracy Goldsmith asked how many parking spaces would be in the underground parking and on street parking? We'd have 1 parking space per unit. There is lots of on street parking. There's nothing on the Dike side. He wanted to mention that we are talking about the non river side of the Dike.

Charles Bond wanted to add that when he built RiverEdge Condominiums, he purchased this property, and at that time there wasn't as many problems developing it but he'd like to make it a developable piece of property.

Roger Peters asked about the right of way line on the property for the Diking District? When we build RiverEdge Condominiums, we built up to the toe of the dike and then we filled in to the concrete basement, which supports the Dike. South of the property there's all sorts of buildings on the dike and on the river side that Dike. What he'd like to do is build at the toe of the Dike but that's something he'd have to negotiate with the Core of Engineers.

Roger Peters asked what other agencies he was negotiating with for the project? He purchased the property from PT NW but with the 25' set back, it didn't make the property feasible. Most R4 zoning has 10' set back, such as his project on 9th Street. 10' set backs are typical now.

No one spoke in opposition.

Public Hearing was closed at 4:49.

6. **OTHER BUSINESS**

No other business at this time.

7. **ADJOURNMENT**

With no further business to discuss, the meeting of the Appeal Board of Adjustments was adjourned at 4:51 pm.



STAFF REPORT
to the
LONGVIEW APPEAL BOARD OF ADJUSTMENT

PRESENTED BY: Adam Trimble, Planner

HEARING DATE: May 12, 2020

APPLICATION NO.: ABA 2020-1

APPLICANT: David and Jacklin Randle

PROPERTY OWNER: David and Jacklin Randle

REQUEST: Special Property Use Permit in accordance with LMC § 19.22.020 (15) to establish a detached accessory dwelling unit inside an existing detached accessory building on a 0.76 acre lot in the R-1 Residential District.

LOCATION: 2363 E Lynwood Dr. Parcel number involved: 06786

ASSOCIATED CASES: N/A

ZONING DISTRICT: R-1 Residential District

BACKGROUND AND PROPOSAL

The property owners of 2363 E Lynwood Dr. desire to establish a detached accessory dwelling unit (ADU) on their property [Exhibit A Application and applicants floor plan and photos]. The lot is 0.73 acres and approximately 160 feet wide along Lynwood Drive [Exhibit B aerial photo]. The proposal is to remodel the interior of an existing accessory building on the site to create a residence on the second floor that is about 775 sq. ft in area. The building previously had all the components of an accessory dwelling unit but was not done improved with the benefit of permits. A previous owner opted to remove the provisions for cooking in the unit rather than go through permitting at the time as a sale of the property was pending. No additional driveways are

proposed. 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 – steep hillside and Patriot Rail railroad tracks, Westside Hwy, Cowlitz River.

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 Friday May 1, 2020 [Exhibit C].

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, May 3, 2020. No comments have been provided as of the date of this report.

SEPA DETERMINATION

Not required.

CRITICAL AREA ORDINANCE REQUIREMENTS

The building is existing, no ground disturbance is proposed.

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 which 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 2363 E Lynwood Dr. No comments were provided as of this report.

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 Lynwood Drive.

(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 establishment of a detached accessory dwelling unit in the R-1 Residential District, at 2363 E Lynwood Drive.

EXHIBITS

- A. Special Property Use Permit application, applicant floor plan and photos.
- B. Aerial Photo
- C. Notice of Public Hearing

Staff Report Date: Tuesday, May 05, 2020



Exhibit A

**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:

ABA 2020-1

Related Case Number:

THIS SECTION FOR OFFICE USE ONLY:

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: DAVID RANDLE Phone: 760-978-8788

(Print All Information)

Mailing Address: LYNNWOOD DRIVE Fax: _____
2363 E. LYNNWOOD DR
(Street or PO Box)City: LONGVIEW State: WA Zip: 98632Property Owner: JACKLIN HANE RANDLE Phone: 760-525-4257Mailing Address: 2363 E. LYNNWOOD DRIVE Fax: _____
(Street or PO Box)City: LONGVIEW State: WA Zip: 98632Applicant: DAVID RANDLE Phone: 760-978-8788

(Print All Information)

Mailing Address: 2363 E. LYNNWOOD DRIVE Email: david.randle@gmail.com
(Street or PO Box)City: LONGVIEW State: WA Zip: 98632Relationship to Property Owner: SELF

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: _____

WE WILL BE CONVERTING A ROOM ABOVE AN EXISTING
DETACHED GARAGE TO AN ADU.

Address of Property: 2303 E LYNNWOOD DRIVE Parcel No. _____

Comprehensive Plan Designation: _____ Zoning District: _____

Current Use of Property: EMPTY ROOM ABOVE GARAGE

Gross land area of the site to be developed: _____ Square Feet _____ Acres

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

Describe any existing structures on the site: DETACHED TWO-CAR GARAGE

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

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: _____ Current Land Uses: _____

South: _____ Current Land Uses: _____

East: _____ Current Land Uses: _____

West: _____ 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: _____

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

Proposed hours of operation: _____

Describe how parking will be accommodated for the proposed use: EXISTING DRIVEWAY,

USE OF ONE OF THE GARAGE BAYS AND AN OFF STREET

PARKING SPACE

Describe how the proposed use will impact traffic circulation: NO PROJECTED 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>✓</u> |
| b) Affect historic structures or historically significant features? | Yes _____ | No <u>✓</u> |
| c) Require a Variance from a development standard? | Yes _____ | No <u>✓</u> |
| d) Involve fill or removal of contaminated soils or hazardous materials? | Yes _____ | No <u>✓</u> |
| e) Involve grading/fill over an existing public storm drain, sanitary sewer or water line? | Yes _____ | No <u>✓</u> |
| f) Involve land that has a slope of 15% or greater? | Yes _____ | No <u>✓</u> |
| g) Require an Environmental Checklist be submitted and reviewed under the SEPA Rules (WAC 197-11)? | Yes _____ | No <u>✓</u> |
| h) Be located within 300 feet of a shoreline? | Yes _____ | No <u>✓</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: **\$696.00**

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.

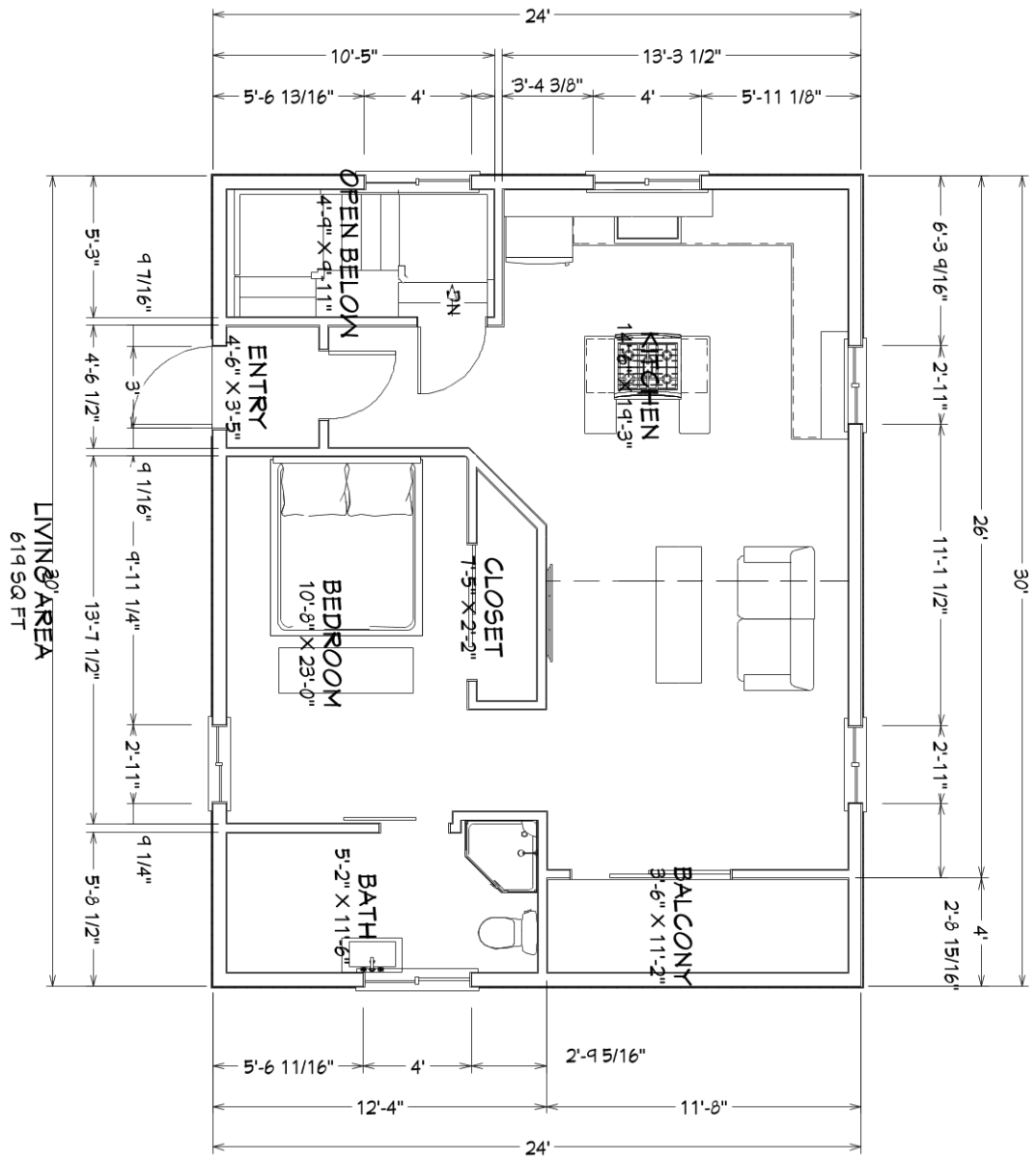
I/we declare under penalty of the perjury laws that the information provided on this form/application is true, correct and complete.

Signature of Property Owner: Signed at permit counter 3/3/2020 AT. Date: _____

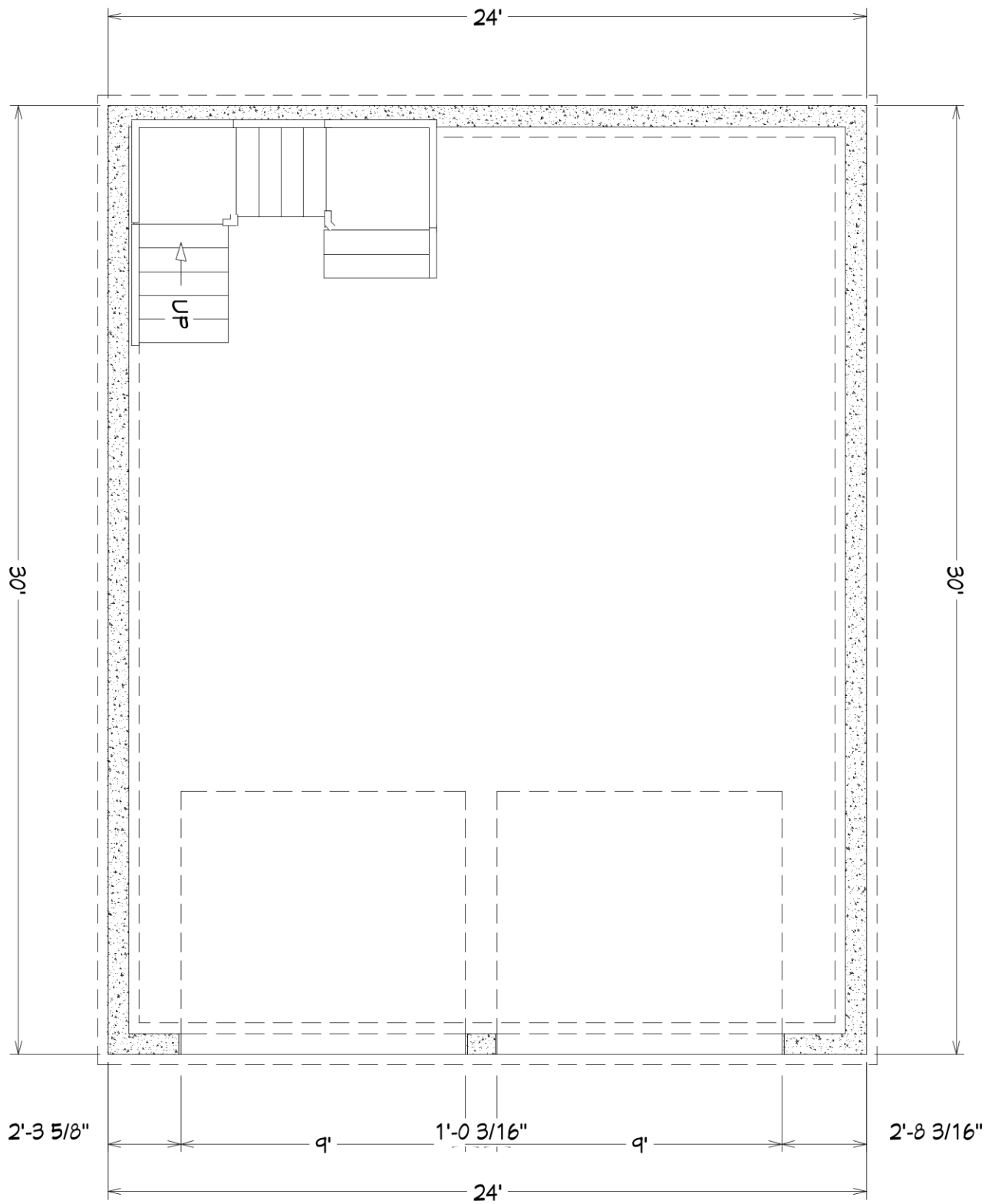
Signature of Property Owner: _____ Date: _____

Signature of Applicant: _____ Date: _____

(If different than property owner)



GARAGE
120 SQ FT







Aerial photo

2363 E Lynwood Drive





NOTICE OF *Virtual* PUBLIC HEARING
Longview Appeal Board of Adjustment
Tuesday, May 12, 2020 starting at 4:30 P.M.

Case No: ABA 2020-1

Applicant: David and Jacklin Randle

Location: 2363 Lynwood Dr. Parcel number involved: 06786, described as PARK HILL ADD 1 BLK: 2 LOT: 16 DESC: INCL PARK HILL #2 LOT 1 BLK 5

Request: **Special Property Use Permit to establish a detached accessory dwelling unit inside an existing detached accessory building on a 0.76 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 associated documents are available for review online at mylongview.com under 'Agendas & Minutes'.

Comments: If you would like to provide comments in writing on this proposal, please submit them **no later than 4:00 p.m. Tuesday, May 12, 2020** to the City of Longview Community Development Department, PO Box 128, Longview, WA 98632, **ATTN: Adam Trimble, Planner.** For electronic comments, provide your comments along with full name, address and contact information to adamt@mylongview.com **RE: ABA 2020-1**

Public Hearing: You are invited to attend the Appeal Board of Adjustment public hearing scheduled for 4:30 P.M. Tuesday, May 12, 2020 on the virtual meeting platform Zoom (online or phone-in)

Details for joining a virtual meeting will be published with an online agenda on May 5, 2020. Visit mylongview.com under 'Agendas & Minutes'. Public comment can be submitted in advance to adamt@mylongview.com Please contact the City Clerk's Office at 360-442-5041 for virtual meeting accessibility information.

Attachment: Aerial photo with notation.

Date Posted Friday, May 1, 2020

Aerial photo



The Longview Municipal code defines and Accessory Dwelling Unit as:

“Accessory dwelling unit (ADU)” means a second dwelling unit added to or created within, or constructed on the same lot as, an existing single-family dwelling, for use as a complete independent or semi-independent unit with provisions for cooking, eating, sanitation and sleeping. (Ord. 3122 § 8, 2010).



STAFF REPORT
to the
LONGVIEW APPEAL BOARD OF ADJUSTMENT

PRESENTED BY: Adam Trimble, Planner

HEARING DATE: May 12, 2020

APPLICATION NO.: ABA 2020-2

APPLICANT: Arlen LaBeau

PROPERTY OWNER: Arlen and Jacki LaBeau

REQUEST: Variance request to reduce the required side yard setback (flanking street side) from 15' to between 1 and 0 feet along 24th Ave for an accessory structure.

LOCATION: 1208 W. Kessler Blvd. Parcel numbers involved: 0029, described as LONGVIEW 1 BLK:215 LOT:6

ASSOCIATED CASES: Code Enforcement Case **CE-20-0176**

ZONING DISTRICT: R-1, Residential District

BACKGROUND AND PROPOSAL

The property owner has requested a variance from the corner lot side property line setback requirement to reduce from 15 feet to between 1 and 0 feet [Exhibit A: Variance Application, applicant Construction Sketch, and Photos]. The owner began construction of a detached roof structure without permits and the City started a code enforcement case to ensure that permits are obtained for the work stopped and structures comply with city codes. During investigation the City determined the structure could not be permitted as situated due to the setback requirements for side property lines on a corner lot. [Exhibit B: Code Enforcement letter]. The lot is an original platted lot and has frontage on three sides: Kessler Blvd (side yard), Hemlock Street (front yard) and 24th Ave (side yard).

The original plat of Longview #1 required setbacks of 20' for the side property lines and 25' for the front property line (Hemlock St.) [Exhibit C: plat of Longview #1, aerial photo with notation]. Today's requirement under the R-1 zone is a 15' side yard setback for the flanking street side of a corner lot. The applicant's home faces Kessler Blvd and a 6' high masonry wall has been built along the 24th Ave side property line. The lot is between 70' and 120' wide and 155' long at the longest point and about 13,664 sq. ft. in area.

Neighboring land uses include:

North – A single family residence.

South – City right of way containing a grassy median area.

East – Single family homes.

West – Lake Sacajawea Park

The Comprehensive Plan classification for the property 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 Friday May 1st [Exhibit D].

Postings and legal notices are not required for Variance requests.

SEPA DETERMINATION

A State Environmental Policy Act checklist was not required.

CRITICAL AREA ORDINANCE REQUIREMENTS

There are no critical areas on the property.

APPLICABLE CODE SECTIONS

Section 19.20.030 provides Density and dimensional standards for the R-1 Residential Zone.

Table 19.20.030-1 provides the density and dimensional standards for each zone. No building, structure or use shall hereafter be erected, constructed or established on a lot that does not meet the requirements for lots as contained in this chapter and for the district in which said lot is located, except for nonconforming lots of record as defined in Chapter [19.09](#) LMC.

Standard	
	R-1
Minimum lot size (square feet)	6,000; townhouses per PUD approval
Minimum lot frontage/width (feet)	50

Standard	
	R-1
Maximum density (units per acre)	6 units
Front yard setback (feet)	25
Front yard setback (alley-loading) ³	15
Rear yard setback ⁴ (feet)	15
Side yard setback ⁵ (feet)	5
Side yard (street) setback – corner lot, street flanking (feet)	15

LMC 19.20.070 provides Supplemental standards: (3) Supplemental Yard Standards. Yard areas shall be governed by the following additional standards:

(b) Side Yard. Where any side yard is required, no building shall be hereafter erected or altered, nor shall any addition be made to an existing building so that any portion of such new building or addition to an existing building shall be nearer to the side lot line than the distance indicated by the width of the required side yard; subject to the following exceptions:

(i) Roofs, eaves, cornices, belt courses and similar ornamentations may extend over a required side yard for a distance of not more than two feet; provided such projections may extend over a required side yard along the flanking or side street line for a distance of not more than four feet;

(ii) Platforms, terraces, ramps and steps, which are open on three sides and which are not over 42 inches in height, may extend into a required side yard;

(iii) Projecting chimneys may extend into a required side yard a distance of not more than 18 inches;

(iv) An extension of an existing principal building legally sited within four feet of a side lot line may also be sited within four feet of the side lot line.

LMC 19.12.140 Variance permits – Authority to issue.

The board may authorize the granting of variances from the zoning ordinance of the city, by the building official, where compliance therewith is impractical or impossible. No application for a variance shall be granted unless the board finds:

(1) The variance will not constitute a grant of special privileges inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and

(2) That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

(3) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and

(4) The need for the variance is not the result of any action taken by the applicant. (Ord. 3122 § 10, 2010; Ord. 1620 § 1, 1973).

STAFF ANALYSIS

The code sections cited above require a 15' side yard setback for any building or structure from the 24th Ave and Kessler Blvd side property lines. The code also provide the exception that: "Roofs, eaves, cornices, belt courses and similar ornamentations may extend over a required side yard for a distance of not more than two feet; provided such projections may extend over a required side yard along the flanking or side street line for a distance of not more than four feet."

In reviewing LMC §19.12.140, which contains the criteria that shall guide the Board during their review of this petition, staff finds the following:

(1) The variance will not constitute a grant of special privileges inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and

The lot in question was platted with fairly restrictive setbacks which have been reduced by subsequent zoning codes to 15' for the Kessler and 24th Ave sides. The property does have 4 sides but because it fronts on three streets, is not afforded the same privileges as other properties in the vicinity and zone.

(2) That such variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

Of all the lots on Kessler and Nichols Boulevard staff counts 12 are triangular in shape and 3 that front on three different streets. The variance requested would provide the lot with a setback along 24th Ave similarly afforded to detached buildings and structures in a rear yard on a lot with an alley (zero feet). Because of the special circumstance relating to the shape and location of the lot, the zero foot setback request for the side yard along 24th is necessary to provide the lot use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.

(3) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and

The side yard faces a residential street so it is a similar situation to the zero setback permitted for the rear yard on properties with an alley. A neighboring property's front yard faces 24th Ave but the driveway is circular and over 62 feet away from the applicant's property.

(4) The need for the variance is not the result of any action taken by the applicant.

The applicant did not create the shape or location of the lot.

STAFF DISCUSSION

The City's Building Official, Fire Marshal, and Public Works Department have had the opportunity to review the Variance request application for 1208 W. Kessler Blvd and have no comments or conditions.

As of this writing, staff has received one comments from neighboring property owners: Lynn & David Bates 1208 24th AVE (across the street) states: "I am writing you to let you know that we have no objection to Arlen LaBeau's variance request Case # ABA 2020-2."

STAFF FINDINGS

1. The application satisfies the conditions of LMC § 19.12.140, 1-4 for granting a variance as demonstrated in the Staff Analysis section.

RECOMMENDATION

Staff recommends that the Appeal Board of Adjustment adopt the staff analysis and findings and grant a variance to reduce the side yard setback for detached structures on the 24th Ave side property line to 0 feet for 1208 W. Kessler Blvd, parcel 0029.

EXHIBITS

- A. Variance application, Applicant's proposed building footprint and photos
- B. Code enforcement letter.
- C. Plat map Longview #1, aerial photo with notes.
- D. Notice to Adjacent Property owners.

Staff Report Date: May 5, 2020



Variance Application

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

Application for a Variance to the Longview Zoning Ordinance (Title 19)

LMC 19.12

Application Number: ABA 2020-2

Related Case Number(s): _____

THIS SECTION FOR OFFICE USE ONLY:

I hereby apply for a **Variance** to the following section of the Longview Municipal Code (LMC):

19.20.030. The reason I am requesting a variance is because: THE NEED FOR
A MINIMAL PATIO COVER

at Street: 1208 W. KESSLER BLVD., City of Longview, Washington.

Lot No. 6 Block No. 215 Subdivision/Addition: _____

Zoning District: R-1

Applicant: ARLEN LA BEAU Phone: 360-4237701
(Print All Information)

Contact Name: ARLEN LA BEAU Fax: 360-4237701

Mailing Address: 1218 18TH & 15
(Street or PO Box)

City: LONGVIEW State: WA Zip: 98632

Is the applicant the property owner? ☒ YES NO If not, complete the following section.

Relationship to Owner: _____

Property Owner: _____ Phone: _____
(Print All Information)

Mailing Address: _____
(Street or PO Box)

City: _____ State: _____ Zip: _____

Justification attach additional sheets as necessary:

- a. Describe the physical conditions and circumstances of the property (lot shape, slope, building location, easements, etc.) and how they affect the project for which the variance is being requested:

THE LOT SHAPE IS SIMI TRIANGULAR AND FLAT. REQUESTED
(SIDE YARD)
PATIO KITCHEN - BBQ COVER (ROOF ONLY) IS LOCATED ON EAST SIDE OF BACK YARD TO ME
IT IS THE PROXIMITY TO THE PROPERTY LINE THAT THE VARIANCE REQUEST IS THE ISSUE,

- b. Describe how the conditions and circumstances are peculiar to the property, do not apply to other properties in the zoning district, and how a special privilege will not be conferred by granting of the variance:

THE PROPERTY PERIMETER IS UNIQUELY UNUSUAL IN COMPARISON TO
THE SURROUNDING NEIGHBORHOOD LOTS. I FEEL IT WOULD NOT INTERFERE OR BE A
SPECIAL PRIVILEGE TO REQUEST THIS VARIANCE UPON YOUR FULL CONSIDERATION AND INSPECTION.

- c. Describe how literal interpretation of the zoning ordinance affects your rights (ability to use the property):

AS THE ZONING ORDENANCE IS NOW, I WOULD BE ERRECTIN A (ROOF) COVER TO CLOSE
TO THE CONCRETE BLOCK WALL BUILT ON PROPERTY LINE,

- d. Did any of the conditions and circumstances of the property described above result from your actions?

Yes ☐

No ☒

Explain: NOT REALY THE ACAIN ODD PROPERTY LINE
LIM ITS THE USEFULNESS BECAUSE OF THE SETBACK,

- e. Explain how the requested variance is the minimum necessary to make reasonable use of the property:

THIS REQUEST IS ONLY FOR A VERY RESPECTABLE NEIGHBORHOOD FITTING STRUCTURE
NO LARGER THAN WHAT IS REASONABLE TO COVER THIS AREA.

- f. Explain how the requested variance will be in harmony with the purpose and intent of the zoning ordinance, will not be injurious to the neighborhood, or detrimental to the public welfare: _____

THE ONLY REQUESTED CHANGE WOULD BE THE SETBACK FROM THE BLOCK WALL ON PROPERTY LINE.
THE NEIGHBORS WOULD NOT BE EFFECTED NOR WOULD THEIR BE HARM TO PUBLIC WELFARE.

NOTICE TO APPLICANT:

According to the Longview Municipal Code, the Appeal Board of Adjustment may authorize the granting of a variance to the zoning ordinance where compliance with the requirements of the zoning ordinance are impractical or impossible. No application for a variance shall be granted unless the Board finds:

1. The variance will not constitute a grant of special privileges inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and
2. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
3. That the granting of the variance(s) requested will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.
4. The need for the variance is not the result of any action taken by the applicant.

FILING FEES:

Public Hearing Fee: Per LMC 19.06.060
SEPA Review Fee: Per LMC 17.02.070
Total Fees: \$
Comments:

LONGVIEW APPEAL BOARD OF ADJUSTMENT:

Public Hearing Scheduled: Date: 4:30 PM
Comments:

FOR STAFF USE:

..... Legal Description of Property.
..... Site Plan and/or building elevations, floor plans.
..... Copy of Deed Restrictions and Restrictive Covenants (CCR's).
..... Responses to the justification section addressing the nature of and reason for the variance, and information demonstrating that the requested variance conforms to the requirements contained in LMC 19.12.140.
..... 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.

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.

The information provided is "said to be true under penalty of perjury by the Laws of the State of Washington."

Signature of Applicant: Adrian La Beau Date: 3/23/20

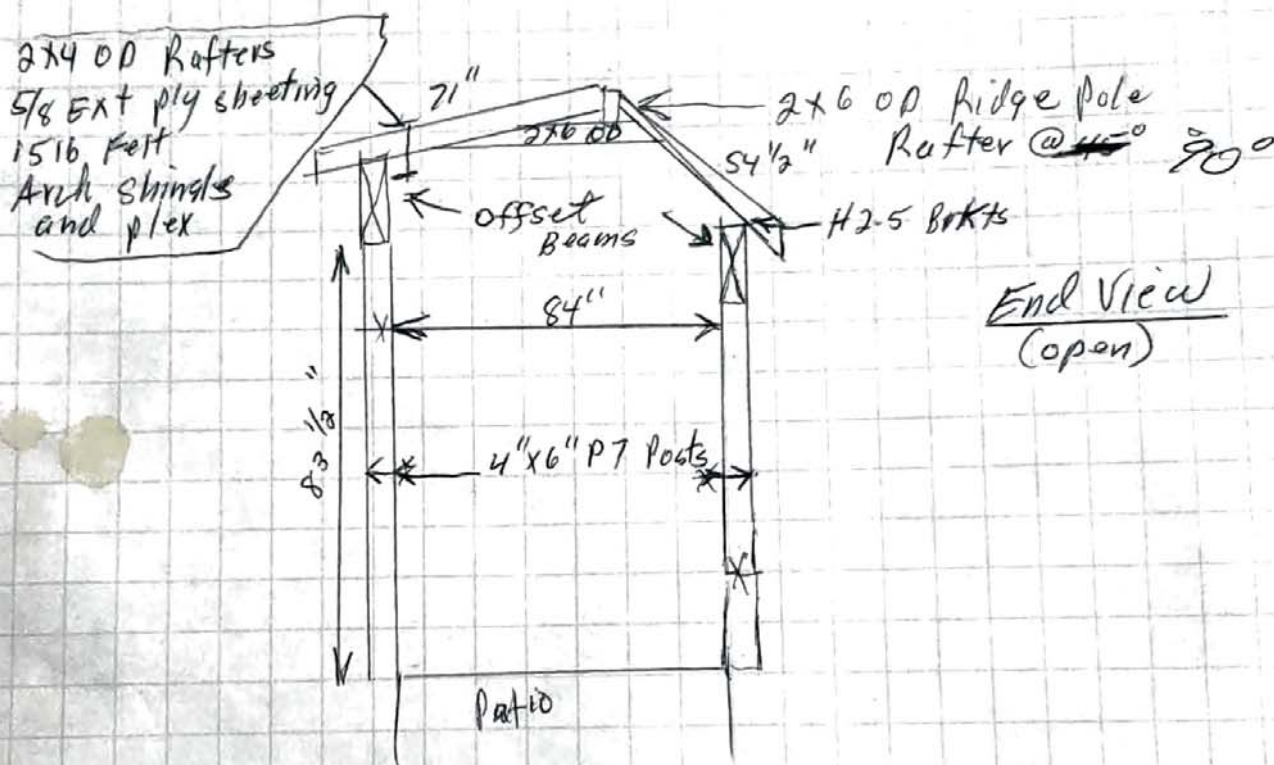
Signature of Property Owner: Adrian La Beau Date: 3/23/20

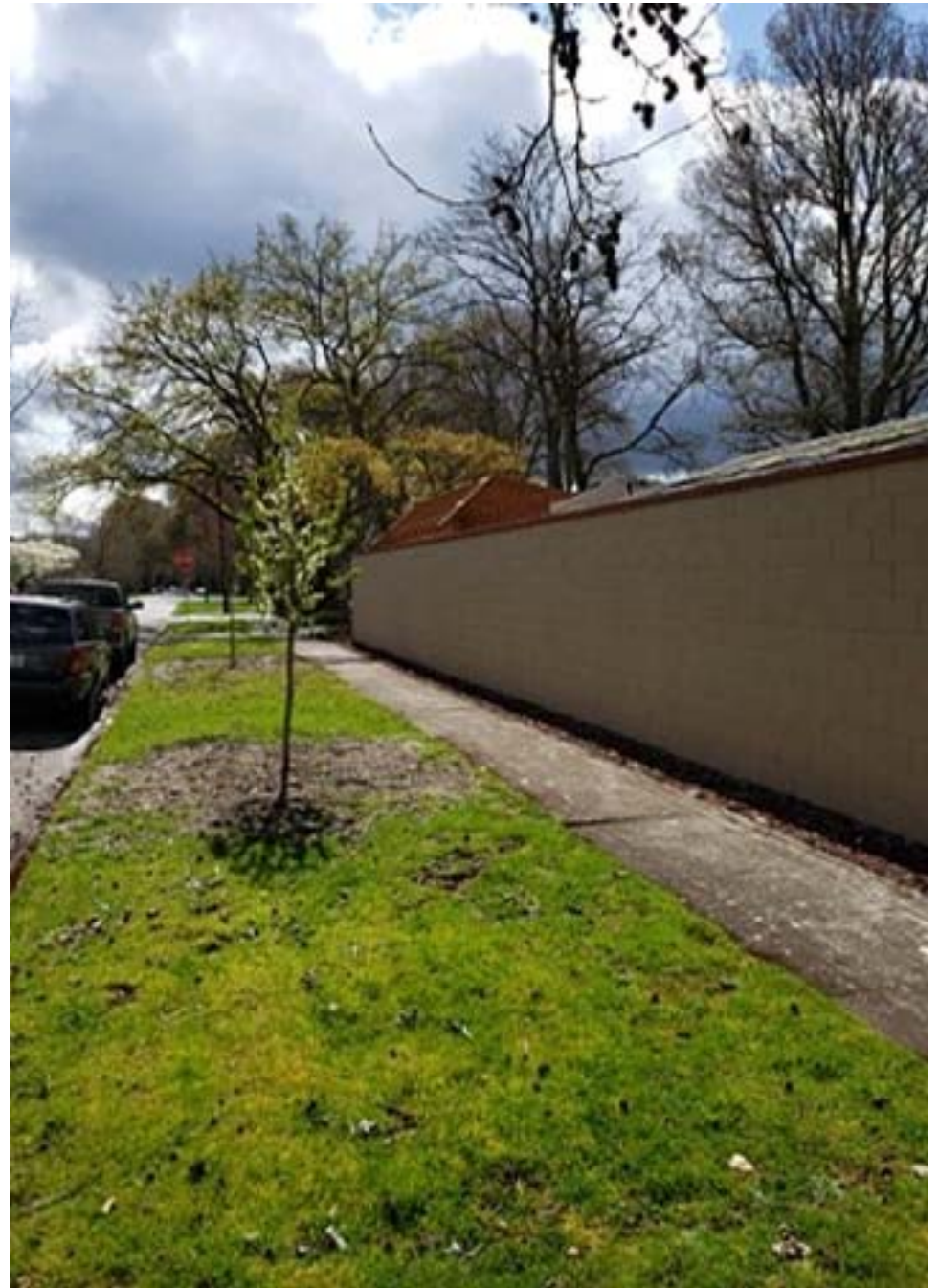
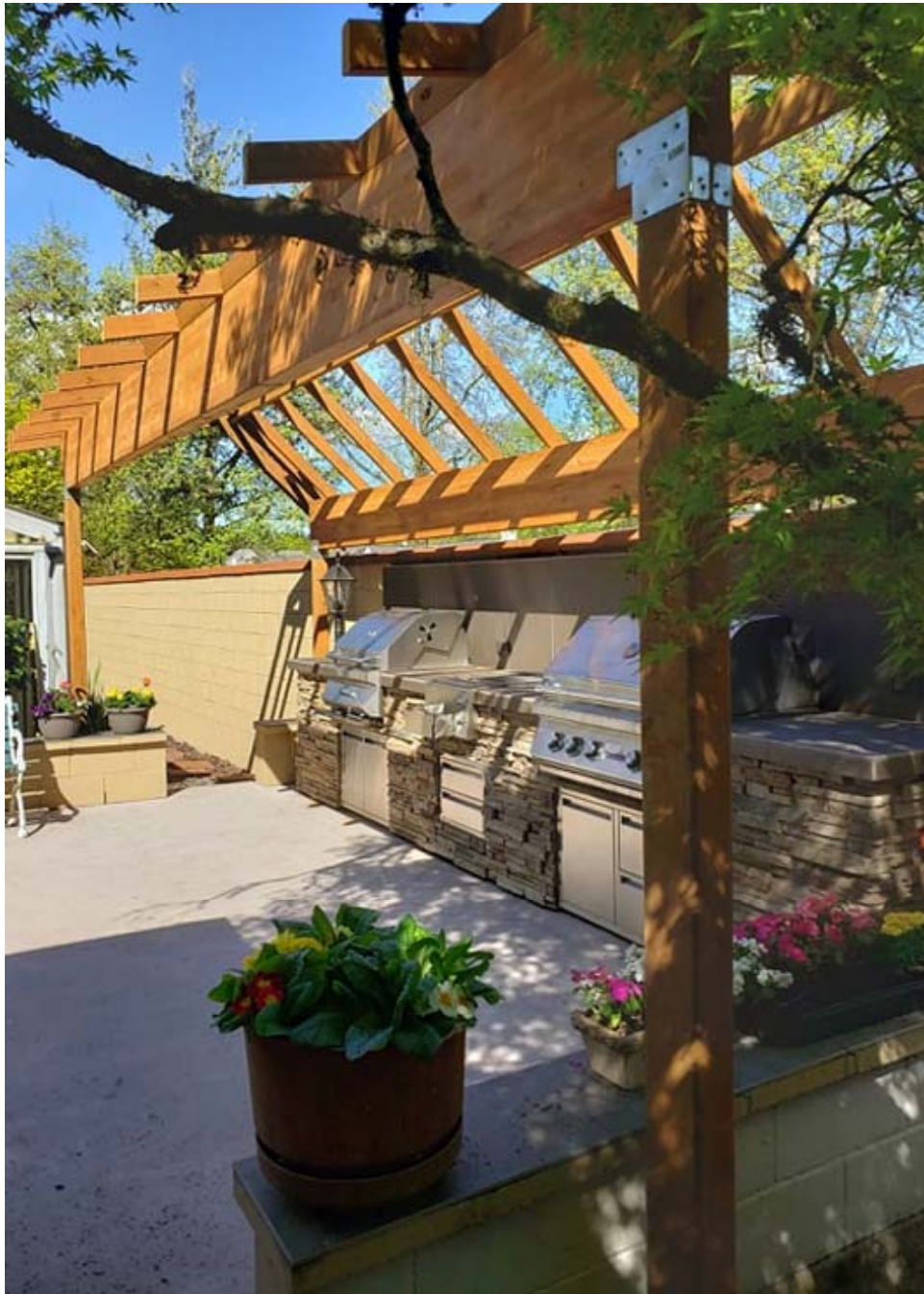
Signature of Property Owner: _____ Date: _____
(If different than property owner)

Arlo Le Beau
360-636-1563

1208 Kessler Blvd.
(Back Yard)

Kitchen BBQ
cover











WARNING NOTICE

Code Violation

LABEAU ARLEN G/JACKI
1218 18TH AVE #15
LONGVIEW, WA 98632

RE: 1208 KESSLER BLVD
APN: 00291
Case No: CE-20-0176

Date: March 11, 2020

The City of Longview has received a complaint, or has become aware of condition(s) regarding the property located at 1208 KESSLER BLVD LONGVIEW, WA, specifically concerning violations pursuant to the Longview Municipal Code ("LMC"). The City of Longview has a responsibility to ensure that identified health/safety issues and/or public nuisances within the city are corrected in a timely manner.

LMC 16.30.110 Section 106.1 Unlawful acts & 106.4 Violation penalties states that it shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code. Any person who violates a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws.

This Warning Notice lists the observed or alleged violations present at the above referenced property. We are seeking your cooperation in correcting these violation(s):

Violation(s):

Violation 1:

Violation: Yard Requirement Violation - Sideyard Setback - Building
Corrective action: Remove Unpermitted structure(s) from required side yard setback. Contact Building Department with questions.
Municipal code: LMC 19.20.030 Table 19.20.030-1 - See attached code text below
Compliance deadline: 03/25/20

Violation 2:

Violation: Work performed without permit(s)
Corrective action: Remove Unpermitted structure(s) from required side yard setback. Contact Building Department with questions.
Municipal code: International Building Code IBC105.1 - See attached code text below
Compliance deadline: 03/25/20

2. Compliance Deadline(s):

The code violations identified above must be corrected and brought into compliance with the LMC on or before the listed compliance date(s), or you must provide good cause to extend the compliance date and enter into a signed Voluntary Compliance Agreement (VCA) (on or before the listed compliance date) with the City detailing a successful plan and timeline to achieve complete correction of the violation(s). **Failure to act within the deadline will necessitate the issuance of a Notice and Order that includes civil monetary penalties as set forth in Longview Municipal Code Chapter 1.33.**

3. Consequences of non-compliance:

If the violations are not resolved as described in this Warning Notice, the City may issue a Notice and Order and impose civil penalties in the **minimum amount** of \$500.00 per violation. Additionally, the City reserves the right to pursue criminal charges and penalties as well as administrative abatement procedures as provided in the Longview Municipal Code and/or other applicable law.

It is the duty of the responsible person(s) to obtain all required permits from the proper issuing agency to perform the corrective action where a permit is required, and to notify the City of any actions taken to achieve compliance with this Warning Notice. Failure to correct the violation(s) cited in the Warning Notice could lead to the denial of subsequent City permit applications on the subject property. Additionally, it is the duty of the responsible person to notify the City of any actions taken to achieve compliance with this Warning Notice.

Please contact the investigating inspector upon receipt of this letter to discuss these issues and affirm your commitment to eliminate these violations by the date provided. You may contact Inspector **Erik Byman** at **(360) 442-5084** between 7 a.m. and 6 p.m. Monday through Thursday. Please leave a voice mail, including a telephone number where you can be reached if the inspector is unable to take your call.

Thank you for your attention to this matter.

Erik Byman
Inspector
Cc: Address file

<i>Photographs</i>



1208 Kessler (1).jpg



1208 Kessler (2).jpg

Violation

Details:

Violation: Yard Requirement Violation - Sideyard Setback - Building

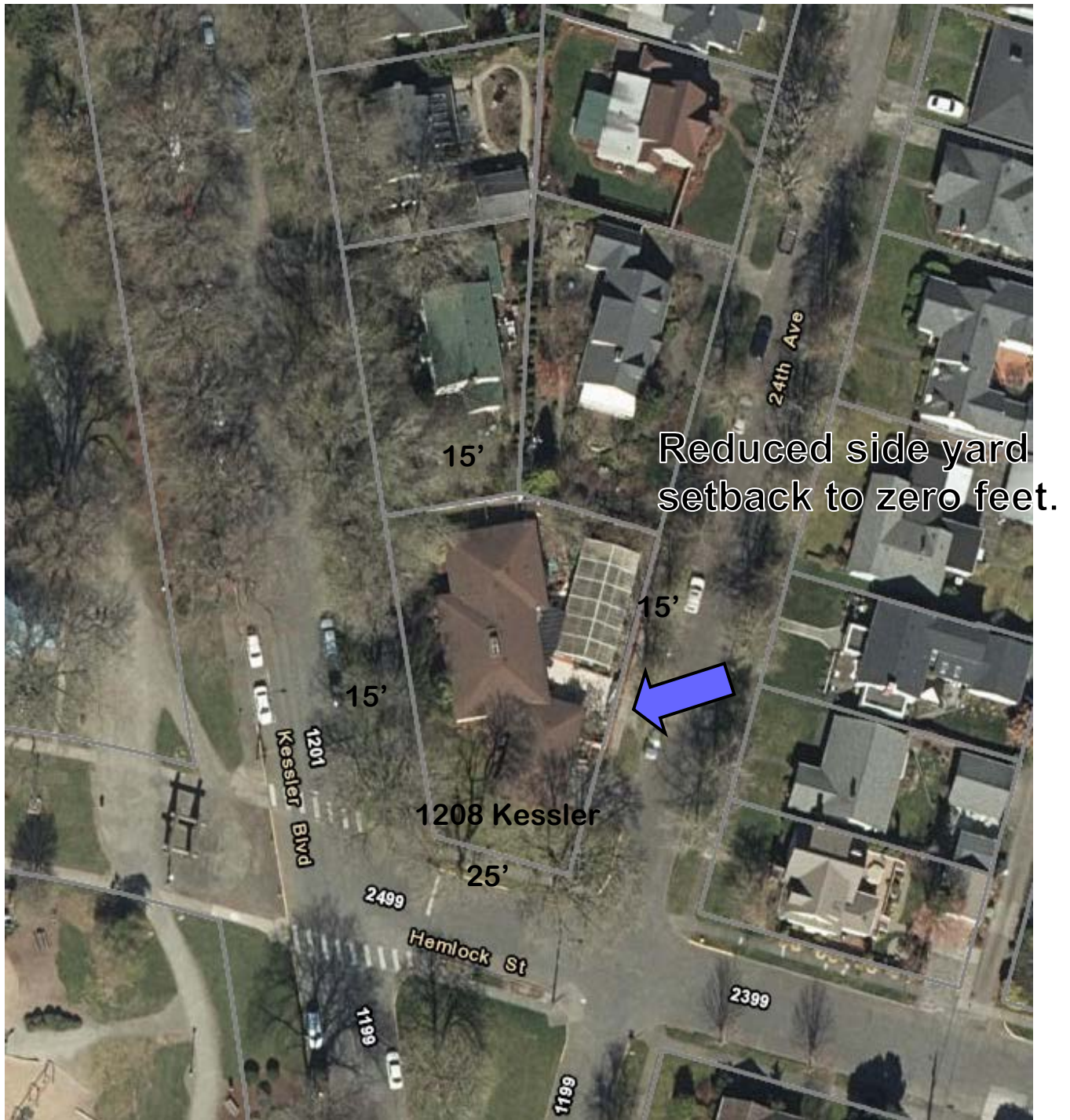
Municipal code: LMC 19.20.030 Table 19.20.030-1 - 19.20.030 Density and dimensional standards. Share Table 19.20.030-1 provides the density and dimensional standards for each zone. Note that other dimensional standards may be approved as part of a planned unit development (PUD) per Chapter 19.66 LMC for new subdivisions and other forms of larger-scale development. A PUD cannot be used to increase density over the base zoning standards. No building, structure or use shall hereafter be erected, constructed or established on a lot that does not meet the requirements for lots as contained in this chapter and for the district in which said lot is located, except for nonconforming lots of record as defined in Chapter 19.09 LMC.

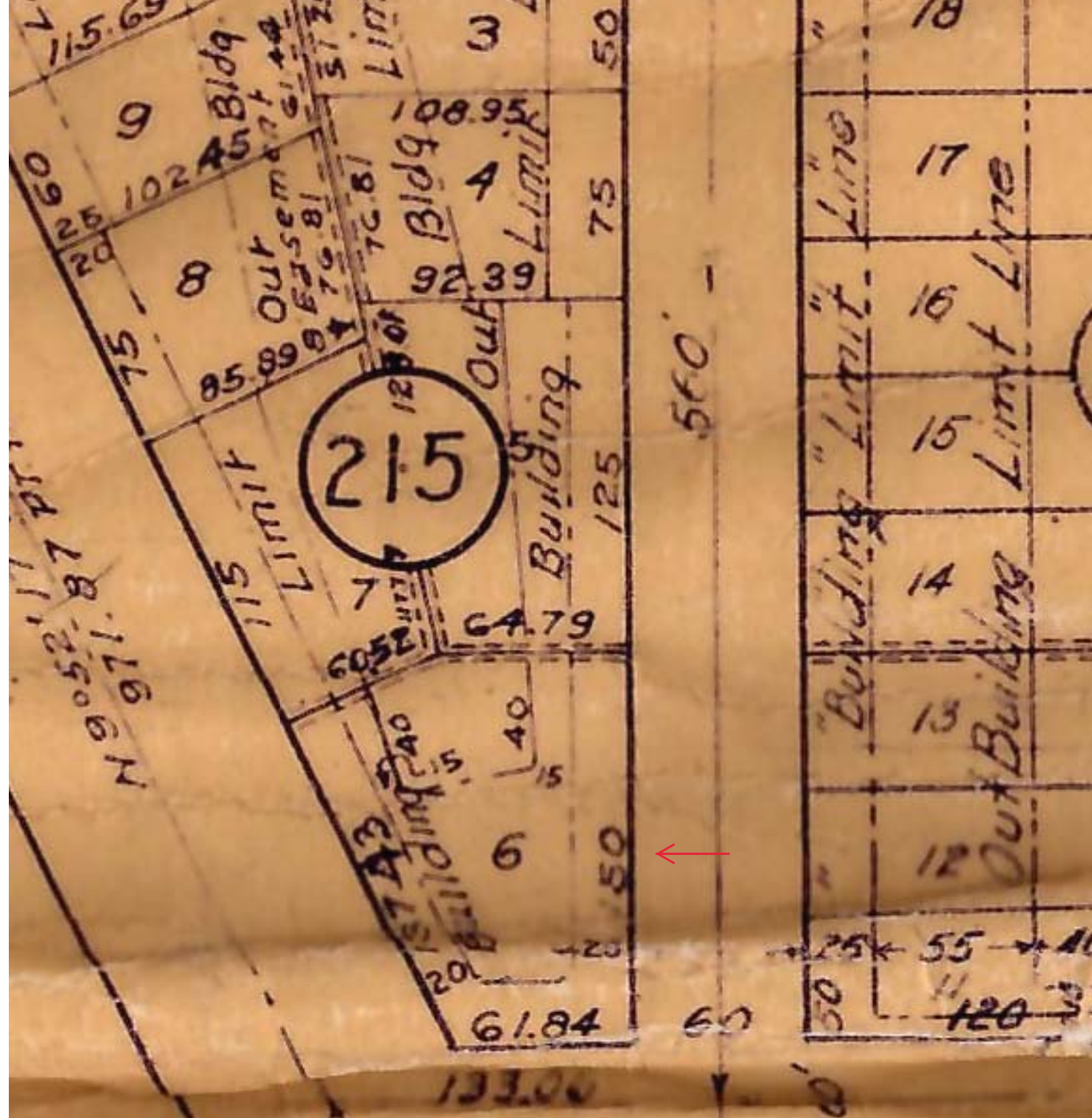
Violation: Work performed without permit(s)

Municipal code: International Building Code IBC105.1 - REQUIRED. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Property location: 1208 W. Kessler Blvd.

Exhibit C





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