



City of Longview

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

Agenda

In-person or Virtual Meeting on Zoom

To attend the virtual meeting use this link and info:

<https://us02web.zoom.us/j/81254623461?pwd=aFAyUGNQcmg3NVdaSjh3MUlxcnFXQT09>

Meeting ID: 812 5462 3461 Passcode: 1923 For audio only, call in
using: +1 253 215 8782 US (Tacoma) or +1 346 248 7799 US (Houston)

Appeal Board of Adjustment

Tuesday,
November 9,
2021

4:30 PM

Longview
Council
Chambers

1. **CALL TO ORDER**

2. **APPROVAL OF MINUTES**

3. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

21- Public Comments for ABA 4&5 received to date (after agenda posted)
0001064

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

5. **PUBLIC HEARINGS**

21- ABA 2021-4 & ABA 2021-5: Special Property Use permit to allow a lesser number of off-
0001044 street parking spaces for a proposed development. Three spaces are required, the
applicant requests to reduce to one space per LMC 19.78.100(4)(f). Note that LMC
19.78.100(4)(e) allows the applicant to count 1 on-street space for legal parking
effectively allowing no on-site parking.
A Variance is requested from the setback requirements of LMC 19.20.030 for buildings
in the R-4 zone to reduce the front yard setback from 20 feet to 8 feet and the side yard
setback on a corner lot, street flanking side from 15 feet to 11 feet and the rear yard
setback from 10 feet to 6 feet.

Recommendation: Motion to adopt the findings and recommendation of the staff report
and grant a variance as requested for 807 Hudson Street.
Motion to adopt the findings and recommendation of the staff report and grant a special
property use permit as requested for 807 Hudson Street.

21- ABA 2021-6 Special Property Use permit request to create a detached accessory
0001045 dwelling unit in the R-1 zone in an existing detached building per LMC 19.22.020 at 2322
40th Ave.

Recommended Action: Motion to adopt the findings of the staff report and grant a
special property use permit.

6. **OTHER BUSINESS**

21- Set Special Meeting for December 7, 2021
0001049

7. **ADJOURNMENT**

Adam Trimble

From: Clark Lee Carroll, Jr. <ccarrolls@gmail.com>
Sent: Tuesday, November 09, 2021 3:01 PM
To: Adam Trimble
Subject: Apts on Hudson and 9th

I just wanted to put in my 2 cents worth. As a bike rider. I feel a need to encourage the placement of enclosed or at least covered parking for bicycles for the use of the new tenants in locking their bikes. This should be a required item for all new or newly remodeled apts. This would reduce the number of tenants dragging their bikes into the apts. Also would encourage commuting by bike as it would be more convenient for them.

Thanks for your time,
Clark Carroll

Adam Trimble

From: Kati Ann <kati717@msn.com>
Sent: Tuesday, November 09, 2021 1:21 PM
To: Adam Trimble
Subject: RE:ABA-4,5

My name is Catherine Setere. My address is 25888 Karr Road, Rainier, OR 97048

My phone number is 502 556 2455

I am writing in regards to the proposed Larry Wood Tiny Homes proposal on 8th Avenue.

I have spoken to you several times and intended to attend the meeting, however I am under the weather following my third covid shot. I guess that is the state of today's life. I hope you will see that my thought are presented to the council members.

First, there is already a shortage of parking spaces on 8th Avenue. The street is very narrow with parking only allowed on the west side of the street. Even then, traffic is only one way. Two way traffic must pull in between parked cars to allow oncoming to pass.

There are eight houses with driveways on the east side of 8th Ave. There are nine houses as well as two multi-level apartment buildings on the west side of the street.

Residents on both sides of 8th Avenue utilize the parking spaces when available. If I read the plans for the "tiny homes" correctly, each of the three will sleep three residents as proposed, creating additional parking shortages.

My second concern is about the proposed waiving of setback on the corner of Hudson and 8th Avenue. Parking spaces on Hudson Street, nearing the corner of 8th Avenue, are normally full due to the adjoining apartment building. If the setbacks for the "tiny houses" are waived, any attempt to turn onto 8th Avenue could be hazardous due to the aforementioned one-way traffic and the lack of visibility.

I do not know who might own the larger vacant lot on the eastern corner of Hudson and 8th Avenue. I am certain however that it will probably be developed at some time. Waiving the setback on the now proposed "tiny houses" on the western corner of Hudson and 8th Avenue, will create parking and visibility concerns even before that juncture.

As I indicated, I am running a slight fever, due to my vaccination. I, therefore, will not come to the meeting. Please pass my concerns and observations on to the committee. If I might, I would like to touch base with you at a later date to see what has been decided. Thank you again

Adam Trimble

From: George Winn <winngeorgec@gmail.com>
Sent: Monday, November 08, 2021 6:46 PM
To: Adam Trimble
Subject: 807 Hudson Comment

Dear Appeals Board of Adjustment,

The project at 807 Hudson is a boon to housing in the region and this appeal/variance is reasonable. Reducing the off street auto parking requirement for additional housing will make this encumbered lot more usable for the owner, developer, and future residents. The impacts to neighbors appear to be minimal. The trees in this area are beautiful and worth maintaining, destruction of trees to provide additional auto parking is unacceptable.

Reasonable mitigation for the code variance includes:

- ADA quality sidewalks, sidewalk maintenance, and curb cuts on adjacent sidewalks
- Refresh the crosswalk paint at nearby intersections
- Publicly accessible guest bicycle parking between the curb and sidewalk. The Public Works department could provide advice on design and installation location. The cost and installation of this rack with concrete pad would be minimal, compared to the overall construction cost. The bike rack and pad are certainly cheaper than the construction of an off-street auto parking space.

Sincerely,
George Winn

Appointed member of the Complete Streets Committee

Adam Trimble

From: Dave Fine <dave@finetastic.com>
Sent: Sunday, November 07, 2021 9:20 AM
To: Adam Trimble
Cc: Sam Barham; Clark Carroll; Matt Carnahan; Ruth Kendall; Karl Enyeart; George Winn; Morgan Palmer; Stratton, Elizabeth; Trey Davis; Ken Hash; Nancy Vandehey
Subject: 807 Hudson Street ABA 2021-6 - Comments about this proposal

Hi Adam,

I am happy to see limited parking places in a development which will improve run-off pollution and allow the development of needed low cost housing at a lower cost to developers. It is good to see Mr Woods proposed this change for the benefits it brings to him and the city.

While Mr Woods and the city of Longview recognize that people living there are expected to practice active transportation, bus ridership was the only consideration provided for their active transportation needs. This assumes that sidewalks will be built as they always are in Longview.

What is missing is bicycle parking for guests and tenants. Including bicycle parking in multi-family units is in the proposal for the Master Plan that is being completed now.

Short term bicycle parking for guests will be relatively easy and inexpensive. There should be a minimum of two staple racks for the temporary storage of 4 bikes. Since builders in Longview consistently do not follow bike rack placement guidelines (too close to buildings/shrubbery, two racks placed too closely together, etc) Public Works should be sure the racks will be installed properly. Mr Woods will be able to see the least expensive rack type when they are installed in downtown Longview which is expected soon. A little nicer staple rack can be viewed at the library or bus station. The choice will rest on how he wants his property viewed by possible tenants. From a usage or safety point of view, they are the same. If he needs information before that, he can get it from Public Works.

As for tenants, bicycle parking should be provided in the building or an outdoor bike locker should be provided. (Outdoor staple racks are not appropriate for storage for more than 2 hours). The goal is to protect bikes from weather and theft. (He can see a locker at the entrance of the Cowlitz Indian Clinic or the Peace Health parking shelter, right inside the entrance). A minimum of one bike storage per apartment should be provided.

While I do not think this development will result in impacting our future Complete Streets efforts, I simply wanted to raise that concern. We are clearly not sensitive enough yet as a city to recognize all the tools of active transportation since bicycles did not make it into the city's response to Mr Woods proposal. It did not make it into the Highland's development plan. I would ask that the Public Works and Engineering departments review their thoughts as it relates to this property development to be sure that tenants will have safe access as they enter and leave the street (bike lanes on Hudson and keeping 8th with no parking lane) to be sure we did not overlook bicyclist safety.

If bicycle parking is not added to this proposal, I want the city to know I object to its development and do not think it should move forward.

Thanks,

Dave



STAFF REPORT
to the
LONGVIEW APPEAL BOARD OF ADJUSTMENT

PRESENTED BY: Adam Trimble, Planner

HEARING DATE: November 9, 2021

APPLICATION NO.: ABA 2021-4 & ABA 2021-5

APPLICANT: Larry Wood

PROPERTY OWNER: Wood and Wood Properties LLC

REQUEST: (ABA 2021-4) A Variance is requested from the setback requirements of LMC 19.20.030 for buildings in the R-4 zone to reduce the front yard setback from 20 feet to 8 feet and the side yard setback on a corner lot, street flanking side from 15 feet to 11 feet and the rear yard setback from 10 feet to 6 feet.

(ABA 2021-5) Special Property Use permit to allow a lesser number of off-street parking spaces for a proposed development. Three spaces are required, the applicant requests to reduce to one space per LMC 19.78.100(4)(f). Note that LMC 19.78.100(4)(e) allows the applicant to count 1 on-street space for legal parking effectively allowing no on-site parking.

LOCATION: 807 Hudson Street. Parcel number involved: 00893.

ASSOCIATED CASES:

ZONING DISTRICT: R-4, Residential District

BACKGROUND AND PROPOSAL

The property addressed 807 Hudson Street is a pre-existing non-conforming lot in a high density residential zone. The lot is a corner lot with a front yard on Hudson Street and a corner side of 8th Ave. The lot neighbors two other properties with no alley access. At the time of the City's early development and subdivision by the Longview Company, some neighborhoods were laid out

with 60' wide x 120' deep lots, others with 40' x 120' lots and in this area of Longview #7, lots in the interior of the block are 45' x 120' and the remaining are 50' x 120'. Between 1925 and 1962 the two end lots of each block were re-oriented to face Hudson Street. This lot in particular was hand drawn on the copy of the plat maintained at the City and has dimensions of 40' x 100' with the neighboring lot 80' x 100' see Exhibit C for the plat and street view. During the subsequent development of the re-oriented lots facing Hudson Street, apartment buildings and cottage units were constructed with 1'-2' setbacks from most property lines. Seven properties were developed in this manner on the south side of Hudson Street.

The applicant proposes a development which requires both a variance from the current zoning setbacks and a special property use permit request to allow a lesser number of on-site parking spaces so that three dwelling units can be constructed on the non-conforming lot. Based on setting on one lot and the design and size of the unit's staff considers this a multiple-family development of three studio units. [Exhibit A: Variance Application, Special Property Use application]. The variance if granted will provide this substandard non-conforming lot with greater setbacks from property lines than the other seven lots on the south side of Hudson Street. [Exhibit B: Applicant proposed site plan and renderings of proposed development].

Background for the parking reduction request dates back to 2018 when the Longview City Council directed the Planning Commission to bring amendments to the zoning code to reduce the parking requirements for multifamily housing. Overall requirements were lowered to 1 space per unit and two additional reductions were introduced: 1) required parking can be reduced by the number of abutting on-street parking spaces where parking is allowed on site and 2) A lesser number of parking spaces may be allowed upon receiving a special property use permit. The applicant has applied for a special property use permit to reduce required parking spaces from 3 to one and has requested to count one abutting parking space on Hudson to reduce from one to zero required off-street parking spaces. The applicant observes that this lot is a corner lot with abutting on-street parking on 8th Ave and is located on a bus route [45] and between two other routes and within 2,000 feet of the transit center. The applicant further stipulates that this type of development will attract residents desiring quality modern housing but also a simplified lifestyle that may not involve owning a vehicle.

Neighboring land uses include:

North – A single family residence and a hotel.

South – Multifamily apartment building.

East – Undeveloped lots

West – Multifamily apartment building.

The Comprehensive Plan classification for the property is High 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 November 29, 2021 [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.

ABA 2021-4 (variance) 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	
	Zone: R-4
Minimum lot size (square feet)	1,800 (townhouses); 6,000 (other uses) ¹⁰
Minimum lot frontage/width (feet)	20 (townhouse); 50 (other)
Minimum lot frontage on a cul-de-sac	
Maximum density (units per acre)	No requirement
Front yard setback (feet)	20
Front yard setback (alley-loading) ³	10
Rear yard setback ⁴ (feet)	10
Side yard setback ⁵ (feet)	5
Side yard (street) setback – corner lot, street flanking (feet)	15
Maximum building height – residential (feet)	60, with no building over 6 stories ⁹

Standard	
Zone:	R-4
Maximum building height – accessory building (feet) ⁷	20
Maximum impervious area of lot ⁸	85%

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

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

Lots in the vicinity and similarly oriented toward Hudson Street have setbacks of 1' to 3' from property lines. The applicant requests variances which will still provide greater setbacks than similar lots but which will allow additional units to be constructed on an unusually small lot that is zoned for high density.

(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

In the observations of staff, there are very few lots less than 120' deep or less than 45' wide in Longview. This property is 40' x 100' with no alley access. Four similar sized lots on the south side of Hudson Street are developed with a single home despite zoning allowing multiple units. Five other lots on the south side of Hudson Street are developed with multiple-family dwellings because they were permitted with 1' to 3' setbacks. Multiple-family dwellings are permitted on this property but due to the substandard size of the lot and location on a corner, a variance from setback requirements is necessary to accommodate more than one unit.

(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 setback variances requested will provide at least 5' of separation between the proposed development and neighboring properties which is the minimum standard of the Longview zoning code since 2009 when it was increased from 4' to 5'. The front yard and corner side yard reductions are for areas where only street and right-of-way abuts the property. The reduced front yard setback of 8' requested is identical to the setback for the adjacent apartment building from the Hudson street property line. The reduction of the corner side yard setback from 15' to 11 feet occurs on the 8th Ave property line where a 22' wide planting strip exists.

Building and fire codes would not permit the neighboring 2-story apartment building to be constructed today with only 3 feet of setback from the property line, with window openings and no fire wall. Staff is of the opinion that the development of three multiple-family dwellings in a detached style on this lot is far preferable to a larger, higher density development proposal [allowed-by-right], given the proximity of the neighboring 2-story apartments.

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

The applicant did not create the shape, orientation or high density zoning of the lot.

(ABA 2021-6 special property use)APPLICABLE CODE SECTIONS

Section 19.18.010(5) 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.

19.78.100 Required off-street parking space for specific uses.

(4) (a) Single-family dwellings, two-family dwellings and condominiums: Two parking spaces per dwelling unit,

(b) Multiple-family – three, four and five dwelling units:

(i) One parking space for each studio, one-bedroom, two-bedroom unit, or three-bedroom unit,

(ii) One and one-half spaces for each four-or-more-bedroom unit,

(c) Multifamily – six or more dwelling units:

(i) One parking space for each studio, one-bedroom or two-bedroom unit,

- (ii) One and one-half spaces for each three-or-more-bedroom unit,
- (d) Multiple-family in commercial districts – three or more dwelling units: for studio or one-bedroom units – one-half parking space per dwelling unit; for two-bedroom or more – one parking space per dwelling unit,
- (e) In addition, for all multiple-family development the minimum number of required off-street parking spaces shall be reduced by the number of legal on-street parking spaces abutting the property lines of the lot or parcel subject to the following:
 - (i) Legal parking is allowed on both sides of the street,
 - (ii) The city engineer shall determine the number of legal on-street parking spaces that can be used to reduce the number of off-street parking spaces,
- (f) A lesser number of off-street parking spaces may be allowed upon receiving a special property use permit per Chapter [19.12](#) LMC;

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 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.

An argument can be made that providing off-street parking on this site will be detrimental to the neighboring apartment buildings due to existing setbacks and the orientation of the lots. To meet setbacks any off street parking would need to be within 7 feet of the neighboring buildings which have windows, sliding glass doors and walls within 3-5 feet of the property line. Impacts of noise, light and odors on adjoining buildings would be certain. Off-street parking would also require one or more new approach on 8th Ave, which will reduce on-street parking and potentially impact mature street trees and the 22' wide planting strip which contribute greatly to the character of 8th Ave. See exhibit C.

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

Driveways create a hazard for pedestrian and vehicular traffic. The proposal will have no driveways and this avoids creating this hazard. Existing yellow striping and a 22' wide planting strip ensure adequate visibility at the intersection.

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

The three multiple-family detached dwelling will be easily accessible from Hudson Street and 8th Ave.

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

The applicant proposes construction of studio units for persons seeking a simplified lifestyle. The lack of off-street parking reinforces the idea that these units may be home to persons who do not own cars. The site is very well served by public transportation and located near the transit center. Ample on-street parking is available for those who do have cars: parking is allowed on both sides of Hudson Street and there is parking for 3 cars on 8th Ave directly abutting the property. Additional street parking is available on 8th Avenue which has no driveways on the parking side. The property across the street is not developed and not currently generating any on-street parking. Both adjoining buildings provide off-street parking and have some opportunity for 'stacked parking' in the alley so that more cars can be parked off-street.

Existing 8th Ave has a relatively narrow pavement width which can serve to slow traffic down when necessary to pass, however congestion is not anticipated on the street as 8th Ave is not a desirable pass-through road connecting other areas of the city like nearby 7th Ave.

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.

Staff notes that by allowing multiple-family developments to count on-street parking and request additional reductions in off-street parking through an SPU, the Planning Commission and City

Council made the determination that increasing the supply of housing is important and that such uses would not be injurious to neighborhoods or otherwise detrimental to the general welfare.

Staff observes that several properties on 8th Ave are underutilizing or not utilizing alley parking options. Where these properties have the option to add off-street parking from the alley, the applicant's property does not. Street parking is available to the public and not reserved for any one property or adjacent property and no expectation of being able to park in front of one's home exists. Granting a special property use to reduce required off-street parking for 807 Hudson is the appropriate remedy for a site with special circumstances of being substandard in size, located on a corner and not having access to an alley.

STAFF DISCUSSION

The City's Building Official, Fire Marshal, and Public Works Department have had the opportunity to review the Variance request and Special Property Use applications for 807 Hudson and have the following comments:

Water/Sewer- The city will allow one water connection for this multiple-family dwelling proposal on one lot as opposed to separate connections. The site will likely need to connect to the sewer main in Hudson which is on the far side. It will require full panel replacement to get across Hudson Street. The city will allow all three units to be served by one lateral connection. At time of development the city will consider whether doing so will be a sewer lateral or a public main extension. The sewer main is 10" concrete pipe. The sewer main depth is 6ft to bottom of main. The sewer main will need to be sectioned out to provide a 10" x 6" wye connection. Cannot use a saddle or tee here.

Building/Fire: There is concern with the adjacent apartment building existing at 3' setback but that situation is existing. This proposal for three detached dwellings represents a better outcome for development on this lot than others that might go multiple story or contain more, denser units.

ABA 2021-4 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.

ABA 2021-5 STAFF FINDINGS

1. Increasing the supply of housing is important and constructing multiple-family dwellings with reduced requirements of off-street parking will not be injurious to neighborhoods or otherwise detrimental to the general welfare.
2. Providing off-street parking on this site will be detrimental to the neighboring apartment buildings due to existing setbacks and the orientation of the lots.
3. A special property use to reduce required off-street parking for 807 Hudson is the appropriate remedy for a site with special circumstances of being substandard in size, located on a corner and not having access to an alley.

4. 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.
5. The use as proposed meets the criteria found in LMC §19.12.050.

RECOMMENDATION

ABA 2021-4: Staff recommends that the Appeal Board of Adjustment adopt the staff analysis and findings and grant a variance to reduce the required setbacks as requested by the applicant for the property at 807 Hudson Street Longview.

ABA 2021-5: Staff recommends that the Appeal Board of Adjustment adopt the staff findings and grant a Special Property Use Permit to reduce off-street parking by 2 spaces [and count 1 on-street space toward required parking so that no off-street parking is provided] for the development of three multiple-family dwellings as proposed by the applicant at 807 Hudson Street Longview.

EXHIBIT

- A. Variance application, Special Property Use application
- B. Applicants proposed site plan and rendering
- C. Plat map Longview #7, street view, aerial photo.
- D. Notice to Adjacent Property owners.

Staff Report Date: November 5, 2021



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 2021-4

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):

The reason I am requesting a variance is that: I would like to be able to build 3 tiny homes; (each under 400 sq. ft) with a similar accommodation that was given to adjacent homes originally built before modern setbacks were adapted.

at Street: **807 Hudson** _____, City of Longview, Washington.

Lot No. **00893** _____ Block No. _____ Subdivision/Addition: _____

Zoning District: _____

Applicant: **Larry Wood**

Phone: **360.751.5789**

(Print All Information)

Contact Name:

same

Fax:

Mailing Address: 1991 38th Ave _____

(Street or PO Box)

City: Longview _____ State: **WA** Zip: **98632** _____

Is the applicant the property owner? **YES** If not, complete the following section.

Relationship to Owner: _____

Property Owner: same

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 is 40'x100' and I have provided a drawing and proposed siteplan from my Architect on the concept. I would like to build 3 tiny homes in order to efficiently provide extremely affordable rental units.

- 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 orientation of this lot is very unique in that most of the lots in the neighborhood have alley access and this one is oriented 90 degrees from the majority of adjacent R-4 lots. It seems that similar accommodations were made for other lots on the same block on 9th & Hudson when those homes were originally built.

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

I think that my concept is the highest and best use of the property with the added benefit that very affordable nonsubsidized housing units can be built. The lot is very small and the surrounding buildings were not built to current setback requirements. This is a very unique challenge and I think the tiny home alternative needs to be tried in a high-quality way.

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

NO

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

I'm asking to do what was done when adjacent homes were built on the same block.

- 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 requested variance is conforming to the existing neighborhood, and will actually enhance the neighborhood with an addition of new small, but high-quality homes that I think will add to the pride of the neighborhood.

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. 807 Hudson, parcel #00893

Site Plan and/or building elevations, floor plans. included in email

Copy of Deed Restrictions and Restrictive Covenants (CCR's). n/a

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

Larry Wood

Date: 9/24/21

Signature of Property Owne

Larry Wood

Date: 9/24/21

Signature of Property Owner:

Date:

(If different than property owner)



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 2021-5

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:

Larry Wood
(Print All Information)

Phone: *(360) 751-5789*

Mailing Address:

1991 38th Ave
(Street or PO Box)

Fax:

City:

Longview

State: *WA*

Zip: *98632*

Property Owner:

SAME

Phone:

Mailing Address:

(Street or PO Box)

Fax:

City:

State:

Zip:

Applicant:

Larry Wood
(Print All Information)

Phone: *(360) 751-5789*

Mailing Address:

1991 38th Ave
(Street or PO Box)

Email:

Larrywood77@gmail.com

City:

State: *WA*

Zip: *98632*

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:

I would like to build 3 tiny homes on the site. My architect and I met city staff onsite and we had imagined we would need to remove a parking strip tree to accomodate on site parking. Staff didn't favor that so I'm requesting a SPU. waver.

Address of Property:

Parcel No.

Comprehensive Plan Designation:

Zoning District:

R-4

Current Use of Property:

vacant residential lot

Gross land area of the site to be developed:

4000 Square Feet

Acres

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

N/A

Describe any existing structures on the site:

3 large broad leaf trees on wide parking strip

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

None adjoining

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

None

Describe signage proposed for the land use requested:

None

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

North:

Current Land Uses:

All R4

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:

N/A

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:

Describe how parking will be accommodated for the proposed use:

*I'm hoping for one or two spaces for credit of off site
and hoping to have the SPU add up to the 3 required.*

Describe how the proposed use will impact traffic circulation:

I don't believe it will have 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 |
| b) Affect historic structures or historically significant features? | Yes | ☒ No |
| c) Require a Variance from a development standard? | ☒ Yes | No |
| d) Involve fill or removal of contaminated soils or hazardous materials? | Yes | ☒ No |
| e) Involve grading/fill over an existing public storm drain, sanitary sewer or water line? | Yes | ☒ No |
| f) Involve land that has a slope of 15% or greater? | Yes | ☒ No |
| g) Require an Environmental Checklist be submitted and reviewed under the SEPA Rules (WAC 197-11)? | Yes | ☒ No |
| h) Be located within 300 feet of a shoreline? | Yes | ☒ No |

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:	<u>Per LMC 19.06.060</u>
SEPA Review Fee(if applicable):	<u>Per LMC 17.02.070</u>
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:

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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:

Larry Wood

Date: 9/24/21

Signature of Property Owner:

Larry Wood

Date:

Signature of Applicant: - SAME

Date: 9/24/21

(If different than property owner)



LONGVIEW, WA
NEWBERG, OR
NEHALEM, OR
WWW.BRITTELLARCH.COM

8th Ave & Hudson, Longview WA
Larry Wood Tiny Houses

DESCRIPTION
SCHEMATIC DESIGN OPTIONS

DATE
8/22/19

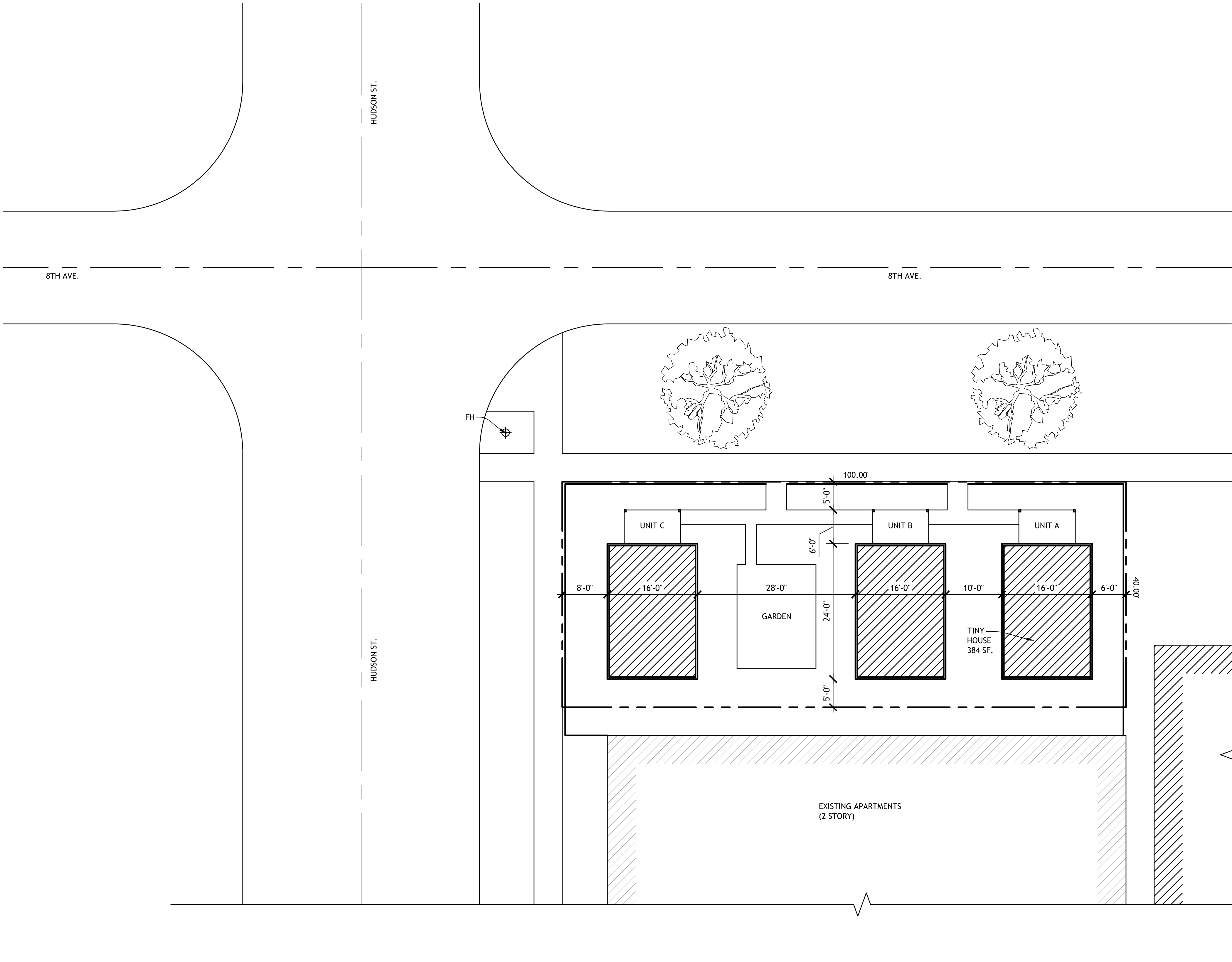
MRK
A

JOB NUMBER:
1926

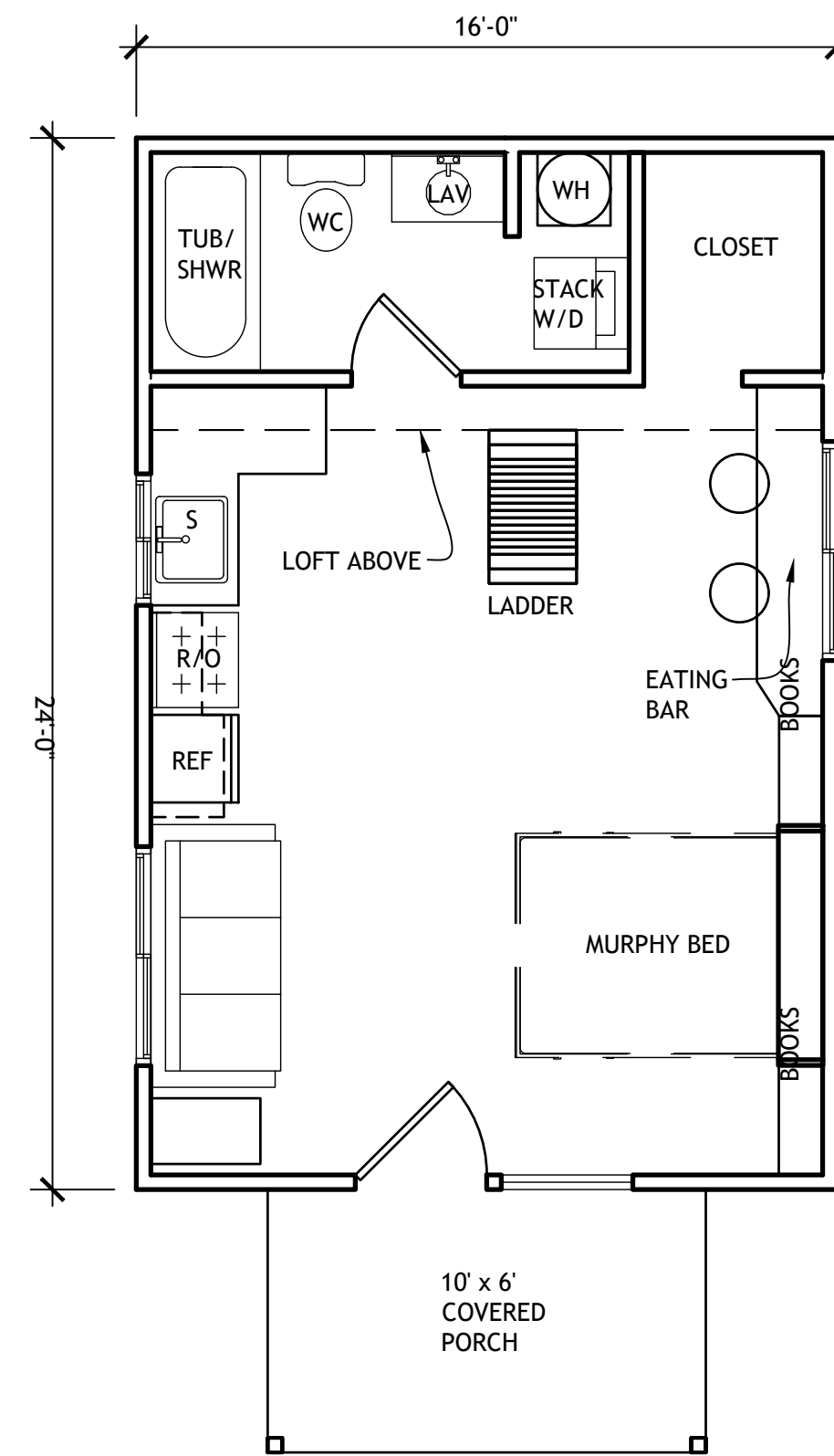
SHEET:

A0

SITE PLAN



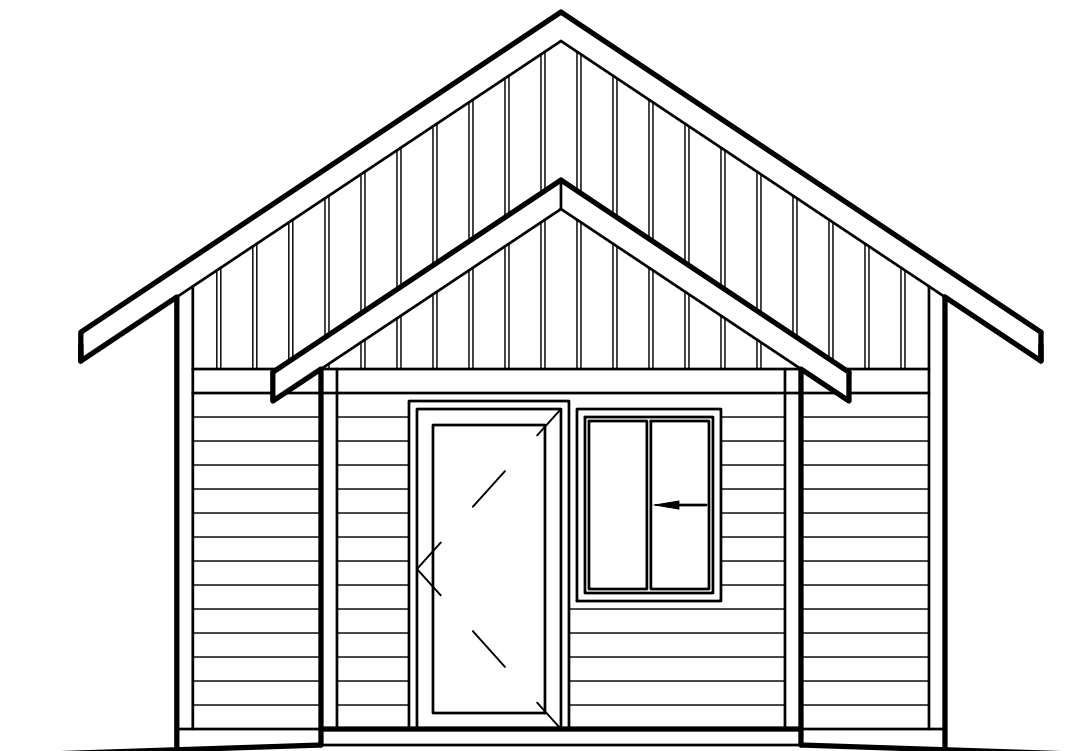
SITE PLAN
1" = 10'



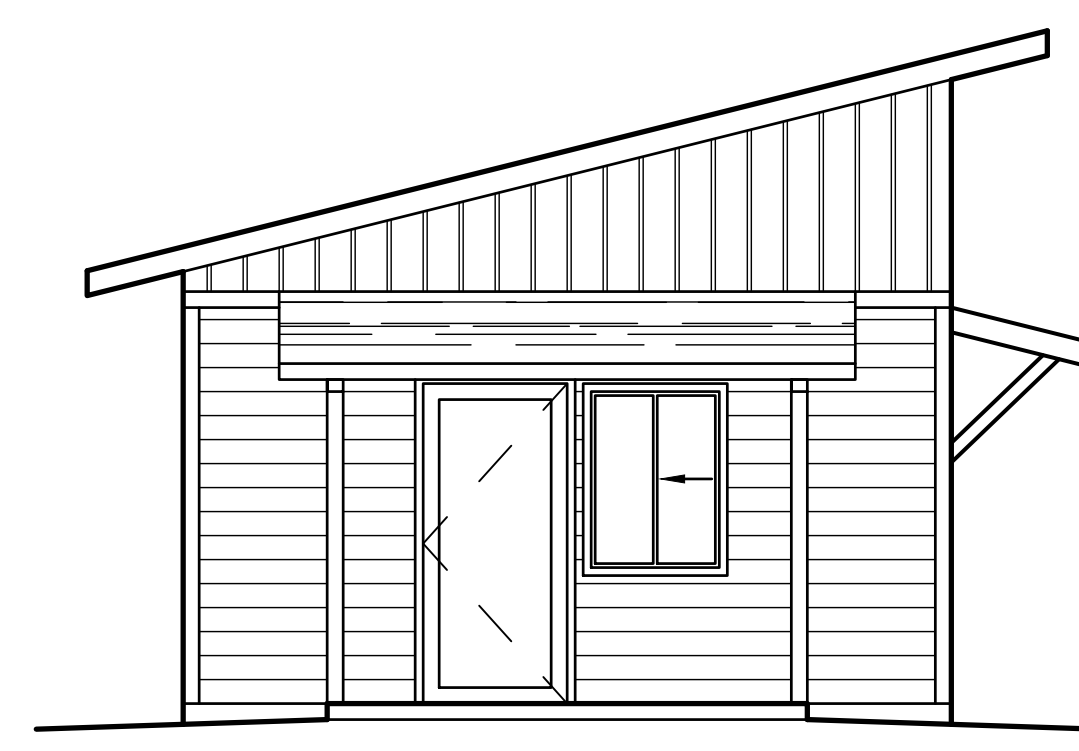
1 FLOOR PLAN
A1.1 1/4" = 1'-0" 384 SF.



2 FRONT ELEVATION OPTION A
A1.1 1/4" = 1'-0"



2 FRONT ELEVATION OPTION B
A1.1 1/4" = 1'-0"



2 FRONT ELEVATION OPTION C
A1.1 1/4" = 1'-0"



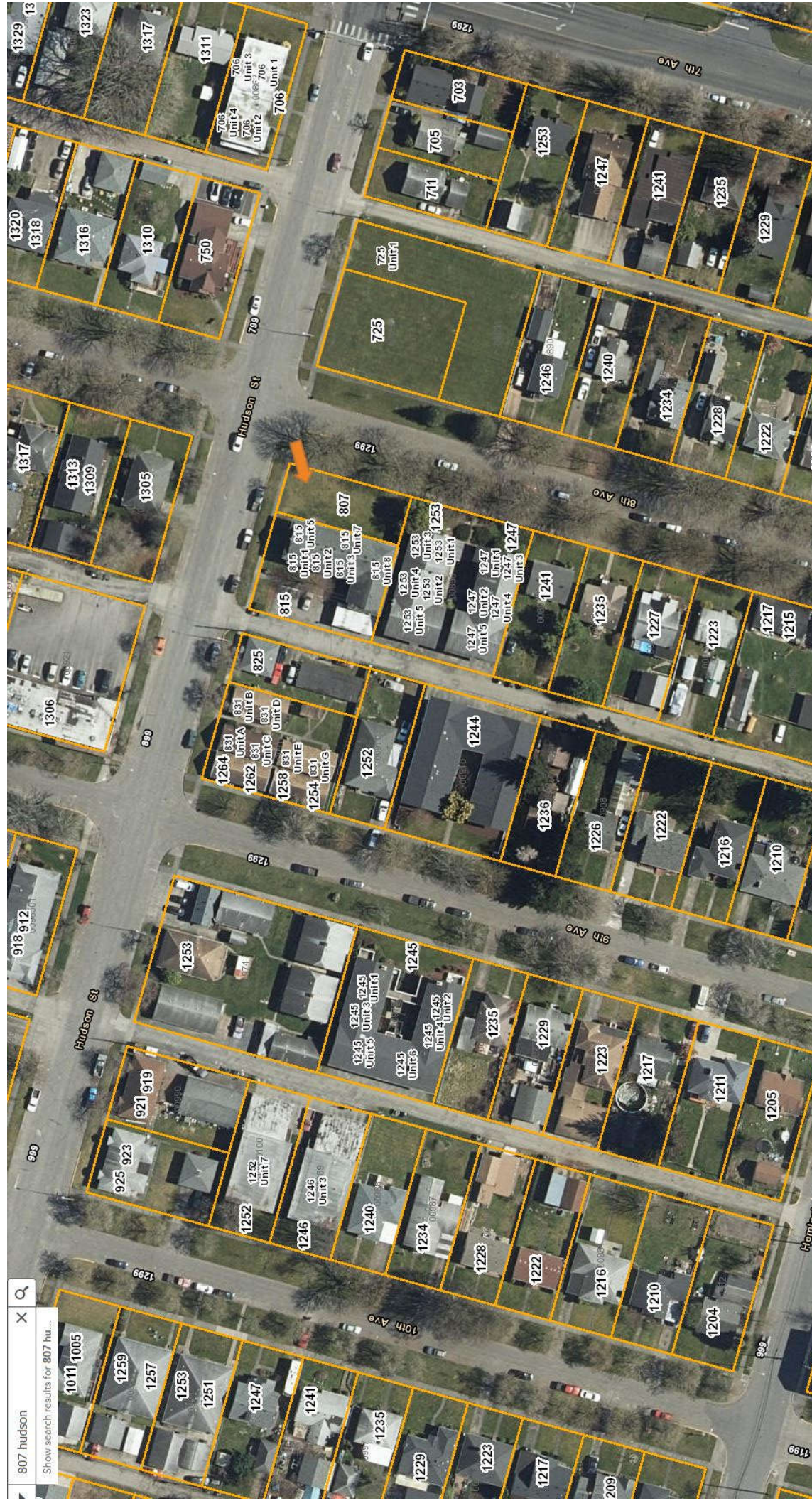
5 PERSPECTIVE RENDERING OF SITE
A1.1 NOT TO SCALE

MRK	DATE	DESCRIPTION
A	8/22/19	SCHEMATIC DESIGN OPTIONS

JOB NUMBER:
1926

SHEET:

A1







NOTICE OF PUBLIC HEARING

Longview Appeal Board of Adjustment

4:30 P.M. Tuesday, November 9, 2021 for a 'hybrid' In-person or Virtual Meeting.

Application #: ABA 2021-4 & ABA 2021-5

Applicant: Larry Wood

Request #1: Special Property Use permit to allow a lesser number of off-street parking spaces for a proposed development. Three spaces are required, the applicant requests to reduce to one space on a corner lot with 120+ feet of opportunity for on-street parking, per LMC 19.78.100(4)(f).

Request #2: A Variance is requested from the setback requirements of LMC 19.20.030 for buildings in the R-4 zone to reduce the front yard setback from 20 feet to 8 feet and the side yard setback on a corner lot, street flanking side from 15 feet to 11 feet and the rear yard setback from 10 feet to 6 feet.

Address: 807 Hudson Street. Parcel number involved: 00893.

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, November 9, 2021** 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 2021-4,5**

Public Hearing: You are invited to attend the Appeal Board of Adjustment public hearing scheduled for 4:30 P.M. Tuesday, November 9, 2021 either in-person at Longview City Hall Council Chambers, 1525 Broadway Street, OR on the virtual meeting platform Zoom (online or phone-in).

Details for joining a virtual meeting are published with an online agenda at least 5 days before the meeting. 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 with any accessibility requests.

Date Mailed: November 5, 2021

Aerial View



Attached: Applicant site plan and rendering and elevation drawings.



STAFF REPORT
to the
LONGVIEW APPEAL BOARD OF ADJUSTMENT

PRESENTED BY: Adam Trimble, Planner

HEARING DATE: November 9, 2021

APPLICATION NO.: ABA 2021-6

APPLICANT: Matthew Cathcart

PROPERTY OWNER: Dana/Cindy Cathcart

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 0.70 acre lot in the R-1 Residential District.

LOCATION: 2303 34th Avenue. Parcel number involved: 03344020

ASSOCIATED CASES: N/A

ZONING DISTRICT: R-1 Residential District

BACKGROUND AND PROPOSAL

The property owners of 230334th Ave. desire to establish a detached accessory dwelling unit (ADU) on their property [Exhibit A Application and applicants floor plan and photos]. The lot is 0.70 acres and approximately 127 feet wide along 34th Ave [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 740 sq. ft. in area. The building was originally permitted with a condition specifically stating that an accessory dwelling unit was included in the permit. The city has inspected the site and found that the structure could be improved as an ADU. 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 – 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 October 29, 2021 [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, November 1, 2021. 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 2303 34th Ave. A comment regarding the site sewer line was made: be aware the original sewer, if still in place is not likely to last much longer. Staff recommends the owners inspect the private connection with a camera to understand the condition. As mentioned above, a courtesy inspection of the building shows it can be improved as a residence.

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 34th Ave.

- (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 30 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 2303 34th Ave.

EXHIBITS

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

Staff Report Date: Thursday, November 04, 2021



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:

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: Dana Cathcart Phone: 503 470 0922
(Print All Information)

Mailing Address: 71959 Anderson Rd Fax: _____
(Street or PO Box)

City: Rainier State: _____ Zip: 97048

Property Owner: Cindy Cathcart Phone: 503 470 0923

Mailing Address: 71959 Anderson Rd Fax: _____
(Street or PO Box)

City: Rainier State: OR Zip: 97048

Applicant: Matthew Cathcart Phone: 503 438 5111
(Print All Information)

Mailing Address: 2303 34th Ave Email: matthcathcart08@gmail
(Street or PO Box)

City: Longview State: WA Zip: 98632

Relationship to Property Owner: He is my father

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.
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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: _____

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: I want to Refinish A Existing Detached Building into An ADU

Address of Property: 2303 34th Ave Parcel No. 03344020

Comprehensive Plan Designation: Residential/Public Zoning District: R01

Current Use of Property: Residential

Gross land area of the site to be developed: Existing Shop Roughly ^{500 Sq} Square Feet _____ Acres

Net land area (gross land area minus land dedicated for public purposes): Converting Already Existing Shop

Describe any existing structures on the site: 3 Sheds, one covered Area, my house, Proposed ADU

Number and surface type of all existing driveways at the site: 2 Driveways that are concrete

Number, type and dimensions of existing signage at the site: No Signage

Describe signage proposed for the land use requested: No Signage

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

North: R-1 Current Land Uses: Residential

South: R-1 Current Land Uses: Residential

East: R-2/CD Current Land Uses: Residential

West: R-1 Current Land Uses: Residential

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: None

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

Proposed hours of operation: NA

Describe how parking will be accommodated for the proposed use: Building has
Driveway that will Accommodate At
Least 4 Vehicles

Describe how the proposed use will impact traffic circulation: I Feel like it
Will not impact traffic

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.

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:

Ron Shubert

Date: 10-15-2021

Signature of Property Owner:

Cindy Cathcart

Date: 10-15-2021

Signature of Applicant:

Matthew

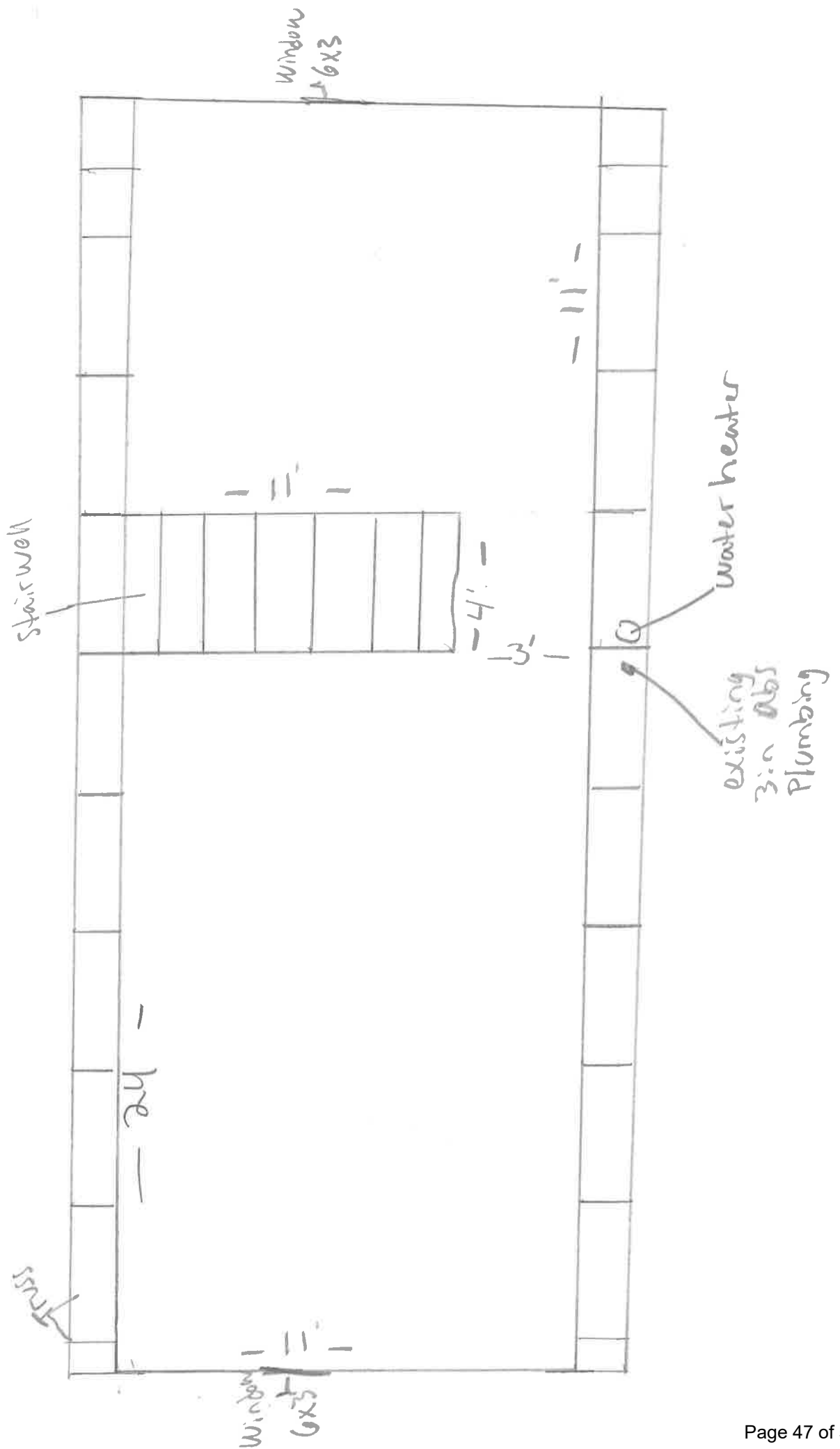
Date: 10-15-2021

(If different than property owner)

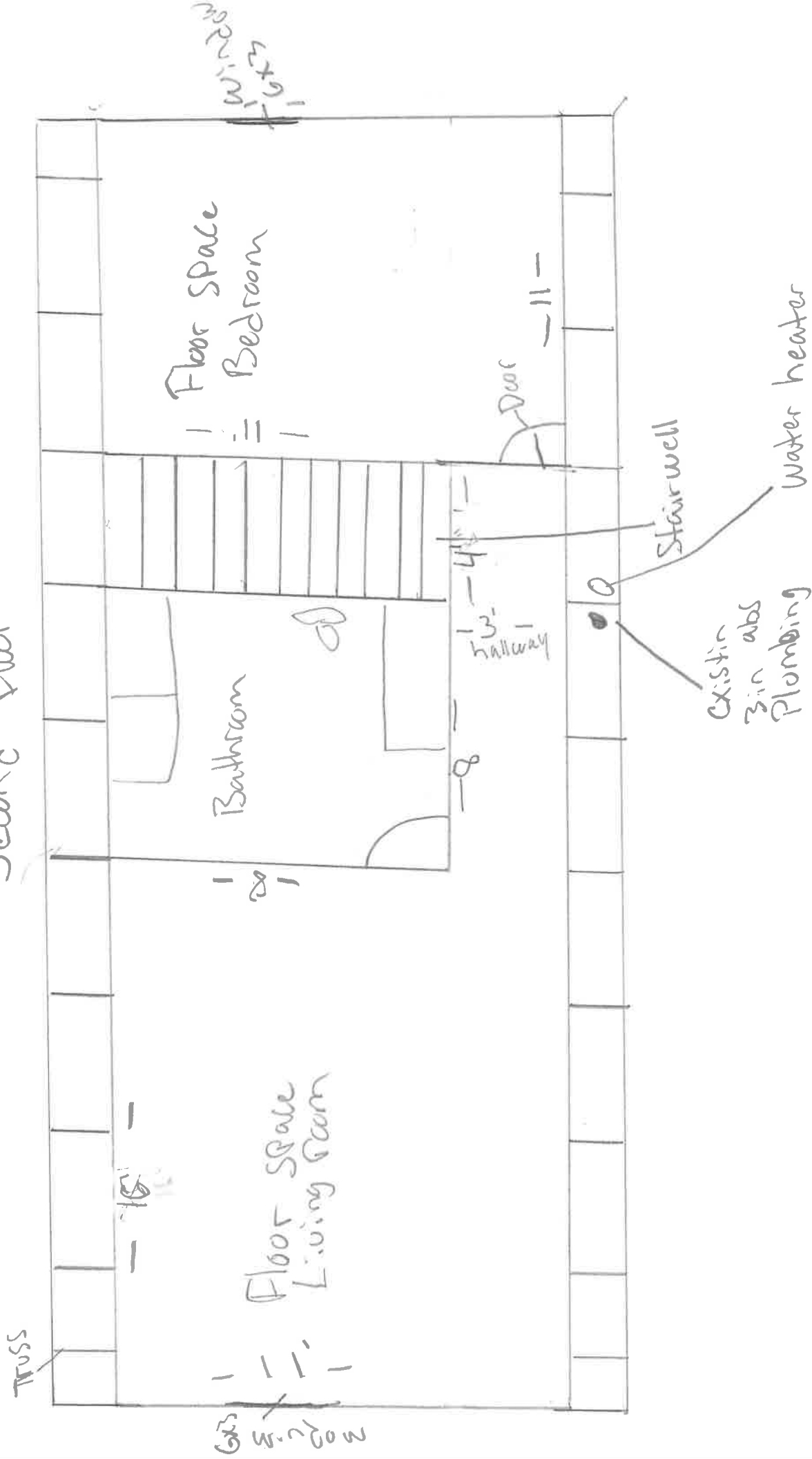
*We approve Matthew Cathcart
as our representative in
this matter*

Cindy Cathcart

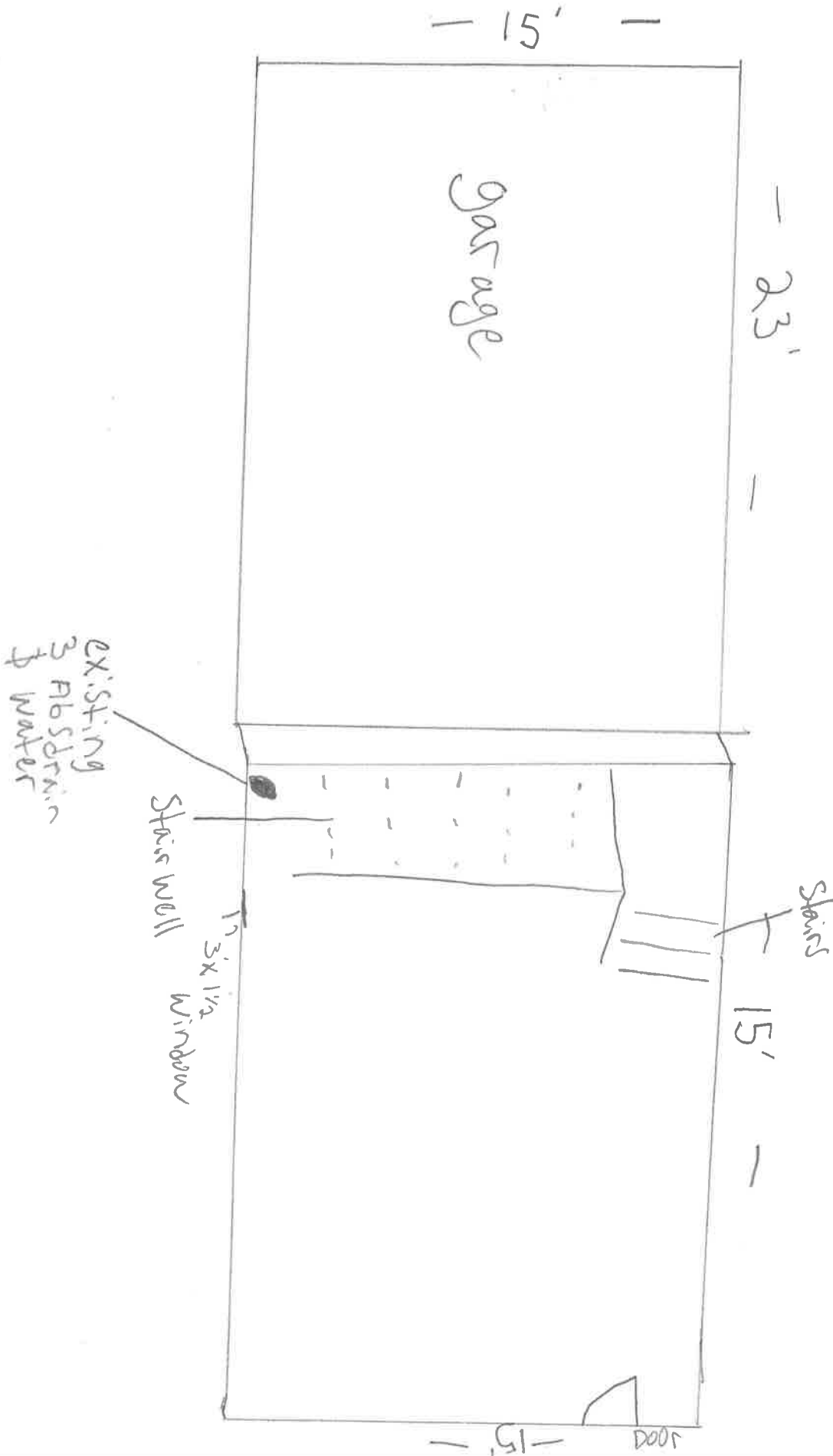
Second Floor



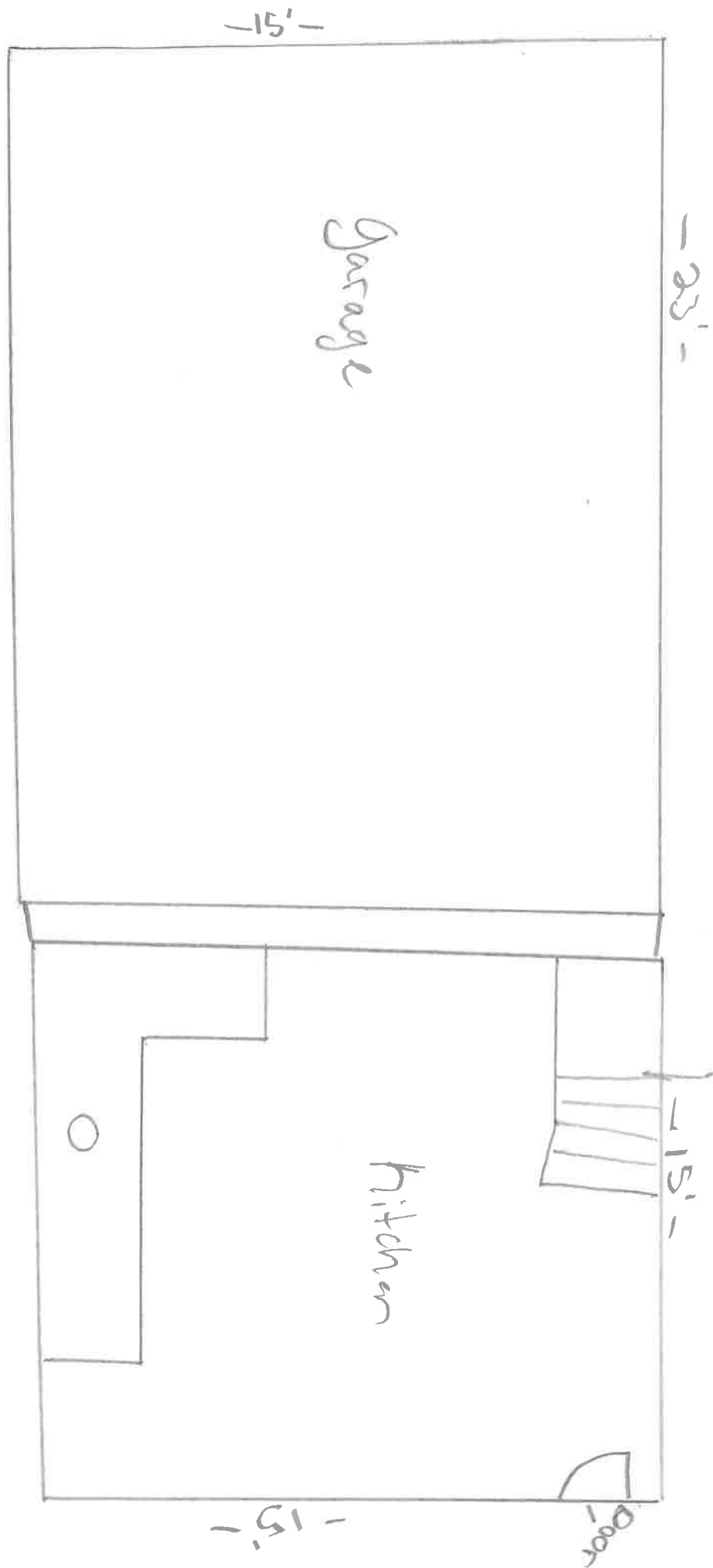
Proposed Second Floor

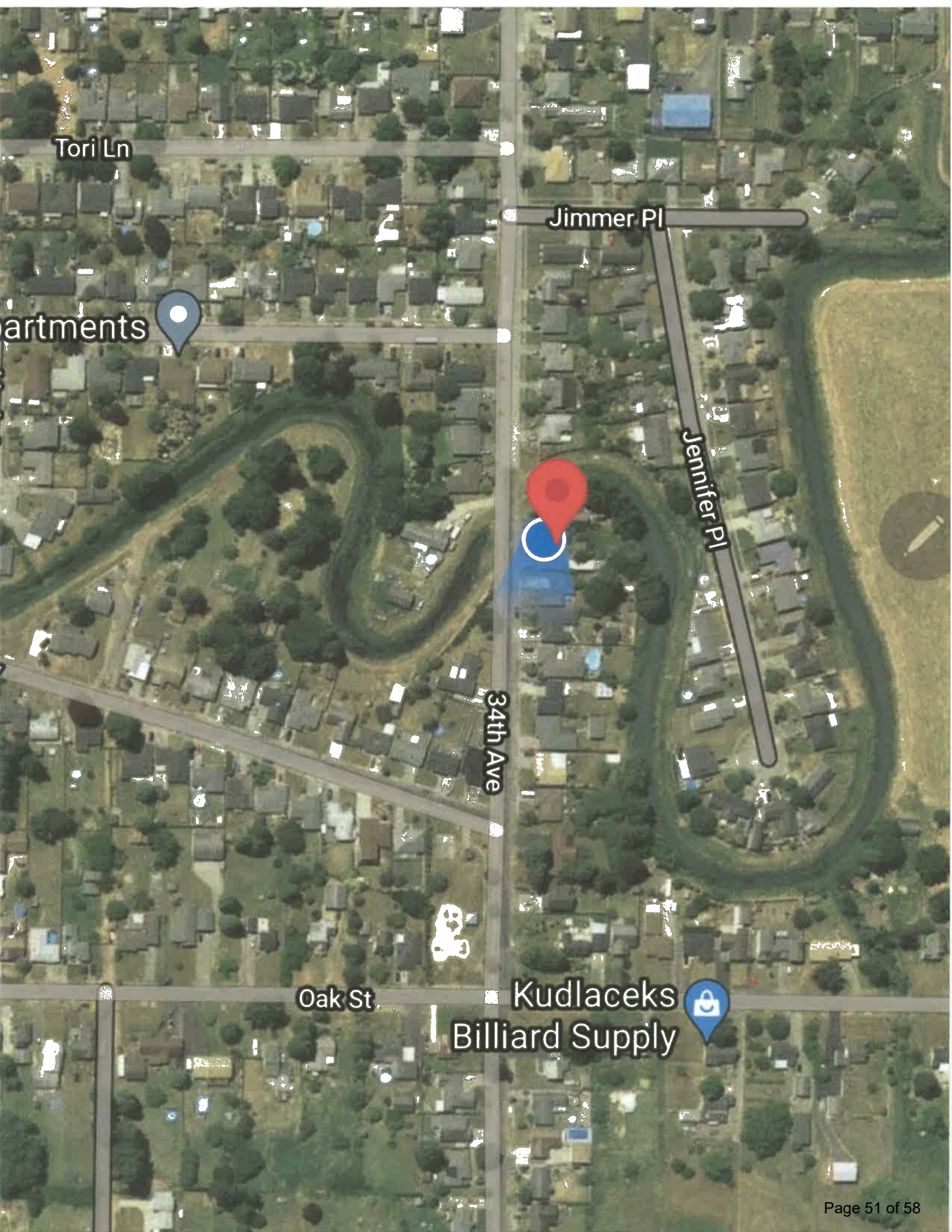


First Floor garage



Proposed First Floor + garage





Tori Ln

Jimmer Pl

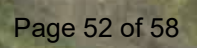
artments

Jennifer Pl

34th Ave

Oak St

Kudlaceks
Billiard Supply

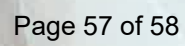












NOTICE OF PUBLIC HEARING

Longview Appeal Board of Adjustment

4:30 P.M. Tuesday, November 9, 2021

The 'hybrid' meeting will be held in-person at Longview City Hall Council Chambers, 1525 Broadway Street, OR on the virtual meeting platform Zoom (online or phone-in).

Details for joining a virtual meeting are published with an online agenda at least 5 days before the meeting. 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 with any accessibility requests.

Application #: ABA 2021-4 & ABA 2021-5

Applicant: Larry Wood

Proposal: Special Property Use permit to allow a lesser number of off-street parking spaces for a proposed development. Three spaces are required, the applicant requests to reduce to one space on a corner lot with 120+ feet of opportunity for on-street parking, per LMC 19.78.100(4)(f).

A Variance is requested from the setback requirements of LMC 19.20.030 for buildings in the R-4 zone to reduce the front yard setback from 20 feet to 8 feet and the side yard setback on a corner lot, street flanking side from 15 feet to 11 feet and the rear yard setback from 10 feet to 6 feet.

Address: 807 Hudson Street. Parcel number involved: 00893.

Application #: ABA 2021-6

Applicant: Matthew Cathcart

Proposal: Special Property Use permit to create a detached accessory dwelling unit in the R-1 zone in an existing detached building per LMC 19.22.020.

Location: 2303 34th Avenue. Parcel number involved: 03344020

Copies of the associated documents are available for review online at mylongview.com under 'Agendas & Minutes'. You are invited to attend the hybrid in-person or virtual public hearing to express your position regarding this proposal. Written comments should be directed to Adam Trimble, Planner, P.O. Box 128, Longview, Washington 98632 or adamt@mylongview.com Written comments must be received prior to the date and time of the public hearing. Please let us know if you will need any accommodations to attend this meeting.

Notice filed by Adam Trimble, Interim Planning Manager