



City of Longview

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

Special Meeting Agenda Virtual or In Person

Appeal Board of Adjustment

Tuesday, December 7,
2021

4:30 PM

Longview Council Chambers

1. **HYBRID MEETING DETAILS**

21- In Person or Join Virtual Zoom Meeting
0001092 <https://us02web.zoom.us/j/86926948226?pwd=LzFRcEg0c29EenBHRC9ITG40emtVZz09>
Meeting ID: 869 2694 8226 Passcode: 1923 or call in: +1 253 215 8782 US (Tacoma)

2. **CALL TO ORDER**

3. **APPROVAL OF MINUTES**

21- Minutes of the November 9, 2021 ABA meeting.
0001104

4. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

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

6. **PUBLIC HEARINGS**

21- ABA 2021-7 Variance Request for 104 Acorn Lane from the setback requirements of
0001117 LMC 19.20.070 for buildings in the R-1 zone, to permit a detached accessory building (garage) within the space between the principle building (home) and the front lot line, but not within the 25' front yard setback area.

Recommended Action: Motion to adopt the findings and recommendations of the staff report and grant a variance as requested.

21- ABA 2021-8 Special Property Use permit to create a detached accessory dwelling unit in
0001138 the R-1 zone per LMC 19.22.020 for 2112 40th Ave.

Recommended Action: Motion to adopt the findings and recommendation of the staff report and grant a Special Property Use Permit for the establishment of a detached accessory dwelling unit in the R-3 Residential District, at 2112 40th Ave.

7. **OTHER BUSINESS**

8. **ADJOURNMENT**



City of Longview

1525 Broadway
Longview, WA 98632
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Minutes

Join Virtual Zoom Meeting

<https://us02web.zoom.us/j/84171839976?pwd=NGhUbWg4MGRVN3Arb1BiTEY2bDFoUT09>

Meeting ID: 841 7183 9976 Passcode: 1923 or call in: +1 253 215 8782 US (Tacoma)

Appeal Board of Adjustment

Tuesday,
November
9, 2021

4:30 PM

Longview Council
Chambers

1. CALL TO ORDER

Chairman Backstrom called the regular virtual meeting of the Longview Appeal Board of Adjustments to order at 4:30 p.m.

Present: Chairman Mark Backstrom, Vice Chairman Roger Peters, Dan Petersen, Arthur Chang

Excused: Steven Dahl

Staff Present: Adam Trimble, Planner; Christopher Eastwood, Assistant City Attorney; Sam Barham, Engineer; and Nancy Vandehey, Administrative Assistant

2. APPROVAL OF MINUTES

A motion was made by Dan Petersen, seconded by Roger Peters, that the minutes from the June 8, 2021 meeting be accepted and approved. This passed unanimously.

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

The Declaration of Ex-Parte Communications and Appearance of Fairness Doctrine was read into the record by Adam Trimble.

5. PUBLIC HEARINGS

21- ABA 2021-4 & 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.
0001044 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.

Adam Trimble read the staff report and findings into record. A correction was made - the date of the mailing was October 29th, not November 29th. The intent of the application is for 3 single family dwellings on one lot.

The public hearing was opened.

Larry Wood, Longview, spoke in favor. This is a way to target housing for those that need it the most. We need creative housing solutions. Not section 8 housing. He hopes to keep the rent under \$700.

Steve Blankenship, Olympia, spoke against. He is the owner of the 8-plex on the neighboring parcel. They have maintained the empty lot for 14 years. His tenants currently complain that there isn't enough parking, so he's against eliminating the parking requirements. The proposed 6' variance isn't enough room between buildings. He needs to get a ladder in that space to clean 2nd story windows. Tiny homes in Seattle increased crime in the area.

Larry Wood spoke again. He has not paid for landscaping and will work on maintenance. There's a pride in ownership. These will not be free homes. He can't sell them individually, but will rent them out individually.

Adam Trimble read four emails he received into record. Clark Carroll asked for a bike parking to be added. Catherine Setere is opposed based on parking and variances. George Winn asked for bike parking requirements. Dave Fine would be in favor if bike parking is added; if not, he's opposed.

The public hearing was closed.

Board discussion included site distance on the corner and fire concerns. Plans have been reviewed and there are no concerns.

Arthur Chang made a motion for item 2021-4 to adopt the findings and recommendation of the staff report and grant a variance to reduce the required setbacks as requested for 807 Hudson Street. Roger Peters seconded. This passed unanimously.

Arthur Chang made a motion for item 2021-5 to adopt the findings and recommendation of the staff report and grant a special property use permit to reduce the off street parking by 2 spaces for the development of three multiple family dwellings as requested for 807 Hudson Street with a requirement to install bike parking as determined. Storage and parking could be outside or inside the structures. This failed due to lack of second.

Dan Petersen made a motion for item 2021-5 to adopt the findings and recommendation of the staff report and grant a special property use permit to reduce the off street parking by 2 spaces for the development of three multiple family dwellings as requested for 807 Hudson Street. Roger Peters seconded.

There was a discussion on bike racks and storage options, placement locations and enforcement. Currently, there is no code to require these.

The public hearing was reopened. Larry Wood won't disagree and would work with the (Complete Streets) committee to work it into the design and not place racks in the ROW. The public hearing was closed again.

The board discussion focused on the lack of code to enforce and no amendment to the motion was presented. Dan stated that this is a service to the community and he is making the most use of the land.

Motion as written was approved unanimously.

21-
0001045

ABA 2021-6 Special Property Use permit request to create a detached accessory 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.

Adam Trimble read the staff report and findings into record. It was noted that the address in the title on the agenda is incorrect - 2303 34th, not 2322 40th. Staff report is correct.

Public hearing opened and closed with no discussion.

Dan Petersen made a motion to 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. Arthur Chang seconded. This passed unanimously.

6. OTHER BUSINESS

21- Set Special Meeting for December 7, 2021
0001049

Board members stated their availability for a Special Meeting on December 7th.

7. ADJOURNMENT

The meeting was adjourned at 6:07 pm.



STAFF REPORT
to the
LONGVIEW APPEAL BOARD OF ADJUSTMENT

PRESENTED BY: Adam Trimble, Planning Manager

HEARING DATE: December 7, 2021

APPLICATION NO.: ABA 2021-7

APPLICANT: Mike Larson

PROPERTY OWNER: Michael K and Bethany Larsen

REQUEST: A Variance is requested from the setback requirements of LMC 19.20.070 for buildings in the R-1 zone, to permit a detached accessory building (garage) within the space between the principle building (home) and the front lot line, but not within the 25' front yard setback area.

LOCATION: 104 Acorn Lane

ASSOCIATED CASES: None.

ZONING DISTRICT: R-1, Residential District

BACKGROUND AND PROPOSAL

The property owner has requested a variance from the requirement that detached accessory buildings not be located in the front yard on lots less than 2 acres in size. [Exhibit A: Variance Application]. The lot owned by the Larson's was developed in the County and later annexed into the City. The property is accessed and faces Acorn Lane which is a private easement road running across the west property lines of several lots which have no frontage on a public road. The Larson's property does have frontage on Pennsylvania Street and even though the house faces Acorn Lane, the zoning code defines the Pennsylvania side property line as the front lot line. [Exhibit B, aerial photos and site plan]. The owners have asked to construct a detached garage on the property but the requirements of the zoning code are that it not be closer to the

front property line than the house. After ruling out the option of attaching the garage to the house, the owners have requested a variance to allow its location in front of the house but not closer than 25 feet to the Pennsylvania street property line.

Neighboring land uses include:

North –Single family residences.

South – Single family residences on Acorn Lane.

East – Single family residences in a traditional subdivision.

West – Single family residences on large lots.

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 Variance request was mailed to the applicant and to the owners of all properties adjacent to or abutting this proposal [Exhibit C]. Three notices were re-sent after being returned due to ownership/name change of the addressee.

Postings and legal notices are not required for Variance requests however a legal notice for this request was published for this hearing.

SEPA DETERMINATION

A State Environmental Policy Act checklist was not required.

CRITICAL AREA ORDINANCE REQUIREMENTS

There are no mapped critical areas on the property.

APPLICABLE CODE SECTIONS

19.20.070 Supplemental standards.

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

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

(ii) For residential lots not exceeding two acres, **detached accessory buildings shall not be located in the front yard**. For residential lots exceeding two acres, detached accessory buildings may be located in the front yard but not within the required front yard setback area or within five feet of a side lot line. Any accessory buildings located in the front yard shall not block the view of the principal building from the street.

19.09.690 Yard, front.

“Front yard” means a space extending the full width of the lot between the principal building and the front lot line and measured perpendicular to the building at the closest point to the front lot line. See Figure 19.09.900-5. (Ord. 3450 § 1, 2021; Ord. 3122 § 8, 2010).

19.09.390 Lot line, front.

“Front lot line” means a lot line, or segment of a lot line, that abuts a street.

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 section cited above requires a 25’ front yard setback for the primary building from the property line. Porches open on three sides may extend 6’ feet into a front yard setback.

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 variance is intended to provide the property with the same privilege as other properties in the area, to construct a home and have detached accessory buildings.

Locating the building behind the home would compromise the backyard of the house and is unnecessary on a lot with 83 feet of space beside the home.

(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

Staff finds that this lot does experience special circumstances due to its development and frontage on a private easement road that would not be allowed under city rules. This lot in particular has the special circumstance of fronting on Pennsylvania Street which applies different rules than the other lots in the Acorn Lane development which have no frontage on a public road.

(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 zoning code allows detached garages in front of residences where the lot is 2 acres or more, but not blocking the view of the residence from the street. Since the existing residence faces a private easement road and is 100' from the street, with a fence along the Pennsylvania Street property line, the view of the residence from the street is already blocked. The proposed detached accessory building will be at least 25 feet back from the Pennsylvania street property line so it will be no closer to the road than neighboring properties.

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

The applicant did not create the Acorn Lane subdivision or the shape, orientation or location of the home on 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 104 Acorn Lane. Staff reviewed the situation and agrees with the owner that strict adherence to the zoning code would result in undesirable outcomes and deny the property the privileges allowed to other properties. The applicant explored ways to attach the building to the home but concluded that it would result in blocking windows to bedrooms. Attachment would require modifications to the home or accessory building for firewalls that are unnecessary when there is no need or desire to attach the building. An attached building would not have access to the home either as there is no door on the side of the home. Locating the building behind the home would remove the back yard and cause a longer driveway.

As of this writing, staff has received no comments on the application.

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 allow a detached accessory building to be located in the front yard of a lot less than 2 acres in size but not within 25 feet of Pennsylvania street property line at 104 Acorn Lane.

EXHIBITS

- A. Variance application, Applicant's proposed building footprint and photos
- C. Aerial photo with notes.
- D. Notice to Adjacent Property owners.

Staff Report Date: December 3, 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: _____

Related Case Number(s): _____

THIS SECTION FOR OFFICE USE ONLY:

City of Longview

NOV 4 2021

Community Development

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

19.20.070. The reason I am requesting a variance is because: I'm seeking to construct a shop next to my home. Per city code this area is technically my front yard and thus cannot have an unattached additional building constructed in it. Please see attached images for reference.

at Street: 104 Acorn Lane, City of Longview, Washington.

Lot No. _____ Block No. _____ Subdivision/Addition: CVG 2

Zoning District: R-1

Applicant: Mike Larsen Phone: 360-431-4138
(Print All Information)

Contact Name: Mike Larsen Fax: _____

Mailing Address: 104 Acorn Lane
(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: Acorn Lane (a private road) was annexed into the city approximately 14 years ago. The home was existing at that time and positioned in the south east corner of the .5 acre lot. My home is the first home on Acorn Lane and the only one that abuts the city right of way. This placed the northerly 85' of the lot in between the home and Pennsylvania. In the county this land was still usable for constructing a shop/garage but once annexed it technically became the front yard.
- 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: Other homes on Acorn Lane do not have the same encumbrance and have garages/shops oriented next to their home the same as I'm seeking. The home is oriented towards Acorn for all access and this will not change. I'm not seeking to access the property from Pennsylvania Street and do not ever intend to and the shop will face Acorn Lane as the home does.

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

Per 19.09.690 the front yard is defined as ""Front yard"" means a space extending the full width of the lot between the principal building and the front lot line and measured perpendicular to the building at the closest point to the front lot line." and per 19.20.070 section 3(ii) "For residential lots not exceeding two acres, detached accessory buildings shall not be located in the front yard." This means I can not build a detached garage/shop next to my home.

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

Yes ☐

No ☒

Explain: _____

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

I can meet all setback requirements, there is not an option to construct a useable garage/shop anywhere else on the lot, and it saves the unnecessary and substantial expense of attaching the shop to the home just to meet the letter of the code.

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: I understand that the intent of the code is to prevent residents from constructing buildings between the front of the home and the public right of way. These types of structures and layouts can negatively impact property values in the area or hinder emergency access to the home. Neither of these issues exist with my request. The home and garage/shop will be easily accessed from Acorn Lane and the garage/shop will increase the property value which will help to boost neighboring property values.

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:  Date: 11/4/21

Signature of Property Owner:  Date: 11/4/21

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



Stars indicate location of entrances into home. Nothing near the planned shop.









NOTICE OF PUBLIC HEARING

Longview Appeal Board of Adjustment Special Meeting

4:30 P.M. Tuesday, December 7, 2021 for a 'hybrid' in-person or virtual meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/86926948226?pwd=LzFRcEg0c29EenBHRC9ITG40emtVZz09>

Or phone in for audio only: (253) 215 8782 or (408) 638 0968

Meeting ID: 869 2694 8226 Passcode: 1923

Case No: ABA 2021-7

Applicant: Mike Larson

Location: 104 Acorn Lane. Parcel number involved: 0270201

Request: **A Variance is requested from the setback requirements of LMC 19.20.070 for buildings in the R-1 zone, to permit a detached accessory building (garage) within the space between the principle building (home) and the front lot line, but not within the 25' front yard setback area.**

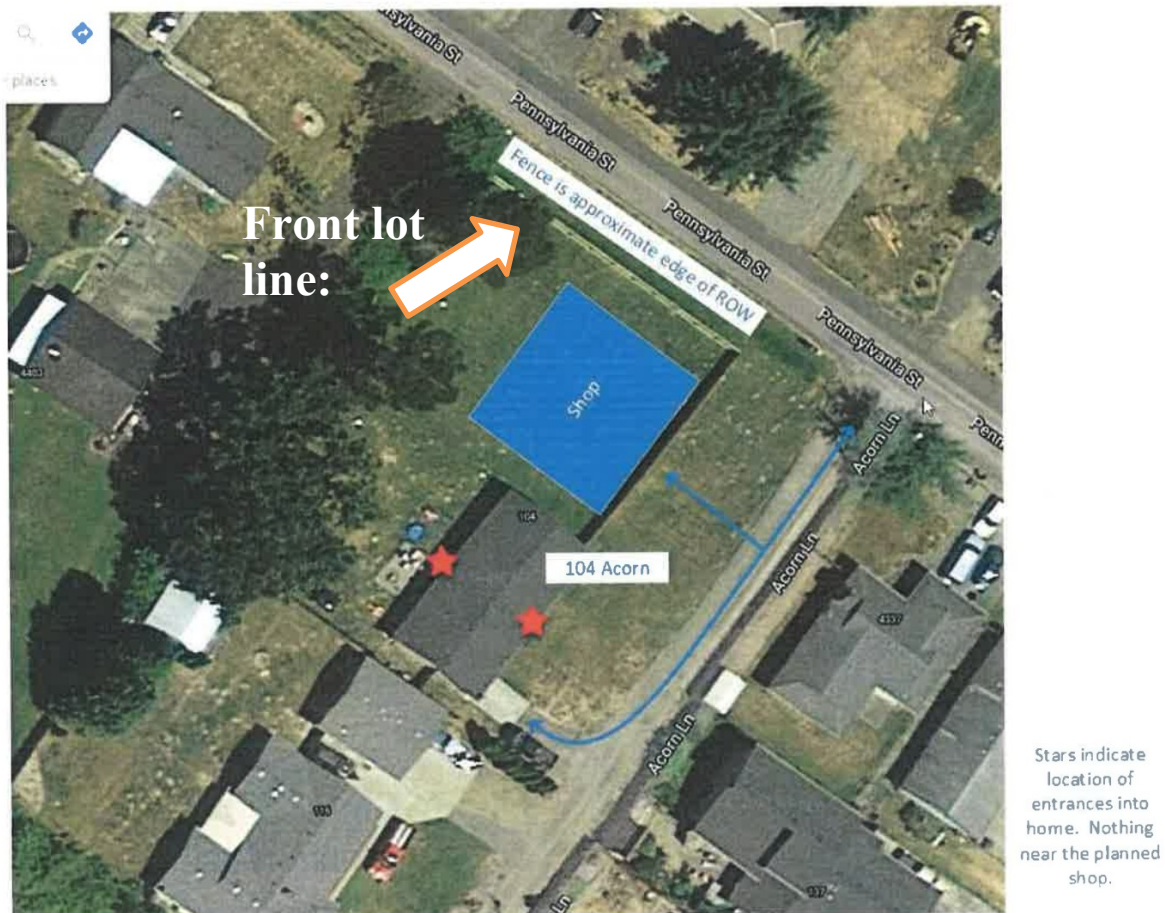
Why You Are Receiving This Notice: You own real property located adjacent to or abutting the property affected by the Special Property Use request. The Longview Municipal Code requires all property owners owning real property located adjacent to or abutting a land use proposal subject to a public hearing 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, December 7, 2021** to the City of Longview Community Development Department, PO Box 128, Longview, WA 98632, **ATTN: Adam Trimble, Planning Manager**. For electronic comments, provide your comments along with full name, address and contact information to adamt@mylongview.com
RE: ABA 2021-7

Public Hearing: You are invited to attend the Appeal Board of Adjustment public hearing scheduled for 4:30 P.M. Tuesday, December 7, 2021 either in-person at Longview City Hall Council Chambers, 1525 Broadway Street, OR on the virtual meeting platform Zoom (online or phone-in). Please contact the City Clerk's Office at 360-442-5041 with any accessibility requests.

Photo:



The Longview Municipal code requires: 19.20.070 (3)

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

(ii) For residential lots not exceeding two acres, detached accessory buildings shall not be located in the front yard. For residential lots exceeding two acres, detached accessory buildings may be located in the front yard but not within the required front yard setback area or within five feet of a side lot line. Any accessory buildings located in the front yard shall not block the view of the principal building from the street.



STAFF REPORT
to the
LONGVIEW APPEAL BOARD OF ADJUSTMENT

PRESENTED BY: Adam Trimble, Planner

HEARING DATE: December 7, 2021

APPLICATION NO.: ABA 2021-6

APPLICANT: Elaine Eisele

PROPERTY OWNER: Geraldine Elaine and Eric D Eisele

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 0.73 acre lot in the R-3 Residential District.

LOCATION: 2112 40th Ave. Parcel number involved: 03053

ASSOCIATED CASES: N/A

ZONING DISTRICT: R-3 Residential District

BACKGROUND AND PROPOSAL

The property owners of 2112 40th Ave. desire to establish a detached accessory dwelling unit (ADU) on their property [Exhibit A Application and aerial photo and street view]. The lot is 0.73 acres and approximately 100 feet wide along 40th Ave [Exhibit B photo and floor plan of the ADU]. The proposal is to place a 648 sq ft single-wide manufactured home on the property in the location of an existing 16' x 30' garage. 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. The unit may share utilities with the home or construct separate utilities.

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 – Lucas Place Commons condominiums.

West – Vehicle repair and service shop and mini-storage.

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 November 24, 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 Saturday November 27, 2021 and Sunday December 5, 2021. No comments have been provided as of the date of this report.

SEPA DETERMINATION

Not required.

CRITICAL AREA ORDINANCE REQUIREMENTS

None.

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 2112 40th Ave. The property is zoned high density residential and would allow a second dwelling permitted outright. However, the city requires separate utility connections for individual single family homes. As stated in the application, owner desires to have an accessory dwelling unit to care for a family member and the unit can share the utilities of the existing home so this route was taken. The existing home foot print including front and back porches is approximately 1,400 sq ft. and has a 336 sq ft attic, allowing up to a 694 square foot accessory dwelling unit. A 648 sq. ft. single-wide manufactured home is proposed to be located on property beside the home.

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.

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 40th 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 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-3 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-3 Residential District, at 2112 40th Ave.

EXHIBITS

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

Staff Report Date: Friday, December 03, 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: ABA 2021-8

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: Eisele Geraldine "Elaine" / Eric D^{EE} Phone: 360-749-5357
(Print All Information)

Mailing Address: 2112 40th Avenue Fax: NA
(Street or PO Box)

City: Longview State: WA Zip: 98632

Property Owner: Eisele Eric D Phone: 360-749-0357

Mailing Address: 2112 40th Avenue Fax: NA
(Street or PO Box)

City: Longview State: WA Zip: 98632

Applicant: G. Elaine Eisele Phone: 360-749-5357
(Print All Information)

Mailing Address: 2112 40th Avenue Email: elaine.eisele@gmail.com
(Street or PO Box)

City: Longview State: WA Zip: 98632

Relationship 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: _____

Add an ADU to property to utilize as
a residence for mother-in-law to reside in
as she is aging and requires support and care.

Address of Property: 2112 40th Avenue Parcel No. 03053

Comprehensive Plan Designation: See attached Zoning District: * see below ^{R3}

Current Use of Property: Primary residence

* 142 (CVG 4) - 23 - 7B, 8B 19-8N-2W SLY 100 F+ LOT 7, 8

Gross land area of the site to be developed: 1200 Square Feet NA Acres

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

Describe any existing structures on the site: 1 primary residence, 1 30x24 shop, 1 16x30 ^(to be removed)
_{garage}

Number and surface type of all existing driveways at the site: 1 blacktop

Number, type and dimensions of existing signage at the site: (NA) Street address 6" x 10"

Describe signage proposed for the land use requested: Second Street address

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

North: 2114 40th Ave Current Land Uses: Single family Home

South: 2108 40th Ave Current Land Uses: Single family Home

East: 3930 WA-4 Current Land Uses: Lucas Place Commons Condominium Community
Riverside Storage, behind

West: 4005 OB Hwy Current Land Uses: The Exhaust Shop & Tire Center

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

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

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

Proposed hours of operation: NA - private residence

Describe how parking will be accommodated for the proposed use: private driveway -
off street parking

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

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

SPECIAL PROPERTY USE PERMIT REVIEW CRITERIA AND DEVELOPMENT STANDARDS

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

Criteria reviewed by the Appeal Board of Adjustment include:

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

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

FILING FEES:

Public Hearing Fee: ^{696.00} Per LMC 19.06.060

SEPA Review Fee(if applicable):..... Per LMC 17.02.070

Total Fees: _____

Comments: _____

LONGVIEW APPEAL BOARD OF ADJUSTMENT:

Public Hearing Scheduled: Date: _____4:30 PM

Comments: _____

FOR STAFF USE ONLY:

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

Comments: _____

NOTES TO APPLICANT/OWNER:

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

Comments: _____

SIGNATURES:

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

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

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

Signature of Property Owner: M Elaine Eisele Date: 11-13-2021

Signature of Property Owner: E. Eisele Date: 11-13-2021

Signature of Applicant: M Elaine Eisele Date: 11-13-2021

(If different than property owner)



4003

40th Ave

3947

3943

3941

Home
2112

ADU

40th Ave

2108

2106

2104

3933
Unit 10

You can enter notes here.





Cowlitz County Property Information

Property ID: 3023859

Parcel: 03053

Site Address: 2112 40TH AVE

Owner Information

Owner: EISELE GERALDINE ELAINE/ERIC D
Mailing Address: 2112 40TH AVE
LONGVIEW, WA 98632

General Property Info

Jurisdiction: LONGVIEW
Acres: 0.0000
Curr Assmt Yr: 2021
Abbr Prop Ref: 142 (CVG 4) -23 -7B,8B 19 -8N -2W SLY 100 FT LOT 7,8.

Sect/Township/Range: 19-8N-2W

Property Use: SINGLE FAMILY RES

Neighborhood: CVG 4

Tax Code Area: 400

Current Assessed Values For 2021

Land Value: \$60,120
Improvement Value: \$153,440
Current Use: \$0
Total Assessed Value: \$213,560

Current Taxes For 2021 Payable Year

Taxes: \$2,141.73
Assessments: \$104.83
Total Charges: \$2,246.56
First Half: \$0.00
Second Half: \$0.00
Total Paid: \$2,246.56
Total Due: \$0.00

Photos





559 SqFt





NOTICE OF PUBLIC HEARING

Longview Appeal Board of Adjustment Special Meeting

4:30 P.M. Tuesday, December 7, 2021 for a 'hybrid' in-person or virtual meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/86926948226?pwd=LzFRcEg0c29EenBHRC9ITG40emtVZz09>

Or phone in for audio only: (253) 215 8782 or (408) 638 0968

Meeting ID: 869 2694 8226 Passcode: 1923

Case No: ABA 2021-8

Applicant: Elaine Eisele

Location: 2112 40th Ave. Parcel number involved: 03053

Request: **Special Property Use permit to create a detached accessory dwelling unit in the R-1 zone per LMC 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, December 7, 2021** to the City of Longview Community Development Department, PO Box 128, Longview, WA 98632, **ATTN: Adam Trimble, Planning Manager.** For electronic comments, provide your comments along with full name, address and contact information to adamt@mylongview.com
RE: ABA 2021-8

Public Hearing: You are invited to attend the Appeal Board of Adjustment public hearing scheduled for 4:30 P.M. Tuesday, December 7, 2021 either in-person at Longview City Hall Council Chambers, 1525 Broadway Street, OR on the virtual meeting platform Zoom (online or phone-in).

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.

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).