



# City of Longview

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

## Agenda

### Appeal Board of Adjustment

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Tuesday, April 12, 2022

4:30 PM

Longview Council Chambers

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1. **HYBRID MEETING DETAILS**

22-000200 In Person or Join Virtual Zoom Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82827537231>

US: +1 253 215 8782 or +1 346 248 7799 or +1 408 638 0968 or +1 669 900 6833

Webinar ID: 828 2753 7231

2. **CALL TO ORDER**

3. **APPROVAL OF MINUTES**

22-000202 Minutes of the December 14, 2022 Regular Meeting

4. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

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

6. **PUBLIC HEARINGS**

22-000192 ABA 2022-2 A Special Property Use Permit request to repurpose an existing garage at 1629 10th Ave to be used as a distribution center, shower, and laundry for those in need, in the R-4 residential zone by The Salvation Army.

Recommended Action: Motion to adopt the findings and recommendation of the Staff Report and grant a Special Property Use for the Salvation Army at 1629 10th Ave.

22-000201 ABA 2022-1 Variance request for 35 Alexia Court to reduce the required front yard setback from 25 feet to 20 feet due to the steep slope of the lot.

Recommended Action: Motion to adopt the findings and recommendations of the Staff Report and grant a variance for 35 Alexia Court.

7. **OTHER BUSINESS**

8. **ADJOURNMENT**



## Minutes

### Agenda Virtual or In Person

### Appeal Board of Adjustment

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Tuesday, December 14,  
2021

4:30 PM

Longview Council Chambers

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1. **HYBRID MEETING DETAILS**

21- In Person or Join Virtual Zoom Meeting  
0001108 <https://us02web.zoom.us/j/2670240682?pwd=dUtNSUhvVnFSeFFoVGR4cDlkMU4ydz09>  
Meeting ID: 267 024 0682 Passcode: 1923 or call in: +1 253 215 8782 US (Tacoma)

2. **CALL TO ORDER**

*The meeting was called to order at 4:30.*

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

*Staff Present: Ann Rivers, Community Development Director; Christopher Eastwood, Assistant City Attorney; Sam Barham, Engineer; Nancy Vandehey, Admin Assistant*

3. **APPROVAL OF MINUTES**

21- Minutes of the December 7, 2021 ABA Special Meeting  
0001140

*A motion was made by Steve Dahl, seconded by Arthur Chang, to accept the minutes with changes. This passed unanimously.*

4. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

*Written communication was received, it will be discussed with the corresponding agenda item.*

5. **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 Ann Rivers.*

*Ann Lucas spoke on timing of the notice.*

*Dan Petersen asked for clarification on knowing Ann Lucas and when learning she was a neighbor, he ended the hallway conversation. Christopher Eastwood stated that it was a non-issue and handled properly.*

*Mark Backstrom questioned the timing of the mailing. Ann Lucas confirmed that her notice was dated December 3, 2020. Christopher Eastwood confirmed that the timing requirement is based on mail date and was adequate.*

6. **PUBLIC HEARINGS**

- 21- ABA 2021-9 Variance request for 9 lots on the SE side of Alexia Ct to reduce the front  
0001105 yard setback from 25 feet to 20 feet.

**RECOMMENDATION**

**Motion to adopt the staff analysis as findings, and grant a variance to reduce the front yard setback from 25' to 20' for 9 Alexia Court properties: Address numbers, 11, 15, 19, 23, 27, 31, 35, 39, & 43.**

*Ann Rivers read the staff report into record starting with showing the exhibits. The application was not included in the agenda packet. The application and the 4 written comments was presented to the board and a 5 minute recess was taken for review. The Board questioned the City being the applicant. The public hearing was opened at 5:27 pm.*

*Ann Lucas, 42 Alexia Ct spoke in opposition.*

*Dennis Perry, 34 Alexia Ct spoke in opposition.*

*Steve Devlin, 26 Alexia Ct spoke in opposition.*

*Linda Wilson, Rick Cairn, 18 Alexia Ct spoke in opposition.*

*The public hearing was closed at 5:45 pm.*

**Steve Dahl, seconded by Arthur Chang, made a motion to deny the staff analysis with findings and deny variance to reduce the front yard setback from 25' to 20' for 9 Alexia Court properties: address numbers 11, 15, 19, 23, 27, 31, 35, 39 & 43.**

*Board discussed the questionable staff analysis and incomplete application. Nancy Vandehey noted that the application presented today was the application that she believes to be current. Board agreed more parameters need to be met for approval. **Motion denied unanimously.***

*Attachments added to the minutes -Variance application, written communications (12, 26, 34, 47 Alexia Ct) received prior to meeting, written communication (18 Alexia Ct) received after meeting, and Dan Petersen's drawing shown at the meeting.*

7. **OTHER BUSINESS**

*None.*

8. **ADJOURNMENT**

*The meeting was adjourned at 6:09 pm.*



## 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:

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

\_\_\_\_\_. The reason I am requesting a variance is because: The steep slopes on these lots create a real challenge for the foundations, as the house would need to be placed entirely on the slope to meet the 25' setback. This would require tall engineered foundation walls for the garage. By allowing a setback of 20' the homes can be located partially on the flat portion of the lots which would allow for a much more cost effective engineered foundation.

at Street: 11, 15, 19, 23, 27, 31, 35, 39 & 43 Alexia Court, City of Longview, Washington.

Lot No. 3,4,5,6,7,8,9,10,11 Block No. 28 Subdivision/Addition: Village at Overlook PUD

Zoning District: R-1

Applicant: City of Longview Phone: 360-442-5080

(Print All Information)

Contact Name: Ann Rivers Fax:

Mailing Address: PO BOX 128

(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: City staff finds this variance necessary for these lots to accommodate safe home construction without imposing unreasonable costs to the owner.

Property Owner: Overlook Piculell LLC Phone:

(Print All Information)

Mailing Address: 1906 Belmont Loop

(Street or PO Box)

City: Woodland State: WA Zip: 98674

**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 steep slopes on these lots create a real challenge for the foundations, as the house would need to be placed entirely on the slope to meet the 25' setback. This would require tall engineered foundation walls for the garage. By allowing a setback of 20' the homes can be located partially on the flat portion of the lots which would allow for a much more cost effective engineered foundation.

- 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:

These are the steepest lots in this subdivision, and consequently they are the last to be built on due to the challenges and added costs involved in working with the steep slopes.

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

Greatly increases the cost and complexity of building a reasonable single family dwelling on the proposed lots

- 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:

By moving 5' upslope the size and cost of the engineered foundation wall decreases exponentially.

- 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: There will still be room in the driveway for cars to park without obstructing the public sidewalk. The general look and appeal of the neighborhood is not negatively affected.

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: | <a href="#">Per LMC 19.06.060</a> |
| SEPA Review Fee:    | <a href="#">Per LMC 17.02.070</a> |
| 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:

Signature of Property Owner: *Lee Piculell*

Date: 12/3/2021

Signature of Property Owner:

Date:

(If different than property owner)

Written Communication received prior to Appeal Board Meeting, December 14, 2021.

ABA 2021-9

In Opposition:

- 26 Alexia Ct, Steve and Janet Devlin email
- 47 Alexia Ct, Steven & Carol Rife email
- 34 Alexia Ct, Dennis Perry email
- 12 Alexia Ct, Darren Joy email with matching letter

**To: Longview Appeal Board of Adjustment**

**From: Rick Carns and Linda Wilson, 18 Alexia Court, Longview, WA, 360-430-7324,  
wilcar2@comcast.net**

**Re: Front Yard Setback Variance on Alexia Court**

We are writing to you with concerns about the process regarding the city's request to reduce the front setback on nine lots on Alexia Court. Specifically, we are asking for a continuance of this hearing to give everyone adequate time to review the situation.

Those of us who own homes on Alexia Court have watched for some time as several local builders have looked at those lots and decided not to build because of the difficult terrain and costs involved. So, it was with some interest seven months ago that we watched the developer excavate for three home foundations on the slope directly above the city reservoir. We were hoping that the city was also watching because we too are concerned about our water supply, as well as our property setbacks.

Once the foundation forms for one of the homes started going in, it appeared to several of us that they were too close to the road. Two homeowners even mentioned to the contractor that he might want to check his setbacks before he poured the concrete.

Then, in early December, a stop work order for a front setback violation was posted – the developer's third stop work order in our neighborhood this year. We received notice of this hearing a week ago and have been scrambling ever since to figure out what all this means.

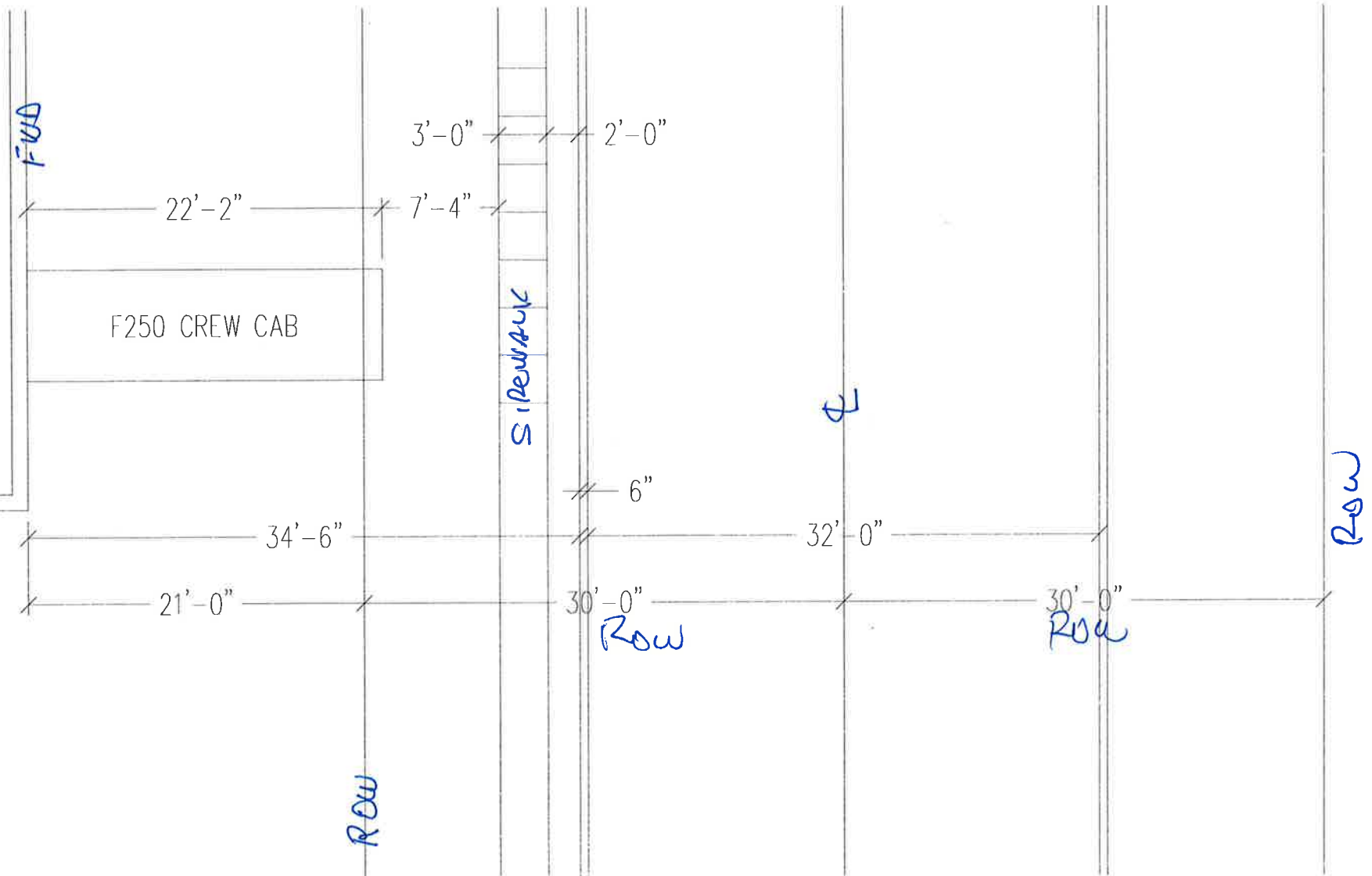
Since then, a city employee has told us that the house foundation is four feet over the setback and if the developer is required to abide by the setback rules, it will require an additional retaining wall. In addition, he said, the city didn't "identify the pin correctly," apparently referring to the property line pin. He also expressed some concern about the safety of the reservoir.

So that raises the following questions: Were any engineering studies required – then or now? What happened in the platting, plan review and inspection processes? How was the property line misidentified? Why isn't the developer being held to the same standards as everyone else on the street, including the two houses already built that overlook the reservoir.

We also find it curious that the city, not the developer, is the applicant for the variance. It gives the appearance of a conflict of interest. Is it the city's responsibility to correct the error apparently made by the developer? Or, was this a result of the city's errors in plan review and inspections? Is it the city's responsibility to ask for a variance so a builder doesn't have to build retaining walls?

We hope that you will review this entire situation carefully before making a final decision, and, at minimum, at least require the appropriate studies and reviews to be completed. We also hope that you will uphold the setback rules as established as it will affect the look and feel of our entire neighborhood.

Thank you for your consideration.





**STAFF REPORT**  
**to the**  
**LONGVIEW APPEAL BOARD OF ADJUSTMENT**

**PRESENTED BY:** Adam Trimble, Planning Manager

**HEARING DATE:** April 12th, 2022

**APPLICATION NO.:** ABA-2022-2

**APPLICANT:** Collins Architectural Group

**PROPERTY OWNER:** Longview Salvation Army, Major Phil Smith, Administrator

**REQUEST:** Special Property Use Permit in accordance with LMC §19.22.020 for an expansion of an existing religious assembly use in the R-4 Residential District to repurpose an existing garage for a distribution center, shower, and laundry for individuals in need.

**LOCATION:** House/garage building: 1629 10<sup>th</sup> Ave (Parcel Number: 01837).  
Main Salvation Army Church: 1639 10<sup>th</sup> (Parcel Number 01838).

**ASSOCIATED CASES:** N/A

**ZONING DISTRICT:** R-4 Residential District

**BACKGROUND AND PROPOSAL**

The Salvation Army has applied for a Special Property Use Permit (SPU) for the repurposing of a church owned garage building currently used for van parking. The proposed use for the existing garage is as a food and clothing distribution center, a single shower room and changing area, and laundry room for individuals in need. The distribution center is proposed to be used as a “self-select” food pantry. Access will be through a man-door on the side of the building facing the Salvation Army church. Further explanation of the use is described in Exhibit A which contains the Application for SPU and an additional letter from the applicant which details the proposed operations.

The property is in the R-4 Residential District, which allows religious assembly as a Special Property Use. The Salvation Army Church property at 1639 10<sup>th</sup> Ave currently has a 10,547 sq. ft. assembly building and a 40 stall parking lot on an adjacent 12,000sq. ft. lot. The church also owns 1629 10<sup>th</sup> Ave with a 960 sq. ft. residential building and the existing 1,575 sq. ft. detached garage which was built with a Special Property use in 2013. Exhibit B contains pictures of the garage building and alley and an aerial photo.

The owner of the property is Salvation Army. This property is located within NW ¼ of the NW ¼ of section 34, Township 8N Range 2W of the Willamette Meridian, in Cowlitz County.

Neighboring land uses include:

North – Multi-family apartment building and single family home.

South – Multi-family apartment building and single family residences

East – Single family residences and multi-family housing.

West – Multi-family apartments and Salvation Army parking lot.

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 March 30, 2022 [Exhibit C].

The property was posted in two locations on March 30, 2022 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, April 3, 2022 and Sunday April 10, 2022.

## **SEPA DETERMINATION**

An environmental checklist for the Special Property Use Permit application was not required.

## **CRITICAL AREA ORDINANCE REQUIREMENTS**

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

## **APPLICABLE CODE SECTIONS**

Section 19.18.010(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.

For Residential Zoning Districts described in 19.20 of the Longview Municipal Code, table 19.20.020 includes uses that are permitted (“P”), not allowed, or allowed through a special property use permit (“SPU”):

### Table 19.20.020-1 Permitted Uses in Residential Districts

| Use                                 | Zoning District |     |     |     |     |
|-------------------------------------|-----------------|-----|-----|-----|-----|
|                                     | R-1             | R-2 | R-3 | R-4 | TNR |
| Religious and secular assembly uses | SPU             | SPU | SPU | SPU | SPU |
|                                     |                 |     |     |     |     |

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.*

The change in use of the garage building from church parking and storage, to storage, distribution center and small scale shower and laundry facility, should result in very little change for the buildings in the vicinity. The property is located next to the Salvation Army church which has served people in need since its founding. The Salvation Army proposes in their application to move an existing food box distribution program, operated 3 days a week for 2 hrs. (between 2-4 pm) from the church, into their garage building located adjacent to the church. Access to the garage can be made through a man-door located on the church side of the building, allowing people to remain on church property while receiving services.

The proposed hygiene center in the garage building will consist of 1 shower, 1 bathroom and 1 washer/dryer. The application states these services will only be accessible by appointment. Staff finds that the size and scale of these improvements will be self-limiting and may only accommodate a very limited number of persons in a day, limiting potential impacts regardless of days/hours of operation.

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

The location of the man-door access into the garage building should ensure any queuing for services occurs only on church property and does not need to make use of the alley or sidewalks. The proposal will not result in any changes to the street or alley and based on the application.

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

The existing building has alley access and the site is 100 feet from 10<sup>th</sup> Avenue and 200 feet from New York Street. [Exhibit B]

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

The proposal may result in loss of covered parking for the Salvation Army inside the garage. A concrete parking area adjacent to the proposed building will be retained. Staff finds that the Church still has over 46 parking spaces available for on its three adjoining properties.

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 finds that the church contributes positively to the public health, safety, morals and general welfare by serving those in need in with food, clothing, hygiene services and its religious mission. The application notes that 40-50 individuals a day access a lunch meal service at the main church and that their services are managed with little to no negative impact on neighbors or nearby businesses. The applicant notes that police are called when needed and that bad actors are dealt with. As described above, the proposal should allow all those being served to remain on church property without a need to line up in the alley. It is unlikely that impacts of noise, odor or traffic will be generated by this proposal.

Based on review of the application and attachments, and any testimony that may be presented at the public hearing, the Appeal Board of Adjustment shall adopt a finding that approval of this Special Property Use Permit will not be detrimental to the public health, safety, morals and general welfare.

## **STAFF DISCUSSION**

The City's Building Official, Fire Marshal, and Public Works Department have had the opportunity to review the Special Property Use application 1629 & 1639 10<sup>th</sup> Avenue. The applicant is a design firm qualified to work on a commercial building proposal. The adopted building and fire codes are in place to ensure the project can be built and used safely. The Fire Marshal has confirmed the garage building was built to a commercial building standard.

Longview Police provided that about 1-2 calls per month are received for the location, which includes hang-ups and alarm responses. Police have had several complaints regarding abandoned vehicles parked near Salvation Army. A concern would be if the requested changes result in even more people arriving in the area creating congestion and more abandoned RV's getting left on the block. Staff notes that the application states the project is intended to serve the needs of same population of people the Salvation Army is currently serving as opposed to creating capacity for additional people. Abandoned RV's are frequently left on street near 'un-policed' properties such as parking lots, undeveloped property or lots with no buildings fronting on them.

As of this writing, staff has received no comments regarding this proposal as a result of the notice of public hearing that was mailed to all adjoining or adjacent property owners, posted notice, 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-4 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 proposed expansion of the Special Property Use as proposed, meets the criteria found in LMC §19.12.050.

## **RECOMMENDATION**

Staff recommends that the Appeal Board of Adjustment grant a Special Property Use Permit for the Salvation Army change-of-use project to convert a garage building for storage and social services; a religious assembly use in the R-4 Residential District, located at 1629 10<sup>th</sup> Ave.

## **EXHIBITS**

- A. Special Property Use Permit application and applicant's description.
- B. Photos and aerial imagery of the site.
- C. Notice of Public Hearing (property owner notification).

Staff Report Date: April 7, 2022



## Special Property Use Permit Application to the Appeal Board of Adjustment

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

### Special Property Use Permit Application To the Appeal Board of Adjustment

LMC 19.12

Case Number: \_\_\_\_\_

Related Case Number: \_\_\_\_\_

THIS SECTION FOR OFFICE USE ONLY:

MAR 03 2022

Community Development

### APPLICATION AND AUTHORIZING SIGNATURES

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

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

Property Owner: Longview Salvation Army Phone: (360) 423-3992  
(Print All Information)

Mailing Address: 1639 10<sup>th</sup> Ave Fax: \_\_\_\_\_  
(Street or PO Box)

City: Longview State: WA Zip: 98632

Property Owner: PHILIP SMITH, Major Admin. Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Fax: \_\_\_\_\_  
(Street or PO Box)

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Applicant: Collins Architectural Group Phone: (360) 425-0000  
(Print All Information)

Mailing Address: 950 12<sup>th</sup> Ave Suite #200 Fax: \_\_\_\_\_  
(Street or PO Box)

City: Longview State: WA Zip: 98632

Relationship to Property Owner: Architect

**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: \_\_\_\_\_

The Salvation Army would like to repurpose an existing storage garage to be used as a distribution center for food/supplies to those in need. Individuals in need will enter into the building to be served or to collect the food and supplies they need. There would also be a shower room/changing area for their use added into the space. In addition, a mezzanine for additional storage space is planned to be added.

Address of Property: 1629 10<sup>th</sup> Ave, Longview, WA Parcel No. 01837

Comprehensive Plan Designation: High Density Residential Zoning District: R-4

Current Use of Property: The property, owned by the salvation army currently has a house on site with an accessory storage garage which is going to be repurposed per the proposal above.

Gross land area of the site to be developed: None Square Feet None Acres

Net land area (gross land area minus land dedicated for public purposes): None

Describe any existing structures on the site: One house and one accessory garage

Number and surface type of all existing driveways at the site: 1 driveway - 280 SF

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: R-4 Current Land Uses: Single Family Homes

South: R-4 Current Land Uses: Single Family Homes

East: R-4 Current Land Uses: Single Family Homes

West: CBD Current Land Uses: Commercial Businesses

Describe any Critical Areas identified on or located within 300 feet of the site: None

Describe any private wells, septic tanks, drain fields, etc. located on the site: City utilities are used

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

Proposed hours of operation: Monday – Friday, 10AM – 4PM

Describe how parking will be accommodated for the proposed use: Existing Salvation Army parking will be used

Describe how the proposed use will impact traffic circulation: None

***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>      </u> | No <u>X</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: ..... \$652.00

~~SEPA Review Fee:~~ — NOT REQUIRED — ..... ~~\$543.00~~

Total Fees: ..... \$652.00

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.

Comments: \_\_\_\_\_

SIGNATURES:

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

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

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

Signature of Property Owner: \_\_\_\_\_

Date: \_\_\_\_\_



3/3/22

Signature of Property Owner: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

(If different than property owner)



# *The Salvation Army*

**Longview Temple Corps**  
*A Center for Worship & Service*

1639 10<sup>th</sup> Avenue, Longview, WA 98632  
360-423-3990



*Doing the Most Good*

March 3, 2022

1 of 2

Community Development  
Planning Department

**RE: Special Use Permit Application and Property Hearing**

The Salvation Army located at 1639 10<sup>th</sup> Ave currently operates direct services to the public in the form of a congregate lunch meal served indoors from 11:45 – 12:45pm. We are currently averaging about 40-50 individuals a day who access this meal service. Additionally, a food box distribution program operated 3 days a week for 2 hrs. in the afternoons from 2-4Pm. Both of these direct service programs provide meals and food access for individuals otherwise experiencing food insufficiency.

Staff are staged accordingly inside and outside the building to ensure safe operation and appropriate screening is implemented that ensure service disruption does not occur due to unwanted behavior. We are very successful in providing this service efficiently and effectively. Individuals do not loiter in the neighborhood and or on Salvation Army property. To our knowledge and by our observation, our direct services to the public are managed without little to no negative impact on our neighbors or nearby businesses. If negative behavior does occur, local law enforcement has been very responsive and effective in dealing with any bad actors.

The Special Use Permit is submitted to gain approval to modify our existing food box operation. The proposal is to open a new point of service from the garage located adjacent to our main building in the alleyway. The garage currently only serves as a storage unit for dry goods and misc. equipment and supplies. We are proposing to create a "self-select" Food Pantry in that space. This will allow for a most efficient operation and delivery of services without moving pre-packaged food boxes from one building to another to distribute. It will also create a system that is "self-select" for the user. This will be far more user friendly and provide a much more user-oriented service. It will include fresh foods as well as dry staples.

In addition to the new Food Pantry, we propose the addition of a small hygiene center component. This will consist of 1 shower, 1 bathroom and a washer dryer. These services will only be accessible by appointment. We will make these appointments via referrals from other agencies, and direct requests.

An operations schedule is provided for reference. (see attached.)

**Founded in 1865 by General William Booth**

*Brian Peddle, General \*Commissioner Doug Riley, Territorial Commander*

*\*Lt. Colonel Cindy Foley, Divisional Commander \*Majors Lawry & Phil Smith, Corps Officers*



# *The Salvation Army*

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*Doing the Most Good*

2 of 2

We do not foresee any substantial increase in numbers of people being served in the pantry. The hours of operation listed here are the same as they are currently. The number of households accessing the food box program currently average from 8-10 daily to a max toward the end of month averaging approx. 25 households a day.

We anticipate the Hygiene Center use to average 6 -8 a day based on appointment length and duration.

*\*Laundry service will vary but we will only be able to accommodate 3-4 a day based on hours of operation.*

We do not anticipate any overwhelming increased response to these services beyond projection as we are not staffed to increase hours of operation at this time.

## **HYGIENE CENTER (HC) – SHOWER PROGRAM**

**Monday:** 9:00am – 12:00pm

**Tuesday:** cleaning – stocking

**Wednesday:** 9:00am – 12:00pm

**Thursday** 9:00am – 12:00pm

**Friday:** cleaning – stocking

## **SELF SELECT FOOD PANTRY**

**Monday:** 2:00pm – 4:00pm

**Tuesday:** cleaning - stocking

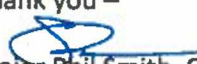
**Wednesday:** 2:00pm – 4:00pm

**Thursday** 2:00pm – 4:00pm

**Friday:** cleaning - stocking

We trust this information is helpful to the Review Panel. I am planning to be present of course for the hearing to address any questions or concerns not answered here.

Thank you –

  
Major Phil Smith, Corps Officer / Administrator

**Founded in 1865 by General William Booth**

*Brian Peddle, General \*Commissioner Doug Riley, Territorial Commander*

*\*Lt. Colonel Cindy Foley, Divisional Commander \*Majors Lawry & Phil Smith, Corps Officers*







**NOTICE OF PUBLIC HEARING**  
**Longview Appeal Board of Adjustment**  
**April 12, 2022 starting at 4:30 P.M.**

**Case No:** ABA-2022-2

**Applicant:** The Salvation Army

**Location:** 1629 & 1639 10<sup>th</sup> Ave (Parcel Numbers: 01837 & 01838), described as Longview 14, Blk 55, Lot 4 & Lot 1,2,3

**Request:** **A Special Property Use Permit to repurpose an existing garage to be used as a distribution center, shower, and laundry for those in need, for use in the R-4 residential zone. The Salvation Army's accessory building to the church would be used for the execution of these practices.**

**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, Planning Manager 360-442-5092

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

**Comments:** If you would like to provide comments in writing on this proposal, please submit them **no later than 4:00 p.m. Tuesday, April 12, 2022** to the City of Longview Community Development Department, PO Box 128, Longview, WA 98632, **ATTN: Adam Trimble, Planning Manager**. For electronic submissions, provide your comments along with full name, address and contact information to [adamt@mylongview.com](mailto:adamt@mylongview.com) **RE: ABA-2022-2**

**Public Hearing:** You are invited to attend the Appeal Board of Adjustment public hearing scheduled for **4:30 p.m. on Tuesday, April 12, 2022**. You may provide comments either for or against this petition at this meeting. The public hearing will be held in the Longview City Council Chambers, located on the 2<sup>nd</sup> floor of City Hall at 1525 Broadway Street, Longview, Washington.

**Attachment:** Vicinity Map

*Date Mailed: March 30, 2022*

## An aerial photograph of a residential neighborhood with yellow property boundaries. A red arrow points to a property at 1630, which is divided into six units. Other visible addresses include 1052, 1711, 1705, 1639, 1629, 1625, 1621, 1615, 1609, 1008, 1612, 1616, 1622, 1634, 1638, 1640, 1644, 1646, 999, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800. The map also shows streets like New York St, 10th Ave, and 11th Ave.

## Adam Trimble

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**From:** Betsy Porter <betsy.porter@gmail.com>  
**Sent:** Tuesday, April 12, 2022 1:10 PM  
**To:** Adam Trimble; Betsy Porter  
**Subject:** ABA-2022-2

Dear Mr. Trimble,

I'm writing to provide written comments opposing Special Property Use application #ABA-2022-2. Since 2016, my husband and I have been part owners in Triangle Gardens, a low-income, multi-family rental property with 24 apartments located at 1620-1630 11th Ave in Longview. The Salvation Army is proposing an expansion of services at their property located directly behind our apartments, at 1629-1639 10th Ave. But even at current service levels, the Salvation Army is already having a real, negative impact on our tenants and our business. We anticipate that an expansion of services would only make the situation worse, and so we oppose it.

The free meals the Salvation Army provides have already attracted homeless people to live in the immediate vicinity of our buildings. There are RVs parked long-term on 11th Ave in front of our apartments, and people sleeping, urinating and defecating in the alley behind our buildings. Our residents have to drive into this alley in order to access their garages. Our apartments are organized around courtyards that have locking gates, but homeless people are still finding ways to get in. This is all unsightly and unsanitary and potentially dangerous, especially since some of the homeless people appear to suffer from mental health issues. Our co-owner, Jason Ericson, goes frequently to Triangle Gardens to do upgrades and turnovers and maintenance. Recently, he saw a homeless man moving or removing the rocks we have installed at the base of the downspouts for water drainage. On another recent occasion, there was a man walking up and down the alley, ranting and yelling. This kind of activity is constant, and it's understandably frightening to our residents. One tenant, a woman, has already moved out as a result, and several others have reported feeling threatened.

It also imposes added costs on us, the owners. We have had additional issues with homeless people, again likely attracted by the services at Salvation Army, going through our trash cans and also taking water from our spigots in the alley. Sometimes, they were leaving the spigots turned on, so we had to install locks on the faucets.

We have contacted the Salvation Army about all these issues in the past, but we aren't aware of any efforts they have made to remedy them, and there isn't much else we can do. We contacted Longview police, hoping they could remove the vehicles that are illegally parked long-term around our buildings. Normally, those vehicles would be towed, but area tow yards are full, so they continue to sit on 11th Ave, with impact to our residents. I should mention that our rents are low, and Triangle Gardens houses primarily low-income tenants - exactly the population that needs safe, affordable housing during this housing crisis.

The Salvation Army's new proposal will almost certainly worsen the current situation. To believe otherwise would be naive. Because they intend to close the parking lot where their homeless clientele has been parking, we anticipate an increase in the size of the encampment around Triangle Gardens. The new showers and laundry will surely draw more homeless activity and disruption to the area. As a result, we believe more of our tenants will move out. I understand that the Salvation Army proposes to serve only their existing clients with this expansion of services. However, it's difficult to believe it will stop there. News of the showers and laundry will surely spread, since everything a homeless person needs would now be available at this one location.

We request that this proposal be denied, for the sake of our low-income tenants and our investment in Longview.

Thank you for your consideration. Best Regards,  
Elizabeth (Betsy) Porter

14617 SE Rivercrest Dr  
Vancouver, WA 98683  
[betsy.porter@gmail.com](mailto:betsy.porter@gmail.com)  
503-459-2744



**STAFF REPORT**  
**to the**  
**LONGVIEW APPEAL BOARD OF ADJUSTMENT**

**PRESENTED BY:** Adam Trimble, Planning Manager

**HEARING DATE:** April 12, 2022

**APPLICATION NO.:** ABA 2022-1

**APPLICANT:** Homesite Development Corp. LLC

**PROPERTY OWNER:** Overlook Piculell LLC

**REQUEST:** Variance request to reduce the required front yard setback from 25 feet to 20 feet due to the steep slope of the lot.

**LOCATION:** 35 Alexia Court (parcel 103660809), 1 lot on the South side of Alexia Court.

**ASSOCIATED CASES:** None.

**ZONING DISTRICT:** R-2 Planned Unit Development (PUD), Residential District

**BACKGROUND AND PROPOSAL**

In a recent application, ABA 2021-9, the City of Longview, with the agreement of the property owner, requested a variance from the front setback requirement for 9 lots on the south side of Alexia Court due to the presence of a slope. The Appeals Board found the application improper for several reasons and found that the application did not meet the requirements for granting a variance and denied it. Now the owner of one lot on the south side of Alexia Court, lot 9, addressed 35 Alexia Court, has applied for a variance to reduce the required front yard setback from 25 feet to 20 feet due to the steep slope of the lot: [Exhibit A: Variance Application and accompanying Geotechnical Consultation]. The owner has provided a Geotechnical Consultation stamped by a geotechnical engineer supporting the request for a variance. The consultation letter details the conditions of the site which warrant relief by a variance. The expert evaluation notes “The steeper sloping lots of the subdivision are located on the south side of

Alexia Ct, with Lot 9 being one of the steeper sloping lots.”<sup>1</sup> Available elevation data for the site shows a 40 foot elevation difference between the reservoir access road below the lots and the curb at the front of the lots. When properties on the south side of Alexia Court were improved, the hillside was regraded to create flat areas at the front of each lot and a downhill slope through the middle and rear: [Exhibit B: aerial photos, elevations and photos]. The property at 35 Alexia Court is 108.91 feet long by 70 feet wide: [Exhibit C Village at Overlook PUD subdivision plat].

The subdivision was created in the early 2000’s but home construction did not start until 2016 on lots. Currently there are 9 homes on the 20 lots. A foundation was started for 35 Alexia Court but an error in the applicant’s site plan resulted in the foundation being excavated and poured 4 feet inside the 25’ front yard setback. City inspectors caught the discrepancy after the first inspection of the form work for the foundation was passed and the foundation poured. In making application for a variance, the applicant notes “allowing a foundation to be built within 5 feet of the front setback would allow for a more stable foundation.” The applicant’s Geotechnical Consultation states:

“Based on our understanding of the pre-construction site grading, it is our opinion that a variance allowing a reduction in the front yard setback would benefit the site in at least two ways: 1) by allowing the back, lower home foundations to be embedded into native soils more easily with less steps in the foundation, resulting in a more stable foundation and less cuts, and b) allowing more of the front, upper foundations to be founded on the already-prepared level surface. If granted, the variance could allow for a significant reduction in excavation and concrete costs, thus resulting in a more affordable home. Additionally, this variance would also result in a more stable home foundation, with a greater setback for the face of the foundations from the adjacent slopes at the back of the home.”<sup>2</sup>

The applicant details that “The slope is the most extreme at this section of the hillside, between each cul-de-sac of Alexia Court. No other homes have been built along this steep slope yet.” ... “The extra 5 feet would allow the majority of the home to be built on the flat front part of this lot as well.” The applicant provides further justification for the variance request in the application which is Exhibit A.

Neighboring land uses include:

North – Single family homes

South – City of Longview main water reservoirs.

East – six undeveloped lots and an existing home on the Alexia Ct. cul-de-sac.

West – Two undeveloped lots on Alexia Ct.

The Comprehensive Plan classification for the property is Medium 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 on Wednesday March 30, 2022 [Exhibit D].

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<sup>1</sup> North, T. J. (2022, March 29). Geotechnical Consultation The Village at Overlook PUD - Lot 9 35 Alexia Court, Longview, Washington 98632. True North Project # 21-0346-4

<sup>2</sup> North

Postings and legal notices are not required for Variance requests however legal notice of this application and public hearing appeared in the Longview Daily News on Sunday, April 3, 2022 and Sunday April 10, 2022.

## SEPA DETERMINATION

A State Environmental Policy Act checklist is not required.

## CRITICAL AREA ORDINANCE REQUIREMENTS

There are no mapped critical areas on the property however any slope 40 percent or steeper with a vertical relief of 10 or more feet is defined as a landslide hazard. A submitted Geotechnical Consultation finds that the lot, “prior to home construction consisted of an approximate 40-foot relatively level bench facing Alexia Ct, followed by an approximate 2H (horizontal):1V (vertical) slope beyond to the southern boundary of the site.”<sup>3</sup> The lot is approximately 108 feet deep with the 2:1 slope observed by the geotechnical engineer occurring across the south 68 feet of the property. A critical area permit is not required as the expert evaluation did not observe a vertical relief in the slope requiring such.

## APPLICABLE CODE SECTIONS

**Section 19.20.030 provides Density and dimensional standards for the R-2 Residential Zone.**

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

| Standard                                        | R-2      |
|-------------------------------------------------|----------|
| Minimum lot size (square feet)                  | 6,000;   |
| Minimum lot frontage/width (feet)               | 50       |
| Maximum density (units per acre)                | 30 units |
| Front yard setback (feet)                       | 25       |
| Front yard setback (alley-loading) <sup>3</sup> | 15       |
| Rear yard setback <sup>4</sup> (feet)           | 10       |
| Side yard setback <sup>5</sup> (feet)           | 5        |

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<sup>3</sup> North

| Standard                                                        |     |
|-----------------------------------------------------------------|-----|
|                                                                 | R-2 |
| Side yard (street) setback – corner lot, street flanking (feet) | 15  |

**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 request will provide 35 Alexia Court with 5' additional feet of relatively flat buildable area to construct a home. The south side of Alexia court has about 17 feet of right of way between the front property line and the curb while properties on the North side have 10 feet total due to Alexia Court being constructed off-center in the 60 foot right-of-way. Unfortunately for the properties on the South side, this additional ROW which is flat, is un-buildable, and does not count toward the setback calculation which is

measured from the front lot line. The slope begins at about 15' inside the front of the lot and increases dramatically in the 'buildable' portion of the lot, beyond the 25' front setback. Lots in the vicinity have reasonably sized virtually flat buildable areas located outside of setbacks. Of the 8 homes built across the street on Alexia Court only one has a partial daylight basement due to location on a slope. The other 8 homes did not require more than an extra foot in the foundation height to be level. While the request will result in a home that is 5 feet closer to the front lot line, it will still be 2 feet further back from the curb than lots on the North side of the street due to the unequal right of way widths on either side of the street. To restate: homes on the North side of Alexia Ct are 35' from the curb. Homes on the South side will be 42 feet from the curb. The request for Lot 35 would result in a home located 37 feet from the curb.

*(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*

The property at 35 Alexia Court has very little flat ground outside of setbacks on which to construct a home. The topography limits building design choices to multi-level homes with daylight basements that will sit across a hillside directly above a vital city reservoir, or vertical construction on a smaller foot print. Garage locations are similarly limited by the slope to be located at the front of the lot where it is flat. The lot is wider and narrower than a typical lot in Longview resulting in more of the property dedicated to the front and rear yard setback areas and resulting in the buildable area occurring on the slope. Staff notes that foundations and retaining wall costs increase as the height increases. If granted, the variance will provide 5 additional feet of flat ground for home construction and the potential to have one less step down in the foundation. The applicant has provide a stamped geotechnical consultation attached with Exhibit A and discussed above, which concludes "If granted, the variance could allow for a significant reduction in excavation and concrete costs, thus resulting in a more affordable home. Additionally, this variance would also result in a more stable home foundation, with a greater setback for the face of the foundations from the adjacent slopes at the back of the home. Based on the information provided by Homesite Development Group, LLC, we suggest requesting a variance resulting in a reduction to the front yard setback of up to 5 feet."<sup>4</sup>

*(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 request for a 5 foot reduction of the front yard setback will not be detrimental or injurious because of the topography and special circumstances of the lot. As noted above the excess right-of-way on the south side of Alexia Court will ensure that even with a reduced front yard setback, a home will not be closer to the curb than lots on the North side. Staff notes that 3 of the 5 residential districts in Longview, including a single-family zone, allow a 20' front yard setback. The 17 feet of right-of-way between the curb and front property lines on the south side of Alexia Court will result in a sidewalk that is further from the front

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<sup>4</sup> North.

property line than the typical 1-2 feet. This situation will help avoid the possibility of vehicles parked in manner where they hang over the sidewalk.

As stated by the applicants Geotechnical Engineer, the variance will allow “the back, lower home foundations to be embedded into native soils more easily with less steps in the foundation, resulting in a more stable foundation and less cuts,” and “result in a more stable home foundation, with a greater setback for the face of the foundations from the adjacent slopes at the back of the home.” One does not need to look far for examples of poorly understood slope and soil conditions resulting in property damage and destruction of neighborhoods. The expert opinion supporting this request on the basis of it contributing to a more stable foundation provides reasoning that if the variance is granted it will contribute positively to the properties and improvements in the vicinity especially considering there are 10 properties left to develop on the hillside.

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

The 40' elevation change between the reservoir property and what is now Alexia court existed prior to the subdivision development. Lot locations were originally identified in 1991 as part of a master plan that was later revised in 1995 and constructed in 2006. The slope is an existing topographical feature and constitutes a special circumstance for lot 35. The excess right-of-way on the South side of Alexia Court which benefits this application likewise was not the result of any action taken by the applicant. The applicant asks the Appeal Board to recognize that regardless of any work that has started on the site, a variance is necessary, because of special circumstances relating to the size, shape, topography, location, and 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. The location of the steep slope on 35 Alexia Court creates a challenge for any foundation design and to meet the required 25' setback, results in a home placed entirely on the slope.

## **STAFF DISCUSSION**

The City's Building Official, Fire Marshal, and Public Works Department have had the opportunity to review the Variance request application 35 Alexia Court. The Public Works Department engineers provided the following comments:

1. No impacts to utilities or the right of way are anticipated to result from the variance if granted.
2. Sidewalks have not been installed for the lots on the South side of Alexia Court. The subdivision design calls for 2± feet between the edge of the public sidewalk and front property line. This will provide at least 22 feet between the garage wall and the public sidewalk and likely more due to the 7 feet of excess right of way (17 total) which will be split between the planting strip and back of sidewalk ROW.

The Fire Marshal has no concerns. Stormwater has no concerns.

As of this writing, staff has received no formal 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 as findings and grant a variance to reduce the front yard setback from 25' to 20' for 35 Alexia Court.

**EXHIBITS**

- A. Variance application and Geotechnical Consultation.
- B. Photos and aerial imagery of the site.
- C. Exhibit D Village at Overlook PUD subdivision plat.
- D. Notice of Public Hearing (property owner notification).



# Variance Application

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

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| <p><b>Application for a Variance to the Longview Zoning Ordinance (Title 19)</b></p> <p>LMC 19.12</p> <p>Application Number: <u>ABA 2022-1</u></p> <p>Related Case Number(s): _____</p>                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>THIS SECTION FOR OFFICE USE ONLY:</p> |
| <p>I hereby apply for a <b><u>Variance</u></b> to the following section of the Longview Municipal Code (LMC):<br/>_____. The reason I am requesting a variance is because: a variance allowing a foundation to be built within up to 5 feet of the front setback would allow for a more stable foundation. Please see Geotechnical Report prepared by True North Geotechnical. _____</p> <p>_____</p> <p>at Street: 35 Alexia Court, City of Longview, Washington.</p> <p>Lot No. 9                      Block No.                      Subdivision/Addition: The Village at Overlook</p> <p>Zoning District: _____</p> |                                          |

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_ 206-949-9943  
(Print All Information)

Contact Name: Lee Piculell \_\_\_\_\_ Fax: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ 1906 Belmont Loop  
(Street or PO Box)

City: Woodland, \_\_\_\_\_ State: WA Zip: 98674

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

Relationship to Owner: \_\_\_\_\_

Property Owner: Overlook Piculell LLC Phone: Same as applicant  
(Print All Information)

Mailing Address: Same as applicant  
(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 rectangular in shape, situated above the city reservoir, on a 2:1 slope. The proposed location of the home to be built is at the front of the lot; we are asking for a variance from the 25-foot front setback to allow the home to be built within 5 feet of the front setback, resulting in a 20-foot setback.

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- 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 slope is the most extreme at this section of the hillside, between each cul-de-sac of Alexia Court. No other homes have been built along this steep slope yet. The other homes that were built on the north side of the street were not affected by the slope of their lot, as the northern slope is mostly in the backyard section of the lot. Many of the homes had a larger, flat front area which they were able to build on. The extra 5 feet would allow the majority of the home to be built on the flat front part of this lot as well. No special privilege will be conferred by granting the variance.

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

The zoning ordinance states a 25-foot setback is required, however there are other properties in the city that were set at 20-foot setbacks, suggesting that a 20-foot setback is adequate. The current zoning requirements means the cost of constructing the foundation and home on the slope drastically increases, as does the possibility of instability in the future. Granting of the variance would allow for a reasonably priced foundation/home to be constructed and would further ensure the stability of the property in the future.

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

No, the conditions and circumstances of the lot were established by the land developer back in the early 2000s.

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

According to our geotechnical engineer, the foundation/home would be more stable with the front of the home at the 20-foot mark of the setback. Building a home entirely on the slope (2:1) would be less stable and would drastically increase the cost of construction.

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- 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 city has already allowed 20-foot setbacks in other properties, so it has been determined that a 20-foot setback is not detrimental to the public welfare or injurious to the neighborhood.

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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:

Lee Piculell, Managing Member  
Overlook Piculell, LLC

\_\_\_\_\_ Date: \_\_\_\_ 03/30/2022

Signature of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

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

March 29, 2022



**Homesite Development Group, LLC**

1906 Belmont Loop  
Woodland, WA 98674

**Attn:** Mr. Steve Seward

**Subject: Geotechnical Consultation**

The Village at Overlook PUD - Lot 9  
35 Alexia Court, Longview, Washington 98632  
True North Project # 21-0346-4

Dear Mr. Seward:

At your request, True North Geotechnical Services (True North) is providing you with this report summarizing our geotechnical consultation services for the proposed new single-family home to be located at City of Longview Parcel No. 103660807 in Longview, Washington (site). The purpose of our geotechnical consultation is to provide an opinion regarding the location of the proposed home foundations with respect to the lot boundaries for the purposes of requesting a variance to the required front yard setback.

**SITE CONDITIONS**

Lot 9 of the The Village at Overlook PUD is located on the south side of Alexia Ct, a short, two ended cul-de-sac, which is accessed off City View Blvd by way of Gibbs Lane. Alexia Ct is generally the topographic high of the PUD, with all of the lots of the 20-lot subdivision descending down away from the street, generally either to the north or the south. The steeper sloping lots of the subdivision are located on the south side of Alexia Ct, with Lot 9 being one of the steeper sloping lots. The prior to home construction consisted of an approximate 40-foot relatively level bench facing Alexia Ct, followed by an approximate 2H(horizontal):1V(vertical) slope beyond to the southern boundary of the site.

**CONCLUSIONS**

Based on our understanding of the pre-construction site grading, it is our opinion that a variance allowing a reduction in the front yard setback would benefit the site in at least two ways: 1) by allowing the back, lower home foundations to be embedded into native soils more easily with less steps in the foundation, resulting in a more stable foundation and less cuts, and b) allowing more of the front, upper foundations to be founded on the already-prepared level surface. If granted, the variance could allow for a significant reduction in excavation and concrete costs, thus resulting in a more affordable home. Additionally, this variance would also result in a more stable home foundation, with a greater setback for the face of the foundations from the adjacent slopes at the back of the home. Based on the information provided by Homesite Development Group, LLC, we suggest requesting a variance resulting in a reduction to the front yard setback of up to 5 feet.

## **CLOSING**

We have prepared this report for use by the owner/developer and other members of the design and construction team for the proposed residence at The Village at Overlook Lot 9. The opinions and recommendations contained within this report are not intended to be, nor should they be, construed as a warranty of subsurface conditions, but are forwarded to assist in the planning and design process.

The conclusions and recommendations contained in this report are based on our understanding of the currently proposed project, as derived from written and verbal information supplied to us by you. When the design has been finalized, we recommend that we review the design and specifications to see that our recommendations have been interpreted and implemented as intended. If design changes are made, we request that we be retained to review our conclusions and recommendations and to provide a written modification or verification.

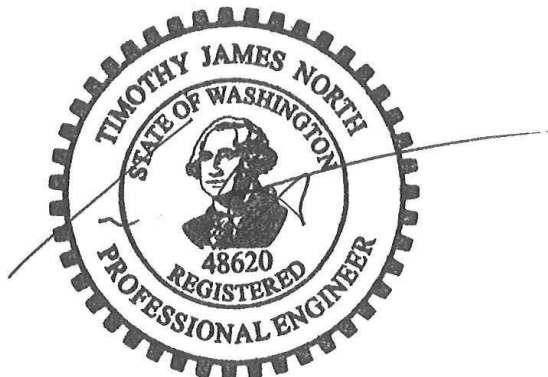
The scope of our services does not include services related to construction safety precautions, and our recommendations are not intended to direct the contractor's methods, techniques, sequences, or procedures, except as specifically described in our report for consideration in design.

Within the limitations of scope, schedule, and budget, our services have been executed in accordance with the generally accepted practices in this area at the time this report was prepared. No warranty or other conditions, express or implied, should be understood.

## **CLOSING**

We appreciate the opportunity to be of service to you. If you have any questions, or if we can be of further assistance to you, please contact us at (360) 558-0005.

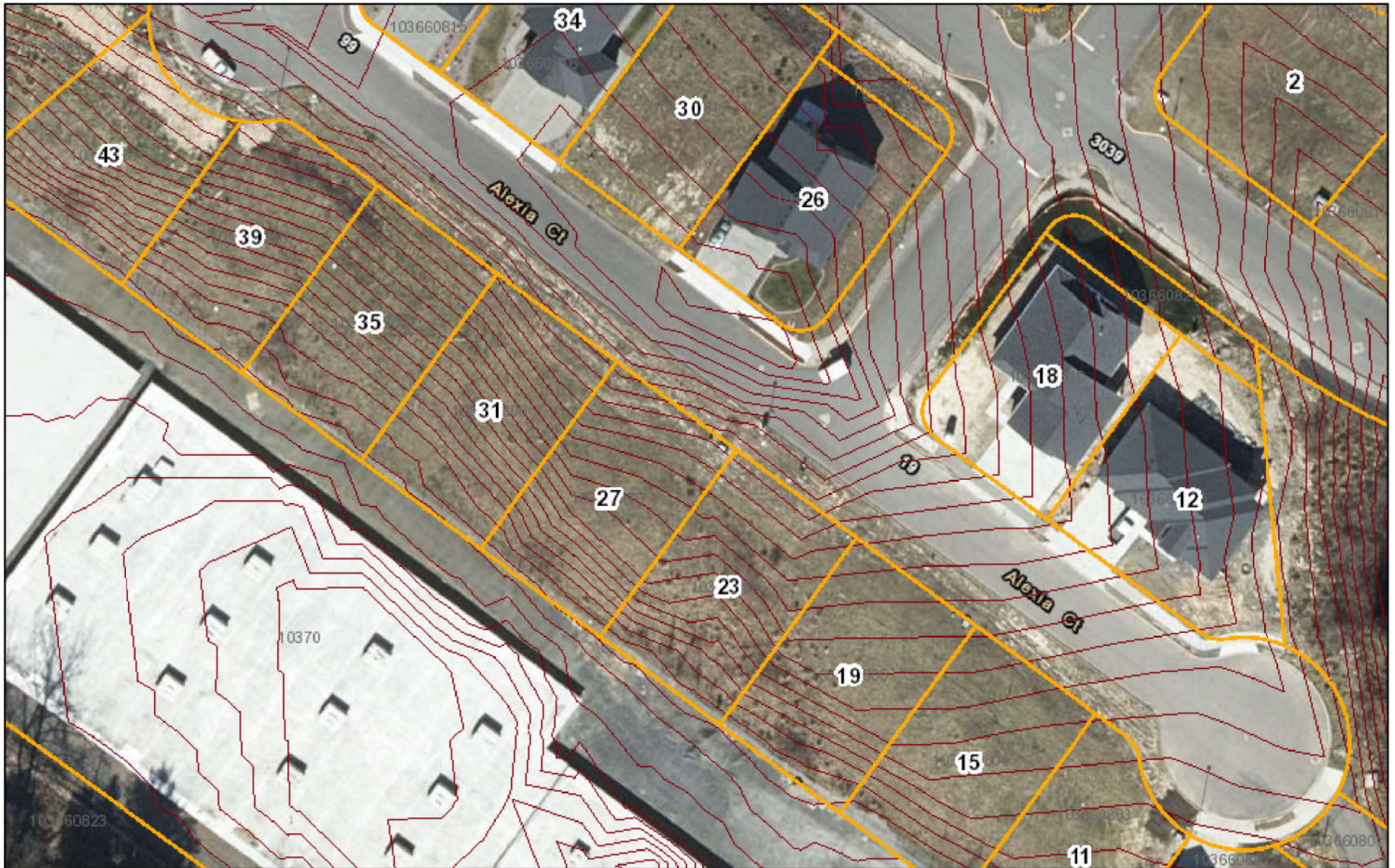
Respectfully Submitted,



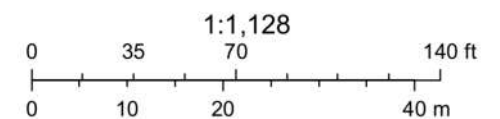
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Timothy J. North, P.E.  
Principle Engineer

## Exhibit B 2 foot elevation contours



12/9/2021, 3:34:33 PM



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE,

Disclaimer: The City of Longview does not guarantee the accuracy, timeliness, adequacy, completeness or usefulness of any information. The City of Longview provides this information on an "as-is" basis without warranty of any kind.



Estimated Setback  
lines 25' and 20'

25'  
20'

35 ALEXIA CT

Google Earth







PART OF THE NE1/4 NE1/4; NW1/4 NE1/4;  
SW1/4 NE1/4 & SE1/4 NE1/4 OF  
SECTION 28 -T.8N.-R.2.W.W.M.  
COWLITZ COUNTY, WASHINGTON

THE VILLAGE  
AT OVERLOOK P.U.D.

## NOTE:

THE FRONT YARD SETBACK LINE SHALL BE 25' FOR ALL LOTS.  
SEE PAGE 3 OF 4 FOR EASEMENT DETAILS.

## METHOD OF SURVEY

FIELD TRAVERSE USING A TOPCON GTS-803  
(00'00'03") TOTAL STATION. THIS SURVEY MEETS  
OR EXCEEDS THE ACCURACY STANDARDS AS  
SET FORTH IN WAC 332-130-080 & 080.

SCALE: 1"=100 FEET  
0 50 100 200

BASE OF BEARING: NE COR. SEC. 28 (LONGBELL MON. #315)  
TO 3/4" I.P. 913' WEST OF SEC. CORNER PER SURVEY  
FILED IN VOLUME 11, PAGES 93-96 RECORDS OF  
COWLITZ COUNTY, WASHINGTON

CITY VIEW TERRACE NO. 1  
PROPERTY LINE PER  
QUIT CLAIM DEEDS  
FILED UNDER  
AFN 3341819  
AND  
AFN 3341817

LOT 1  
LOT 2  
LOT 3  
LOT 4  
LOT 5  
LOT 6  
LOT 7  
LOT 8  
LOT 9  
LOT 10  
LOT 11  
LOT 12  
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LOT 14  
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LOT 17  
LOT 18  
LOT 19  
LOT 20  
LOT 21  
LOT 22  
LOT 23  
LOT 24  
LOT 25  
LOT 26  
LOT 27  
LOT 28

## CURVE TABLE

FOR THIS PAGE ONLY

| Curve | Radius  | Length  | Delta      |
|-------|---------|---------|------------|
| C1    | 375.00' | 209.55' | 32'00"58"  |
| C2    | 15.00'  | 12.09'  | 46'11"13"  |
| C3    | 15.00'  | 12.09'  | 46'11"13"  |
| C4    | 15.00'  | 12.09'  | 46'11"13"  |
| C5    | 15.00'  | 12.09'  | 46'11"13"  |
| C6    | 15.00'  | 23.56'  | 90'00"15"  |
| C7    | 15.00'  | 23.56'  | 89'59"45"  |
| C8    | 90.00'  | 26.89'  | 33'06"22"  |
| C9    | 90.00'  | 40.21'  | 46'04"52"  |
| C10   | 90.00'  | 100.03' | 114'37"30" |
| C11   | 90.00'  | 41.27'  | 47'18"06"  |
| C12   | 90.00'  | 45.39'  | 52'00"57"  |
| C13   | 90.00'  | 15.33'  | 17'34"15"  |
| C14   | 90.00'  | 73.36'  | 84'04"09"  |
| C15   | 90.00'  | 30.00'  | 34'22"39"  |
| C16   | 90.00'  | 40.22'  | 46'05"27"  |
| C17   | 90.00'  | 55.24'  | 63'18"01"  |
| C18   | 90.00'  | 23.53'  | 26'57"54"  |
| C19   | 330.00' | 68.52'  | 11'53"49"  |
| C20   | 251.45' | 71.51'  | 16'17"43"  |
| C21   | 205.01' | 80.85'  | 22'35"49"  |
| C22   | 248.44' | 46.40'  | 10'47"19"  |
| C23   | 210.02' | 82.41'  | 17'01"31"  |
| C24   | 210.02' | 21.02'  | 5'44"04"   |
| C25   | 15.00'  | 23.56'  | 90'00"00"  |
| C26   | 15.00'  | 23.56'  | 90'20"02"  |

## REFERENCE SURVEYS

- 1) SURVEY FILED IN VOLUME 11, PAGES 93-96 BY LS 22094
- 2) PLAT OF "THE HILL ESTATES" IN VOLUME 12, PAGES 95-98 LS 22094
- 3) PLAT OF "VIEW RIDGE ESTATES NO. 2" PHASE 1A IN VOL. 12, PAGE 74
- 4) PLAT OF "CITY VIEW TERRACE NO. 1" IN VOL. 11, PAGE 59
- 5) SURVEY FILED IN VOLUME 27, PAGES 83-84 BY LS 29269

## NOTE:

"A"  
THIS UTILITY PARCEL IS A TRACT OF LAND HEREBY CONVEYED TO THE CITY OF  
LONGVIEW FOR THE PURPOSES OF OPERATING AND MAINTAINING A STORMWATER  
DETENTION FACILITY.

"B"  
LOTS 13, 14, 15, 16, 17, 18, 19 AND 20 SHALL HAVE NO ACCESS OFF CITY  
VIEW BLVD.

"ACCESS TO BE OFF MIGNONNE COURT ONLY."

"C"  
ACCESS FOR LOTS 18 AND 19 SHALL BE LOCATED AS FAR AS FEASIBLE FROM  
THE INTERSECTION. THE FINAL LOCATION OF THE DRIVEWAYS MUST BE  
APPROVED BY THE CITY ENGINEER.

## ADDRESSES

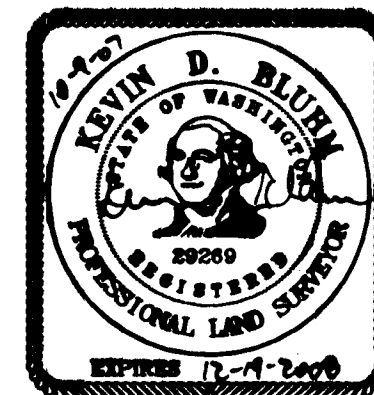
- LOT 1 = 1 MIGNONNE COURT  
3 MIGNONNE COURT  
LOT 2 = 5 MIGNONNE COURT  
7 MIGNONNE COURT  
LOT 3 = 9 MIGNONNE COURT  
11 MIGNONNE COURT  
LOT 4 = 13 MIGNONNE COURT  
15 MIGNONNE COURT  
LOT 5 = 17 MIGNONNE COURT  
19 MIGNONNE COURT  
LOT 6 = 21 MIGNONNE COURT  
23 MIGNONNE COURT  
LOT 7 = 25 MIGNONNE COURT  
27 MIGNONNE COURT  
LOT 8 = 29 MIGNONNE COURT  
31 MIGNONNE COURT  
LOT 9 = 33 MIGNONNE COURT  
35 MIGNONNE COURT  
LOT 10 = 37 MIGNONNE COURT  
39 MIGNONNE COURT  
LOT 11 = 41 MIGNONNE COURT  
43 MIGNONNE COURT  
LOT 12 = 45 MIGNONNE COURT  
47 MIGNONNE COURT

## ADDRESSES

- LOT 13 = 48 MIGNONNE COURT  
48 MIGNONNE COURT  
LOT 14 = 44 MIGNONNE COURT  
42 MIGNONNE COURT  
LOT 15 = 40 MIGNONNE COURT  
38 MIGNONNE COURT  
LOT 16 = 36 MIGNONNE COURT  
34 MIGNONNE COURT  
LOT 17 = 32 MIGNONNE COURT  
30 MIGNONNE COURT  
LOT 18 = 28 MIGNONNE COURT  
26 MIGNONNE COURT  
LOT 19 = 20 MIGNONNE COURT  
18 MIGNONNE COURT  
LOT 20 = 14 MIGNONNE COURT  
12 MIGNONNE COURT

## LEGEND

- FOUND 5/8" REBAR W/PLASTIC CAP: DEB LS 22094  
PER REF. SURVEYS #1 OR #2
- FOUND 3/4" IRON PIPE PER REF. SURVEY #1 OR #2  
(UNLESS NOTED OTHERWISE)
- ▲ FOUND MONUMENT AS NOTED
- PREVIOUSLY SET 1/2" x 24" REBAR W/YELLOW  
PLASTIC CAP: K. BLUHM LS 29269  
ON REF. SURV. #5
- CORNERS TO BE SET UPON COMPLETION OF  
FINAL PLAT WITH A RECORD OF SURVEY FILED
- CENTERLINE MONUMENTS TO BE SET UPON COMPLETION  
OF FINAL PLAT WITH A RECORD OF SURVEY FILED



BLUHM & ASSOCIATES LAND SURVEYORS, INC.

1068 S. MARKET BLVD. CHEHALIS, WA 98532  
PHONE (360) 748-1551 FAX (360) 748-6282

|                      |                       |                      |
|----------------------|-----------------------|----------------------|
| DRAWN BY: C. NORMAN  | DATE: OCTOBER 4, 2007 | JOB # 06-120-VILLAGE |
| CHECKED BY: K. BLUHM | SCALE: 1" = 100'      | COMP. KEB            |
|                      |                       | SHEET 2 OF 4         |



Owner name here

LONGVIEW, WA 98632

#### **NOTICE OF PUBLIC HEARING**

##### **Longview Appeal Board of Adjustment**

**4:30 P.M. Tuesday, April 12, 2022 for a 'hybrid' in-person or virtual meeting.**

Join Zoom Meeting using this link or the info below:

<https://us02web.zoom.us/j/82827537231>

Or dial in for audio: +1 (253) 215 8782 Webinar ID: 828 2753 7231

**Case No:** ABA 2022-1

**Applicant:** Homesite Development Group, LLC

**Addresses:** 35 Alexia Court

**Location:** 1 lot on the South side of Alexia Court.

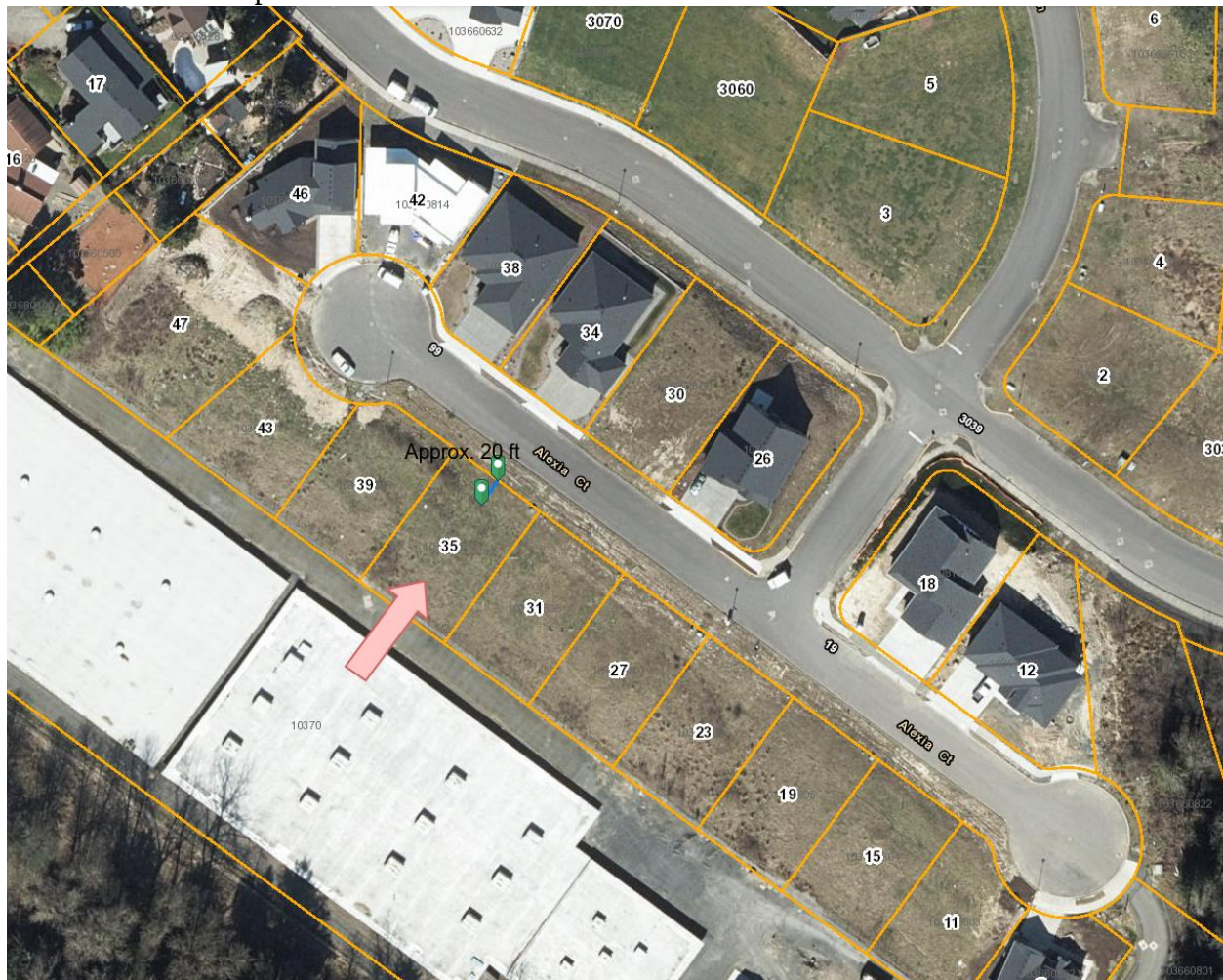
**Request:** Variance request to reduce the required front yard setback for 1 lot from 25 feet to 20 feet due to the steep slope of the lot.

**Why You Are Receiving This Notice:** You own real property located adjacent to or abutting the property requesting a variance. 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, Planning Manager 360-442-5092

Copies of the associated documents will be available for review online at [mylongview.com](http://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, April 12, 2022** 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](mailto:adamt@mylongview.com) **RE: ABA 2022-2**

**Public Hearing:** You are invited to attend the Appeal Board of Adjustment public hearing scheduled for 4:30 P.M. Tuesday, April 12, 2022 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.  
Attachment: Aerial photo with notation.



What the Longview municipal code allows:

**19.12.140 Variance permits – Authority to issue.**

The [Appeal Board of Adjustment] 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).

**From:** Dennis Perry <dennisnp52@gmail.com>  
**Sent:** Friday, April 08, 2022 7:01 PM  
**To:** Adam Trimble  
**Cc:** rwcarns@comcast.net; janetl.devlin@gmail.com; kd-joy@hotmail.com; amlucas64@gmail.com; GMail; srife14004@aol.com; wilcar2@comcast.net  
**Subject:** RE ABA 2022-1 - Front Yard Setback Variance at 35 Alexia Court

I am writing in opposition to the request to reduce the front yard setback for the lot at 35 Alexia Court. I am the owner of and reside at the home at 34 Alexia Court. I do not believe that the request meets the criteria required for granting a variance. Specifically:

First, the variance would grant a special privilege inconsistent with the limitation upon uses of other properties. The builders and owners of all other properties, nine in total, upon which homes have been constructed on Alexia Court have complied with the required 25' set back. So, if granted this variance constitutes a special privilege for 35 Alexia Court.

Second special circumstances relating to the size, shape, topography, location or surroundings do not justify this variance. While it is true that a substantial portion of the lot at 35 Alexia is sloped. Other than cost or convenience, there are no restrictions that would prevent building on this lot including on the sloped portion of the lot. In fact, the concrete work completed so far on this lot would support a home that would be mostly on the sloped portion of the lot. (See photos in the application packet.) There is no technical data that indicates that building on the lot would be unsafe or would jeopardize the integrity of the city utilities located below it. A geotechnical consultant has provided advice regarding this request, but that advice does not indicate that building on the slope is unsafe.

Third, the granting of this variance will be detrimental to other property owners in this neighborhood. The neighborhood encompassing Alexia Court and adjacent streets is a well planned and executed residential environment with consistent adherence to standards with respect to both regulation and appearance. The granting of this variance will affect the integrity and visual aesthetics of this neighborhood, and will have a negative impact on the value of other properties in the area.

Finally, it appears that this variance is being requested as the result of action taken by the applicant or parties working on behalf of the applicant. The applicant is the owner of the affected property. A builder, working with the approval of the applicant constructed a home foundation that does not comply with the required front yard setback. This variance has been requested to work around that problem.

It was not until after concrete was poured and then discovered to be out of compliance with the setback, that a variance was requested, once in December of 2021 and now again in April of 2022. Up until this set of requests, no action to mitigate the problem of slope on this building site has been taken. There was no action taken when the development was planned. No action was taken when a permit was requested to build on this lot. It was only after an error was revealed that action to correct a problem was taken. The direct line from the construction error to this request is clear.

Again, as a property owner on Alexia Court, I do not support the variance from the required front yard setback for the lot at 35 Alexia Court.

Thank you for the opportunity to comment.



To: The Longview Appeal Board of Adjustment

From: John G. and Ann M. Lucas, 42 Alexia Court, Longview, WA, [lucasclan@comcast.net](mailto:lucasclan@comcast.net)

Re: Case No, ABA 2022-1  
35 Alexia Court

Variance request to reduce the required front yard setback for 1 lot from 25 feet to 20 feet due to the steep slope of the lot.

We are writing this letter to express our concerns regarding the proposed variance referenced above and its negative impact on our neighborhood. Any change to the setback on Alexia Court will negatively impact the value of the existing homes. All of these homes were planned and constructed using the calculations that included the cost to build on the south side of Alexia Court, knowing that cost would ensure the elevated value of the new homes and preserve the value of our homes. Most new homeowners would not be able to justify the increased cost of the house based upon the additional cost to construct the foundation without increased quality of the house itself.

There is also concern regarding the confusion displayed by city officials in their documentation on the setbacks, right-of-ways, actual slope of the lots and proposed setbacks. The slope of the lots along the south side of Alexia varies from one end to the other due to the slope of the street itself and much of the excavation for foundation was not done properly to ensure that the footings are sitting on undisturbed soil. There is reference to geotechnical surveys to support their reasoning, yet no report has been produced. In actuality, the slope of the soil that created the lots is irrelevant if the footings are placed on undisturbed soil and retention of the loose soil should be addressed to avoid displacement after construction disturbance.

Lastly, there is concern over the involvement of city officials in this process which would create a biased situation at the very least. There have been occasions on which it has been noted that the developer has been given exception to rules that were enforced upon the other current residents during construction. This would raise many ethical questions on the validity of this entire process and the intentions and of the officials involved.

It is our opinion that this variance should not be allowed to pass and hope that the Board finds this application to not meet requirements necessary for such passage.

Regard,

John G. and Ann M. Lucas

To: The Longview Appeal Board of Adjustment

From: Rick Carns and Linda Wilson, 18 Alexia Court, Longview, WA, 360-430-7324,  
wilcar2@comcast.net

**Re: Front Yard Setback Variance at 35 Alexia Court**

We are writing to you with many of the same concerns we raised the last time this issue came before the board. We are asking you to please reject this variance request for a second time, or, at minimum, continue your hearing to another date so that someone can go out and accurately measure the site because the figures in the city's staff report do not match what is on the ground.

Specifically, the city is saying that because the roadway is built off center, the houses on the south side have a wider 17-foot right-of-way. Even with a variance, the city says, the houses on the south side will be farther from the road than the houses on the north side.

Here is the direct quote from page 5: *"To restate: homes on the North side of Alexia Ct are 35' from the curb. Homes on the South side will be 42 feet from the curb. The request for Lot 35 would result in a home located 37 feet from the curb."*

Homeowners went out and measured. Here is what we found:

- All the homes on the North side of the street are at 39 or more feet from the curb. ( $14+25=39$ )
- The undeveloped lot at 23 Alexia on the south side of the street was just surveyed and the front corner markers are 14 feet from the curb, not 17 feet, which combined with a 25-foot setback is 39 feet. ( $14+25=39$ )
- The foundation at 35 Alexia is currently poured at 34 feet from the curb.

**As we understand it, here are the options for 35 Alexia depending on the right-of-way and variance. In three out of the four scenarios, including the city's new proposal, the developer is over the line. In only one scenario would 35 Alexia be farther from the street than the houses on the other side. So, which is the correct right-of-way?**

- 17-foot right-of-way and no variance ( $17+25=42$ )
- 17-foot right-of-way and variance ( $17+20=37$ )
- 14-foot right-of-way and no variance ( $14+25=39$ )
- 14-foot right-of-way and variance ( $14+20=34$ )

In addition, as we stated before, at least two neighbors on this street told the contractors working on 35 Alexia that they might want to check their measurements before they poured their foundation because it appeared that it was too close to the road, so they had to have had at least an inkling that it was in the wrong place.

It also appears that the two other lots that were excavated by the developer, which have now apparently been sold, were also dug too close to the road. So, are they too going to be applying for variances?

With respect to the four points the board must meet to approve the variance, here are some of our questions and concerns:

1. **Special Privilege:** All other builders and owners on this street managed to meet the requirements, even if it meant redesigning their home to fit the lot. The homes on both ends of the slope overlooking the reservoir both had to do substantial foundation work – a tall crawl space on one and a basement on the other to accommodate the slope. So, granting the variance does appear as the granting of a special privilege.
2. **Special Circumstance relating to slope or topography:** The slope was always there and should have been taken into account in the original design and permitting process. And in fact, according to the city, the contractor may have actually made the slope worse when he regraded the site. Here is a direct quote from page 1 of the city's first staff report on this issue:

*“There was and remains a 40 foot elevation difference between the reservoir access road below the lots and the curb at the front of the lots (a distance of 120 feet, equaling a 28% slope) However when the property was improved, the hillside was regraded to create flat areas at the front of each lot and a downhill slope exceeding 30% at the rear.”*

The geotechnical report provided by the developer is now saying there is an approximate 2H:1V slope, but doesn't give any dimensions, and it is unclear if the Exhibit B contour map supports those numbers. It is also unclear if the geotechnical company even visited the site. They say in their report, that they are relying on written and verbal information from the developer and do not warranty the subsurface conditions. Their conclusion largely seems to be predicated on the idea of making it more cost effective to build a house. There is no technical information, nor soil tests provided about the risk of building on the hillside.

3. **Detrimental:** Changing the setback rule will negatively affect the visual look and feel of our neighborhood.
4. **Action by the applicant:** Clearly, actions by the applicant or his subcontractors have contributed to this situation including:
  - Failing to either survey and/or properly locate or mark the property corners
  - Regrading the property, which according to the city increased the slope
  - Excavating the site too close to the road
  - Building the foundation walls too close to the road

**The last time this issue came before you in December, the board was unanimous in rejecting the variance. Little has changed other than the applicant.**

Thank you for your consideration.

## Adam Trimble

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**From:** Steven Rife <srife14004@yahoo.com>  
**Sent:** Monday, April 11, 2022 8:01 PM  
**To:** Adam Trimble  
**Subject:** 35 Alexia Ct

To: The Longview Appeal Board of Adjustment

From Steven and Carol Rife, 47 Alexia Ct, Longview, WA, 360-998-2678

Re: Variance request for 35 Alexia Ct

We are writing again with continued concerns about the variance request. And again, we ask that you reject this request. There are multiple questions concerning the Staff Analysis for 35 Alexia Ct:

- The Staff analysis says that the “homes on the North side of Alexia Ct. are 35 ft from the curb.” We know a number of neighbors have done independent measurements of the setbacks for the homes on the North side of Alexia Ct. all measuring 39 feet from the curb. So based on a 25 foot setback the property line would be 14 feet from the curb.
- The Staff Analysis says “Homes on the South side will be 42 feet from the curb.” The foundation is currently poured 34 feet from the curb, will this be 8 feet closer to the curb than the correct location for the other homes on the South side of the street?
- The Staff Analysis says, “the request for Lot 35 (the address is 35 Alexia Ct which is Lot 8) would result in a home 37 feet from the curb.” The foundation is currently poured 34 feet from the curb. Is the assumption correct that the property line on the South side is still 14 feet from the curb so a 25 foot setback would result in a home 39 feet from the curb or is the property line at a different distance from the curb? Since the foundation is poured 34 feet from the curb is it 5 feet closer to the curb than it should be?
- The Staff Discussion says “This will provide at least 22 feet between the garage wall and the public sidewalk and likely more due to the 7 feet of excess right of way (17 total) which will be split between the planting strip and back of sidewalk ROW.” On the North side of Alexia Ct. there is 9 feet from the curb to the house side of the sidewalk which would be 5 feet between the sidewalk and the property line. So, at 35 Alexia Ct. (34 ft -9 ft=25 ft) there is 25 ft to be divided between the setback and the property line. I do not understand where is the additional space from the front property line to the sidewalk?

- The Staff Analysis says, “That such variance is necessary, because of special circumstances relating to size, shape topography locations.....” This subdivision was created in the early 2000’s and home construction started in 2016. There has been no significant change to the topography in that time and all the other homes on the street were able to meet the requirements. The developer should have been prepared for the difficult, sloping site.

- The Staff Analysis says, “The need for the variance is not the result of any action taken by the applicant.” This variance would not be necessary if the applicant had not already poured the foundation incorrectly. This is a case of “asking forgiveness instead of permission”.

Thank you for your consideration,

Steve and Carol Rife



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