



City of Longview

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

Agenda

Appeal Board of Adjustment

Tuesday, September 10,
2024

4:30 PM

Longview Council Chambers

1. **HYBRID MEETING DETAILS**

24-00817 Please click the link to join the webinar: <https://us02web.zoom.us/j/81922908550>

Webinar ID: 819 2290 8550

Or Telephone: (253) 205 0468; or (253) 215 8782; or (346) 248 7799

2. **CALL TO ORDER**

3. **ROLL CALL**

4. **APPROVAL OF MINUTES**

24-00818 MINUTES FROM JULY 9, 2024

THE AUGUST 13TH MEETING WAS CANCELLED.

5. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

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

7. **PUBLIC HEARINGS**

24-00820 ABA 2024-6 SPECIAL PROPERTY USE PERMIT FOR DETACHED ACCESSORY
DWELLING UNIT AT 1625 22ND AVE

RECOMMENDED ACTION:

**MOTION TO GRANT A SPECIAL PROPERTY USE PERMIT FOR DETACHED ACCESSORY
DWELLING UNIT AT 1625 22ND AVE**

8. **OTHER BUSINESS**

9. **ADJOURNMENT**



Minutes

Agenda

Appeal Board of Adjustment

Tuesday, July 9, 2024

4:30 PM

Longview Council Chambers

1. **HYBRID MEETING DETAILS**

24-00608 Please click the link to join the webinar: <https://us02web.zoom.us/j/81922908550>
Webinar ID: 819 2290 8550
Or Telephone: (253) 205 0468; or (253) 215 8782; or (346) 248 7799

2. **CALL TO ORDER**

The meeting was called to order at 4:30 pm

3. **ROLL CALL**

In attendance: Roger Peters, Vice Chair; Dan Petersen; Steven Dahl; Arthur Chang

Excused: Mark Backstrom, Chair;

Staff: Ken Hash, Interim Community Development Director; Sam Barham, City Engineer; Nancy Vandehey, Admin Assistant

4. **APPROVAL OF MINUTES**

24-00609 MINUTES FROM MAY 14, 2024
THE JUNE 11TH MEETING WAS CANCELLED.
The minutes were approved as presented.

5. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

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

Ken Hash read the declaration. There were no objections.

7. **PUBLIC HEARINGS**

24-00610 ABA 2024-5 SPECIAL PROPERTY USE AT 4239 OLYMPIA PLACE
RECOMMENDED ACTION:
MOTION TO GRANT A SPECIAL PROPERTY USE PERMIT FOR LESSER NUMBER OF OFF-STREET PARKING SPACES IN THE R-1 DISTRICT, AT 4239 OLYMPIA PLACE
Ken Hash highlighted the staff report and read the staff findings into record. There was no outside correspondence. He clarified that the applicant is asking to reduce to 1 parking space.

The public hearing opened at 4:37 pm.

*Robert Stevens spoke in favor.
The public hearing closed at 441 pm.*

Dan Petersen, seconded by Steve Dahl, made a motion for the Appeal Board of Adjustment to grant a special property use permit for reduction of off street parking space to 1 parking spaces in the R-1 District, at 4239 Olympia Place. This passed unanimously.

8. OTHER BUSINESS

As of today, there is no item to bring to the August meeting.

9. ADJOURNMENT

The meeting was adjourned at 4:45 pm.



STAFF REPORT
to the
LONGVIEW APPEAL BOARD OF ADJUSTMENT

PRESENTED BY: Ken Hash, CED Director

HEARING DATE: September 10, 2024

APPLICATION NO.: ABA 2024-6

APPLICANT: Nestor and Kate Peralta

PROPERTY OWNER: Nestor and Kate Peralta

REQUEST: Special Property Use Permit in accordance with LMC § 19.22.025 to establish a detached accessory dwelling unit.

LOCATION: 1625 22nd Ave, Parcel number involved: 00200

ASSOCIATED CASES: N/A

ZONING DISTRICT: R-1 Residential District

BACKGROUND AND PROPOSAL

The property owner of 1625 22nd Ave proposes to establish a detached accessory dwelling unit (ADU) on their property [Exhibit A Application and Exhibit B site aerial photo]. The lot is ~8,000 Sf and approximately 50 feet wide along Cascade Way. The proposal is to make use of the accessory garage and create an ADU. Accessory dwelling units, sometimes referred to as mother-in-law apartments, are allowed in all residential zones, however, detached units are permitted as a Special Property Use. The unit may share utilities with the home or construct separate utilities. The proposed layout is approx. 600 sf.

As part of the permit process, the owners will be asked to sign an affidavit stating their agreement to use the property only in accordance with the requirements of 19.22.025 of the

Longview Municipal Code, which requires the owner of the property to reside in either the ADU or the principal home.

Neighboring land-uses include:

North – single family residences.

South – single family residences.

East – single family residences.

West – single family residences.

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

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

The property was posted with a notice of public hearing announcing the proposed special property use application. Legal notice of the public hearing appeared in the Longview Daily News. No comments have been provided as of the date of this report.

SEPA DETERMINATION

Not required.

CRITICAL AREA ORDINANCE REQUIREMENTS

None.

APPLICABLE CODE SECTIONS

Section 19.22.025(8)(a) of the Longview Municipal Code (LMC) requires the land use proposed to receive approval via a public hearing process, and the issuance of a Special Property Use Permit by the Appeal Board of Adjustment. The specific code citations are listed below.

19.22.025 Accessory dwelling units.

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

(a) Landscaping may be provided for the privacy and screening of adjacent properties. Tall vegetative landscaping may be required between any windows or decks facing adjacent residential properties.

(b) Two-story, detached accessory dwelling units may be designed to protect the privacy of adjacent residential uses.

(c) Detached accessory dwelling units are not permitted in townhouse, zero lot line detached housing, or attached zero lot line housing developments. (c) The lot or tract of land upon which such ADU is to be constructed has no direct access to an alley or any street other than the street upon which the single-family dwelling to which the ADU is accessory fronts;

(8) Special Property Use Hearings.

(a) All proposed detached ADUs shall require a special property use permit be granted by the appeal board of adjustment with consideration of impacts to privacy of neighboring properties. Where practical, locate and design the ADU to minimize disruption of privacy and outdoor activities on adjacent properties. Strategies to accomplish this include, but are not limited to: window staggering, entries face away, no overlooking decks, landscaping.

(b) In its consideration of an application, the board shall evaluate:

(i) Compliance with subsections (8)(a) and (b) of this section.

(ii) Window locations.

(iii) Impacts from shading of neighboring properties, specifically solar access and impacts to existing solar collection systems, photo-voltaic or solar heating.

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

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

LMC § 19.12.050 Power of Board – Special Property Use

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

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

LMC §19.12.120 Special Property Use Permits – Time Limitation

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

STAFF DISCUSSION

The City's Community Development and Public Works Departments have reviewed the proposed special property use permit for a detached ADU at 1625 22nd Ave. The property is zoned low density residential and would allow an ADU. The proposed ADU size fits within the 300 minimum sf, 1500 maximum sf threshold. Parking will be available at the garage, driveway, and where allowed on 22nd Ave. Way. Utilities are adequate for the proposed. Fire will require addressing at the street indicating an ADU is behind the home.

STAFF ANALYSIS

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

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

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

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

The detached ADU will use a driveway off of the alley.

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

The detached ADU will be accessible by the alley.

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

The detached ADU will be able to make use of the driveway off of the alley.

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

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

Adding an additional dwelling unit to a lot in a single-family neighborhood is permitted under the provision of 19.22.025, subject to requirements of the chapter.

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

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

STAFF FINDINGS

1. The use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, morals, and general welfare.
2. The R-1 District permits the proposed use subject to a granting of a Special Property Use Permit by the Longview Appeal Board of Adjustment.
3. The use as proposed meets the criteria found in LMC §19.22.025 and the standards for residential zones under 19.20.

RECOMMENDATION

Staff recommends that the Appeal Board of Adjustment grant a Special Property Use Permit for the establishment of a detached accessory dwelling unit in the R-1 District, at 1625 22nd Ave.

EXHIBITS

- A. Special Property Use Permit application
- B. Applicant site aerial photo
- C. Notice to Neighbors
- D. Utility Availability Request
- E. Legal Notice of Public Hearing
- F. Home Images
- G. Floor Plan

Staff Report Date: Wednesday, September 04, 2024



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

THIS SECTION FOR OFFICE USE ONLY

LMC 19.12

Case Number: **ABA 2024-6**

Related Case Number:

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: Nestor Peralta

Phone: (803) 810-5280

(Print All Information)

Mailing Address: 1625 22nd Ave

Fax:

(Street or PO Box)

City: Longview

State: WA

Zip: 98632

Property Owner: Kate Peralta

Phone: **803 (803) 429 7486**

Mailing Address: 1625 22nd Ave

Fax:

(Street or PO Box)

City: Longview

State: WA

Zip: 98632

Applicant: Nestor Peralta

Phone: **(803) 810-5280**

(Print All Information)

Mailing Address: **1625 22nd Ave**

Email: **nperalta009@gmail.com**

(Street or PO Box)

City: **Longview**

State: **WA**

Zip: **98632**

Relationship to Property Owner: **Owner**

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

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

We want to convert our detached garage into an ADU.

Address of Property: 1625 22nd Ave Longview WA 98632

Parcel No. 00200

Comprehensive Plan Designation:

Zoning District: R-1

Current Use of Property: Single Family Residence

Gross land area of the site to be developed: Unaltered

Square Feet

Acres

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

Describe any existing structures on the site: Main house and detached garage.

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

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

Describe signage proposed for the land use requested: No signage

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

North: R-1

Current Land Uses: Single Family Residence

South: R-1

Current Land Uses: Single Family Residence

East: R-1

Current Land Uses: Single Family Residence

West: R-1

Current Land Uses: Single Family Residence

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

N A

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

N A

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

Proposed hours of operation:

Describe how parking will be accommodated for the proposed use:

Parking will be on driveways rather than the existing garage.

Describe how the proposed use will impact traffic circulation:

It should have no impact.

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

Will the proposed land use:

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

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

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.

- 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 comparable 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.

FILING FEES:

Per LMC 19.06.060

Per LMC 17.02.070

Comments:

4:30 PM

Page 13 of 24

FOR STAFF USE ONLY:

Telecommunications Facility Propagation Map provided, if applicable.

Legal Description of Property.

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

One copy of the property deed; and, if the applicant is not the owner, a notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application.

Title Report, if applicable.

Critical Area Permit, if required.

SEPA Environmental Checklist, if required.

Certificate of Appropriateness issued by the Historic Preservation Commission, if applicable.

Comments:

NOTES TO APPLICANT OWNER:

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

Comments:

SIGNATURES:

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

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

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

Signature of Property Owner: 

Date: 07/16/24

Signature of Property Owner: 

Date: 07/16/24

Signature of Applicant: 

Date: 07/16/24

If different than property owner

Exhibit B

Aerial Image

1625 22nd Ave





August 26, 2024

NOTICE OF PUBLIC HEARING

Longview Appeal Board of Adjustment

4:30 P.M. Tuesday, September 10th, 2024, for a ‘hybrid’ in-person or virtual meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/81922908550>

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

Webinar ID: 819 2290 8550

Case No: ABA 2024-6

Applicant: Nestor and Kate Peralta, Property Owners

Location: 1625 22nd Ave, Parcel 00200, City of Longview, WA 98632

Request: **Special Property Use permit (SPU) in accordance with LMC 19.12.050 & LMC 19.22.025 to convert additional garage to Accessory Dwelling Unit (ADU).**

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: Ken Hash, CED Director 360-442-5202

Copies of the associated documents are available for review online at mylongview.com under ‘Agendas & Minutes’ one week in advance of the Public Hearing.

Comments: If you would like to provide comments in writing on this proposal, please submit them **no later than 4:00 p.m. Tuesday, September 10th, 2024**, to the City of Longview Community Development Department, PO Box 128, Longview, WA 98632, **ATTN: Ken Hash, CED Director**. For electronic comments, provide your comments along with full name, address, and contact information to ken.hash@ci.longview.wa.us
RE: ABA 2024-6

Public Hearing: You are invited to attend the Appeal Board of Adjustment public hearing scheduled for 4:30 P.M. Tuesday, September 10th, 2024, 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.

Location 1625 22nd Ave:



Notice filed by:
Ken Hash, CED Director
Community Development Department, City of Longview

UTILITY AVAILABILITY REQUEST

SECTION 1. GENERAL INFORMATION

Date of Request

7-22-24

Project Description

convert an existing detached garage to an ADU

Requestor Name, Address, Telephone Number

SECTION 2. TYPE OF FACILITY (Check One)

☐ Single Family ☐ Irrigation Only ☐ Private Fire ☐ Duplex ☐ Triplex ☐ Four-Plex ☒ Other: ADU

Project Location/City Limits

☒ Inside

☐ Outside

If parcel is OUTSIDE the City Limits,
is it adjacent to a City Boundary?

☐ NO

☐ YES

NEW Service Requested

☐ Water

☐ Sewer

Site Address and Parcel Number:

1625 22nd Ave
00200

Additional Information (Plot plan required to determine availability)

Water & Sewer are
Available in the alley.

SECTION 3. WATER SERVICE Size of Meter Required

Std Residential 3/4-Inch Meter

Other Meter Size or Volume Required (Fill In)

SECTION 4. SEWER SERVICE

Number of Connections Needed:

Size of Service (6-inch minimum standard):

Volume of Sewer Discharge
(Industrial Only):

SECTION 5. AVAILABILITY NOTIFICATION RECIPIENTS

☐ City of Longview ☐ Cowlitz County ☐ Property Owner ☐ Lender

(Name and Address)

The undersigned acknowledges that the provision of City Utilities is subject to conditions that will be identified in the availability notification letter and/or any subsequent permit issued at the time connection made to the utility system.

Signature

[Signature]

Date

7/30/24

CITY USE ONLY

Staff Signature

Date

Letter Processed

Date

NOTICE OF PUBLIC HEARING

Longview Appeal Board of Adjustment

4:30 P.M. Tuesday, September 10th, 2024, for a “hybrid” in-person or virtual meeting.

Join Zoom Meeting

<http://us02web.zoom.us/j/B1922908550>

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

Webinar ID: 819 2290 8550

Case No: ABA 2024-6

Applicant: Nestor and Kate Peralta

Location: 1625 22nd Ave

Request: Special Property Use permit (SPU) in accordance with LMC 19.12.050 & LMC 19.22.025 to convert additional garage to Accessory Dwelling Unit (ADU).

Copies of the associated documents are available for review online at Mylongview.com under “Agendas and Minutes” one week in advance of the Public Hearing.

Comments: If you would like to provide comments in writing in this proposal, please submit them **no later than 4:00 p.m. Tuesday September 10th, 2024**, to the City of Longview Community Development Department, PO Box 128, Longview WA 98632, **ATTN. Ken Hash**. For electronic comments, provide your comments along with full name, address and contact information to Ken.hash@mylongview.com **RE: ABA 2024-6.**

Public Hearing: You are invited to attend the Appeal Board of Adjustment public hearing scheduled for 4:30 p.m. Tuesday September 10th, 2024, either in-person at Longview City Hall Council Chambers. 1525 Broadway Street, OR on the virtual meeting platform Zoom (on-line or phone-in.)

Please contact the City Clerk’s Office at 360-442-5041 with any accessibility requests.



Front elevation



Garage





