



Agenda

Appeal Board of Adjustment

Tuesday, December 10,
2024

4:30 PM

Longview Council Chambers

1. **HYBRID MEETING DETAILS**

24-001087 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**

24-001088 MINUTES FROM SEPTEMBER 10, 2024

THE OCTOBER 8TH MEETING WAS CANCELLED.

THE NOVEMBER 12TH MEETING WAS CANCELLED.

5. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

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

7. **PUBLIC HEARINGS**

24-001089 SPECIAL PROPERTY USE APPLICATION - ABA 2024-7

RECOMMENDED ACTION:

APPROVAL OF ABA 2024-7 GRANTING SPECIAL PROPERTY USE FOR THE PROPOSED ASSEMBLY USE IN THE R-1 DISTRICT AT 811 20TH AVE

24-001090 VARIANCE REQUEST - ABA 2024-8

RECOMMENDED ACTION:

APPROVAL OF ABA 2024-8 GRANTING THE VARIANCE FOR THE PROPOSED GYMNASIUM FACILITY AT 901 ALASKA ST TO PROVIDE 35 PARKING SPACES INSTEAD OF THE 145 REQUIRED SPACES FOR GYMNASIUMS PER LMC 19.78.100.

24-001103 SET PUBLIC HEARING ON JANUARY 14, 2025 TO HEAR ABA 2024-9 FOR A SIGN VARIANCE

RECOMMENDED ACTION:

MOTION TO SET PUBLIC HEARING ON JANUARY 14, 2025 TO HEAR ABA 2024-9 FOR A SIGN VARIANCE

8. **OTHER BUSINESS**

9. **ADJOURNMENT**



City of Longview

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

Minutes

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**

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

3. **ROLL CALL**

*In attendance: Mark Backstrom, Chair; Roger Peters, Vice Chair; Dan Petersen; Steven Dahl; Excused: Arthur Chang
Staff: Ken Hash, Interim Community Development Director; Nick Little, Community Development Director; Sam Barham, City Engineer; Nancy Vandehey, Admin Assistant*

4. **APPROVAL OF MINUTES**

24-00818 MINUTES FROM JULY 9, 2024
THE AUGUST 13TH MEETING WAS CANCELLED.
The minutes were approved as presented.

5. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

Ken Hash introduced Nick Little, as the new Community Development Director.

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

Ken Hash read the declaration. There were no objections.

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

*Ken Hash highlighted the staff report and read the staff findings into record.
Scribner error - 8000 sf and approximately 50 feet wide along Cascade Way should read 6000 sf and approximately 50 feet wide along 22nd.*

*Five letters of support were emailed to Ken Hash. Ken presented the letters to the board.
The public hearing was opened at 4:37 pm.
Nestor Peralta, 1625 22nd Ave, spoke in favor of this request.
Adam Pithan, 1629 22nd Ave, spoke in favor of this request.
The public hearing closed at 4:41 pm.*

*Steve Dahl, seconded by Arthur Chang, made a motion to accept the staff recommendations and grant a special property use permit for detached accessory dwelling unit at 1625 2nd.
passed unanimously.*

8. OTHER BUSINESS

9. ADJOURNMENT

The meeting was adjourned at 4:42 pm.



City of Longview

Agenda Summary

SPECIAL PROPERTY USE APPLICATION - ABA 2024-7

RECOMMENDED ACTION:

APPROVAL OF ABA 2024-7 GRANTING SPECIAL PROPERTY USE FOR THE PROPOSED ASSEMBLY USE IN THE R-1 DISTRICT AT 811 20TH AVE

Attachments:

1. Staff Report 2024-7 SPU for Assembly use in R-1 District
2. Ex A. Special Use Property Application
3. Ex B. Notice to Neighbors
4. Ex C Aerial Image
5. Ex D. Legal Notice of Public Hearing



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

PRESENTED BY: Irene Rutikanga, Planner

HEARING DATE: December 10, 2024

APPLICATION NO.: ABA 2024-7

APPLICANT: Kari Gallagher

PROPERTY OWNER: Kari Gallagher

REQUEST: Special Property Use permit (SPU) in accordance with LMC 19.12.050 & LMC 19.20.020 for business license application for a secular assembly use in the R-1 Residential District.

LOCATION: 811 20th Ave, Parcel number involved: 012680100

ASSOCIATED CASES: N/A

ZONING DISTRICT: R-1 Residential District

BACKGROUND AND PROPOSAL

The property owner/applicant is proposing to rent out a portion of the facility at 811 20th Ave, Longview, WA 98632 and use the facility to hold event under Lakeside Event Center. The building includes a small chapel and event room. Lakeside Event Center will be renting out those identified spaces for weddings, celebration of life, small parties, and meeting space. The allocated.

The event room is 550 sf and the chapel area has 14 pews that holds up to 98 people. The building was previously used for a daycare and church use.

Neighboring land-uses include:
North – single family residences.
South – single family residences.
East – single family residences.
West – single family residences.

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

In accordance with LMC §19.12.090(1), written notice of the public hearing for the Special Property Use Permit petition was mailed to the applicant and to the owners of all properties adjacent to or abutting this proposal on November 26th, 2024. [Exhibit B].

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 19.20.020-1 and 19.12050(2) 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.

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 use will not be detrimental to the character and use of the adjoining building and those in the vicinity as The structure has been historically used for similar activities and is adjacent to a church.

The proposed activity will be similar in use and scope to what was there.

There is no existing history of complaints that indicate this will be detrimental to the character of the neighborhood.

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

The use does not appear to create a hazard in the immediate area either for pedestrian or vehicular traffic. The roads are developed to City standards and have existing sidewalk to accommodate for pedestrian travel. A crosswalk is located immediate south of the site to facilitate pedestrian crossing.

However, depending on the day and time lake side events center events are to be held, there is potential for traffic hazard between the school and the traffic from the events.

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

Ingress and egress is available for fire and other vehicular emergency equipment as, the site fronts on 20th and also has a paved and developed alley access.

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

The proposed event center floor area is 550 sf and the chapel area has 14 pews, based on the event space floor area and the 14 pews in the chapel, the event center is required to provide 34 parking spaces per LMC 19.78.080 standards. The site has 4 parking spaces in the alley by the building and there is approximately 28 on street parking spaces adjacent to the event center building. There is also Additional on street parking nearby by Lake Sacajawea that is within 600 sf of the event center as required by LMC 19.78.030. Based on the required parking per city code, the proposed use does have adequate parking.

Additionally, per LMC 19.78.065 a change of use and/or occupancy of any existing structures or buildings does not require additional parking or loading spaces, so long as no existing structure or building is to be enlarged or extended in ground floor area.

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.

With the necessary infrastructure in the area such as sidewalks, street crossing and stop signs and no proposed changes to the existing structure, the proposed use should not be injurious to the neighborhood or otherwise detrimental to the public health, safety, morals, and general welfare. However, depending on Lakeside event center events time, there might arise potential traffic and pedestrian issues with the school operations.

STAFF DISCUSSION

The city's Building Official and Fire Marshall have reviewed the Special Use Application for 811 20th Ave and have expressed no concerns.

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.

Overall, the project appears to be generally similar to how the structure was used before, and thus by itself does not present a compatibility issue. However, depending on timing, highly

attended events may present traffic and parking complications during the morning and late afternoon hours when the nearby school is in session. Staff suggest adding a condition to the special property use that limits the timing of events to prevent conflicts with the nearby school.

STAFF FINDINGS

1. The use for which such permit is sought is similar to the prior use of the property in terms of characteristics and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, morals, and general welfare.
2. Potential hazards caused by the proposed use can be accommodate by applying condition to limit time to hold events.
3. The R-1 District (LMC19.20) permits the proposed use subject to a granting of a Special Property Use Permit by the Longview Appeal Board of Adjustment.
4. The use provides adequate ingress and egress for fire and other vehicular emergency equipment.
5. The use provides adequate parking based on the required parking by city code.

RECOMMENDATION

Staff recommends that the Appeal Board of Adjustment grant a Special Property Use Permit for the proposed assembly use in the R-1 District, at 811 20th Ave., subject to the following conditions:

1. Events shall not be allowed to take place between the following hours 7 Am and 4 PM Monday through Friday These hour limitations are only in effect during the school year, generally from early September through June. “School year” shall be subject to the year-to-year schedule of the Longview School District.
2. EXHIBITS
 - A. Special Property Use Permit Application
 - B. Notice to Neighbors
 - C. Aerial Image
 - D. Legal Notice of Public Hearing

Staff Report Date: Tuesday, December 03, 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

LMC 19.12

Case Number: BUS 2024-0013

Related Case Number: _____

THIS SECTION FOR OFFICE USE ONLY:

APPLICATION AND AUTHORIZING SIGNATURES

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

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

Property Owner: Kari Gallagher Phone: 360.749.2459
(Print All Information)

Mailing Address: 2020 Rose Valley Rd Fax: _____
(Street or PO Box)

City: Kelso State: WA Zip: 98626

Property Owner: Jason Gallagher Phone: 360.270.3361

Mailing Address: 2020 Rose Valley Rd Fax: _____
(Street or PO Box)

City: Kelso State: WA Zip: 98626

Applicant: Kari Gallagher Phone: 360.749.2459
(Print All Information)

Mailing Address: 2020 Rose Valley Rd Email: kbusinessolutions@gmail.com
(Street or PO Box)

City: Kelso State: WA Zip: 98626

Relationship to Property Owner: Self

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

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

Event Center would like to use the existing chapel and "classrooms"

to rent out for small weddings, celebration of life and small events.

Chapel holds 100 people. Event room holds less than 50 people.

Address of Property: 811 20th Ave, Longview WA 98632 Parcel No. 012680100

Comprehensive Plan Designation: _____ Zoning District: R-1

Current Use of Property: until May 2024 - half the building was a preschool
for 30 years and the other half was used by church and church activities.

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

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

Describe any existing structures on the site: 9,200 sq ft building. Includes chapel, 15 rooms, 8 bathrooms
and small kitchen.

Number and surface type of all existing driveways at the site: 1 cement alley with 4 diagonal parking spaces

Number, type and dimensions of existing signage at the site: (1) 78 x 30 wooden framed in ground

Describe signage proposed for the land use requested: (1) 36 x 24 mounted in brick

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: First Christian Church

East: R-1 Current Land Uses: Kesslers Elementary school

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: Mon-Thur 4pm-10pm, Frid 4pm-11pm, Sat/Sun 8am-11pm

Describe how parking will be accommodated for the proposed use: 4 parking space on lot, large quantity of street parking east of building and south. Rentals are outside of school hours so street parking across street available.

Describe how the proposed use will impact traffic circulation: None. only 2 residential homes on block, and they have driveway parking if needed. Lakeside would have less traffic affect than previous preschool located in building for 30 yrs.

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

Will the proposed land use:

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

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

SPECIAL PROPERTY USE PERMIT REVIEW CRITERIA AND DEVELOPMENT STANDARDS

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

Criteria reviewed by the Appeal Board of Adjustment include:

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

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

FILING FEES:

Public Hearing Fee: Per LMC 19.06.060

SEPA Review Fee(if applicable): Per LMC 17.02.070

Total Fees: _____

Comments: _____

LONGVIEW APPEAL BOARD OF ADJUSTMENT:

Public Hearing Scheduled: Date: _____ 4:30 PM

Comments: _____

FOR STAFF USE ONLY:

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

Comments: _____

NOTES TO APPLICANT/OWNER:

1. If the Appeal Board of Adjustment or City Staff determine that additional and/or revised information is needed, and/or if other unforeseen circumstances arise, any dates outlined for processing the application may be rescheduled by the City.
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.

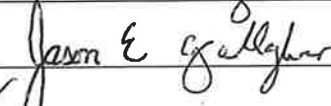
I/we declare under penalty of the perjury laws that the information provided on this form/application is true, correct and complete.

Signature of Property Owner:



Date: 11/18/2024

Signature of Property Owner:



Date: 11/18/2024

Signature of Applicant:



Date: 11/18/2024

(If different than property owner)



NOTICE OF PUBLIC HEARING

Longview Appeal Board of Adjustment

4:30 P.M. Tuesday, December 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 2024-7

Applicant: Kari Gallagher

Location: 811 20th Ave, Parcel 012680100

Request: Special Property Use permit (SPU) in accordance with LMC 19.12.050 & LMC 19.20.020 for business license application for an assembly use in the R-1 Residential District.

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: Irene Rutikanga, Planner 360-442-5083

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, December 10th, 2024**, to the City of Longview Community Development Department, PO Box 128, Longview, WA 98632, **ATTN: Irene Rutikanga, Planner.** For electronic comments, provide your comments along with full name, address, and contact information to irener@ci.longview.wa.us **RE: ABA 2024-7**

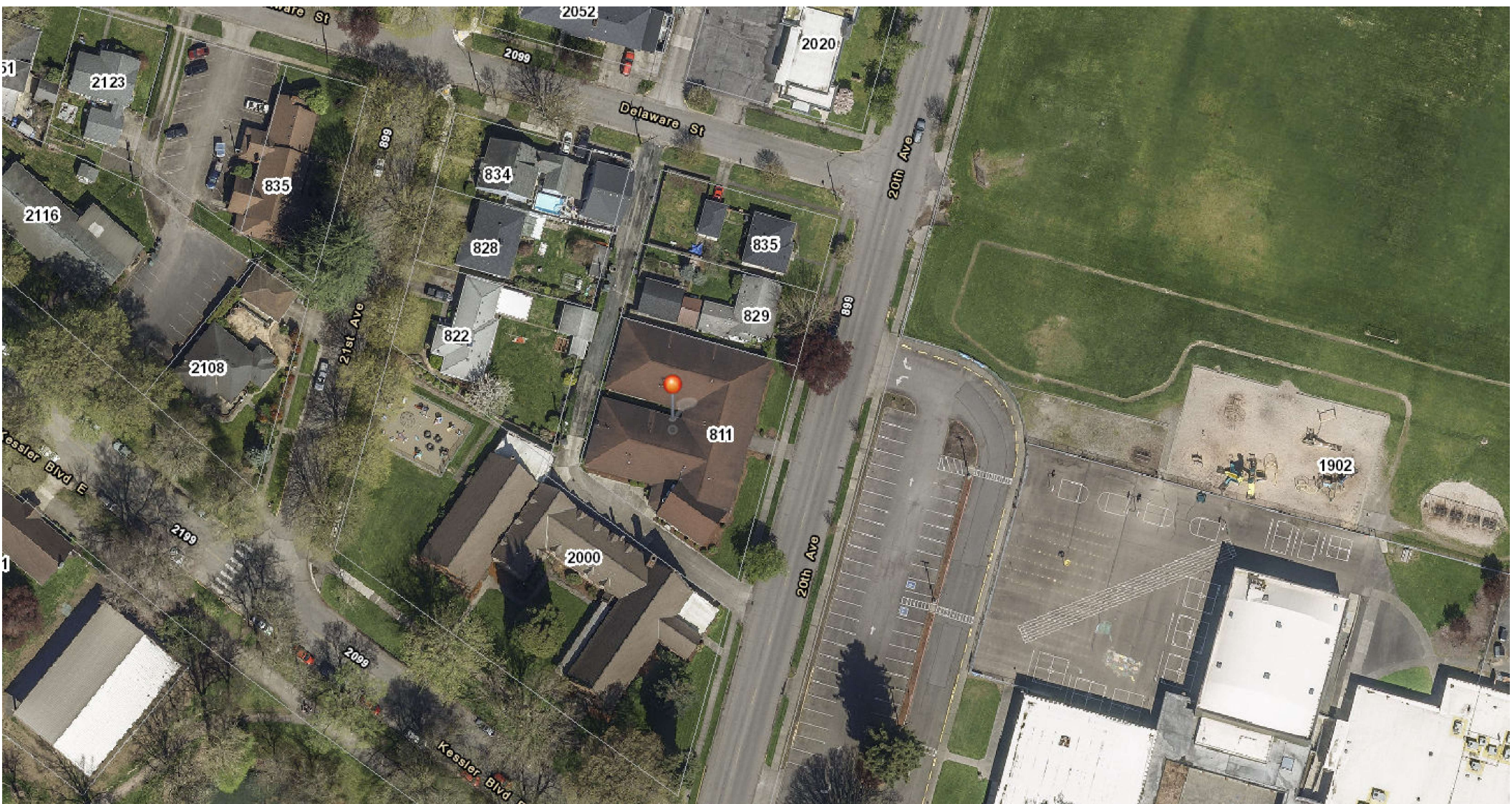
Public Hearing: You are invited to attend the Appeal Board of Adjustment public hearing scheduled for 4:30 P.M. Tuesday, December 10th, 2024, either in-person at Longview City Hall Council Chambers, 1525 Broadway Street, OR on the virtual meeting platform Zoom (online or phone-in).

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

Property:



Notice filed by:
Irene Rutikanga, Planner
Community Development Department, City of Longview



AFFIDAVIT OF PUBLICATION

Longview Daily News
770 11th Ave
(360) 577-2525

State of Pennsylvania, County of Lancaster, ss:

Rachel Cozart, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Longview Daily News, published in Cowlitz county, has been approved as a Legal newspaper by order of the Superior court of the State of Washington of Cowlitz County, and that the Annexed printed copy is a true copy of the notice in the above entitled matter as it was printed in the regular entire issue of said paper and online at www.tdn.com , for publication dates as listed below, and that said newspaper was regularly distributed to its subscribers during all of said period, and that said notice was published in said paper and not in a supplement form. That the full amount of the fee charged for said forgoing publication is as listed below, and is \$3.50 per line for the first insertion and \$3.00 per line for each subsequent insertion. There is also an additional charge of \$10.00 for every additional affidavit copy over two copies.

PUBLICATION DATES: November. 26 2024

NOTICE ID: GOH2Rz0YZao6EQuBY9lg
PUBLISHER ID: COL-WA-100524
NOTICE NAME: ABA 2024-7
Publication Fee: \$250.40

Rachel Cozart

(Signed) _____

VERIFICATION

State of Pennsylvania
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal
Nicole Burkholder, Notary Public
Lancaster County
My commission expires March 30, 2027
Commission Number 1342120

Subscribed in my presence and sworn to before me on this: 11/27/2024

Nicole Burkholder

Notary Public

Notarized remotely online using communication technology via Proof.

**NOTICE OF
PUBLIC HEARING**

CITY OF LONGVIEW
Appeal Board of Adjustment
4:30 P.M. Tuesday, December
10th, 2024, for a "hybrid" in-per-
son or virtual meeting.
Join Zoom Meeting
[http://us02web.zoom.us/j/
B1922908550](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 2024-7
Applicant: Kari Gallagher
Location: 811 20th Ave
Request: Special Property Use
permit (SPU) in accordance with
LMC 19.12.050 & LMC 19.20.020
for business license application
for an assembly use in the R-1
Residential District.
Copies of the associated docu-
ments are available for review
online at Mylongview.com un-
der "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 Commu-
nity Development Department,
PO Box 128, Longview WA 98632,
ATTN: Irene Rutikanga. For elec-
tronic comments, provide your
comments along with full name,
address and contact information to
irener@ci.longview.wa.us RE:
ABA 2024-7.

Public Hearing: You are invit-
ed to attend the Appeal Board
of Adjustment public hearing
scheduled for 4:30 p.m. Tues-
day December 10th, 2024, either
in-person at Longview City Hall
Council Chambers. 1525 Broad-
way 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.
11/26 COL-WA-100524



City of Longview

Agenda Summary

VARIANCE REQUEST - ABA 2024-8

RECOMMENDED ACTION:

APPROVAL OF ABA 2024-8 GRANTING THE VARIANCE FOR THE PROPOSED GYMNASTIC FACILITY AT 901 ALASKA ST TO PROVIDE 35 PARKING SPACES INSTEAD OF THE 145 REQUIRED SPACES FOR GYMNASIUMS PER LMC 19.78.100.

Attachments:

1. Staff Report 2024-8 901 Alaska St
2. Ex A. Variance Permit Application
3. Ex. B Applicant Site Plan
4. Ex C. Notice to neighbors
5. Ex D. Legal Notice of Public hearing
6. Ex E Aerial Image



STAFF REPORT
to the
LONGVIEW APPEAL BOARD OF ADJUSTMENT

PRESENTED BY: Irene Rutikanga, Planner

HEARING DATE: December 2, 2024

APPLICATION NO.: ABA 2024-8

APPLICANT: JP Wright Construction

PROPERTY OWNER: Mark Lee

REQUEST: Request for a variance in accordance with LMC 19.12.140 & LMC 19.78.100 to deviate from the required parking spaces for a gymnasium use in the Mixed Use Commercial Industrial Zone.

LOCATION: 901 Alaska St, Parcel number involved: 084620115

ASSOCIATED CASES: N/A

ZONING DISTRICT: MU-C/I Mixed Use Commercial Industrial District

BACKGROUND AND PROPOSAL

The applicant submitted for a building permit to construct a 3,920-sf premanufactured metal building gymnastic facility with a total floor area of 5,800 sf with no fixed seating proposed. The project property is zoned MU-C/I Mixed use Commercial Industrial District. Under LMC 19.58.020 gymnasium facilities are outrightly permitted in the MU-C/I district and require one parking space for each 40 square feet of floor area when no fixed seating is proposed.

Based on the required parking spaces for gymnasium per LMC 19.78.100 and the proposed gymnastic facility total floor area, the project is required to provide 145 parking spaces. The

applicant has provided 35 parking spaces on their plans and is seeking a variance to deviate from the required LMC19.78.080 parking requirements.

Neighboring land uses include:

North – industrial use.

South – industrial use.

East – Industrial use/undeveloped

West – California Way/Industrial use

The Comprehensive Plan classification for the site is Mixed Use Commercial/Industrial.

In accordance with LMC §19.12.090(1), written notice of the public hearing for the Variance was mailed to the applicant and to the owners of all properties adjacent to or abutting this proposal on November 26th . [Exhibit C].

Postings and legal notices are not required for Variance requests however legal notice of this application and public hearing were posted in the Longview Daily News.

SEPA DETERMINATION

Not required.

CRITICAL AREA ORDINANCE REQUIREMENTS

None.

APPLICABLE CODE SECTIONS

LMC 19.78.100 Required off-street parking space for specific uses.

The following specific uses shall provide off-street automobile parking facilities as hereafter specified:

(13) Stadiums, gymnasiums, sports arenas, auditoriums, and other places of assembly, other than churches and clubs and lodges having no sleeping quarters: One parking space for each five fixed seats. Where fixed seats consist of pews or benches, the seating capacity shall be computed upon not less than 22 lineal inches of pew or bench length per seat. If there are no fixed seats, there shall be provided one parking space for each 40 square feet of floor area used for assembly purposes.

LMC 19.12.140 Variance permits – Authority to issue.

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

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

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

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

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

STAFF ANALYSIS

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

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

Staff believes that the thirty-five parking places that have been proposed for the gymnastic facility are adequate in light of the purpose for which the facility is intended to be used. The proposed gymnastic facility will be lightly utilized in comparison to a typical gymnasium use, as it will mostly be limited to gymnastics practice with parents and guardians dropping off and picking up kids from the facility. Also, based on the building official review, the facility will have a maximum load occupancy of 67, which makes the requirement of 145 parking spaces excessive and not justified.

Additionally, due to the size of the site, it would not be possible to meet the need of 145 parking spots that is required per LMC 19.78.100. The only way to allow the applicant's proposed project to proceed is to grant permission for the variance, and any additional future development in the surrounding areas will be subject to the same privilege, depending on the specifics of the site and the project that is being proposed.

(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

Considering the size of the project site, it is not possible to fulfill the requirement for 145 parking spaces, which is why the variance is required in order for the project to proceed. Similar chances will be available to other properties in the nearby area, provided that the circumstances are comparable in terms of size or any other property restrictions.

(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

As the gymnastic facility is an outright permitted use in the Commercial Mixed Use Industrial District and satisfies all other conditions set out by the city of Longview, the

granting of such a variance will not be materially damaging to the public welfare or injurious to the properties that are located in the surrounding area. The proposed gymnastic facility will not add any traffic that cannot be handled by existing roads and is surrounded by undeveloped properties that will not be impacted by the granting of the variance.

(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).

The need for the variance was identified during permit review and it is not the result of any action taken by the applicant.

STAFF FINDINGS

1. The proposed 35 parking spaces for the gymnastic facility are sufficient for the intended use of the facility and based the occupancy load of 67, the required LMC 19.78.100 145 parking spaces are excessive.
2. Based on the project size, the required 145 parking spaces cannot be provided, therefore necessitating the need for a variance.
3. The proposed gymnastic facility will not be injurious nor materially detrimental to the public welfare.
4. It was determined that the variance was necessary during the permit review process, and it is not the consequence of any actions taken by the applicant.

RECOMMENDATION

Staff recommends that the Appeal Board of Adjustment grant approval of the Variance for the proposed gymnastic facility at 901 Alaska St to provide 35 parking spaces instead of the 145 required spaces for gymnasiums per LMC 19.78.100

EXHIBITS

- A. Variance Permit application
- B. Applicant Site plan
- C. Notice to Neighbors
- D. Legal Notice of Public Hearing
- E. Aerial Image

Staff Report Date: Wednesday, December 04, 2024



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 parking stalls required by your current code will not work and the number we have on the site plan is more than sufficient for our use of the building

At Street: 901 Alaska St _____, City of Longview, Washington.

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

Zoning District: _____

Applicant: JP Wright Construction _____ Phone: 928-230-1269 _____
(Print All Information)

Contact Name: Josh Wright _____ Fax: _____

Mailing Address: PO box A _____
(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: working as owners contractor _____

Property Owner: Mark Lee _____ Phone: 360-901-9609 _____
(Print All Information)

Mailing Address: 20015 SE 42nd St
(Street or PO Box)

City: Camas _____ State: WA Zip: 98607

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: _____

- 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: _____

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

- 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:

- 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: _____

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.

FILING FEES:

Public Hearing Fee:	<u>\$1,087.00</u>
SEPA Review Fee, if applicable: (DNS \$543.00/MDNS \$815.00)	<u>\$</u>
Total Fees:	<u>\$</u>
Comments:	

LONGVIEW APPEAL BOARD OF ADJUSTMENT:

Public Hearing Scheduled: Date: 4:30 PM

Comments:

.....

FOR STAFF USE:

..... Legal Description of Property.

..... Site Plan and/or building elevations, floor plans.

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

..... Responses to the justification section addressing the nature of and reason for the variance, and information demonstrating that the requested variance conforms to the requirements contained in LMC 19.12.140.

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

Comments:

.....

NOTES TO APPLICANT/OWNER:

1. If the Appeal Board of Adjustment or City Staff determine that additional and/or revised information is needed, and/or if other unforeseen circumstances arise, any dates outlined for processing the application may be rescheduled by the City.
2. All items shall be completed as determined by the Community Development Department prior to the application being deemed complete for processing.
3. All costs incurred by the City in reviewing this application shall be paid prior to any public hearings.
4. The applicant or authorized representative must attend the Appeal Board of Adjustment public hearing.

Comments: _____

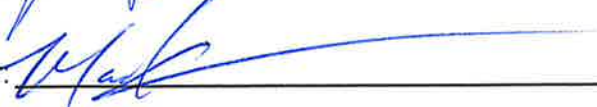
SIGNATURES:

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

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

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

Signature of Applicant:  Date: 11-13-24

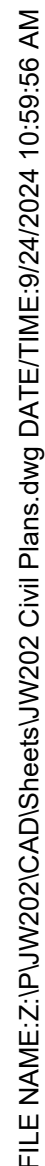
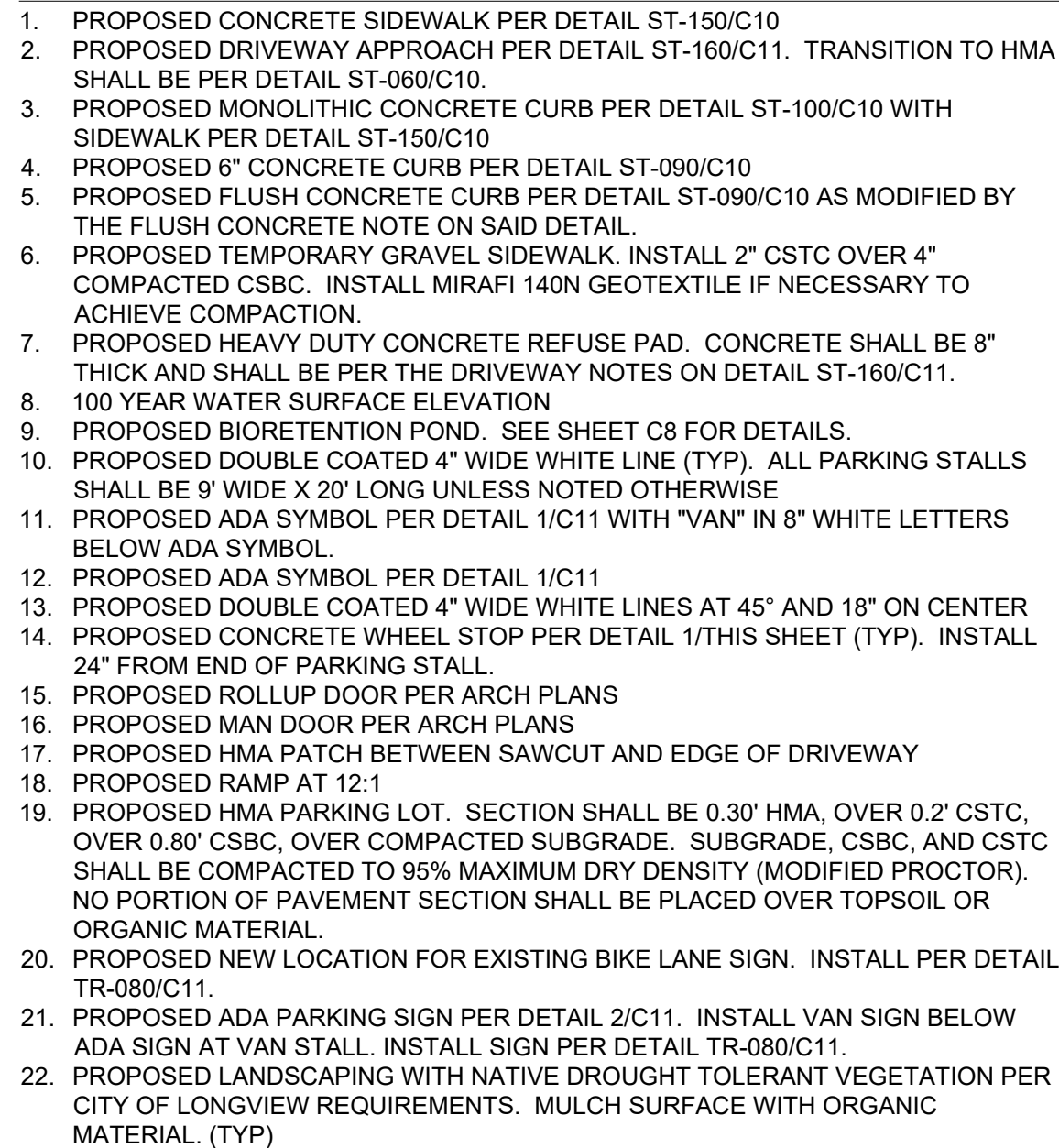
Signature of Property Owner:  Date: 11-13-24

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

SEC 4 T2N 7 R2G 2W WM
COWLITZ COUNTY TPN 084620115
901 ALASKA ST
LONGVIEW, WA 98632

PROJ. NO:	JW202
REVIEWED BY:	NDT
DESIGNED BY:	NDT
DRAWN BY:	RCB
DATE:	09-24-2024

6 OF 12





NOTICE OF PUBLIC HEARING

Longview Appeal Board of Adjustment

4:30 P.M. Tuesday, December 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 2024-8

Applicant: JP Wright Construction

Location: 901 Alaska St, Parcel: 084620115

Request: Request for a variance in accordance with LMC 19.12.140 & LMC 19.78.100 to deviate from the required parking spaces for a gymnasium use in the Mixed Use Commercial Industrial Zone.

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: Irene Rutikanga, Planner 360-442-5083

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, December 10th, 2024**, to the City of Longview Community Development Department, PO Box 128, Longview, WA 98632, **ATTN: Irene Rutikanga, Planner.** For electronic comments, provide your comments along with full name, address, and contact information to irener@ci.longview.wa.us **RE: ABA 2024-7**

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

Property:



Notice filed by:
Irene Rutikanga, Planner
Community Development Department, City of Longview

AFFIDAVIT OF PUBLICATION

Longview Daily News
770 11th Ave
(360) 577-2525

State of Pennsylvania, County of Lancaster, ss:

Rachel Cozart, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Longview Daily News, published in Cowlitz county, has been approved as a Legal newspaper by order of the Superior court of the State of Washington of Cowlitz County, and that the Annexed printed copy is a true copy of the notice in the above entitled matter as it was printed in the regular entire issue of said paper and online at www.tdn.com , for publication dates as listed below, and that said newspaper was regularly distributed to its subscribers during all of said period, and that said notice was published in said paper and not in a supplement form. That the full amount of the fee charged for said forgoing publication is as listed below, and is \$3.50 per line for the first insertion and \$3.00 per line for each subsequent insertion. There is also an additional charge of \$10.00 for every additional affidavit copy over two copies.

PUBLICATION DATES: November. 26 2024

NOTICE ID: iBA dytMKEo5Npva00gEO
PUBLISHER ID: COL-WA-100525
NOTICE NAME: ABA 2024-8
Publication Fee: \$258.45

Rachel Cozart

(Signed) _____

VERIFICATION

State of Pennsylvania
County of Lancaster

Commonwealth of Pennsylvania - Notary Seal
Nicole Burkholder, Notary Public
Lancaster County
My commission expires March 30, 2027
Commission Number 1342120

Subscribed in my presence and sworn to before me on this: **11/27/2024**

Nicole Burkholder

Notary Public
Notarized remotely online using communication technology via Proof.

**NOTICE OF
PUBLIC HEARING**

CITY OF LONGVIEW

Appeal Board of Adjustment
4:30 P.M. Tuesday, December
10th, 2024, for a "hybrid" in-per-
son or virtual meeting.

Join Zoom Meeting
[http://us02web.zoom.us/j/
B1922908550](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 2024-8

Applicant: JP Wright Construc-
tion

Location: 901 Alaska St

Request: Request for a vari-
ance in accordance with LMC
19.12.140 & LMC 19.78.100 to
deviate from the required park-
ing spaces for a gymnasium use
in the Mixed Use Commercial In-
dustrial Zone.

Copies of the associated docu-
ments are available for review
online at Mylongview.com un-
der "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 Commu-
nity Development Department,
PO Box 128, Longview WA 98632,
ATTN: Irene Rutikanga. For elec-
tronic comments, provide your
comments along with full name,
address and contact information
to irener@ci.longview.wa.us RE:
ABA 2024-8.

Public Hearing: You are invit-
ed to attend the Appeal Board
of Adjustment public hearing
scheduled for 4:30 p.m. Tues-
day December 10th, 2024, either
in-person at Longview City Hall
Council Chambers. 1525 Broad-
way 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.
11/26 COL-WA-100525

