

SUMMARY OF REQUEST

A Variance is requested to obtain formal approval for the 7.5-foot Huntington Apartments building encroachment into the 25-foot front yard setback along S. Meridian. The Huntington Place Apartment structures do not meet the 25-foot front yard setback due to the City's required dedication of 8-feet of right-of-way upon completing site construction. At the time of the permit approvals, and prior to right-of-way dedication request, the structures complied with the required 25-foot front yard setback.

PROPERTY OWNER & APPLICANT

- Owner: Santa Ana 6961 LLC
- Applicant: CES NW Service, Inc

LOCATION

- Address: 2008 S Meridian, Puyallup, WA 98371
- Parcel Number(s): 0420334206, 0420334111, 0420334034
- Site size: 78,252 square feet
- Comp Plan land use designation: High Density Residential (HDR)
- Zoning designation: High Density Multiple-family Residential zone (RM-20)

NOTIFICATIONS AND COMMENTS

- Permit request received on December 7, 2021
- Application deemed complete on December 17, 2021
- Notice of complete land use permit application mailed to all owners of property within 300 feet of the site as indicated by the Pierce County Assessor Treasurer's records on January 4, 2022.
- Notice of complete land use permit application published in the Tacoma News Tribune on January 5, 2022.
- Notice of complete land use permit application was posted at the project site by the applicant January 10, 2022 (verification provided by applicant via signed declaration).
- Notice of Public Hearing mailed to all owners of property within 300 feet of the site as indicated by the Pierce County Assessor Treasurer's records on January 31, 2022 (28 days in advance of public hearing – 14 days minimum required by PMC 20.12.010 (2)).
- Notice of Public Hearing was posted at the project site by the applicant on February 15, 2021 (verification provided by applicant via signed declaration – 14 days in advance of public hearing, 10 days minimum required by PMC 20.12.010 (3)).
- Notice of Public Hearing published in the Tacoma News Tribune on February 2, 2022 (27 days in advance of hearing – 14 days minimum required by PMC 20.12.010 (1)).

STATUS OF DEVELOPMENT REGULATIONS

- Since the filing of the complete application, no amendments to the City code have been adopted by the City Council.

PUBLIC COMMENTS

- Staff received no public comments in response to the notices.

PROJECT DETAILS

- Per City of Puyallup Comprehensive Plan, S. Meridian is an arterial roadway.
- Per PMC 20.25.020(12), the minimum setback from principal or minor arterial roadway within the RM-20 zoning district is 25 feet.
- This variance request is to obtain formal approval for the 7.5-foot Huntington Apartment building encroachment into the 25-foot front yard setback along S. Meridian (Exhibit 2). The Huntington Place Apartment structures do not meet the 25-foot front yard setback due to the City's requirement for dedication of 8 feet of right-of-way upon completing site construction. No new construction is proposed.
- Per September 30, 2021 letter from the City of Puyallup (Exhibit 4), the City acknowledges that the encroachment by Huntington Place Apartments into the 25-foot front setback was created by the City's request for the 8-foot right-of-way dedication. At the time of permit approvals (preliminary site plan P-16-0054, building permit B-16-1020 and B-16-1021, and civil permit E-16-0655), the apartments complied with the RM-20 required 25-foot front yard setback. Upon completion of the site construction, city staff requested that the sidewalk, previously located within an 8-foot easement, be dedicated as City right-of-way. The subsequent 8-foot shift in the front property line resulted in a building setback less than 25-feet.
- The 8-foot right-of-way dedication was recorded on October 23, 2019 under recording number 20191023689.

SURROUNDING AREA

- The surrounding area consists of apartments, medical offices, single-family homes, a nearby assisted living facilities and Cascade Christian School (Exhibit 10).
- The subject site is bordered by S. Meridian on the East.
- Critical Areas: There are potential steep slopes in the vicinity of the project site. Any on-site steep slopes were identified and reviewed under preliminary site plan P-16-0054, building permit B-16-1020 and B-16-1021, and civil permit E-16-0655. The Huntington Apartments have been constructed and no new development is proposed. The proposed variance would allow the formal approval of the building setback encroachment and will have no impact on any potential critical areas.

APPLICABLE REGULATIONS AND POLICIES

The proposed project is located in the RM-20 zoning district. Per PMC 20.25.020(12), the minimum setback from principal or minor arterial within the RM-20 zoning district is 25 feet. The Huntington Apartments face S. Meridian, which is a principal arterial. The Huntington Apartments setbacks were originally reviewed with preliminary site plan P-16-0054, building permit B-16-1020 and B-16-1021, and civil permit E-16-0655. At the time these applications were deemed compliant with the 25-foot front yard setback. Upon completion of the site construction, the City requested 8 feet of right-of-way dedication. This right-of-way dedication relocated the front property line 8 feet closer to Huntington Apartments resulting in the structure encroachment of 7.5 feet into the 25-foot front yard setback. The property owner has requested official approval of the setback encroachment through the variance process.

Per PMC 20.85.005, the Hearing examiner shall have the authority to grant, with or without conditions, variances from the required front yard setback. Accordingly, each determination granting a variance shall be supported by written findings

demonstrating that the conditions listed in PMC 20.85.010 exist. The following represents analysis of applicable findings in the city's Variance ordinance (PMC 20.85.010) as it relates to the current modification request by the applicant:

Variance Findings per Puyallup Municipal Code Section 20.85.010

PMC 20.85.010(1): The variance shall not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the vicinity and/or contiguous zone in which the property on behalf of which application has been filed is located. For purposes of this subsection, vicinity shall be defined to only include a radius of 1,000 feet or be within the boundaries of an established subdivision when the variance request pertains to a single-family residential use.

Applicant Response: This variance is being requested to obtain formal approval to setback encroachment. The original design of the Huntington Apartments maintained a front yard building setback of 25 feet from the city right of way. Shortly after the project was completed an 8-foot right of way dedication (for sidewalk) occurred which made the building a nonconforming use. The buildings are now 17.5 feet setback from the new right of way.

Staff analysis: This variance is not a grant of special privilege for the site. This variance is a unique circumstance wherein the apartment structures' setbacks were reviewed and approved during preliminary site plan P-16-0054, building permits B-16-1020 and B-16-1021, and civil permit E-16-0655. The apartment structures were compliant with the 25-foot front yard setback until after construction was completed when the city requested the 8-foot right-of-way dedication. This variance will correct an existing encroachment, but all future development on the site will continue to be subject to the 25-foot front yard setback per PMC 20.25.020(12).

PMC 20.85.010(2): That the granting of such variance will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood within a radius of 1,000 feet, and will not be injurious to the property or improvements of such vicinity and/or contiguous zone in which the property is located.

Applicant Response: The variance will not be detrimental Health, safety, comfort or convenience and general welfare of the surrounding area. The existing buildings will not change as the distance is from the right of way instead of the previous sidewalk easement.

Staff analysis: The City's traffic engineer, development engineer, and building reviewer have reviewed the proposed variance and concluded that they recommend approval of the variance without conditions. The granting of this variance will not be detrimental to public health or safety of the neighborhood within a radius of 1,000-feet. The granting of this variance will not be detrimental to public comfort, convenience, or general welfare because the variance does not change the view, inhibit pedestrians, or otherwise harm the established character of the neighborhood. The public will not perceive any changes to the character of the improvements in the vicinity.

PMC 20.85.010(3): That such variance is necessary, because of special circumstances relating to the size, shape, topography, unusual natural features, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity within a radius of 1,000 feet and/or contiguous zone in which the subject property is located. Such circumstances shall not be the result of some action caused by the applicant and/or previous property owners.

Applicant Response: The variance is being requested to obtain official city approval/authorization of the reduced setback as created by the dedication of right of way. The new right of way dedication was requested by the city to eliminate a public sidewalk easement. This condition was not created by the property owner.

Staff analysis: This variance is necessary due to special circumstances resulting from the city’s requested 8-foot right-of-way dedication that occurred after site construction completion of the Huntington Apartments. The front yard building encroachment was not a result of some action caused by the applicant, since the structural setbacks were reviewed and approved under multiple permits and is the result of the city’s request for the right-of-way dedication to the City. This variance will correct this special circumstance, but all future development on the site will continue to be subject to the 25-foot front yard setback per PMC 20.25.020(12).

STAFF CONCLUSIONS

Based on the results of the review presented in the preceding sections, staff proposes the following findings to the Hearing Examiner, required pursuant to Section 20.85.010 (Variances) of the Puyallup Municipal Code:

- The requested variances would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity;
- The proposal, as presented, is not anticipated or known to be a detriment to public health, safety, general welfare nor would the requested variances adversely impact the established character or the comfort/convenience enjoyed by the surrounding/abutting property owners of the neighborhood currently; and,
- There are special circumstances related to the location, surroundings, topography and unusual natural features on site that justify a need for relief from the code required minimum front yard setback.

STAFF RECOMMENDATIONS AND CONDITIONS

Based on the above analysis and recommendations and subject to the required findings pursuant to Section 20.85.010 of the Puyallup Municipal Code, staff recommends that the Hearing Examiner **APPROVE** variance request P-21-00157 with the following conditions.

1. This variance applies to the existing structures permitted under B-16-1020 and B-16-1021. All future on-site development or additional improvements will be subject to the 25-foot front yard setback per PMC 20.25.020(12).

Attachments:

“A” – Exhibit List