

RESOLUTION NO. 289

A RESOLUTION OF THE TOWN OF SOUTH PRAIRIE, PIERCE COUNTY, WASHINGTON,  
APPROVING THE VARIANCE APPLICATION FILED BY CLAUDE THOMAS.

WHEREAS, the Applicant, Claude Thomas, residing at 114 SW First Street, South Prairie, has applied for a variance permit to reduce the required side-yard setback from 8 feet to 3 feet to build a 24 by 24 foot garage on his property; and

WHEREAS, the Town Planner, Mart Kask, has considered the variance application, made the requisite findings, and recommended that it be approved; and

WHEREAS, the Town Council makes the following Findings of Fact and Conclusions of Law:

Findings of Fact

1. The Applicant filed a complete variance application on November 5, 2007 because constructing a 24 by 24 foot garage on the desired location would violate the setback requirements of §§ 17.04.010E(1) and 17.08.160A of the Unified Development Ordinance (UDO).
2. The site is occupied by a residential structure and a garage is a permitted accessory structure in the residential zone.
3. The effect of the variance will be to exempt Mr. Thomas from the eight-foot side yard setback required under the UDO, and allow him to construct a garage within three feet of this property line.
4. The Applicant wishes to construct the garage at the requested location in part to avoid constructing it over the top of a S.T.E.P. wastewater tank.
5. Notice of the variance application and public hearing was sent to the newspaper ten (10) days in advance of the public hearing.
6. Property owners within 300 feet of the applicant's property have been notified in writing regarding the variance application and public hearing.
7. Signs have been posted, notifying the public of the proposed variance application and the scheduled public hearing.

Conclusions of Law

Pursuant to § 17.09.040 of the Unified Development Code, the Town Council finds that:

1. The variance does not constitute a grant of special privileges inconsistent with a 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,

2. The 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. 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.

Now, therefore, the Town Council of the Town of South Prairie does hereby resolve that the variance shall be granted.

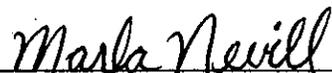
The Town Council's decision shall be final unless appealed pursuant to the Land Use Petition Act (LUPA), Chapter 36.70C RCW, within twenty-one days of the passage of this Resolution.

**PASSED IN REGULAR AND OPEN SESSION this 4<sup>th</sup> day of December 2007.**

  
 \_\_\_\_\_  
 Mayor Peggy Levesque

INTRODUCED 12-4-2007  
 PASSED 12-4-2007  
 APPROVED 12-4-2007  
 PUBLISHED 12-12-2007

ATTESTED:

  
 \_\_\_\_\_  
 Marla Nevill, Town Clerk/Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
 Kathleen Haggard, Town Attorney



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## Memorandum

TO: Mayor and Town Council  
Town of South Prairie

FROM: Mart Kask, AICP, PE, Town Planner **M.K.**  
Town of South Prairie

SUBJECT: Review of variance application by Claude Thomas  
Reduce side-yard requirement from 8 feet to 3 feet  
114 SW First Street, South Prairie

DATE: 19 November 2007

### **At Issue**

Claude Thomas, residing at 114 SW First Street, South Prairie, has applied for a variance permit to reduce the required side-yard setback from 8 feet to 3 feet to build a 24 by 24 foot garage on his above named property. Mr. Thomas states in his application that to set the garage back 8 feet from the side-yard line would place the garage partially on top of the existing STEP wastewater collection tank, located on the back side of his property as shown on the attached sketch.

### **Findings of Fact**

1. The lot upon which the variance is sought, 114 SW First Street, South Prairie, Assessor's lot number 2530200031, is zoned R – residential.
2. The site is occupied by a residential structure and a garage is a permitted accessory structure, provided it is properly set back from side and back yard lines, Section 17.04.010.E.1 South Prairie Unified Development Ordinance (UDO).
3. An accessory building that is located on a non-corner lot shall be set back eight (8) feet from the side and rear yard line, Section 17.08.160.A UDO.
4. On the site is a STEP wastewater collection tank, located about twenty seven (27) feet from the side-yard.

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5. The applicant proposes to build a twenty four by twenty four (24 X 24) foot garage on the back side of his property.
6. Adhering to the eight (8) foot side-yard setback requirement would place part of the garage on top of the STEP wastewater tank.
7. In lieu of moving the STEP wastewater tank, the applicant is requesting a variance to reduce the side-yard requirement from eight (8) feet to three (3) feet to allow the garage to be built without conflicting with the location of the STEP wastewater tank.
8. The applicant proposes to build the garage eight (8) feet inside from the back lot line.
9. The variance application is categorically exempt from SPA regulations, WAC 197-11-800(6)(b).
10. The site of the variance application is within the mapped critical are area of the Town of South Prairie. Specifically it lies within the area identified as seismic hazard area and partially in the aquifer recharge area.

## Conclusions

1. The application was filed on 5 November 2007 and a public hearing has been scheduled for 4 December 2007, meeting the required minimum of thirty (30) day advance notice, Section 17.09.040.A UDO.
2. The applicant has made an advance payment of \$500.00 toward the variance processing application fee.
3. The variance application is judged to be complete.
4. A public hearing on the variance has been scheduled for 4 December 2007, beginning at 7:30 P.M. at the Town Hall.
5. Filing a variance application and the scheduling of a public hearing has been sent to the newspaper meeting the ten (10) day advance notice requirement.
6. Notices to the property owners within 300 feet of the applicant's property informing them of the variance application and the public hearing have been mailed.

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7. Signs have been posted, notifying of the proposed variance application and the scheduled public hearing, have been posted.
8. The Town Planner concludes that the variance shall not constitute a grant of special privileges inconsistent with a limitation upon such uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located.
9. The Town Planner concludes that such variance is necessary, because of special circumstances relating to the size, shape, and location of 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.
10. The Town Planner concludes 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 situate.
11. Although the variance application site lies within the seismic hazard critical area and partially in the critical aquifer recharge area, a critical areas report is not required for the variance application due to the construction of an accessory building, a garage.

## **Recommendation**

That the variance requested by Claude Thomas, residing at 114 SW First Street, South Prairie, to reduce the required side-yard setback requirement from 8 feet to 3 feet to build a 24 by 24 foot garage on his above named property be granted.

## **Period of Validity**

Any variance authorized by the Town Council shall remain effective only for one (1) year, unless the use is begun within that time or construction has commenced. If not in use or construction has not commenced within one (1) year, the variance shall become invalid, Section 17.09.040.E UDO.

## **Appeal**

The decision of the Town Council shall be final and conclusive unless within ten (10) days from the date of action the original applicant or an adverse party files application

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to the county superior court for a writ of certiorari, writ of prohibition or writ of mandamus, Section 17.09.040.D.1 UDO.

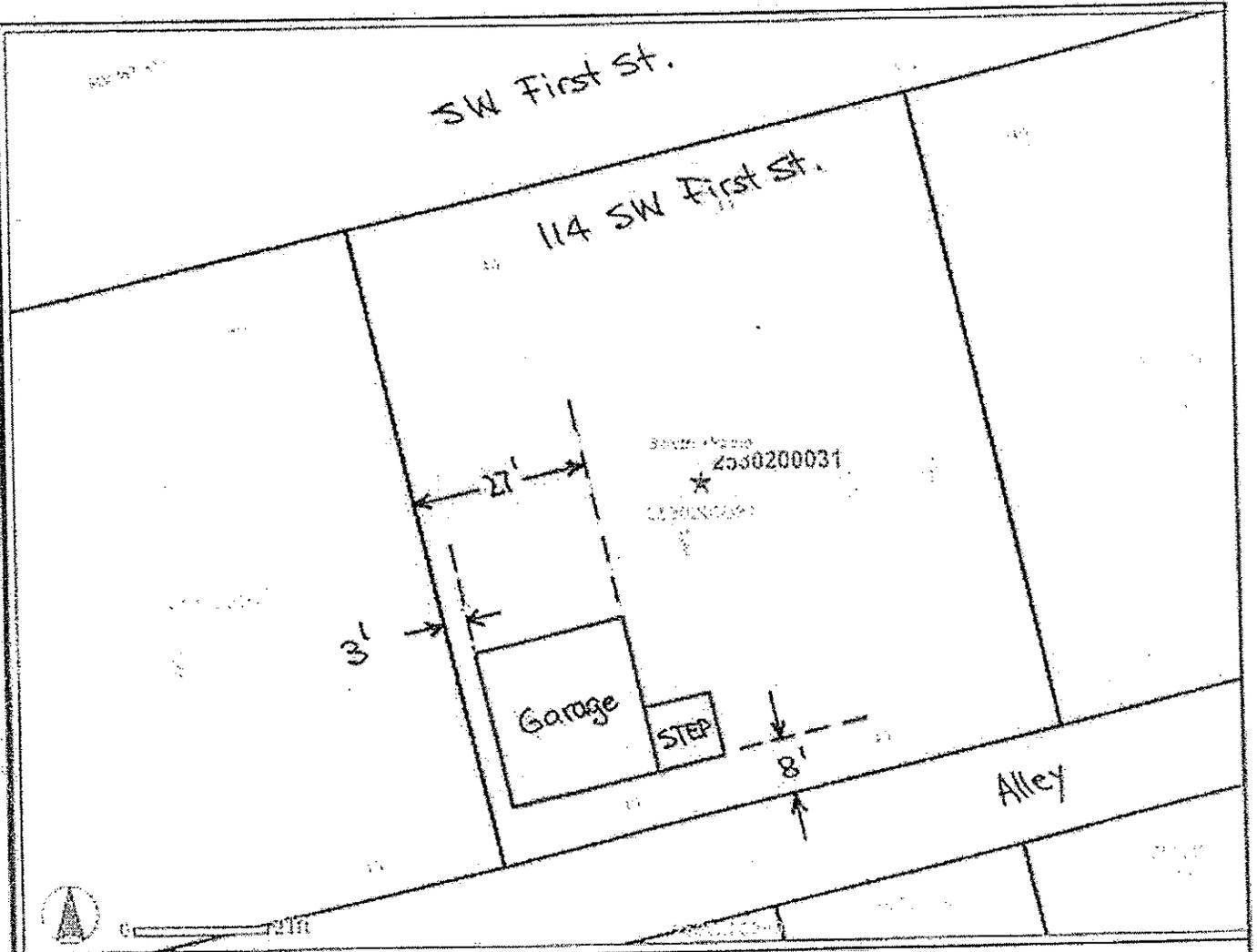
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**Taxpayer Details**

Taxpayer Name: THOMAS CLAUDE & JENNIFER  
Mailing Address: 114 1ST ST SW  
SOUTH PRAIRIE WA 98385

**Property Details**

Parcel Number: 2530200031  
Site Address: 114 SW 1ST ST  
Account Type: Real Property  
Category: Land and Improvements  
Use Code: 1101-SINGLE FAMILY DWELLING



For additional mapping options, visit Public GIS