	<p>Staff Report & Notice of Decision Holley Park – Type II Variance (File # 2021-005-VAR)</p>
---	---

<p>PROPOSAL:</p>	<p>The Applicant is requesting a variance to the minimum interior side yard setback and the maximum building lot coverage in the LDR-7.5 zone for Lot 12 in the Holley Park subdivision. The variance being requested is equal to or less than the ten percent (10%) of the interior side yard setback and more than ten percent (10%) of the maximum building lot coverage. Because the threshold of one variance would exceed ten percent (10%), the request is subject to a Type II review according to La Center Municipal Code (LCMC) 18.260.020(2).</p>
<p>LOCATION:</p>	<p>The Holley Park Subdivision – Lot 12. Parcel No. 986053966</p>
<p>APPLICANT:</p>	<p>Jarret Helmes, New Tradition Homes. 11815 NE 113th Street Suite 110 Vancouver, WA 98662, 360-448-4718. jarret.helmes@newtraditionhomes.com</p>
<p>ZONING:</p>	<p>Low Density Residential (LDR-7.5)</p>
<p>APPROVAL CRITERIA:</p>	<p>LCMC Title 18, Development Code: LCMC 18.30.030, Type II Procedures; 18.130, Low Density Residential Districts; 18.260, Variances.</p>
<p>Decision:</p>	<p>Approved subject to Conditions</p>
<p>Date Issued:</p>	<p>March 12, 2021</p>
<p>Appeal:</p>	<p>A party to this request may appeal the administrative decision, consistent with LCMC 18.30.130, within 14 days after issuance of the decision.</p>
<p>Reviewer:</p>	<p>Ethan Spoo, AICP, Consulting Planner, WSP USA, 210 East 13th Street, Suite 300, Vancouver, WA 98660, 360-823-6138, ethan.spoo@wsp.com Scott Bucklin, Consulting Planner, WSP USA, 851 SW 6th Avenue, Suite 1600 Portland, OR 97204, 503-417-1367, scott.bucklin@wsp.com</p>

Overview

New Tradition Homes is proposing to construct one single-family residence on Lot 12 within the approved Holley Park subdivision. The proposed home would be subject to a unique circumstance because the house will serve a person with mobility limitations. In order to provide a home with similar amenities to the two-story neighboring homes, the residence must be constructed with a one-level floorplan. As such, the applicant is proposing to adjust the minimum western side yard setback and the maximum building lot coverage in the LDR-7.5 zone to construct the home as follows:

- **LDR-7.5 minimum side yard setback standard:** 7.5 feet **Proposed:** 6.95 feet (7.9 percent)
- **LDR-7.5 maximum lot coverage standard:** 35 percent; 2,627 square feet. **Proposed:** 39.34 percent; 2,952 square feet (increase of 12 percent).

Review

The requested variance for the side yard setback is equal to or less than ten percent (10%) of the standard required in the LDR-7.5 zone and would typically be subject to a Type I review. However, the proposed lot coverage exceeds the maximum by more than ten percent (10%) and is therefore subject to a Type II review, according to LCMC 18.260.020(2). Because one variance exceeds ten percent (10%) more than the standard, the applicant is subject to one consolidated Type II review using the approval criteria shown in LCMC 18.260.040, italicized below. The City's findings for how the proposed variance meets the outlined standards is also provided below.

- (1) Unusual circumstances or conditions, such as size, shape, topography and location of an existing legal development on the site, apply to the property and/or the intended use such that the strict application of this title would deprive the owner of the subject property of rights and privileges enjoyed by owners of other properties in the vicinity in the same zone; and*
- (2) The granting of the 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 property is situated. [Ord. 2006-17 § 1, 2006.]*

Finding: The single-family home proposed on Lot 12 would be one-story to accommodate an occupant with mobility limitations. To build a home with comparable amenities to the neighboring properties, the single-story design increases the floor area and places the structure closer to the west side of the lot. Strict interpretation of the code would deprive the applicant of providing a home that meets unique demand for a person with mobility limitations. Therefore, the City finds that there are unusual circumstances that apply to the intended use.

The City finds there will be nothing materially detrimental to public welfare or injurious to property or improvements. The minor variance requested to the setback (approximately ½-foot) will not be noticeable to adjacent property owners or the future property owner. While increasing the building footprint by 12 percent would increase impervious surface on the site, the average impervious surface area for the 27 constructed homes in the subdivision would be

City of La Center, Washington

28.91 percent, which is less than the 35 percent lot coverage permitted by the municipal code. As such, the stormwater facility would be expected to function efficiently with the added impervious surface area.


Public Comments

The City received one public comment from Mr. and Ms. Wenhoeimer postdated March 7, 2021. The comment indicated they would defer all comments to the lot owners near Lot 12. The public comment was not substantive in nature and does not affect the decision. Therefore, there are no issues that would necessitate a City response. Please see the public comment included in Exhibit 2.

Conclusions

The review authority finds the applicant has sustained the burden of proving the application complies with the applicable provisions of the La Center Municipal Code. Therefore, the application for Type II Variance is hereby **APPROVED**, subject to the following conditions:

1. Unless expressly authorized by this decision, the decision and conditions of approval in the Final Order for File Nos. 2019-008-SUB/2019-017-SEPA (Holley Park Preliminary Plat) remain in full force and effect.
2. The variances granted by this decision only apply to Lot 12.
3. The minimum side yard setback of the west side of Lot 12 shall not be less than 6.95 feet.
4. The maximum building coverage of Lot 12 shall not exceed 39.34% of the gross lot area.

Signed:  Date: March 12, 2021
Ethan Spoo, AICP, Consulting City Planner

Appeal

A final decision regarding a Type II application may be appealed by the applicant or applicant's representative within 14 calendar days of this decision date or by March 26, 2021. Appeals shall contain all information specified in LCMC 18.30.130. The public record for this file is available at the City's Public Works Building, 305 NW Pacific Highway, La Center, Washington between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Please contact Sarah Dollar at 360- 263-7665 for further information.

For an appeal regarding a decision subject to a Type II process, the City Clerk shall send a copy of the appeal and the case file to the hearings examiner for their review, and a final decision will be made not more than 21 days from the date a complete appeal was timely filed. LCMC 18.030.130(4)(a).

Exhibits

1. Application Materials
2. Public comment letter