

**Town of Eatonville  
PLANNING COMMISSION MEETING  
Tuesday, February 21, 2017  
COMMUNITY CENTER  
305 CENTER STREET WEST**

**CALL TO ORDER**

**Chairman Lambert** called the meeting to order at 7:00 PM.

**ROLL CALL**

Present: **Commissioners Bertoia, Justice, Miller and Powell.**

**Commissioner Beach** resigned from the planning commission because he is moving from the area.

**STAFF PRESENT:** Abby Gribi and Scott Clark.

**OPENING CEREMONIES**

**Commissioner Powell** led the Pledge of Allegiance.

Election of Officers:

**Commissioner Justice** nominated Chris Lambert for Chairman. There were no further nominations. AIF.

**Chairman Lambert** nominated Judy Justice for co-chair. There were no further nominations. AIF.

**Commissioner Justice** nominated Martin Miller for Secretary. There were no further nominations. AIF.

**APPROVAL OF AGENDA**

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**APPROVAL OF MINUTES**

Motion by **Commissioner Bertoia** to approve the minutes of December 19, 2016. AIF.

**COMMUNICATIONS OR ANNOUNCEMENTS**

**Chairman Lambert** confirmed the resignation of Commissioner Philip Beach from the planning commission.

**PUBLIC HEARING**

**Variance request: Rodney & Linda Peters, 107 Cedar Ave S. – Variance request from side yard setbacks.**

**Scott Clark, Planner for the Town** – gave a brief summary of the request for a variance from the side yard setback in the Single Family- High Density zoning – SF-3. The wish to place storage shed on the southerly side property line. The request is for a “0” side yard setback. The location of this request is on Cedar Ave S. The applicants are Rodney and Linda Peters. Tax parcel is 6715000412. The staff report includes an area zoning map. The property surrounding their property is also zoned SF-3. Photos were included of the site and the general area. Section 4 includes regulations and procedures that are relative to the granting of and in consideration of granting variances. Sections 4 are some excerpts from the Comprehensive Plan. For reference.

The proposal was determined to be SEPA exempt. Mr. Clark explained that the applicant has submitted a number of issues in support of the variance request. First is that the Peters replaced a weathered temporary tarp structure with a permanent solution for the storage of their boat. The Peter's were unaware of the required setbacks. The Peter's selected this location for two reasons because the only other undeveloped area is located in their back yard which slopes such that there is not enough space available for placement of a storage shed that would be adequate for the storage of their boat which is what they want to use the shed for. The Peter's property is also subject to seasonal flooding events which inundate the rear yard and the existing garage that is in the rear and they have no reason to believe that any additional structures should they be erected back there would also be inundated by flood waters. Should the Board of Adjustment approve this project staff offers the following for consideration: and that is as currently configured it appears the building roof design includes a small roof eve that would shed rain water on to the neighboring property which is not allowed.. As such, staff would recommend the installation of a rain gutter be minimally installed on the side of the building that is to the neighbor which is the area of the reduced setback. Second, since the building is currently placed at the property line with a zero setback, in order to insure that no portion of the building, the roof eve or the required gutter be located over the neighbor's property the storage shed will need to be moved. As such, staff believes a reasonable compromise would be to require that the shed be moved a minimum of one foot to the northeast towards the Peter's home to accommodate the eve overhang and rain gutter. That should leave a twelve foot driveway between the housed and the storage shed for access to the rear garage. Currently it is thirteen feet. Section 8 is Draft Finding and Facts. For your decision beginning with #8, there three findings that are elective depending on which direction the Board should choose to go. Mr. Lambert pointed out earlier that # 8 the text is a little bit flawed, the will not should have been underlined and bold and the will should just be italic just for ease of understanding. # 9 is the Draft Board decision and # 10 is Draft Conditionals of Approval.

**Mr. Clark** asked if there were any questions from the Board and added the Mrs. Peters was also present and would like to speak as well.

**Chairman Lambert** explained that this was a formal Board of Adjustment and proceeded to swear Linda Peters in as the applicant. He confirmed with the commissioners that there has been no exparte' for of contact with the applicant. Board Members Powell - No; Bertoia - None; Lambert - None; Justice - None and Miller - None. The Board has not been to the site.

**Mr. Miller** asked if the building is 16' 5" and when the move it another foot it will be 17' 5 inches. He asked if the neighbor is in support of the shed.

**Mr. Clark** said yes it would increase by 1 foot. and they are in support of the request.

**Linda Peters, 107 Cedar Ave S.,** - applicant of the variance for the "0" side setback for the shed. She is speaking in favor of the variance for which she is applying for. She explained that she received the packet and was not aware of the ...*not audible*. Said she is reading that it is approved.

**Chairman Lambert** explained that what she was reading was a tract, the staff recommendation. The process is to go through the public hearing, which is what we are doing this evening. Apparently no one else wishes to speak on it so it does not sound like it is too terribly controversial. He explained that she only need to tell the Board of Adjustment what it is she is trying to do. If any of the commissioners have any questions, then she can answer them at that time.

**Mrs. Peters** explained that they were trying to replace the storage unit that they had previously. There was never a problem with the previous tarp covered shed. The shed is to cover their boat because they have no other place to put it. It was brought to their attention that they were violating the setback. They are applying for the variance so that their structure may remain there. She asked about the "Draft Conditions of Approval". #1 the condition was the shed shall be no closer than 1 foot from the property line. #3. Pursuant to the 2015 IRC Building Code, the applicant shall provide proof from a qualified technical professional that required portions of the storage she meet or exceed the required one (1) hour fire rating requirement. After researching the code and talking to several sheet metal companies that use these materials we were unable to find why a shed that does not use electricity or have combustible materials would have to have this sort of fire rating.

**Mr. Clark** confirmed that the letter was provided by the Building Official, Tim Lincoln. Mr. Clark added that he also had the same question. Mr. Lincoln indicated to him that that was a requirement of the IRC Building Code. He did not provide him with a specific reference to it but that it was a requirement. He was a little surprised himself because it is a metal building but that was the Building Officials requirement based on the code.

**Martin Miller** said he could see the reason if the neighbor were also to put a shed 1 foot from the property line. There may be no combustibles today, but 50 years from now, who knows. He asked if there was an overhang on the roof.

**Mrs. Peters** confirmed that the shed is 8 inches from the property line at this time.

**Mr. Miller** asked if that was from a recent survey.

**Mrs. Peters** said it was based on a measuring tape. It was surveyed when we bought it.

**Mr. Miller** confirmed that the shed is replacing a canvas shed that rotted out and approximately the same size.

**Mrs. Peters** asked if they need to do the one hour even though there is no other building at this time. She asked if there was a way that it could be done at a later date.

**Abby Gribi, Town Administrator** said that there was no way that the town could come in at a later date and require them to make the south wall of the shed one hour rated wall assembly for fire rating.

**Mrs. Peters** said that as long as they own the property.

**Commissioner Miller** explained that that would apply to personal property like a trailer or the like.

**Mr. Peters** said he did not understand how their house and the other house, being there 50 years, they were both built in 1920.

**Mr. Clark** wanted to clarify that variances run with the property. Once approved that will pass to the next owner.

**Chairman Lambert** said that at the same time by all appearances this is a temporary structure. It is not on a foundation.

**Mr. Clark** said that the building code requires a permit for this structure.

**Chairman Lambert** asked if the Board of Adjustment could issue a "Conditional Variance" if the neighbor feels that the legal setback of 8 feet.... if the shed was to be moved or taken away...(not audible). He said he was just looking for a common sense solution.

**Mr. Clark** said he has never had that kind of a question before. He was not sure that that is possible.

**Chairman Lambert** added that you would not want that structure moved to close to the existing house. There is currently no issue of it being too close to it. It's a 14 gauge metal structure. He asked the owners if this is a pre-manufactured kit.

**Mr. Miller** confirmed that the neighbor that is 17 feet away has no problem with it.

**Mrs. Peters** confirmed that they do not.

**Commissioner Miller** said that the only thing that he could see that is an issue is if we grant you the variance then it is there and it goes with the property. The variance is there if you later chose to build a stick structure.

**Mr. Clark** confirmed that the variance runs with the property. Once grants, if later there is a need to put a replacement in be it stick or whatever, that is possible.

**Mrs. Peters** asked if there was a way to put in that if we were ever to sell our property that this shed would have to be removed first.

**Mr. Clark** said that if the applicant is willing to do that that could be a condition of approval if you choose.

**Commissioner Miller** added that this would seem to solve any of the ongoing issues. That shed could be there in a hundred years.

**Chairman Lambert** asked if a variance is a recorded document.

**Mr. Clark** said not with the county, it is not required. They do become part of the record and the title search. The town maintains that record.

**Commissioner Miller** said it is not much closer than the garage. And if the person in the property next door realizes all that....

**Chairman Lambert** asked for any further questions of the Peters. He confirmed that they had read the rest of the conditions of the variance and had no problem with those.

**Mrs. Peters** said yes they read them. They have no problem with the gutters, the drainage, She was hoping that they could get away with the extra 4 inches....(not audible). Other than that anything else they would be able to complete.

**Chairman Lambert** closed the public hearing at 7:31 p.m. There were no further comments or questions.

**Mr. Clark** said that with regard to questions to the Building Officials requirement for fire proofing or to just provide certification that is not a matter that the Board of Adjustment can waive. That is a requirement of the Building Official. His understanding is that they could hire an engineer. Maybe Mr. Lincoln could give more detail on that but he thinks it may be a simple as a letter.

**Commissioner Bertoia** confirmed that the Board of Adjustment is only concerned with the south wall of the shed.

**Chairman Lambert** asked if Mr. Lincoln would have further issues with the runoff.

**Mr. Clark** said that the natural water movement would not be toward the neighbor's property.

**Mr. Lambert** asked for a motion to approve the draft Findings of Fact in item # 8.

**Commissioner Miller** motion that (8) the request for variance *will 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;

(9) 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 the use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

(10) 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. **AIF.**

**Chairman Lambert** explained that after conducting the required public hearing and carefully considering the entire record, including but not limited to the Planning Department file, the recommendations and comments of Planning Staff, the presentation and comments of the Applicant and the public, by a vote of 5 in favor and 0 apposed, the Board of Adjustment hereby adopts the Planning Staff Analysis, Recommendations and Findings of Fact contained herein and as noted above, and hereby **APPROVES** the Peters variance request subject to the following conditions of approval:

**DRAFT CONDITIONS OF APPROVAL:**

1. The southwest wall of the storage building (the reduced Side Yard) shall be no closer than 1' from the property line; the roof eve (*as currently designed*) and rain gutter may extend closer to the property line than the southwest wall, but no portion of which shall be on or extend over the property line.

**Chairman Lambert** asked if the Board of Adjustment wanted to look at changing the 1 foot to 8 inches.

**Commissioner Miller** asked if this was something that the Building Official would be involved in.

**Mr. Clark** explained that he will. The staff is not opposed to a change if that is what the Board would like to do. It will be critical that the property line is located and identified so that it can be verified that it is not overhanging on the neighbor's property. Mr. Clark felt that a foot would ease the issue if it was closer. Adding that with the eve and the gutter it is going to be tight.

**Mr. Miller** said that was why he asked that question with adverse possession in this state as it is we don't want to set somebody up in the future to have to go through that nightmare. As long as we are absolutely positive there is no trespass, aerial trespass, any kind of trespass on that neighbor's property, an inch is as good as a mile in surveying. If it can be proven without a doubt either by survey or by some method, finding the hubs and string a string to make absolutely certain of the property lines he would not have a problem with the 4 inch variance.

2. The Applicant shall minimally install a rain gutter along the southwest side of the storage building (*the area of reduced setback*) in order to control rood runoff from the shed on their own property. The building, the roof eve and said rain gutter shall all be located within the bounds of the Applicants property; no portion of the building eve, or the rain gutter shall be on or overhang the neighbor's property.

**Chairman Lambert** said he thought the Board members all agreed with #2.

3. Pursuant to the 2015 IRC Building Code, the Applicant shall provide proof from a qualified technical professional that required portions of the storage shed meet or exceed the required one (1) hour fire rating requirement.

**Chairman Lambert** said that #3 is pretty much non-negotiable.

**Mr. Clark** explained that #3 is a requirement.

**Chairman Lambert** asked for any further discussion of the Draft Conditions of Approval.

4. The variance authorized herein shall remain effective for one year, provided all conditions have been complied with herein, and construction (minimally including the installation of the gutter system and front access door) of the shed has been completed within on (1) year. If the conditions have not been complied with and/or construction has not been completed within one year, the variance shall become invalid. "Completion" shall be determined by the Town of Eatonville Building Official with an approved Final Inspection.

**Commissioner Miller** made a motion to accept 8 inches verses 1 foot and this must be verified.

**Commissioner Bertoia** seconded the motion.

**Mr. Clark** suggested that this condition not have a number in it. That the property owners provide adequate verification to the Building Official that none of these features, the building, the eve and the gutter will encroach on or over the neighboring property.

**Chairman Lambert** confirmed that Commissioner Miller wanted the motion to read as follows;

The southwest wall of the storage building, eve and roof gutter shall not extend over the property line;

**Commissioner Miller** confirmed that his motion is to accept less than one foot as long as it does not trespass on the neighboring property.

**Commissioner Miller** made the motion to accept the Draft Conditions of Approval with the amendment by **Commissioner Miller**.

**Commissioner Justice** seconded the motion. AIF.

#### **Staff Comments:**

**Abby Gribi** explained that to date the planning commission has reviewed 8 sections of the Comprehensive Plan. We have 10 sections left. Kerri Murphy had sent out an email to the commissioners asking if you would be available for additional meetings. We need to get through this if there is any hope for getting any funding in the next funding cycle. If there are dates that you are available get them to her. Scott will be getting out additional sections for review. If you have questions before hand please let Abby, Scott or Kerri know so that we can get them addressed. As long as at least 3 people can be there we will have a quorum.

**Commissioner Miller** said there should only be 3 or 4 more meetings.

**Mr. Clark** said that we can meet at alternative times and at alternative locations. He has no problem with that. If that is possible for the group, he knows that a lot of the commissioners work but if it is possible he will make it work. This is only a drafting stage and these are only meetings. Once we get to the public hearing forum we will want to revert back to evening to make sure public can attend.

**Commissioner Miller** suggested all 10 sections at once to go through them as rapidly as possible.

**Abby Gribi** added that the Rim Rock proposal is going through the process in Pierce County. There are going to be 2 public hearings. Tentatively set for the 19<sup>th</sup> and the 20<sup>th</sup> of April. The 19<sup>th</sup> will be at the Annex and on the 20<sup>th</sup> will be an evening meeting in Eatonville. She is asking that everyone attend. This is Randles proposal to open a second quarry at the Rim Rock. Trucks will come in and out at Washington Ave N and Lynch Creek Road past the elementary school. There is a lot of vehicle traffic and pedestrian traffic on Lynch Creek Rd.

**Commissioner Miller** asked if there are any other routes that can be used to haul on.

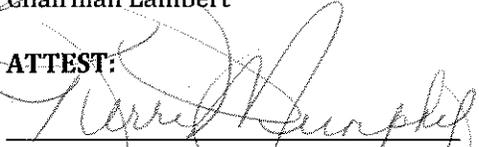
**Commissioner Powell** said that there is a 5 acre piece that Ms. Kilburn owns but she will not sell to them.

**Chairman Lambert** closed the meeting at 7:57 p.m.

  
Chairman Lambert

  
Marty Miller – Secretary

**ATTEST:**

  
Kerri Murphy, Recording Secretary

PC Mtg 02/21/17 Minutes