

CITY OF GIG HARBOR
RESOLUTION NO. 371

Whereas, Mr. Wade Perrow had requested an administrative variance for a reduced front yard setback at 9119 North Harborview Drive (VAR 92-08); and

Whereas, the Planning Staff denied the administrative variance based upon findings that the request was not based upon site specific hardships as required by section 17.66 of the Gig Harbor Zoning Code; and

Whereas, the Staff's decision was appealed to the Hearing Examiner, who ultimately denied the variance, also finding that the requested variance was not based upon site specific hardships as stated in the Hearing Examiner's Findings and Conclusions of December 8, 1992; and

Whereas, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of appeals of decisions of the Hearing Examiner; and

Whereas, the applicant has filed a timely appeal in a letter to the City Council dated December 14, 1992; and

Whereas, the Gig Harbor City Council has reviewed the record of the Staff determination, the appeal to the Hearing Examiner, the record of the Hearing Examiner's initial and final decision, the appeal filed by the applicant and the applicant's presentation at its regular session of January 11, 1993; and

Whereas, the City Council disagrees with the determinations and findings of the City's Staff and Hearing Examiner (as stated in his final determination); and

Whereas, the City Council has determined that the requested two foot encroachment is of minor consequence and meets the criteria for a variance; and

Whereas, the City Council further finds as follows:

1. The proposed variance will not amount to a rezone nor authorize any use not allowed in the district;
2. That special conditions and circumstances exist which are peculiar to the land, in particular the 9,645 square foot buildable area and the limited 85 foot depth of the buildable area combined with the inability to build over the water, which are not applicable to other parcels in the same district and that literal interpretation of the provisions of this title would deprive the property owner of rights commonly enjoyed by other properties similarly

situated in the same district under the terms of the City's code;

3. That the special conditions and circumstance are not a result from the actions of the applicant but are attributable to the property's topography and location;

4. That granting of the variance requested will not confer a special privilege that is denied other lands in the same district as there are several parcels with non-conforming garages built near the front property line;

5. That the granting of the variance is not 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;


6. The variance is the minimum variance that will make possible the reasonable use of the land;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gig Harbor, Washington, that the requested variance for a two foot encroachment at 9119 North Harborview Drive is hereby approved subject to the condition that the applicant record with Pierce County a deed restriction on the property which prohibits fences or shrubbery along the side property lines extending from the front of the garage up to the road right-of-way. The applicant shall present evidence of the recorded deed restriction to the City's Planning Department prior to issuance of certificate of occupancy.

PASSED this 25th day of January, 1993.


GRETCHEN A. WILBERT, MAYOR

ATTEST:


Mark E. Hoppen
City Administrator

Filed with City Clerk: 1/19/93
Passed by City Council: 1/25/93