

CITY OF GIG HARBOR
RESOLUTION No. 320

WHEREAS, Patty and Gerry Bennatts, have requested approval for a variance to encroach twenty-five feet (25) within the front yard setback and six (6) feet within the side yard setback, on property located at 3404 Ross Avenue; and,

WHEREAS, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of variances and other land use issues; and,

WHEREAS, the Planning Department for the City of Gig Harbor has recommended approval of the variance request, in a staff report dated May 17, 1991; and,

WHEREAS, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on June 19, 1991 to accept public comment on; and,

WHEREAS, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has denied the variance request in his report dated July 5, 1991,

WHEREAS, the applicant has requested an appeal of the Hearing Examiner's decision rendered July 5, 1991,


NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and decision of the Hearing Examiner in his report dated July 5, 1991 is hereby rejected and the variance is approved based upon the following findings:


1. The use is permitted in an R-1 district and does not amount to a rezone.

2. The applicant has demonstrated that there are special circumstances applicable to the parcel size. The subject variance proposal is to be located on a legal non-conforming lot which is only 6000 square feet. Current zoning code standards require that lots be a minimum of 12,000 square feet in an R-1 district. This is not a result of any actions from the applicant.
3. In the immediate vicinity of the subject variance, several properties encroach within the front yard setback with garages. The granting of the variance request would not be a grant of special privilege given the limitations imposed on other properties in the vicinity.
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.

PASSED this 22nd day of July, 1991.


Gretchen A. Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with City Clerk: 7/19/91
Passed by City Council: 7/22/91