

**Bauman Residence
5928 77th Ave SE****Setback Deviation****Criteria Compliance Narrative****2a No use deviation shall be allowed:**

The allowed use on the site is single family residential. The proposed use is single family residential so no use deviation is requested.

2b The granting of the deviation 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:

The deviation will allow for a single family home which will have no detrimental effect on the public welfare or the improvements within the vicinity and zone. The resulting development will be a modest single family home within a neighborhood of like structures. The requested front yard setback occurs on a city right-of-way that serves no other homes and is not fronted by any other homes. The requested 10 foot front yard setback is an improvement over the existing home which is setback five feet from the front property line. The proposed home will enhance the surrounding property values by matching the average size and quality of homes in the surrounding neighborhood.

Please refer to **Appendix B** – View Down City Right of Way

2c The granting of the deviation will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property:

The proposed home and location will match the character and quality of the surrounding homes. The requested front yard setback occurs on a city right-of-way that serves no other homes and is not fronted by any other homes. The requested 10 foot front yard setback is an improvement over the existing home which is setback five feet from the front property line. The proposed home location will have no effect of the use or development of adjacent properties.

2d The deviation is consistent with the policies and provisions of the comprehensive plan and the development code:

The requested deviation will be an improvement over the location of the existing home which is only 5 feet from the front property line. Additionally, a large existing shed located within the front yard and side yard setback in the SE corner of the property will be removed. The proposed location of the home will be 10 feet from the front property line which is in conformance with the comprehensive plan and development code. The setback deviation will also increase the distance of the home from the critical areas which is in conformance with the comprehensive plan and development code.

2e The basis for requesting the deviation is not the direct result of a past action by the current or prior property owner:

The request for the deviation is solely based upon the increasing width of critical area setbacks and buffers over the past 25 years. In the year 2000 the entire proposed development would have been outside of the watercourse and wetland setbacks. No past action by the current or prior property owner has any impact on the request for the deviation.

2f The setback deviation is associated with the approval of development of a single lot or subdivision that is constrained by critical areas or critical area buffers:

The site is a single family lot which is constrained by three critical areas, a wetlands setback and buffer from an off-site wetlands area, a watercourse buffer and setback from an off-site open watercourse, and a storm drain/piped watercourse and attendant setback that bisects the property in the east-west direction. The 15,150 square foot site is very unusual in being 90% covered by critical areas and the buildable area is covered 100%.

2g The building pad resulting from the proposed deviation will result in less impact to critical areas or critical area buffers:

The resulting building pad will be located further away from location of critical areas – please refer to the Site Plan sheet A1.0. Additionally, a large mitigation area is proposed to offset any impact to critical areas. The standard mitigation area is 100% of the increased square footage. The new proposal will include 2,937 square feet of mitigation area which is over 200% of the increased square footage. The mitigation area will include a restoration planting of NW native species. Within the mitigation area non-natives will be removed and new plantings of NW native woody vegetation will be installed. A certified biologist will provide the mitigation plan. All mitigation codes will be adhered to and the monitoring procedures will be followed. The mitigation area is carefully configured to create a minimum 10 foot buffer from the property lines adjacent to the wetland and watercourse. The mitigation area will also cover the steep slope area on the property. Please refer to Sheet A1.0 Site Plan

2h Yard setbacks shall not be reduced below the following minimums:

- i. Front and rear setbacks may not be reduced to less than ten feet each;**
- ii. Side setbacks may not be reduced to less than five feet**

The proposed deviation request is for a 10 foot front yard setback. The side yard setbacks are code compliant with 16' on the west side and 9' on the east side. The rear yard will be greater than code minimum at 42'.



APPENDIX B

VIEW DOWN CITY RIGHT OF WAY.
EXISTING HOME IS ON LEFT HAND SIDE