

**HEARING EXAMINER
MEETING*VIRTUAL***

**January 29, 2024
10:00 a.m.**

AGENDA



"Where Dreams Can Soar"

The City of Bonney Lake's Mission is to protect the community's livable identity and scenic beauty through responsible growth planning and by providing accountable, accessible and efficient local government services.

www.ci.bonney-lake.wa.us

Location: Virtually.

The public is invited to attend Hearing Examiner Meetings via conference call or over the internet. The information for attending is provided below.

Hearing Examiner Meetings attendance options:

By internet: Chrome- [Click here to join the meeting](#)

Hearing Time: 10:00am

I. Public Hearing for Cherny Variance

- City ID Number: PLN-2023-02870
- Responsible Staff member: Mettie Brasel
- Applicant: Elena Buzunov
- Tax Parcel Number: 9256010050
- Address: 7704 194th Ave E, Bonney Lake, WA 98391
- Request: Approval of a variance to allow a reduction in pan handle width to short plat the property into two lot.

II. Adjournment

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Staff Report

PLANNING AND BUILDING DIVISION
PUBLIC SERVICES DEPARTMENT

GENERAL INFORMATION:

Date: January 9, 2024

Project: Cherny Variance

File Number: PLN-2023-02870

Request: Approval of a variance to allow a reduction in pan handle width to short plat the property into two lot.

Applicant: Elena Buzunov

Owner: Andrew Cherny

Project Address: 7704 194th Avenue East, Bonney Lake, WA. 98391

Tax Parcel: 9256010050

Prepared By: Mettie Brasel, Associate Planner

PROJECT OVERVIEW:

The applicant has submitted a variance application to either reduce the required panhandle access width, side yard setback adjacent to the proposed panhandle access, or both. Option A maintains the required twenty (20) foot drive aisle and reduces the side lot setback to one-and-a-half feet (1.5)¹. Option B reduces the drive aisle to sixteen-and-a-half feet (16.5) and maintains the required five (5) foot side yard setback². Option C reduces the drive aisle to eighteen (18) feet and the reduces the side yard setback to three-and-a-half (3.5) feet³. Approval of one of the options through the variance process is required to support a future preliminary short plat application.

¹ Please refer to Site Plan: Option A for further detail (Attachment 1).

² Please refer to Site Plan: Option B for further detail (Attachment 2).

³ Please refer to Site Plan: Option C for further detail (Attachment 3).

BACKGROUND

A. *Site Characteristics:*

The site contains an existing single-family residence with a driveway. The lot slopes gently to the east and is predominantly natural vegetation of trees and grass.

B. *Access:*

The site is accessed on the west side of the property from 194th Avenue East.

C. *Zoning and Comprehensive Plan Designations:*

The project is within the R-2 zoning classification. The project is designated as Moderate Density Residential (MDR) in the Future Land Use Map adopted by *Bonney Lake 2035*, which serves as the City's comprehensive plan.

D. *Surrounding Properties:*

Below is a table showing the zoning and land use designation of the surrounding properties.

Direction	Land Use Designation	Zoning	Existing Use
North	Residential	R2	Residential
South	Residential	R2	Residential
West	Residential	R2	Residential
East	Residential	R2	Residential

E. *Environmental Review:*

1. *SEPA:*

The proposed short plat is categorically exempt from review under the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800(6)(e).

2. *Shoreline:*

The proposed site is not located within an area regulated by the Shoreline Code (Title 16 –

Article III BLMC).⁴

3. Critical Areas:

BLMC 16.24.020.C states all of the City of Bonney Lake is within the one-, five-, or ten-year time of travel of a Class A and Class B water purveyor, which is considered an Aquifer and Wellhead Protection Area. Therefore, the project is subject to the requirements of Chapter 16.24 BLMC as discussed in Section C.2 of this report.

There are no other critical areas on the site or within three hundred feet of the property that would affect the feasibility of the preliminary short plat or the variance.

F. Processing Background:

The application was received on August 04, 2023, and was declared complete on September 04, 2023. The mandatory fifteen (15) day comment period was provided from September 21, 2023, to October 06, 2023.⁵ The City received no comments within the comment review period.

The Notice of a Public Hearing was sent January 10, 2024, which is 19 days prior to the date of the hearing pursuant to BLMC 14.50.020.⁶ The mandatory fifteen (15) day comment period was provided from January 10, 2024, to January 25, 2024.⁷ At the time of this report, no comments have been received.

As of the date of the Hearing Examiner Hearing, the project has been under review for 174 days.

ANALYSIS:

A. Site Plan Option Analysis

Below is the staff review on the compliance of the applicant's three (3) options. Staff have reviewed the below options for compliance with BLMC 17.50.020.F and BLMC 18.16.050.D, which are the sections of code the project would require the variance.

⁴ Areas subject to the Shoreline Code are all properties within 200 feet of Lake Tapps and the portion of Fennel Creek below Victor Falls.

⁵ See City of Bonney Lake Notice of Application Mailing Affidavit (Attachment 4).

⁶ Per BLMC 14.50.020, Notice of any required public hearing shall be issued a minimum of 15 days, but no more than 30 days, prior to the public hearing.

⁷ See City of Bonney Lake Notice of a Public Hearing Mailing Affidavit (Attachment 5).

1. Site Plan Option A

Option A maintains the twenty (20) foot panhandle, while reducing the required setback to one-and-half (1.5) feet. This proposal would require the variance to reduce the side setback distance. The panhandle complies with all the requirements outlined in BLMC 17.50.020.F.8. The City of Bonney Lake Fire Inspector would require the property owner to remodel the existing structure to provide fire protection⁹ along the north and west walls due to the side setback reduction.

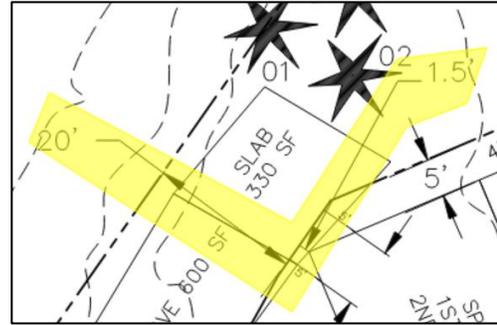


Figure 1 Width of the panhandle access and the side setback (highlighted).

2. Site Plan Option B

Option B reduces the width of the panhandle to sixteen-and-a-half (16.5) feet, maintaining the five (5) foot side setback required by BLMC 18.16.050.D. This proposal would require the variance to reduce the width of the panhandle only. Except for the width, the panhandle would comply with all other requirements outlined in BLMC 17.50.020.F. The City of Bonney Lake Fire Inspector has no concerns with the reduction of the panhandle width as the panhandle access would not need to serve as a fire access lane given that the distance from 194th Ave. E. to the rear of the lot is less than 300 feet and any proposed structure to be constructed on the rear lot will have a fire suppression system.

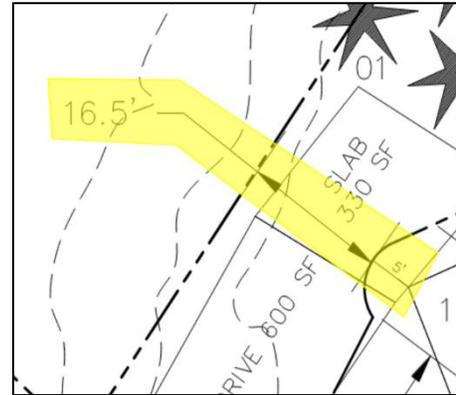


Figure 2 Width of the panhandle access and the side setback (highlighted).

3. Site Plan Option C

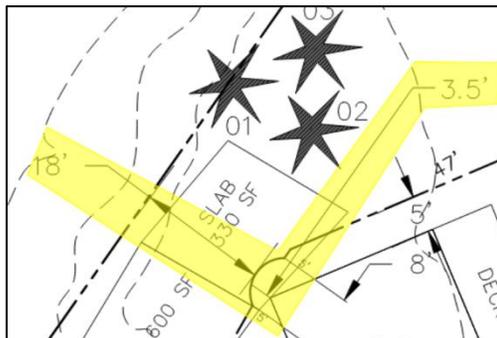


Figure 3 Width of the panhandle access and the side setback (highlighted).

Option C reduces the width of the panhandle to eighteen (18) feet and reduces the side setback to three-and-a-half (3.5) feet. This proposal would require the variance to reduce the width of the panhandle and the side setback. Except for the width, the panhandle would comply with all other requirements outlined in BLMC 17.50.020.F. The City of Bonney Lake Fire Inspector would require the property owner to remodel the existing

⁸ BLMC 17.50.020.F requires panhandles to have a minimum width of twenty (20) feet and a length no greater than one-hundred-and-fifty (150) feet in length; not share a common boundary with another panhandle access; and must serve only one lot.

⁹ Fire protection means fire rating the walls with two layers of 5/8 inch dry wall to the existing structure.

structure to provide fire protection¹⁰ along the north and west walls due to the side setback reduction and has no concerns with the reduction of the panhandle width for the justification as Option B above.

4. Site Plan Option Recommendation

Based on the above reviews of the three (3) site plan options, staff considers Site Plan Option B to be the best option for the allowance of a variance. Option B does not require extensive remodeling to occur to the existing structure, which will increase the costs to the property owner, and only deviates from one regulation rather than both regulations.

B. Variances (Chapter 14.110 BLMC)

In the section that follows, staff will provide the City's overview of the requirements of the BLMC related to the criteria for approval (in *bold italics*), and an explanation of how the standards and/or requirements are met, not met, or can be met with modifications to the Site Plan Option B, which the applicant has submitted.

1. BLMC 14.110.010.C.

Unless another section of the BLMC provides additional or separate criteria, a variance shall not be granted unless all the following criteria are met:

1. The variance is consistent with the purpose and intent of the relevant city ordinances and the comprehensive plan;

The proposed development of this property is consistent with the following policies in *Bonney Lake 2035*, which serves as the City's comprehensive plan:

Policy CD-4.1: *Planning and land use decisions should recognize residential neighborhoods as the basic "building blocks" of the community, ensure compatibility with existing detached homes, protect neighborhoods from incompatible uses, and maintain a range of residential zones corresponding to the prevailing neighborhood densities.*

Policy CD-9.2: *Use development regulations to direct growth, ensure sufficient opportunities for new development, improve Bonney Lake's quality of life, preserve existing neighborhoods, reduce nuisances, achieve compatibility between adjacent properties and uses, address land use conflicts, and protect the health and safety of residents, visitors, and workers.*

Policy CD-9.7: *Avoid the creation of "problem" parcels that are not practical to develop or provide with services. Work to eliminate or merge such parcels where they already*

¹⁰ Fire protection means fire rating the walls with two layers of 5/8 inch dry wall to the existing structure.

exist. A problem parcel is defined as:

- *Any parcel which, regardless of the minimum area or dimension requirements set forth in the Zoning Ordinance, is not practically developable because of its unusual dimensions, shape, or location relative to other parcels; or*
- *Any parcel which has other land use constraints, such as environmentally critical areas; or*
- *Any parcel with no street access or insufficient street frontage to provide access.*

Policy CD-9.11: Redevelop Bonney Lake’s under-developed or vacant sites in a manner that balances providing an array of housing, jobs, retail, recreational, and entertainment opportunities, with the need to respect the scale and form of surrounding properties and neighborhoods.

Policy CD-11.2: Build into the regulatory framework procedures for avoiding takings, such as variances or exemptions.

Bonney Lake 2035 and the City’s municipal code establish goals, policies, and regulations to guide development within the City. The variance is required to deviate from the requirements of BLMC 17.50.020.F, which requires a minimum twenty (20) foot width for panhandle access to develop a panhandle lot¹¹ through the short plat process. The project and panhandle access complies with all other regulations outlined in BLMC 17.50.020.F. The width and length of panhandles were decided upon to ensure that any structure created on a new lot would have adequate fire access. The Fire Inspector reviewed the proposal and determined that a fire truck will not need to obtain access from the driveway and will have adequate access from the street, 197th Ave. E. In addition, every new structure requires a fire suppression system, which provides another layer of fire safety to any structure constructed on the rear lot. The intent of the panhandle width for fire access and fire safety will continue to be met through alternative means.

2. The variance does not constitute a grant of special privilege which would be inconsistent with the permitted uses, or other properties in the vicinity and zone in which the subject property is located;

By granting the variance, the property owner will continue to have the same privilege as others in the City of Bonney Lake; the right to subdivide their property. This is a right utilized by other owners with the same size of property within the R-2 zoning classification. At the completion of the proposed short plat, there will be two residential lots; both of compatible size to the surrounding lots. The City considers the panhandle reduction the most straightforward way to allow the property owner the same right to

¹¹ BLMC 18.04.160 defines “Panhandle lot” as a lot which has direct access to a road via a panhandle access. A panhandle lot has two portions, the panhandle access, and a buildable portion. The buildable portion begins where the lot expands to meet the minimum lot width. Panhandle lots are also referred to as pipe stem lots or flag lots.

develop their land.

3. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, and such variance will provide use rights and privileges permitted to other properties in the vicinity, located in the same zone as the subject property and developed under the same land use regulations as the subject property requesting the variance;



Figure 4 Aerial of the proposed lot to show the unique shape and the narrowing of the northwest and south lot lines.

The existing structure was constructed in compliance with the requirements at the time. However, the tapered shape of the lot and the location of the structure minimizes the allowed space along the north side of the structure preventing the

adequate twenty-five (25) feet that the property owner would need to create an appropriate panhandle access while meeting the side yard requirements.

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 and zone in which the subject property is situated;

The property owner's proposal is cohesive with the surrounding uses of single-family residential uses and the reduced panhandle will not prevent fire safety to the new rear lot per the Fire Inspector's review. Granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.

5. Alternative development concepts in compliance with the existing code have been evaluated and undue hardship would result if such adherence to code provision is required;

The applicant provided three (3) options. In the Site Plan Option Analysis above, it was determined that Site Plan Option B is the option that is more in compliance with the code than the other options and will not require the applicant undue hardship by requiring remodeling of the existing structure for fire safety purposes.

6. The variance granted is the minimum necessary to accommodate the permitted uses

proposed by the application; and

This variance will require no changes to the physical conditions on the site. The City considers this the minimally intrusive solution to allow the property owner to use their property to the fullest.

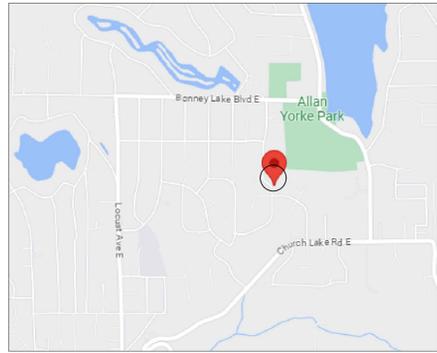
7. The basis for the variance request is not the result of deliberate actions of the applicant or property owner.

The plat that decided the lot lines was recorded in 1979 and the structure was constructed in 1981. The property owner purchased the property in April 2023. The basis for requiring the variance is not the result of any deliberate action of the property owner.

CONCLUSION

Based on the above analysis, City staff recommend approval of the variance for Option B, to reduce the width of the panhandle to sixteen-and-a-half (16.5) feet to maintain the five (5) foot side setback, provided that the following conditions of are imposed:

1. 194th Ave. E. shall be designated the fire access lane for both lots.
2. Any structure on the rear lot will require a fire suppression system.



PROPOSED CHERNY SHORT PLAT

7704 19TH AVE E, BONNEY LAKE
7/6/2023

ATTACHMENT 1

OPTION "A"

PARCEL: 9256010050

LEGAL DESCRIPTION: Section 28 Township 20
Range 05 Quarter 44
VILLA ESTATES AMENDED L 5 SUBJ TO
SANITARY SEWER EASE
OUT OF 925600-005-0 SEG M-3314
HB EMS (DCSOEMS11-3-80)

ZONING: MEMIUM-DENSITY
RESIDENTIAL (R-2)

PROPERTY AREA: 0.35 ACRES
(15,246 SQ FT)

LOT A: 4733 SF

IMPERVIOUS SURFACE: 2,165 SF (46%)
18.16.050 Setback and bulk regulations.
G. Maximum lot coverage by impervious
surfaces shall be 60 percent.

LOT B: 10,513 SF

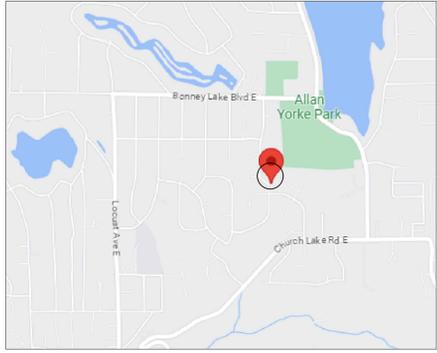
IMPERVIOUS SURFACE: 930 SF (9%)
18.16.050 Setback and bulk regulations.
G. Maximum lot coverage by impervious
surfaces shall be 60 percent.

TREE SURVEY		
TREE NUMBER	TREE TYPE	DIAMETER AT BREAST HEIGHT (DBH)
1	T. plicata	33"
2	T. plicata	32"
3	P. menziesii	36"
4	T. plicata	36"
5	P. menziesii	27"
6	T. plicata	33"
7	P. menziesii	27"
8	Unknown Deciduous	5"/6" double trunk
9	A. rubra	12"
10	A. rubra	9"
11	T. plicata	9"/5" double trunk
12	S. babylonica	8"



PROPOSED CHERNY SHORT PLAT

7704 19TH AVE E, BONNEY LAKE
7/6/2023



OPTION "A" ZOOM

PARCEL: 9256010050

LEGAL DESCRIPTION: Section 28 Township 20
Range 05 Quarter 44
VILLA ESTATES AMENDED L 5 SUBJ TO
SANITARY SEWER EASE
OUT OF 925600-005-0 SEG M-3314
HB EMS (DCSOEMS11-3-80)

ZONING: MEMIUM-DENSITY
RESIDENTIAL (R-2)

PROPERTY AREA: 0.35 ACRES
(15,246 SQ FT)

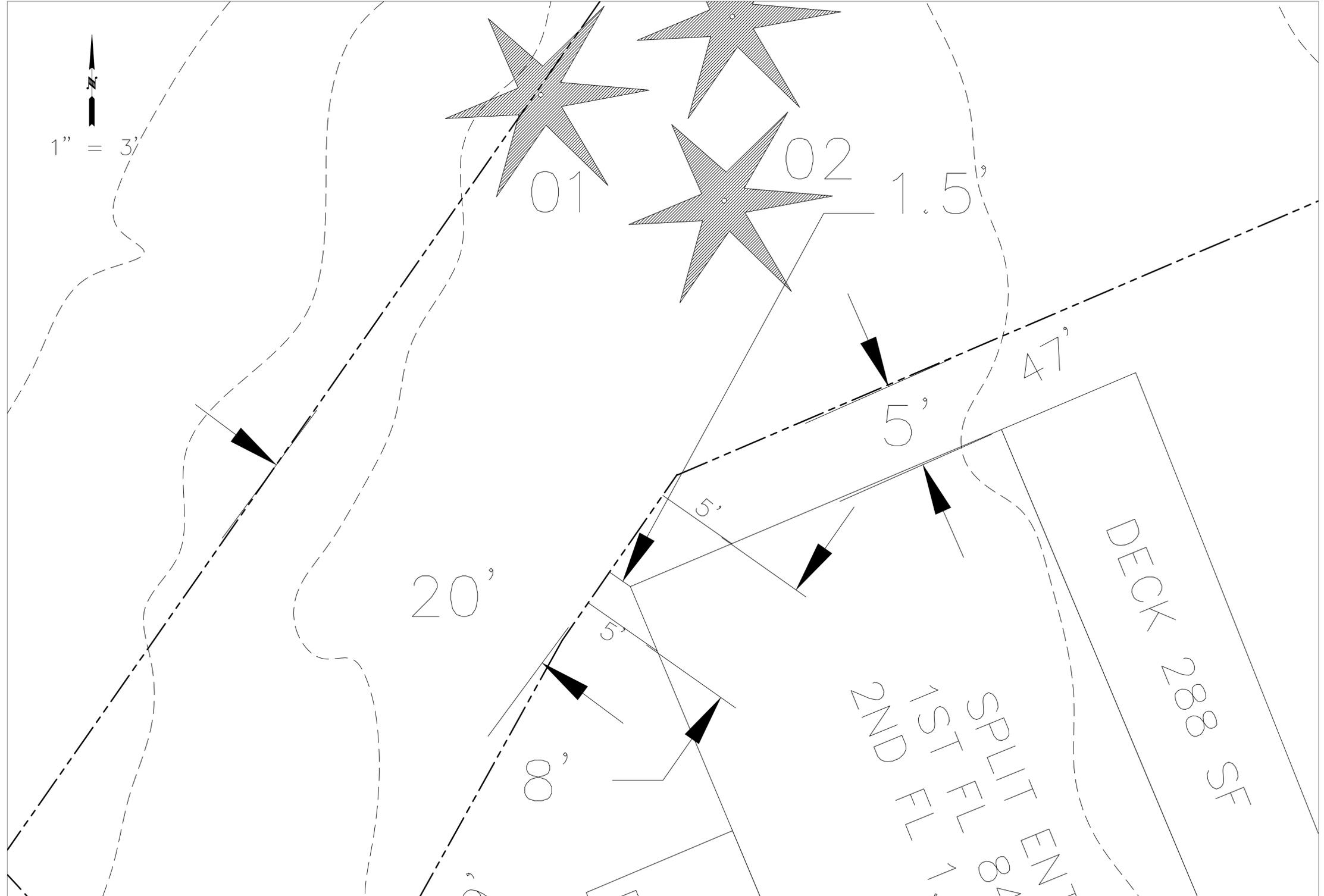
LOT A: 4733 SF

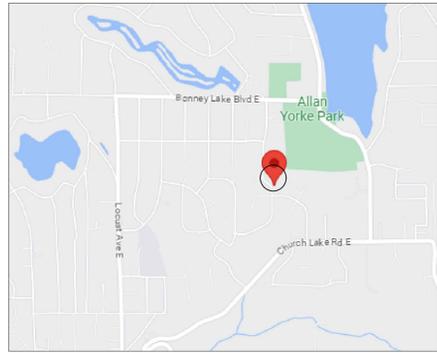
IMPERVIOUS SURFACE: 2,165 SF (46%)
18.16.050 Setback and bulk regulations.
G. Maximum lot coverage by impervious
surfaces shall be 60 percent.

LOT B: 10,513 SF

IMPERVIOUS SURFACE: 930 SF (9%)
18.16.050 Setback and bulk regulations.
G. Maximum lot coverage by impervious
surfaces shall be 60 percent.

TREE SURVEY		
TREE NUMBER	TREE TYPE	DIAMETER AT BREAST HEIGHT (DBH)
1	T. plicata	33"
2	T. plicata	32"
3	P. menziesii	36"
4	T. plicata	36"
5	P. menziesii	27"
6	T. plicata	33"
7	P. menziesii	27"
8	Unknown Deciduous	5"/6" double trunk
9	A. rubra	12"
10	A. rubra	9"
11	T. plicata	9"/5" double trunk
12	S. babylonica	8"





PROPOSED CHERNY SHORT PLAT

7704 19TH AVE E, BONNEY LAKE
7/6/2023

OPTION "B"

PARCEL: 9256010050

LEGAL DESCRIPTION: Section 28 Township 20
Range 05 Quarter 44
VILLA ESTATES AMENDED L 5 SUBJ TO
SANITARY SEWER EASE
OUT OF 925600-005-0 SEG M-3314
HB EMS (DCSOEMS11-3-80)

ZONING: MEMIUM-DENSITY
RESIDENTIAL (R-2)

PROPERTY AREA: 0.35 ACRES
(15,246 SQ FT)

LOT A: 4733 SF

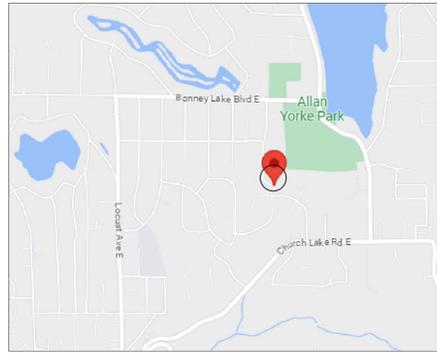
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G. Maximum lot coverage by impervious
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LOT B: 10,513 SF

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TREE SURVEY		
TREE NUMBER	TREE TYPE	DIAMETER AT BREAST HEIGHT (DBH)
1	T. plicata	33"
2	T. plicata	32"
3	P. menziesii	36"
4	T. plicata	36"
5	P. menziesii	27"
6	T. plicata	33"
7	P. menziesii	27"
8	Unknown Deciduous	5"/6" double trunk
9	A. rubra	12"
10	A. rubra	9"
11	T. plicata	9"/5" double trunk
12	S. babylonica	8"





PROPOSED CHERNY SHORT PLAT

7704 19TH AVE E, BONNEY LAKE
7/6/2023

ATTACHMENT 2

OPTION "B" ZOOM

PARCEL: 9256010050
 LEGAL DESCRIPTION: Section 28 Township 20
 Range 05 Quarter 44
 VILLA ESTATES AMENDED L 5 SUBJ TO
 SANITARY SEWER EASE
 OUT OF 925600-005-0 SEG M-3314
 HB EMS (DCSOEMS11-3-80)

ZONING: MEMIUM-DENSITY
 RESIDENTIAL (R-2)

PROPERTY AREA: 0.35 ACRES
 (15,246 SQ FT)

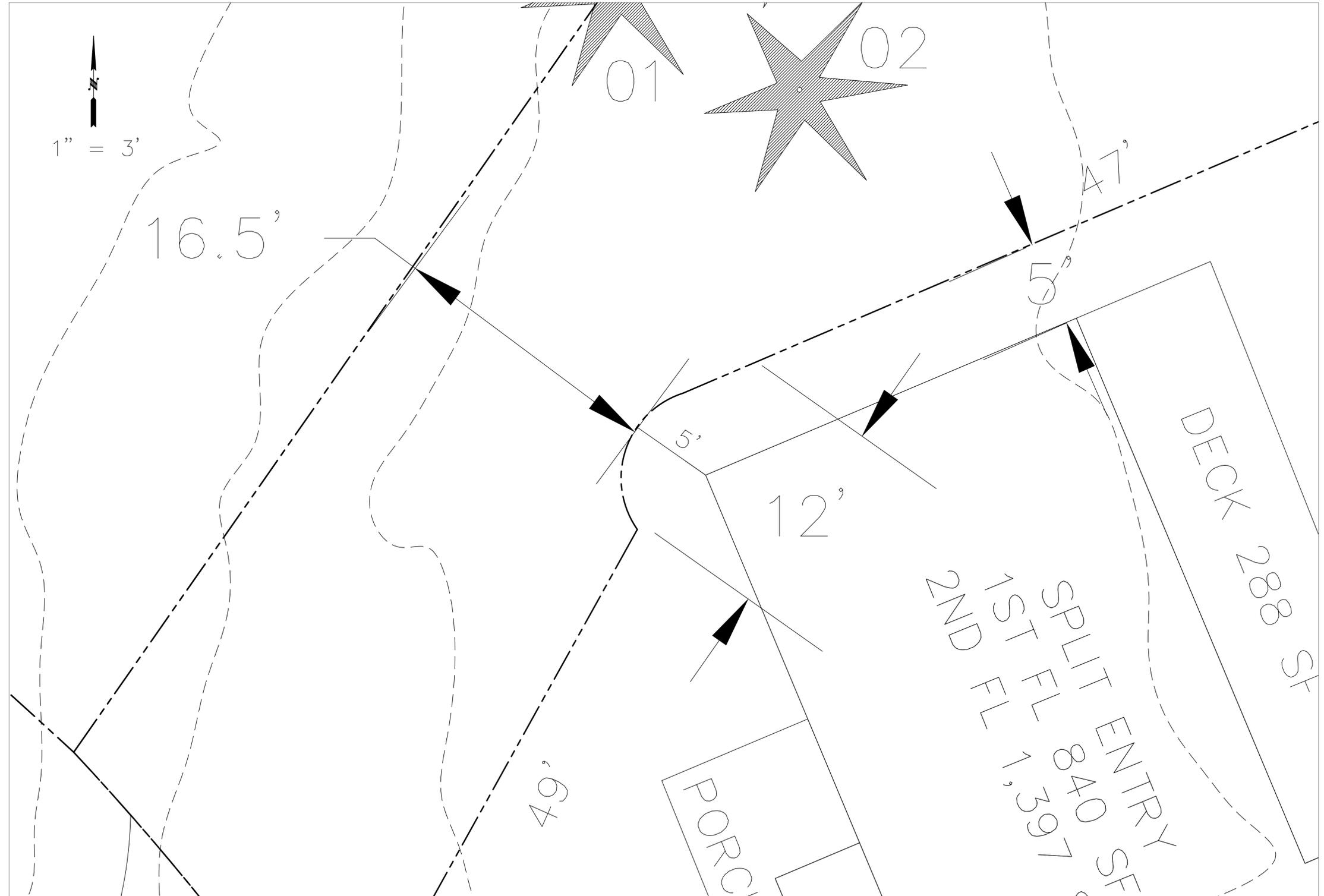
LOT A: 4733 SF

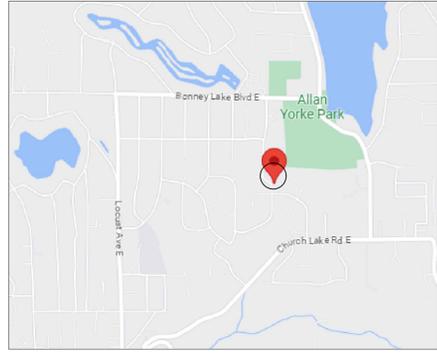
IMPERVIOUS SURFACE: 2,165 SF (46%)
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LOT B: 10,513 SF

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 G. Maximum lot coverage by impervious
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TREE NUMBER	TREE TYPE	DIAMETER AT BREAST HEIGHT (DBH)
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2	T. plicata	32"
3	P. menziesii	36"
4	T. plicata	36"
5	P. menziesii	27"
6	T. plicata	33"
7	P. menziesii	27"
8	Unknown Deciduous	5"/6" double trunk
9	A. rubra	12"
10	A. rubra	9"
11	T. plicata	9"/5" double trunk
12	S. babylonica	8"





PROPOSED CHERNY SHORT PLAT

7704 19TH AVE E, BONNEY LAKE
7/6/2023

OPTION "C"

PARCEL: 9256010050

LEGAL DESCRIPTION: Section 28 Township 20
Range 05 Quarter 44
VILLA ESTATES AMENDED L 5 SUBJ TO
SANITARY SEWER EASE
OUT OF 925600-005-0 SEG M-3314
HB EMS (DCSOEMS11-3-80)

ZONING: MEMIUM-DENSITY
RESIDENTIAL (R-2)

PROPERTY AREA: 0.35 ACRES
(15,246 SQ FT)

LOT A: 4733 SF

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LOT B: 10,513 SF

IMPERVIOUS SURFACE: 930 SF (9%)
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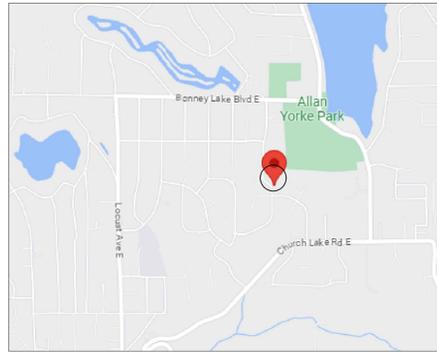
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4	T. plicata	36"
5	P. menziesii	27"
6	T. plicata	33"
7	P. menziesii	27"
8	Unknown Deciduous	5"/6" double trunk
9	A. rubra	12"
10	A. rubra	9"
11	T. plicata	9"/5" double trunk
12	S. babylonica	8"



PROPOSED CHERNY SHORT PLAT

7704 19TH AVE E, BONNEY LAKE
7/6/2023

OPTION "C" ZOOM



PARCEL: 9256010050

LEGAL DESCRIPTION: Section 28 Township 20
Range 05 Quarter 44
VILLA ESTATES AMENDED L 5 SUBJ TO
SANITARY SEWER EASE
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HB EMS (DCSOEMS11-3-80)

ZONING: MEMIUM-DENSITY
RESIDENTIAL (R-2)

PROPERTY AREA: 0.35 ACRES
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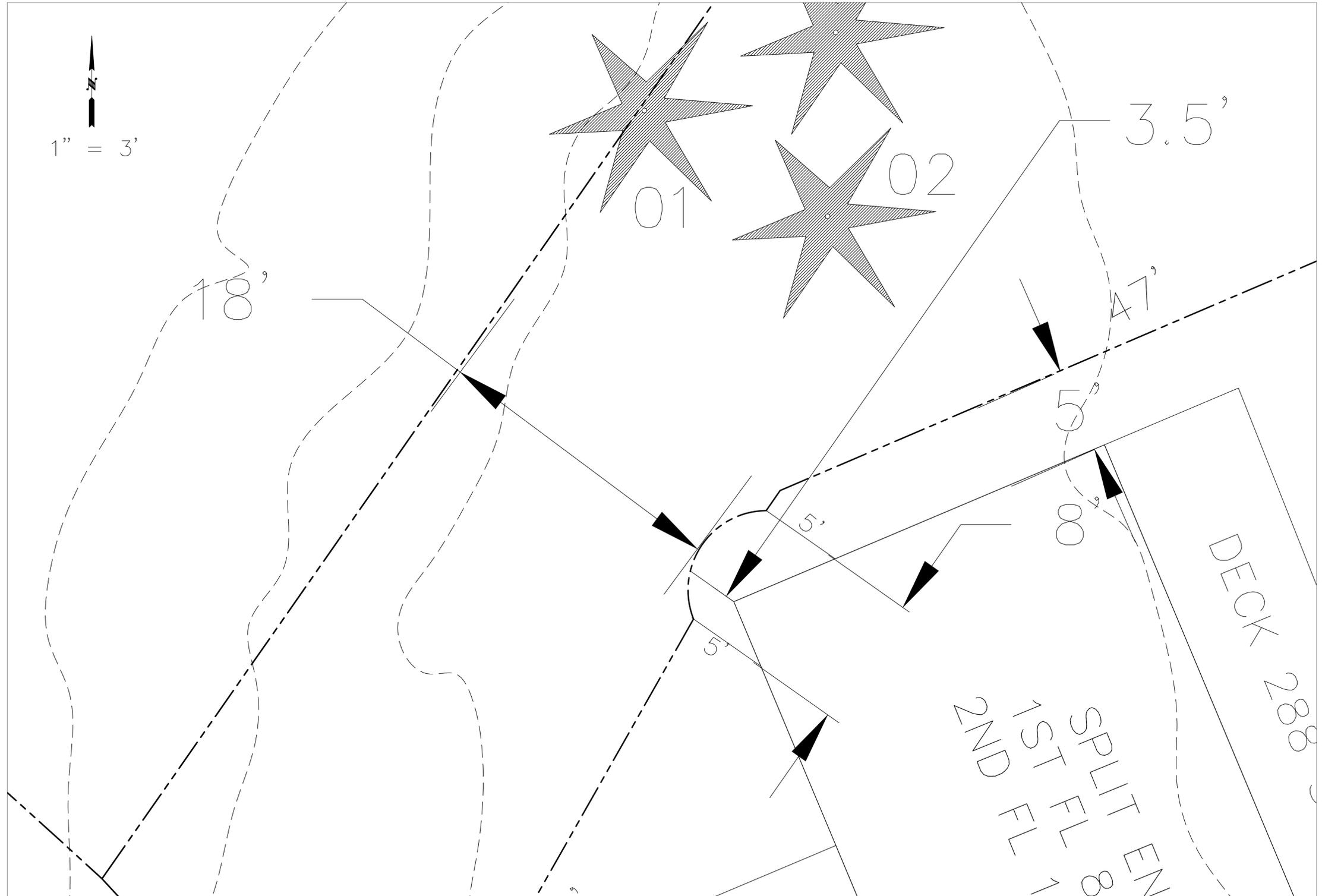
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LOT B: 10,513 SF

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7	P. menziesii	27"
8	Unknown Deciduous	5"/6" double trunk
9	A. rubra	12"
10	A. rubra	9"
11	T. plicata	9"/5" double trunk
12	S. babylonica	8"





AFFIDAVIT OF PUBLIC NOTICE

I, Mettie Brasel, first duly sworn, upon oath depose and say that on Thursday, September 21, 2023 I caused to be mailed, posted, electronically distributed, and/or otherwise properly publicly broadcast the attached Notice of Decision. Notices were mailed to the attached addresses and emailed to the recipients on the City's Planning Notification List.

A handwritten signature in blue ink, appearing to read "Mettie Brasel", is written over a horizontal line.

Mettie Brasel, Associate Planner

9/21/2023

Phone: (253) 447-4350

Email: braselm@cobl.us

City of Bonney Lake

21719 96th St E., Second Floor

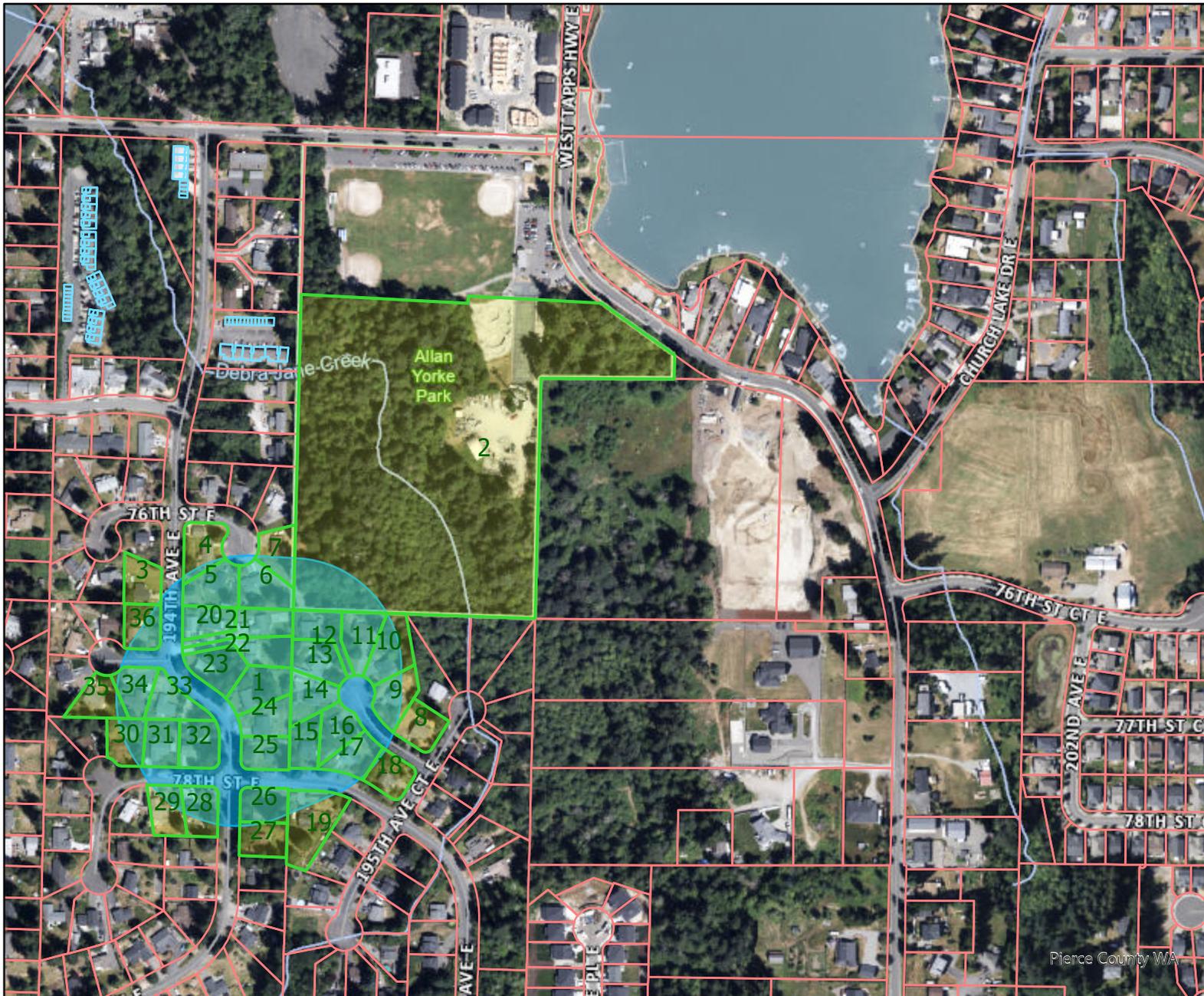
Buckley, WA. 98321



NOTICE OF LAND USE APPLICATION - SEPA EXEMPT

The public has the right to review the contents of the official file for the proposal, provide written comments, participate in the public hearings/meetings, and request a copy of the final decision. The most current application materials are available for public review by clicking on the application number(s) provided in this notice, or by requesting a link from the staff contact listed in this notice. Comments may be emailed to the staff contact identified in the notice, mailed to the attention of the staff contact to P.O. Box 7380, Bonney Lake, WA 98391, or delivered to the Public Services Department located at 9002 Main Street East, Suite 300, Bonney Lake, WA 98391. Comments will be accepted if filed with the Public Services Department on or before 5PM on 10/6/2023.

Application Submittal:	8/4/2023	Application Complete:	9/4/2023
Notice Date:	9/21/2023	Comment Due Date:	10/6/2023
Application Type:	Zoning Variance		
Project Description:	The project is requesting a setback variance from the future pan-handle to the existing structure.		
Project Name:	Cherny		
Name of Applicant(s):	Elena Buzunov	Site Address:	7704 194 th Ave E
Application Number(s):	PLN-2023-02870	Tax Parcel Number(s):	9256010050
Environmental Review:	NOTICE IS HEREBY GIVEN that the City has determined that the project described above is categorically exempt from review under the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800(6).		
Public Hearing:	The above application is classified as Type 3 Permit pursuant to BLMC 14.30.010 and requires a public hearing pursuant to BLMC 14.30.020. The City will provide a separate notice of the public hearing a minimum of fifteen (15) days prior to the hearing.		
Other Applications:	Preliminary Short Plat, Civil permits, Final Short Plat		
Staff Contact:	Mettie Brasel, (253) 477-4350, braselm@cobl.us		
Documentation Available:	Master Land Use Application, Project Narrative, Proposed Site Plans (Option A – C), Land Use Application		



Legend

Tax Parcels

- Base Parcel
- Condominium

0 95 190 380 Feet

The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. Orthophotos and other data may not align. The County assumes no liability for variations ascertained by actual survey. ALL DATA IS EXPRESSLY PROVIDED 'AS IS' AND 'WITH ALL FAULTS'. The County makes no warranty of fitness for a particular purpose.

1 9256010050 1101
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36 9256010500 1101
MAYS KYLE L & ANITA M
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BONNEY LAKE, WA 98391-7008

From: Mettie Brasel
Sent: Wednesday, September 20, 2023 2:30 PM
To: Amanda Powers-Hubbard
Cc: Debbie McDonald; Kandice Besaw; Kennedy Spietz
Subject: Notice of Applications
Attachments: [Notice of Application Form - Cherny - 20230913.pdf](#); [Notice of Application Form - Mountain View Marketplace - 20230913.pdf](#)

Hello,

Can you please post the two (2) attached Notice of Applications at the posting locations and on the website tomorrow 9/21/23?

Please let me know if you have any questions.

Thank you,

Mettie Brasel | Associate Planner | City of Bonney Lake

21719 96th Street E. | Floor 2 | Buckley, WA 98321

Phone: (253) 447-4350 | Fax: (253) 862-1116

<http://www.ci.bonney-lake.wa.us> | braselm@ci.bonney-lake.wa.us

Find us on [Facebook](#) and [Twitter](#), and at www.citybonneylake.org

 *Please consider the environment before printing this email.*

Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a government entity may be disclosable to third party requesters under the Public Records Act.





AFFIDAVIT OF PUBLIC NOTICE

I, Mettie Brasel, first duly sworn, upon oath depose and say that on Wednesday, January 10, 2024 I caused to be mailed, posted, electronically distributed, and/or otherwise properly publicly broadcast the attached Notice of Decision. Notices were mailed to the attached addresses and emailed to the recipients on the City’s Planning Notification List.

Mettie Brasel, Associate Planner

1/10/2024

Phone: (253) 447-4350

Email: braselm@cobl.us

City of Bonney Lake

21719 96th St E., Second Floor

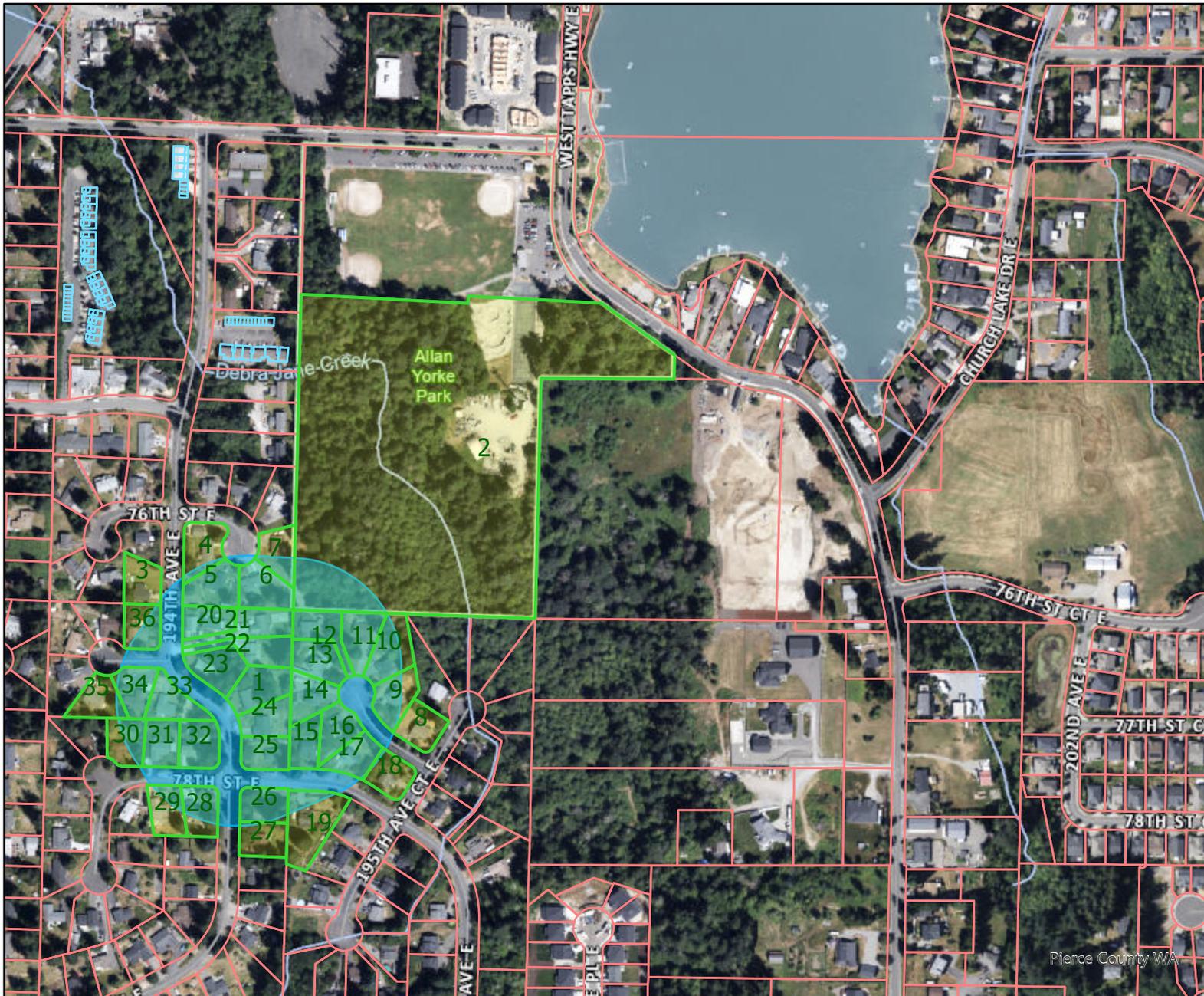
Buckley, WA. 98321



NOTICE OF PUBLIC HEARING

The public has the right to review the contents of the official file for the proposal, provide written comments, participate in the public hearings/meetings, and request a copy of the final decision. The most current application materials are available for public review by clicking on the application number(s) provided in this notice, or by requesting a link from the staff contact listed in this notice. Comments may be emailed to the staff contact identified in the notice, mailed to the attention of the staff contact at P.O. Box 7380, Bonney Lake, WA 98391, or delivered to the Development Services Department located at 21719 96th St. E., Buckley, WA 98321. Comments will be accepted if filed with the Public Services Department on or before 5PM on 1/25/2024.

Notice Date:	8/4/2023	Comment Due Date:	1/25/2024
Project:	The public hearing will be convened for the Hearing Examiner to hear testimony and consider approval of a Variance. This application is categorized as a Type 3 permit application per BLMC 14.30.020, and the scheduled public hearing is required. The project proposes to reduce the required panhandle width to short plat the property in the future.		
Project Name:	Cherny	Applicant:	Elena Buzunov
Application Number:	PLN-2023-02870	Site Address:	7704 194 th Ave E
Environmental Review:	NOTICE IS HEREBY GIVEN that the City has determined that the project described above is categorically exempt from review under the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800(6).		
Public Hearing:	<p>NOTICE IS HEREBY GIVEN that the City of Bonney Lake Hearing Examiner will convene the Public Hearing at <u>10:00 a.m.</u> on 1/29/2024 or soon thereafter, via Microsoft Teams to receive public testimony on the proposed project. Anyone wishing to appear and testify at the public hearing may do so.</p> <hr/> <p>Microsoft Teams meeting Join on your computer, mobile app or room device. Click here to join the meeting Meeting ID: 252 995 477 280 Passcode: UFP2Mr Download Teams Join on the web Learn More Meeting options</p>		
Other Applications:	Preliminary Short Plat, Civil permits, Final Short Plat.		
Staff Contact:	Mettie Brasel, Associate Planner, Phone (253) 447-4350; braselm@cobl.us		
Documentation Available:	Master Land Use Application, Site Plan – Proposed (Option A), Site Plan – Proposed (Option B), Site Plan – Proposed (Option C), Site Plan – Proposed Zoom (Option A), Site Plan – Proposed Zoom (Option B), Site Plan – Proposed Zoom (Option C), Project Narrative		



Legend

Tax Parcels

- Base Parcel
- Condominium

0 95 190 380 Feet

Pierce County WA

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BONNEY LAKE, WA 98391-7008

From: Mettie Brasel
Sent: Friday, January 5, 2024 3:58 PM
To: Amanda Powers-Hubbard
Cc: Kandice Besaw; Debbie McDonald
Subject: Notice of a Public Hearing - Cherny Variance
Attachments: [Cherny - Public Hearing Notice w. attach - 20240105.pdf](#)

Hi Amanda,

Could you please post the Notice of public Hearing in the posting locations and on the webpage Wednesday, January 10, 2024? No newspaper ads are necessary.

Please let me know if you have any questions.

Thank you,

Mettie Brasel | Associate Planner | City of Bonney Lake

21719 96th Street E. | Floor 2 | Buckley, WA 98321

Phone: (253) 447-4350 | Fax: (253) 862-1116

<http://www.ci.bonney-lake.wa.us> | braselm@ci.bonney-lake.wa.us

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Master Land Use Application

City of Bonney Lake-Permit Center

ATTACHMENT 6

Submitted On:

Jul 14, 2023, 05:15PM PDT

Project Information

Project Name:	BAKER SUBDIVISION CHERNY SUBDIVISION
Tax Parcel Number(s):	9256010050
Site Address:	7704 194TH AVE E
Project Description:	Subdivision of parcel 9256010050 after a setback variance for the northwest house corner which is 21.5ft away from the property line.
Type of Land Use Approval requested (a separate application is required for each land use type):	Variance

Property Owner

Name:	Andrew Cherny
Address:	Street Address: 37335 32nd ave s City: Auburn State: WA Zip: 98001

Project Contact/Applicant

Name:	First Name: Elena Last Name: Buzunov
Full Address	Street Address: 37335 32nd ave s City: Auburn State: WA Zip: 98001
Phone Number:	206-356-0270
Email:	elenabuzunov@gmail.com

Property Information

Zoning:	Medium-Density Residential (R-2)
Land Use Designation:	Residential - Moderate Density
Current Use:	Single Family Dwelling
Total Acres:	0.35

**Upload Documents for Review
(1-10)**

- SITE PLAN-PRPOSED ZOOM (OPT B).pdf
- SITE PLAN-PRPOSED ZOOM (OPT C).pdf
- Variance Project Narrative 9256010050.pdf
- PLN ADA - Land Use Application BAKER.pdf
- SITE PLAN-PRPOSED (OPT A).pdf
- SITE PLAN-PRPOSED (OPT B).pdf
- SITE PLAN-PRPOSED (OPT C).pdf
- SITE PLAN-PRPOSED ZOOM (OPT A).pdf

Notices:

1. **VESTED RIGHTS:** In order for a short plat application or a plat application to vest, a complete application must be submitted the City. Land uses applications, to include plats and short plats do not vest the subsequent building permits to the development regulations in effect at the time the land use application was submitted. Pursuant to RCW 19.27.095, building permits are reviewed under the land use regulations in effect at the time that a complete application for a building permit is submitted to the City.
2. **COMPLETENESS:** Your application will be deemed complete 29 days after submittal, unless otherwise notified.
3. **RIGHT OF ENTRY:** By signing this application, the applicant grants unto the City and its agents the right to enter upon the premises for purpose of conducting all necessary inspection to determine compliance with applicable laws, codes and regulations. This right of entry shall continue until a certificate of occupancy is issued for the property.
4. **BALD EAGLE PROTECTION:** By signing this application, the applicant agrees to adhere to the Bald and Golden Eagle Protection Act and the U.S. Fish and Wildlife Service National Bald Eagle Management Guidelines (2007).
5. **OWNERSHIP:** The Owner of the property as identified on the Pierce County Tax Assessor’s website must either sign this application form or submit a notarized letter stating that the Applicant and/or Project Contact to act as the Owners agent regarding the property at the above-referenced address for the purpose of filing land use applications and have full power and authority to perform on behalf of the Owner all acts required to enable the City to process and review such applications. If the property was recently purchased and sale is not reflected on the Pierce County Assessor’s website, the new Owner must submit documentation demonstrating that he/she has purchased the property.

Certification

I am the:

Owner

Signature Data

First Name: Andrew
 Last Name: Cherny
 Email Address: cherny247@gmail.com

Andrew Cherry

Signed at: July 14, 2023 5:15pm America/Los_Angeles

Project Narrative:

I purchased 7704 194TH AVE E (parcel 9256010050) in April of 2023. This property was overgrown with blackberry and other brush. Since then, we have cleared the invasive brush and are trying to landscape it, so it would have curb appeal and fit into the nicely-maintained homes of the neighborhood.

The parcel is zoned Medium-Density Residential (R-2) and is 0.35 acres (15,246 sq ft) in size. The R-2 zoning allows a density of minimum five to maximum nine units per acre, to create a stable environment for family life and to prevent intrusion by incompatible land uses. At this density the lot sizes should be from 4,840sq ft. to 8,712sq ft. As it stands, parcel 9256010050, is 15,246 sq ft and is greater than the minimum allowed.

Parcel 9256010050 is 15,246 sq ft and falls into the density range to be subdivided. In fact, the city's intent of this zoning is to have parcels be a minimum of 8,712 sq ft in area, and my parcel exceeds this minimum criterion. I would like to subdivide the property into two lots, keep the existing dwelling for my parents and myself and build a second single-family dwelling for my sister and her family on the newly-formed lot.

The parcels resulting from the short plat will comply with all city ordinances, the comprehensive plan, zoning regulations, and permitted uses, except for a stretch of 8 to 12 feet (depending on the option of variance chosen) where the northwest corner of the existing house is only 21.5 feet away from the property line and the location of the house and lot boundaries are such that there needs to be either a reduced side setback or a reduced panhandle width.

I am proposing three variance options:

Option A:

The panhandle will be 20 feet wide and there will be a reduced side yard setback on the northwest corner of the dwelling (See Option A of the site plan).

Option B:

The panhandle width will be reduced to 16.5 feet or greater, for the 12 feet at the northwest corner of the dwelling, to create a compliant 5-foot side yard (See Option B of the site plan).

Option C:

The panhandle width and the side yard setback reduction will be split on the northwest corner of the dwelling, with the minimum panhandle width to be 18 feet and the smallest side yard setback to be 3.5 ft (See Option C of the site plan).

In BLMC 17.50.020E the code states that "All newly created and/or modified lots shall be uniformly square or rectangular in shape (four-sided polygon) to the fullest extent possible. Jogging or meandering lot lines shall be avoided unless associated with code-required critical area preservation, significant natural feature(s), established configuration of an abutting legal lot(s) of record, previously recorded easements, or testamentary provisions." Therefore, we propose that "Option A" would best comply with that regulation.

1. Explain how the variance is consistent with the purpose and intent of the relevant city ordinances and Bonney Lake 2035.

The proposed variance will create two lots which are conforming to the city's density requirement for R-2 zoning and complying with the city ordinances, by creating two lots in this area of Bonney Lake to be no bigger than 8,712sq ft, from the existing lot of 15,246 sq ft in size.

2. Explain how the variance does not constitute a grant of special privilege which would be inconsistent with the permitted uses, or other properties in the vicinity and zone in which the subject property is located.

This variance will not grant any special privilege as both lots will meet size and density criteria consistent with the surrounding lots on the street. The zoning and permitted uses of the existing parcel and new-formed parcel will be the same as those of surrounding parcels.

3. Explain how the variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, and such variance will provide use rights and privileges permitted to other properties in the vicinity, located in the same zone as the subject property and developed under the same land use regulations as the subject property requesting the variance.

With the irregular size lot, the north and south property lines do not run parallel to each other. This configuration of the lot coupled with the existing house location created an odd angle with one side of the property. Also, the variance to be granted runs along a panhandle, and will not have any abutting structures which will be separated by less than 10 feet, which was the initial intent of the side yard setbacks.

4. Explain how 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 subject property is situated.

The variance, if granted, will reduce the side setbacks for a stretch of approximately 10 feet. It will not diminish or change public welfare, property value or improvement potential of neighboring properties. In fact, it will help clean up, landscape and improve existing property, provide additional housing and tax revenue to the city of Bonney Lake.

5. Explain how alternative development concepts in compliance with the existing code have been evaluated and undue hardship would result if such adherence to code provision is required.

I have met with Jason Sullivan (SullivanJ@ci.bonney-lake.wa.us) and Mettie Brasel (braselm@ci.bonney-lake.wa.us) on June 28, 2023. We discussed a possible subdivision of the existing parcel. The existing house is situated at an odd angle to the north property line (not parallel) and short of relocating the house (which would result in extensive labor and expense) there is no other option but to request a variance. One of the house corners is 21.5 feet from the property line (20 foot panhandle width and 1.5 foot setback width). We proposed different options (stated above) for subdivision that would require a variance because of the current house location.

6. Explain how the variance request is the minimum necessary to accommodate the permitted uses proposed by the application.

Because the variance is only for a stretch of approximately 10 feet, the variance request would be the minimum necessary for a subdivision.