

## STAFF REPORT



DATE: May 11, 2021

TO: Eatonville Town Council

FROM: Grant J. Middleton P.E., Town Engineer/Public Works Director

Subject: 420 Lynch Creek Road – Request for Waiver of Frontage Improvements  
Tom and Barbara Baublits (parcel number 0416145039)

**SCOPE:** The Town is in receipt of a Waiver of Frontage Improvements application from Tom and Barbara Baublits related to the unpermitted construction of a single-family residence on the west side of Lynch Creek Road, parcel number 0416145039.

Consistent with the waiver application requirement process approved by Eatonville Town Council, the applicants have submitted an application, paid the \$125.00 fee, provided an applicant explanation of their request and a photograph of the project site plan that includes the applicable section of Lynch Creek Road.

**CODE REVIEW:** Pursuant to Eatonville Town Code 12.04.180, prior to the issuance of a Building Permit on vacant property and there are no sidewalks abutting the property, a condition of issuing the Building Permit requires the applicant to construct new sidewalks along all street frontages. Eatonville municipal code 12.04.180 also provides the possibility for the applicant to submit a request for waiver of these requirements, provided Town Council determines there are unique circumstances that would make the development of frontage improvements an unreasonable hardship on the applicant.

**STAFF REVIEW:** Public Works Staff has reviewed the request and given the individual circumstances in this case, Staff is not opposed to a Council determination of a conditionally approved hardship for the requested waiver. The request is only for the development of a single-family residence, not a subdivision or multi-family development. Additionally, the lot is 5-acres with a frontage length that exceeds the typical frontage width for most development lots in Town limits with the construction of a single-family residence. If Council is inclined to allow the waiver at this time, due to the proximity of Eatonville School District properties Staff recommends it be conditionally approved with the requirement that in the event of any future development on this property (parcel number 0416145039) -or- in the event any development of the adjacent property to the south (parcel number 0416145040, which is a corner lot across the street from Eatonville School District property), the applicable portions of Lynch Creek Road along both properties will be required to be fully improved pursuant to Town code. Until any further development is proposed as noted above, Staff believes the addition of frontage

improvements for a single-family residence under the current and unique circumstances at this particular location (parcel number 0416145039) has the potential to be considered an undue hardship by Council.

If you have any questions or would like to discuss any of this further, please feel free to give us a call at your convenience. Thank you.

Sincerely,



Grant J. Middleton P.E.  
Town Engineer/Public Works Director

Att: Attachment A – Code Excerpts  
Application for Waiver of Frontage Improvements  
Waiver Narrative  
Area Site Plan

# **ATTACHMENT A**

## **Eatonville Code Excerpts**

### **Title 12** **STREETS, SIDEWALKS AND PUBLIC PLACES\***

#### **12.04.180 Construction.**

*A. Whenever an application for a building permit is made for any new construction on a vacant real property, or repair or reconstruction of existing improvements on real property involving a cost of 25 percent or more of the current county assessed improvement value, and if there are no sidewalks abutting the real property on which the construction is to take place, then as a condition to issuing the building permit, the applicant shall be required to construct new sidewalks along all street frontages, except alleys. The town council has authority to waive this requirement for hardship upon the applicant filing an application setting forth the basis of the request for the waiver a filing fee of \$125.00. If the request for a waiver is filed, no building permit shall be issued until the town council determines whether or not to grant the waiver request.*

*B. This section is not governed by the requirements currently set forth in EMC 12.04.020 through 12.04.110.*

*C. All sidewalks shall be completed and accepted by the town prior to the issuance of a certificate of occupancy for the improvements on the real property, provided a temporary certificate of occupancy may be issued provided the applicant post a sufficient bond acceptable to the town to cover the cost of completing the cost of the sidewalk. (Ord. 99-05 § 1, 1999).*

#### **12.04.010 Definitions.**

*For the purpose of this chapter, the following terms are defined and understood to mean the following:*

*E. "Sidewalk" includes any structure or form of street improvement for through pedestrian traffic in the space between the improved roadway and the outside limit of the right-of-way of each public street and public place. Sidewalks do not include driveways, entrance walks, or loading pads. Sidewalks are generally linear, parallel with the street right-of-way, and extending to meet improved streets at designated crosswalks. (Ord. 98-10 § 1, 1998; Ord. 72-3 § 1, 1972).*

### **Chapter 18.02** **DEFINITIONS**

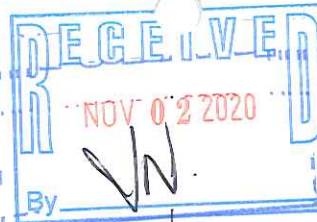
#### **18.02.520 Street.**

*"Street" means a public or private right-of-way or easement that can accommodate vehicle access to more than three lots, potential lots, or lot equivalents. "Street", "avenue", "court", "drive", "highway", "lane", and "road" are terms used interchangeably and mean the same. Streets are typically named. (Ord. 2000-02 § 4, 2000; Ord. 94-06 § 2, 1994).*

# TOWN OF EATONVILLE

101 Center Street West, PO Box 309, Eatonville, Washington 98328 Phone: 360-832-3361 Fax: 360-832-3977

PLANNING DEPARTMENT / 201 Center Street W / PO Box 309  
360-832-3361 / Fax 360-832-3977



Id: \_\_\_\_\_

Fee \$ 125.00

Deposit Paid \$ \_\_\_\_\_

Permit # \_\_\_\_\_

N/A

In addition to the application fee, a Review deposit is required to start initial plan review. Any additional review/engineering fees incurred by Town will be passed through to applicant.

## MASTER APPLICATION FOR LAND USE ACTIONS

Check all applications for which you are applying.

\_\_\_\_\_ BOUNDARY LINE ADJ \_\_\_\_\_ SEPA REVIEW \_\_\_\_\_ VARIANCE X OTHER Waiver of Compliance  
\_\_\_\_\_ CONDITIONAL USE \_\_\_\_\_ NON-CONFORMING USE TYPE OF APPLICATION  
\_\_\_\_\_ PRELIMINARY PLAT \_\_\_\_\_ SHORT PLAT / LONG PLAT (ORIG # \_\_\_\_\_ PROPOSED# \_\_\_\_\_) EMC 12.04.180  
\_\_\_\_\_ FINAL PLAT \_\_\_\_\_ BINDING SITE PLAN \_\_\_\_\_ REZONE - from \_\_\_\_\_ to \_\_\_\_\_

### \*\*\*\*\* APPLICANT INFORMATION \*\*\*\*\*

Project Name: \_\_\_\_\_  
Owner: Tom & Barb Baublets Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Cell: T-253-312-6407 Business: \_\_\_\_\_  
Authorized Agent/Contact Person \_\_\_\_\_ Email \_\_\_\_\_  
Company Name \_\_\_\_\_ Cell: \_\_\_\_\_ Office Ph \_\_\_\_\_  
Mailing Address 333 W. Washington Ave. Apt A-1 Eatonville, WA 98328

### \*\*\*\*\* PARCEL INFORMATION \*\*\*\*\*

Site Address: \_\_\_\_\_ Parcel # 0416145039  
Legal Description: QTR SEC. \_\_\_\_\_ Section 14 Township 16N Range 4E, W.M.  
Related Parcels: \_\_\_\_\_  
Utility Sources: Water: \_\_\_\_\_; Sewer: \_\_\_\_\_; Power: \_\_\_\_\_

**\*\*Include Development Plans including Site Plan (Drawn to scale)\*\***

I, Barb/Tom Baublets being duly sworn, declare that I am the contract purchaser, agent or owner of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are true in all respects and correct to the best of my knowledge and belief.

Owner Signature: B Baublets, Thomas G Baublets Date: 11/2/2020

(OR an Authorized Agent signature if an "Owner Authorization" is signed and attached)

Authorized Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_



11/2/2020

To: Town of Eatonville

Re: Waiver of Compliance with EMC 12.04.180

From: Tom & Barb Baublits - Parcel # 0416145039

We are requesting a waiver of above referenced EMC for parcel 0416145039. This parcel is a 5 acre lot as described per the attached copy of the large lot plan (lot #2).

There is 310 feet of frontage to this parcel making it 6 times the size of a regular town lot. Therefore putting in a sidewalk is cost prohibitive for us.

Some other considerations for this waiver are:

- Randel's is required to widen Lynch Creek making our cost, time, and materials a waste;
- We will be accessing our home from a private drive which it faces;
- Our parcel is on the border between the town and county; there are no existing sidewalks on the west side of Lynch Creek. There are, however, sidewalks on the east side of Lynch Creek which incorporate the elementary school, the Bud Blanchard trail, and the small section prior to the bridge. It only makes sense to keep it on the east side.

Thank you for your consideration of this request.

Sincerely,

*Thomas G. Baublits*  
*Barbara Baublits*  
Tom & Barb Baublits



BASIS OF BEARING: STATE PLANE COORDINATE SYSTEM,  
WASHINGTON ZONE SOUTH.

REFERENCE: RECORD OF SURVEY FOR MERCEDES BAUBLITS  
PREPARED BY DIVERSIFIED SURVEYING SERVICES, INC. DATED  
SEPTEMBER 10, 2007; TOWN OF EATONVILLE SHORT PLAT,  
APN 201301085001.

NOTES:  
BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON  
MONUMENTS FOUND BY FIELD SURVEY AND THEIR  
CORRELATION TO RECORD OF SURVEY FOR MERCEDES  
BAUBLITS PREPARED BY DIVERSIFIED SURVEYING SERVICES,  
INC. DATED SEPTEMBER 10, 2007.

( ) INDICATES DATA PER DIVERSIFIED SURVEYING  
SERVICES SURVEY DATED SEPT 10, 2007 FPR  
MERCEDES BAUBLITS

INDICATES WETLAND  
BUFFER ZONE\*

INDICATES WETLAND\*

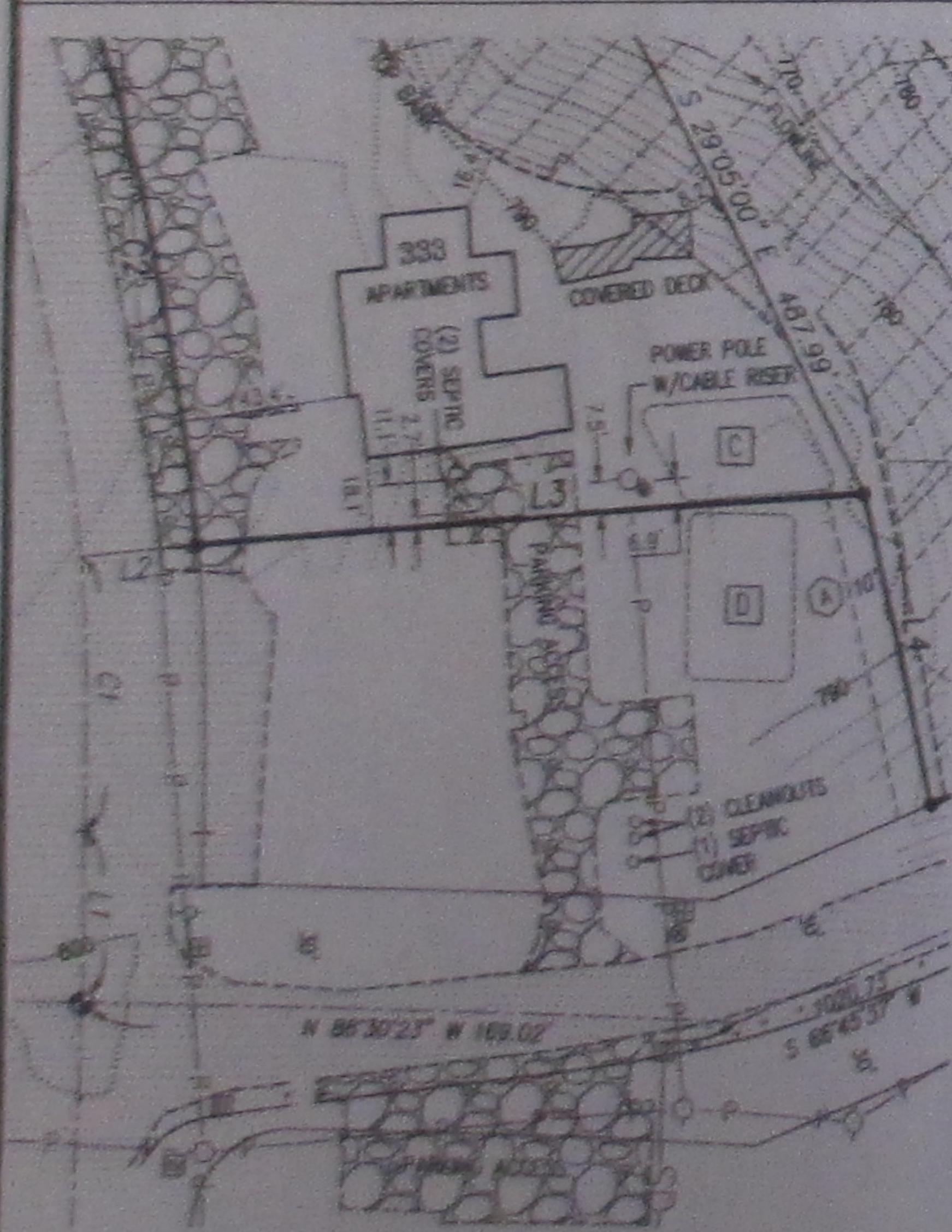
\* AS SHOWN BY APPENDIX "E" BASE MAP OF "DRAINAGE  
AND EROSION CONTROL REPORT" PREPARED BY PETRA  
ENGINEERING LLC, DATED AUGUST 20, 2008.

#### EASEMENT NOTE:

(A) 10.00 FT WIDE UTILITY EASEMENT PER SHORT PLAT  
APN 201301085001.

CURVE DATA		
NO.	RADIUS	DELTA
C1	573.00'	06°47'40"
C2	603.00'	40°59'53"

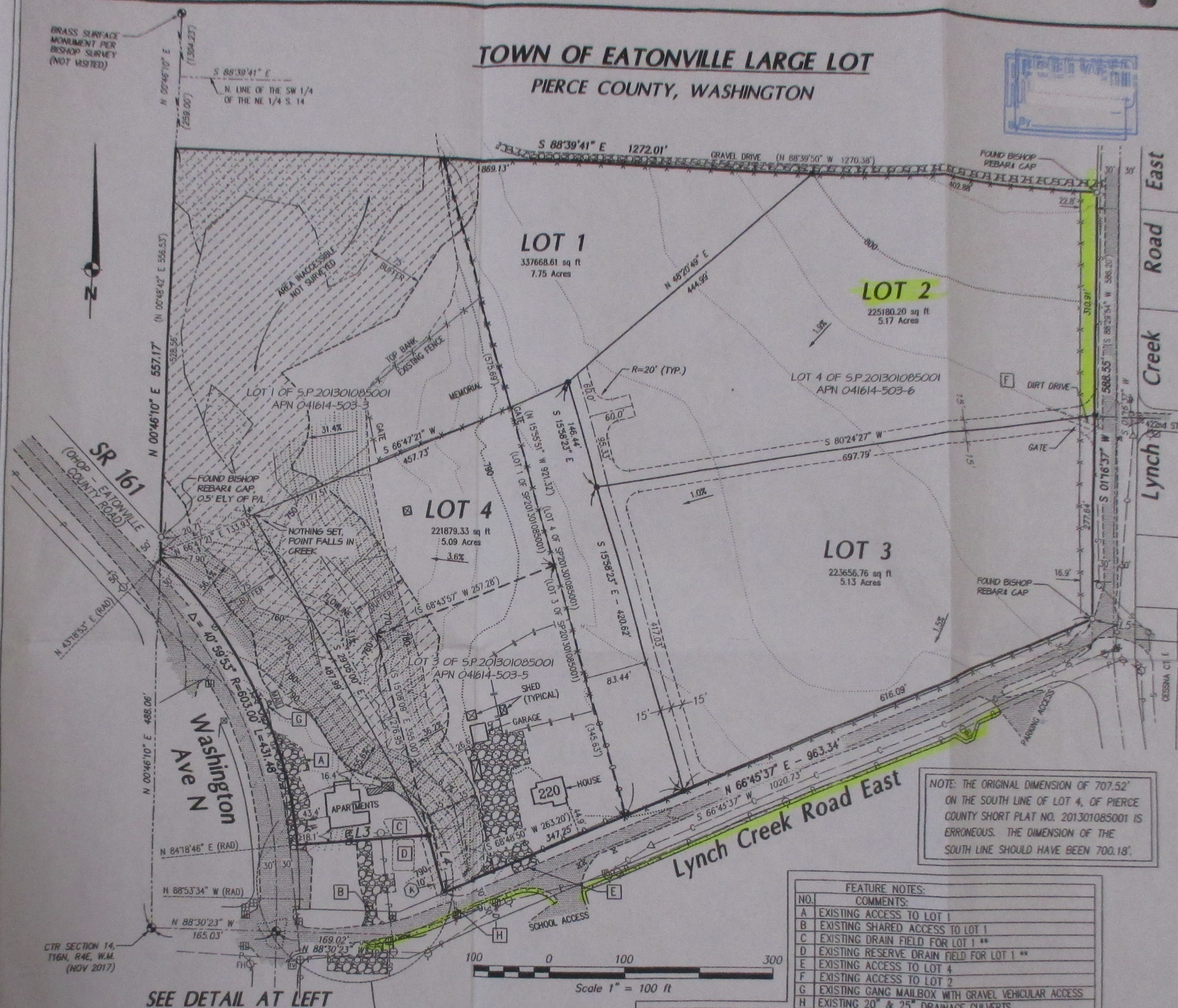
LINE DATA		
NO.	BEARING	DISTANCE
L1	N 01°04'10" E (S 01°07'13" W)	42.47'
L2	N 84°18'46" E - RADIAL	30.00'
L3	S 85°39'38" W (S 85°42'51" W)	174.53' (174.55')
L4	N 15°11'22" W (S 15°08'09" E)	78.05' (78.05')
L5	S 01°16'37" W	32.97'



#### DETAIL

SCALE: 1" = 50'

BRASS SURFACE  
MONUMENT PER  
BISHOP SURVEY  
(NOT VISITED)



SEE DETAIL AT LEFT

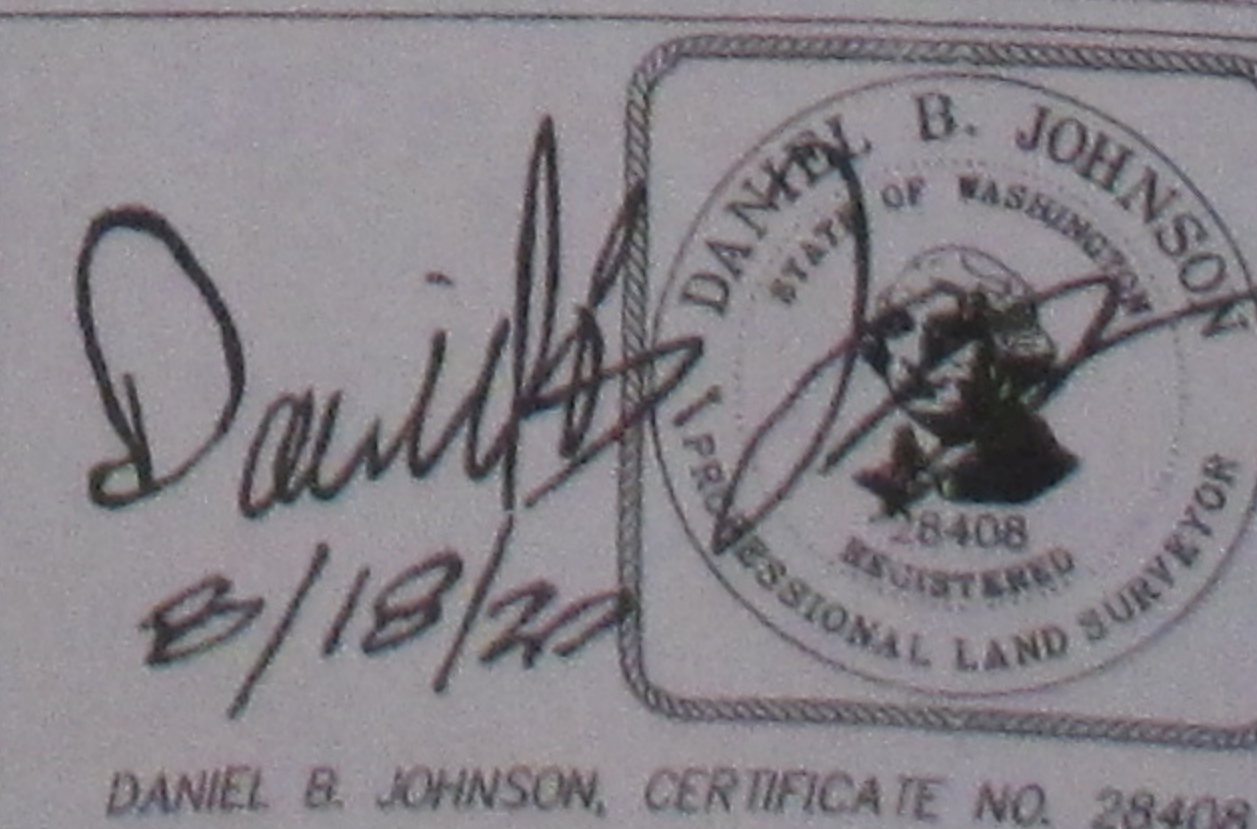
#### LEGEND

- |   |                          |                           |
|---|--------------------------|---------------------------|
| ● FOUND BRASS SURFACE MONUMENT (NOV 2017) | — EXISTING POWER         | ○ SANITARY SEWER MANHOLE  |
| ○ FOUND RE-BAR & CAP                      | — EXISTING SEWER         | ▢ STORM DRAIN CATCH BASIN |
| ● SET 5/8" RE-BAR & CAP                   | — EXISTING WATER         | ○ CLEAN OUT               |
| — WOOD FENCE LINE                         | — EXISTING STORM DRAIN   | ○ UTILITY POLE            |
| — WIRE FENCE LINE                         | — UTILITY VAULT          | ▢ POWER METER             |
| — BARBED WIRE FENCE LINE                  | ▢ WATER IRRIGATION VALVE | ▢ COMM RISER              |
| — CONCRETE                                | — WATER VALVE            | ▢ COMM BOX                |
| — ASPHALT PAVEMENT                        | ○ FIRE HYDRANT           | ▢ CABLE TELEVISION BOX    |
| — GRAVEL                                  | — WATER METER            | — BURIED CABLE SIGN       |
|   |                          | ▢ GANG MAIL BOX           |

FEATURE NOTES:	
NO.	COMMENTS:
A	EXISTING ACCESS TO LOT 1
B	EXISTING SHARED ACCESS TO LOT 1
C	EXISTING DRAIN FIELD FOR LOT 1 **
D	EXISTING RESERVE DRAIN FIELD FOR LOT 1 **
E	EXISTING ACCESS TO LOT 4
F	EXISTING ACCESS TO LOT 2
G	EXISTING GANG MAILBOX WITH GRAVEL VEHICULAR ACCESS
H	EXISTING 20" & 25" DRAINAGE CULVERTS

\*\* INDICATES EXACT LOCATION, SIZE,  
DIMENSIONS ARE UNKNOWN,  
RELIED UPON RECOLLECTION OF  
PROPERTY AGENT FOR  
APPROXIMATE DEPICTION.

LOT DATA	
NO.	ADDRESS
1	333 WASHINGTON AVE N
2	— LYNCH CREEK RD E
3	— LYNCH CREEK RD E
4	220 LYNCH CREEK RD E



DANIEL B. JOHNSON, CERTIFICATE NO. 28408

SHEET 2 OF 2  
DRAWING NO. 5685C  
**Aspen**  
Land Surveying  
LLC  
at The Landing in Key Center  
15510 92nd Street NW  
Gig Harbor, WA 98329  
P.O. Box 124, Vaughn, WA 98394-0124  
(253) 303-0270 FAX (253) 303-0273

2010081055001