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City of Eatonville
201 Center Street West
PO Box 309
Eatonville WA 98328
Via Email and Hand Delivery to:
Eric Phillips, Town Administrator
townadmin@eatonville-wa.gov
Nick Moore, Town Planner
planner@eatonville-wa.gov

Re: Garage Plus Storage Aviation LLC
Parcel No. 9026890233 - Application for Variance

Dear Mr. Phillips and Mr. Moore:

This firm is counsel to Garage Plus Storage Aviation LLC (the "Applicant"). The purpose of this letter is to address the Applicant's sought-after variance's compliance with the required findings set forth in EMC 18.09.040(D).

Criteria 1: **The variance does not constitute a grant of special privileges inconsistent with a limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located.**

The applicant's requested variance is for the purpose of intruding into its setback to construct a series of hangar/townhome combination condominiums in the Zone 5 – Sideline Safety Zone of Swanson Airfield. Under the Eatonville municipal code, hangars/townhome combination condominiums are permitted uses in AP zoning pursuant to EMC 18.04.185(A)(2) as facilities pertaining to aircraft.

Under Washington State law, a variance to the setbacks of a property is not a special privilege inconsistent with a limitation upon uses of other properties. Per *Hoberg v. City of Bellevue*, area, rather than use variances, do not constitute special privileges under this standard. *See Hoberg v. City of Bellevue*, 76 Wn. App. 357, 360 (1994) (defining a area variance as "one which does not change the specific land use but provides relief from dimensional requirements such as setback, yard size, lot coverage, frontage or height restrictions.")

Under this standard, it should be seen that a variance to a setback is a routine, rather than special privilege, and one typically granted to entitle a property owner to the same privileges of use as are enjoyed by their neighbors, rather than the granting of a special privilege. This is the case in the present variance.

Criteria 2: **Such variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and**

The Applicant's sought after variance is necessary due to special circumstances relating to the unusual shape of its property. As the Town is likely aware, the Applicant's parcel (#602689023) is of an exceedingly irregular long and narrow shape such that if a variance is not granted, it will not be possible for the Applicant to build anything on it. A variance will allow it to create possess the same rights to make viable use of its property, rather to render the property unbuildable and therefore worthless.

Criteria 3: **The granting of such 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 granting of the Applicant's variance will not be materially detrimental to public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated where the sought-after setback adjustment will allow for the erection of high-quality hangar/townhome style combinations. This "hybrid" type construction is anticipated to be highly attractive to aviation enthusiasts, making viable use of the vacant land in the vicinity of Swanson Airfield, and thereby improving property values in the neighborhood. Such a building will also serve as a "buffer" between the airfield and more traditional residential uses, ensuring that the residents who are more directly affected by the appearance and noise of aircraft taking-off and landing are those for whom such effects are a positive, rather than negative, quality.

We hope this will satisfy the City of Eatonville's questions regarding the required findings. If there is additional information you require to make these findings, please do not hesitate to reach out.

Sincerely,

PETERSON RUSSELL KELLY LIVENGOOD PLLC

R. Charles "Charlie" Beckett

cc: