

## WRITTEN FINDINGS AND DECISION

### LAPLANTE ACCESSORY DWELLING UNIT (ADU-009980-2022) August 19, 2022

#### I. Application Name and Number

File Name: LaPlante Accessory Dwelling Unit (ADU)

Proposal: Conversion of garage into accessory dwelling unit.

File Number(s): ADU-009980-2022

Applicant: Rene LaPlante  
18325 66<sup>th</sup> Ave W  
Lynnwood, WA 98037  
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Staff Reviewer: Kirk Rappe, Senior Planner  
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#### II. Findings

1. The subject property is located at 18325 66<sup>th</sup> Ave W and is zoned RS-8 (Residential Single Family 8400).
2. A valid application was filed on May 19th and deemed complete on July 5, 2022.
3. A 1,050 SF single-story single-family dwelling exists on the site. The proposed internal ADU will be 300 SF in size with an external entrance facing the driveway. Three new vehicle parking spaces for house and ADU will be created along the east-side of the property.
4. Attached ADUs are permitted in the RS-8 zone pursuant to LMC Table 21.42.01 and LMC 21.42.110(G)(1)(4) subject to all applicable City codes, including the requirements of the City's adopted International Building Code (IBC):

- a. *LMC 21.42.110(G)(2): Permitted Zones. “Permitted Zones. Attached ADUs shall be permitted in the R-7 and R-8 zones. Detached ADUs shall only be permitted in the RS-8 zone.”*

The proposed ADU is located in the RS-8 zone – attached ADUs are permitted in this zone.

- b. *LMC 21.42.110(G)(3): Number. “A maximum of one ADU shall be permitted on a lot. A lot cannot have both an attached and a detached ADU.”*

The application is for one detached ADU. There are no other ADUs on site.

- c. *LMC 21.42.110(G)(4): Location. “Attached ADUs may be added to or within the principal residence in compliance with the RS-7 or RS-8 development standards. Detached ADUs are required to meet all development standards for the RS-8 zone and shall be located only in the rear yard. The unit may be created by either building new habitable space or by converting existing habitable space, or by a combination of new construction and conversion.”*

The proposed ADU will be within the principal residence and is converting an attached garage into an ADU. All development standards shall be met.

- d. *LMC 21.42.110(G)(5): Development Standards. “Any new construction shall meet all the development standards for the applicable zone, except as modified by this section, and shall comply with all applicable city codes, including but not limited to required setbacks and the requirements of the adopted building, electrical, fire, mechanical and plumbing codes. Only one electric meter, one water meter, and one address shall be allowed for the entire parcel, serving both the primary unit and the detached ADU.”*

The ADU, as proposed, meets all development standards for the RS-8 zone.

- e. *LMC 21.42.110(G)(6): Size. “The ADU shall have a maximum gross floor area of 800 square feet or 40 percent of the habitable square footage of the primary unit, whichever is less. A maximum of one bedroom shall be provided for ADUs less than 600 square feet in size; a maximum of two bedrooms shall be provided for ADUs 600 square feet or greater in size. When calculating the square footage of the ADU, covered exterior elements such as decks and porches will not be included. The total size of all such covered exterior elements shall not*

*exceed 200 square feet and the design shall be consistent with the primary dwelling unit.”*

The proposed 300 square foot attached unit will be less than 800 square feet of gross floor area and will be less than 40% (420 SF) of the 1,050 square feet of habitable space in the primary residence.

- f. *LMC 21.42.110(G)(7): Design. “The ADU/DADU shall be designed so that the appearance of the building containing the principal residence remains that of a single-family residence. At a minimum, the plans for the unit shall conform to the following guideline: any new exterior construction associated with creating an attached or detached ADU shall match the existing exterior materials and design of the principal residence, and the pitch of any new roof should match that of the principal residence. Any new landscaping should conform with or improve existing landscaping.”*

Since the ADU is within the principal residence little exterior construction is needed. The largest exterior change will be placement of a door and window set with matching cedar plank edging where the garage door is currently. A permanent 6-foot screen will be placed in front of the door to prevent viewing of the doorway from the street as required by LMC 21.42.110(G)(8) – Screening. The materials used on the exterior where the existing garage door stands will match the existing structure.

- g. *LMC 21.42.110(G)(8): Screening. “The entrance(s) to an attached ADU shall be located in such a manner as not to appear as a second primary entrance to the structure which encompasses the principal residence. For an attached ADU, only one primary entrance shall be permitted; a second street-facing entrance may be permitted if it is sufficiently screened from view using either fencing, landscaping, or a combination thereof.”*

The proposed ADU entrance will be where the garage door currently is, however the garage door will be removed and replaced by a door/window combination. The entrance door to the ADU will be a standard sized door. It will be screened by a permanent 6-foot cedar screen so it is not visible from the street.

- h. *LMC 21.42.110(G)(9): Parking. “One off-street parking space shall be provided for studio and one-bedroom ADUs and two spaces shall be provided for two-bedroom ADUs, in addition to the parking required for the main residence. Parking shall be paved in conformance with standard city requirements. Parking may be located in a garage, carport, or in an off-street area reserved for vehicle parking. Parking may be located in tandem with parking spaces for the primary unit.*

*Only one driveway may be used to meet the parking requirement. Parking may not encroach into any portion of a public or private street right-of-way (including any landscaped portion)."*

One additional parking stall for the one-bedroom ADU will be provided outside of the 25-foot front yard setback along the east side of the house. The two required parking spaces for the house itself will also be placed along the east side of the house.

- i. *LMC 21.42.110(G)(10): Accessibility. "In order to allow for barrier-free accessible design, the community development director may allow for reasonable deviations from the requirements of this section to install features or facilities that facilitate accessibility. Such features or facilities shall comply with the city's building and fire codes, more particularly with the requirements for a Type A unit as referenced by the adopted standards of Chapter 16.04 LMC."*

No deviations have been requested to meet this requirement. The proposal will comply with all building and fire code requirements.

- j. *LMC 21.42.110(G)(11): Owner Occupancy. "The property owner (title holder or contract purchaser) must occupy either the primary dwelling unit or the accessory dwelling unit as their permanent residence. Owners shall sign and record with Snohomish County an affidavit in a form acceptable to the city attesting to their occupancy."*

The applicant is the registered owner according to the Snohomish County Assessor's Office. As a condition of approval, the applicant will be required to record the affidavit of occupancy with these findings.

- k. *LMC 21.42.110(G)(13): Subdivision Prohibited. "No ADU may be sold as a separate property or as a condominium, or in any way be part of a subdivision of the lot upon which it is located unless that subdivision conforms with all provisions of the Lynnwood Municipal Code."*

The applicant is aware of this code requirement and by having the ADU recorded with the County will acknowledge this legal requirement.

- l. *LMC 21.42.110(G)(15): Home Occupations. "Home occupations may be allowed in either the primary unit or the ADU, but not both, provided the home occupation is reviewed and approved in accordance with LMC 21.42.300 and any other applicable provisions of this code."*

City staff is not aware of any existing home occupations at the residence. By recording the ADU with Snohomish County, the applicant acknowledges legal requirements.

### **III. Exhibits**

01. ADU application received May 19, 2022
02. Affidavit of ownership, received May 19, 2022
03. Revised Site Plans and Elevations received June 28, 2022

### **IV. Decision**

The owner/applicant has shown that the proposed detached ADU meets the requirements of LMC 21.42.110(G). Staff recommends approval, subject to all applicable provisions, requirements, and standards of the Lynnwood Municipal Code, and the conditions listed below.

#### **A. Requirements and Conditions**

##### ***Code Requirements***

1. This permit is not effective until evidence of recording is provided to the Community Development Department.
2. The paint color and exterior materials of the ADU shall visually match the paint color and materials on the existing house per LMC 21.42.110(G)(7). The applicant stated they will also use cedar planking for a portion of the entrance frame and for the doorway screen which is acceptable.
3. The doorway must be screened by either fencing or landscaping or a combination thereof (LMC 21.42.110(G)(8)). The applicant proposes a permanent 6-foot cedar plank screen in front of the doorway and window of the ADU entrance.
4. Pursuant to LMC 21.42.110(G)(9) and LMC 21.42.210(A) one off-street parking space, having minimum dimensions of 9 ft. by 17.5 ft. shall be provided for studio and one-bedroom units and two off-street parking spaces shall be provided for two-bedroom units. Two off-street parking spaces, having the same dimensions, shall be provided for the primary dwelling. Parking may be along the side or in the rear of the property but may not encroach into any portion of the front setback or the public right-of-way.
5. Any alteration to the attached ADU shall meet all the development standards for the applicable zone and shall comply with all applicable city codes, including but not limited to required setbacks and the requirements of the adopted building, electrical, fire, mechanical and plumbing codes. Only one electric meter, one water meter, and one address shall be allowed for the entire parcel, serving both the primary unit and the attached ADU.

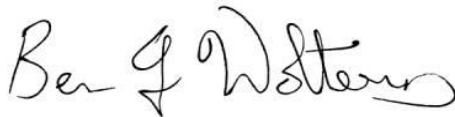
6. The property owner(s) (title holder or contract purchaser) must occupy either the primary dwelling unit or the accessory dwelling unit as their permanent residence. Owner(s) shall sign and record with Snohomish County an affidavit in a form acceptable to the city attesting to their occupancy.
7. The following shall be written on the face of the site plan to be recorded: “The Accessory Dwelling Unit shown on this plan shall not be sold as a separate property or as a condominium, or in any way be part of a subdivision of the lot upon which it is located unless that subdivision conforms with all provisions of the Lynnwood Municipal Code.”
8. This approval shall be recorded by the property owner with the Snohomish County auditor’s office to indicate the presence of the ADU. At minimum, the recorded information shall:
  - a. Be recorded as a deed restriction which runs with the land;
  - b. Identify the address of the property;
  - c. State that the owner(s) reside(s) in either the primary unit or the ADU for entire calendar year;
  - d. Include a written description and/or a floor and site plan of the approved unit;
  - e. Include a copy or statement of the requirements and conditions of approval, as determined by the director;
  - f. Include a statement that the owner(s) will notify any prospective purchasers of the limitations of this section; and
  - g. Provide for the revocation of the issued permit for the ADU if any of the requirements of this subsection (LMC 21.42) are violated.
9. Cancellation of an attached ADU may be accomplished by the property owner by filing a certificate with the City stating that the ADU no longer exists on the property and recording the approved certificate with the County. Cancellation may also result from an enforcement action by the City.
10. Upon receipt of a complaint of noncompliance, the city may require proof by the owner(s) that all requirements of this section are met.
11. In addition to the conditions imposed during the permit approval process, permits for ADUs shall expire automatically whenever:
  - a. The ADU is substantially altered and is thus no longer in conformance with the plans and drawings reviewed and approved by the city;
  - b. The subject parcel ceases to maintain the required number of parking spaces; or
  - c. The property owner(s) cease(s) to reside in either the primary unit or the ADU for the entire calendar year, the owner-occupied unit is rented, or the current owner fails to record the required affidavit attesting to their occupancy.

**Conditions**

1. This approval shall be recorded by the property owner(s) and any subsequent owners with Snohomish County auditor's office by **September 6, 2022**, to indicate the presence of an Accessory Dwelling Unit, the requirement of owner-occupancy, and all other standards or requirements for maintaining the unit as a separate dwelling unit. **This approval shall not be effective until evidence of recordation is submitted to the Director within 10 calendar days of notice of approval, as noted above.**
2. Any permit for a new attached ADU shall expire two years from the date of approval (**August 23, 2024**) unless a building permit for the attached ADU has been obtained. The Director may grant a single one-year extension to this time limit, provided a written request for the extension is received two weeks prior to expiration.
3. The ADU may not have its own meters. Utility meters must be shared with the principal residence.

**B. Director's Decision**

Based on the above Findings, the Community Development Director grants approval of the LaPlante accessory dwelling unit, ADU-009980-2022, subject to the above code requirements and conditions.



Ben Wolters, Interim Planning Manager

Date: 08/23/22



David Kleitsch, Development and Business Services Director

Date: 8/23/22



## V. Validity

This approval is issued only to the property owner, Renee LaPlante, and shall be valid only so long as the permit holder owns the property in title or as a contract purchaser and the permit has not been revoked or cancelled by the property owner or the City. This permit shall expire automatically upon any transfer of property ownership from the permit holder. Continued occupancy of the ADU as a separate living unit shall require application for a new permit by the contract purchaser or new property owner and renewal of the permit by the director. The approved permit holder is responsible for notifying prospective buyers of this requirement. The director shall renew any permit under this subsection if he/she finds that the ADU complies with all provisions of this section.

If the property is sold and the new owner files an application for a permit, the tenants may continue to reside at the property for the remainder of any lease, or up to 90 calendar days, whichever is longer, except that such residency continuation shall not exceed one year. A single additional continuation of up to six months may be granted by the director, upon written request by both the tenant and the (new) property owner, if she/he finds that termination of residency by the tenants would impose a substantial and unusual hardship on the tenants.