

WRITTEN FINDINGS AND DECISION

DARIOTIS ACCESSORY DWELLING UNIT (File No. ADU-010094-2023) October 6, 2023

I. Application Information

File Name: Dariotis Accessory Dwelling Unit (ADU)

Proposal: To construct an 800 sq ft ADU in the rear yard of a single-family residential dwelling.

File Number(s): ADU-010094-2023

Applicant: Dean Dariotis
6306 176th Street SW
Lynnwood, WA 98037
deandariotis@gmail.com

Staff Reviewer: Brian Kirk, Planner
bkirk@lynnwoodwa.gov; (425) 670-5409

II. Findings

1. The subject property is located at 6306 176th St SW (Parcel 00513100015103) and is zoned RS-8 (Residential Single Family 8400).
2. The property currently contains one single family residence.
3. A valid application was filed on July 19, 2023, and deemed complete on August 25, 2023.
4. The proposal is for an 800 square foot detached ADU behind the southwest side of an existing 2,193 square foot two-story single-family dwelling.
5. Detached 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):

Reference	Code Requirement Summary	Compliant
<i>LMC 21.42.110(G)(2)</i>	Detached ADUs are allowed only in RS-8.	Complies
<i>LMC 21.42.110(G)(3)</i>	Only one ADU is present on the lot.	Complies
<i>LMC 21.42.110(G)(4)</i>	Detached ADUs are in rear yard and meet development standards of the parcel's zone.	Complies
<i>LMC 21.42.110(G)(5)</i>	ADUs will meet all setbacks and adopted building, electrical, fire, mechanical and plumbing codes.	Complies
<i>LMC 21.42.110(G)(6)</i>	ADUs have a maximum area of 800 square feet, or 40 percent of the habitable square footage of the primary unit, whichever is less. They will also have a maximum of one bedroom if they are less than 600 square feet or two if they are greater than 600 square feet. Covered exterior elements will not be included in square footage requirements and must not exceed 200 square feet.	Complies
<i>LMC 21.42.110(G)(7)</i>	The ADU has a similar design and materials to the primary structure.	Complies
<i>LMC 21.42.110(G)(8)</i>	Attached ADUs cannot have an entrance on the same side as the primary residence unless it is sufficiently screened. The entrance to an attached ADU must be located in a manner so as not to appear as a second main entrance to the primary residence.	N/A: Detached ADU
<i>LMC 21.42.110(G)(9)</i>	ADUs with studios or one bedroom will provide one parking space while ADUs with two bedrooms will have two parking spaces. Parking spaces cannot be placed in the front yard setback. Parking stalls must comply with standard city requirements for parking.	Complies
<i>LMC 21.42.110(G)(10)</i>	ADUs may deviate from development standards in order to facilitate accessibility to the unit.	Complies
<i>LMC 21.42.110(G)(13)</i>	ADUs may not be sold separately of the main residence, nor as a condominium. The property may not be subdivided unless permitted by the city.	Complies
<i>LMC 21.42.110(G)(14)</i>	Home occupations approved by the city may occur in the primary residence or the ADU, but not both.	Complies

III. Exhibits

01. ADU application received July 19, 2023
02. Original plan set received July 19, 2023
03. Revised Site Plan received September 21, 2023

IV. Decision

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

1. This approval must 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 must:
 - 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.

In addition, the following must 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."

2. Only one electric meter, one water meter, and one address will be allowed for the entire parcel, serving both the primary unit and the detached ADU.
3. At no time will any square footage of the ADU be converted to a bedroom without first obtaining necessary approval(s) and demonstrating compliance with applicable development standards.

4. Cancellation of an 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. ADU cancellation may also result from an enforcement action by the City.
5. Upon receipt of a complaint of noncompliance, the City may require proof by the owner(s) that all requirements of this section are met.
6. In addition to the conditions imposed during the permit approval process, permits for ADUs will expire automatically whenever:
 - a. The ADU is substantially altered and is no longer in conformance with the plans and drawings reviewed and approved by the City; or
 - b. The subject parcel ceases to maintain the required number of parking spaces; or
7. If the City of Lynnwood revises regulations which supersede any of the above conditions, the Owner may request relief from the Development & Business Services Director to comply with the new regulations.

Director's Decision

Based on the above Findings, the Development & Business Services Director grants approval of the Dariotis accessory dwelling unit, ADU-010094-2023, subject to the above code requirements and conditions.

Karl Almgren

Karl Almgren, AICP, Community Planning Manager

Date: Oct 6, 2023

David Kleitsch

David Kleitsch, Development & Business Services Director

Date: Oct 6, 2023

V. Notice of Decision and Right to Appeal

Administrative decisions of the director may be appealed by filing a written request for appeal with the Development & Business Services Department within 14 calendar days. The appeal deadline shall be 14 days after the Date of Notice. An appeal filed within this time limit shall be processed pursuant to Process II, as identified in LMC Section 1.35.200.

VI. Expiration

Any permit for a new detached ADU shall expire two years from the date of approval (**October 6, 2023**) unless a building permit for the 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.