



City of Yelm

EST. 1924

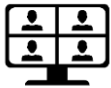
WASHINGTON

"Pride of the Prairie"

NOTICE OF PUBLIC HEARING - YELM HEARING EXAMINER

DATE: Tuesday, November 3, 2020 – 10:00 AM

PLACE: Virtual Meeting Via Zoom



https://zoom.us/webinar/register/WN_tNcSbRZ2SheDpOGsccE_Jg:

PURPOSE: Public Hearing to receive comments regarding the following:

1. Rudis Driveway Expansion
Case Number 2020.0288.VA0001. Variance request to extend driveway larger than code allowance, located at 16519 92nd Avenue, SE, Yelm, WA, Assessor's Tax Parcel Number 63540000400.

The City of Yelm Hearing Examiner will hold a public hearing to receive comments on the application listed above. The Hearing Examiner will make a decision on these matters within 10 working days after the hearing.

Testimony may be given at the hearing or through any written comments. Comments must be received by the close of the public hearing. Such written comments may be submitted to the City of Yelm at the address shown above, mailed to: City of Yelm Community Development Department, 106 2nd Street SE, Yelm WA 98597 or emailed to tamim@yelmwa.gov.

Any related documents are available for public review during normal business hours at the City of Yelm, 106 2nd Street SE, Yelm WA 98597. For additional information, please contact the Community Development Department at (360) 458-3835.

It is the City of Yelm's policy to provide reasonable accommodations for people with disabilities. If you are a person with a disability in need of accommodations to conduct business or to participate in government processes or activities, please contact Lori Mossman at 360-458-8402 at least five working days prior to the scheduled event. For information on the Americans with Disabilities Act and the Title VI Statement visit our web page at <http://www.yelmwa.gov/human-resources/>.

Lori Mossman, City Clerk

DO NOT PUBLISH BELOW THIS LINE



City of Yelm

EST. 1924

WASHINGTON

"Pride of the Prairie"

Case Number: 2020.0288.VA0001

Applicant: Jason and Tara Rudis
Erica Isabel
16519 92nd Ave. SE
Yelm, WA 98597

Request: Variance from standard driveway width

Public Hearing Date: November 3, 2020

Recommendation: Approve Driveway Expansion less than requested, that meets Reasonable Accommodation Need.

PROPOSAL

The applicant requests a variance from the strict interpretation of City of Yelm Unified Development Code standards for residential driveway width as a reasonable accommodation.

NOTICE OF APPLICATION AND PUBLIC HEARING

Notice of this application was mailed to state and local agencies and property owners within 300 feet of the site on October 1, 2020, as well as published in the Nisqually Valley News in the legal notice section on October 8, 2020.

Notice of the date and time of the public hearing before the Hearing Examiner was posted on the project site, mailed to property owners within 300 feet of the site, and mailed to the recipients of the Notice of Application on October 20, 2020. Notice of the public hearing was published in the Nisqually Valley News in the legal notice section on October 22, 2020.

Comments were received from a neighboring property owner in support of the driveway stating that moving the cars off of the street has increased visibility and safety for the child.

Comments received from the Mountain Sunrise Homeowners Association (HOA) in opposition to the width of the driveway. The letter states that the HOA received complaints of the size of the driveway and cites that the driveway was installed without approval required by the CCR's for the subdivision, that review of the request after the fact shows the driveway does not meet the standard of the HOA or the City of Yelm, and requests that the driveway be reduced to 24 feet in width, and located more than 5 feet from the property line.

Comments received from property owner within the subdivision opposing the driveway width as the width is overly large, and the resulting 6 vehicles parked there degrades the look and feel of the residential subdivision.

ENVIRONMENTAL REVIEW

The proposal is categorically exempt from the Washington State Environmental Policy Act review, pursuant to WAC 197-11-800.

PROPERTY CHARACTERISTICS

The property is located at 16519 92nd Avenue SE, Yelm, WA and is identified by Assessor's Tax Parcel Number 63540000400. The property is located within the Mountain Sunrise subdivision and zoned Low Density Residential (R-4).

BACKGROUND INFORMATION

The parcel is located within the Mountain Sunrise subdivision and zoned Low-Density Residential (R-4). The subdivision received preliminary subdivision approval on August 25, 2003, final subdivision approval on October 26, 2005, and the building permit for this parcel was issued on November 1, 2005.

The Yelm Municipal Code (YMC) at Section 18.52.100 (B) states that residential driveway widths shall not exceed 24 feet. The City of Yelm Engineering Specification and Standard Details at Section 2.10.100 and drawing number 2-25 provides guidance for size and location of residential driveways within the City of Yelm. Residential driveways are required to be spaced a minimum of 5 feet from a street corner, and a minimum of 3 feet between driveways. They must also provide a minimum 20 feet approach.

Section 18.54.030 YMC requires a minimum of 2 parking stalls per each residential unit.

The site plan submitted with the 2005 building permit shows the driveway location and size meeting the City of Yelm Development Standards. at 18-feet wide, more than 3 feet between driveways, and more than 5 feet from a street corner.

CURRENT SITUATION

The applicant added paved parking of approximately 28 feet of width to their existing 18-foot driveway, for a total driveway width of 46 feet. The driveway expansion greater than allowed by YMC. The expansion was completed without review or approval by the City of Yelm.

The City contacted the applicant to let them know that the driveway expansion did not meet YMC standards, and the process to request an exception to this standard was to apply for a variance.

The applicant has applied for the variance and provided a letter requesting reasonable accommodation to allow the additional pavement to remain for the safety of their child, which includes documentation from a medical doctor that he requires a safe place off of the street to exit a vehicle.

Reasonable accommodation is defined by the Department of Housing and Urban Development and the Department of Justice under the Fair Housing Act as:

A "reasonable accommodation" is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. The Act makes it unlawful to refuse to make reasonable accommodations to rules, policies, practices, or services when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling.

To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual's disability.

VARIANCE CRITERIA

The variance process allows a property owner the opportunity to request a variance to development standards under certain circumstances. Section 18.14.100 (C) YMC states that a variance shall be approved if:

1. Literal interpretation and application of provisions of this code would deprive the applicant of the rights commonly enjoyed by other properties in the same district;
2. A variance is necessary for the preservation and enjoyment of a property right possessed by other properties in the same vicinity or district, but which is denied to the property in question because of special circumstances on that property;
3. That the hardship described under this subsection is specifically related to the property and is the result of unique conditions such as irregular lot shape, size, or natural features, and the application of this code, and not, for example, from deed restrictions or the applicant's own actions;
4. The granting of the variance will not be materially detrimental to the public welfare or injurious to the right of other property owners in the vicinity; and
5. The variance will not permit a use prohibited by the Unified Development Code in the district in which the subject property is located.

FINDINGS AND CONCLUSIONS

The City of Yelm Municipal Code requires a minimum of 2 parking stalls per residential unit, and residential driveway widths not to exceed 24 feet.

Maximum driveway widths are incorporated into development construction plans to provide for adequate stormwater runoff treatment, are considered for the aesthetic value to the neighborhood, and for providing green space. Street standards for residential subdivisions provide for on-street parking, sidewalks on one side and planter strips with street trees on both sides.

The YMC provides guidance for parking requirements that allow the safe maneuvering and access to vehicles while parked. The Americans with Disabilities Act (ADA) provides minimum standards for parking. In the City, a standard parking stall is 9' x 20'. ADA requires parking stalls to be a minimum of 8' in width, with an accessibly landing of a minimum of 5 feet in width.

The public right-of-way within the Mountain Sunrise subdivision is a modified local access residential street. This modified standard includes 2 drive lanes, a parking lane on one side of the street, a 5-foot planter strip and 5-foot sidewalk on one side. The right-of-way at this property includes a planter strip 5 feet behind the street curb, then a 10-foot utility easement. The planter strip in this area included 1 required street tree.

The 10-foot utility easement includes telephone, power, gas, cable, and possibly other utilities. When installing a driveway within subdivisions in the City, it is standard practice to sleeve utilities so that driveways are not disturbed if maintenance is required.

One neighboring property owner supports the driveway expansion, however the HOA does not feel the width is appropriate.

Section 18.14.100 YMC states that a variance may be granted by the Hearing Examiner if all required findings exits.

Staff analysis regarding variance criteria:

Required Finding #1. Does the literal interpretation and application of provisions of the YMC deprive the applicant of the rights commonly enjoyed by other properties in the same district?

The applicant provides information that establishes that 2 families are sharing the home, and that one of the family members requires an off-street parking area to allow the member to safely exit a vehicle away from the street. The applicant

states that additional paved surface is required for the safety of the family member.

It is standard for all homes within residential subdivisions in the City of Yelm to have off-street parking of no more than 24 feet in width, or room for 2 – 3 cars. City street standards allow for on-street parking within residential subdivisions. The literal interpretation of residential driveway width of 24 feet would not deprive the applicant room to park 2-3 vehicles off street which is commonly enjoyed by other properties in this zoning district, however 24 feet in width may not allow enough room for 2 - 3 parking stalls and a provision for an accessible landing that meets ADA requirements.

Required Finding #2. Is a variance necessary for the preservation and enjoyment of a property right possessed by other properties in the same vicinity or district, but which is denied to the property in question because of special circumstances on that property?

The property, when developed, provided an improved driveway 18-feet in width, which is adequate for 2 vehicles. The applicant states that a 24-foot driveway width allowed by code, does not provide adequate room needed for the specific medical circumstance of the family member.

Special circumstances exist due to specific needs of the resident that the previously existing driveway did not meet.

Required Finding #3. Is a hardship described that is specifically related to the property and is the result of unique conditions such as irregular lot shape, size, or natural features, and the application of this code, and not, for example, from deed restrictions or the applicant's own actions?

The hardship described by the applicant is that there are two families residing in the home, and the existing driveway did not provide adequate space to provide a safe quiet place for their child to remain in the car before exiting the vehicle.

The property is of average shape and size; hardship is not specifically related to the property as a result of unique conditions of the property.

Required Finding #4. Will the granting of the variance be materially detrimental to the public welfare or injurious to the right of other property owners in the vicinity?

The stormwater facilities for the subdivision planned for driveway widths of 24 feet in width. Planter strips with street trees provide aesthetics and green space. The utility easement provides space for required utilities to serve the subdivision.

The expansion of the driveway of more than 24 feet of paved surface is not likely to cause the stormwater facilities to fail so may not be materially detrimental to public

welfare, however the expansion over the planter strip removed a required street tree and greenspace for the neighborhood, and may not have protected public infrastructure.

Required Finding #5. Will the variance permit a use prohibited by the Unified Development Code in the district in which the subject property is located?

The variance if granted would not permit a use prohibited by the Unified Development Code in the R-4 district.

Conclusion:

Analysis of the variance criteria shows that the use is not a prohibited use, that there would not be material detriment to public welfare, however reduced the required landscaping and aesthetics of the neighborhood. The parcel does not, by its shape and size, prohibit the applicant rights commonly enjoyed by other properties in the same district.

While the variance process is the correct way to seek consideration of change from the strict interpretation of the code, a request for reasonable accommodation does not fall neatly within the variance criteria, and appropriate findings for each criterion may not be achievable. In this instance, analysis should also include whether the modification requested is reasonably necessary to accommodate the disability, and whether the modification would fundamentally and/or unreasonably alter the nature of the specific code requirement.

The applicant has provided documentation that accommodation for off-street parking is needed for the family member, but what is missing is the nexus of what is reasonably necessary to accommodate the family member.

A driveway 24 feet in width, with the availability of other on-street parking provides for the parking area for 2 – 3 vehicles. Using standing parking requirements, and standard ADA accessible parking, the parcel could reasonably provide for the medical need by providing 3 9-foot-wide parking stalls, one of which would have a 5' accessible landing.

RECOMMENDATION

After review of the applicant's request, and subsequent variance criteria, it is the recommendation of staff to allow an expansion of the driveway width to be 27 feet, with a 5'x20' accessible landing. The easement and planter strip should be restored with grass and street tree.

This provides the relationship, or nexus, between the requested accommodation and the individual's disability.

Exhibits:

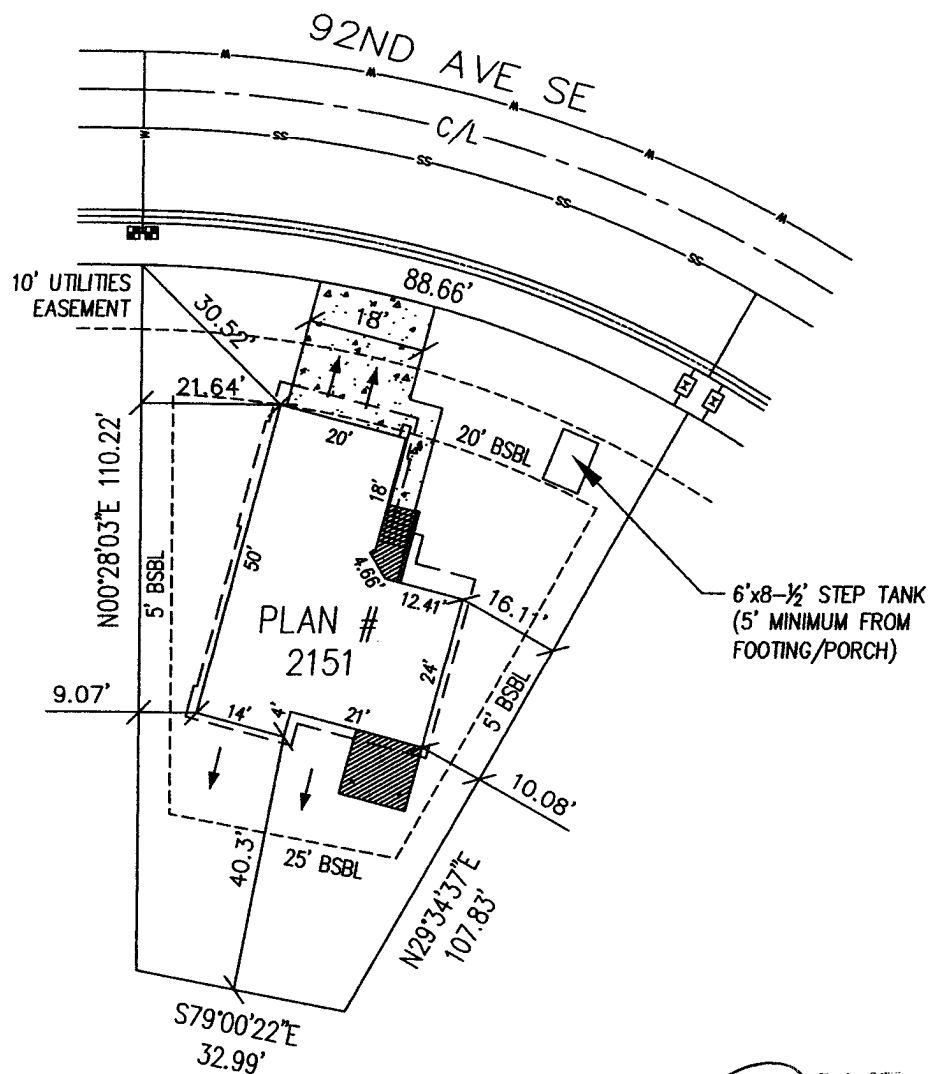
Exhibit A: Variance application package

Exhibit B: 2005 Building Permit Site Plan

Exhibit C: 2012 Photo of site

Exhibit D: 2020 Photo of site

Exhibit E: Public Comment



~~APPROVE~~

CONTACT INFO
KELLI: (253) 848-0820

NOTE:

- NOTE:**
1. MAINTAIN 10' BETWEEN STRUCTURES
 2. ROOF RUNOFF TO BE TIGHTLINED TO DRYWELL
 3. DRIVEWAY APPROACH TO BE BROOM FINISHED



**SUNRIDGE
HOMES, INC.**

P.O. BOX 73790
PUYALLUP, WA 98373
PH: (253) 848-0820
FAX: (253) 539-0514

MOUNTAIN SUNRISE, LOT 04

CITY OF YELM

16519 92ND AVE SE
YELM, WA

PARCEL #

SCALE: 1"=30'	DATE: 08-05-05
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Google Maps

16519 92nd Ave SE

Image 2012

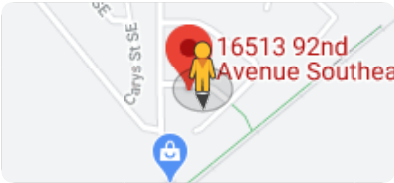


Image capture: Jul 2012 © 2020 Google

Yelm, Washington



Street View





Tami Merriman

From: Danielle Abbott Beyer <DMABeyer@live.com>
Sent: Friday, October 9, 2020 12:53 PM
To: Tami Merriman
Subject: [External]Public comment: Rudis Driveway Expansion

Good afternoon,
I live directly across the street from this house and want to comment on this project.

Expanding their driveway has allowed them to get their cars off the street, which has been great. It's hard to see down our street especially when kids are playing and people drive through too fast. The extra visibility is appreciated. Also, I have noticed that his disabled nephew has wandered into the street a lot less now that there is a clear and safe path to the cars. He is a sweet kid, but I worried about him getting hit by the drivers that speed through without paying proper attention. It seems like it was good move for everyone to expand the driveway and I am not sure what the controversy is. It's clean and makes the front of his house look nicer.

It seems to be a variance from the HOA preferences, but it's a good move that does not appear to injure the neighborhood and does seem to protect his family.

No complaints or issues here.

Thank you,

Danielle Beyer
253-230-3046
16514 92nd AVE SE Yelm WA 98597



VIS GROUP, INC.

Professional Community Management

800-537-9619
info@vismanagement.com
vismanagement.com

8617 Martin Way East, Lacey, WA 98516

13470 Martin Luther King Jr. Way S, Renton, WA 98178

Date: October 15, 2020

In Reference to: Jason Rudis, 16519 92nd Ave SE, Yelm, WA 98597.

To whom it may concern,

We do not support the issuance of a variance and have requested that the homeowner remove a portion of the expansion. The referenced individual failed to submit an Architectural review application to the Homeowner's Association c/o VIS Group, Inc as the management company. As outlined in the Governing Documents, the homeowner must receive prior approval for any changes made to the property.

Only after numerous complaints from the neighbors, it was brought to our attention that Mr. Rudis had modified his driveway without ACC Committee or the Board's approval. Mr. Rudis was asked to submit an application to retroactively have the Board review the modifications. The Board voted to deny the changes and have asked that Mr. Rudis remove a portion of the driveway. The Board has a history of approving driveway extensions up to 24ft or equal to half of their current concrete driveway. This allows for additional parking spaces and recreational vehicles to park behind the fence line.

So, in closing, Mr. Rudis has added a substantially noticeable driveway extension to the property. The Board is within their right to fine Mr. Rudis for failure to comply with the Governing Documents but have given them ample time to remove the driveway addition. We received the attached letter notifying us that he is request a variance. We are not in support of this and would ask that the City deny his variance request as this modification would not conform to the community.

For your records, we have attached the original application and any applicable photos from our monthly inspections and the referenced CC&R ACC regulations.

Best regards,

VIS Group, Inc. on behalf of

Mountain Sunrise Board of Directors

Phone: (800) 537-9619

E-mail: info@vismanagement.com

Fax: (253) 799-8899

*CC&R's Referenced here: **CC&R's ARTICLE IX ARCHITECTURAL AND LANDSCAPE CONTROL***

Section 9.1 *Approval of Plans Require. Except as provided for in Section 9.2 below, none of the following actions may be taken until plans and specifications for the same have been approved in writing by the ACC:*

- (a) The construction of private roads or driveways.*
- (b) The construction or erection of any building, fence, wall, or other structure, including the installation, erection, or construction of any solar collection or satellite device.*
- (c) The remodeling, reconstruction, or alteration of any road, driveway, building or other structure; and.*
- (d) The landscaping or alteration of any existing landscaping upon any area which is required to be maintained either by the Association or any Owner pursuant to this Declaration.*

Section 9.5 *Conformity with Approved Plans. It shall be the responsibility of the ACC to determine that the improvement was completed in accordance with the plans as submitted and approved. Such determination must be made within sixty (60) days of the completion of the improvement. If the ACC shall determine that the improvement does not comply with the plans and specifications as approved, it shall notify the Owner within that sixty (60) day period. If the Owner is so notified, that Owner shall within such time as the ACC shall specify, but not less than thirty (30) days either.*

- (a) Remove or alter the improvement; or*
- (b) Take such other steps as the ACC shall designate to bring the improvement into conformity.*





VIS GROUP, INC.

Professional Community Management

800-537-9619

info@vismanagement.com

vismanagement.com

8617 Martin Way East, Lacey, WA 98516

13470 Martin Luther King Jr. Way S, Renton, WA 98178

July 22, 2020

Account: 103000040

COURTESY NOTICE

Jason Rudis
16519 92Nd Ave SE
Yelm, WA 98597

Mountain Sunrise at Yelm OA
RE: 16519 92Nd Ave SE, Yelm, WA, 98597

Dear Jason Rudis,

This letter is coming to you as a courtesy from Mountain Sunrise at Yelm OA. It carries no penalties or fines and is strictly a warning as well as an attempt to preserve, maintain and improve the value of the community. It was noted on 7/22/2020 that a violation occurred on your property located at 16519 92Nd Ave SE, Yelm, WA, 98597, which our records indicate that you are the owner or authorized contact. Specifically, **changes to the driveway without approval**. This is a violation of Mountain Sunrise At Yelm OA Governing Documents which state:

"Section 9.1 Approval of Plans Required Except as provided for in Section 9.2 below, none of the following actions may be taken until plans and specifications for the same have been approved in writing by the ACC:

(a) The construction of private roads or driveways;

(b) The construction or erection of any building, fence, wall or other structure, including the installation, erection, or construction of any solar collection or satellite device;

(c) The remodeling, reconstruction, or alteration of any road, driveway, building or other structure; and.

(d) The landscaping or alteration of any existing landscaping upon any area which is required to be maintained either by the Association or any Owner pursuant to this Declaration."

As stated, this letter is a courtesy and is advisory in nature. We respectfully ask that you comply with the following request within **30** days of this letter: **modifications need to be made to removed/modified the area that is outlined in the ACC Denial letter and the attached letter from the City of Yelm**. We would also advise that if a formal complaint is filed it could result in further pursuit of Mountain Sunrise at Yelm OA Enforcement Policy. The policy and enforcement procedures can be found in your Governing Documents, available on the VIS Group, Inc. website at www.vismanagement.com. Additional information, such as a compliance appeal form, can be downloaded from the above website or obtained from our management company, available by telephone at 800-537-9619 or by email at info@vismanagement.com.

We hope this letter is accepted in the spirit it was intended, which is to inform you of the duties and obligations of homeownership in this neighborhood. If you feel this letter was sent to you by mistake you may appeal it by submitting a compliance appeal form that you can download from www.vismanagement.com. You may also request an extension to correct the violation. However, if the violation is not corrected by the approved extension you may face additional penalties. We at VIS Group, acting on behalf of the Board of Directors, are doing our best to administer the rules and regulations by which all homeowners are bound at Mountain Sunrise at Yelm HOA in a thoughtful and constructive manner.



VIS GROUP, INC.

Professional Community Management

800-537-9619

info@vismanagement.com

vismanagement.com

8617 Martin Way East, Lacey, WA 98516

13470 Martin Luther King Jr. Way S, Renton, WA 98178

Sincerely,
Management Team
VIS Group, Inc.
On behalf of Mountain Sunrise at Yelm HOA



VIS GROUP, INC.

Professional Community Management

800-537-9619
info@vismanagement.com
vismanagement.com

8617 Martin Way East, Lacey, WA 98516

13470 Martin Luther King Jr. Way S, Renton, WA 98178

August 11, 2020
Account: 103000040

Jason Rudis
16519 92Nd Ave SE
Yelm, WA 98597

Mountain Sunrise At Yelm OA
RE: 16519 92Nd Ave SE , Yelm, WA, 98597

1st Compliance Notice



Dear Jason Rudis,

This letter is in regard to a violation of Mountain Sunrise At Yelm OA Governing Documents. The violation is present at 16519 92Nd Ave SE , Yelm, WA, 98597, which our records indicate you are the owner or authorized contact. It was first noted on 7/22/2020 that a violation existed and is still present. Specifically, changes without approval. This is a violation of Mountain Sunrise At Yelm OA Governing Documents which state:

"Section 9.1 Approval of Plans Required Except as provided for in Section 9.2 below, none of the following actions may be taken until plans and specifications for the same have been approved in writing by the ACC:

- (a) The construction of private roads or driveways;***
- (b) The construction or erection of any building, fence, wall or other structure, including the installation, erection, or construction of any solar collection or satellite device;***
- (c) The remodeling, reconstruction, or alteration of any road, driveway, building or other structure; and.***
- (d) The landscaping or alteration of any existing landscaping upon any area which is required to be maintained either by the Association or any Owner pursuant to this Declaration."***

This letter is associated with a **\$60.00** fine, which includes all applicable fees, payable to Mountain Sunrise At Yelm OA. We respectfully ask that you comply with the following request within **15** days of this letter: **modifications need to be removed/modified** . Failure to pay the fine associated with this letter within 15 days of this letter could result in further pursuit of Mountain Sunrise At Yelm OA enforcement policy.

If you feel that this letter was sent to you by mistake you may appeal this fine by submitting a compliance appeal form that you can download from www.vismanagement.com. You may also request an extension to correct the violation. However, if the violation is not corrected by the approved extension you may face additional penalties. We at VIS Group, acting on behalf of the Board of Directors, are doing our best to administer the rules and regulations by which all homeowners are bound at Mountain Sunrise At Yelm OA in a thoughtful and constructive manner.

Sincerely,
Management Team
VIS Group, Inc.
On behalf of Mountain Sunrise At Yelm OA

**MOUNTAIN SUNRISE @ YELM HOMEOWNERS
ASSOCIATION**

ARCHITECTURAL APPLICATION

***** Please Allow 30 Days for Processing *****

Failure to comply with the CC&R's and Architectural Review Guidelines may subject a homeowner to legal action, legal fees and/or other charges per RCW 64.38.020 (11) and CC&R's Article 9. Any assessed amounts may be used to place a lien on the home until there is compliance.

Mail To: Mountain Sunrise @ Yelm HOA
VIS Group Inc.
8617 Martin Way E.
Lacey, WA 98516

Deliver To: 8617 Martin Way E.
Lacey, WA 98516
Contact #: 800-537-9619
info@vismanagement.com

Applicant Jason Rudis **Date:** 4-23-20
Owner

Mailing Address 16519 92nd Ave SE **City** Yelm **State** WA **Zip** 98597

Property Address: Same **Lot #** _____
(If different from above)

Contact #'s: Day 360 292 2572 Eve 360 292 2572 Cell _____

Email rudis007@hotmail.com

Architect, Engineer or Owner's Representative (if applicable):

Name _____ **Phone** _____

Address _____ **City** _____ **State** _____ **Zip** _____

Describe modifications, additions and/or changes. Provide sketches, dimensions, descriptions of all finish materials, etc. on page 2 ("Information Request"). For Exterior Paint projects include attached ACC Exterior Paint Specification Form and color samples.

FOR ACC COMMITTEE USE

☐ **Application Returned**

Date: _____
(See ACC Comments Sections)

☐ **Application Approved**

Date: _____
(Improvements must be completed within 120 days of approval)

Signature

Printed Name

Signature

Printed Name

Signature


Printed Name

**MOUNTAIN SUNRISE @ YELM HOMEOWNERS
ASSOCIATION**


ARCHITECTURAL APPLICATION

***** Please Allow 30 Days for Processing *****

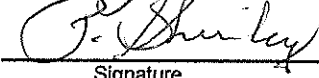
NEIGHBOR NOTIFICATION: The intent is to advise your neighbors who own property adjacent to, facing or impacted by the improvement(s) to your lot (property). Neighbors are encouraged to review your plans acknowledging the proposed changes or alterations to your lot. This is a "good neighbor policy" and they can sign the application and initial the plans if they choose to. Neighbors may provide input directly to the ACC if they have comments. Signature of this form is for notification purposes only. Neighbor approval/disapproval shall be advisory and is not binding in any way on the Architectural Committees' decision.


Signature

Isaac Boranegra 16513 92nd Ave SE
Printed Name Address


Signature

Danielle Beyer 116514 92nd Ave SE
Printed Name Address


Signature

Patricia Shirley 16520 92nd Ave SE
Printed Name Address

OWNER AGREEMENT

I UNDERSTAND AND AGREE THAT:

1. No work on this request shall commence until written approval of the Architectural Control Committee has been received.
2. All improvements approved by the Architectural Control Committee must be **completed within one hundred and twenty (120) days** after date of approval. Failure to complete the work within the prescribed period of time will cause the approval to be rescinded and resubmission will be required. Extenuating circumstances should be brought to the attention of the Architectural Control Committee.
3. Within thirty (30) days of completion of improvements, written notification must be provided to the Architectural Review Committee of such completion in order for the Committee to make its inspection as to compliance with approved plans and specifications. (See attached "Notice of Completion" letter.)
4. All city, county, state and federal codes and regulations must be followed and are the responsibility of the homeowner.

Proposed Start Date: _____ Proposed Completion Date: _____

SIGNATURE: _____

Homeowner (Authorization of representative must be attached, if applicable.)

MOUNTAIN SUNRISE @ YELM HOMEOWNERS ASSOCIATION

ARCHITECTURAL APPLICATION

*** Please Allow 30 Days for Processing ***

INFORMATION REQUEST

Depending on the scope of your project, some, or all of the following information should be submitted with your request. Attach additional drawings to this form if needed.

1. Description of improvement.
2. Location of residence on lot and dimensions from lot line. Indicate North arrow.
3. Complete dimensions of improvement proposed.
4. Measurements of improvements in relation to residence and lot lines.
5. Description of all finish materials, textures and color schemes. Attach ACC Exterior Paint Specification Form including paint chips/samples on each copy of request. Note clearly where each color is to be used.
6. Drawings to show affected elevations.
7. Height of trees at maturity.

NOTE: All works of improvement shall be performed in a manner consistent with the architectural standards of the existing structures and fences.

ACC COMMITTEE COMMENTS SECTION

Reasons for return/disapproval:



Common Reasons for Incomplete or Does Not Meet Standards Applications

<input type="checkbox"/> Paint chips needed on all 3 sets/applications	<input type="checkbox"/> Trim color does not meet standards
<input type="checkbox"/> Requires 3 complete sets	<input type="checkbox"/> House base color does not meet standards
<input type="checkbox"/> Missing neighbor notification signature(s)	<input type="checkbox"/> Incomplete "Information Request" page
<input type="checkbox"/> Shed roof must be same as house	<input type="checkbox"/> Shed siding must be same as house
<input type="checkbox"/> Needs description of materials to be used	<input type="checkbox"/> Needs sketch with building dimensions

**MOUNTAIN SUNRISE @ YELM HOMEOWNERS
ASSOCIATION
ARCHITECTURAL APPLICATION**
**** Please Allow 30 Days for Processing ****

Notice of Completion of Approved Architectural Changes

DATE: _____

Mountain Sunrise @ Yelm Homeowners' Association
Architectural Control Committee
c/o VIS Group Inc.
8617 Martin Way E.
Lacey, WA 98516

RE: Lot _____ located at _____
Street address

Architectural Application Approval Date _____

This letter is to inform you that the modification, additions and/or changes requested on my Architectural Application have been completed. I am now ready for a final inspection by the Committee or its designated representative as to compliance with approved plans and Specifications.

Please contact me to arrange for the inspection. I can be reached at:

Day _____

Eve _____

E-mail _____

Sincerely,

Signature

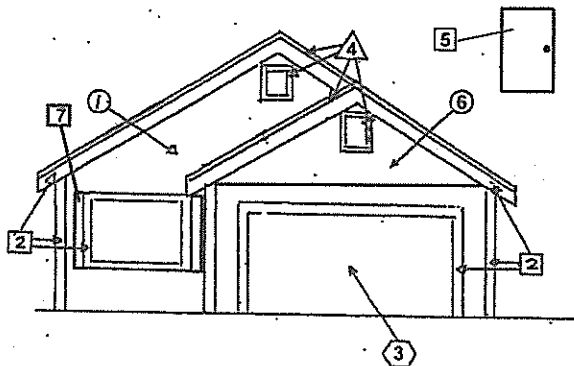
Printed Name

Revised 04/27/16

**MOUNTAIN SUNRISE @ YELM HOMEOWNERS
ASSOCIATION
ARCHITECTURAL APPLICATION**
**** Please Allow 30 Days for Processing ****

EXTERIOR PAINT SPECIFICATIONS

EXAMPLE OF TYPICAL HOME



INDICATE COLORS TO BE USED

Required Colors (Maximum number of colors: 2)

- 1. Body _____
- 2. Trim _____
- 3. Garage Door _____

Optional Colors (Maximum number of colors: 2)

- 4. Accent _____
- 5. Front Door _____
- 6. Gable _____
- 7. Shutters (Optional) _____

ATTACH PAINT CHIPS
BELOW ON EACH
COPY:

Comments \ Additional Information:

92nd Ave

Currently Grass

Want to make additional

Concrete Pad

Move Gate to existing edge
↓ of current slab

Current Concrete Pad

↑ Current Gate

House



VIS GROUP, INC.

Professional Community Management

800-537-9619

info@vismanagement.com

vismanagement.com

8617 Martin Way East, Lacey, WA 98516

13470 Martin Luther King Jr. Way S, Renton, WA 98178

July 22, 2020
Account: 103000040

Jason Rudis
16519 92Nd Ave SE
Yelm, WA, 98597

Mountain Sunrise at Yelm Owners Association
RE: 16519 92Nd Ave SE, Yelm, WA, 98597

Dear Jason Rudis,

The Board of Directors and/or ACC Committee of Mountain Sunrise at Yelm Owners Association has reviewed your application **to extend the driveway**. This letter is to notify you that your request has been **DENIED**. The reasons for the denial are the following below:

"The driveway was installed prior to ACC application review process. The driveway does not meet the community standards and the City of Yelm requirements. The driveway will need to be modified to remove the portion that is wider than 24' within 10' of the curb and the portion that is within 5' of the property line."

We appreciate your cooperation in requesting review of the modification. We encourage you to submit another application, taking into consideration the Board and/or ACC Committee's suggestions. If you have any additional questions or concerns about this or any other matter, feel free to contact our office at (800) 537-9619 or info@vismanagement.com.

Sincerely,
Management Team
VIS Group, Inc.
On behalf of Mountain Sunrise at Yelm Owners Association



VIS GROUP, INC.

Professional Community Management

800-537-9619
info@vismanagement.com
vismanagement.com

8617 Martin Way East, Lacey, WA 98516

13470 Martin Luther King Jr. Way S, Renton, WA 98178

October 16, 2020
Account: 103000040

2nd Compliance Notice

Jason Rudis
16519 92Nd Ave SE
Yelm, WA 98597

Mountain Sunrise At Yelm OA
RE: 16519 92Nd Ave SE , Yelm, WA, 98597



Dear Jason Rudis,

This letter is in regard to a violation of Mountain Sunrise At Yelm OA Governing Documents. The violation is present at 16519 92Nd Ave SE , Yelm, WA, 98597, which our records indicate you are the owner or authorized contact. It was first noted on 7/22/2020 that a violation existed and is still present. Specifically, **changes without approval**. This is a violation of Mountain Sunrise At Yelm OA Governing Documents which state:

"Section 9.1 Approval of Plans Required Except as provided for in Section 9.2 below, none of the following actions may be taken until plans and specifications for the same have been approved in writing by the ACC:

- (a) The construction of private roads or driveways;***
- (b) The construction or erection of any building, fence, wall or other structure, including the installation, erection, or construction of any solar collection or satellite device;***
- (c) The remodeling, reconstruction, or alteration of any road, driveway, building or other structure; and.***
- (d) The landscaping or alteration of any existing landscaping upon any area which is required to be maintained either by the Association or any Owner pursuant to this Declaration."***

This letter is associated with a **\$60.00** fine, which includes all applicable fees, payable to Mountain Sunrise At Yelm OA. We respectfully ask that you comply with the following request within **15** days of this letter: **modifications need to be removed/modified** . Failure to pay the fine associated with this letter within 15 days of this letter could result in further pursuit of Mountain Sunrise At Yelm OA enforcement policy.

If you feel that this letter was sent to you by mistake you may appeal this fine by submitting a compliance appeal form that you can download from www.vismanagement.com. You may also request an extension to correct the violation. However, if the violation is not corrected by the approved extension you may face additional penalties. We at VIS Group, acting on behalf of the Board of Directors, are doing our best to administer the rules and regulations by which all homeowners are bound at Mountain Sunrise At Yelm OA in a thoughtful and constructive manner.

Sincerely,
Management Team
VIS Group, Inc.
On behalf of Mountain Sunrise At Yelm OA

Tami Merriman

From: Elissa Wadleigh <elissawadleigh@gmail.com>
Sent: Friday, October 16, 2020 12:48 PM
To: Derek McCoy
Cc: Grant Beck; Tami Merriman; Chris Vaccaro
Subject: Re: [External]Re: Mountain Sunrise Driveway Expansion - 16519 92nd Ave SE
Attachments: MS103000040 Rudis - Driveway Extension.pdf

Tami,

We received notice of the hearing on this variance request. I believe today is the deadline for public comment. I have attached a letter from the Homeowners Association as prepared by our property management company. I would also personally like to strongly oppose the issuance of this variance. I have been hearing from many neighbors upset about this expansion. It is very large. When they have 6 cars parked there it gives a very different look and feel to the character of the street. Jason Rudis is a former HOA board member, and well aware of the rules and the proper channels and chose to disregard them.

Please see attached official public comment letter and materials on behalf of the Mountain Sunrise at Yelm Owners Association. (The decision by the board to send this opposition to the variance was a unanimous vote.)

Please feel free to reach out to myself or the management company if you have any questions.

Thanks!
Elissa Wadleigh, President
Mountain Sunrise at Yelm Owners Association
707-228-8331

On Thu, Jul 16, 2020 at 8:15 AM Derek McCoy <DerekM@yelmwa.gov> wrote:

Elissa,

Here is the statement that you can use in your letter to this property owner. As I stated in the statement, I am willing to work with this property owner in developing a plan for a driveway that will comply with YMC. If you are still unable to get the resident to comply, the next steps would be initiated through a Citizen Action Request to the City and our Building Official (Chris Vaccaro) would handle the code enforcement process.

I hope that this will be useful in resolving this issue for you.

Derek M. McCoy, PE, Civil Review Engineer / Project Engineer

Office 360.458.8132 Cell 253.278.2937



City of Yelm
WASHINGTON
EST. 1924

From: Elissa Wadleigh <elissawadleigh@gmail.com>

Sent: Wednesday, July 15, 2020 5:32 PM

To: Derek McCoy <DerekM@Yelmwa.gov>

Subject: Re: [External]Re: Mountain Sunrise Driveway Expansion - 16519 92nd Ave SE

Are you still planning to send over that statement? We have a time frame in which we have to respond to their request, so we need to send out our letter to them with or without the statement very soon.

Thanks!

Elissa

On Fri, Jul 10, 2020 at 10:55 AM Elissa Wadleigh <elissawadleigh@gmail.com> wrote:

Derek,

That would be great. Please send the statement and we will have it included in our letter. Our intent is also compliance not penalty, so hopefully we will have success.

Thanks so much!

Elissa

On Fri, Jul 10, 2020 at 9:34 AM Derek McCoy <DerekM@yelmwa.gov> wrote:

Elissa,

I spoke with Grant this morning about this and confirmed that what I thought was the City's Policy was true.

BLUF (Bottom Line Up Front) – YMC 18.52.100 Driveways states clearly that; *“Residential driveway widths shall not exceed 24 feet.”* My previous email explained what this meant and included a recommendation for how to comply. The City could impose a \$250 Civil Penalty for failure to bring the driveway into compliance with the Yelm Municipal Code, but this process is not a quick one and would only happen after the HOA and the City have exhausted efforts to get the homeowner to comply.

From the Community Development page on YelmWA.gov ->
https://www.yelmwa.gov/connect/community_development/grant.php

Code Enforcement – The Building Official acts as the code enforcement officer for all building, zoning, and nuisance regulations.

The primary intent of all enforcement actions described is to educate the public and to encourage the voluntary correction of violations. Civil and criminal penalties will be used only when necessary to ensure compliance with the provisions of the codes to which this chapter applies. Criminal charges will be brought only when civil remedies have failed to ensure compliance.

With that all being said I could draft a statement that could be included as reference in the HOA's letter that would explain what code is being violated, how they could bring it into compliance, and what penalties they could face from the city if they did not comply. I could also give them my contact information if they would like assistance in developing an acceptable plan.

If the HOA is not successful in its efforts to get the homeowner to comply a Citizens Action Request could be filed that would start our Code Enforcement process.

I hope that helps you out, if you would like me to send that stamen I mentioned just let me know. Hope you have a great weekend!

Derek M. McCoy, PE, Civil Review Engineer / Project Engineer

Office 360.458.8132 Cell 253.278.2937

www.yelmwa.gov



From: Elissa Wadleigh <elissawadleigh@gmail.com>

Sent: Thursday, July 9, 2020 1:38 PM

To: Derek McCoy <DerekM@Yelmwa.gov>

Cc: Tami Merriman <tamim@Yelmwa.gov>; Grant Beck <grantb@Yelmwa.gov>

Subject: Re: [External]Re: Mountain Sunrise Driveway Expansion - 16519 92nd Ave SE

Thanks Derek! I will hope to hear back soon from Tami and/or Grant. We as an HOA can ask them to remove the portions that do not comply (or remove the entire thing) but if they refuse, our only recourse is to fine them until they comply. The problem is, under the Governor's current COVID orders, HOAs are barred from assessing fines for violations, so other than asking them to remove it, we have very little recourse right now (and for the foreseeable future).

I am really hoping that the city will address it with them as well, so that it will give further weight to what we request. If we are requesting the same thing that the city is, then that might make a difference. We really want to make sure moving forward that all applications for changes are in compliance with city codes and permit requirements. But as I said before, they installed this without pre-approval.

Thanks!

Elissa Wadleigh, Mountain Sunrise at Yelm HOA

707-228-8331

On Wed, Jul 8, 2020 at 11:11 AM Derek McCoy <DerekM@yelmwa.gov> wrote:

Elissa,

I will have to defer to Tami and Grant on what actions that City will pursue but I'm guessing that we would prefer that the HOA take the lead. I would recommend that you require them to remove the entire addition and submit a plan for a replacement for review.

Some basic guidelines that the revised plan should meet are;

- The portion of the driveway within the ROW/easement (Generally 10' from the curb) is limited to a width of 24'.
- The driveway surface beyond this point may be expanded provided a 5' min setback is maintained from property lines and total impervious surface (Not including roof) does not exceed 35% of the Lot area.
- The use of pervious pavement systems is encouraged.

I would be happy to assist you with courtesy reviews of plans for this and future requests.

Derek M. McCoy, PE, Civil Review Engineer / Project Engineer

Office 360.458.8132 Cell 253.278.2937

www.yelmwa.gov



From: Elissa Wadleigh <elissawadleigh@gmail.com>

Sent: Tuesday, July 7, 2020 8:47 PM

To: Derek McCoy <DerekM@Yelmwa.gov>

Subject: Re: [External]Re: Mountain Sunrise Driveway Expansion - 16519 92nd Ave SE

Yes. We were quite shocked by the size as well.

I will relay this info to the rest of the board. Will the city be contacting them about corrective action in addition to whatever the HOA decides?

I appreciate your assistance it is really useful to have that code info for review of future applications as well.

Elissa

On Tue, Jul 7, 2020, 4:49 PM Derek McCoy <DerekM@yelmwa.gov> wrote:

Elissa,

I did get a chance to drive by and look at this driveway. It is much larger of an area than what I was thinking it was. Yelm Municipal Code 18.52.100 Driveways, limits residential driveway widths to 24 feet. I think there is a path forward to allow some addition paved area to be used for parking but the drive way approach or access is still restricted to 24 feet.

Derek M. McCoy, PE, Civil Review Engineer / Project Engineer

Office 360.458.8132 Cell 253.278.2937

www.yelmwa.gov

From: Elissa Wadleigh <elissawadleigh@gmail.com>

Sent: Monday, July 6, 2020 2:11 PM

To: Derek McCoy <DerekM@Yelmwa.gov>

Subject: [External]Re: Mountain Sunrise Driveway Expansion - 16519 92nd Ave SE

Derek,

I am just checking in to see if you had a chance to check this out.

Thanks!

Elissa

On Wed, Jul 1, 2020 at 1:42 PM Elissa Wadleigh <elissawadleigh@gmail.com> wrote:

That sounds great! Thanks so much!

Elissa Wadleigh

Mountain Sunrise HOA - Yelm

On Wed, Jul 1, 2020 at 1:35 PM Derek McCoy <DerekM@yelmwa.gov> wrote:

Elissa,

As we discussed on the phone a few moments ago, this is an email to confirm I have your correct email address and to provide you will mine. I work mostly remote from home so email and cell are the best ways to contact me. I will try to get by this address and take a look at what they have done and get back with you about the City's comments. I will try and provide you with some guidelines as well for consideration on future requests like this one.

Derek M. McCoy, PE, Civil Review Engineer / Project Engineer

Office 360.458.8132 Cell 253.278.2937

www.yelmwa.gov