



**CITY OF DUPONT**  
Department of Community Development  
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Telephone: (253) 964-8121  
[www.dupontwa.gov](http://www.dupontwa.gov)

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## **NOTICE OF DECISION**

### **Care Home Health Sign Type III Sign Variance**

**Decision:** Approval of Variance and Permanent Sign Permit

**DuPont File No:** PLNG2022-010

**Date of Decision:** September 29, 2022

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**PROPOSAL:** Applicant filed an application with the City for a Permanent Building Mounted sign on the commercial north end of the commercial building located at 1584 McNeil Street. The Letter “C” logo proposed at 32” high exceeds the 14” cap for lettering height in the DuPont Municipal Code (DMC) Chapter 25.116. Additionally, the proposed sign area of 29.5’ exceeds the maximum authorized sign area of 15 sq. ft.

The deviation from the standards allowed in DMC, required the Applicant file a Variance request, which is processed as a Type III permit. The DMC provides a hearing examiner shall hold a hearing and issue a final decision for Type III permits.

**LOCATION:** Located at 1584 McNeil Street, Suite 240, DuPont, WA 98327.

**DECISION:** A duly noticed public hearing was held on the subject application in DuPont City Hall on September 28, 2022. Based on the Findings and Analysis, the Hearing Examiner finds that the variance requests are approved as follows, “The variance requests for the Careage Home Health sign are approved. The “C” of Careage Home Health is authorized for a height of 32 inches and the total area of the sign is authorized for 29.5 feet.

**CITY CONTACT:** Janet Howald, City of DuPont, 1700 Civic Drive, DuPont, WA 98327-9603, [jhowald@dupontwa.gov](mailto:jhowald@dupontwa.gov)

**APPEALS:** Pursuant to DMC 25.175.010 provides that this decision, as a Type III decision is final, subject to appeal to Pierce County Superior Court. Appeals are governed by Chapter 36.70C RCW. Such petition must be filed within 21 days after issuance of the decision. Please contact the City for more information about filing an appeal. The Notice and Hearing Examiner Decision may be viewed online: <https://www.dupontwa.gov/451/Notices-Decisions>

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**BEFORE THE HEARING EXAMINER FOR THE CITY OF DUPONT**

RE: Carriage Home Health Sign  
Variance

**FINAL DECISION**

File No. PLNG2022-010

**SUMMARY**

The Applicant has requested approval of two variances for the placement of a Carriage Home Health sign on the commercial north end of the commercial building located at 1584 McNeil St. The Applicant seeks to exceed the 14 inch cap on lettering height for one of the sign’s letters for a height of 32 inches. The Applicant also seeks to increase the maximum authorized area of the sign from 15 square feet to 29.5 feet. Both variances are approved.

**TESTIMONY**

Lisa Klein, an AHBL planning consultant, summarized the staff report on behalf of the City. Chad Pearson, Signarama Lacey, testified on behalf of the Applicant. He noted that the 14-inch lettering was the minimum necessary to be seen from Center Drive with the trees and speed limit. He also confirmed that because of the windows on the subject building, the signs could not be placed at a lower height.

**EXHIBITS**

**FINDINGS OF FACT**

**Procedural:**

**1.** Applicant. The Applicant is Scott Buck, Careage Home Health 1584 McNeil St. Suite 240 DuPont, WA 98327.

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2 2. Hearing. A hearing on the subject application was held in Dupont City Hall on September 28,  
3 2022.

4 3. Project/Site Description. The Applicant has requested approval of two variances for the  
5 placement of a Carriage Home Health sign on the north end of a multi-tenant commercial building  
6 located at 1584 McNeil St. The Applicant seeks to exceed the 14-inch cap on lettering height for one of  
7 the sign's letters for a height of 32 inches. The Applicant also seeks to increase the maximum authorized  
8 area of the sign from 15 square feet to 29.5 feet.

9 The variance requests are based upon waiver of the sign area and lettering height requirements of DMC  
10 25.116.120(3). Pursuant to that provision, maximum building area is computed by multiplying the  
11 primary business frontage times 0.6. The proposed use fronts two streets on a corner lot fronting McNeil  
12 Street and Center Drive. As noted in the staff report, "primary frontage" is not defined in the DMC but  
13 can be reasonably construed as the location of the primary business entrance. The primary business  
14 entrance of the proposed use is along McNeil Street. The proposed use has 25 feet of frontage along  
15 McNeil Street, which equates to 15 square feet of maximum sign area.

16 4. Surrounding uses/Sign Visibility. The proposed sign will be facing McNeil Street at the  
17 northeast corner of the intersection of Center Drive and McNeil Street, a busy and prominent commercial  
18 intersection. Center Drive serves as the dividing line for two commercial areas, DuPont Station to the  
19 east and McNeil Station to the west. The posted speed limit on Center Drive is 35 mph and on McNeil  
20 Street is 25 mph. The staff report notes that the 35 mph along Center Drive is atypically fast for City  
21 roads in developed business areas. The commercial buildings along Center Drive and McNeil Street are  
22 screened by mature street trees. In particular, along Center Drive there are two rows of street trees.

23 The proposed sign will be facing McNeil Street but is also close enough to Center Drive to be  
24 visible to vehicles driving northbound on that road as well. As shown in the att. 7 photographs, as a  
25 wall-mounted sign the sign must be placed above the windows of the building, which extend up two  
26 stories. The sign is also obscured from sight by street trees. The height of the sign, its sight obstruction  
by street trees and the relatively high speed along Center Drive all qualify as unique circumstances for  
the subject property as well as factors that necessitate the area and letter height variances requested by  
the Applicant.

27 5. Adverse Impacts. As mitigated, there are no significant adverse impacts associated with the  
28 proposal. The increased sign visibility resulting from the variance serves to improve upon traffic safety  
29 and congestion impacts by reducing distracted driving and the need to reduce speed to read the sign. The  
30 variance approvals will also not create any significant aesthetic impacts. The sign will be largely  
31 obscured from view by the street trees and in nonrelative terms does not represent a significant increase  
32 in sign area for such a large building. Further, from the Examiner's site visit, the sign is found to be  
33 aesthetically consistent with the nonobtrusive signage of the surrounding area. The sign is not found to  
34 be significantly larger than other existing signs.

1 6. Minimum Necessary. The proposed variances are the minimum necessary to provide effective  
2 visibility along Center Drive and McNeil St. As noted in the staff report, the proposed total sign area  
3 and letter height for the ‘C’ logo are the minimum variances necessary to provide effective visibility for  
4 customers along Center Drive and McNeil Street, to ensure cohesion with the building’s architecture and  
5 to be compatible with company branding. There being no evidence to the contrary and providing due  
6 deference to the planning expertise of staff, the staff report position on this issue is taken as  
7 determinative.

## 8 **CONCLUSIONS OF LAW**

9 1. Authority. DMC 25.175.010 classifies variance applications as Type III permits. DMC  
10 25.175.010(2)(b) provides that the hearing examiner shall hold a hearing and issue a final decision for  
11 Type III permit applications.

12 2. Zoning/Comprehensive Plan Designations. The Comprehensive Plan Designation is Mixed Use  
13 District. The Zoning Map designation is Mixed Use District-2.

14 3. Review Criteria. DMC 25.160.050 governs the criteria for variance approval. Applicable criteria  
15 are quoted in italic below and applied via associated conclusions of law.

16 **DMC 25.160.050 (1):** *The proposed variance will not amount to a rezone nor authorize any use not*  
17 *allowed in the land use district;*

18 4. The criterion is met. The Applicant proposes no change in use and only seeks to exceed sign  
19 lettering height and area restrictions.

20 **DMC 25.160.050 (2):** *Special conditions and circumstances exist which are peculiar to the land such*  
21 *as size, shape, topography or location, not applicable to other land in the same land use district,*  
22 *demonstrating that literal interpretation of this title would deprive the property owner of rights*  
23 *commonly enjoyed by other properties similarly situated in the same zoning district under the terms of*  
24 *this title;*

25 5. The criterion is met. As outlined in Findings of Fact No. 4 and 6, the presence of street trees,  
26 building windows and the relatively high speed limit of Center Drive create the need for the variance  
requests.

**DMC 25.160.050 (3):** *The special conditions and circumstances noted in subsection (2) of this section*  
*are not the result from the actions of the Applicant or property owner;*

6. The criterion is met. The trees and speed limits identified in Conclusion of Law No. 5 are the  
result of City requirements and actions and do not result from the actions of the Applicant. The windows  
might have been constructed by the current property owner, but even without that factor a variance would  
still be justified due to the trees and Center Drive speed.

1 **DMC 25.160.050 (4):** *Granting of the variance requested will not confer a special privilege that is*  
2 *denied other properties in the same land use district;*

3 7. The criterion is met. The Applicant is only seeking variances that give its sign a reasonable  
4 amount of visibility from the streets it fronts, a right enjoyed by most if not all other businesses in the  
5 City.

6 **DMC 25.160.050 (5):** *The granting of the variance will not be materially detrimental to the public*  
7 *welfare or injurious to the property or improvements in the vicinity and district in which the subject*  
8 *property is situated; and*

9 8. The criterion is met. As determined in Finding of Fact No. 5, there are no significant adverse  
10 impacts associated with the proposal as approved. Therefore, approving the variance application will  
11 not be materially detrimental to the public or other properties or improvements.

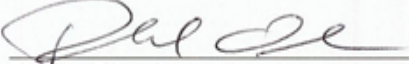
12 **DMC 25.160.050 (6):** *The requested variance does not go beyond the minimum necessary to afford*  
13 *relief.*

14 9. The criterion is met. For the reasons outlined in Finding of Fact No. 6, the requested variance is  
15 the minimum necessary to afford relief.

## 16 **DECISION**

17 The variance requests for the Carriage Home Health sign are approved. The “C” of Carriage Home  
18 Health is authorized for a height of 32 inches and the total area of the sign is authorized for 29.5 feet  
19 as depicted in the “proposed sign” rendition of page 2 of attachment 2.

20 Decision issued September 29, 2022.

21   
22 Phil A. Olbrechts

23 Hearing Examiner

## 24 **Appeal Right and Valuation Notices**

25 DMC 25.175.010 provides that this decision, as a Type III decision, is final, subject to appeal to Pierce  
26 County Superior Court. Appeals are governed by Chapter 36.70C RCW.

Affected property owners may request a change in valuation for property tax purposes notwithstanding  
any program of revaluation.

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