

KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

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Office (509) 962-7506

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NOTICE OF DECISION

TO: Applicant
Interested Parties (KCC 15A.06)

FROM: Dan Valoff, Staff Planner

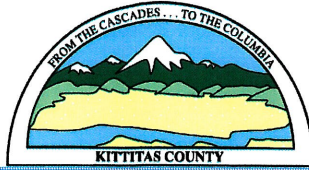
DATE: June 18, 2012

SUBJECT: Notice of Decision
Brewer Zoning Setback Variance VA-12-00002

Pursuant to RCW 36.70B.130 and KCC 15A.06, notice is hereby given that Kittitas County Community Development Services denied the Brewer zoning setback variance (VA-12-00002) on June 18, 2012. Douglas Brewer, landowner applied for a setback variance to reduce the side yard setback from 15 feet in the Rural Residential zone to 5 feet. The subject property is zoned Rural Residential zone per Kittitas County Code 17.84. The site is located at 770 Kachess River Road, WA in a portion of Section 3, T20N, R13E, WM in Kittitas County, bearing Assessor's map number 20-13-03050-0027.

Copies of the Community Development Findings of Fact and Decision as well as pertinent comments are attached. Other related file documents may be examined at the Kittitas County Community Development Services, 411 N. Ruby Suite 2, Ellensburg, WA 98926. (509) 962-7506 or found on line at: <http://www.co.kittitas.wa.us/cds/current/setback-variances.asp>.

Action by the Administrator is final unless an appeal in writing is filed with the Board of Adjustment, together with the applicable fee, on or before **July 2, 2012**. The request shall conform to the requirements of KCC Title 15A.07, Project Permit Application Process of the Kittitas County Code.



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"Building Partnerships – Building Communities"

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter having come before the Kittitas County Community Development Services for the Zoning Setback Variance from Douglas Brewer, landowner (VA-12-00002) to reduce the side yard setback from 15 feet in the Rural Residential zone to 5 feet makes the following Findings of Facts, Conclusions at Law and Decision related to the above referenced matter:

1. Community Development Services finds that Douglas Brewer, landowner submitted a zoning setback variance application on April 18, 2012. A Notice of Application was issued on May 22, 2012. This notice was mailed to government agencies, adjacent property owners, and the applicant as required by law.
2. Community Development Services finds that the site proposed for the zoning setback variance is at 770 Kachess River Road, WA in a portion of Section 3, T20N, R13E, WM in Kittitas County, bearing Assessor's map number 20-13-03050-0027.
3. Community Development Services finds based on the criteria outlined in Title 17.84 of the Kittitas County Code, that the proposed setback variance application **has not** demonstrated that:
 - a. Unusual circumstances or conditions apply to the property and/or the intended use that do not apply to other property in the general area.
 - b. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same vicinity.
 - c. That authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.
 - d. The granting of such variance will not adversely affect the realization of the comprehensive development pattern of this area.
4. Community Development Services finds that the granting of the proposed setback variance **will**:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity and planned uses; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
5. Community Development Services finds the granting of the proposed zoning setback variance is **not** consistent and compatible with the intent of goals, objectives and policies of the comprehensive plan, and any implementing regulation.

Based upon above mentioned Findings of Facts and Conclusion of Law the Brewer zoning setback variance (VA-12-00002) is hereby **denied**.

Dan Valoff, Staff Planner

6-18-12

Date

You may appeal this determination pursuant to KCC 15A.07.010 by submitting specific factual objections and a fee of \$500 to the Kittitas County Board of Adjustment by July 2, 2012 at 5:00pm to 411 North Ruby Street, Suite 2, Ellensburg, WA 98926.