

## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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"Building Partnerships – Building Communities"

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

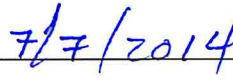
This matter having come before the Kittitas County Community Development Services for the Zoning Setback Variance from Dick and Donita Pittis, landowners (VA-14-00001) to reduce the front yard setback from 25 feet in the Rural 5 zone to 5 feet, Kittitas County Community Development Services makes the following Findings of Facts, Conclusions at Law and Decision related to the above referenced matter:

1. Community Development Services finds that Dick and Donita Pittis, landowners submitted a zoning setback variance application on January 22, 2014. A Notice of Application was issued on April 14, 2014. 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 581 Pebble Beach Drive, Cle Elum WA, 98922 in a portion of Section 35, T20N, R14E, WM in Kittitas County, bearing Assessor's map number 20-14-35050-0218.
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** 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. ***The building envelope on parcel 155934 is substantially diminished by a water hazard/pond from the adjoining golf course. Other parcels abutting said water hazard/pond are substantially larger and possess a correspondingly larger building envelope.***
  - 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. ***The Sun Country Estates Plat was recorded in June of 1968; construction and development since that time on lots of similar size and dimension has consistently encroached into the current front, rear, and/or side zoning setback dimensions.***
  - c. That authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity. ***The Sun Country Estates Plat was recorded in June of 1968; construction and development since that time on lots of similar size and dimension has consistently encroached into the current front, rear, and/or side zoning setback dimensions. The Sun Country Estates Home Owners Association has reviewed the proposed project and finds it in keeping with the spirit and intent of the associations Conditions Covenants and Restrictions. No comments were received from adjacent property owners objecting to the granting of this variance.***
  - d. The granting of such variance will not adversely affect the realization of the comprehensive development pattern of this area. ***The Sun Country Estates Plat was recorded in June of 1968; construction and development since that time on lots of similar size and dimension has consistently encroached into the current front, rear, and/or side zoning setback dimensions. Pebble Beach Drive (the frontage road) is a private road. Its location in the 100 year flood plain makes it extremely unlikely that it will ever be taken on to the Kittitas County Public Road System. The distance from the road edge to the proposed structure will be approximately 24 feet; which is within acceptable standard road safety parameters.***
4. Community Development Services finds that the granting of the proposed setback variance **will not**:
  - 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** 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 Pittis zoning setback variance (VA-14-0000) is hereby **approved**.

  
Jeff Watson, Staff Planner

  
Date

**An appeal of this land use decision may be filed within 10 working days by submitting specific factual objections and a fee of \$500 to the Kittitas County Board of Commissioners at 205 West 5th, #108 Ellensburg, WA 98926. The appeal and deadline is 5:00 pm July 21, 2014.**