



FINDINGS OF FACT AND CONCLUSIONS OF LAW Warmenhoven Zoning Setback Variance VA-18-00003

This matter, having come before Kittitas County Community Development Services, for the Warmenhoven Zoning Setback Variance (VA-18-00003) submitted by David Warmenhoven, authorized agent for Box Wood Builders, LLC, is a request to reduce a 25 foot rear yard setback within the Residential zone to 15 feet. This variance is in order to facilitate utility rights of way and snow removal.

1. Community Development Services finds that David Warmenhoven submitted a Zoning Setback Variance application on June 6th, 2018. The application was deemed complete on June 15th, 2018. A Notice of Application was issued on June 22nd, 2018. This notice was mailed to government agencies, adjacent property owners, and the applicant as required by law pursuant to Kittitas County Code (KCC) 15A.03.060.
2. The subject property is identified as parcel # 438535 and located off of Snoqualmie Drive in the Snoqualmie Limited Area of More Intensive Rural Development, in Section 15, T22N, R11E, WM. Map number 22-11-15050-0135.
3. Comments were received from the Kittitas County Building Department and Kittitas County Environmental Health.
4. Kittitas County Environmental Health commented, stating that the department has no issues with the proposal.
5. Kittitas County Building commented with a request that a snow storage or removal plan be prepared by a licensed engineer.
6. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant must demonstrate that the proposal has met all four criteria. This is demonstrated by the following:
 - 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.

Applicant Response:

"During the survey performed by PLSA, it came to our attention that a portion of the property line actually extended into the County Street by approximately 4". Along the Snoqualmie Drive portion of the property, the property line runs adjacent to the edge of the street at a distance of 4 inches to about 18 inches. There is no right of way between the property line and roadway to accommodate all of the utilities in that area. The opinion offered by the surveyor was that the County road was installed to close to the property- however that is only an opinion. With the circumstance as it exists, the house footprint is much closer than anticipated to the roadway and will adversely impact winter time snow removal issues. Furthermore, if the variance is granted Box Wood Builders is fine with the utilities at their present location on the property."

Staff Conclusions:

The circumstances of the property are unique. In the surveyor's judgment, the County Road was installed closer to the property line than the County right of way allowed, reducing the available area on the property for snow removal.

- 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.

Applicant Response:

"Approving the requested variance will place the house consistent with the other homes in the surrounding area as they generally are setback approximately 25 feet from the roadway. To place the home within 15 feet of the roadway will not be consistent".

Staff Conclusions:

The variance as proposed will allow the new home to be placed on the parcel in a manner consistent with other structures in the area.

- c. Authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.

Applicant Response:

"Approving the request for setback will not impact any adjoin properties or any other property in the Hyak Estates neighborhood. The property adjacent to the backside of said property will have a side set back of 10 feet. That area will have the appearance of being consistent with all of the side setbacks of homes in the area - specifically on Chamonix Place".

Staff Conclusions:

The proposed variance will not affect the aesthetic character of the area. In addition, the snow storage or removal plan as requested by Mike Flory, Building Official, will mitigate any possible detriment to the public interest.

- d. The granting of such a variance will not adversely affect the realization of the comprehensive development pattern of this area.

Applicant Response:

"The granting of the requested variance will enhance both the aesthetics and functionality of the property. The setback will be consistent with other homes which might have the benefit of right of way space. The added setback will also provide adequate space for the plowing of snow during the winter months."

Staff Conclusions:

The proposed variance is consistent with the comprehensive development pattern of the area. Granting the variance will facilitate residential construction on a parcel zoned for residential development.

7. Community Development Services finds that the applicant has met the four requirements outlined in KCC 17.84.010. Community Development Services finds that the granting of the proposed Zoning 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.

8. Community Development Services finds that the granting of the proposed Setback Variance is consistent and compatible with the intent of goals, objectives and policies of the comprehensive plan, and any implementing regulation.

Based upon the above mentioned Findings of Facts and Conclusion of Law the Warmenhoven Setback Variance (VA-18-00003) is hereby **approved** with the following conditions of approval:

- 1) A snow storage or removal plan shall be prepared by the licensed architect or engineer designing the structure and submitted to our Kittitas County Community Development Services Department and approved by the Building Official prior to issuance of any building permit(s) for the residence or associated structures.

**Designated
Permit**

Coordinator:


Dusty Pilkington

Title: Planner, Kittitas County Community Development Services

Address: Kittitas County Community Development Services
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Date: July 27th, 2018

An appeal of this land use decision may be filed within 10 working days by submitting specific factual objections and a fee of \$1400 to the Kittitas County Board of Commissioners at 205 West 5th, #108 Ellensburg, WA 98926. The appeal and deadline is 5:00 pm August 10th, 2018.