



# 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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Building Partnerships - Building Communities

March 26, 2019

Dan and Michelle Berlin  
1401 153<sup>rd</sup> Pl SE  
Bellevue, WA 98007

RE: VA-19-00001 Berlin – Deemed Incomplete and 2<sup>nd</sup> Request for Additional Information

Dear Mr. and Mrs. Berlin,

Kittitas County Community Development Services (CDS) received your request for a Zoning Setback Variance on February 28, 2019 to reduce the rear yard setback to 15' from 25' for the construction of a single family residence. The subject property is zoned Residential. This parcel is located at 50 Kitzbuhel Place, in a portion of Section 15, T22N, R11E, WM in Kittitas County, bearing Assessor's map number 22-11-15-050-0005. On March 18, 2019, a request for additional information was sent to you. On March 20, 2019, additional documentation was received. After review of the submitted materials, we have made the following preliminary findings.

The following code sections apply to the variance request:

KCC Chapter 15A.03.030(2) stipulates that:

*“The written application shall be accompanied by a site plan showing the dimensions and arrangement of the proposed development or changes including all proposed land uses and structures; points of access, roads and parking areas; septic tank and drainfield and replacement areas; areas to be cut or filled; and natural features such as contours, streams, wetlands, hazardous slopes, etc. The administrator may require other drawings, topographic surveys, photographs, or other material essential to an understanding of the proposed use and its relationship to the surrounding properties.”*

KCC Chapter 17.84.010 further provides that a variance *“shall be made only when all of the following conditions and facts exist:*

- 1) *Unusual circumstances or conditions applying to the property and/or the intended use that do not apply generally to other property in the same vicinity or district, such as topography;*
- 2) *Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district;*
- 3) *The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located;*
- 4) *That the granting of such variance will not adversely affect the realization of the comprehensive development pattern. A variance so authorized shall become void after the expiration of one year if no substantial construction has taken place;”*

Pursuant to KCC 17.84.010, all four criteria must be met in order to grant a variance. After review of the submitted materials, we have determined that the application as submitted is insufficient to meet items 1 and 2 above:

- 1) The subject property is larger in area than most of the surrounding properties, and contains sufficient area to construct a single family residence while adhering to the required rear yard setback. The proposed 2818 square foot footprint for the proposed residence can be reduced in size to accommodate the setback in code, even if the neighbor's encroachment onto the property is considered.

- 2) The proposed residence has a larger footprint than the surrounding properties. The right to build a residence similar in area to the neighboring properties is not infringed by the property line setbacks existing in code.

After review of the submitted additional information and the originally submitted site plan and application, we have determined that in order to be considered a complete application submittal consistent with the above, the following items are needed:

1. A 2<sup>nd</sup> version of the site plan depicting the existing setbacks under current code, for the proposed development so that CDS may review the “*proposed use and its relationship to surrounding properties*”, pursuant to KCC 15A.03(2) above. The current setbacks under current code are as follows: 15 feet on the front yard, 5 feet on the side yard, and 25 feet on the rear yard, and can be found in KCC 17.16.060-080. This was previously requested in our March 18, 2019 letter (see attached).
2. A revised narrative detailing how the application meets the criteria for KCC 17.84.010(1) - (2).

The requested material will need to be submitted to KCCDS on or before **September 22, 2019 at 5:00 pm** (180 days), in order to keep this application active, pursuant to [KCC 15A.03.040 \(1\)\(b\)](#) which states:

*“an incomplete application shall expire after 180 calendar days unless the requested supplemental information is submitted in complete form.”*

CDS’s review will commence when all additional information is received. The application will be processed under all codes in effect at the time a complete application is received by CDS.

Feel free to contact me should you have any questions.

Sincerely,



Dusty Pilkington  
Planner I  
Kittitas County Community Development Services  
411 N Ruby St # 2, Ellensburg, WA 98926  
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Enclosure: March 18, 2019 Letter



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Bellevue, WA 98007

RE: VA-19-00001 Berlin – Deem Incomplete and Request for Additional Information

Dear and Mr. and Mrs. Berlin,

Kittitas County Community Development Services (CDS) received a request for a Zoning Setback Variance on February 28, 2019 to reduce the rear yard setback to 10' from 25' for the construction of a single family residence. The subject property is zoned Residential. This parcel is located at 50 Kitzbuhel Place, in a portion of Section 15, T22N, R11E, WM in Kittitas County, bearing Assessor's map number 22-11-15-050-0005. Your application has been determined incomplete and additional information is required.

The following code sections necessitate more information:

KCC Chapter 15A.03.030(2) stipulates that:

*"The written application shall be accompanied by a site plan showing the dimensions and arrangement of the proposed development or changes including all proposed land uses and structures; points of access, roads and parking areas; septic tank and drainfield and replacement areas; areas to be cut or filled; and natural features such as contours, streams, wetlands, hazardous slopes, etc. The administrator may require other drawings, topographic surveys, photographs, or other material essential to an understanding of the proposed use and its relationship to the surrounding properties."*

KCC Chapter 17.84.010 further provides that a variance "shall be made only when all of the following conditions and facts exist:

- 1) *Unusual circumstances or conditions applying to the property and/or the intended use that do not apply generally to other property in the same vicinity or district, such as topography;*
- 2) *Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district;*
- 3) *The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located;*
- 4) *That the granting of such variance will not adversely affect the realization of the comprehensive development pattern. A variance so authorized shall become void after the expiration of one year if no substantial construction has taken place;"*

After review of the submitted site plan and application, we have determined that in order to be considered a complete application submittal consistent with the above, the following items are needed:

1. A revision to the site plan depicting the square footage of the proposed structure, in order to determine the proposal's consistency with the comprehensive development pattern of the area pursuant KCC 17.84.010(4) above.
2. A revision to the site plan depicting the existing setbacks under current code, and the setbacks (including reduction) for the proposed development so that CDS may review the "proposed use and its relationship to surrounding properties", pursuant to KCC 15A.03(2) above.

3. Provide additional information regarding the neighbor's "encroaching" driveway and rockery, also pursuant to KCC 15A.03.030(2). Was this "encroachment" discovered by a professional surveyor? If so, please provide a copy of the survey. Is there an existing easement for the driveway and rockery in question? If so, please provide documentation.

The requested material will need to be submitted to KCCDS on or before **September 18, 2019 at 5:00 pm** (180 days), in order to keep this application active, pursuant to [KCC 15A.03.040 \(1\)\(b\)](#) which states:

*"an incomplete application shall expire after 180 calendar days unless the requested supplemental information is submitted in complete form."*

CDS's review will commence when all additional information is received. The application will be processed under all codes in effect at the time a complete application is received by CDS.

Feel free to contact me should you have any questions.

Sincerely,



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