

**KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES**

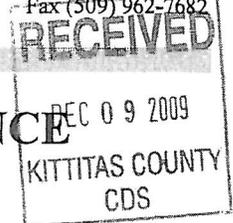
*Jeff Watson*

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

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682



**ZONING STRUCTURAL SETBACK VARIANCE APPLICATION**

*(To place a structure closer to the lot line than allowed)*

KITTTITAS COUNTY ENCOURAGES THE USE OF PRE-APPLICATION MEETINGS. PLEASE CALL THE DEPARTMENT IF YOU WOULD LIKE TO SET UP A MEETING TO DISCUSS YOUR PROJECT. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

**Current Zoning Setbacks:**

Zone	FRONT SETBACK	SIDE SETBACK	REAR SETBACK	Side (setback for side abutting the street)
Residential	15'	5'	25'	15'
Residential-2	15'	10' on one side and 5" on the other side	25'	15'
Suburban	25'	15'	25'	20'
Agriculture-3, Agriculture-20, and Commercial Ag	25'	5'	25'	15'
Rural-3	25'	15'	15'	-
Forest & Range	25'	10'	10'	15'
Commercial Forest	200'	200'	200'	-

PLEASE TYPE OR PRINT CLEARLY IN INK. ATTACH ADDITIONAL SHEETS AS NECESSARY. PURSUANT TO KCC 15A.03.030, A COMPLETE APPLICATION IS DETERMINED WITHIN 30 DAYS OF RECEIPT OF THE APPLICATION SUBMITTAL PACKET AND FEE. THE FOLLOWING ITEMS MUST BE ATTACHED TO THIS APPLICATION PACKET:

**REQUIRED ATTACHMENTS**

- ADDRESS LIST OF ALL LANDOWNERS WITHIN 500 FEET OF THE SITE'S TAX PARCEL. IF ADJOINING PARCELS ARE OWNED BY THE APPLICANT, THE 500 FEET EXTENDS FROM THE FARTHEST PARCEL. IF THE PARCEL IS WITHIN A SUBDIVISION WITH A HOMEOWNERS OR ROAD ASSOCIATION, PLEASE INCLUDE THE ADDRESS OF THE ASSOCIATION.
- SITE PLAN OF THE PROPERTY WITH ALL PROPOSED: BUILDINGS; POINTS OF ACCESS, ROADS, AND PARKING AREAS; SEPTIC TANK AND DRAINFIELD AND REPLACEMENT AREA; AREAS TO BE CUT AND/OR FILLED; AND, NATURAL FEATURES SUCH AS CONTOURS, STREAMS, GULLIES, CLIFFS, ETC.

**FEE:**

\$495.00 to Kittitas County Community Development Services

\$65.00 for Fire Marshal

\*One check made payable to KCCDS

**FOR STAFF USE ONLY**

**PAID**

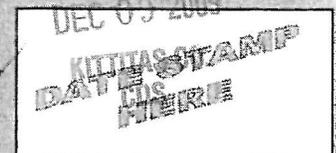
APPLICATION RECEIVED BY

SIGNATURE:

DATE:

RECEIPT #:

NOTES:



1. Name, mailing address and day phone of land owner(s) of record:  
*Landowner(s) signature(s) required on application form.*

Name: Scott Shelly Sandlin  
Mailing Address: 7631 63rd Dr NE  
City/State/ZIP: MARYSVILLE wa 98270  
Day Time Phone: 360 659 2004  
Email Address: SANDLIN3@COMCAST.NET

2. Name, mailing address and day phone of authorized agent, if different from land owner of record:  
*If an authorized agent is indicated, then the authorized agent's signature is required for application submittal.*

Agent Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City/State/ZIP: \_\_\_\_\_  
Day Time Phone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

3. Street address of property:

Address: 1390 Skull Springs Rd.  
City/State/ZIP: Cle Elum, wa

4. Legal Description of Property: LOT 26 DIVISION JTT SKYMEADOWS

5. Tax parcel number: 19-16-17056-0026

6. Property size: 1/2 acre

7. Narrative project description: Please include the following information in your description: describe project size, location, water supply, sewage disposal and all qualitative features of the proposal; include every element of the proposal in the description (be specific, attach additional sheets as necessary):

in the course of construction of existing  
garage it came to our attention that a portion  
of the south west corner of our garage maybe  
inside the the set back requirements, yet well  
inside our property line. 90% of structure is well over  
set back requirements and structure in no way effects <sup>neigh-</sup>  
<sup>bors!</sup>

8. Provision of zoning code for which this variance is requested and the way in which you wish to vary from the code:

SIDE SET BACK TO ADJACENT PROPERTY'S

9. A variance may be granted only when the following criteria are met. Please describe in detail how each criteria is met for this particular request (attach additional sheets as necessary):

A. 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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. 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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. That authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. That the granting of such variance will not adversely affect the realization of the comprehensive development pattern.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

All correspondence and notices will be mailed to the Land Owner of Record and copies sent to the authorized agent.

Signature of Authorized Agent:  
(REQUIRED if indicated on application)

Date:

X \_\_\_\_\_

\_\_\_\_\_

Signature of Land Owner of Record:  
(REQUIRED for application submittal)

Date:

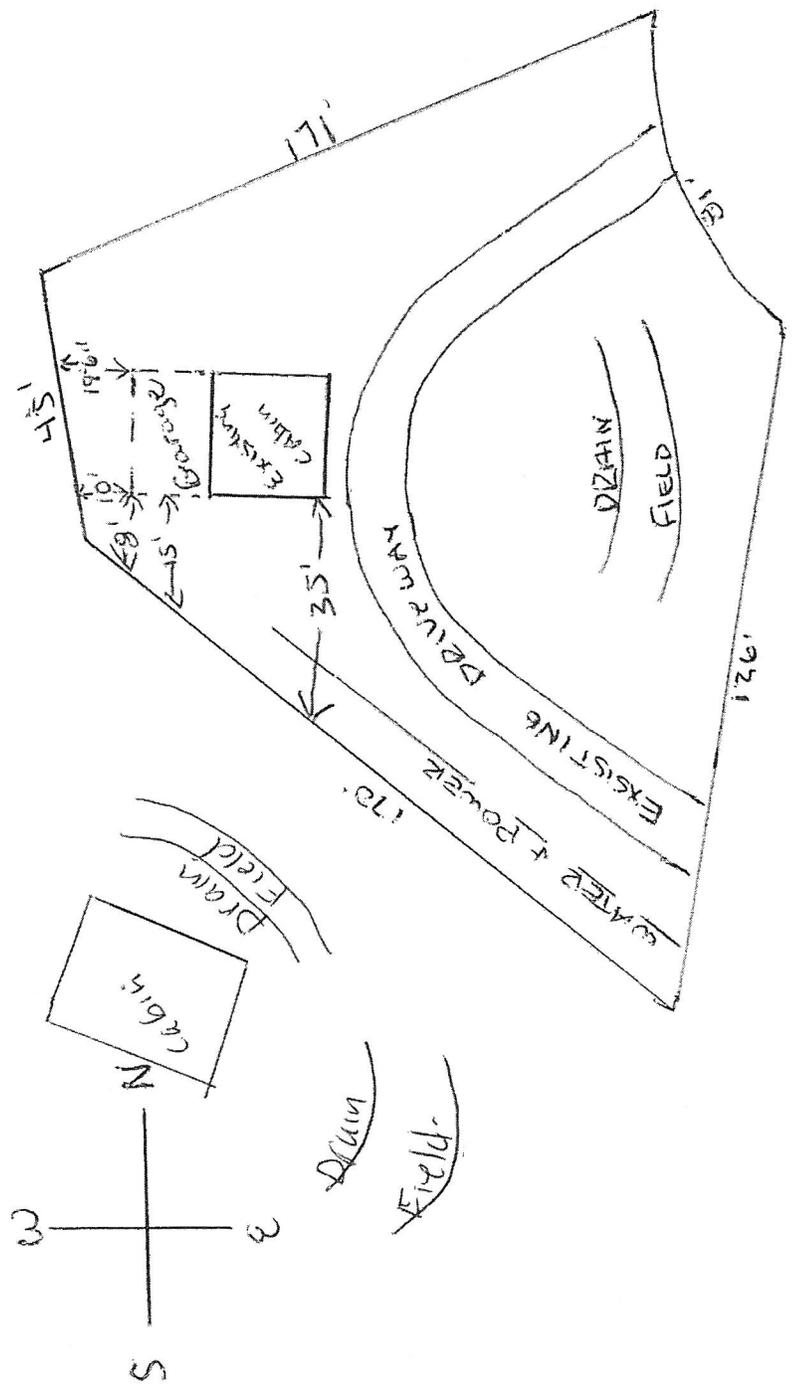
X Scott R. Sandberg

11/18/09





LOT 26 DIVISION VII SKY MEADOWS



site PLAN

Scott & Shelly Sandlin  
 7631 63rd Dr NE  
 Marysville WA 98270  
 360-659-7004

**Setback Variance Preliminary Submittal Requirements For:**

**VA-09-00018 Sandlin**

Date Received: December 9, 2009

Review Date: December 14, 2009

Map Number: 19-16-17056-0026 Parcel Number: 367034 Acres Recorded: .53

Planner: Jeff Watson Zoning: Forest & Range

Fee Collected

Second Page of Application turned in (Contact Page)

8.5 X 11 Preliminary Plat Map

Parcel History (Required for Comm Ag & Ag 20 if < 20 Acres)

Conforms to the county comprehensive plan and all zoning regulations

Located within Fire District

Located within Irrigation District

School District

In UGA

**Critical Areas**

Yes  No Within a Shoreline of the State Environment:

Yes  No Within a FIRM Floodplain Panel #:

Yes  No Within a PHS Habitat Habitat Type:

Yes  No Wetland in Parcel Wetland Type:

Yes  No Seismic Rating Category:

Yes  No Within Coal Mine Area

Yes  No Hazardous Slope in Parcel Category:

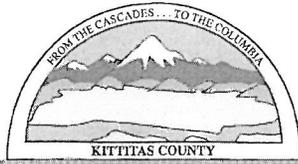
Yes  No Airport Zones within Parcel Zone:

Yes  No Adjacent to Forest Service Road Road:

Yes  No Adjacent to BPA Lines or Easement

Yes  No Within 1000' of Mineral Land of LTS

②



## KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

December 14, 2009

Scott and Shelly Sandlin  
7631 63<sup>rd</sup> Drive NE  
Marysville WA 98270

RE: Sandlin Variance Application, VA-09-00018

Dear Mr. & Mrs. Sandlin,

Your application for a Setback Variance on approximately .53 acres of land that is zoned Forest & Range, located in a portion of Section 17, T19N, R16E, WM, in Kittitas County; Assessor's map number **19-16-17056-0026** was received on December 9<sup>th</sup>, 2009. Your application has been determined complete as of December 14, 2009.

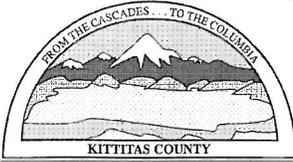
Continued processing of your application will include, but is not limited to, the following actions:

1. Preliminary review by Kittitas County staff from various departments, at which time requests for additional or supplemental information, may be entertained.
2. A Notice of Application will be sent to all adjoining property owners, governmental agencies, and interested persons.
3. Consideration of written comments from all adjoining property owners, governmental agencies, and interested persons.
4. Approval or denial will be issued. This decision will be final unless appealed within 10 working days following the date of issuance.

If you have any questions regarding this matter, I can be reached at (509) 933-8274, or by e-mail at [jeff.watson@co.kittitas.wa.us](mailto:jeff.watson@co.kittitas.wa.us)

Sincerely,

Jeff Watson  
Staff Planner



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cds@co.kittitas.wa.us

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"Building Partnerships – Building Communities"

### NOTICE OF APPLICATION

(Pursuant to Kittitas County Code 15A.03.060)

**To:** Interested Departments & Agencies with Jurisdiction  
Adjacent property owners  
Applicant

**From:** **Jeff Watson, Staff Planner**

**Date:** **12/21/2009**

**Subject:** **Sandlin Setback Variance, VA-09-00018**

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On December 9, 2009, Scott and Shelly Sandlin, landowners, submitted a Setback Variance application which was deemed complete on December 14, 2009 by Kittitas County Community Development Services staff. The application is for a Setback Variance pursuant to Kittitas County Code 17.84 on approximately .53 acres of land that is zoned Forest and Range. The subject property is located in Sky Meadows, approximately 5 miles southeast of the City of Cle Elum, north of Klancie Lane, and south of Skull Springs Road, in a portion of Section 17, T19N, R16E, WM in Kittitas County, bearing Assessor's map number 19-16-17056-0026. See attached vicinity map.

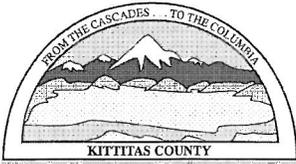
The complete submitted application and related filed documents may be examined by the public at the Community Development Services office at 411 N Ruby Street, Suite 2, Ellensburg, WA 98926, as well as on the Community Development Services website at [www.co.kittitas.wa.us/cds/current/](http://www.co.kittitas.wa.us/cds/current/). If you do not have internet access, or are unable to view the complete application at Community Development Services in person, one will be mailed on request.

Under Title 15A.03.080, Setback Variances are processed in an abbreviated administrative format, which does not involve a public hearing. All comments will be considered in the decision making process, and any person has the right to comment on this application and receive notification of the Community Development Services administrative decision, once made. Appeals to an administrative land use decision may be filed within 10 working days with the board of county commissioners as outline in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$500<sup>00</sup>.

All comments on this application must be addressed to the designated permit coordinator at :

Attn: **Jeff Watson**  
Kittitas County Community Development Services  
411 N Ruby Street, Suite 2  
Ellensburg, WA 98926

**SEE REVERSE SIDE FOR ADDITIONAL INFORMATION**



# KITTTAS COUNTY COMMUNITY DEVELOPMENT SERVICES

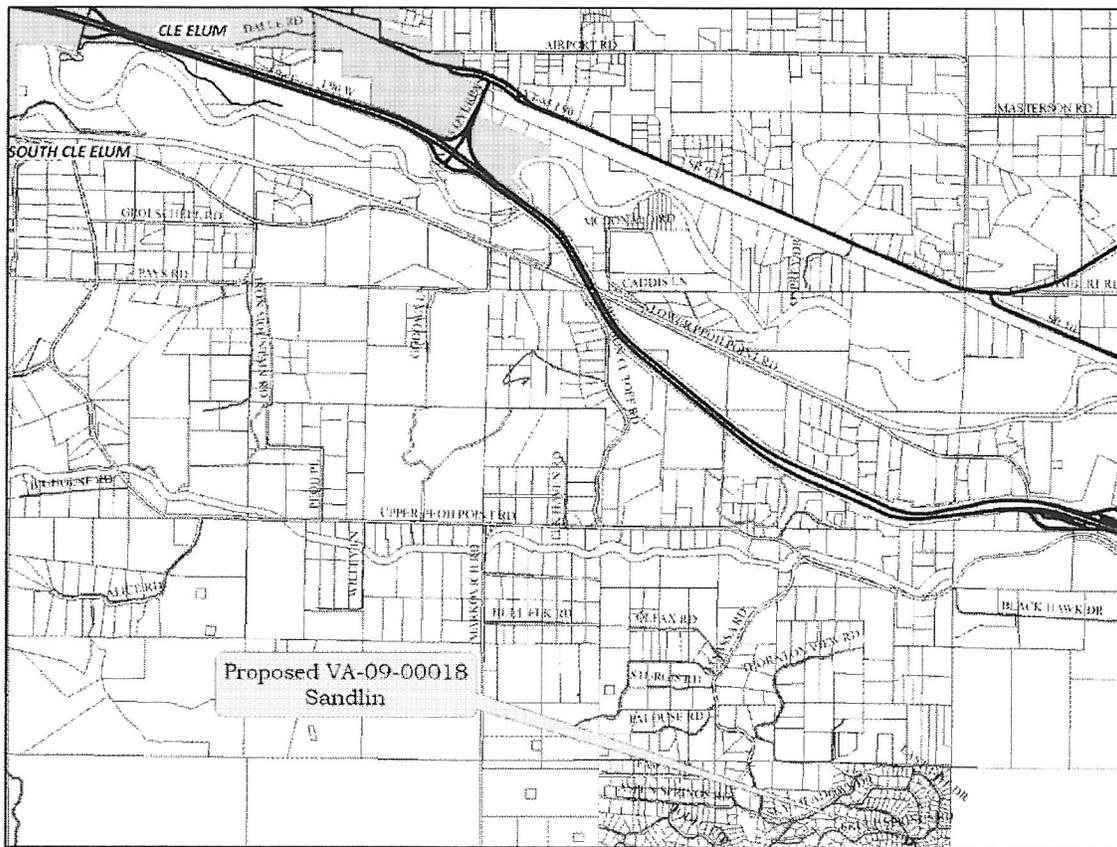
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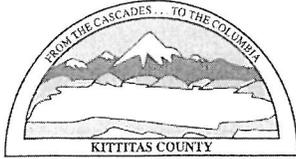
The 15 day comment period as outlined in Table A at the end of Title 15A of the Kittitas County Code, will terminate on **January 5, 2010 at 5:00 pm.**

If you have any questions regarding the proposed project outlined above, or the application process, please contact Community Development Services at (509) 962-7506.

## Vicinity Map



**SEE REVERSE SIDE FOR ADDITIONAL INFORMATION**



KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

"Building Partnerships – Building Communities"

**Affidavit of Mailing & Publication**

PROPOSAL NAME: Sandlin Setback Variance (VA-09-00018)

NOTIFICATION OF: Notice of Application

NOTIFICATION MAIL DATE: December 21, 2009

I certify that the following documentation:

- Notice of Application for the Sandlin Setback Variance VA-09-00018

has been mailed to the attached list of persons and participants, and that proper notification (as attached) has been published in the Legal Newspaper(s) of Record for Kittitas County.

Signature

Candie Leader  
County of Kittitas  
State of Washington

Subscribed and sworn to before me this 21st day of December, 2009

Kelly J. Carlson  
Notary Public for the State of Washington residing  
in Ellensburg.

My appointment expires: July 9<sup>th</sup>, 2010



Kittitas County Fire Marshal

Kittitas County Sheriffs Dept.

Kittitas County Board of County  
Commissioners

Kittitas County Code Enforcement

Kittitas County Environmental Health

Kittitas County Solid Waste Programs

Kittitas County Public Works

Fire District #7  
Attn: Fire Chief  
PO Box 777  
South Cle Elum, WA 98943

Thorp School District 400  
P.O Box 150  
Thorp, WA 98946

WA Dept. Fish and Wildlife  
Brent Renfrow/ Mark Teske  
201 N. Pearl  
Ellensburg, WA 98926

Yakama Nation  
P.O. Box 151  
Toppenish, WA 98948

James E Brooks Library  
Documents Dept.  
400 E. University Way  
Ellensburg, WA 98926 MS-7548

Washington Dept. of Ecology  
Regional Director  
15 W. Yakima Ave. Ste. 200  
Yakima, WA 98902-3401

DNR  
External SEPA Coordinator  
P.O. Box 47015  
Olympia, WA 98504-7015

WA Dept. of Natural Resources  
713 E. Bowers Rd.  
Ellensburg, WA 98926

Jonathan & Luanne Osterberg  
16241 NE 51 St  
Redmond, WA 98052

Rick & Susan Vaughn  
880 Alice Road  
Cle Elum, WA 98922

Van & Dee Vorwerk  
4400 174<sup>th</sup> St SE  
Bothell, WA 98012 – 6724

Tom Justus  
WA State Department of Health  
Eastern Regional Office  
1500 West Fourth Avenue Suite 305  
Spokane, Washington 99201

John Marvin  
Habitat Biologist  
Yakima-Klickitat Fisheries Project  
771 Pence Rd.  
Yakima, WA, 98908

Washington State Department of Archaeology  
& Historic Preservation  
1063 S. Capitol Way, Suite 106  
Olympia, WA 98501

Department of Ecology  
Environmental Review Section  
PO Box 47703  
Olympia, WA 98504-7703

Liz Bryson  
Daily Record  
401 N Main  
Ellensburg, WA 98926

Cindy Preston  
DNR Aquatic Land Manager  
713 E Bowers Road  
Ellensburg, WA 98926

Jim Boyle  
PO Box 39  
Ronald, WA 98940

Frank & Marcia Haake  
31330 – 31<sup>st</sup> Ave SW  
Federal Way, WA 98023

Dick & Pansy Wolf  
680 Alice Road  
Cle Elum, WA 98922

6

Record NOT Found For:  
19-16-17000-0000

WYLLYS, MIKE ETUX  
17408 95TH AVE  
BOTHELL, WA 98011-

HARPER, STEVEN L ETUX  
6329 176TH PL NW  
STANWOOD WA 98292-

GILLELAND, KENT L ETAL  
13433 SE 278TH ST  
KENT WA 98042

FERRIN, COLIN R ETUX  
1571 SKULL SPRINGS RD  
CLE ELUM WA 98922

BURKE, PATRICK J ETUX  
13230 JIM CREEK RD  
ARLINGTON WA 98233

BRUESS, TODD A ETUX  
3110 89TH AVE CT NW  
GIG HARBOR WA 98335

TRELOGGEN, BRIAN ETUX  
5504 NE 21ST CT  
RENTON WA 98059-

LARSON, HOWARD M & ENID L  
31323 179TH PL SE  
AUBURN WA 98092

POOLE, ROBERT H ETUX  
471 PUMPHOUSE HILL RD  
CLE ELUM WA 98922

CARAWAY, RICHARD ETUX  
22413 NE 20TH ST  
SAMMAMISH WA 98074

AUNE, WINSTON ETUX  
18611 NORTH ROAD  
BOTHELL WA 98012-

NICKERSON, CLAUDE R. ETUX  
3301 171ST PL SW  
ALDERWOOD MANOR WA 98037

TETZLAFF, DON ETUX  
1445 8TH PLACE S  
EDMONDS WA 98020-

BARTOLETTI, STACY J ETUX  
12921 NE 86TH ST  
KIRKLAND WA 98033-

LANGDON, TOM & LANGDON, TIM  
LANGDON BROTHERS, INC.  
22304 36TH AVE WEST  
MOUNTLAKE TERRACE WA 98043

MARTIN, JOHN T ETUX  
10020 178TH AVE SE  
RENTON WA 98059

MCGRAW, MICHAEL ETUX &  
ROBERTSON, MARGARET  
37804 37TH AVE S  
AUBURN WA 98001-

RUSBULDT, WILLIAM M. ETUX  
11833 SE 272ND PL  
KENT WA 98031

DARCH, MICHAEL C ETUX  
7602 229TH ST SE  
WOODINVILLE WA 98072

LIND, PAUL ETUX  
2826 YORK RD  
EVERETT WA 98204

STOCKLAND, N ANDER ETUX  
13210 93 AVE SE  
SNOHOMISH WA 98296-

FICKS, JEFF ETUX &  
EXE, NANCY  
13804 SE 251ST ST  
KENT WA 98042-

HENSHAW, ROBERT ETUX &  
FLEMING, MICHAEL ETUX  
11163 SE 59TH ST  
BELLEVUE WA 98006-

OOSTERWYK, TERESA  
256194 ACRES RD  
MONROE WA 98272-

HOLM, ERIC ETUX  
13512 SEABECK HIGHWAY NW  
SEABECK WA 98380-

MC HUGH, STEPHEN D  
23404 52 AVE W  
MOUNTALKE TERRACE WA 98043

WILLIAMSON, SCOTT  
631 NW 48TH ST  
SEATTLE WA 98107

MILLER, TODD ETUX  
711 PUMPHOUSE HILL RD  
CLE ELUM, WA 98922-

SMITH, PIERSON ETUX  
1717 RUCKER AVE  
EVERETT WA 98202-

HATFIELD, REX  
32025 194TH AVE SE  
KENT WA 98042-

BINCKLEY, JANIS Y  
2630 KINNIKINICK DR  
LEAVENWORTH WA 98826-

O'BERHANSLI, RONALD F  
PO BOX 603  
FOX ISLAND WA 98333-

CHUTICH, DAVID J ETUX  
6757 37TH SW  
SEATTLE WA 98126-

LAWRIE, ROBERT K ETUX &  
LAWRIE, KENNETH M ETUX  
PO BOX 1001  
SOUTH CLE ELUM, WA 98943-

MAHAN, DAVID C ETUX  
1017 15TH ST NW  
PUYALLUP WA 98371

VAN ANTWERP, MARK  
325 18TH ST SW  
PUYALLUP WA 98371-

HARVEY, SCOTT A ETUX ETAL  
8420 208TH AVE CT E  
BONNEY LAKE WA 98391-

WELLS, DAVID ETUX  
4426 241ST ST SE  
BOTHELL WA 98021-

ASBURY, ROBERT ETUX  
PO BOX 12603  
EVERETT WA 98206-

WATKINS, TONY M ETUX &  
DAWSON, JON L ETUX  
4011 SW 98TH ST  
SEATTLE WA 98136-

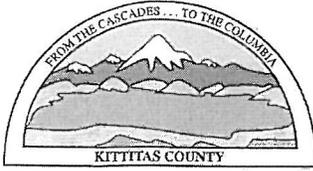
LOCATI, STEVE ETUX  
208 W 9TH #6  
ELLENSBURG WA 98926-

DRESSEL, TOD J ETUX  
8419 LANDING LANE SE  
PORT ORCHARD WA 98367-

BRUTSCHE, LEO & NORMA  
CO-TRUSTEES  
PO BOX 1918  
AUBURN WA 98071-1918

CHAMBERS, DAVID W ETUX &  
CHAMBERS, LYNN M  
5513 231ST AVE SE  
ISSAQUAH WA 98029-

BRUTSCHE FAMILY REV  
LIVING TRUST  
PO BOX 1918  
AUBURN WA 98071-1918



# KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS

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## MEMORANDUM

TO: Jeff Watson  
FROM: Christina Wollman, Planner II *aw*  
DATE: December 23, 2009  
SUBJECT: Sandlin Setback Variance VA-09-00018

The proposal does not appear to impact the existing or future transportation needs of Kittitas County. The Department of Public Works has no comment.



# KITTITAS COUNTY FIRE MARSHAL'S OFFICE

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

Office (509) 962-7657 Fax (509) 962-7682

January 4, 2010

Jeff Watson  
Community Development Services  
411 N. Ruby Street, Suite 2  
Ellensburg, WA 98926

Re: Sandlin Setback Variance, VA-09-00018

Dear Mr. Watson:

After conducting a review of the above named project, I have the following comments:

- All future development must comply with the International Fire Code and Kittitas County Code.
- Ensure that any structure hereafter erected does not encroach on neighboring structures, tanks, etc.

Any questions or concerns regarding fire service features may be directed to the Kittitas County Fire Marshal's Office. 509-962-7000.

Sincerely,

Brenda Larsen  
Fire Marshal

2/4/2010 12:02 PM

**Jeff Watson**

---

**From:** Lisa lammarino  
**Sent:** Monday, December 28, 2009 10:25 AM  
**To:** Jeff Watson  
**Subject:** Sandlin Variance

Jeff,

What do you need from me in way of comment for the Sandlin Variance. I do not believe a variance should be granted in this situation. Mr. Sandlin built a cabin, did not obtain a permit final, but has been using the structure. In addition to one building violation Mr. Sandlin decided to start another by adding onto the back of the cabin without permit approval. I went up and posted a "stop work" order on the building addition/garage that was being constructed and Mr. Sandlin still has continued to work on the structure and inhabit the cabin without occupancy approval.....he did pay the first 500 fine, but I guess he just doesn't believe we are serious.

I believe a variance should be for extenuating circumstances and not a way to remedy someone's violation. I think the variance should be denied and the illegal structure should be removed.

The neighbor's behind Mr. Sandlin would like it if you could call them. Penny has advised you call her daughter, Tiffany's cell phone at 425-359-5757 as they have some questions for you.

Thanks

Lisa

**Lisa lammarino**  
**Code Enforcement Officer**

Kittitas County Community Development Services  
411 N Ruby Street Suite 2  
Ellensburg, WA 98926  
[iammal@co.kittitas.wa.us](mailto:iammal@co.kittitas.wa.us)  
P: 509.962.7001  
F: 509.962.7682



"Building Partnerships-Building Communities"

***All e-mail sent to this address will be received by the Kittitas County e-mail system and may be subject to Public Disclosure under Chapter 42.56 RCW and is subject to archiving and review by someone other than the recipient.***

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Notice: All email sent to this address will be received by the Kittitas County email system and may be subject to public disclosure under Chapter 42.56 RCW and to archiving and review.

message id: 38eb45916c6dcbdac24bb8719d004a14

December 29, 2009

Kittitas County Community Development Services  
Attention: Jeff Watson  
411 N Ruby Street, Suite 2  
Ellensburg, WA 98926



Dear Mr. Watson,

I am a property owner adjacent to the Sandlin's in Sky Meadows. I have received the Notice of Application for the Sandlin Setback Variance, VA-09-00018. Our property is directly adjacent to the Sandlin's and is the closest to the cabin/garage in question. Our cabin was recently completed and we followed all laws and regulations in its construction. In fact, I had planned to construct a permanent roof over our original trailer on the property and later turn it into an enclosed garage. I even submitted for a permit and dug the foundations before I found out that it was too close to the road easement. I lived with my mistake and never constructed the roof/garage after paying permit fees and excavations costs for the foundation as it would not fit on the property with my desired cabin location.

While I do not believe in punishing a person for an honest and innocent mistake, I am not convinced that the Sandlin's garage construction was done without knowledge of the appropriate setbacks. Their cabin was constructed on a foundation that was put in place many years ago prior to the Sandlin's owning the property. They chose to build their cabin on the existing foundation and as a result did not have sufficient room within the setbacks to construct a garage in their desired location. They should have found another location for the garage. The corner stake of the property is very obvious and I am sure well known to them. Their claim that their property is sloped and this is the only location for a garage is a false statement. There are many properties in Sky Meadows with much greater slopes than theirs that have cabins and garages. The lack of space is the result of building on an existing foundation.

I believe we all need to follow the laws and regulations put in place and it is not appropriate to provide a variance for an individual who has failed to plan appropriately.

I would also comment that the Sandlin's have taken a very interesting approach to this variance request. To my knowledge they have not spoken to any of the neighbors asking their opinions and trying to get support for their variance. If it would have been me, I would have spoken to the neighbors before constructing and then made my variance request also before constructing.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacy James Bartoletti".

Stacy James Bartoletti, PE, SE

RECEIVED

DEC 29 2009

ALTIMORE COUNTY  
DEPT OF PUBLIC WORKS

Jeff Watson

Subject: Sandlin setback Variance, VA-09-00018

The Sandlin cabin started with an existing foundation. A cabin was built and almost completed when they started building the garage. The county would have never given a permit for the garage, as it was too close to the property line. So the Sandlins decided they would build it without permits. They knew exactly what they were doing before they ever started.

Why do you have setbacks if you can just apply for a variance? And what are the doors out the back for, a big deck and stairs?

If the Sandlins had contacted the county before building the garage without a permit they would not be in this situation. Property lines and setbacks are there for a purpose.

A variance should not even be considered when you are not abiding by the rules and have no consideration for others. They claim that this is not a problem for the neighbors; the roofline is 6 feet from our property.

The structure should have to come down, this should not be allowed. If they get a variance they end up with exactly what they wanted, without playing by the rules. This is not right.

The county should stand by the rules set by the county. This was not a mistake.

Please see updated sketch, as the dimensions are not correct.

Sincerely,

The Aune's

425-672-7365

71 KLANCIE LANE



RECEIVED

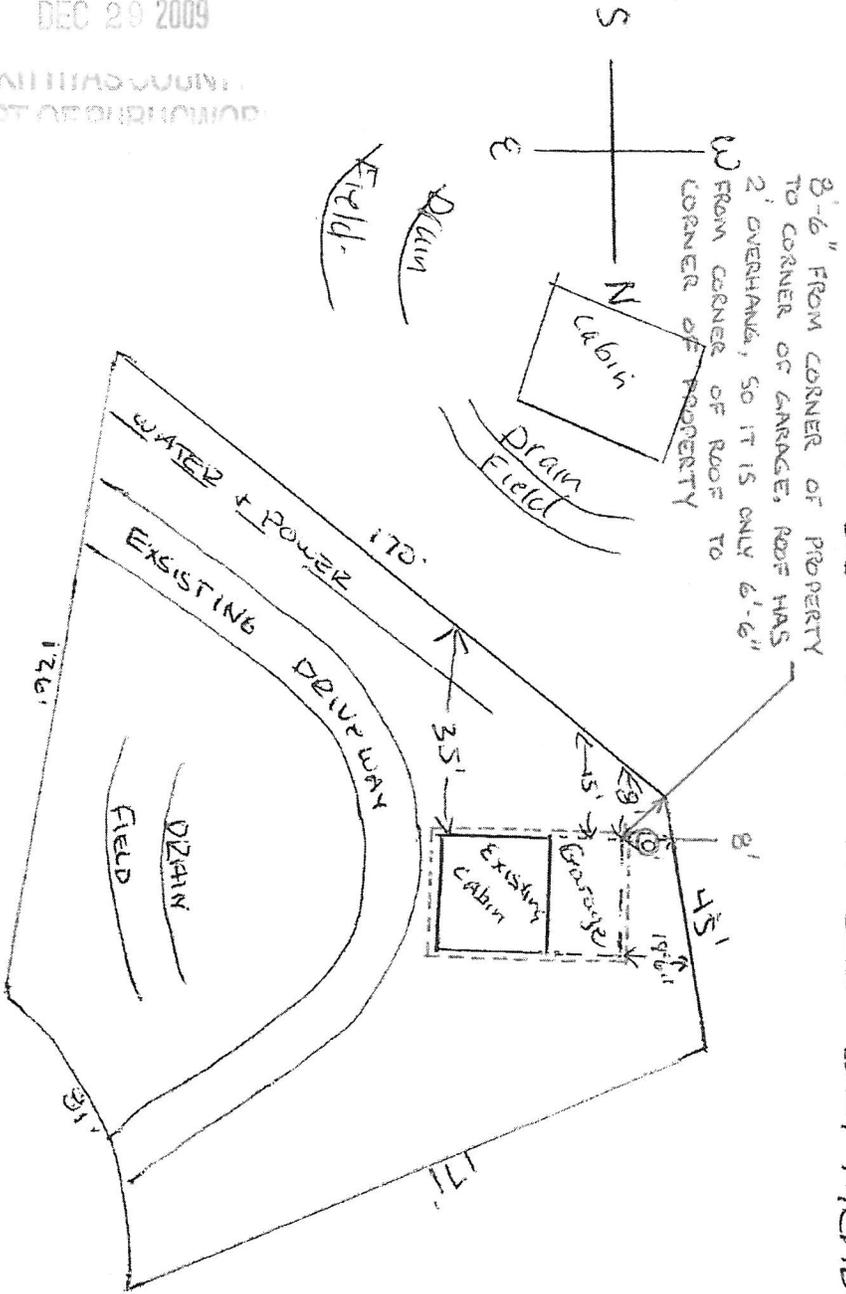
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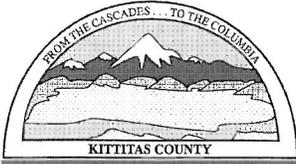
ALLIANCE COUNTY  
DEPT OF PUBLIC WORKS

Scott & Shelly SANDLIN  
7631 WARD DR NE  
MAYSVILLE WA 98770  
360-659-7004

Site PLAN

LOT 26 DIVISION VII SKY MEADOWS





# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926  
cds@co.kittitas.wa.us  
Office (509) 962-7506  
Fax (509) 962-7682

"Building Partnerships – Building Communities"

## **NOTICE OF PUBLIC HEARING**

(Pursuant to Kittitas County Code 17.96.100)

**To:** Adjacent property owners  
Applicant

**From:** Jeff Watson, Staff Planner

**Date:** 4/7/2010

**Subject:** Sandlin Setback Variance, VA-09-00018

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On December 9, 2009, Scott and Shelly Sandlin, landowners, submitted a Setback Variance application which was deemed complete on December 14, 2009 by Kittitas County Community Development Services staff. The application is for a Setback Variance pursuant to Kittitas County Code 17.84 on approximately .53 acres of land that is zoned Forest and Range. The subject property is located in Sky Meadows, approximately 5 miles southeast of the City of Cle Elum, north of Klancie Lane, and south of Skull Springs Road, in a portion of Section 17, T19N, R16E, WM in Kittitas County, bearing Assessor's map number 19-16-17056-0026. See attached vicinity map.

The complete submitted application and related filed documents may be examined by the public at the Community Development Services office at 411 N Ruby Street, Suite 2, Ellensburg, WA 98926, as well as on the Community Development Services website at [www.co.kittitas.wa.us/cds/current/](http://www.co.kittitas.wa.us/cds/current/). If you do not have internet access, or are unable to view the complete application at Community Development Services in person, one will be mailed on request.

Under Title 17.96.100, Setback Variances may be forwarded to the Kittitas County Board of Adjustment for a public hearing. **Notice is hereby given that a hearing on said application before the Kittitas County Board of Adjustment has been scheduled for April 14, 2010 at 7:00 p.m.** in the Kittitas County Courthouse Auditorium, Ellensburg, WA. 98926. Anyone with an interest in this matter is urged to attend said hearing where testimony will be taken. Written comments will be received and documents may be viewed at the above address prior to the hearing. Interested persons are encouraged to verify prior to attending.

All comments will be considered in the decision making process, and any person has the right to comment on this application and receive notification of the Community Development Services administrative decision, once made. Appeals to an administrative land use decision may be filed within 10 working days with the board of county commissioners as outline in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$500<sup>00</sup>.

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## STAFF REPORT

**TO:** Kittitas County Board of Adjustment

**FROM:** Jeff Watson  
Kittitas County Community Development Services  
Planner I

**DATE:** April 14, 2010

**SUBJECT:** Sandlin Setback Variance VA-09-00018

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### I. BACKGROUND INFORMATION

Proposal: Lot Line Setback Variance – Sandlin Variance (V-09-00018)

On December 9, 2009, Scott and Shelly Sandlin, landowners, submitted a Setback Variance application which was deemed complete on December 14, 2009 by Kittitas County Community Development Services staff. The application is for a Setback Variance pursuant to Kittitas County Code 17.84 on approximately .53 acres of land that is zoned Forest and Range. The subject property is located in Sky Meadows, approximately 5 miles southeast of the City of Cle Elum, north of Klancie Lane, and south of Skull Springs Road, in a portion of Section 17, T19N, R16E, WM in Kittitas County, bearing Assessor's map number 19-16-17056-0026.

Land Use and Site Characteristics: The lots in Sky Meadows are non-conforming lots, approximately ½ acre in size, in the Forest & Range zone where the setbacks are 25' (Front), 10' (side), and 10' (rear). Mr. Sandlin's lot is .53 recorded acres in and an odd "home plate" shape roughly 170 feet in width and angle (see attached site plan).

## II. ADMINISTRATIVE REVIEW

### Timeline:

On December 9, 2009 Scott & Shelly Sandlin submitted an application to Kittitas County Community Development Services for a Lot Line Setback Variance of 2' located on the southwest property line (side), located at 1390 Skull Springs Road, Cle Elum WA 98922.

On December 14, 2009 a Notice of Complete Application was mailed to the applicant.

On December 21, 2009 a Notice of Application was sent to interested departments and agencies with jurisdiction, adjacent property owners and the applicant. Notice was also published in the Ellensburg Daily Record and on December 24, 2009 in the NKC Tribune. As per KCC the scheduled comment period was set to end on January 5, 2010.

Comments were received from Kittitas County Department of Public Works, Kittitas County Fire Marshal, Kittitas County Code Enforcement, and two adjoining property owners.

The comment period closed as scheduled on January 5, 2010.

On February 8, 2010 a transmittal of comments letter with the attached comments was sent to the applicant.

In subsequent phone conversations with Mr. Sandlin Community Development Services staff informed the applicant of the provisions set forth in KCC 17.60B.030 authorizing "At the discretion of the administrator or by request of interested parties, the request for an administrative use permit can be heard by the Board of Adjustment." At Mr. Sandlin's request, staff agreed to forward to the Board of Adjustment the variance request for a decision.

On April 7, 2010 a notice of public hearing was sent to adjacent property owners within 500 feet of the proposed land use action. Notice was also published in the Ellensburg Daily Record (April 9, 2010) and the NKC Tribune (April 8, 2010).

### III. STAFF ANALYSIS AND RECOMMENDATION

The variance application submitted by Scott Sandlin, property owner, for a Structural Setback Variance to construct a garage eight (8) feet from the side property line is hereby denied. The site is located in Sky Meadows, approximately 5 miles southeast of the City of Cle Elum, north of Klancie Lane, and south of Skull Springs Road, in a portion of Section 17, T19N, R16E, WM in Kittitas County, bearing Assessor's map number 19-16-17056-002

This denial is based on the variance criteria contained in Kittitas County Zoning Code, Title 17.84, which states that variances in the zoning code may be granted only when "...unusual circumstances cause undue hardship in the application of it"; that the granting of it "...shall be in the public interest"; and that it "...shall be made only when all of the following conditions and facts exist:"

**Unusual circumstances or conditions apply to the property and/or the intended use that do not apply generally to other property in the area.** The topography, size, configuration, general characteristics of the property are not dissimilar to other properties in the region to the extent necessary for the granting of a variance.

**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 or district.** The configuration of structures within the declared setbacks may present challenges, and preclude preferred alternatives, but does not represent an infringement on the preservation and enjoyment of a substantial property right to the extent that it could be determined inconsistent with the challenges faced by other property owners in the vicinity.

**The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in this area.** Two adjacent property owners submitted formal comment letters to Community Development Services asserting that the encroachment into the property setback would be injurious and materially detrimental to the preservation and enjoyment their property.

**The granting of such variance will not adversely affect the realization of the comprehensive development pattern of this area.** Other property owners in this area have consistently been able to develop within the designated setback regulations; granting this variance will alter this development pattern in the region.

Kittitas County Community Development Services finds that the applicant in this case has not demonstrated the existence of an undue hardship, that there is no public interest in the granting of this variance, and that all of the criteria, conditions, and facts necessary for the granting of a zoning variance have not been met. Staff therefore administratively denies the Sandlin Setback Variance Application, VA-09-00018.

#### IV. SUGGESTED FINDINGS OF FACT

THE FOLLOWING GENERAL FINDINGS HAVE BEEN PREPARED BY THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT STAFF FOR CONSIDERATION BY THE BOARD OF ADJUSTMENT IN RENDERING ITS RECOMMENDATION ON THIS MATTER. THESE FINDINGS MAY BE USED TO REASONABLY SUPPORT A RECOMMENDATION IN FAVOR OF OR AGAINST THIS PROPOSAL, HOWEVER ADDITIONAL FINDINGS MAY ALSO BE NECESSARY.

1. On December 9, 2009 Scott & Shelly Sandlin submitted an application to Kittitas County Community Development Services for a Lot Line Setback Variance of 2' located on the southwest property line (side), located at 1390 Skull Springs Road, Cle Elum WA 98922.
2. On December 14, 2009 a Notice of Complete Application was mailed to the applicant.
3. On December 21, 2009 a Notice of Application was sent to interested departments and agencies with jurisdiction, adjacent property owners and the applicant. Notice was also published in the Ellensburg Daily Record and on December 24, 2009 in the NKC Tribune. As per KCC the scheduled comment period was set to end on January 5, 2010.
4. A public hearing was held by the Board of Adjustment on April 14, 2010 to consider this matter and that testimony was taken from those persons who wished to be heard. The Board also finds that due notice of this hearing has been given as required by law, and the necessary inquiry has been made into the public interest to be served by these proposals.
5. The proposed development **has/has not** met the requirements of KCC. 17.84:
  - A. *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;*
  - B. *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;*
  - C. *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;*
  - D. *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.*
8. And, that additional conditions **are/are not** necessary to protect the public's interest.

**17.60B.030 Administrative Authority.**

The director of Community Development Services is authorized to approve, approve with the conditions stated in this chapter and additional conditions deemed necessary to satisfy the purposes of this chapter and the criteria found in Section 17.60B.050 an administrative use permit. Any additional requirements obtained from other sections of the Kittitas County Code above those specified in this title, or modification of the proposal to comply with specified requirements or local conditions is also authorized. At the discretion of the administrator or by request of interested parties, the request for an administrative use permit can be heard by the Board of Adjustment.

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**Chapter 17.84  
VARIANCES\*****Sections**17.84.010 Granted when.

\* Prior history: Ord. 2.

**17.84.010** Granted when.

Pursuant to Title 15A of this code, Project permit application process, the administrator, upon receiving a properly filed application or petition, may permit and authorize a variance from the requirements of this title only when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest. 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;
5. Pursuant to Title 15A of this code, the board of adjustment, upon receiving a properly filed appeal to an administrative determination for approval or denial of a variance, may permit and authorize a variance from the requirements of this title only when unusual circumstances cause undue hardship in the application of it. The granting of such a variance shall be in the public interest. A variance shall be made only when all of the conditions and facts identified within subsections A through D of this section are found by the board of adjustment to exist. (Ord. 96-19 (part), 1996; Res. 83-10, 1983)

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