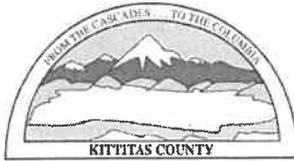


JA-19-00001



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

**ZONING VARIANCE APPLICATION**

Relief from a provisions of Title 17 when, because of unusual circumstances, following such provision would cause undue hardship (See KCC 17.84)

Please type or print clearly in ink. Attach additional sheets as necessary. Pursuant to KCC 15A.03.040, a complete application is determined within 28 days of receipt of the application submittal packet and fee. The following items must be attached to the application packet.

REQUIRED ATTACHMENTS

- 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.
- Project Narrative responding to Questions 9 and 10 on the following pages. *We propose to Construct a 3384 sq ft Residence with a 1340 sq ft Garage Attached on 50 Kitz buhel Pl. in Hyak estates. Due to neighbors Residence built in 1997 where the corner of his residence is on my property line and 75% of his driveway is on my property, I'm requesting a variance to locate my house to 15' set back from my back property line in order to provide a reasonable separation between Houses that would be in line with side and front property line separations. The back of my property sits against the old Railway Right of way in which there cannot be any other construction done.*

APPLICATION FEES:

\$1,800.00	Kittitas County Community Development Services (KCCDS)
\$415.00	Kittitas County Environmental Health
\$65.00	Kittitas County Fire Marshal
<b>\$2,280.00</b>	<b>Total fees due for this application (One check made payable to KCCDS)</b>

**For Staff Use Only**

Application Received By (CDS Staff Signature): <i>NB</i>	DATE: <i>2-28-19</i>	RECEIPT # <i>CD19-00402</i>
---	-------------------------	--------------------------------

**RECEIVED**  
FEB 28 2019  
Kittitas County CDS  
DATE STAMP IN BOX

COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION

GENERAL APPLICATION INFORMATION

1. **Name, mailing address and day phone of land owner(s) of record:**

*Landowner(s) signature(s) required on application form.*

Name: Dan Berlin  
Mailing Address: 1401 153rd Pl. SE  
City/State/ZIP: Bellevue, WA. 98007  
Day Time Phone: 425-241-7628  
Email Address: berlinelectric@comcast.net

2. **Name, mailing address and day phone of authorized agent, if different from landowner 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. **Name, mailing address and day phone of other contact person**

*If different than land owner or authorized agent.*

Name: Michelle Berlin  
Mailing Address: \_\_\_\_\_  
City/State/ZIP: \_\_\_\_\_  
Day Time Phone: 425-241-7674  
Email Address: dmb Berlin@comcast.net

4. **Street address of property:**

Address: 50 Kitzbuhel Pl.  
City/State/ZIP: Snogualmie Pass, WA. 98068

5. **Legal description of property (attach additional sheets as necessary):**

Hyak Estates Lot 5 SEC. 15; TWP. 22 RGE. 11

6. **Tax parcel number:** 088335

7. **Property size:** .27 (acres)

8. **Land Use Information:**

Zoning: Residential      Comp Plan Land Use Designation: Single Family Residence

**PROJECT NARRATIVE**

(INCLUDE RESPONSES AS AN ATTACHMENT TO THIS APPLICATION)

9. **Narrative project description (include as attachment):** Please include at minimum the following information in your description: describe project size, location, and the provision of zoning code for which this variance is requested and the way in which you wish to vary from the code.
10. **A variance may be granted only when the following criteria are met (see KCC 17.84.10). Please describe in detail how each criteria is met for this particular request:**
- 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.

**AUTHORIZATION**

11. 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 transmitted to the Land Owner of Record and copies sent to the authorized agent or contact person, as applicable.

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

X 

Date:

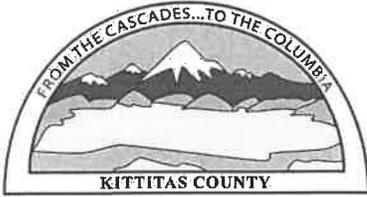
2/28/19

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

X 

Date:

2/28/19



KITTTAS COUNTY  
COMMUNITY DEVELOPMENT SERVICES

Receipt Number: CD19-00402

411 N. Ruby St., Suite 2  
Ellensburg, WA 98926  
509-962-7506 / <https://www.co.kittitas.wa.us/cds/>

**Payer/Payee:** BERLIN, DANIEL L  
1401 153RD PL SE  
BELLEVUE WA 98007-5918

**Cashier:** KATHY BOOTS  
**Payment Type:** CHECK (1563)

**Date:** 02/28/2019

**VA-19-00001      Zoning Setback Variance      50 KITZBUHEL PL SNOQUALMIE PASS**

<u>Fee Description</u>	<u>Fee Amount</u>	<u>Amount Paid</u>	<u>Fee Balance</u>
Zoning Variance (Health)	\$415.00	\$415.00	\$0.00
VARIANCE (FIRE)	\$65.00	\$65.00	\$0.00
Zoning Variance	\$1,800.00	\$1,800.00	\$0.00
<b>VA-19-00001 TOTALS:</b>	<b>\$2,280.00</b>	<b>\$2,280.00</b>	<b>\$0.00</b>
<b>TOTAL PAID:</b>		<b>\$2,280.00</b>	

SITE AREA:	11,819 SQ. FT.
BUILDING FOOTPRINT (NEW):	2,818 SQ. FT.
COVERED PORCH (NEW):	186 SQ. FT.
COVERED DECK (NEW):	65 SQ. FT.
TOTAL NEW STRUCTURE COV.:	3,069 SQ. FT.
DRIVEWAY (NEW):	1502 SQ. FT.



**CW Design, Inc.**  
www.cwdesigninc.com  
P.O. Box 476  
Renton, WA 98057  
425-271-0082 (office)  
425-988-0112 (fax)  
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CW Design, Inc

WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS FOR THIS PROJECT PRIOR TO THE CONSTRUCTION PHASE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO REPORT ANY DISCREPANCIES TO THE DESIGNER AT THE TIME THEY ARE IDENTIFIED.

CW DESIGN, INC. MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND/OR CONDITIONS SHOWN ON THESE DRAWINGS. ANY SUCH VARIATIONS SHALL BE RESOLVED PRIOR TO PROCEEDING WITH ANY WORK. THE CONTRACTOR SHALL ACCEPT FULL RESPONSIBILITY FOR COST TO RECTIFY SAME. IN THE EVENT ANY LIABILITY IS IMPOSED ON CW DESIGN, INC. OUR LIABILITY TO YOU AND/OR ANY THIRD PARTY SHALL NOT EXCEED THE FEE PAID TO CW DESIGN, INC. FOR THE DRAWINGS PRODUCED FOR THIS PROJECT. ANY UNAUTHORIZED ALTERATIONS OF THESE DRAWINGS BY THE CONTRACTOR AND/OR THIRD PARTY SHALL HOLD CW DESIGN, INC. HARMLESS FROM ANY AND ALL CLAIMS.

Berlin Residence  
Kitzbuhel Place (TPN 088335)  
Snoqualmie Pass, WA 98068

No.	Remarks	Date
-	Submittal Set	01/30/19
1	-	-
2	-	-
3	-	-
4	-	-
5	-	-
6	-	-
7	-	-
8	-	-
9	-	-

Sheet Name:  
**Site Plan**

Scale: 1"=10'-0"

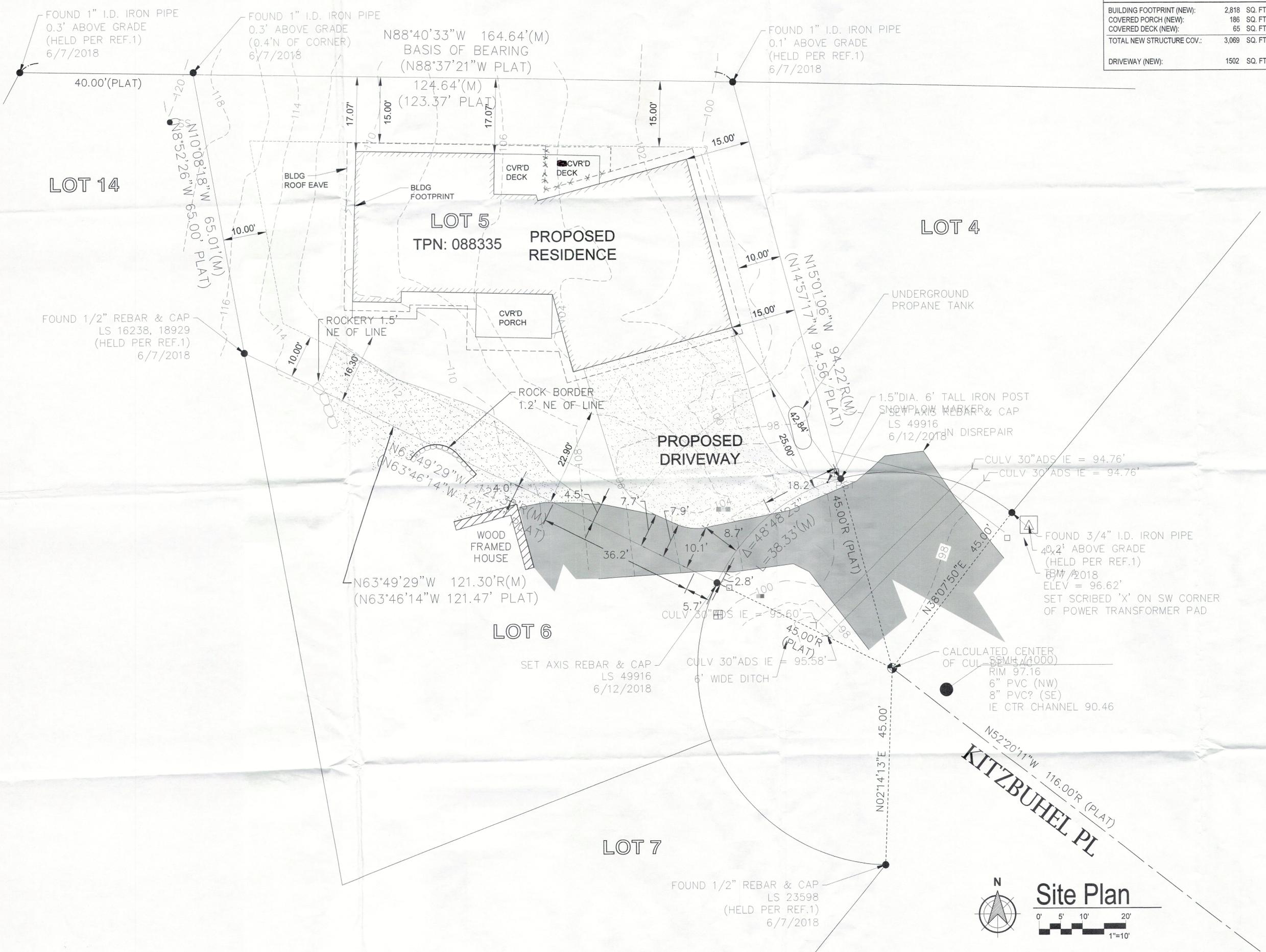
Project No: 18018

Date: Jan 30, 2019

Drawn By: WJB

Status: Submittal Set

**A1.0**




**Site Plan**  
0' 5' 10' 20'  
1"=10'

# HYAK ESTATES

## SECTION 15, TWP. 22N, R11E, W.M.

### KITITAS COUNTY, WASHINGTON

Receiving No. 341703

#### CONSTRUCTION AND MAINTENANCE OBLIGATIONS

The cost of construction, maintaining and snow removal of all road, streets, and alleys within this plat and all access roads to this plat shall be the obligation of a non-profit corporation composed of all the owners of the lots of the plat and of additional plats that may be served by these roads, streets and alleys.

In the event that the owners of any of the lots of this plat or any additional plats shall petition the County Commissioners to include the roads in the county road system, it is understood that the roads shall first be built up to minimum county standards by said non-profit corporation.

#### DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that the Hyak Skiing Corporation, the undersigned, owner in fee simple of the above described real property, does hereby declare this plat and description, and dedicates to the use of the public forever as highways, all roads, streets and alleys thereon TOGETHER with that certain reservation as indicated in Article No. 4 of easement per recording number 317164, dated November 27, 1964, in Volume 17 of Easements on page 146, records of said county.

In witness whereof, we have hereunto set our hand and seals this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 1967.

<p><u>R.B. Colwell</u> President, Hyak Skiing Corporation</p> <p><u>Richard A. York</u> Vice-President, Highline Savings &amp; Loan Assoc. As Mortgagee</p> <p><u>W. Lewis</u> President, Murray-Latta Machine Co. Ltd.</p> <p><u>P.E. Necker</u> President, Leckenby Company</p> <p><u>John H. Mearns</u> President, Mars Electric Company</p>	<p><u>F.S. Purdy</u> Secretary, Hyak Skiing Corporation</p> <p><u>Henry</u> Asst. Secretary, Highline Savings &amp; Loan Assoc. As Mortgagee</p> <p><u>M. Bayley</u> Secretary, Leckenby Company</p> <p><u>John F. Lyman</u> Secretary, Mars Electric Company</p>
---	---

#### ACKNOWLEDGMENTS

STATE OF WASHINGTON } s.s.  
COUNTY OF King

This is to certify that on the 8th day of JUNE, 1967, before me the undersigned a Notary Public, personally appeared Robert B. Colwell and F.S. Purdy, President and Secretary respectively of Hyak Skiing Corporation; a Washington Corporation, to me known to be the individuals who executed the within dedication and acknowledged to me that they signed and sealed the same as their voluntary act and deed for the uses and purposes therein mentioned; and on oath stated they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal the day and year first above written.

John E. Kirk  
Notary Public in and for the State of Washington  
Residing at Seattle

STATE OF WASHINGTON } s.s.  
COUNTY OF King

This is to certify that on the 8th day of JUNE, 1967, before me the undersigned a Notary Public, personally appeared B.E. Weber and J.M. Bayley, President and Secretary respectively of Leckenby Company; a Washington Corporation, to me known to be the individuals who executed the within dedication and acknowledged to me that they signed and sealed the same as their voluntary act and deed for the uses and purposes therein mentioned; and on oath stated they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal the day and year first above written.

John E. Kirk  
Notary Public in and for the State of Washington  
Residing at Seattle

PROVINCE OF BRITISH COLUMBIA } s.s.  
COUNTY OF VANCOUVER

This is to certify that on the 5th day of JUNE, 1967, before me the undersigned a Notary Public, personally appeared Lewis Allan Lewis, President of Murray-Latta Machine Co. Ltd.; a British Columbia Corporation, to me known to be the individual who executed the within dedication and acknowledged to me that he signed and sealed the same as his voluntary act and deed for the uses and purposes there mentioned; and on oath stated he was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal the day and year first above written.

John E. Kirk  
Notary Public in and for the Province of British Columbia  
Residing at VANCOUVER, BRITISH COLUMBIA

STATE OF WASHINGTON } s.s.  
COUNTY OF King

This is to certify that on the 13th day of JUNE, 1967, before me the undersigned a Notary Public, personally appeared Richard A. York & L.H. Engle, Vice-President and Asst. Secretary, respectively of Highline Savings & Loan Assoc.; a Washington Corporation, to me known to be the individuals who executed the within dedication and acknowledged to me that they signed and sealed the same as their voluntary act and deed for the uses and purposes there mentioned; and on oath stated they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal the day and year first above written.

John E. Kirk  
Notary Public in and for the State of Washington  
Residing at Seattle

STATE OF WASHINGTON } s.s.  
COUNTY OF King

This is to certify that on the 8th day of JUNE, 1967, before me the undersigned a Notary Public, personally appeared John K. Mcagher and John F. Lyman, President and Secretary respectively of Mars Electric Company; a Washington Corporation, to me known to be the individuals who executed the within dedication and acknowledged to me that they signed and sealed the same as their voluntary act and deed for the uses and purposes there mentioned; and on oath stated they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal the day and year first above written.

John E. Kirk  
Notary Public in and for the State of Washington  
Residing at Seattle

#### DESCRIPTION OF PLAT

This plat of HYAK ESTATES embraces a portion of the S.W. 1/4 of the N.W. 1/4 and a portion of the N.W. 1/4 of the S.W. 1/4 of Section 15, Township 22 North, Range 11 East of W.M. in Kittitas County, Washington more particularly described as follows:

Beginning at the west quarter corner of said section; thence N 0°17'28"E along the west line of the S.W. 1/4 of the N.W. 1/4 of said section 180.54 feet to the southerly right of way line of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, said right of way line being parallel with and 100.00 feet southerly of (as measured at right angles to) the centerline of said railroad company's main line track; thence S 88°37'21"E along said right of way line 1193.22 feet; thence S 14°15'13"E 163.26 feet; thence S 75°44'47"W 60 feet to intersect the arc of a curve at a point from which the center lies S 75°44'47"W and 30.00 feet distance; thence northerly and westerly along said curve to the left through a central angle of 90°00'00" an arc distance of 47.12 feet to a point of tangency; thence S 75°44'47"W 78.58 feet to the beginning of a curve to the right with a radius of 130.00 feet; thence westerly along said curve through a central angle of 6°19'48" an arc distance of 14.14 feet; thence S 8°01'25"E 68.44 feet; thence S 71°58'00"W 88.00 feet; thence N 39°51'21"W 499.90 feet to the west line of the N.W. 1/4 of the S.W. 1/4 of said section; thence N 0°39'46"E along said west line 898.28 feet to the point of beginning.

#### DESCRIPTION OF ACCESS EASEMENT

A strip of land being 60.00 feet in width over that portion of the S.W. 1/4 of the N.W. 1/4 of Section 15, Township 22 North, Range 11 East, W.M., Kittitas County, Washington, for the purposes of ingress, egress, drainage and utilities over, under and across the following described parcel: Commencing at the southwest corner of said subdivision; thence N 0°17'28"E along the west line thereof 180.54 feet to the southerly margin of the Chicago, Milwaukee, St. Paul and Pacific Rail Company right of way as now established; said right of way margin lying 100.00 feet southerly of the main track; thence S 88°37'21"E along said line 1193.22 feet to the Point of Beginning; thence continuing S 88°37'21"E 62.30 feet; thence N 14°15'13"W 207.68 feet; thence N 88°37'21"W 62.30 feet; thence S 14°15'13"E 207.68 feet to the Point of Beginning.

#### LAND SURVEYORS CERTIFICATE

I hereby certify that this plat of HYAK ESTATES is based upon an actual survey and subdivision of Section 15, Twp. 22N, R. 11E, W.M., that the courses, distances and angles are shown correctly thereon, that the monuments have been set and lot and block corners staked correctly on the ground and that I have complied with provisions of the platting regulations.



R. Ruskin Fisher  
R. Ruskin FISHER Pro. Land Surveyor  
Certificate No. 2077

#### APPROVALS

Examined and approved this 18th day of SEPT., 1967.

Abner R. Johnson  
Kittitas County, Road Engineer

Examined and approved this 18th day of SEPT., 1967.

Howard P. ... Attest: Marion Sarter  
Chairman, Board of County Commissioners Clerk, Board of County Commissioner

I hereby certify that all State and County taxes have been paid in full on the property described hereon.

Lucille Chenieris  
Kittitas County, Treasurer

#### RECORDING CERTIFICATE

Filed for record at the request of the Kittitas County Board of Commissioners, this 18th day of September AD 1967, 27 minutes past 3 o'clock P.M. and recorded in Volume 4 of Plats, Pages 36-37 Records of Kittitas County, Washington.

Marion Sarter  
Kittitas County, Auditor  
Deputy County Auditor

Receiving No. 341703

#### RESTRICTIONS

Know all men by these presents, that this plat of HYAK ESTATES, Kittitas County, Washington, is subject to additional restrictions entitled Restrictive Covenant which are filed with the Kittitas County Auditor and which are hereby made a part of this plat.

John H. Mearns  
Vice-President, Hyak Skiing Corporation

John F. Lyman  
Asst. Secretary, Hyak Skiing Corporation

This is to certify that the above mentioned restrictions have been filed this 11th day of JULY, 1967, at 50 minutes past 11 o'clock A.M., in Volume 146 of Deeds, Page 23, Records of Kittitas County, Washington.

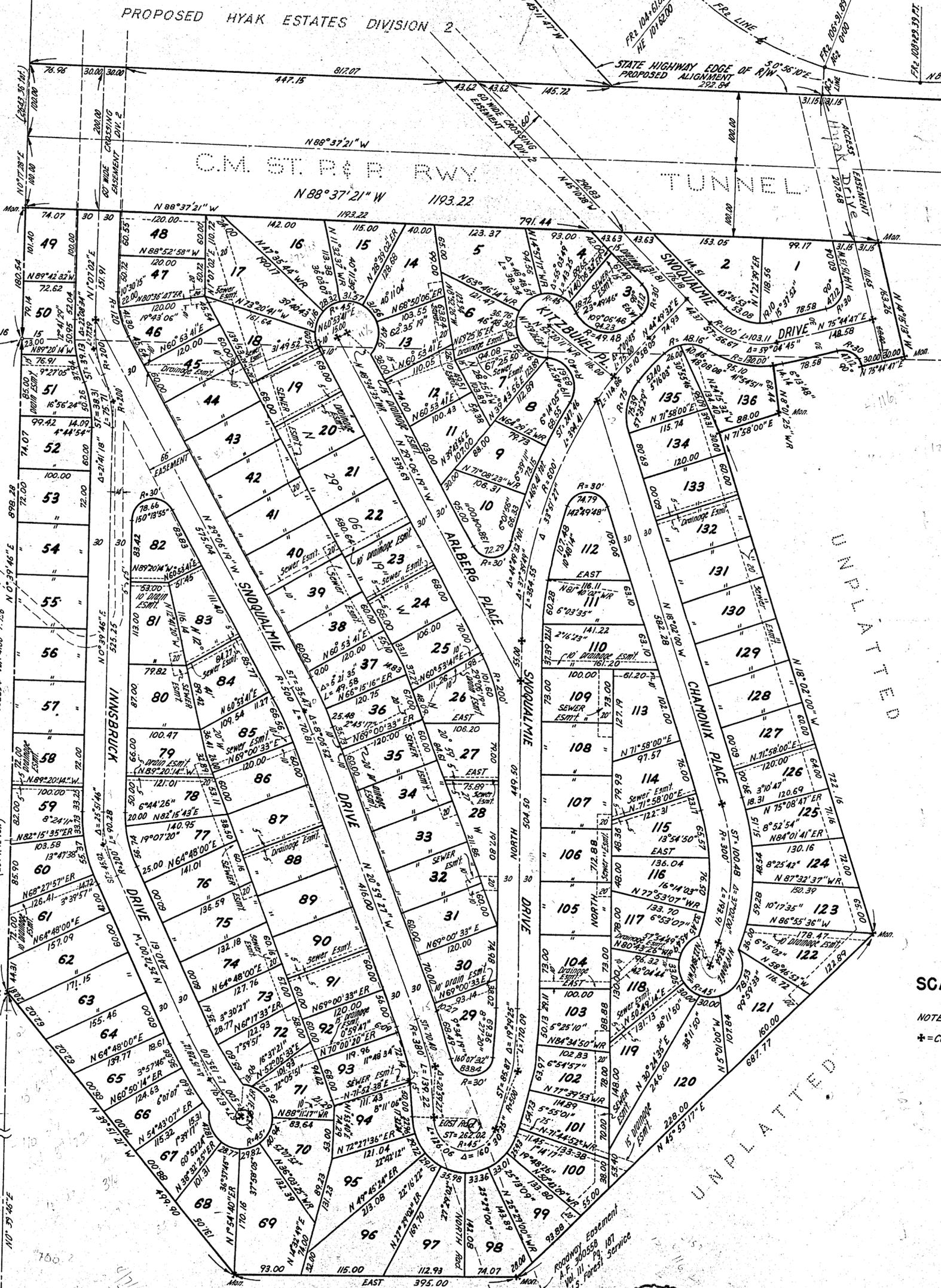
Marion Sarter  
Kittitas County, Auditor

# HYAK ESTATES NO.1

SECTION 15, TWP. 22N, R1E, W.M.

KITTITAS COUNTY, WASHINGTON

Receiving No. 341703



1/4 Section Cor. Field Stone chiselled "to" Corner mark on stone

B.P.A. TRANSMISSION LINE Access Road Encroachment A.F. 5302694 148'-4000' P.126

(36'-34.42' Int.)

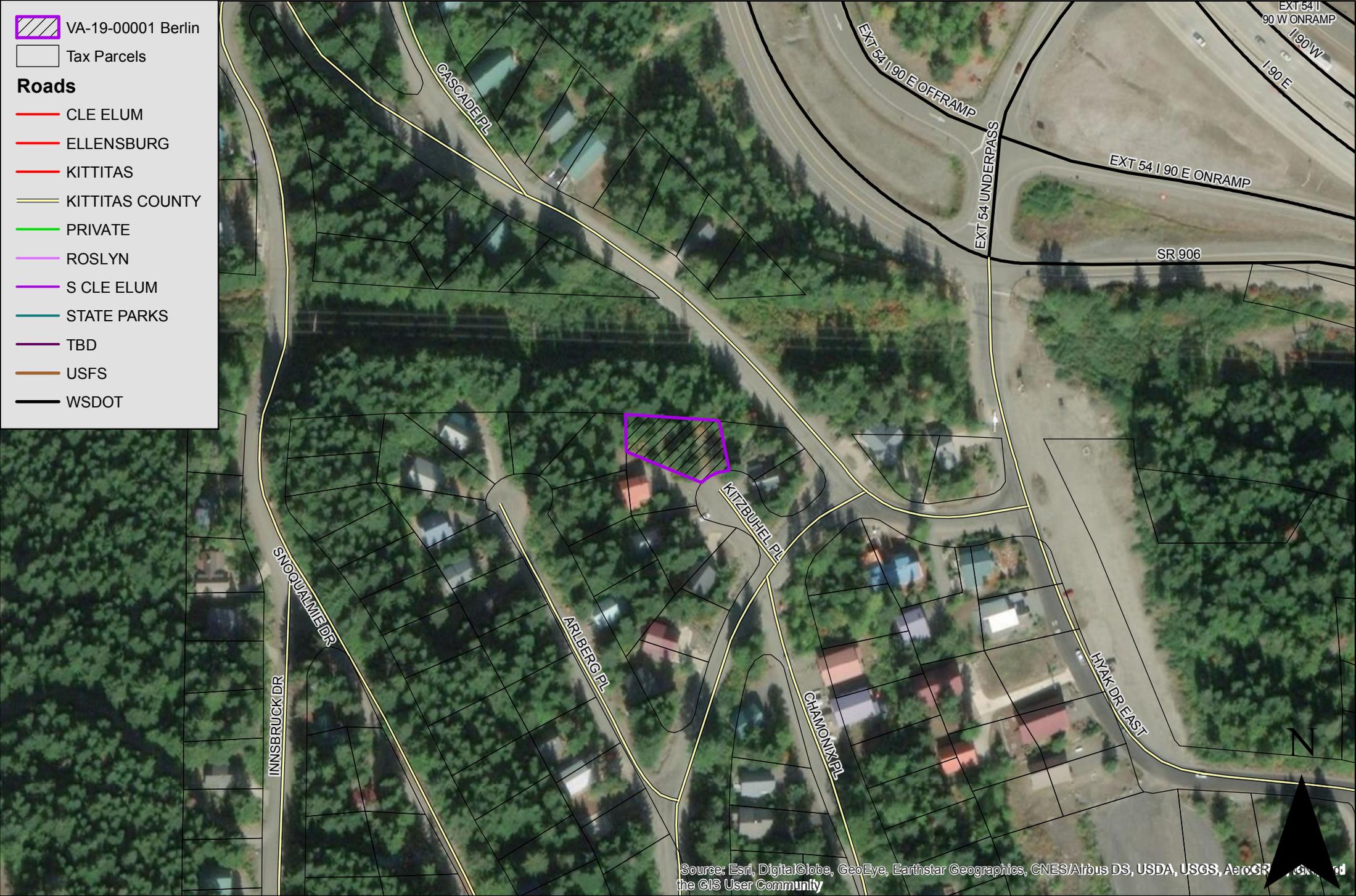
Section Cor. Existing Mon. 16 15 N 88° 18' 35" W 21 22 2657.33'

Kittitas County Engineer



*R. Ruskin Fisher*  
R. Ruskin Fisher, Pro. Land Surveyor  
Certificate No. 2077

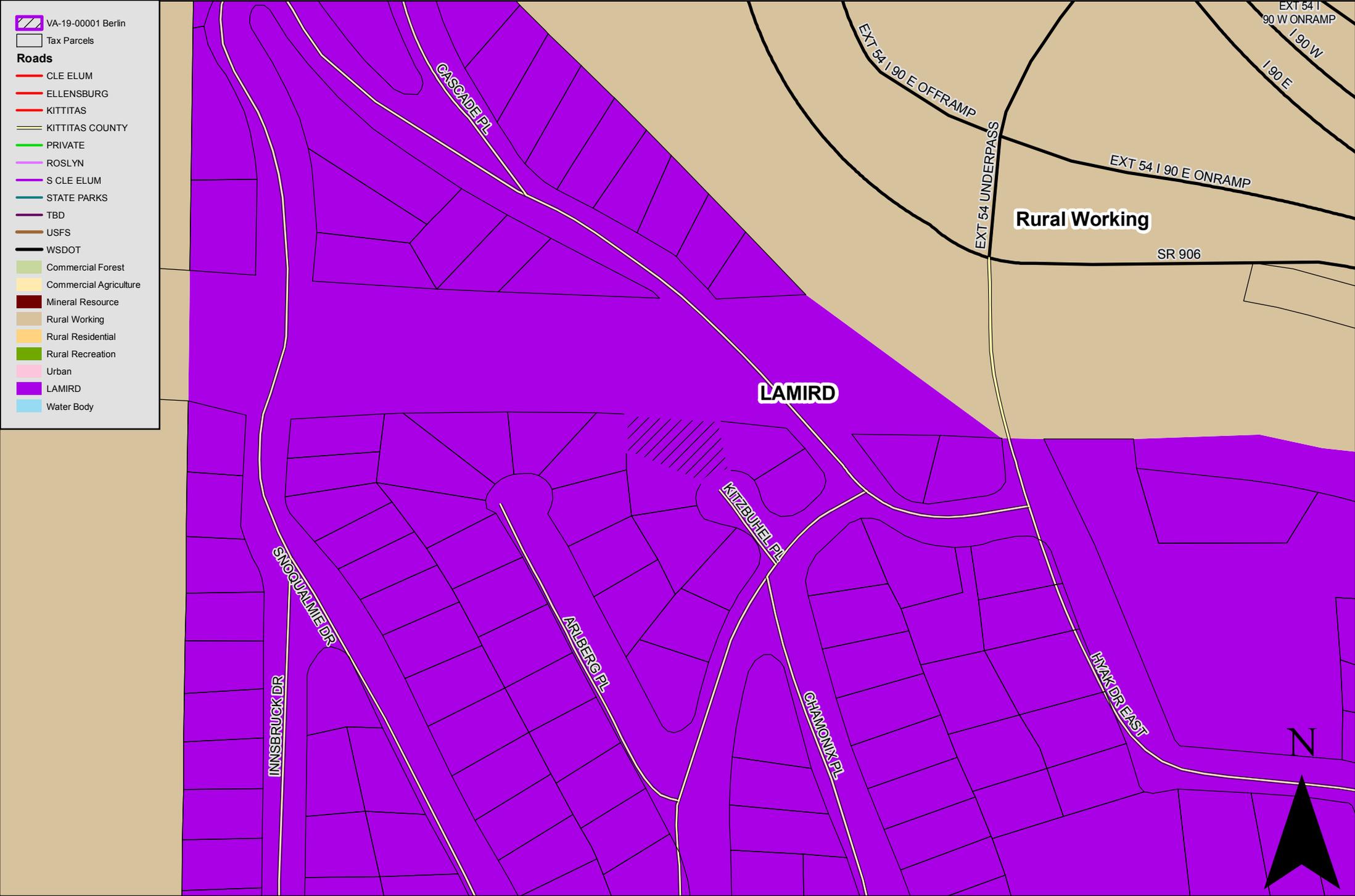
# VA-19-00001 Berlin



1:2,000

**Aerial View**

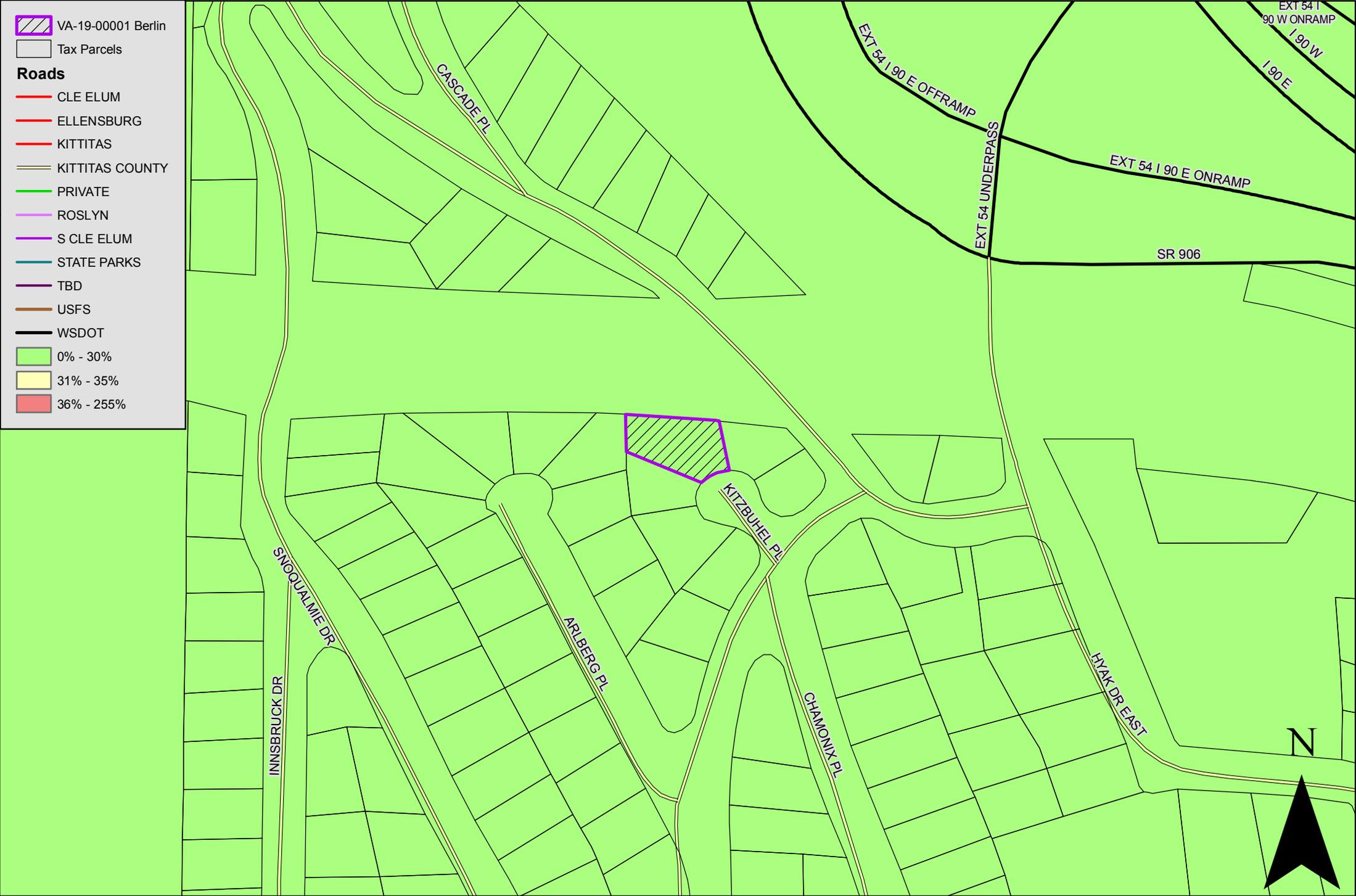
# VA-19-00001 Berlin



1:2,000

## Comprehensive Plan Land Use

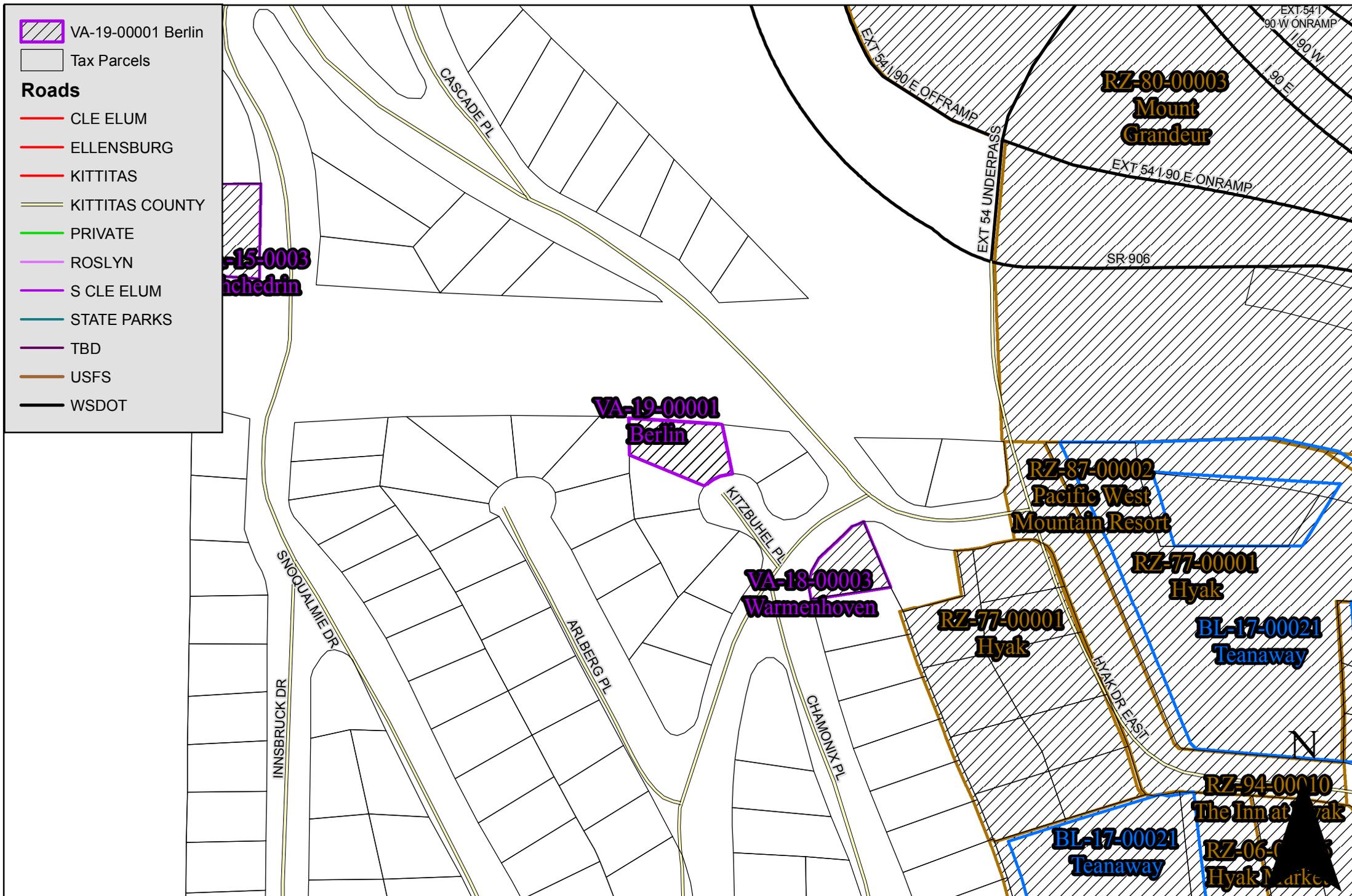
# VA-19-00001 Berlin



1:2,000

## Hazardous Slopes

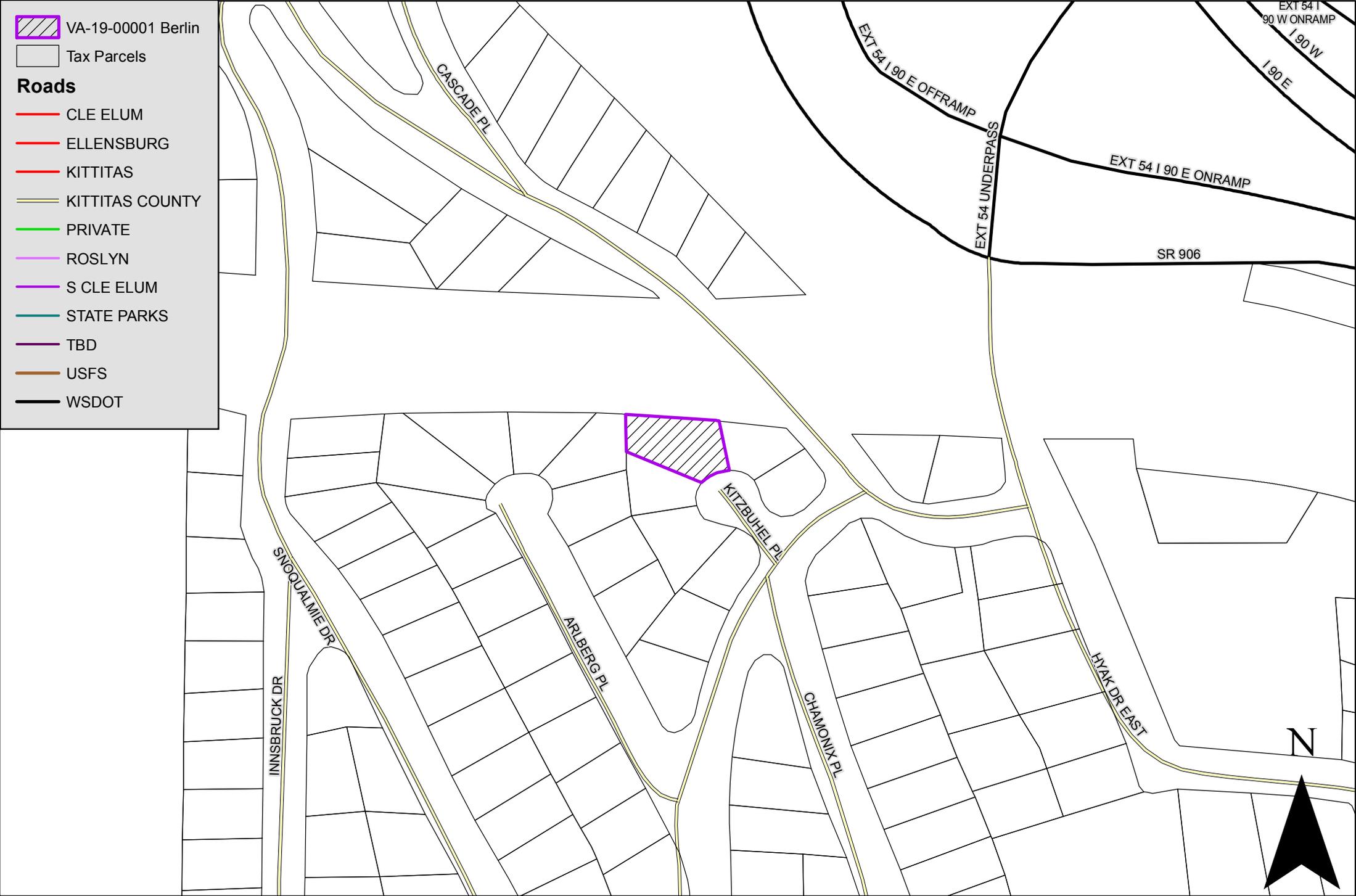
# VA-19-00001 Berlin



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Land Use Projects

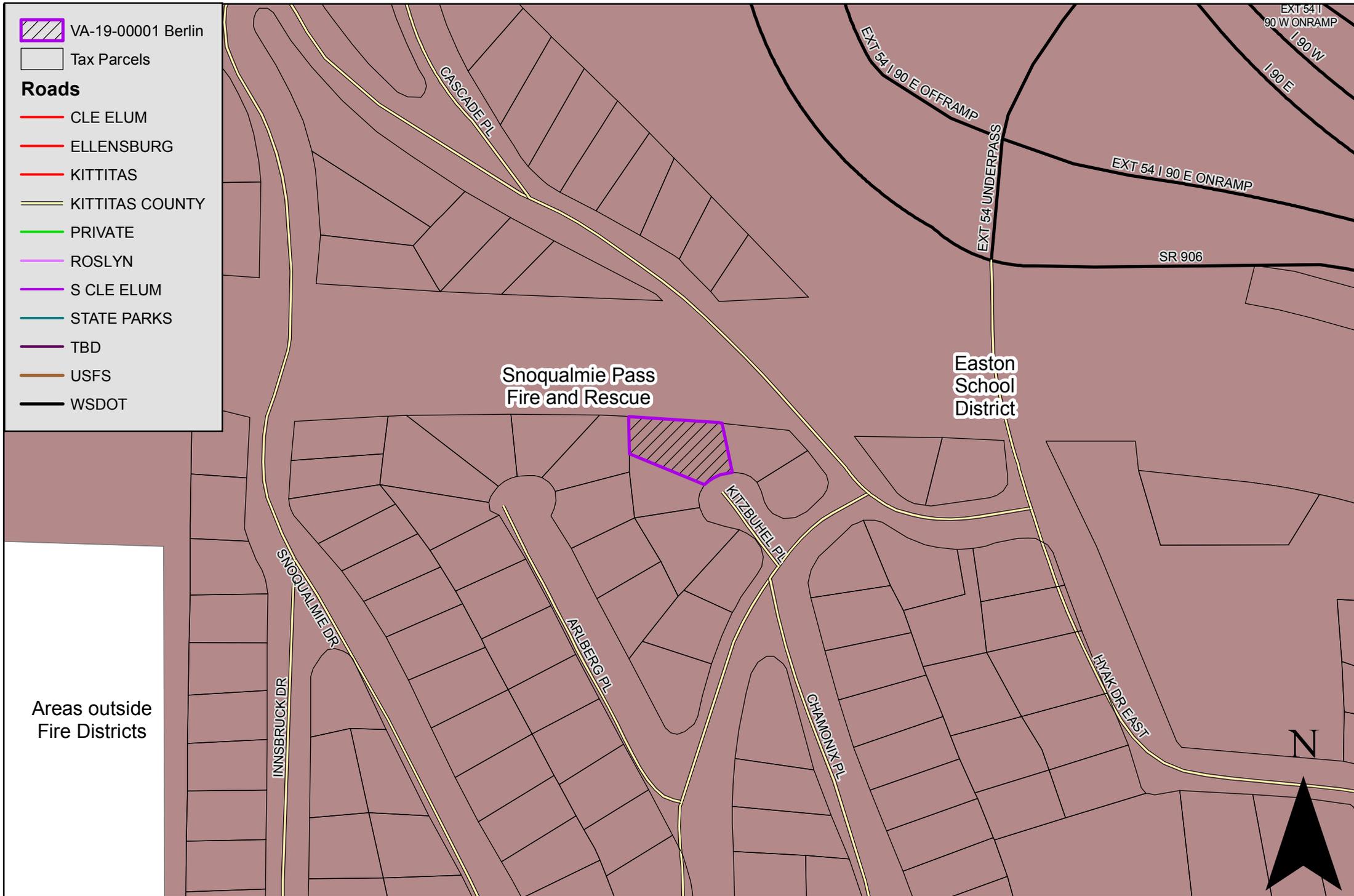
# VA-19-00001 Berlin



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## Priority Habitat Species

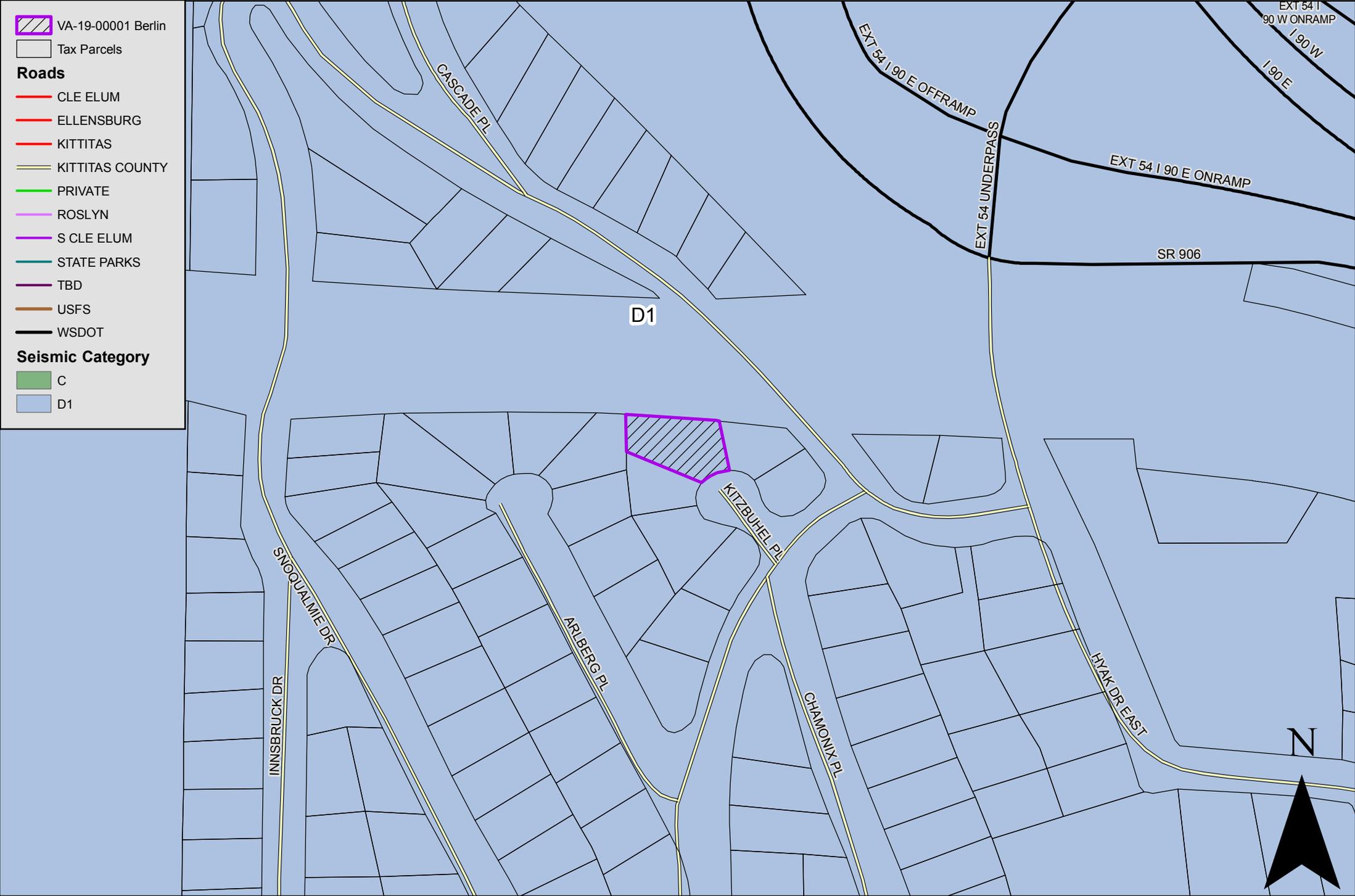
# VA-19-00001 Berlin



1:2,000

## School and Fire Districts

# VA-19-00001 Berlin

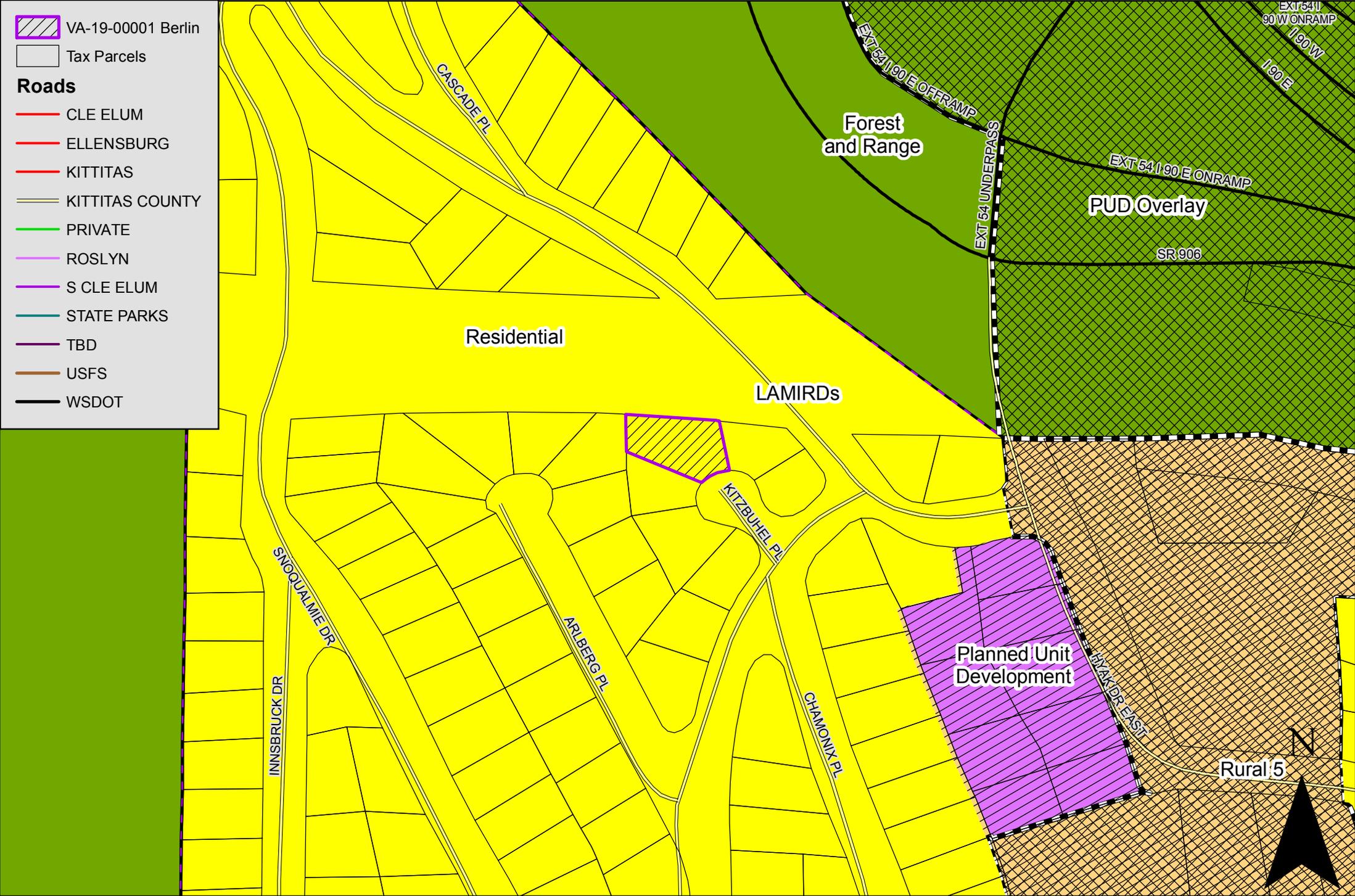


1:2,000

## Seismic Category



# VA-19-00001 Berlin



1:2,000

Zoning



# KITTTITAS 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

March 18, 2019

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



Dusty Pilkington  
Planner I  
Kittitas County Community Development Services  
411 N Ruby St # 2, Ellensburg, WA 98926  
(509) -962-7079  
[dusty.pilkington@co.kittitas.wa.us](mailto:dusty.pilkington@co.kittitas.wa.us)

**From:** [Dusty Pilkington](#)  
**To:** "Berlin Electric"  
**Subject:** RE: VA-19-00001 Berlin Additional Information Needed  
**Date:** Tuesday, March 19, 2019 11:43:40 AM

---

Mr. Berlin,

Thanks for being patient with me when I missed your previous phone call. I will be out of the office the rest of the afternoon, but in the meantime, you can send me what you have to address the items in the letter, and then I can review it to determine if it provides us with the information we need to continue processing the application.

Best Regards,

Dusty Pilkington  
Planner I  
Kittitas County Community Development Services  
411 N Ruby St # 2, Ellensburg, WA 98926  
(509) -962-7079  
[dusty.pilkington@co.kittitas.wa.us](mailto:dusty.pilkington@co.kittitas.wa.us)

---

**From:** Berlin Electric [mailto:berlinelectric@comcast.net]  
**Sent:** Tuesday, March 19, 2019 11:09 AM  
**To:** Dusty Pilkington  
**Subject:** Re: VA-19-00001 Berlin Additional Information Needed

Dusty, I submitted a site plan with my request. The surveyor only drew in the garage corner of the neighbors house. He has a 2' bump out on the second level and a 24" overhang. That makes his roof line on my property edge. I will send a copy of the survey. We don't have any natural features and have water and sewer hookups. Our access is my neighbors driveway.

Sent from my iPhone

On Mar 18, 2019, at 9:41 AM, Dusty Pilkington <[dusty.pilkington@co.kittitas.wa.us](mailto:dusty.pilkington@co.kittitas.wa.us)> wrote:

Mr. Berlin,,

Find attached correspondence regarding the variance request. A hard copy is en route via US Mail.

Best,

Dusty Pilkington  
Planner I  
Kittitas County Community Development Services  
411 N Ruby St # 2, Ellensburg, WA 98926  
(509) -962-7079  
[dusty.pilkington@co.kittitas.wa.us](mailto:dusty.pilkington@co.kittitas.wa.us)

---

Notice: Email sent to Kittitas County may be subject to public disclosure as required by law.  
message id: 38eb45916c6dcbdac24bb8719d004a14

<VA-19-00001 Berlin Additional Information Needed.pdf>

**From:** [Dan Berlin](#)  
**To:** [Dusty Pilkington](#)  
**Cc:** [Dan Berlin](#)  
**Subject:** 50 Kitzbuhel Survey  
**Date:** Tuesday, March 19, 2019 11:04:57 PM  
**Attachments:** [50 Kitzbuhel Survey18105\\_TOPO-BNDRY-180614.pdf](#)

---

Dusty,

Attached is my survey for 50 Kitzbuhel. Hopefully, this will help answer any questions and allow me to be granted a variance.

Thanks,

Dan



# KITTTITAS 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

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  
(509) -962-7079  
[dusty.pilkington@co.kittitas.wa.us](mailto:dusty.pilkington@co.kittitas.wa.us)

Enclosure: March 18, 2019 Letter



# KITTTITAS 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

March 18, 2019

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

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

Dear 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.

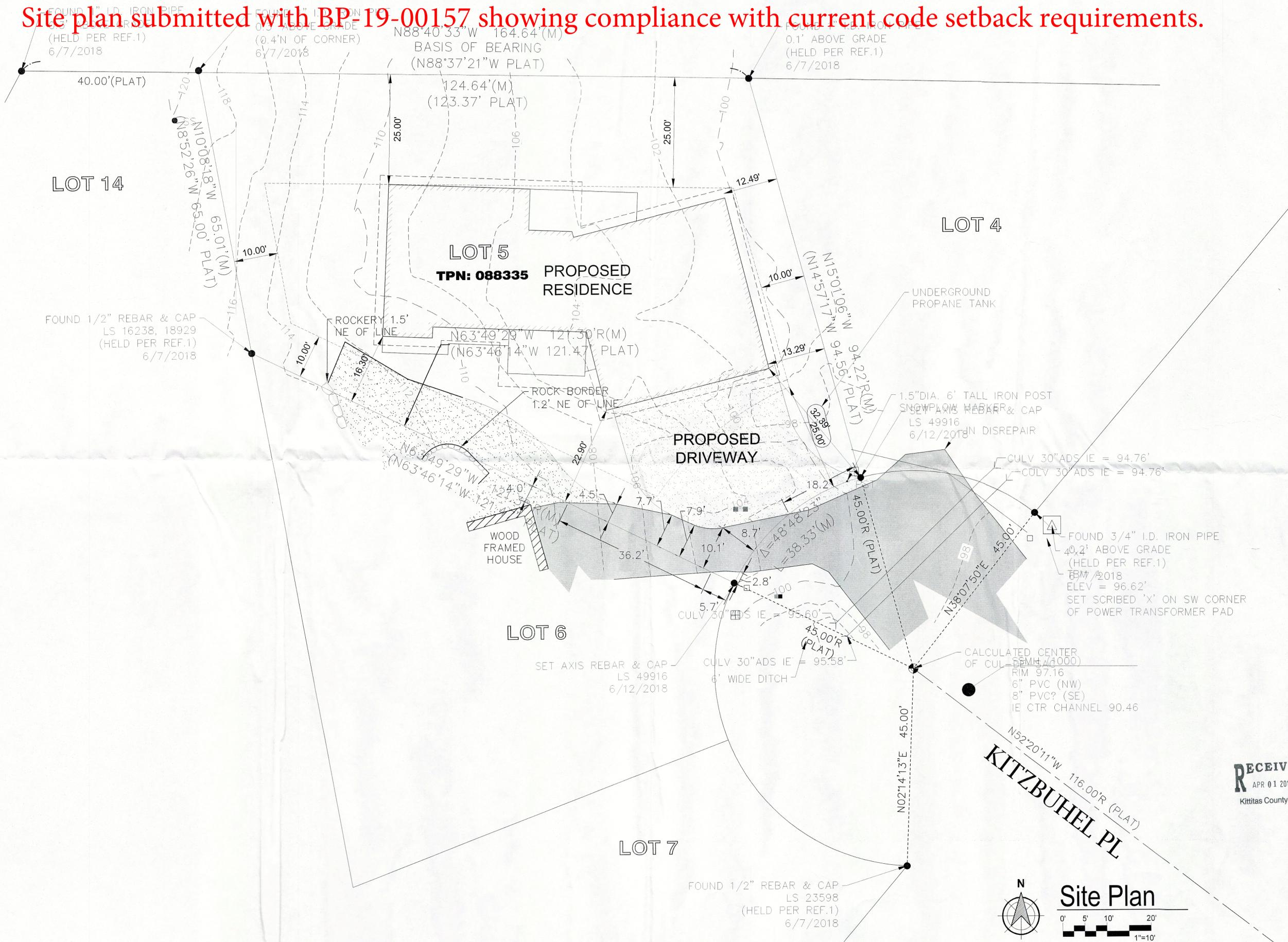
Sincerely,



Dusty Pilkington  
Planner I  
Kittitas County Community Development Services  
411 N Ruby St # 2, Ellensburg, WA 98926  
(509) -962-7079  
[dusty.pilkington@co.kittitas.wa.us](mailto:dusty.pilkington@co.kittitas.wa.us)

CDS Staff Note:

Site plan submitted with BP-19-00157 showing compliance with current code setback requirements.



**CW DESIGN, INC.**  
 www.cwdesigninc.com  
 P.O. Box 476  
 Renton, WA 98057  
 425-271-0082 (office)  
 425-988-0112 (fax)  
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 CW Design, Inc

WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS FOR THIS PROJECT PRIOR TO THE CONSTRUCTION PHASE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO REPORT ANY DISCREPANCIES TO THE DESIGNER AT THE TIME THEY ARE IDENTIFIED.

CW DESIGN, INC. MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND/OR CONDITIONS SHOWN ON THESE DRAWINGS. ANY SUCH VARIATIONS SHALL BE RESPONSIBLE FOR COST TO PROCEEDING WITH ANY WORK OR THE CONTRACTOR SHALL ACCEPT FULL RESPONSIBILITY FOR COST TO RECTIFY SAME. IN THE EVENT ANY LIABILITY IS IMPOSED ON CW DESIGN, INC. OUR LIABILITY TO YOU AND/OR ANY THIRD PARTY SHALL NOT EXCEED THE FEE PAID TO CW DESIGN, INC. FOR THE DRAWINGS PRODUCED FOR THIS PROJECT. ANY UNAUTHORIZED ALTERATIONS OF THESE DRAWINGS BY THE CONTRACTOR AND/OR THIRD PARTY SHALL HOLD CW DESIGN, INC. HARMLESS FROM ANY AND ALL CLAIMS.

Berlin Residence  
 Kitzbuhel Place (TPN 088335)  
 Snoqualmie Pass, WA 98068

No.	Remarks	Date
-	Submittal Set	x
1	-	-
2	-	-
3	-	-
4	-	-
5	-	-
6	-	-
7	-	-
8	-	-
9	-	-

**RECEIVED**  
 APR 01 2019  
 Kittitas County CDS

Sheet Name: Site Plan  
 Scale: 1"=10'-0"  
 Project No: 18018  
 Date: Sept 6, 2018  
 Drawn By: WJB  
 Status: Review Set v4.0

**A1.0**

July 10, 2019

50 Kitzbuhel Place

Revised Narrative Detailing How Application Meets the Criteria for KCC 17.84.010

- 1)The County has setbacks as follows: front-15', side 5' and rear- 25'.

The HOA has setbacks as follows: front- 25', side-10' and rear- 15'

We must meet both County and HOA setbacks.

Our property is situated on the end of a culdesac which lacks a full circle turning radius because of a culvert that protrudes out into the culdesac which was created by the County.

The property is 5 sided. Dan was informed by the County that it has 1 front, 2 sides and 2 rear setback requirements which do not apply to other properties in the vicinity. The typical property setbacks are 1 front, 2 sides and 1 rear. In order to meet both County and HOA setbacks our property would need the following setbacks downsizing our property considerably:

Front-25' per HOA, 2 sides- 10' each per HOA, and 2 rear- 25' each per County.

The west rear side (25' setback) has a steep slope grade of 21.6' from the east side to the west rear property line. (96.4'- 118') requiring us to locate the house as far east as possible (10' setback).

Neighboring property to the east has 2 fronts, 3 sides and no rear setbacks enabling them to construct a home with no more than 10-15' setbacks around the entire property. We have 2- 25 ' setbacks.

Neighbor's house to the south was approved by the County to be built on the surveyed property line indicating 0' setback. This variance will allow us to accept a BLA with the neighbor in order to make his house legal.

Other properties in the vicinity have just as large of a footprint with various setbacks incongruent with the County requirements.

- 2)Per survey, the neighbor to the south is encroaching on our property. The house has a 2' bump out on the second level and a 24" overhang making his roof line on the edge of our property. The bottom half of his entire driveway along with his side drive, is also our property which has affected the preservation and enjoyment of his property and ours.

Granting a 15' setback on the north side will allow for both properties to meet the south side setback of 10' after a BLA is accepted.

Granting a 15' setback would also correct the County's error from years ago.

A greenbelt exists along this north rear side so no properties will be affected by the requested setback variance of 15'.

After a variance approval, a BLA would be considered along the south side property line to create 2 separate properties which meet all County requirements, along with free and clear access to each property. This too, would enable both property owners the ability of preservation and enjoyment of their respective property as possessed by other owners of properties in the vicinity.

50 Kitzbuhel will be our full time primary family residence unlike many other homeowners who have a second home or use the property as a rental. Approving a variance rear setback of 15' will provide the required setbacks between neighbors, allow for ample snow removal for the County, and off-street parking since the County culvert protrudes into the culdesac.

- 3)The authorization of such variance will not be detrimental to the public welfare or injurious to property in the vicinity. In fact, the variance would be beneficial to Kittitas County by providing more area for snow removal. According to Mark Cook, Director of Kittitas County Public Works, he stated at the HOA meeting June 2, 2018 that it would be beneficial for a 15' rear setback and they were going to be changing in the new year (2019).
- 4)The granting of such variance will not adversely affect the realization of the comprehensive development pattern since the property is located on a culdesac. It is the last piece of property to be developed on the culdesac and it has a greenbelt to its rear north side. The 25' rear setback to the west will remain at 25' so not to affect future construction on the lot above.



**CW Design, Inc.**  
 www.cwdesigninc.com  
 P.O. Box 478  
 Shelton, WA 98587  
 425-271-0052 (cell) / 425-988-0112 (fax)  
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 CW Design, Inc.

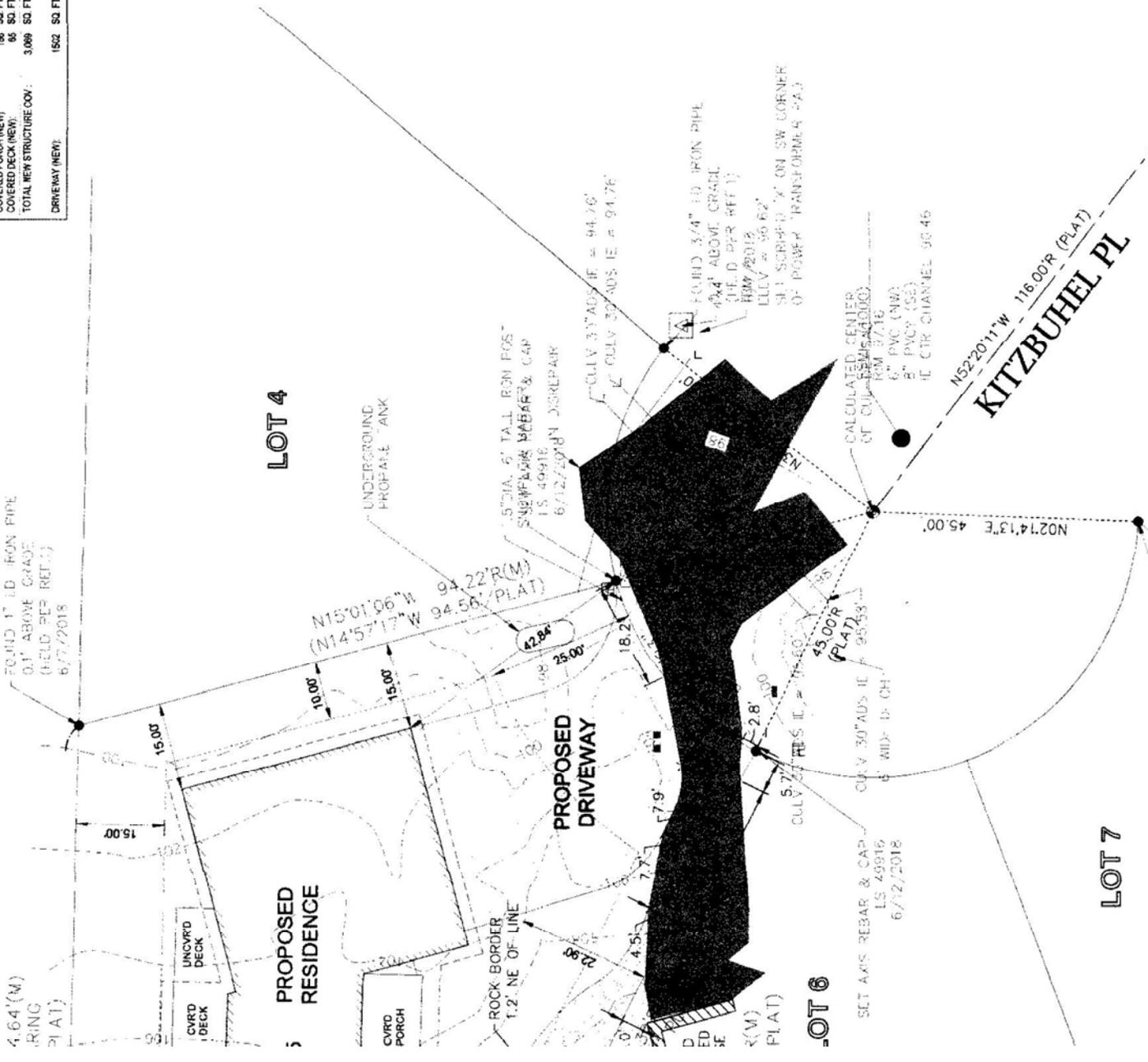
**Berlin Residence**  
 Kitzbuhel Place (TPN 088335)  
 Snoqualmie Pass, WA 98068

No.	Remarks	Date
1	Submital Set	01/30/19
2		
3		
4		
5		
6		
7		
8		
9		

Sheet Name  
**Site Plan**

Scale: 1"=10'-0"  
 Project No. 18018

SITE AREA	11,818 SQ. FT.
BUILDING FOOTPRINT (NEW)	2,818 SQ. FT.
COVERED PORCH (NEW)	188 SQ. FT.
COVERED DECK (NEW)	85 SQ. FT.
TOTAL NEW STRUCTURE COV.	3,089 SQ. FT.
DRIVEWAY (NEW)	1,522 SQ. FT.



LOT 7

LOT 4

LOT 6

KITZBUHEL PL  
 N52°20'11\"/>





## 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

July 17, 2019

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

RE: Berlin rear setback variance application (VA-19-00001)

Dear Mr. and Mrs. Berlin,

Kittitas County Community Development Services received an Administrative Setback Variance request on February 28, 2019 to reduce the required 25 foot rear yard setback to 15 feet. The subject property is zoned Residential. This parcel (088335) is located in Snoqualmie Pass and bears Assessor's map number 22-11-15050-0005. Your application has been determined **complete** as of July 17, 2019.

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

1. A Notice of Application will be published in the newspaper and sent to all adjoining property owners, governmental agencies, and interested persons. This includes a 15 day comment period.
2. Consideration of written comments from all adjoining property owners, governmental agencies, and interested persons.
3. A decision will be issued based upon comments received, and the proposal's consistency with Kittitas County Code 17.84, along with any other applicable codes and statutes.

If you have any questions regarding this matter, I can be reached at (509) 962-7079, or by e-mail at [dusty.pilkington@co.kittitas.wa.us](mailto:dusty.pilkington@co.kittitas.wa.us).

Once the above processing steps have been completed, CDS will issue a decision.

Sincerely,

Dusty Pilkington  
Planner I



**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”

**AFFIDAVIT OF MAILING AND PUBLICATION**

**PROPOSAL NAME:** VA-19-00001 Berlin Setback Variance

**NAME OF DOCUMENT:** *Notice of Application*

**NOTIFICATION MAIL DATE:** July 22, 2019

*Mailer:* In addition to attaching copies of the documents mailed, please attach a copy of the names and addresses of those to whom the documents were mailed and of notice sent to newspapers.

State of Washington  
County of Kittitas

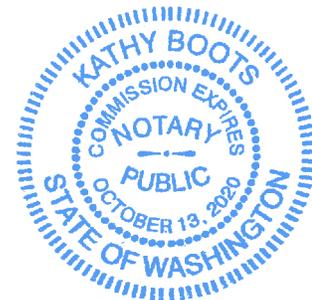
I certify that the acts of notification of land use action, and other actions described in this document have occurred or have been performed.

*Dusty Pilkington*  
Staff Signature

Subscribed and sworn to before me this 22 day of July, 20 19.

*Kathy Boots*  
Notary Public for the State of Washington  
residing in Ellensburg

My appointment expires October 13, 2020.



**Notice of Application  
Berlin Setback Variance  
VA-19-00001**

NOTICE IS HEREBY given that Dan and Michelle Berlin, landowners, submitted a setback Variance application on February 28, 2019 pursuant to Kittitas County Code 17.84. The application was deemed complete on July 16, 2019. As stated, the variance is requested to accommodate a single family residence on a parcel limited in buildable area by encroaching structures built on a neighboring parcel, and to facilitate snow removal by reducing the rear setback requirement. The subject property is located in Snoqualmie Pass on parcel # 088335, bearing Assessor's parcel number 22-11-15050-0005, Section 15, Township 22, Range 11, WM, Kittitas County.

Any person desiring to express their views or to be notified of the action taken on this application should contact Kittitas County Community Development Services (CDS). The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> and navigating to "Variances" and then to the project number. Phone: (509) 962-7079

**Written Comments** on this proposal can be submitted to CDS any time prior to 5:00 p.m. on **August 6, 2019**. Any person has the right to comment on the application and request a copy of the decision once made.

Under Title 15A.03.080 and 17.84.010, Zoning 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 outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$1560.

**Designated Permit Coordinator (staff contact):** Lindsey Ozbolt, Planning Official: (509) 962-7506; email at [lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us).

**Notice of Application:** Monday, July 22, 2019  
**Application Received:** Thursday, February 28, 2019  
**Application Deemed Incomplete:** Monday, March 18, 2019  
**Application Complete:** Wednesday, July 17, 2019

Dated: Monday, July 22, 2019

Publish Daily Record: Monday, July 22, 2019  
Publish NKC Tribune: Thursday, July 25, 2019



## 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 APPLICATION

**Notice of Application:** Monday July 22, 2019  
**Application Received:** Thursday, February 28, 2019  
**Application Deemed Incomplete:** Monday March 18, 2019  
**Application Complete:** Wednesday, July 17, 2019

**Project Name (File Number):** Berlin Setback Variance (VA-19-00001)

**Applicant:** Dan and Michelle Berlin

**Location:** The subject property is located in Snoqualmie Pass on parcel # 088335, bearing Assessor's parcel number 22-11-15050-0005, Section 15, Township 22, Range 11, WM, Kittitas County.

**Proposal:** Dan and Michelle Berlin, landowners, submitted a setback Variance application on February 28, 2019 pursuant to Kittitas County Code 17.84. The application was deemed complete on July 16, 2019. As stated, the variance is requested to accommodate a single family residence on a parcel limited in buildable area by encroaching structures built on a neighboring parcel and to facilitate snow removal by reducing the rear setback requirement.

**Materials Available for Review:** Any person desiring to express their views or to be notified of the action taken on this application should contact Kittitas County Community Development Services (CDS). The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> and navigating to "Variances" and then to the project number. Phone: (509) 962-7079

**Written Comments** on this proposal can be submitted to CDS any time prior to 5:00 p.m. on August 6, 2019. Any person has the right to comment on the application and request a copy of the decision once made.

Under Title 15A.03.080 and 17.84.010, Zoning 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 outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$1560.

**Designated Permit Coordinator (staff contact):** Lindsey Ozbolt, **Planning Official: (509) 962-7506; email at [lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us)**

**From:** [Dusty Pilkington](#)  
**To:** [Kim Dawson](#); [Julie Kjorsvik](#); [Lisa Lawrence](#); [Patti Johnson](#); [Kelly Bacon](#); [Candie Leader](#); "[jessica@yakama.com](#)"; "[jmarvin@yakama.com](#)"; "[johnson@yakama.com](#)"; "[enviroreview@yakama.com](#)"; "[separegister@ecy.wa.gov](#)"; "[sepaunit@ecy.wa.gov](#)"; "[gcle461@ecy.wa.gov](#)"; "[lowh461@ECY.WA.GOV](#)"; "[migi461@ECY.WA.GOV](#)"; "[Downes, Scott G \(DFW\)](#)"; "[Nelson, Jennifer L \(DFW\)](#)"; "[SEPA \(DAHP\)](#)"; "[jorgenja@cwu.edu](#)"; "[nelmsk@cwu.edu](#)"; [Mike Flory](#); [Douglas Mitchell](#); [Stacey Henderson](#); [Steph Mifflin](#); "[Mau, Russell E \(DOH\)](#)"; "[ben.serr@doh.wa.gov](#)"; "[brenda.smits@doh.wa.gov](#)"; "[becky.kennedy@dnr.wa.gov](#)"; "[cindy.preston@dnr.wa.gov](#)"; "[rivers@dnr.wa.gov](#)"; "[brooksideconsulting@gmail.com](#)"; "[tribune@nkctribune.com](#)"; "[terry@nkctribune.com](#)"; "[chelberg@usbr.gov](#)"; "[Joanna Markell](#)"; "[legals@kvnews.com](#)"; [Karen Hodges](#); [Justin Turnbull](#); [Taylor Gustafson](#); [RichElliott](#); "[Michael.j.daniels3.civ@mail.mil](#)"; "[Kimberly.peacher@navy.mil](#)"; [Pat Nicholson](#); [Tristen Lamb](#); [Holly Erdman](#); [Candie Leader](#); "[elizabeth.torrey@dfw.wa.gov](#)"; "[brooksideconsulting@gmail.com](#)"; "[Deborah.j.knaub@usace.army.mil](#)"; [Toni Berkshire](#); [Jesse Cox](#); [Jeremy Larson](#)  
**Cc:** [Lindsey Ozbolt](#); [Dan Carlson](#)  
**Subject:** VA-19-00001 Berlin Setback Variance  
**Date:** Monday, July 22, 2019 10:36:17 AM  
**Attachments:** [VA-19-00001 Berlin Notice of Application.pdf](#)

---

Greetings,

I am requesting comments on this Setback Variance . Anyone with an interest can comment, and the comment period ends **August 6, 2019** . Click the links below to view information on the permit. If you have no comment on the project, please inform CDS. I also need to inform you that Lindsey Ozbolt, Planning Official, will be the primary contact on this project starting July 29<sup>th</sup>, 2019. I am taking a job in the private sector, and will be relocating to Seattle. Lindsey's contact information is on the attached notice.

[VA-19-00001 Berlin \(County Departments\)](#)

[VA-19-00001 Berlin \(Outside County Departments\)](#)

If the links above do not work, please go to the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> and then the Project File Number "VA-19-00001 Berlin".

-

The following document is attached to this email:

Notice of Application

P.S.- It has been wonderful developing working relationships with you all, and thanks for being great people these last few years.

Best,

Dusty Pilkington  
Planner I  
Kittitas County Community Development Services  
411 N Ruby St # 2, Ellensburg, WA 98926  
(509) -962-7079

[dusty.pilkington@co.kittitas.wa.us](mailto:dusty.pilkington@co.kittitas.wa.us)

LITTLE, CHARLES SCOTT & LISA MARIE  
3802 N ADAMS ST  
TACOMA WA, 98407-5724

RANGLES, MATTHEW D & MERIDETH A  
1920 4TH AVE UNIT 2601  
SEATTLE WA, 98101-5126

ASAY, MARK L  
20 KITZBUHEL PL  
SNOQUALMIE PASS WA, 98068

POGUE, PAUL  
25111 SE 42ND DR  
ISSAQUAH WA, 98029-5789

BERLIN, DANIEL L  
1401 153RD PL SE  
BELLEVUE WA, 98007-5918

CROUSE, DAVID L & DONNA W  
2989 258TH PL SE  
SAMMAMISH WA, 98075

SHARP, ELIZABETH A  
6209 53RD AVE NE  
SEATTLE WA, 98115-7717

GRANARD, MATTHEW L  
PO BOX 119  
SNOQUALMIE PASS WA, 98068-0119

GHEORGHIU, ZINCA & COSTICA  
3213 104TH PL SE  
EVERETT WA, 98208-4536

LEVANDER, BRENT A ETUX  
25121 13TH PL S  
DES MOINES WA, 98198

VALLEJO, R ROY & SHEILA MAE  
CROFOOT TRUSTEES  
PO BOX 386  
ST IGNATIUS MT, 59865

WONG, DAVID  
1607 S WINTHROP ST  
SEATTLE WA, 98144-5824

STREHLER, RETO JURG  
PO BOX 551  
UNION WA, 98592-0551

BENEDETTI, ROBERT W & JULIA M  
PO BOX 74  
27228 KENT KANGLEY RD SE  
RAVENSDALE WA, 98051

GEHRING, DAVID  
2909 E ALDER ST  
SEATTLE WA, 98122-6225

DALY, PATRICK C & RANDI  
PO BOX 39  
SNOQUALMIE PASS WA, 98068-0039

WOOD, JAMES M JR ETUX  
3714 S 194TH ST  
SEATAC WA, 98188

HENDRICKSON, RICHARD ETUX  
10611 SE 293RD ST  
AUBURN WA, 98002

REGGE, MARTIN ETUX &  
WARMENHOVEN, DAVID ETUX  
10319 SE 185TH PL  
RENTON WA, 98055

HARCUS, RICK ETUX  
PO BOX 95  
SNOQUALMIE PASS WA, 98068

MITCHELL, CHARLES J & STACY O  
7528 19TH AVE NE  
SEATTLE WA, 98115-4432

BASSETT, BYRON F & LOIS R  
4120 SW 322ND ST  
FEDERAL WAY WA, 98023-2417

JEWETT, RICKY LEE TRUSTEE  
JEWETT, RICKY LEE  
3213 W WHEELER ST #403  
SEATTLE WA, 98199-3245

GILLETT, DONALD & ADINA  
18852 NE 116TH ST  
REDMOND WA, 98052-2325

JAMES, MICHAEL & TASHA  
PO BOX 1278  
SNOQUALMIE PASS WA, 98068-1278

STOITA, VASILE & RODICA  
PO BOX 743  
EASTON WA, 98925-0721

MAGEE, JERRY A ETUX  
4103 SE 3RD PL  
RENTON WA, 98059

POLLARD, STEPHEN E. ETUX  
16852 NE 40TH ST  
REDMOND WA, 98052

KINCHEN, BARBARA A.  
1221 MINOR AVE #908  
SEATTLE WA, 98101

KOKEZA, VOJISLAV ETUX  
600 MT OLYMPUS DR SW  
ISSAQUAH WA, 98027

HAASE, PAUL & DEBORAH  
COX, CARSON  
1901 E BEAVER LAKE DR SE  
SAMMAMISH WA, 98075-7905

PEMLER PROPERTIES LLC  
33502 SE 126TH ST  
ISSAQUAH WA, 98027-8731

COLEMAN, WILLIAM H JR & CATHERINE  
TRUSTEES  
28129 225TH PL SE  
MAPLE VALLEY WA, 98038-5138

MILLER, AARON  
PO BOX 55  
SNOQUALMIE PASS WA, 98068-0055

JOHNSON, MARCY R  
PO BOX 252  
FREELAND WA, 98249

GERALD JAMES BERGER REVOCABLE  
TRUST  
3721 BURKE AVE N  
SEATTLE WA, 98103-8338

WEINSTEIN, JEREMY P & MALAINA G  
TRUST  
28031 NE AMES LAKE RD  
REDMOND WA, 98053-9149

SVENSSON, EINAR ETUX  
23717 99TH AVE SW  
VASHON WA, 98070-7046

SCHUBERT, ERNST ETUX  
PO BOX 144  
SNOQUALMIE PASS WA, 98068

HALVORSON, MICHAEL J ETUX  
1820 WARREN AVE N  
SEATTLE WA, 98109

KARRIKER, STEPHANIE & JASON  
8300 SE 83RD ST  
MERCER ISLAND WA, 98040-5645

KROSSA, K DWIGHT ETUX  
6126 130TH AVE NE  
KIRKLAND WA, 98033

BARTLESON, GEORGE & SUSAN  
FAMILY LIVING TRUST  
3175 KAWALKER LANE  
SAN JOSE CA, 95127-1013

WARD, MARCUS  
7210 SE 29TH ST  
MERCER ISLAND WA, 98040-2607

WELCH, JEREMY J  
14435 SE 19TH PL  
BELLEVUE WA, 98007-6008

POTYONDY, LOUIS & JAIME  
30427 25TH PL SW  
FEDERAL WAY WA, 98023-2355

MAGNUSON, JAMES  
1301 MONROE AVE NE  
RENTON WA, 98056-3316

BOX WOOD BUILDERS LLC  
10611 SE 293RD ST  
AUBURN WA, 98092-1908

MAMCHICH, VIKTOR & GALINA  
29814 111TH AVE SE  
AUBURN WA, 98092-2517

BROOKE, J MORGAN & JOY A  
PO BOX 541  
LIVINGSTON MT, 59047

FISHBACK, JON R ETUX  
450 COLUMBIA PARK TRAIL  
RICHLAND WA, 99352

THORNE, DANIEL  
2422 W LYNN ST  
SEATTLE WA, 98199-3521

LAING, RONALD A  
2818 LONGLEAT WOODS  
SARASOTA FL, 34235-6865

PASS VISION LLC  
122 NW 36TH ST  
SEATTLE WA, 98107-4921

RODGERS, PRENTICE J JR & MARY  
SUSAN  
PO BOX 1516  
SNOQUALMIE WA, 98065-1516

HEYWOOD, DANIEL  
34921 SE KINSEY ST APT U101  
SNOQUALMIE WA, 98065-5212

RETTELL, JARET P  
271 SNOQUALMIE DR  
SNOQUALMIE PASS WA, 98068

TURNER, DEBRA D &  
PO BOX 178  
SNOQUALMIE PASS WA, 98068-0178

CORNISH, CHARLES R  
61905 GOSNEY RD  
BEND OR, 97702-9270

BRYAN, ANNETTE M &  
HAACK, NANCY K  
6716 EAST SIDE DR NE STE 1 105  
TACOMA WA, 98422-1147

STEVENS, MICHAEL & SHANNON  
2515 176TH CT NE  
REDMOND WA, 98052-5876

DIAZ, MARC ETUX  
PO BOX 5  
SNOQUALMIE PASS WA, 98068

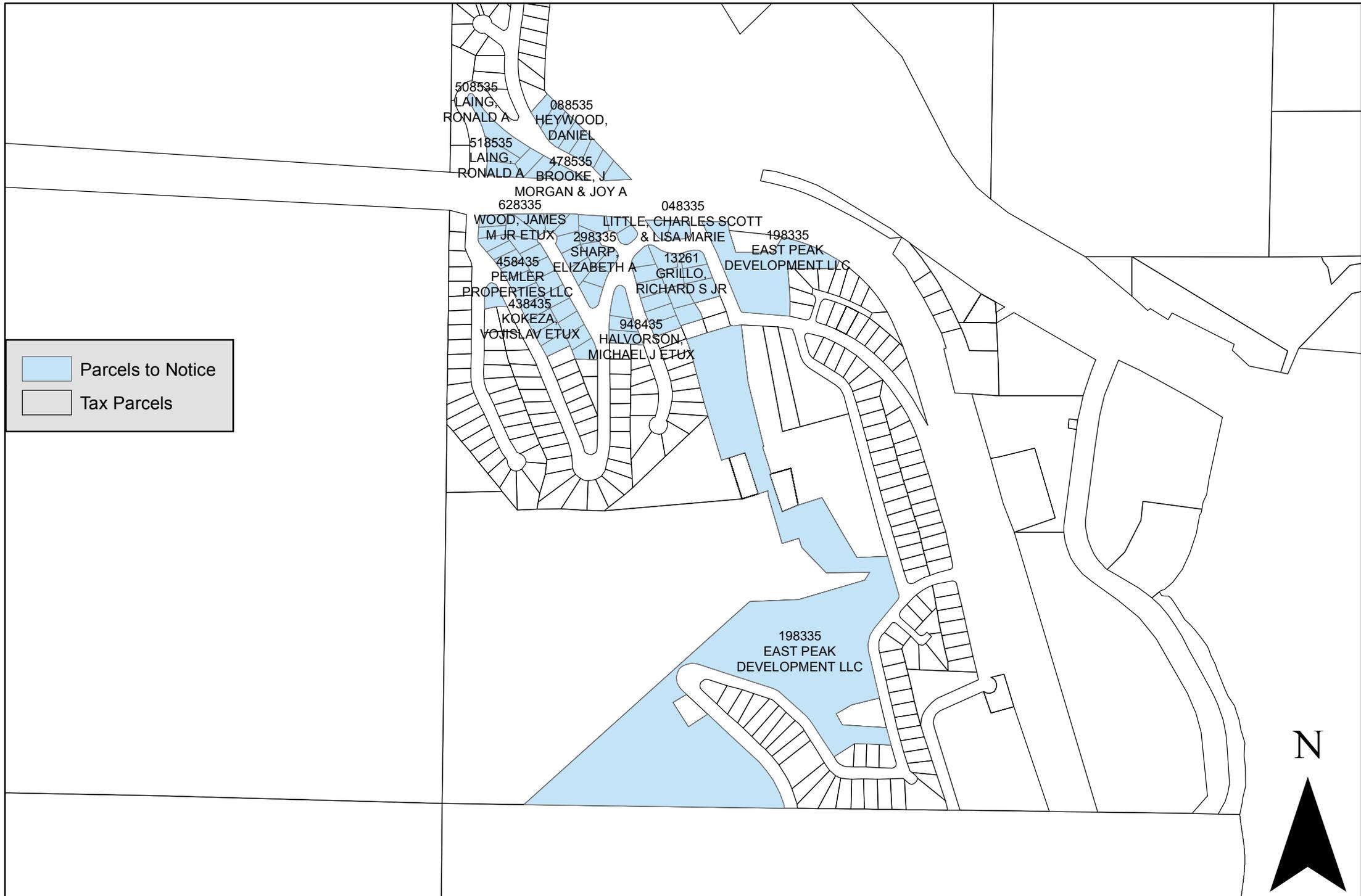
VERNON, ALLISON J  
PO BOX 103  
SNOQUALMIE PASS WA, 98068

BAHNEAN, RADU & FIBIA  
22310 CIELO VIS  
SAN ANTONIO TX, 78255-9545

GRILLO, RICHARD S JR  
PO BOX 91  
CLE ELUM WA, 98922-0091

EAST PEAK DEVELOPMENT LLC  
3621 STONE WAY N UNIT E  
SEATTLE WA, 98103-8050

# VA 19 00001 Berlin



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Salesperson: MEGAN WOODRUFF

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Start: 07/22/2019 Stop: 07/22/2019  
Times Ord: 1 Times Run: \*\*\*  
STD6 2.00 X 7.55 Words: 371  
Total STD6 15.10  
Class: 0001 LEGAL NOTICES  
Rate: LEG2 Cost: 131.82  
# Affidavits: 1

Contact: STEPH MIFFLIN  
Phone: (509)962-7506  
Fax#:  
Email: jeff.watson@co.kittitas.wa.u  
Agency:

Ad Descrpt: N/APP VA1900001 BERLIN SE  
Given by: DUSTY PILKINGTON  
P.O. #: VA1900001/D PILKINGT  
Created: mwo18 07/17/19 12:57  
Last Changed: mwo18 07/17/19 14:17

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AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

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Dusty Pilkington  
Name (print or type)

Dusty  
Name (signature)

(CONTINUED ON NEXT PAGE)

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PO BOX 1570  
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ORDER CONFIRMATION (CONTINUED)

Salesperson: MEGAN WOODRUFF

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Acct #: 84329

Ad #: 1923927

Status: New WHOLD WHOI

**Notice of Application  
Berlin Setback Variance  
VA-19-00001**

NOTICE IS HEREBY given that Dan and Michelle Berlin, landowners, submitted a setback Variance application on February 28, 2019 pursuant to Kittitas County Code 17.84. The application was deemed complete on July 16, 2019. As stated, the variance is requested to accommodate a single family residence on a parcel limited in buildable area by encroaching structures built on a neighboring parcel, and to facilitate snow removal by reducing the rear setback requirement. The subject property is located in Snoqualmie Pass on parcel # 088335, bearing Assessor's parcel number 22-11-15050-0005, Section 15, Township 22, Range 11, WM, Kittitas County.

Any person desiring to express their views or to be notified of the action taken on this application should contact Kittitas County Community Development Services (CDS). The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> and navigating to "Setback Variances" and then to the project number. Phone: (509) 962-7079

**Written Comments** on this proposal can be submitted to CDS any time prior to 5:00 p.m. on **August 6, 2019**. Any person has the right to comment on the application and request a copy of the decision once made.

Under Title 15A.03.080 and 17.84.010, Zoning 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 outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$1560.

**Designated Permit Coordinator (staff contact):** Lindsey Ozbolt, Planning Official: (509) 962-7506; email at [lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us).

**Notice of Application: Monday, July 22, 2019**  
**Application Received: Thursday, February 28, 2019**  
**Application Deemed Incomplete: Monday, March 18, 2019**  
**Application Complete: Wednesday, July 17, 2019**

Dated: Monday, July 22, 2019

Publish Daily Record: Monday, July 22, 2019  
Publish NKC Tribune: Thursday, July 25, 2019

Miscellaneous

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Legals

NOTICE IS HEREBY GIVEN that the Board of Directors of DAMMAN SCHOOL DISTRICT NO. 007, Kittitas County, Washington, has completed the Budget of said district and has placed the same on file with the Secretary of the Board, and that a copy thereof will be furnished any taxpayer who will call upon the Secretary for it.

FURTHER NOTICE IS HEREBY GIVEN that the Board of Directors of DAMMAN SCHOOL DISTRICT NO. 007, Kittitas County, Washington, will meet on July 29, 2019 at 5:30 p.m. at Damman School for the purpose of adopting the Budget for the ensuing fiscal year. Any taxpayer may appear at said meeting and be heard for or against any part of the budget.

Marsha Smith Secretary of the Board PUBLISH: Daily Record: July 18 and 22, 2019

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN the City Council of the City of Ellensburg will hold a public hearing in the Council Chambers, 501 North Anderson Street, Ellensburg, at its August 5, 2019 regular meeting, which begins at 7:00 p.m., to consider the Transportation Development Plan pursuant to RCW 35.56.2765.

NOTICE IS FURTHER GIVEN that all persons interested may appear at such time and place and be heard for or against the matter, or written comments may be filed with the City Clerk, 501 North Anderson Street, prior to August 5, 2019.

The City of Ellensburg strives to make services, programs, and activities readily accessible and usable by individuals with disabilities. Reasonable accommodations will be made upon request to ADA coordinator in sufficient time for the City to provide a reasonable accommodation. A "Request for Accommodation" form may be obtained from the City Clerk.

DATED this 16th day of July, 2019. City Clerk PUBLISH: Daily Record: July 22, 2019

DAILY RECORD

Notice of Application Berlin Setback Variance VA-19-00001

NOTICE IS HEREBY given that Dan and Michelle Bruff, landowners, submitted a setback Variance application on February 26, 2019 pursuant to Kittitas County Code 17.94. The application was deemed complete on July 16, 2019. As stated, the variance is requested to accommodate a single family residence on a parcel limited in buildable area by encroaching structures built on a neighboring parcel, and to facilitate snow removal by reducing the rear setback requirement. The subject property is located in Siroquoite Pass on parcel # 088335, bearing Assessor's parcel number 22-11-15050-0005, Section 15, Township 22, Range 11, WM, Kittitas County.

Any person desiring to express their views or to be notified of the action taken on this application should contact Kittitas County Community Development Services (CDS). The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/development> and navigating to "Setback Variances" and then to the project number. Phone: (509) 962-7079

Written Comments on this proposal can be submitted to CDS any time prior to 5:00 p.m. on August 6, 2019. Any person has his right to comment on the application and request a copy of the decision once made.

Under Title 15A.03.080 and 17.84.010, Zoning 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 outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$1500.

Designated Permit Coordinator (staff contact): Lindsey Ozbolt, Planning Official (509) 962-7306; email at [lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us)

Notice of Application: Monday, July 22, 2019 Application Received: Thursday, February 28, 2019 Application Deemed Incomplete: Monday, March 18, 2019 Application Complete: Wednesday, July 17, 2019

Dated: Monday, July 22, 2019 Publish Daily Record: Monday, July 22, 2019 Publish NKCTribune: Thursday, July 25, 2019

Legals

NOTICE OF PUBLIC HEARING

The Housing Authority of Kittitas County (the "Authority") will hold a public hearing on Tuesday, July 30, 2019, at 9:00 a.m., in the conference room on the second floor of the offices of the Authority located at 107 West 11th Avenue, Ellensburg, Washington, for purposes of considering the proposed issuance by the Authority, pursuant to chapter 35.82 RCW and a plan of financing, of certain obligations (the "Obligations"), the interest on which will be excluded from gross income for federal income tax purposes pursuant to Sections 103 and 142 of the Internal Revenue Code of 1986, as amended (the "Code"). The Obligations are expected to be issued to finance the acquisition, rehabilitation and equipping of six multifamily housing facilities described below (collectively, the "Projects"), each to be operated as a qualified residential rental project under Section 142(d) of the Code, to provide housing for low-income persons.

Table with columns: Projects Portfolio Name, Maximum Aggregate Total Principal Amount of Obligations, Projects Portfolio Principal User, Cahill Manor Project, Project Description, Project Location, Maximum Principal Amount of Obligations, Cherry Lane Project, Project Description, Project Location, Maximum Principal Amount of Obligations, Helena Annex Project, Project Description, Project Location, Maximum Principal Amount of Obligations, Mount Stuart Vista Project, Project Description, Project Location, Maximum Principal Amount of Obligations, Patrick Place Project, Project Description, Project Location, Maximum Principal Amount of Obligations, Trinal Manor Project, Project Description, Project Location, Maximum Principal Amount of Obligations.

The public is invited to attend the hearing and present oral or written testimony regarding the proposed issuance of the Obligations and the location and nature of the proposed Projects to be financed, or to submit written comments to the Authority at the above address to be received no later than the time of the hearing. The hearing will constitute the public hearing required by Section 147(f) of the Code. The Authority is committed to providing equal access to individuals with disabilities, consistent with the Americans with Disabilities Act and other state and federal laws prohibiting discrimination against individuals with disabilities. Anyone requiring an accommodation to participate in this hearing or to obtain information subject to this notice should contact the Authority, at least 24 hours prior to the time of the hearing, at (509) 962-9006.

At: Katie Haggen, Interim Executive Director/Operations Supervisor PUBLISH: Daily Record: July 22, 2019

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**AFFIDAVIT OF PUBLICATION**

STATE OF WASHINGTON )  
 ) SS  
COUNTY OF KITTITAS )

TERRY L. HAMBERG, being duly sworn on oath, deposes and says that she is the publisher of the *NORTHERN KITTITAS COUNTY TRIBUNE*, a weekly newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the Superior Court in the county in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a weekly newspaper in Cle Elum, Kittitas County, Washington, and is now and during all of said time was published in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a true copy of

Notice of Application  
VA-1900001 for Berlin  
Setback Variance

as it was published in regular issues (and not in supplement form) of said newspaper once a

week for a period of 1 subsequent weeks,

commencing on the 25th day of

July, 2019 and ending on the

\_\_\_\_\_ day of \_\_\_\_\_, 2019,

both dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the

sum of \$ 130.50, which amount has

been paid in full.

Terry L. Hamberg  
Terry L. Hamberg

Subscribed and sworn to before me this 27th day of July, 2019.  
Jana E. Stoner  
JANA E. STONER  
Notary Public in and for the State of Washington, residing at Cle Elum, County of Kittitas. Expires 07/01/2022.  


**KITTITAS COUNTY  
NOTICE OF APPLICATION  
BERLIN SETBACK VARIANCE  
VA-19-00001**

NOTICE IS HEREBY given that Dan and Michelle Berlin, landowners, submitted a setback Variance application on February 28, 2019 pursuant to Kittitas County Code 17.84. The application was deemed complete on July 16, 2019. As stated, the variance is requested to accommodate a single family residence on a parcel limited in buildable area by encroaching structures built on a neighboring parcel, and to facilitate snow removal by reducing the rear setback requirement. The subject property is located in Snoqualmie Pass on parcel # 088335, bearing Assessor's parcel number 22-11-15050-0005, Section 15, Township 22, Range 11, WM, Kittitas County.

Any person desiring to express their views or to be notified of the action taken on this application should contact Kittitas County Community Development Services (CDS). The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at: <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> and navigating to "Variances" and then to the project number. Phone: (509) 962-7079.

**Written Comments** on this proposal can be submitted to CDS any time prior to 5:00 p.m. on **August 6, 2019**. Any person has the right to comment on the application and request a copy of the decision once made.

Under Title 15A.03.080 and 17.84.010, Zoning 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 outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$1560.

**Designated Permit Coordinator (staff contact):** Lindsey Ozbolt, Planning Official: (509) 962-7506; email at [lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us).

**Notice of Application: Monday, July 22, 2019**  
**Application Received: Thursday, February 28, 2019**  
**Application Deemed Incomplete: Monday, March 18, 2019**  
**Application Complete: Wednesday, July 17, 2019**

Dated: Monday, July 22, 2019

Publish Daily Record: Monday, July 22, 2019

Publish NKC Tribune: Thursday, July 25, 2019

(Published in the N.K.C. TRIBUNE, July 25, 2019.)

**COPY**

**From:** [Lindsey Ozbolt](#)  
**To:** ["Dan Berlin"](#)  
**Cc:** [dmb Berlin@comcast.net](mailto:dmb Berlin@comcast.net)  
**Subject:** RE: Berlin Setback Variance (VA-19-00001)  
**Date:** Monday, August 05, 2019 3:46:00 PM

---

Good afternoon.

Thank you for the updated address. After the comment period ends, you will be sent via email a copy of the all comments received. Staff will review the comments and begin drafting our analysis and decision on the variance request. If any of the comments necessitate the need for additional information from you, will be notified by staff.

Best regards,

Lindsey Ozbolt

Planning Official

Kittitas County Community Development Services

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

(509) 962-7046 | [lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us)

---

**From:** Dan Berlin [mailto:berlinelectric@comcast.net]  
**Sent:** Monday, August 05, 2019 7:38 AM  
**To:** Lindsey Ozbolt  
**Cc:** dmb Berlin@comcast.net  
**Subject:** Berlin Setback Variance (VA-19-00001)

Good morning Lindsey,

With the comment timeframe closing Tuesday, Aug. 6 at 5:00pm, please let us know what the following steps we may need to take and approximately how long until we know if our variance has been approved. Also, how will we be notified? Please make the necessary changes to update our address if it hasn't already been done. The County Assessor has already been updated and Dusty was informed prior to his departure from the County. But we want to make sure you knew too. New address:

Dan and Michelle Berlin

18212 NE 21st Street

Redmond, WA. 98052

Thank you,

Dan and Michelle Berlin

## Lindsey Ozbolt

---

**From:** Taylor Gustafson  
**Sent:** Thursday, August 01, 2019 8:48 AM  
**To:** Kelly Bacon; Lindsey Ozbolt  
**Subject:** FW: VA-19-00001 Berlin Setback Variance  
**Attachments:** SKM\_C654e19072212410.pdf

Hi all,

Justin wanted to provide the comments below for consideration by Engineering and CDS. Let myself or Justin know if you have further questions.

Thanks!

Taylor

---

**From:** Justin Turnbull  
**Sent:** Monday, July 22, 2019 12:26 PM  
**To:** Taylor Gustafson  
**Subject:** RE: VA-19-00001 Berlin Setback Variance

Taylor,

My comments are as follows:

The documents on the server have not been prepared by a surveyor per Dusty Pilkington's request. From the information I can glean from the site plan, it appears that a surveyor was involved (AXIS – PLS#49916), but this is not their original work.

I would also be prudent to have the applicant confirm that the utility lines located at the back of the subject parcel do not have an easement they will be encroaching upon. Their surveyor should be able to confirm this from their title report.

While not relevant to survey, the existing footprint CAN fit on the existing lot holding to the existing setbacks. Please see attached sketch.

Thanks,

Justin Turnbull, PLS  
County Surveyor

---

Kittitas County Public Works	Main Phone:	(509) 962-7523
411 N. Ruby St., Suite 1	Direct Line:	(509) 933-8251
Ellensburg, WA 98926	Email:	<a href="mailto:justin.turnbull@co.kittitas.wa.us">justin.turnbull@co.kittitas.wa.us</a>

---

**From:** Dusty Pilkington  
**Sent:** Monday, July 22, 2019 10:36 AM  
**To:** Kim Dawson; Julie Kjorsvik; Lisa Lawrence; Patti Johnson; Kelly Bacon; Candie Leader; 'jessica@yakama.com'; 'jmarvin@yakama.com'; 'johnson@yakama.com'; 'enviroreview@yakama.com'; 'separegister@ecy.wa.gov';

'sepaunit@ecy.wa.gov'; 'gcle461@ecy.wa.gov'; 'lowh461@ECY.WA.GOV'; 'migi461@ECY.WA.GOV'; 'Downes, Scott G (DFW)'; 'Nelson, Jennifer L (DFW)'; 'SEPA (DAHP)'; 'jorgenja@cwu.edu'; 'nelmsk@cwu.edu'; Mike Flory; Douglas Mitchell; Stacey Henderson; Steph Mifflin; 'Mau, Russell E (DOH)'; 'ben.serr@doh.wa.gov'; 'brenda.smits@doh.wa.gov'; 'becky.kennedy@dnr.wa.gov'; 'cindy.preston@dnr.wa.gov'; 'rivers@dnr.wa.gov'; 'brooksideconsulting@gmail.com'; 'tribune@nkctribune.com'; 'terry@nkctribune.com'; 'chelberg@usbr.gov'; 'Joanna Markell'; 'legals@kvnews.com'; Karen Hodges; Justin Turnbull; Taylor Gustafson; RichElliott; 'Michael.j.daniels3.civ@mail.mil'; 'Kimberly.peacher@navy.mil'; Pat Nicholson; Tristen Lamb; Holly Erdman; Candie Leader; 'elizabeth.torrey@dfw.wa.gov'; 'brooksideconsulting@gmail.com'; 'Deborah.j.knaub@usace.army.mil'; Toni Berkshire; Jesse Cox; Jeremy Larson

**Cc:** Lindsey Ozbolt; Dan Carlson

**Subject:** VA-19-00001 Berlin Setback Variance

Greetings,

I am requesting comments on this Setback Variance . Anyone with an interest can comment, and the comment period ends **August 6, 2019** . Click the links below to view information on the permit. If you have no comment on the project, please inform CDS. I also need to inform you that Lindsey Ozbolt, Planning Official, will be the primary contact on this project starting July 29<sup>th</sup>, 2019. I am taking a job in the private sector, and will be relocating to Seattle. Lindsey's contact information is on the attached notice.

[VA-19-00001 Berlin \(County Departments\)](#)

[VA-19-00001 Berlin \(Outside County Departments\)](#)

If the links above do not work, please go to the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> and then the Project File Number "VA-19-00001 Berlin".

The following document is attached to this email:

Notice of Application

P.S.- It has been wonderful developing working relationships with you all, and thanks for being great people these last few years.

Best,

Dusty Pilkington

Planner I

Kittitas County Community Development Services

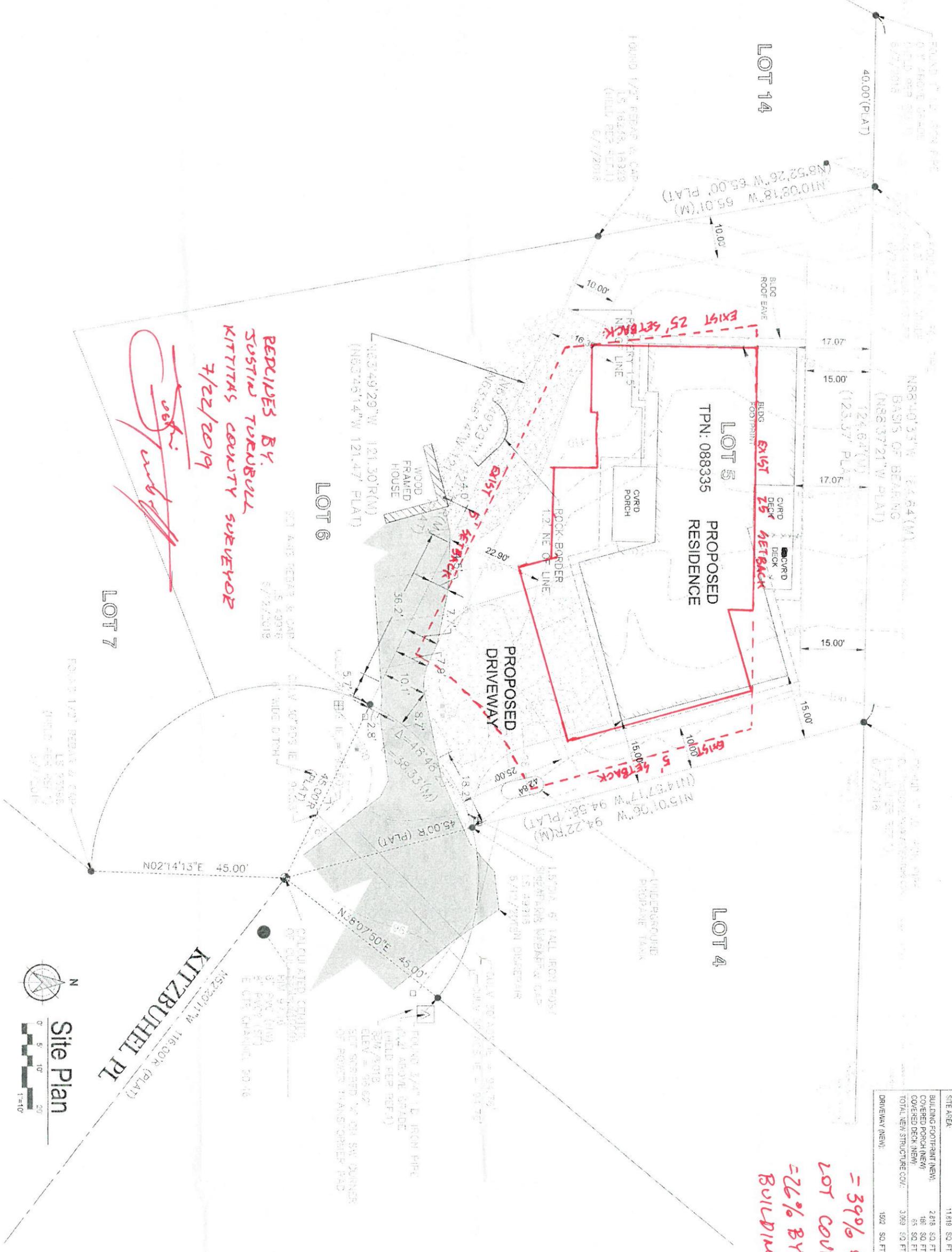
411 N Ruby St # 2, Ellensburg, WA 98926

(509) -962-7079

[dusty.pilkington@co.kittitas.wa.us](mailto:dusty.pilkington@co.kittitas.wa.us)

SITE AREA	11818 SQ. FT.
BUILDING FOOTPRINT (NEW)	2818 SQ. FT.
COVERED PORCH (NEW)	168 SQ. FT.
COVERED DECK (NEW)	63 SQ. FT.
TOTAL NEW STRUCTURE COV.	3049 SQ. FT.
DRIVEWAY (NEW)	1902 SQ. FT.

**= 39% OF LOT COVERED. 26% BY BUILDINGS.**



**REDUCES BY. SUSTAIN TURBULL KITZBUHLL COUNTY SUPERVOR 7/22/2019**

*John W. B. [Signature]*



Berlin Residence  
 Kitzbuhel Place (TPN 088335)  
 Snoqualmie Pass, WA 98068

**CW DESIGN, INC.**  
 www.cwdesign.com  
 P.O. Box 419  
 Renton, WA 98057  
 425-271-0282 (offices)  
 425-866-0172 (fax)  
 Copyright 2018  
 CW Design, Inc.

THIS PLAN IS THE PROPERTY OF CW DESIGN, INC. AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CW DESIGN, INC. THE USER OF THIS PLAN AGREES TO HOLD CW DESIGN, INC. HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS PLAN. THE USER OF THIS PLAN AGREES TO INDEMNIFY AND HOLD CW DESIGN, INC. HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING ATTORNEY'S FEES, ARISING OUT OF OR RESULTING FROM THE USE OF THIS PLAN.

No.	Remarks	Date
1	Submitted Set	01/30/19
2		
3		
4		
5		
6		
7		
8		
9		

Sheet Name: **Site Plan**

Scale: 1"=10'-0"

Project No: 18018

Date: Jan 30, 2019

Drawn By: WJB

Status: Submittal Set

**A1.0**

**From:** [Holly Erdman](#)  
**To:** [Dusty Pilkington](#); [Jeremy Johnston](#)  
**Subject:** RE: VA-19-00001 Berlin Setback Variance  
**Date:** Thursday, August 1, 2019 3:51:13 PM

---

Jeremy,

Since Dusty is gone I am not sure who to comment to. Given that the parcel is on both the Snoqualmie Pass water and sewer systems, public health has no comment on the project.

Thank you,

Holly

---

**From:** Dusty Pilkington  
**Sent:** Monday, July 22, 2019 10:36 AM  
**To:** Kim Dawson; Julie Kjorsvik; Lisa Lawrence; Patti Johnson; Kelly Bacon; Candie Leader; 'jessica@yakama.com'; 'jmarvin@yakama.com'; 'johnson@yakama.com'; 'enviroreview@yakama.com'; 'separegister@ecy.wa.gov'; 'sepaunit@ecy.wa.gov'; 'gcle461@ecy.wa.gov'; 'lowh461@ECY.WA.GOV'; 'migi461@ECY.WA.GOV'; 'Downes, Scott G (DFW)'; 'Nelson, Jennifer L (DFW)'; 'SEPA (DAHP)'; 'jorgenja@cwu.edu'; 'nelmsk@cwu.edu'; Mike Flory; Douglas Mitchell; Stacey Henderson; Steph Mifflin; 'Mau, Russell E (DOH)'; 'ben.serr@doh.wa.gov'; 'brenda.smits@doh.wa.gov'; 'becky.kennedy@dnr.wa.gov'; 'cindy.preston@dnr.wa.gov'; 'rivers@dnr.wa.gov'; 'brooksideconsulting@gmail.com'; 'tribune@nkctribune.com'; 'terry@nkctribune.com'; 'chelberg@usbr.gov'; 'Joanna Markell'; 'legals@kvnews.com'; Karen Hodges; Justin Turnbull; Taylor Gustafson; RichElliott; 'Michael.j.daniels3.civ@mail.mil'; 'Kimberly.peacher@navy.mil'; Pat Nicholson; Tristen Lamb; Holly Erdman; Candie Leader; 'elizabeth.torrey@dfw.wa.gov'; 'brooksideconsulting@gmail.com'; 'Deborah.j.knaub@usace.army.mil'; Toni Berkshire; Jesse Cox; Jeremy Larson  
**Cc:** Lindsey Ozbolt; Dan Carlson  
**Subject:** VA-19-00001 Berlin Setback Variance

Greetings,

I am requesting comments on this Setback Variance . Anyone with an interest can comment, and the comment period ends **August 6, 2019** . Click the links below to view information on the permit. If you have no comment on the project, please inform CDS. I also need to inform you that Lindsey Ozbolt, Planning Official, will be the primary contact on this project starting July 29<sup>th</sup>, 2019. I am taking a job in the private sector, and will be relocating to Seattle. Lindsey's contact information is on the attached notice.

[VA-19-00001 Berlin \(County Departments\)](#)  
[VA-19-00001 Berlin \(Outside County Departments\)](#)

If the links above do not work, please go to the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> and then the Project File Number "VA-19-00001 Berlin".

-

The following document is attached to this email:

Notice of Application

P.S.- It has been wonderful developing working relationships with you all, and thanks for being great people these last few years.

Best,

Dusty Pilkington  
Planner I  
Kittitas County Community Development Services  
411 N Ruby St # 2, Ellensburg, WA 98926  
(509) -962-7079  
[dusty.pilkington@co.kittitas.wa.us](mailto:dusty.pilkington@co.kittitas.wa.us)

---

Notice: Email sent to Kittitas County may be subject to public disclosure as required by law.  
message id: 38eb45916c6dcbdac24bb8719d004a14

RECEIVED  
AUG 05 2019  
Kittitas Co. CDS  
RECEIVED  
AUG 05 2019  
Kittitas Co. CDS

Saturday 8/3/19

To: Kittitas County Community Development Services  
Fr: Elizabeth Sharp

RE: Project Name (File Number) Berlin Setback Variance VA-19-00001

I have just received my first communication on the referenced, and attached, Notice of Application and Completion for a Setback Variance which may directly affect my neighboring property.

My property  
Tax Parcel Number is 298335  
Map Number 22-11-15050-0007

I was not informed of this submission by the applicants and, as mentioned, have not received prior communication about it.

**I need further information** and will call Kittitas County CDS on Monday to discuss the issue but please note my objection to this application until I fully understand the nature of the Variance.

**If necessary I will file an appeal** but will make that decision after discussing this with you.

Please feel free to contact me when you receive this.

Thank you,  
Elizabeth A. Sharp

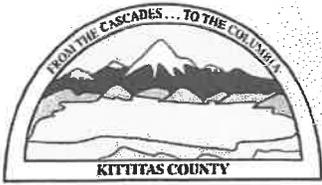


C (510) 287-6933  
EMAIL ASHARPELIZABETH@GMAIL.COM

Plz Note - mailing address has changed to:

1145 Mandana Blvd Oakland CA

94610



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St. Suite 2 Ellensburg WA 98926

[cds@co.kittitas.wa.us](mailto:cds@co.kittitas.wa.us)

Office 509-962-7506

Fax 509-962-7682

Building Partnerships - Building Communities

## NOTICE OF APPLICATION

**RECEIVED**  
Aug 05 2019  
Kittitas Co. CDS

**Notice of Application:** Monday July 22, 2019  
**Application Received:** Thursday, February 28, 2019  
**Application Deemed Incomplete:** Monday March 18, 2019  
**Application Complete:** Wednesday, July 17, 2019

**Project Name (File Number):** Berlin Setback Variance (VA-19-00001)

**Applicant:** Dan and Michelle Berlin

**Location:** The subject property is located in Snoqualmie Pass on parcel # 088335, bearing Assessor's parcel number 22-11-15050-0005, Section 15, Township 22, Range 11, WM, Kittitas County.

**Proposal:** Dan and Michelle Berlin, landowners, submitted a setback Variance application on February 28, 2019 pursuant to Kittitas County Code 17.84. The application was deemed complete on July 16, 2019. As stated, the variance is requested to accommodate a single family residence on a parcel limited in buildable area by encroaching structures built on a neighboring parcel and to facilitate snow removal by reducing the rear setback requirement.

**Materials Available for Review:** Any person desiring to express their views or to be notified of the action taken on this application should contact Kittitas County Community Development Services (CDS). The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> and navigating to "Variances" and then to the project number. Phone: (509) 962-7079

**Written Comments** on this proposal can be submitted to CDS any time prior to 5:00 p.m. on August 6, 2019. Any person has the right to comment on the application and request a copy of the decision once made.

Under Title 15A.03.080 and 17.84.010, Zoning 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 outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$1560.

**Designated Permit Coordinator (staff contact):** Lindsey Ozbolt, Planning Official: (509) 962-7506; email at [lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us)

Elizabeth Sharp  
1145 Mendocino Blvd  
Oakland CA  
94611

KITTITAS COUNTY Community Development Service  
c/o Lindsey Ozbolt (Planning official)

411 N. Ruby St # 2  
Ellensburg WA  
98926

**RECEIVED**  
AUG 05 2019

Kittitas Co. GDS



*To Protect and Promote the Health and the Environment of the People of Kittitas County*

# Memo

To: Jeremy Johnston, Planning Official  
From: Jesse Cox, Environmental Health Supervisor  
Date: Aug 6, 2019  
Subject: VA-19-00001

---

Thank you for the opportunity to comment on the Berlin Setback Variance. The parcel is on both the Snoqualmie Pass water and sewer systems, public health has no comment on the project.



507 N. Nanum Street, St. 102 · Ellensburg, WA 98926  
T: 509.962.7515 · F: 509.962.7581  
[www.co.kittitas.wa.us/health/](http://www.co.kittitas.wa.us/health/)

**From:** [CDS User](#)  
**To:** [Lindsey Ozbolt](#); [Chelsea Benner](#); [Jeremy Johnston](#)  
**Cc:** [Dan Carlson](#)  
**Subject:** FW: Berlin Setback Variance Application VA-19-00001  
**Date:** Tuesday, August 6, 2019 11:51:37 AM  
**Attachments:** [VA-19-00001 Berlin Notice of Application Legal.pdf](#)  
[Crouse v Berlin Adverse Possession Site Plan and Legal Description.pdf](#)  
[Lis Pendens 201907300018.pdf](#)

---

---

**From:** Michele McNeill [mailto:michele@skylinelaw.com]  
**Sent:** Tuesday, August 6, 2019 11:46 AM  
**To:** CDS User  
**Cc:** lindsey.ozbolt@co.kittitas.wa.us; DAVE CROUSE  
**Subject:** Berlin Setback Variance Application VA-19-00001

To Kittitas County Community Development Services:

I represent the owners of the parcel adjacent to Daniel and Michelle Berlin's property located in Snoqualmie Pass on parcel # 088335 that is currently under review for a Variance. My clients do not object to the setback Variance application but they do have concerns regarding possible use by the Berlins of a portion of the Berlin property that my clients have acquired by adverse possession. I would also like to be notified of any and all action taken on the Berlin's Application.

I have attached my client's Lis Pendens that was recorded with the Kittitas County Auditor's Office under recording no. 201907300018, along with a survey of the alleged adversely acquired portion of the Berlin's property that is the subject of my clients' lawsuit against the Berlins. Again, my clients have no objection to the Berlin's setback Variance application or their desire to build a new home provided neither requires actual use of the adversely possessed portion of the Berlin's property pending a final determination in the parties' lawsuit.

Please let me know if I need to submit this information via facsimile. The attached Notice was not clear regarding methods of submitting comments.

*Michele K. McNeill, Esq.*

**Skyline Law Group PLLC**

2155 112<sup>th</sup> Ave NE  
Bellevue, WA 98004  
Phone: (425) 455-4307  
Fax: (800) 458-1184  
[www.skylinelaw.com](http://www.skylinelaw.com)

The information contained in this e-mail message is confidential and may be privileged. If you are not the intended recipient, any distribution or copying is strictly prohibited. If you think that you received this e-mail in error, please notify the sender immediately and destroy this email.

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Notice: Email sent to Kittitas County may be subject to public disclosure as required by law.  
message id: 38eb45916c6dcbdac24bb8719d004a14

**Notice of Application  
Berlin Setback Variance  
VA-19-00001**

NOTICE IS HEREBY given that Dan and Michelle Berlin, landowners, submitted a setback Variance application on February 28, 2019 pursuant to Kittitas County Code 17.84. The application was deemed complete on July 16, 2019. As stated, the variance is requested to accommodate a single family residence on a parcel limited in buildable area by encroaching structures built on a neighboring parcel, and to facilitate snow removal by reducing the rear setback requirement. The subject property is located in Snoqualmie Pass on parcel # 088335, bearing Assessor's parcel number 22-11-15050-0005, Section 15, Township 22, Range 11, WM, Kittitas County.

Any person desiring to express their views or to be notified of the action taken on this application should contact Kittitas County Community Development Services (CDS). The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> and navigating to "Variances" and then to the project number. Phone: (509) 962-7079

**Written Comments** on this proposal can be submitted to CDS any time prior to 5:00 p.m. on **August 6, 2019**. Any person has the right to comment on the application and request a copy of the decision once made.

Under Title 15A.03.080 and 17.84.010, Zoning 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 outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$1560.

**Designated Permit Coordinator (staff contact):** Lindsey Ozbolt, Planning Official: (509) 962-7506; email at [lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us).

**Notice of Application:** Monday, July 22, 2019  
**Application Received:** Thursday, February 28, 2019  
**Application Deemed Incomplete:** Monday, March 18, 2019  
**Application Complete:** Wednesday, July 17, 2019

Dated: Monday, July 22, 2019

Publish Daily Record: Monday, July 22, 2019  
Publish NKC Tribune: Thursday, July 25, 2019

**ADVERSE POSSESSION EXHIBIT**

PREPARED FOR  
**MR. DAVID CROUSE**  
SECTION 15, T.22N.,R.11E. W.M.

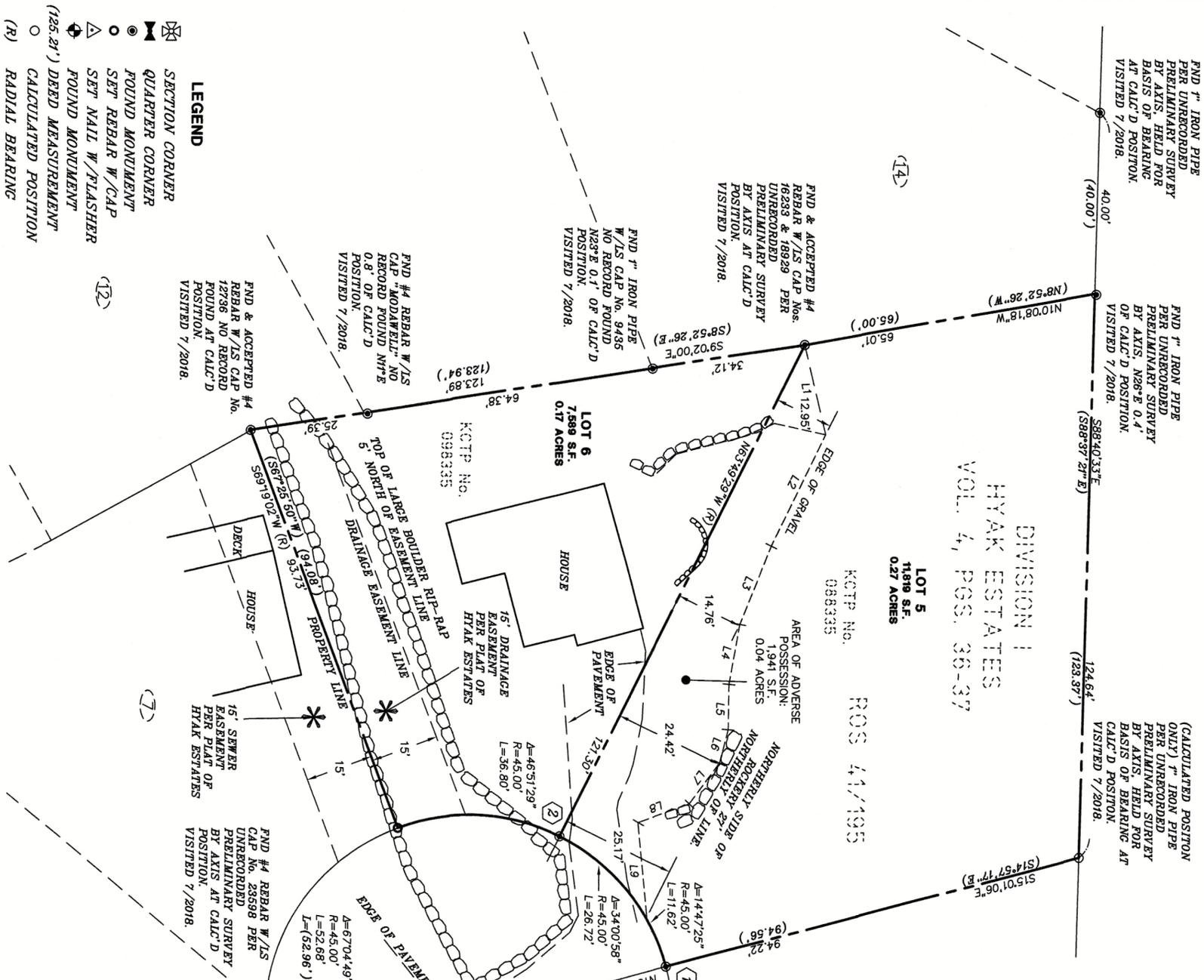
**EXISTING LEGAL DESCRIPTIONS:**  
LOT NO. 5, DIVISION 1, HYAK ESTATES, SECTION 15, TOWNSHIP 22 NORTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, KITTITAS COUNTY, WASHINGTON.  
LOT NO. 6, DIVISION 1, HYAK ESTATES, SECTION 15, TOWNSHIP 22 NORTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, KITTITAS COUNTY, WASHINGTON.

**DESCRIPTION OF PROPERTY TO BE TRANSFERRED FROM LOT 5 TO LOT 6 THROUGH ADVERSE POSSESSION:**

THAT PORTION OF LOT NO. 5, DIVISION 1, HYAK ESTATES AS FILED IN VOLUME 4 OF PLATS ON PAGES 36 AND 37, BEING A PORTION OF SECTION 15, TOWNSHIP 22 NORTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, KITTITAS COUNTY, WASHINGTON, LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:  
BEGINNING AT THE NORTHWESTERN MOST CORNER OF SAID LOT 5; THENCE SOUTH 10°08'18" EAST ALONG THE WEST LINE OF SAID LOT 5 A DISTANCE OF 65.01 FEET TO THE NORTHERN MOST CORNER OF LOT 6 OF SAID HYAK ESTATES AND THE TRUE POINT OF BEGINNING;  
THENCE NORTH 76°37'42" EAST A DISTANCE OF 27.39 FEET;  
THENCE SOUTH 68°37'29" EAST A DISTANCE OF 18.88 FEET;  
THENCE SOUTH 80°03'48" EAST A DISTANCE OF 13.50 FEET;  
THENCE SOUTH 89°20'26" EAST A DISTANCE OF 10.02 FEET;  
THENCE SOUTH 75°44'34" EAST A DISTANCE OF 7.63 FEET;  
THENCE SOUTH 53°37'49" EAST A DISTANCE OF 11.26 FEET;  
THENCE SOUTH 19°48'52" EAST A DISTANCE OF 12.00 FEET;  
THENCE NORTH 84°44'32" EAST A DISTANCE OF 21.25 FEET; MORE OR LESS TO THE RIGHT OF WAY MARGIN OF KITZBUHEL PLACE AND THE TERMINUS OF SAID LINE.

**SURVEY NOTES**

1. THE PURPOSE OF THIS SURVEY IS TO ASCERTAIN THE EXTERIOR BOUNDARIES OF THE PARCEL AS DESCRIBED HEREON, IDENTIFY SIGNIFICANT IMPROVEMENTS ALONG THESE BOUNDARIES IF ANY AND TO THEN SET PROPERTY CORNERS AND POINTS ON LINE TO SHOW THE POSSIBILITY OF ADVERSE POSSESSION.
2. INSTRUMENT: USING A SOKKA SET 5 30R FIVE SECOND TOTAL STATION IN CONJUNCTION WITH TRIMBLE RS SERIES GRS UNIT WITH RESULTING CLOSURES EXCEEDING THE MINIMUM ACCURACY STANDARDS AS SET FORTH BY WAC 332-130.
3. THE BOUNDARY LINES AND CORNERS DEPICTED ON THE MAP ARE PER RECORD TITLE INFORMATION AND REPRESENT DEED LINES ONLY. THEY DO NOT PURPORT TO SHOW OWNERSHIP LINES THAT MAY OTHERWISE BE DETERMINED BY A COURT OF LAW.
4. ALL FIELD WORK FOR THIS PROJECT WAS PERFORMED DURING JULY OF 2018 AND THIS MAP IS THEREFORE A REFLECTION OF CONDITIONS AT THAT TIME.
5. ANY FENCE LINES SHOWN ON THIS SURVEY WERE FIELD LOCATED AT OBVIOUS ANGLE POINTS IN THE FENCE ALIGNMENT. THE ACTUAL OCCUPATION OF THE FENCE OR THE SUPPORTING POSTS ARE NOT ASSURED BEYOND THE OVERALL WIDTH OF THE FENCE STRUCTURE. OBVIOUS CONCRETE SUPPORTING THE POSTS BELOW GROUND LEVEL IS BEYOND THE SCOPE OF THIS SURVEY.
6. THE LEGAL DESCRIPTION AS SHOWN HEREON IS PER SURVEYOR'S INTERPRETATION OF THE ABBREVIATED LEGAL SHOWN ON THE KITTITAS COUNTY ASSESSORS PAGE.
7. WHENEVER POSSIBLE, WE HAVE ATTEMPTED TO ACCEPT LOCAL CORNERS IN ORDER TO PROVIDE A HARMONIOUS BOUNDARY SURVEY WHILE PROTECTING THE ADJACENT OWNERS' RIGHTS.
8. AND/OR ACCEPTAIN THE BOUNDARY AS SHOWN HEREON... THE PLAT OF HYAK ESTATES VOL. 4, PAGES 36-37, ROS VOL. 41, PAGE 195.



**LINE TABLE**

LINE #	BEARING	DISTANCE
L1	S76°37'42"W	20.34
L2	N64°20'22"W	27.39
L3	N68°37'29"W	18.88
L4	N80°03'48"W	13.50
L5	N89°20'26"W	10.02
L6	N75°44'34"W	7.63
L7	N53°37'49"W	11.26
L8	N19°48'52"W	12.00
L9	S84°44'32"W	21.25

- LEGEND**
- SECTION CORNER
  - QUARTER CORNER
  - FOUND MONUMENT
  - SET REBAR W/CAP
  - SET NAIL W/FLASHER
  - FOUND MONUMENT
  - (125.21') DEED MEASUREMENT
  - CALCULATED POSITION
  - RADIAL BEARING

**1** FND #4 REBAR W/LS CAP No. 28598 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

**2** FND #4 REBAR W/LS CAP No. 28598 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

**3** FND #4 REBAR W/LS CAP No. 28598 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

**4** FND #4 REBAR W/LS CAP No. 28598 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

**ADVERSE POSSESSION EXHIBIT**  
PREPARED FOR  
**MR. DAVID CROUSE**  
SECTION 15, T.22N.,R.11E. W.M.  
KITTITAS COUNTY

DWN BY  
**N. BOGDON**

DATE  
**07/2019**

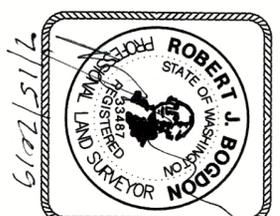
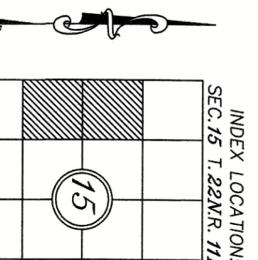
CHKD BY  
**R. BOGDON**

SCALE  
**1"=20'**

JOB NO.  
**18085**

SHEET  
**1 OF 1**

WASHINGTON



**INDEX LOCATION:**  
SEC. 15 T.22N.R. 11E. W.M.

**EASTSIDE CONSULTANTS, INC.**  
ENGINEERS-SURVEYORS  
1320 N.W. WALL ST., SUITE B  
ISSAQUAH, WASHINGTON 98027  
PHONE: (425)992-5351  
FAX: (425)992-4676

AFTER RECORDING MAIL TO:  
Skyline Law Group, PLLC  
2155 112<sup>th</sup> Ave NE  
Bellevue, WA 98004



Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

**Document Title(s)** (or transactions contained therein): (all areas applicable to your document **must** be filled in)

Lis Pendens

**Reference Number(s) of Documents assigned or released:**

Additional reference #'s on page \_\_\_\_ of document

**Grantor(s)** (Last name, first name, initials)

- 1. BERLIN, DANIEL L.
- 2. BERLIN, MICHELLE A.

Additional names on page \_\_\_\_ of document.

**Grantee(s)** (Last name first, then first name and initials)

- 1. CROUSE, DAVID L.
- 2. CROUSE, DONNA W.

Additional names on page \_\_\_\_ of document.

**Legal description** (abbreviated: i.e. lot, block, plat or section, township, range)

LOT 5, HYAK ESTATES, AS PER PLAT THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGES 36 AND 37, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON.

Additional legal is on page \_\_\_\_ of document.

**Assessor's Property Tax Parcel/Account Number**

088335

Assessor Tax # not yet assigned

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

"I am signing below and paying an additional \$50 recording fee (as provided in RCW 36.18.010 and referred to as an emergency nonstandard document), because this document does not meet margin and formatting requirements. Furthermore, I hereby understand that the recording process may cover up or otherwise obscure some part of the text of the original document as a result of this request."

\_\_\_\_\_  
Signature of Requesting Party

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IN THE SUPERIOR COURT IN THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KITTITAS

DAVID L. CROUSE and DONNA W.  
CROUSE, husband and wife,  
Plaintiffs,

NO. 19-2-00222-19

v.

LIS PENDENS

DANIEL L. BERLIN and MICHELLE A.  
PAGAN-BERLIN, husband and wife; and  
ALL PERSONS OR PARTIES UNKNOWN  
CLAIMING ANY RIGHT, TITLE,  
ESTATE, LIEN, OR INTEREST IN THE  
REAL PROPERTY DESCRIBED HEREIN;  
and JOHN DOES 1-10.  
Defendants.

NOTICE IS HEREBY GIVEN that the Plaintiffs in the above-captioned case have commenced legal action against the above-named Defendants in the Superior Court for Kittitas County by filing a Summons and Complaint. This is notice of pendency of said case.

The objective of the above-captioned case is to establish legal title and rights regarding a portion of the following described real estate situated in Kittitas County, Washington:

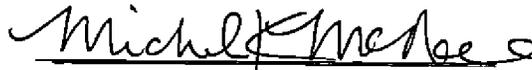
LOT 5, HYAK ESTATES, AS PER PLAT THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGES 36 AND 37, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON.

Tax Parcel No. 088335.

Commonly known as 50 Kitzbuhel Place, Snoqualmie Pass, Washington 98068.

1  
2 All persons dealing with said real estate subsequent to the filing hereof will take subject  
3 to the rights of the Plaintiff as established in this action.

4 DATED this 22 day of July 2019

5 

6 WSBA #32052  
7 Attorney for Plaintiffs  
8 Skyline Law Group PLLC  
9 2155 112<sup>th</sup> Ave NE  
10 Bellevue, WA 98004  
11 Phone: (425) 455-4307  
12 Fax: (800) 455-1184  
13 Email: michele@skylinelaw.com  
14



## 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"

August 9, 2019

David and Michelle Berlin  
18212 NE 21<sup>st</sup> Street  
Redmond, WA 98052

*Sent via email: [berlinelectric@comcast.net](mailto:berlinelectric@comcast.net)*

### **RE: Transmittal of Comments – VA-19-00001 Berlin Variance Transmittal of Comments**

Dear Mr. and Mrs. Berlin,

Enclosed are the comments received regarding the Berlin Setback Variance during the comment period which ended at 5:00pm on August 6, 2019:

August 1, 2019

August 1, 2019

August 5, 2019

August 6, 2019

August 6, 2019

Taylor Gustafson, Kittitas County Public Works

Holly Erdman, Kittitas County Public Health

Elizabeth Sharp

Jesse Cox, Kittitas County Public Health

Michelle McNeill, Skyline Law Group PLLC

Please review all comments and notify me of any questions. Staff is reviewing comments and will notify you if any further information is necessary prior to making a decision.

Sincerely,

Lindsey Ozbolt

Planning Official

Kittitas County Community Development Services

411 N Ruby Street, Suite 2 Ellensburg, WA 98926

509-962-7506

[lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us)

## Lindsey Ozbolt

---

**From:** Taylor Gustafson  
**Sent:** Thursday, August 01, 2019 8:48 AM  
**To:** Kelly Bacon; Lindsey Ozbolt  
**Subject:** FW: VA-19-00001 Berlin Setback Variance  
**Attachments:** SKM\_C654e19072212410.pdf

Hi all,

Justin wanted to provide the comments below for consideration by Engineering and CDS. Let myself or Justin know if you have further questions.

Thanks!

Taylor

---

**From:** Justin Turnbull  
**Sent:** Monday, July 22, 2019 12:26 PM  
**To:** Taylor Gustafson  
**Subject:** RE: VA-19-00001 Berlin Setback Variance

Taylor,

My comments are as follows:

The documents on the server have not been prepared by a surveyor per Dusty Pilkington's request. From the information I can glean from the site plan, it appears that a surveyor was involved (AXIS – PLS#49916), but this is not their original work.

I would also be prudent to have the applicant confirm that the utility lines located at the back of the subject parcel do not have an easement they will be encroaching upon. Their surveyor should be able to confirm this from their title report.

While not relevant to survey, the existing footprint CAN fit on the existing lot holding to the existing setbacks. Please see attached sketch.

Thanks,

Justin Turnbull, PLS  
County Surveyor

---

Kittitas County Public Works	Main Phone:	(509) 962-7523
411 N. Ruby St., Suite 1	Direct Line:	(509) 933-8251
Ellensburg, WA 98926	Email:	<a href="mailto:justin.turnbull@co.kittitas.wa.us">justin.turnbull@co.kittitas.wa.us</a>

---

**From:** Dusty Pilkington  
**Sent:** Monday, July 22, 2019 10:36 AM  
**To:** Kim Dawson; Julie Kjorsvik; Lisa Lawrence; Patti Johnson; Kelly Bacon; Candie Leader; 'jessica@yakama.com'; 'jmarvin@yakama.com'; 'johnson@yakama.com'; 'enviroreview@yakama.com'; 'separegister@ecy.wa.gov';

'sepaunit@ecy.wa.gov'; 'gcle461@ecy.wa.gov'; 'lowh461@ECY.WA.GOV'; 'migi461@ECY.WA.GOV'; 'Downes, Scott G (DFW)'; 'Nelson, Jennifer L (DFW)'; 'SEPA (DAHP)'; 'jorgenja@cwu.edu'; 'nelmsk@cwu.edu'; Mike Flory; Douglas Mitchell; Stacey Henderson; Steph Mifflin; 'Mau, Russell E (DOH)'; 'ben.serr@doh.wa.gov'; 'brenda.smits@doh.wa.gov'; 'becky.kennedy@dnr.wa.gov'; 'cindy.preston@dnr.wa.gov'; 'rivers@dnr.wa.gov'; 'brooksideconsulting@gmail.com'; 'tribune@nkctribune.com'; 'terry@nkctribune.com'; 'chelberg@usbr.gov'; 'Joanna Markell'; 'legals@kvnews.com'; Karen Hodges; Justin Turnbull; Taylor Gustafson; RichElliott; 'Michael.j.daniels3.civ@mail.mil'; 'Kimberly.peacher@navy.mil'; Pat Nicholson; Tristen Lamb; Holly Erdman; Candie Leader; 'elizabeth.torrey@dfw.wa.gov'; 'brooksideconsulting@gmail.com'; 'Deborah.j.knaub@usace.army.mil'; Toni Berkshire; Jesse Cox; Jeremy Larson

**Cc:** Lindsey Ozbolt; Dan Carlson

**Subject:** VA-19-00001 Berlin Setback Variance

Greetings,

I am requesting comments on this Setback Variance . Anyone with an interest can comment, and the comment period ends **August 6, 2019** . Click the links below to view information on the permit. If you have no comment on the project, please inform CDS. I also need to inform you that Lindsey Ozbolt, Planning Official, will be the primary contact on this project starting July 29<sup>th</sup>, 2019. I am taking a job in the private sector, and will be relocating to Seattle. Lindsey's contact information is on the attached notice.

[VA-19-00001 Berlin \(County Departments\)](#)

[VA-19-00001 Berlin \(Outside County Departments\)](#)

If the links above do not work, please go to the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> and then the Project File Number "VA-19-00001 Berlin".

The following document is attached to this email:

Notice of Application

P.S.- It has been wonderful developing working relationships with you all, and thanks for being great people these last few years.

Best,

Dusty Pilkington

Planner I

Kittitas County Community Development Services

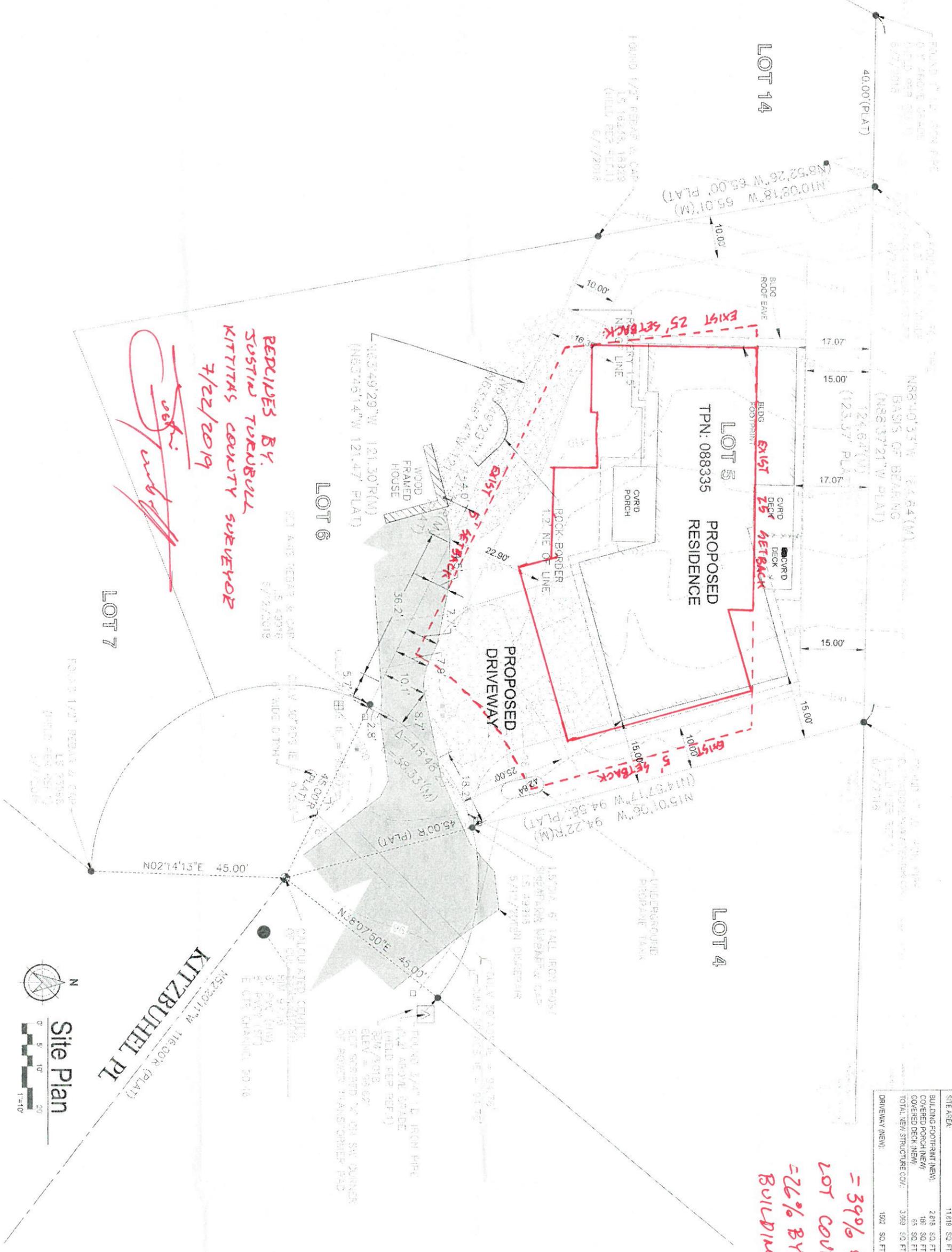
411 N Ruby St # 2, Ellensburg, WA 98926

(509) -962-7079

[dusty.pilkington@co.kittitas.wa.us](mailto:dusty.pilkington@co.kittitas.wa.us)

SITE AREA	11818 SQ. FT.
BUILDING FOOTPRINT (NEW)	2818 SQ. FT.
COVERED PORCH (NEW)	168 SQ. FT.
COVERED DECK (NEW)	63 SQ. FT.
TOTAL NEW STRUCTURE COV.	3049 SQ. FT.
DRIVEWAY (NEW)	1902 SQ. FT.

**= 39% OF LOT COVERED. 26% BY BUILDINGS.**



**REDUCES BY. SUSTAIN TURBULL KITITAS COUNTY SURVEYOR 7/22/2019**

*John Smith*



Berlin Residence  
 Kitzbuhel Place (TPN 088335)  
 Snoqualmie Pass, WA 98068

**CW DESIGN, INC.**  
 www.cwdesign.com  
 P.O. Box 419  
 Renton, WA 98057  
 425-271-0282 (offices)  
 425-866-0172 (fax)  
 Copyright 2018  
 CW Design, Inc.

No.	Remarks	Date
1	Submitted Set	01/30/19
2		
3		
4		
5		
6		
7		
8		
9		

Sheet Name: **Site Plan**

Scale: 1"=10'-0"

Project No: 18018

Date: Jan 30, 2019

Drawn By: WJB

Status: Submittal Set

**A1.0**

**From:** [Holly Erdman](#)  
**To:** [Dusty Pilkington](#); [Jeremy Johnston](#)  
**Subject:** RE: VA-19-00001 Berlin Setback Variance  
**Date:** Thursday, August 1, 2019 3:51:13 PM

---

Jeremy,

Since Dusty is gone I am not sure who to comment to. Given that the parcel is on both the Snoqualmie Pass water and sewer systems, public health has no comment on the project.

Thank you,

Holly

---

**From:** Dusty Pilkington  
**Sent:** Monday, July 22, 2019 10:36 AM  
**To:** Kim Dawson; Julie Kjorsvik; Lisa Lawrence; Patti Johnson; Kelly Bacon; Candie Leader; 'jessica@yakama.com'; 'jmarvin@yakama.com'; 'johnson@yakama.com'; 'enviroreview@yakama.com'; 'separegister@ecy.wa.gov'; 'sepaunit@ecy.wa.gov'; 'gcle461@ecy.wa.gov'; 'lowh461@ECY.WA.GOV'; 'migi461@ECY.WA.GOV'; 'Downes, Scott G (DFW)'; 'Nelson, Jennifer L (DFW)'; 'SEPA (DAHP)'; 'jorgenja@cwu.edu'; 'nelmsk@cwu.edu'; Mike Flory; Douglas Mitchell; Stacey Henderson; Steph Mifflin; 'Mau, Russell E (DOH)'; 'ben.serr@doh.wa.gov'; 'brenda.smits@doh.wa.gov'; 'becky.kennedy@dnr.wa.gov'; 'cindy.preston@dnr.wa.gov'; 'rivers@dnr.wa.gov'; 'brooksideconsulting@gmail.com'; 'tribune@nkctribune.com'; 'terry@nkctribune.com'; 'chelberg@usbr.gov'; 'Joanna Markell'; 'legals@kvnews.com'; Karen Hodges; Justin Turnbull; Taylor Gustafson; RichElliott; 'Michael.j.daniels3.civ@mail.mil'; 'Kimberly.peacher@navy.mil'; Pat Nicholson; Tristen Lamb; Holly Erdman; Candie Leader; 'elizabeth.torrey@dfw.wa.gov'; 'brooksideconsulting@gmail.com'; 'Deborah.j.knaub@usace.army.mil'; Toni Berkshire; Jesse Cox; Jeremy Larson  
**Cc:** Lindsey Ozbolt; Dan Carlson  
**Subject:** VA-19-00001 Berlin Setback Variance

Greetings,

I am requesting comments on this Setback Variance . Anyone with an interest can comment, and the comment period ends **August 6, 2019** . Click the links below to view information on the permit. If you have no comment on the project, please inform CDS. I also need to inform you that Lindsey Ozbolt, Planning Official, will be the primary contact on this project starting July 29<sup>th</sup>, 2019. I am taking a job in the private sector, and will be relocating to Seattle. Lindsey's contact information is on the attached notice.

[VA-19-00001 Berlin \(County Departments\)](#)  
[VA-19-00001 Berlin \(Outside County Departments\)](#)

If the links above do not work, please go to the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> and then the Project File Number "VA-19-00001 Berlin".

-

The following document is attached to this email:

Notice of Application

P.S.- It has been wonderful developing working relationships with you all, and thanks for being great people these last few years.

Best,

Dusty Pilkington  
Planner I  
Kittitas County Community Development Services  
411 N Ruby St # 2, Ellensburg, WA 98926  
(509) -962-7079  
[dusty.pilkington@co.kittitas.wa.us](mailto:dusty.pilkington@co.kittitas.wa.us)

---

Notice: Email sent to Kittitas County may be subject to public disclosure as required by law.  
message id: 38eb45916c6dcbdac24bb8719d004a14

RECEIVED  
AUG 05 2019  
Kittitas Co. CDS  
RECEIVED  
AUG 05 2019  
Kittitas Co. CDS

Saturday 8/3/19

To: Kittitas County Community Development Services  
Fr: Elizabeth Sharp

RE: Project Name (File Number) Berlin Setback Variance VA-19-00001

I have just received my first communication on the referenced, and attached, Notice of Application and Completion for a Setback Variance which may directly affect my neighboring property.

My property  
Tax Parcel Number is 298335  
Map Number 22-11-15050-0007

I was not informed of this submission by the applicants and, as mentioned, have not received prior communication about it.

**I need further information** and will call Kittitas County CDS on Monday to discuss the issue but please note my objection to this application until I fully understand the nature of the Variance.

**If necessary I will file an appeal** but will make that decision after discussing this with you.

Please feel free to contact me when you receive this.

Thank you,  
Elizabeth A. Sharp

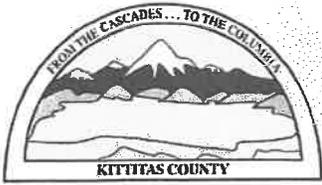


C (510) 287-6933  
EMAIL ASHARPELIZABETH@GMAIL.COM

Plz Note - mailing address has changed to:

1145 Mandana Blvd Oakland CA

94610



# KITTTITAS 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 APPLICATION

**RECEIVED**  
AUG 05 2019  
Kittitas Co. CDS

**Notice of Application:** Monday July 22, 2019  
**Application Received:** Thursday, February 28, 2019  
**Application Deemed Incomplete:** Monday March 18, 2019  
**Application Complete:** Wednesday, July 17, 2019

**Project Name (File Number):** Berlin Setback Variance (VA-19-00001)

**Applicant:** Dan and Michelle Berlin

**Location:** The subject property is located in Snoqualmie Pass on parcel # 088335, bearing Assessor's parcel number 22-11-15050-0005, Section 15, Township 22, Range 11, WM, Kittitas County.

**Proposal:** Dan and Michelle Berlin, landowners, submitted a setback Variance application on February 28, 2019 pursuant to Kittitas County Code 17.84. The application was deemed complete on July 16, 2019. As stated, the variance is requested to accommodate a single family residence on a parcel limited in buildable area by encroaching structures built on a neighboring parcel and to facilitate snow removal by reducing the rear setback requirement.

**Materials Available for Review:** Any person desiring to express their views or to be notified of the action taken on this application should contact Kittitas County Community Development Services (CDS). The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> and navigating to "Variances" and then to the project number. Phone: (509) 962-7079

**Written Comments** on this proposal can be submitted to CDS any time prior to 5:00 p.m. on August 6, 2019. Any person has the right to comment on the application and request a copy of the decision once made.

Under Title 15A.03.080 and 17.84.010, Zoning 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 outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$1560.

**Designated Permit Coordinator (staff contact):** Lindsey Ozbolt, Planning Official: (509) 962-7506; email at [lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us)

Elizabeth Sharp  
1145 Mendocino Blvd  
Oakland CA  
94611

KITTITAS COUNTY Community Development Service  
c/o Lindsey Ozbolt (Planning official)

411 N. Ruy St # 2  
Ellensburg WA  
98926

**RECEIVED**  
AUG 05 2019

Kittitas Co. GDS



*To Protect and Promote the Health and the Environment of the People of Kittitas County*

# Memo

To: Jeremy Johnston, Planning Official  
From: Jesse Cox, Environmental Health Supervisor  
Date: Aug 6, 2019  
Subject: VA-19-00001

---

Thank you for the opportunity to comment on the Berlin Setback Variance. The parcel is on both the Snoqualmie Pass water and sewer systems, public health has no comment on the project.



507 N. Nanum Street, St. 102 · Ellensburg, WA 98926  
T: 509.962.7515 · F: 509.962.7581  
[www.co.kittitas.wa.us/health/](http://www.co.kittitas.wa.us/health/)

**From:** [CDS User](#)  
**To:** [Lindsey Ozbolt](#); [Chelsea Benner](#); [Jeremy Johnston](#)  
**Cc:** [Dan Carlson](#)  
**Subject:** FW: Berlin Setback Variance Application VA-19-00001  
**Date:** Tuesday, August 6, 2019 11:51:37 AM  
**Attachments:** [VA-19-00001 Berlin Notice of Application Legal.pdf](#)  
[Crouse v Berlin Adverse Possession Site Plan and Legal Description.pdf](#)  
[Lis Pendens 201907300018.pdf](#)

---

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**From:** Michele McNeill [mailto:michele@skylinelaw.com]  
**Sent:** Tuesday, August 6, 2019 11:46 AM  
**To:** CDS User  
**Cc:** lindsey.ozbolt@co.kittitas.wa.us; DAVE CROUSE  
**Subject:** Berlin Setback Variance Application VA-19-00001

To Kittitas County Community Development Services:

I represent the owners of the parcel adjacent to Daniel and Michelle Berlin's property located in Snoqualmie Pass on parcel # 088335 that is currently under review for a Variance. My clients do not object to the setback Variance application but they do have concerns regarding possible use by the Berlins of a portion of the Berlin property that my clients have acquired by adverse possession. I would also like to be notified of any and all action taken on the Berlin's Application.

I have attached my client's Lis Pendens that was recorded with the Kittitas County Auditor's Office under recording no. 201907300018, along with a survey of the alleged adversely acquired portion of the Berlin's property that is the subject of my clients' lawsuit against the Berlins. Again, my clients have no objection to the Berlin's setback Variance application or their desire to build a new home provided neither requires actual use of the adversely possessed portion of the Berlin's property pending a final determination in the parties' lawsuit.

Please let me know if I need to submit this information via facsimile. The attached Notice was not clear regarding methods of submitting comments.

*Michele K. McNeill, Esq.*

**Skyline Law Group PLLC**

2155 112<sup>th</sup> Ave NE  
Bellevue, WA 98004  
Phone: (425) 455-4307  
Fax: (800) 458-1184  
[www.skylinelaw.com](http://www.skylinelaw.com)

The information contained in this e-mail message is confidential and may be privileged. If you are not the intended recipient, any distribution or copying is strictly prohibited. If you think that you received this e-mail in error, please notify the sender immediately and destroy this email.

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Notice: Email sent to Kittitas County may be subject to public disclosure as required by law.  
message id: 38eb45916c6dcbdac24bb8719d004a14

**Notice of Application  
Berlin Setback Variance  
VA-19-00001**

NOTICE IS HEREBY given that Dan and Michelle Berlin, landowners, submitted a setback Variance application on February 28, 2019 pursuant to Kittitas County Code 17.84. The application was deemed complete on July 16, 2019. As stated, the variance is requested to accommodate a single family residence on a parcel limited in buildable area by encroaching structures built on a neighboring parcel, and to facilitate snow removal by reducing the rear setback requirement. The subject property is located in Snoqualmie Pass on parcel # 088335, bearing Assessor's parcel number 22-11-15050-0005, Section 15, Township 22, Range 11, WM, Kittitas County.

Any person desiring to express their views or to be notified of the action taken on this application should contact Kittitas County Community Development Services (CDS). The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> and navigating to "Variances" and then to the project number. Phone: (509) 962-7079

**Written Comments** on this proposal can be submitted to CDS any time prior to 5:00 p.m. on **August 6, 2019**. Any person has the right to comment on the application and request a copy of the decision once made.

Under Title 15A.03.080 and 17.84.010, Zoning 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 outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$1560.

**Designated Permit Coordinator (staff contact):** Lindsey Ozbolt, Planning Official: (509) 962-7506; email at [lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us).

**Notice of Application:** Monday, July 22, 2019  
**Application Received:** Thursday, February 28, 2019  
**Application Deemed Incomplete:** Monday, March 18, 2019  
**Application Complete:** Wednesday, July 17, 2019

Dated: Monday, July 22, 2019

Publish Daily Record: Monday, July 22, 2019  
Publish NKC Tribune: Thursday, July 25, 2019



AFTER RECORDING MAIL TO:  
Skyline Law Group, PLLC  
2155 112<sup>th</sup> Ave NE  
Bellevue, WA 98004



Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

**Document Title(s)** (or transactions contained therein): (all areas applicable to your document **must** be filled in)

Lis Pendens

**Reference Number(s) of Documents assigned or released:**

Additional reference #'s on page \_\_\_\_ of document

**Grantor(s)** (Last name, first name, initials)

- 1. BERLIN, DANIEL L.
- 2. BERLIN, MICHELLE A.

Additional names on page \_\_\_\_ of document.

**Grantee(s)** (Last name first, then first name and initials)

- 1. CROUSE, DAVID L.
- 2. CROUSE, DONNA W.

Additional names on page \_\_\_\_ of document.

**Legal description** (abbreviated: i.e. lot, block, plat or section, township, range)

LOT 5, HYAK ESTATES, AS PER PLAT THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGES 36 AND 37, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON.

Additional legal is on page \_\_\_\_ of document.

**Assessor's Property Tax Parcel/Account Number**

088335

Assessor Tax # not yet assigned

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

"I am signing below and paying an additional \$50 recording fee (as provided in RCW 36.18.010 and referred to as an emergency nonstandard document), because this document does not meet margin and formatting requirements. Furthermore, I hereby understand that the recording process may cover up or otherwise obscure some part of the text of the original document as a result of this request."

\_\_\_\_\_  
Signature of Requesting Party

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IN THE SUPERIOR COURT IN THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KITTITAS

DAVID L. CROUSE and DONNA W.  
CROUSE, husband and wife,  
Plaintiffs,

NO. 19-2-00222-19

v.

LIS PENDENS

DANIEL L. BERLIN and MICHELLE A.  
PAGAN-BERLIN, husband and wife; and  
ALL PERSONS OR PARTIES UNKNOWN  
CLAIMING ANY RIGHT, TITLE,  
ESTATE, LIEN, OR INTEREST IN THE  
REAL PROPERTY DESCRIBED HEREIN;  
and JOHN DOES 1-10.  
Defendants.

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The objective of the above-captioned case is to establish legal title and rights regarding a portion of the following described real estate situated in Kittitas County, Washington:

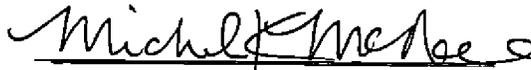
LOT 5, HYAK ESTATES, AS PER PLAT THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGES 36 AND 37, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON.

Tax Parcel No. 088335.

Commonly known as 50 Kitzbuhel Place, Snoqualmie Pass, Washington 98068.

1  
2 All persons dealing with said real estate subsequent to the filing hereof will take subject  
3 to the rights of the Plaintiff as established in this action.

4 DATED this 22 day of July 2019

5 

6 WSBA #32052  
7 Attorney for Plaintiffs  
8 Skyline Law Group PLLC  
9 2155 112<sup>th</sup> Ave NE  
10 Bellevue, WA 98004  
11 Phone: (425) 455-4307  
12 Fax: (800) 455-1184  
13 Email: michele@skylinelaw.com  
14



# 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"

August 9, 2019

David and Michelle Berlin  
18212 NE 21<sup>st</sup> Street  
Redmond, WA 98052

*Sent via email: [berlinelectric@comcast.net](mailto:berlinelectric@comcast.net)*

**RE: Transmittal of Comments – VA-19-00001 Berlin Variance Transmittal of Comments**

Dear Mr. and Mrs. Berlin,

Enclosed are the comments received regarding the Berlin Setback Variance during the comment period which ended at 5:00pm on August 6, 2019:

August 1, 2019

August 1, 2019

August 5, 2019

August 6, 2019

August 6, 2019

Taylor Gustafson, Kittitas County Public Works

Holly Erdman, Kittitas County Public Health

Elizabeth Sharp

Jesse Cox, Kittitas County Public Health

Michelle McNeill, Skyline Law Group PLLC

Please review all comments and notify me of any questions. Staff is reviewing comments and will notify you if any further information is necessary prior to making a decision.

Sincerely,

Lindsey Ozbolt

Planning Official

Kittitas County Community Development Services

411 N Ruby Street, Suite 2 Ellensburg, WA 98926

509-962-7506

[lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us)

## Lindsey Ozbolt

---

**From:** Taylor Gustafson  
**Sent:** Thursday, August 01, 2019 8:48 AM  
**To:** Kelly Bacon; Lindsey Ozbolt  
**Subject:** FW: VA-19-00001 Berlin Setback Variance  
**Attachments:** SKM\_C654e19072212410.pdf

Hi all,

Justin wanted to provide the comments below for consideration by Engineering and CDS. Let myself or Justin know if you have further questions.

Thanks!

Taylor

---

**From:** Justin Turnbull  
**Sent:** Monday, July 22, 2019 12:26 PM  
**To:** Taylor Gustafson  
**Subject:** RE: VA-19-00001 Berlin Setback Variance

Taylor,

My comments are as follows:

The documents on the server have not been prepared by a surveyor per Dusty Pilkington's request. From the information I can glean from the site plan, it appears that a surveyor was involved (AXIS – PLS#49916), but this is not their original work.

I would also be prudent to have the applicant confirm that the utility lines located at the back of the subject parcel do not have an easement they will be encroaching upon. Their surveyor should be able to confirm this from their title report.

While not relevant to survey, the existing footprint CAN fit on the existing lot holding to the existing setbacks. Please see attached sketch.

Thanks,

Justin Turnbull, PLS  
County Surveyor

---

Kittitas County Public Works	Main Phone:	(509) 962-7523
411 N. Ruby St., Suite 1	Direct Line:	(509) 933-8251
Ellensburg, WA 98926	Email:	<a href="mailto:justin.turnbull@co.kittitas.wa.us">justin.turnbull@co.kittitas.wa.us</a>

---

**From:** Dusty Pilkington  
**Sent:** Monday, July 22, 2019 10:36 AM  
**To:** Kim Dawson; Julie Kjorsvik; Lisa Lawrence; Patti Johnson; Kelly Bacon; Candie Leader; 'jessica@yakama.com'; 'jmarvin@yakama.com'; 'johnson@yakama.com'; 'enviroreview@yakama.com'; 'separegister@ecy.wa.gov';

'sepaunit@ecy.wa.gov'; 'gcle461@ecy.wa.gov'; 'lowh461@ECY.WA.GOV'; 'migi461@ECY.WA.GOV'; 'Downes, Scott G (DFW)'; 'Nelson, Jennifer L (DFW)'; 'SEPA (DAHP)'; 'jorgenja@cwu.edu'; 'nelmsk@cwu.edu'; Mike Flory; Douglas Mitchell; Stacey Henderson; Steph Mifflin; 'Mau, Russell E (DOH)'; 'ben.serr@doh.wa.gov'; 'brenda.smits@doh.wa.gov'; 'becky.kennedy@dnr.wa.gov'; 'cindy.preston@dnr.wa.gov'; 'rivers@dnr.wa.gov'; 'brooksideconsulting@gmail.com'; 'tribune@nkctribune.com'; 'terry@nkctribune.com'; 'chelberg@usbr.gov'; 'Joanna Markell'; 'legals@kvnews.com'; Karen Hodges; Justin Turnbull; Taylor Gustafson; RichElliott; 'Michael.j.daniels3.civ@mail.mil'; 'Kimberly.peacher@navy.mil'; Pat Nicholson; Tristen Lamb; Holly Erdman; Candie Leader; 'elizabeth.torrey@dfw.wa.gov'; 'brooksideconsulting@gmail.com'; 'Deborah.j.knaub@usace.army.mil'; Toni Berkshire; Jesse Cox; Jeremy Larson

**Cc:** Lindsey Ozbolt; Dan Carlson

**Subject:** VA-19-00001 Berlin Setback Variance

Greetings,

I am requesting comments on this Setback Variance . Anyone with an interest can comment, and the comment period ends **August 6, 2019** . Click the links below to view information on the permit. If you have no comment on the project, please inform CDS. I also need to inform you that Lindsey Ozbolt, Planning Official, will be the primary contact on this project starting July 29<sup>th</sup>, 2019. I am taking a job in the private sector, and will be relocating to Seattle. Lindsey's contact information is on the attached notice.

[VA-19-00001 Berlin \(County Departments\)](#)

[VA-19-00001 Berlin \(Outside County Departments\)](#)

If the links above do not work, please go to the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> and then the Project File Number "VA-19-00001 Berlin".

The following document is attached to this email:

Notice of Application

P.S.- It has been wonderful developing working relationships with you all, and thanks for being great people these last few years.

Best,

Dusty Pilkington

Planner I

Kittitas County Community Development Services

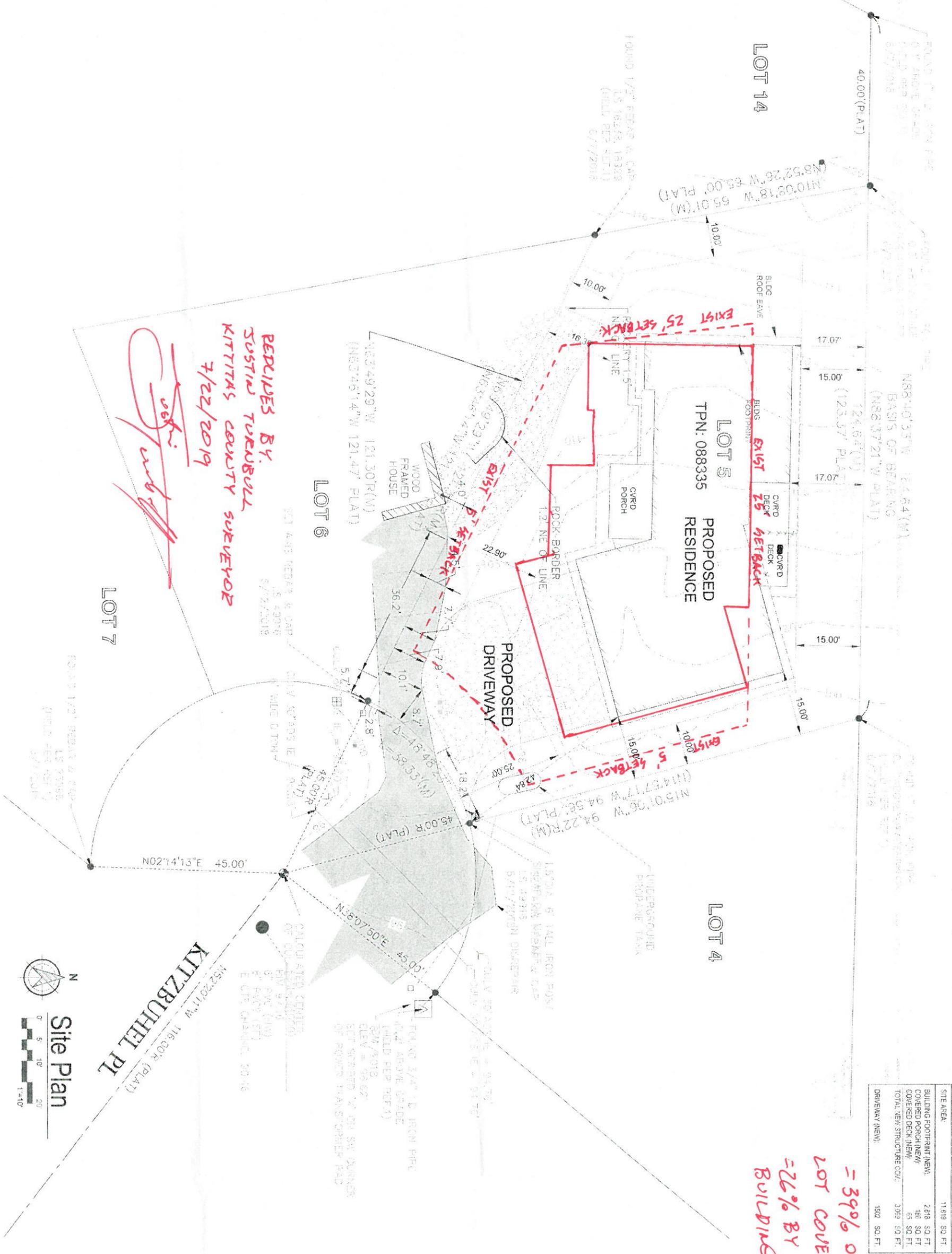
411 N Ruby St # 2, Ellensburg, WA 98926

(509) -962-7079

[dusty.pilkington@co.kittitas.wa.us](mailto:dusty.pilkington@co.kittitas.wa.us)

SITE AREA	11818 SQ. FT.
BUILDING FOOTPRINT (NEW)	2818 SQ. FT.
COVERED PORCH (NEW)	168 SQ. FT.
COVERED DECK (NEW)	63 SQ. FT.
TOTAL NEW STRUCTURE COV.	3049 SQ. FT.
DRIVEWAY (NEW)	1902 SQ. FT.

**= 39% OF LOT COVERED. 26% BY BUILDINGS.**



**REDUCES BY. SUSTAIN TURBULL KITTTAS COUNTY SURVEYOR 7/22/2019**

*John W. Hubert*



Berlin Residence  
 Kitzbuhel Place (TPN 088335)  
 Snoqualmie Pass, WA 98068

**CW DESIGN, INC.**  
 www.cwdesign.com  
 P.O. Box 419  
 Renton, WA 98057  
 425-271-0282 (offices)  
 425-866-0172 (fax)  
 Copyright 2018  
 CW Design, Inc.

No.	Remarks	Date
1	Submitted Set	01/30/19
2		
3		
4		
5		
6		
7		
8		
9		

Sheet Name: **Site Plan**

Scale: 1"=10'-0"

Project No: 18018

Date: Jan 30, 2019

Drawn By: WJB

Status: Submittal Set

**A1.0**

**From:** [Holly Erdman](#)  
**To:** [Dusty Pilkington](#); [Jeremy Johnston](#)  
**Subject:** RE: VA-19-00001 Berlin Setback Variance  
**Date:** Thursday, August 1, 2019 3:51:13 PM

---

Jeremy,

Since Dusty is gone I am not sure who to comment to. Given that the parcel is on both the Snoqualmie Pass water and sewer systems, public health has no comment on the project.

Thank you,

Holly

---

**From:** Dusty Pilkington  
**Sent:** Monday, July 22, 2019 10:36 AM  
**To:** Kim Dawson; Julie Kjorsvik; Lisa Lawrence; Patti Johnson; Kelly Bacon; Candie Leader; 'jessica@yakama.com'; 'jmarvin@yakama.com'; 'johnson@yakama.com'; 'enviroreview@yakama.com'; 'separegister@ecy.wa.gov'; 'sepaunit@ecy.wa.gov'; 'gcle461@ecy.wa.gov'; 'lowh461@ECY.WA.GOV'; 'migi461@ECY.WA.GOV'; 'Downes, Scott G (DFW)'; 'Nelson, Jennifer L (DFW)'; 'SEPA (DAHP)'; 'jorgenja@cwu.edu'; 'nelmsk@cwu.edu'; Mike Flory; Douglas Mitchell; Stacey Henderson; Steph Mifflin; 'Mau, Russell E (DOH)'; 'ben.serr@doh.wa.gov'; 'brenda.smits@doh.wa.gov'; 'becky.kennedy@dnr.wa.gov'; 'cindy.preston@dnr.wa.gov'; 'rivers@dnr.wa.gov'; 'brooksideconsulting@gmail.com'; 'tribune@nkctribune.com'; 'terry@nkctribune.com'; 'chelberg@usbr.gov'; 'Joanna Markell'; 'legals@kvnews.com'; Karen Hodges; Justin Turnbull; Taylor Gustafson; RichElliott; 'Michael.j.daniels3.civ@mail.mil'; 'Kimberly.peacher@navy.mil'; Pat Nicholson; Tristen Lamb; Holly Erdman; Candie Leader; 'elizabeth.torrey@dfw.wa.gov'; 'brooksideconsulting@gmail.com'; 'Deborah.j.knaub@usace.army.mil'; Toni Berkshire; Jesse Cox; Jeremy Larson  
**Cc:** Lindsey Ozbolt; Dan Carlson  
**Subject:** VA-19-00001 Berlin Setback Variance

Greetings,

I am requesting comments on this Setback Variance . Anyone with an interest can comment, and the comment period ends **August 6, 2019** . Click the links below to view information on the permit. If you have no comment on the project, please inform CDS. I also need to inform you that Lindsey Ozbolt, Planning Official, will be the primary contact on this project starting July 29<sup>th</sup>, 2019. I am taking a job in the private sector, and will be relocating to Seattle. Lindsey's contact information is on the attached notice.

[VA-19-00001 Berlin \(County Departments\)](#)  
[VA-19-00001 Berlin \(Outside County Departments\)](#)

If the links above do not work, please go to the CDS website at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> and then the Project File Number "VA-19-00001 Berlin".

-

The following document is attached to this email:

Notice of Application

P.S.- It has been wonderful developing working relationships with you all, and thanks for being great people these last few years.

Best,

Dusty Pilkington  
Planner I  
Kittitas County Community Development Services  
411 N Ruby St # 2, Ellensburg, WA 98926  
(509) -962-7079  
[dusty.pilkington@co.kittitas.wa.us](mailto:dusty.pilkington@co.kittitas.wa.us)

---

Notice: Email sent to Kittitas County may be subject to public disclosure as required by law.  
message id: 38eb45916c6dcbdac24bb8719d004a14

RECEIVED  
AUG 05 2019  
Kittitas Co. CDS  
RECEIVED  
AUG 05 2019  
Kittitas Co. CDS

Saturday 8/3/19

To: Kittitas County Community Development Services  
Fr: Elizabeth Sharp

RE: Project Name (File Number) Berlin Setback Variance VA-19-00001

I have just received my first communication on the referenced, and attached, Notice of Application and Completion for a Setback Variance which may directly affect my neighboring property.

My property  
Tax Parcel Number is 298335  
Map Number 22-11-15050-0007

I was not informed of this submission by the applicants and, as mentioned, have not received prior communication about it.

**I need further information** and will call Kittitas County CDS on Monday to discuss the issue but please note my objection to this application until I fully understand the nature of the Variance.

**If necessary I will file an appeal** but will make that decision after discussing this with you.

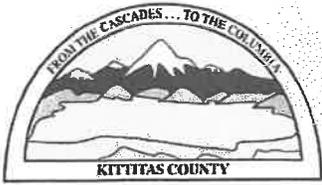
Please feel free to contact me when you receive this.

Thank you,  
Elizabeth A. Sharp



C (510) 287-6933  
EMAIL ASHARPELIZABETH@GMAIL.COM

Plz Note - mailing address has changed to:  
1145 Mandana Blvd Oakland CA  
94610



# KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St. Suite 2 Ellensburg WA 98926

[cds@co.kittitas.wa.us](mailto:cds@co.kittitas.wa.us)

Office 509-962-7506

Fax 509-962-7682

Building Partnerships - Building Communities

## NOTICE OF APPLICATION

**RECEIVED**  
Aug 05 2019  
Kittitas Co. CDS

**Notice of Application:** Monday July 22, 2019  
**Application Received:** Thursday, February 28, 2019  
**Application Deemed Incomplete:** Monday March 18, 2019  
**Application Complete:** Wednesday, July 17, 2019

**Project Name (File Number):** Berlin Setback Variance (VA-19-00001)

**Applicant:** Dan and Michelle Berlin

**Location:** The subject property is located in Snoqualmie Pass on parcel # 088335, bearing Assessor's parcel number 22-11-15050-0005, Section 15, Township 22, Range 11, WM, Kittitas County.

**Proposal:** Dan and Michelle Berlin, landowners, submitted a setback Variance application on February 28, 2019 pursuant to Kittitas County Code 17.84. The application was deemed complete on July 16, 2019. As stated, the variance is requested to accommodate a single family residence on a parcel limited in buildable area by encroaching structures built on a neighboring parcel and to facilitate snow removal by reducing the rear setback requirement.

**Materials Available for Review:** Any person desiring to express their views or to be notified of the action taken on this application should contact Kittitas County Community Development Services (CDS). The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> and navigating to "Variances" and then to the project number. Phone: (509) 962-7079

**Written Comments** on this proposal can be submitted to CDS any time prior to 5:00 p.m. on August 6, 2019. Any person has the right to comment on the application and request a copy of the decision once made.

Under Title 15A.03.080 and 17.84.010, Zoning 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 outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$1560.

**Designated Permit Coordinator (staff contact):** Lindsey Ozbolt, Planning Official: (509) 962-7506; email at [lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us)

Elizabeth Sharp  
1145 Mendocino Blvd  
Oakland CA  
94611

Kittitas County Community Development Service  
c/o Lindsey Ozbolt (Planning official)

411 N. Ruy St # 2  
Ellensburg WA  
98926

**RECEIVED**  
AUG 05 2019

Kittitas Co. GDS



*To Protect and Promote the Health and the Environment of the People of Kittitas County*

# Memo

To: Jeremy Johnston, Planning Official  
From: Jesse Cox, Environmental Health Supervisor  
Date: Aug 6, 2019  
Subject: VA-19-00001

---

Thank you for the opportunity to comment on the Berlin Setback Variance. The parcel is on both the Snoqualmie Pass water and sewer systems, public health has no comment on the project.



507 N. Nanum Street, St. 102 · Ellensburg, WA 98926  
T: 509.962.7515 · F: 509.962.7581  
[www.co.kittitas.wa.us/health/](http://www.co.kittitas.wa.us/health/)

**From:** [CDS User](#)  
**To:** [Lindsey Ozbolt](#); [Chelsea Benner](#); [Jeremy Johnston](#)  
**Cc:** [Dan Carlson](#)  
**Subject:** FW: Berlin Setback Variance Application VA-19-00001  
**Date:** Tuesday, August 6, 2019 11:51:37 AM  
**Attachments:** [VA-19-00001 Berlin Notice of Application Legal.pdf](#)  
[Crouse v Berlin Adverse Possession Site Plan and Legal Description.pdf](#)  
[Lis Pendens 201907300018.pdf](#)

---

---

**From:** Michele McNeill [mailto:michele@skylinelaw.com]  
**Sent:** Tuesday, August 6, 2019 11:46 AM  
**To:** CDS User  
**Cc:** lindsey.ozbolt@co.kittitas.wa.us; DAVE CROUSE  
**Subject:** Berlin Setback Variance Application VA-19-00001

To Kittitas County Community Development Services:

I represent the owners of the parcel adjacent to Daniel and Michelle Berlin's property located in Snoqualmie Pass on parcel # 088335 that is currently under review for a Variance. My clients do not object to the setback Variance application but they do have concerns regarding possible use by the Berlins of a portion of the Berlin property that my clients have acquired by adverse possession. I would also like to be notified of any and all action taken on the Berlin's Application.

I have attached my client's Lis Pendens that was recorded with the Kittitas County Auditor's Office under recording no. 201907300018, along with a survey of the alleged adversely acquired portion of the Berlin's property that is the subject of my clients' lawsuit against the Berlins. Again, my clients have no objection to the Berlin's setback Variance application or their desire to build a new home provided neither requires actual use of the adversely possessed portion of the Berlin's property pending a final determination in the parties' lawsuit.

Please let me know if I need to submit this information via facsimile. The attached Notice was not clear regarding methods of submitting comments.

*Michele K. McNeill, Esq.*

**Skyline Law Group PLLC**

2155 112<sup>th</sup> Ave NE

Bellevue, WA 98004

Phone: (425) 455-4307

Fax: (800) 458-1184

[www.skylinelaw.com](http://www.skylinelaw.com)

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Notice: Email sent to Kittitas County may be subject to public disclosure as required by law.

message id: 38eb45916c6dcbdac24bb8719d004a14

**Notice of Application  
Berlin Setback Variance  
VA-19-00001**

NOTICE IS HEREBY given that Dan and Michelle Berlin, landowners, submitted a setback Variance application on February 28, 2019 pursuant to Kittitas County Code 17.84. The application was deemed complete on July 16, 2019. As stated, the variance is requested to accommodate a single family residence on a parcel limited in buildable area by encroaching structures built on a neighboring parcel, and to facilitate snow removal by reducing the rear setback requirement. The subject property is located in Snoqualmie Pass on parcel # 088335, bearing Assessor's parcel number 22-11-15050-0005, Section 15, Township 22, Range 11, WM, Kittitas County.

Any person desiring to express their views or to be notified of the action taken on this application should contact Kittitas County Community Development Services (CDS). The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <http://www.co.kittitas.wa.us/cds/land-use/default.aspx> and navigating to "Variances" and then to the project number. Phone: (509) 962-7079

**Written Comments** on this proposal can be submitted to CDS any time prior to 5:00 p.m. on **August 6, 2019**. Any person has the right to comment on the application and request a copy of the decision once made.

Under Title 15A.03.080 and 17.84.010, Zoning 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 outlined in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$1560.

**Designated Permit Coordinator (staff contact):** Lindsey Ozbolt, Planning Official: (509) 962-7506; email at [lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us).

**Notice of Application:** Monday, July 22, 2019  
**Application Received:** Thursday, February 28, 2019  
**Application Deemed Incomplete:** Monday, March 18, 2019  
**Application Complete:** Wednesday, July 17, 2019

Dated: Monday, July 22, 2019

Publish Daily Record: Monday, July 22, 2019  
Publish NKC Tribune: Thursday, July 25, 2019

**ADVERSE POSSESSION EXHIBIT**

PREPARED FOR  
**MR. DAVID CROUSE**  
SECTION 15, T.22N.,R.11E. W.M.

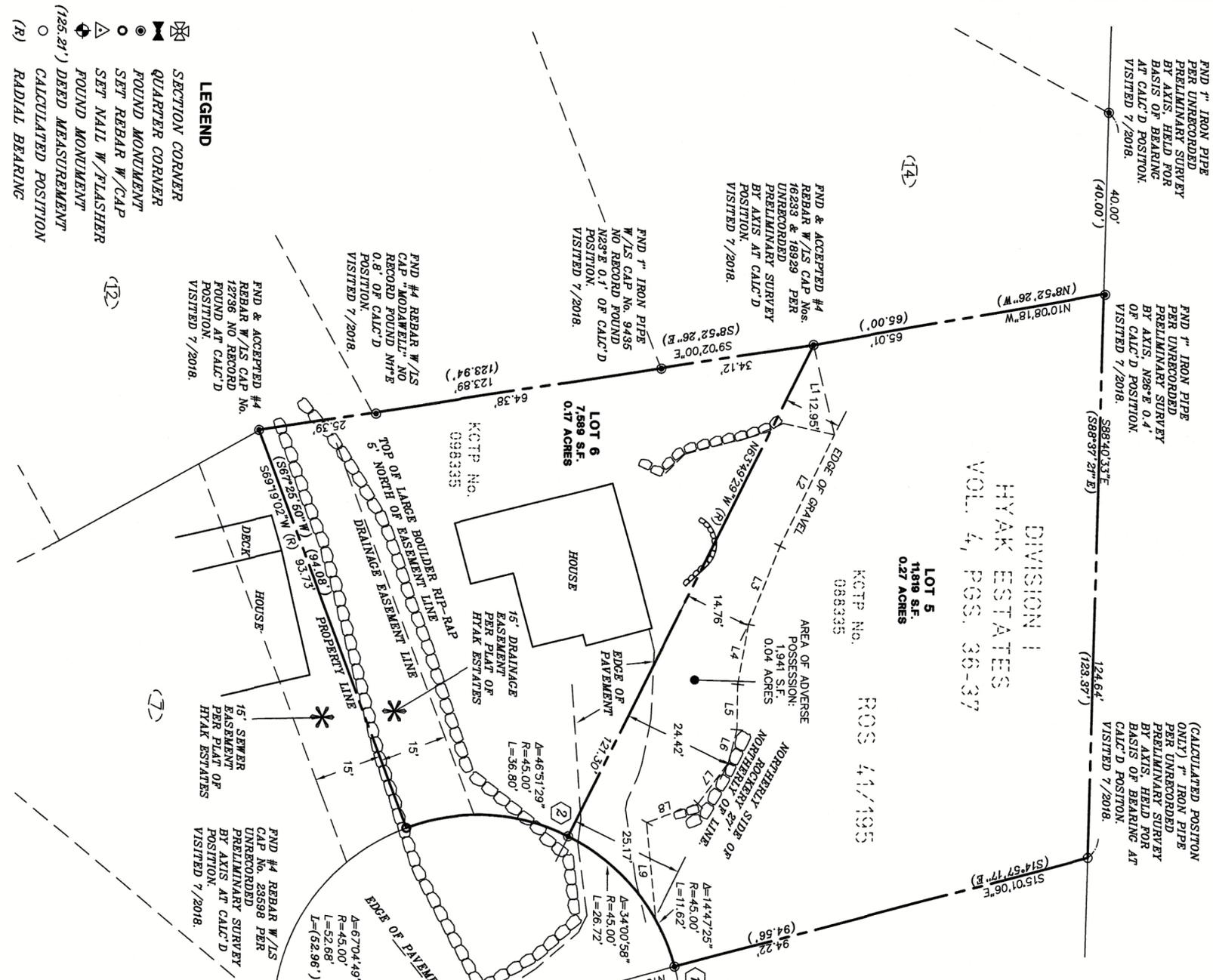
**EXISTING LEGAL DESCRIPTIONS:**  
LOT NO. 5, DIVISION 1, HYAK ESTATES, SECTION 15, TOWNSHIP 22 NORTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, KITTITAS COUNTY, WASHINGTON.  
LOT NO. 6, DIVISION 1, HYAK ESTATES, SECTION 15, TOWNSHIP 22 NORTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, KITTITAS COUNTY, WASHINGTON.

**DESCRIPTION OF PROPERTY TO BE TRANSFERRED FROM LOT 5 TO LOT 6 THROUGH ADVERSE POSSESSION:**

THAT PORTION OF LOT NO. 5, DIVISION 1, HYAK ESTATES AS FILED IN VOLUME 4 OF PLATS ON PAGES 36 AND 37, BEING A PORTION OF SECTION 15, TOWNSHIP 22 NORTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, KITTITAS COUNTY, WASHINGTON, LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:  
BEGINNING AT THE NORTHWESTERN MOST CORNER OF SAID LOT 5; THENCE SOUTH 10°08'18" EAST ALONG THE WEST LINE OF SAID LOT 5 A DISTANCE OF 65.01 FEET TO THE NORTHERN MOST CORNER OF LOT 6 OF SAID HYAK ESTATES AND THE TRUE POINT OF BEGINNING;  
THENCE NORTH 76°37'42" EAST A DISTANCE OF 20.34 FEET;  
THENCE SOUTH 68°37'29" EAST A DISTANCE OF 18.88 FEET;  
THENCE SOUTH 80°03'48" EAST A DISTANCE OF 13.50 FEET;  
THENCE SOUTH 89°20'26" EAST A DISTANCE OF 10.02 FEET;  
THENCE SOUTH 75°44'34" EAST A DISTANCE OF 7.63 FEET;  
THENCE SOUTH 53°37'49" EAST A DISTANCE OF 11.26 FEET;  
THENCE SOUTH 19°48'52" EAST A DISTANCE OF 12.00 FEET;  
THENCE NORTH 84°44'32" EAST A DISTANCE OF 21.25 FEET; MORE OR LESS TO THE RIGHT OF WAY MARGIN OF KITZBUHEL PLACE AND THE TERMINUS OF SAID LINE.

**SURVEY NOTES**

1. THE PURPOSE OF THIS SURVEY IS TO ASCERTAIN THE EXTERIOR BOUNDARIES OF THE PARCEL AS DESCRIBED HEREON, IDENTIFY SIGNIFICANT IMPROVEMENTS ALONG THESE BOUNDARIES IF ANY AND TO THEN SET PROPERTY CORNERS AND POINTS ON LINE TO SHOW THE POSSIBILITY OF ADVERSE POSSESSION.
2. INSTRUMENT: USING A SOKKA SET 5 30R FIVE SECOND TOTAL STATION IN CONJUNCTION WITH TRIMBLE RS SERIES GRS UNIT WITH RESULTING CLOSURES EXCEEDING THE MINIMUM ACCURACY STANDARDS AS SET FORTH BY WAC 332-130.
3. THE BOUNDARY LINES AND CORNERS DEPICTED ON THE MAP ARE PER RECORD TITLE INFORMATION AND REPRESENT DEED LINES ONLY. THEY DO NOT PURPORT TO SHOW OWNERSHIP LINES THAT MAY OTHERWISE BE DETERMINED BY A COURT OF LAW.
4. ALL FIELD WORK FOR THIS PROJECT WAS PERFORMED DURING JULY OF 2018 AND THIS MAP IS THEREFORE A REFLECTION OF CONDITIONS AT THAT TIME.
5. ANY FENCE LINES SHOWN ON THIS SURVEY WERE FIELD LOCATED AT OBVIOUS ANGLE POINTS IN THE FENCE ALIGNMENT. THE ACTUAL OCCUPATION OF THE FENCE OR THE SUPPORTING POSTS ARE NOT ASSURED BEYOND THE OVERALL WIDTH OF THE FENCE STRUCTURE. OBVIOUS CONCRETE SUPPORTING THE POSTS BELOW GROUND LEVEL IS BEYOND THE SCOPE OF THIS SURVEY.
6. THE LEGAL DESCRIPTION AS SHOWN HEREON IS PER SURVEYOR'S INTERPRETATION OF THE ABBREVIATED LEGAL SHOWN ON THE KITTITAS COUNTY ASSESSORS PAGE.
7. WHENEVER POSSIBLE, WE HAVE ATTEMPTED TO ACCEPT LOCAL CORNERS IN ORDER TO PROVIDE A HARMONIOUS BOUNDARY SURVEY WHILE PROTECTING THE ADJACENT OWNERS' RIGHTS.
8. AND/OR ACCEPTAIN THE BOUNDARY AS SHOWN HEREON... THE PLAT OF HYAK ESTATES VOL. 4, PAGES 36-37, ROS VOL. 41, PAGE 195.

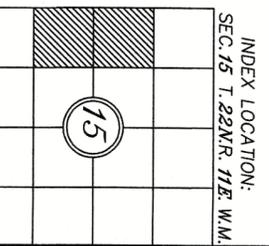
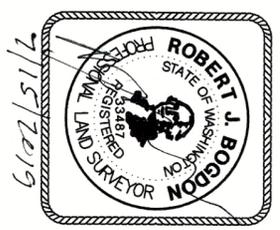


**LINE TABLE**

LINE #	BEARING	DISTANCE
L1	S76°37'42"W	20.34
L2	N64°20'22"W	27.39
L3	N68°37'29"W	18.88
L4	N80°03'48"W	13.50
L5	N89°20'26"W	10.02
L6	N75°44'34"W	7.63
L7	N53°37'49"W	11.26
L8	N19°48'52"W	12.00
L9	S84°44'32"W	21.25

**BASIS OF BEARING:**  
HOLDING A BEARING OF NORTH 88°40'30" WEST ALONG THE MONUMENTED NORTH PLAT LINE OF HYAK ESTATES, DIV. 1 FROM THE FOUND 1" I.D. IRON PIPES AT THE NORTHWEST CORNER OF LOT 14 & THE NORTHEAST CORNER OF LOT 5.

**GRAPHIC SCALE**  
1" = 20'



- LEGEND**
- SECTION CORNER
  - QUARTER CORNER
  - FOUND MONUMENT
  - SET REBAR W/CAP
  - SET NAIL W/FLASHER
  - FOUND MONUMENT
  - (125.21') DEED MEASUREMENT
  - CALCULATED POSITION
  - RADIAL BEARING

1 FND #4 REBAR W/LS CAP No. 28598 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

2 FND #4 REBAR W/LS CAP No. 48972, 48976, 40094 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

3 FND #4 REBAR W/LS CAP No. 28598 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

4 FND #4 REBAR W/LS CAP No. 28598 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

5 FND #4 REBAR W/LS CAP No. 28598 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

6 FND #4 REBAR W/LS CAP No. 28598 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

7 FND #4 REBAR W/LS CAP No. 28598 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

8 FND #4 REBAR W/LS CAP No. 28598 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

9 FND #4 REBAR W/LS CAP No. 28598 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

10 FND #4 REBAR W/LS CAP No. 28598 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

11 FND #4 REBAR W/LS CAP No. 28598 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

12 FND #4 REBAR W/LS CAP No. 28598 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

13 FND #4 REBAR W/LS CAP No. 28598 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

14 FND #4 REBAR W/LS CAP No. 28598 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

15 FND #4 REBAR W/LS CAP No. 28598 PER UNRECORDED PRELIMINARY SURVEY BY AXIS AT CALC'D POSITION. VISITED 7/2018.

**EASTSIDE CONSULTANTS, INC.**  
ENGINEERS-SURVEYORS

1320 N.W. WALL ST., SUITE B  
ISSAQUAH, WASHINGTON 98027  
PHONE: (425)992-5351  
FAX: (425)992-4676

**ADVERSE POSSESSION EXHIBIT**  
PREPARED FOR  
**MR. DAVID CROUSE**  
SECTION 15, T.22N.,R.11E. W.M.

DWN BY	DATE	JOB NO.
N. BOGDON	07/2019	18085
CHKD BY	SCALE	SHEET
R. BOGDON	1"=20'	1 OF 1

KITTITAS COUNTY WASHINGTON

AFTER RECORDING MAIL TO:  
Skyline Law Group, PLLC  
2155 112<sup>th</sup> Ave NE  
Bellevue, WA 98004



Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

**Document Title(s)** (or transactions contained therein): (all areas applicable to your document **must** be filled in)

Lis Pendens

**Reference Number(s) of Documents assigned or released:**

Additional reference #'s on page \_\_\_\_ of document

**Grantor(s)** (Last name, first name, initials)

- 1. BERLIN, DANIEL L.
- 2. BERLIN, MICHELLE A.

Additional names on page \_\_\_\_ of document.

**Grantee(s)** (Last name first, then first name and initials)

- 1. CROUSE, DAVID L.
- 2. CROUSE, DONNA W.

Additional names on page \_\_\_\_ of document.

**Legal description** (abbreviated: i.e. lot, block, plat or section, township, range)

LOT 5, HYAK ESTATES, AS PER PLAT THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGES 36 AND 37, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON.

Additional legal is on page \_\_\_\_ of document.

**Assessor's Property Tax Parcel/Account Number**

088335

Assessor Tax # not yet assigned

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

"I am signing below and paying an additional \$50 recording fee (as provided in RCW 36.18.010 and referred to as an emergency nonstandard document), because this document does not meet margin and formatting requirements. Furthermore, I hereby understand that the recording process may cover up or otherwise obscure some part of the text of the original document as a result of this request."

\_\_\_\_\_  
Signature of Requesting Party

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IN THE SUPERIOR COURT IN THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KITTITAS

DAVID L. CROUSE and DONNA W.  
CROUSE, husband and wife,  
Plaintiffs,

NO. 19-2-00222-19

v.

LIS PENDENS

DANIEL L. BERLIN and MICHELLE A.  
PAGAN-BERLIN, husband and wife; and  
ALL PERSONS OR PARTIES UNKNOWN  
CLAIMING ANY RIGHT, TITLE,  
ESTATE, LIEN, OR INTEREST IN THE  
REAL PROPERTY DESCRIBED HEREIN;  
and JOHN DOES 1-10.  
Defendants.

NOTICE IS HEREBY GIVEN that the Plaintiffs in the above-captioned case have commenced legal action against the above-named Defendants in the Superior Court for Kittitas County by filing a Summons and Complaint. This is notice of pendency of said case.

The objective of the above-captioned case is to establish legal title and rights regarding a portion of the following described real estate situated in Kittitas County, Washington:

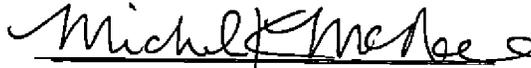
LOT 5, HYAK ESTATES, AS PER PLAT THEREOF, RECORDED IN VOLUME 4 OF PLATS, PAGES 36 AND 37, RECORDS OF KITTITAS COUNTY, STATE OF WASHINGTON.

Tax Parcel No. 088335.

Commonly known as 50 Kitzbuhel Place, Snoqualmie Pass, Washington 98068.

1  
2 All persons dealing with said real estate subsequent to the filing hereof will take subject  
3 to the rights of the Plaintiff as established in this action.

4 DATED this 22 day of July 2019

5 

6 WSBA #32052  
7 Attorney for Plaintiffs  
8 Skyline Law Group PLLC  
9 2155 112<sup>th</sup> Ave NE  
10 Bellevue, WA 98004  
11 Phone: (425) 455-4307  
12 Fax: (800) 455-1184  
13 Email: michele@skylinelaw.com  
14

**From:** [Terry Hamberg](#)  
**To:** [Lindsey Ozbolt](#)  
**Subject:** Re: VA-19-00001 - Notice of Decision publishing  
**Date:** Tuesday, August 27, 2019 9:53:31 AM

---

CONFIRMATION RECEIPT:

Thank you for sharing your Notice with Upper Kittitas County citizens. We have received your email and your notice will be published as requested.

Sincerely,  
Terry Hamberg  
Publisher



Northern Kittitas County Tribune  
P.O. Box 308  
Cle Elum, WA 98922  
(509) 674-2511  
fax: (509) 674-5571  
[tribune@nkctribune.com](mailto:tribune@nkctribune.com)

On Aug 27, 2019, at 9:48 AM, Lindsey Ozbolt  
<[lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us)> wrote:

Good morning.

Please publish the attached notice of decision for the Berlin Zoning Setback Variance (VA-19-00001) on Thursday, September 5<sup>th</sup>

Thank you

Lindsey Ozbolt  
Planning Official  
Kittitas County Community Development Services  
411 N. Ruby St., Suite 2 | Ellensburg, WA 98926  
(509) 962-7046 | [lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us)

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Notice: Email sent to Kittitas County may be subject to public disclosure as required by law.  
message id: 38eb45916c6dcbdac24bb8719d004a14

<VA-19-00001 Berlin NOD Legal.pdf><VA-19-00001 Berlin NOD Legal.doc>

DAILY RECORD/KITTITAS PUB  
C/O IDAHO STATE JOURNAL RECEIVABLES  
PO BOX 1570  
POCATELLO ID 83204  
(509)925-1414  
Fax (509)925-5696

ORDER CONFIRMATION

Salesperson: MEGAN WOODRUFF

Printed at 08/27/19 10:01 by mw018

-----  
Acct #: 84329

Ad #: 1939332

Status: New WHOLD

KC COMMUNITY DEVELOPMENT SERVICES  
411 N. RUBY ST, SUITE 2  
ELLENSBURG WA 98926

Start: 08/28/2019 Stop: 08/28/2019  
Times Ord: 1 Times Run: \*\*\*  
STD6 2.00 X 5.49 Words: 286  
Total STD6 10.98  
Class: 0001 LEGAL NOTICES  
Rate: LEG2 Cost: 95.86  
# Affidavits: 1

Contact: STEPH MIFFLIN  
Phone: (509)962-7506  
Fax#:  
Email: jeff.watson@co.kittitas.wa.u  
Agency:

Ad Descrpt: N/DEC VA1900001 BERLIN ZO  
Given by: LINDSEY OZBOLT  
P.O. #: VA1900001/L OZBOLT  
Created: mw018 08/27/19 09:55  
Last Changed: mw018 08/27/19 10:01

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PUB ZONE EDT TP RUN DATES  
DR A 97 S 08/28  
DRWN LEG2 97 S 08/28  
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AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Quote from Daily Record/Kittitas County Publishing (509) 925-1414  
This ad will run as quoted unless cancellation is received. Please contact your sales rep 24 hours prior to first run date to cancel order.

Lindsey Ozbolt  
Name (print or type)

  
Name (signature)

(CONTINUED ON NEXT PAGE)

DAILY RECORD/KITTITAS PUB  
C/O IDAHO STATE JOURNAL RECEIVABLES  
PO BOX 1570  
POCATELLO ID 83204  
(509)925-1414  
Fax (509)925-5696

ORDER CONFIRMATION (CONTINUED)

Salesperson: MEGAN WOODRUFF

Printed at 08/27/19 10:01 by mwo18

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Acct #: 84329

Ad #: 1939332

Status: New WHOLD WHOI

**NOTICE OF DECISION**  
**Berlin Zoning Setback Variance**  
**VA-19-00001**

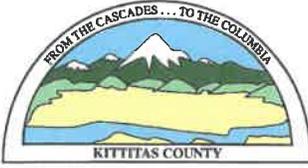
Pursuant to RCW 36.70B.130 and KCC 15A.06, notice is hereby given that Kittitas County Community Development Services did on August 28, 2019 deny the Berlin Zoning Setback Variance, a request made by Dan Berlin, landowner, to reduce a 25 foot rear yard setback within the Residential zone to 15 feet to situate a single-family residence away from the adjoining property owner's existing single-family residence on the east side property line whose driveway is partially located on the subject property. The subject property is parcel # 088335 located at 50 Kitzbuhel Place in the Snoqualmie Pass Limited Area of More Intensive Rural Development, in Section 15, T22N, R11E, WM. Assessor's Map Number 22-11-15050-0005.

A copy of the Kittitas County Findings of Fact, Conclusions of Law and Decision document along with other related file documents may be examined at Kittitas County Community Development Services, 411 N. Ruby Suite 2, Ellensburg, WA 98926, or online at <https://www.co.kittitas.wa.us/cds/land-use/default.aspx> under "Setback Variances" and then the file number "VA-19-00001". Community Development Services can be reached at (509) 962-7506.

Kittitas County Code (Chapter 15A.07.010) stipulates that an appeal of this land use decision must be filed within 10 (ten) working days by submitting specific factual objections and a fee of \$1560.00 to the Kittitas County Board of Commissioners at 205 West 5th, Room 108 Ellensburg, WA 98926. The appeal deadline for this project is September 12, 2019 at 5:00 p.m.

**Notice of Application: Monday, July 22, 2019**  
**Application Received: Thursday, February 28, 2019**  
**Application Complete: Wednesday, July 17, 2019**  
**Notice of Decision: Wednesday, August 28, 2019**

Dated: Wednesday, August 28, 2019  
Publish Daily Record: Wednesday, August 28, 2019  
Publish NKC Tribune: Thursday, September 5, 2019



**KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES**

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

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

**Affidavit of Mailing & Publication**

PROPOSAL NAME: (VA-19-00001) Berlin Zoning Setback Variance

NOTIFICATION OF: Notice of Decision

NOTIFICATION MAIL DATE: August 28, 2019

I certify that the following documentation:

- Notice of Decision Berlin Zoning Setback Variance

has been mailed and/or emailed 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

Lindsey Ozbolt  
Community Development Services Planning Official  
County of Kittitas  
State of Washington

Subscribed and sworn to before me this 28<sup>th</sup> day of August, 2019

Calvana Carper  
Notary Public for the State of Washington residing  
in Cle Elum.



My appointment expires: 3.19.22



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

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

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

"Building Partnerships – Building Communities"

## NOTICE OF DECISION Berlin Zoning Setback Variance VA-19-00001

**Notice of Application:** Monday, July 22, 2019  
**Application Received:** Thursday, February 28, 2019  
**Application Complete:** Wednesday, July 17, 2019  
**Notice of Decision:** Wednesday, August 28, 2019

Pursuant to RCW 36.70B.130 and KCC 15A.06, notice is hereby given that Kittitas County Community Development Services did on August 28, 2019 **deny** the Berlin Zoning Setback Variance, a request made by Dan Berlin, landowner, to reduce a 25 foot rear yard setback within the Residential zone to 15 feet to situate a single-family residence away from the adjoining property owner's existing single-family residence on the east side property line whose driveway is partially located on the subject property. The subject property is parcel # 088335 located at 50 Kitzbuhel Place in the Snoqualmie Pass Limited Area of More Intensive Rural Development, in Section 15, T22N, R11E, WM. Assessor's Map Number 22-11-15050-0005.

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**Designated Permit Coordinator (staff contact):** Lindsey Ozbolt, Planning Official: (509) 962-7506; email at [lindsey.ozbolt@co.kittitas.wa.us](mailto:lindsey.ozbolt@co.kittitas.wa.us).

**NOTICE OF DECISION**  
**Berlin Zoning Setback Variance**  
**VA-19-00001**

Pursuant to RCW 36.70B.130 and KCC 15A.06, notice is hereby given that Kittitas County Community Development Services did on August 28, 2019 deny the Berlin Zoning Setback Variance, a request made by Dan Berlin, landowner, to reduce a 25 foot rear yard setback within the Residential zone to 15 feet to situate a single-family residence away from the adjoining property owner's existing single-family residence on the east side property line whose driveway is partially located on the subject property. The subject property is parcel # 088335 located at 50 Kitzbuhel Place in the Snoqualmie Pass Limited Area of More Intensive Rural Development, in Section 15, T22N, R11E, WM. Assessor's Map Number 22-11-15050-0005.

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<b>Application Complete:</b>	<b>Wednesday, July 17, 2019</b>
<b>Notice of Decision:</b>	<b>Wednesday, August 28, 2019</b>

Dated:	Wednesday, August 28, 2019
Publish Daily Record:	Wednesday, August 28, 2019
Publish NKC Tribune:	Thursday, September 5, 2019

Dan & Michelle Berlin  
[dmberline@comcast.net](mailto:dmberline@comcast.net)  
18212 NE 21<sup>st</sup> Street  
Redmond WA 98052

Kittitas County Environmental Health  
[jesse.cox@co.kittitas.wa.us](mailto:jesse.cox@co.kittitas.wa.us)  
[holly.erdman@co.kittitas.wa.us](mailto:holly.erdman@co.kittitas.wa.us)

Kittitas County Public Works  
[candie.leader@co.kittitas.wa.us](mailto:candie.leader@co.kittitas.wa.us)  
[gail.weyand.pw@co.kittitas.wa.us](mailto:gail.weyand.pw@co.kittitas.wa.us)

Elizabeth Sharp  
[asharpelizabeth@gmail.com](mailto:asharpelizabeth@gmail.com)  
1145 Mandana Blvd  
Oakland CA 94610

Michele McNeill, Skyline Law  
[Michele@skylinelaw.com](mailto:Michele@skylinelaw.com)  
2155 112<sup>th</sup> Ave NE  
Bellevue WA 98004



## Berlin Zoning Setback Variance

### File Number VA-19-00001

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

### I. GENERAL INFORMATION

Requested Action: Dan Berlin, property owner, has submitted a zoning setback variance request to reduce a 25 foot rear yard setback within the Residential zone to 15 feet. This variance is requested to situate a single-family residence away from the adjoining property owner’s existing single-family residence on the east side property line whose driveway is partially located on the subject property.

Location: Parcel 088335, located at 50 Kitzbuhel Place in the Snoqualmie Pass Limited Area of More Intensive Rural Development, in Section 15, T22N, R11E, WM, Assessor’s Map Number 22-11-15050-0005.

### II. SITE INFORMATION

Total Property Size:	0.27 acres
Number of Lots:	1 (no new lots are being proposed)
Domestic Water:	Snoqualmie Pass Utility District
Sewage Disposal:	Snoqualmie Pass Utility District
Power/Electricity:	PSE and onsite propane
Fire Protection:	Snoqualmie Pass Fire and Rescue
Irrigation District:	N/A

#### Site Characteristics:

North: Powerlines, single-family residences, and wooded area

South: Single-family residences and wooded area

East: Single-family residences and wooded area

West: Single-family residences and wooded area

Access: The site is accessed via Kitzbuhel Place, a paved county road off of Snoqualmie Drive at Snoqualmie Pass.

### III. ZONING AND DEVELOPMEN STANDARDS

The subject property has a zoning designation of Residential within the Snoqualmie Pass Limited Area of More Intense Rural Development – Type 1. The purpose and intent of this zone is to provide for and protect areas for homesite development designed to meet contemporary building and living standards where public water and sewer systems are provided pursuant to KCC 17.16 Residential Zone. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances to deviate from the prescribed setback requirements in KCC 17.16.060 through KCC 17.16.080. 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**. The following is a summary describing whether or not each criterion has been satisfactorily demonstrated:

**KCC 17.84.010 Granting Criteria (all four must be met):**

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;

Applicant Response

“The County has setbacks as follows: front 15’, side 5’ and rear 25’. The HOA has setbacks as follows: front 25’, side 10’, and rear 15’. We must meet both County and HOA setbacks. Our property is situated on the end of a culdesac which lacks a full circle turning radius because of a culvert that protrudes out into the culdesac which was created by the County. The property is 5 sided. Dan was informed by the County that it has 1 front, 2 sides and 2 rear setback requirements which do not apply to other properties in the vicinity. The typical property setbacks are 1 front, 2 sides and 1 rear. In order to meet both the County and HOA setbacks our property would need the following setbacks downsizing our property considerably: Front 25’ per HOA, 2 sides 10’ each per HOA, and 2 rear 25’ each per County. The west rear side (25’ setback) has a steep slope grade of 21.6’ from the east side to the west rear property line. (96.4” – 118”) requiring us to locate the house as far east as possible (10’ setback). Neighbor’s house to the south was approved by the County to be built on the surveyed property line indicating 0’ setback. This variance will allow us to accept a BLA with the neighbor in order to make his house legal. Other properties in the vicinity have use as large of a footprint with various setbacks incongruent with the County requirements.”

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant submitted information and comments received during the comment period. Additionally, between the initial zoning setback variance request on February 28, 2019 and their second response to address the need for additional information on July 10, 2019, the Berlins applied for a building permit (BP-19-00157) with CDS on April 1, 2019. As part of this submittal packet, the Berlins provided a scaled site plan (included in the Masterfile for this variance request) demonstrating that their proposed single-family residence can and does meet all building setbacks as provided in KCC 17.16.060, 17.16.070, and 17.6.080. This building permit was issued on July 2, 2019 based in part on the site plan provided with the permit. Not only can the proposed single-family residence meet the setbacks prescribed in code, the site plan approved with the building permit and submitted to CDS on July 10<sup>th</sup> as additional information shows that they are also able to meet the HOA CC&R setback requirements of 25 feet from the front property line. CDS staff finds that there are not unusual circumstances or conditions applying to this property and/or the intended use that do not apply generally to other property in the same vicinity or district. A boundary line dispute is not a sufficient reason to grant a zoning setback variance and should be processed through its own review of either a boundary line adjustment or a boundary line dispute. CDS staff finds that criterion 1 of the KCC 17.84.010 has not been met.

**The applicant has failed to demonstrate in a factual and meaningful way the existence of any “unusual circumstances or conditions that cause an undue hardship” that does not generally apply to other property in the same vicinity. Further the applicant has failed to demonstrate in a factual and meaningful way the existence of any “undue hardship” caused by the application of the yard requirements as stipulated in KCC 17.16.080.**

2. 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

“Per survey, the neighbor to the south is encroaching on our property. The house has a 2’ bump out on

the second level and a 24" overhang making his roof line on the edge of our property. The bottom half of his entire driveway along with his side drive, is also our property which has affected the preservation and enjoyment of his property and ours. Granting a 15' setback on the north side will allow for both properties to meet the south side setback of 10' after a BLA is accepted. Granting a 15' setback would also correct the County's error from years ago. A greenbelt exists along this north side so no properties will be affected by the requested setback variance of 15'. After a variance approval, a BLA would be considered along the south side property line to create 2 separate properties which meet all County requirements, along with free and clear access to each property. This too, would enable both property owners the ability of preservation and enjoyment of their respective property as possessed by other owners of properties in the vicinity. 50 Kitzbuhel will be our full time primary family residence unlike many other homeowners who have a second home or use the property as a rental. Approving a variance rear setback of 15' will provide the required setbacks between neighbors, allow for ample snow removal for the County, and off-street parking since the County culvert protrudes into the culdesac."

#### Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant submitted information and comments received during the comment period. Additionally, between the initial zoning setback variance request on February 28, 2019 and their second response to address the need for additional information on July 10, 2019, the Berlins applied for a building permit (BP-19-00157) with CDS on April 1, 2019. As part of this submittal packet, the Berlins provided a scaled site plan (included in the Masterfile for this variance request) demonstrating that their proposed single-family residence can and does meet all building setbacks as provided in KCC 17.16.060, 17.16.070, and 17.6.080. This building permit was issued on July 2, 2019 based in part on the site plan provided with the permit. Not only can the proposed single-family residence meet the setbacks prescribed in code, the site plan approved with the building permit and submitted to CDS on July 10<sup>th</sup> as additional information shows that they are also able to meet the HOA CC&R setback requirements of 25 feet from the front property line. CDS staff finds that a variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same vicinity. A boundary line dispute is not a sufficient reason to grant a zoning setback variance and should be processed through its own review of either a boundary line adjustment or a boundary line dispute. CDS staff finds that criterion 2 of KCC 17.84.010 has not been met.

**The applicant has failed to demonstrate in a factual and meaningful way the existence of a "substantial property right" that may be negated by the application of the yard requirements as stipulated in KCC 17.16.080.**

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

#### Applicant Response

"The authorization of such variance will not be detrimental to the public welfare or injurious to property in the vicinity. In fact, the variance would be beneficial to Kittitas County by providing more area for snow removal. According to Mark Cook, Director of Kittitas County Public Works, he stated at the HOA meeting June 2, 2018 that it would be beneficial for a 15' rear setback and they were going to be changing in the new year (2019)."

#### Staff Response

CDS has concluded that the requested zoning setback variance for the rear property line to 15 feet instead of the prescribed 25 feet will not be materially detrimental to the public welfare or injurious to the property in the vicinity.

4. 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 such variance will not adversely affect the realization of the comprehensive development pattern since the property is located on a culdesac. It is the last piece of property to be developed on the culdesac and it has a greenbelt to its rear north side. The 25’ rear setback to the west will remain at 25’ so not to affect future construction on the lot above.”

Staff Response

CDS has concluded that the requested zoning setback variance for the rear property line to 15 feet instead of the prescribed 25 feet will not adversely affect the realization of the comprehensive development pattern of the area however, the zoning setback variance is not necessary because the prescribed setbacks in county code can be met based on the site plan provided and approved with BP-19-00157.

Staff Conclusions

Staff finds that the zoning variance request **does not** meet all four criteria outlined in KCC 17.84.010 as described above and that only criteria 3 and 4 can be satisfied. Therefore, the zoning variance request cannot be approved.

**IV. ADMINISTRATIVE REVIEW**

Project Submittal: A Zoning Variance Application was submitted to Kittitas County Community Development Services department on February 28, 2019.

Deem Complete: The application was determined incomplete and additional information was requested on March 18, 2019. On March 19<sup>th</sup>, 2019 the applicant submitted additional information. CDS staff sent a second deem incomplete and request for addition information letter on March 26, 2019. The applicant submitted additional information on July 10, 2019. On July 17, 2019 the application was deemed complete.

Notice of Application: Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on July 22, 2019, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on August 6, 2019 and all comments were transmitted to the applicant on August 9, 2019.

**V. COMPREHENSIVE PLAN**

This variance request is to reduce setbacks for a single-family residence located in the Snoqualmie Pass Type 1 Rural LAMIRD. A LAMIRD is a local area of more intense rural development that is allowed to occur consistent with the State’s Growth Management Act and is a way to preserve the County’s overall rural character. The following are Goals and Policies from the Kittitas County Comprehensive Plan Chapter 8, Rural and Resource Lands, that are pertinent to single family residences within LAMIRDs.

RR-G31: “Provide opportunity for residential infill which provides a variety of housing and yet maintains rural character.”

Staff Consistency Statement:

This zoning setback variance is requested on a parcel located within the existing Snoqualmie Pass Type 1 LAMIRD which allows for infill of housing. The applicant states one of the reasons the setback variance is necessary is to allow for the construction of their single family residence. Therefore, this request is consistent with this Comprehensive Goal.

RR-G32: “Provide for rural community settings which do not require urban level services and maintain existing rural development patterns that have existed for long periods.”

Staff Consistency Statement:

This zoning setback variance is requested on a parcel located within the existing Snoqualmie Pass Type 1 LAMIRD which allows for infill of housing within an existing plat from the 1980s. Therefore, this request is consistent with this Comprehensive Plan Goal.

RR-P98: The County should allow for designation of LAMIRDs in the rural area, consistent with the requirements of the GMA.

Staff Consistency Statement:

This zoning setback variance is requested on a parcel located within the existing Snoqualmie Pass Type 1 LAMIRD which allows for infill of housing within an existing plat from the 1980s. Therefore, this request is consistent with this Comprehensive Plan Policy.

## **VI. ENVIRONMENTAL REVIEW**

Based upon review of the submitted application materials and an initial critical areas review CDS determined that the Berlin Zoning Setback Variance is exempt from SEPA review pursuant to WAC 197-11-800(6)(e).

## **VII. AGENCY AND PUBLIC COMMENTS**

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review.

## **VIII. PROJECT ANALYSIS**

In review of this proposal it is important to consider the goals and policies of the comprehensive plan, applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff’s analysis and consistency review for the subject application.

Consistency with the Comprehensive Plan:

The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section V of this staff report, the following Comprehensive Plan Goals and Policies apply to this proposal: RR-G31, RR-G32, and RR-P98.

The requested zoning setback variance related to constructing a single family residence on a parcel located within the existing Snoqualmie Pass Type 1 LAMIRD and within an existing platted community is not consistent with the Comprehensive Plan because it does not satisfy all requirements of KCC 17.84.010 which is an implementing

regulation of the Comprehensive Plan.

Consistency with the provisions of KCC 17A, Critical Areas:

Staff conducted an administrative critical area review in accordance with KCC 17A. GIS information indicates no known critical areas on the subject property. This request is consistent with critical areas provisions.

Consistency with the provisions of KCC 17.16 Residential zoning:

This proposal, without approval of the zoning setback variance, is not consistent with the setbacks outlined in Kittitas County Zoning Code 17.16.

Consistency with the provisions of KCC 17.84, Variances:

This proposal must meet all four of the criteria for granting a zoning variance. The four criteria are: 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; and 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. This proposal is not consistent and cannot meet criteria 1 and 2 as described above in Section III of this staff report.

Consistency with the provisions of the KCC Title 14.04, Building Code:

All buildings must be consistent with International Building Codes and approved building plans as issued by Kittitas County.

Consistency with the provisions of KCC Title 20, Fire and Life Safety:

The proposal must be consistent with the provisions of KCC Title 20.

Agency Comments:

Comments were received from the following agencies: Kittitas County Public Works and Kittitas County Environmental Health. All comments are on file and available for public review.

Kittitas County Public Works

In email correspondence received by CDS on August 1, 2019, the Kittitas County Surveyor provided the following comments:

1. The documents on the server have not been prepared by a surveyor per Dusty Pilkington's request. From the information I can glean from the site plan, it appears that a surveyor was involved (ASIX – PLS#49916), but this is not their original work.
2. I would also be prudent to have the applicant confirm that the utility lines located at the back of the subject parcel do not have an easement they will be encroaching upon. Their surveyor should be able to confirm this from their title report.
3. The existing footprint can fit on the existing lot holding to the existing setbacks. (Sketch available in the Masterfile provided by Kittitas County Surveyor and attached to their comments).

Staff Response

Staff agrees that the proposed building footprint does fit on the property and can meet the existing setbacks, thereby this zoning variance is not necessary. Additionally, the applicant applied for a building permit (BP-19-00157) with CDS on April 1, 2019. As part of this submittal packet, the Berlins provided a scaled site plan (included in the Masterfile for this variance request) demonstrating that their proposed single-family residence can and does meet all building setbacks

as provided in KCC 17.16.060, 17.16.070, and 17.6.080. This building permit was issued on July 2, 2019 based in part on the site plan provided with the permit.

Kittitas County Environmental Health

Kittitas County Environmental Health submitted two comments dated August 1 and August 6, 2019 stating that the parcel is located within the Snoqualmie Pass water and sewer systems, therefore there is no concern with this proposal.

Staff Response

There are no conditions required or concerns regarding environmental health based on Kittitas County Environmental Health comments.

Public Comments:

Comments were also received from the following members of the public: Elizabeth Sharp and Michele McNeill of Skyline Law Group PLLC on behalf of David and Donna Crouse. The following are summaries of the public comments received:

- Elizabeth Sharp expressed concern that this variance request may directly affect her neighboring property.
- Michelle McNeill, Esq. provided comments on behalf of David and Donna Crouse stating that her clients do not object to the setback variance, but do have concerns regarding possible use by the Berlins of a portion of the Berlin property that her clients have allegedly acquired by adverse possession. Additionally she provided a copy of the Crouse's' Liz Pendens that was recorded with the Kittitas County Auditor's Office with recording no. 201907300018 and a survey with the alleged adversely acquired portion of the Berlin's property that is the subject of the Crouse lawsuit against Berlin.

**IX. FINDINGS OF FACT**

1. Dan Berlin, property owner, has submitted a zoning setback variance request to reduce a 25 foot rear yard setback within the Residential zone to 15 feet.
2. Parcel 088335, located at 50 Kitzbuhel Place in the Snoqualmie Pass Limited Area of More Intensive Rural Development, in Section 15, T22N, R11E, WM, Assessor's Map Number 22-11-15050-0005.

3. Site Information

Total Property Size:	0.27 acres
Number of Lots:	1 (no new lots are being proposed)
Domestic Water:	Snoqualmie Pass Utility District
Sewage Disposal:	Snoqualmie Pass Utility District
Power/Electricity:	PSE and onsite propane
Fire Protection:	Snoqualmie Pass Fire and Rescue
Irrigation District:	N/A

4. Site Characteristics:

North:	Powerlines, single-family residences, and wooded area
South:	Single-family residences and wooded area
East:	Single-family residences and wooded area
West:	Single-family residences and wooded area

The site is accessed via Kitzbuhel Place, a paved county road off of Snoqualmie Drive at Snoqualmie

Pass.

5. The Comprehensive Plan land use designation is “Limited Areas of More Intense Rural Development”.
6. The subject property has a zoning designation of Residential. The purpose and intent of this zone is to provide for and protect areas for homesite development designed to meet contemporary building and living standards where public water and sewer systems are provided pursuant to KCC 17.16 Residential Zone. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances to deviate from the prescribed setback requirements in KCC 17.16.060 through KCC 17.16.080. 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**.
7. A Zoning Variance Application was submitted to Kittitas County Community Development Services department on February 28, 2019.
8. The application was determined incomplete and additional information was requested on March 18, 2019. On March 19th, 2019 the applicant submitted additional information. CDS staff sent a second deem incomplete and request for addition information letter on March 26, 2019. The applicant submitted additional information on July 10, 2019. On July 17, 2019 the application was deemed complete.
9. Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on July 22, 2019, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on August 6, 2019 and all comments were transmitted to the applicant on August 9, 2019.
10. The proposal is consistent with the goals and policies of the Kittitas County Comprehensive Plan. As referenced above in Section V of this staff report, the following Comprehensive Plan Goals and Policies apply to this proposal: RR-G31, RR-G32, and RR-P98.
11. Based upon review of the submitted application materials and an initial critical areas review CDS determined that the Berlin Zoning Setback Variance is exempt from SEPA review pursuant to WAC 197-11-800(6)(e).
12. The proposal is not consistent with the Kittitas County Comprehensive Plan.
13. The proposal is consistent with the provisions of KCC 17A, Critical Areas.
14. The proposal is not consistent with the provisions of KCC 17.16, Residential zoning without approval of the zoning setback variance.
15. The proposal is not consistent with the KCC 17.84 Variances, more specifically all four review criteria in KCC 17.84.010 must be met and criteria 1 & 2 have not been satisfied.
16. This proposal is not consistent with the provisions of the KCC Title 14.04, Building Code.
17. The proposal is consistent with the provisions of KCC Title 20, Fire and Life Safety:
18. Comments were received from the following agencies: Kittitas County Public Works and Kittitas County Environmental Health. All comments are on file and available for public review.

19. Comments were also received from the following members of the public: Elizabeth Sharp and Michele McNeill of Skyline Law Group PLLC on behalf of David and Donna Crouse.

**X. STAFF CONCLUSIONS:**

1. This proposal does not meet all four criteria of KCC Title 17.84.010, therefore it cannot be approved.
2. A variance cannot be authorized as there is no unusual circumstances that cause undue hardship in the application of Title 17.

**XI. DECISION AND CONDITIONS OF APPROVAL:**

Kittitas County Community Development Services finds that the Berlin Zoning Setback Variance (VA-19-00001) is hereby **denied**. The Berlin Zoning Setback Variance does not adequately meet the requirements of a zoning setback variance pursuant to KCC 17.84.010

**Responsible Official**

  
Lindsey Ozbolt

**Title:** Kittitas County Planning Official

**Address:** Kittitas County Community Development Services  
411 N. Ruby Street, Suite 2  
Ellensburg, WA. 98926  
Phone: (509) 962-7506

**Date:** August 28, 2019

**Pursuant to Chapter 15A.07 KCC, this DNS may be appealed by submitting specific factual objections in writing with a fee of \$1560 to the Kittitas County Board of Commissioners, Kittitas County Courthouse Room 110, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00pm September 12, 2019. Aggrieved parties are encouraged to contact the Board at (509) 962-7508 for more information on the appeal process.**