

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.

A variance request is being made in regard to the rebuilding of a cabin located in the Yellowstone Road neighborhood at 1071. The way that we would like to vary from the code is to be granted rebuilding of the cabin structure on the current foundation that was originally approved. The location of the foundation, I am told by your department, does not meet set back requirements in multiple areas. The fully permitted unfinished 680 sq ft. cabin was started by my Uncle, Bruce Strobridge. Due to cancer and finally his passing, the cabin collapsed due to extreme snow/ice load. His widow was not able to rebuild and finally sold the property to myself with the hope that we would complete the project. The existing foundation built with all proper permits remains since 2012 (see attached parcel history.) The rebuilding of the cabin with an updated print meeting all current standards with engineering has been turned in. A copy of the original approved prints is attached. These unusual circumstances cause undue hardship to my family as we try to finish the project. The added cost of just this process alone has caused us financial hardship. The purchasing of the water share, \$14,000 we were told by the building department, was made with the understanding that we would be able to rebuild. As I attempted to turn in our required documents for the building permit, we were blindsided with the new information that we could not. If we are not able to rebuild, we have useless property and that would be an even greater hardship. We have to pay for our water/sewer regardless if we never hook up. We will be unable to sell the property. Both undue hardships. Finally, despite what the prosecuting attorney says, I believe the structure is legally nonconforming because a permit was authorized for its construction. While it may not have received a final inspection/final occupancy, which really speaks to what use will be allowed to occupy the structure and at what point the structure can be occupied, but it does not delegitimize the fact that it was permitted and authorized for construction. In that respect, even if the 3-year timeframe applies and we are required to abide by current regulations, the current issue is with creek setbacks in the critical areas ordinance and distance from road/property lines. The CAO exempts our reconstruction of the structure under 17A.03.020.5. So as long as we don't expand beyond the existing footprint/foundation, we are complying with current Regulations/codes to the extent possible. The CAO does not differentiate between permitted and nonconforming structures or even legal versus illegal structures, and we don't see "illegal structures" defined anywhere in the code (although we could have missed it in the Kittitas County Code - it has a difficult search format — however, a search of the code for "illegal structure" came up with no results). So, arguably, under the plain language of the code, our reconstruction of an existing structure is exempt because it is not defined as an "illegal structure" per code. In addition, the prior attempt at enforcement by WDFW was shot down, because the County Prosecuting Attorney determined that since the permit was not appealed, the permit remained valid and the construction was legally permitted. Therefore, that particular component of all this cannot/should not be a detriment to our rebuilding. It simply doesn't matter whether it should have been permitted or not—it was, and thus, the permit was legal and the construction legally commenced. Obviously the foundation location cannot be reasonably changed as there is no other location on the lot that would meet current standards. The current foundation location is the optimal building site on the lot and the least impact on the environment, and the lot is otherwise undevelopable. If our rights are restricted to the extent that we cannot build on the property that would be a constitutional taking for which you would have to provide just compensation. We are allowed reasonable use of our land even though there does not appear to be reasonable use provisions in the County 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.

The unusual circumstances in this case are twofold. First it the lot has a type 2 stream cutting it in half. Topographically the only logical location for the cabin is in its current location. Second is the fact that the incomplete construction of my Uncle Bruce Strobridge's cabin due to his cancer and finally death led to the collapse of the cabin during a heavy snowfall. His widow had to sell as she could not finish the project. There is much happening in the vicinity with the currently permitted YELLOWSTONE TRAIL ESTATES PLAT (LP-09-00006) that will surely be a much greater impact on Coal Creek West fork than the rebuilding of the cabin on the current foundation that has been in place since 2012 with no adverse conditions arising from its location. With direction, any adverse concern can be mitigated. However, none should be expected as all ground work had been completed since 2012. Coal Creek runs under multiple roads including I-90 with multiple areas of contaminate intrusion. None of which have any protective measures in place. The rebuilding of the cabin will in no way add to the contaminate intrusion as the foundation remains and no ground work is needed. All utilities, water, sewer and power will enter the property at distance and in a way that no intrusion will occur. We have a water, sewer share and current permit for power. Scott Downes with WDFW has no objection to the rebuilding of the structure in its current location. He is willing to assist with criteria to maintain the creek and happy to work with us. He also indicated that plans to replace current culvert carrying Coal Creek West fork is in the works that will allow more flow thus less chance of any negative issues with the creek.

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.

Approval of the variance would be consistent with the homes located on both sides of the lot in close proximity to Coal creek West Fork. They are both in violation of current setback requirements yet pose no adverse condition to the creek. The variance of allowing the cabin to be rebuilt on the current foundation is necessary for the aesthetic of the neighborhood. The variance will allow for the neighbors to enjoy a finished, long overdue project. There are multiple structures on Yellowstone Road that are in violation of the current set back requirement. If variance is not granted, it would be detrimental to owners of such properties as they would not be able to rebuild on current foundations. Scott Downes with WDFW is happy to assist all who are in close proximity to the creek maintain and enhance the flow path so that it will be ultimately better.

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

The neighborhood and buildings will incur no materially detrimental outcomes in the rebuilding of the collapsed cabin. The foundation has remained intact and in good condition since 2012. No problems have arisen from the location in relation to Coal Creek West fork nor proximity in relation to any setbacks required currently. The rebuilding will not affect the aesthetic character of the area negatively. Rather it will enhance it as it will be finished. As well the help of Scott Downes with WDFW will ensure the health of the creek as well as

protection of property owners. The neighbors I have spoken with all would like to see it completed sooner rather than later as it currently looks unfinished. My Uncle Bruce Strobridge while suffering from cancer passed away before the cabin could be completed. As a result of that the neighbors have had to wait until the project could be completed. With a completed cabin the neighbors will appreciate the long overdue completion. (See attached letters from neighbors.) This will allow my uncle Bruce's widow to enjoy, without burden, the use of the family cabin.

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

The granting of the requested variance will enhance both the aesthetics and functionality of the property. The setback will be consistent with other homes which share similar setbacks in close proximity to Coal Creek. The existing foundation has not had an adverse impact since its permitted placement in 2012 in like manner to all other structures on Yellowstone Rd that are outside of current setback requirements. Proximity in relation to any setbacks required currently has not adversely affected the comprehensive development pattern and there is no reason to think that will change by rebuilding the collapsed structure. Scott Downes with WDFW has agreed to work to enhance the creek bed and will be happy to set forth the means to do this. This will be a benefit to all property owners on Coal Creek West fork.