

# ROAD STANDARDS VARIANCE REQUEST

## WENGER SHORT PLAT ROAD VARIANCE 08-36

### Findings of Fact:

The applicants are attempting to short plat a parcel into three lots. The parcel is located off a private access easement onto Nelson Siding Road. The applicant states the easement leading to the property is only 20' wide; however, Public Works has been unable to find any easements granted that are wider than 18' leading to the property. The applicants are requesting a variance from minimum easement width.

Similar variances for this access easement to this property have been applied for and denied in July, 2005 and March, 2007.

The variance application states that a 40' easement will be required. However, as stated in the previous variance application, the access also serves two lots on the south side of the canal. These two lots bring the average lot size to be greater than 5 acres which requires a 60' easement. Also, the addition of these two lots requires the cul-de-sac to be relocated so that only two lots are served off the end of the cul-de-sac.

The easement from the BLM has not been granted at this time, and easement restrictions are unknown.

Conditional Approval

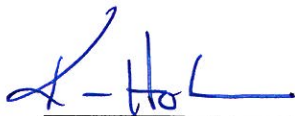
Denial

### Conditions of Approval:

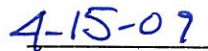
Prior to receiving conditional preliminary approval of the Wenger Short Plat SP-07-07, the applicant shall submit a recorded easement for the additional 10' secured from BLM.

Prior to receiving final approval, the applicant shall construct and certify the access road, which includes maintaining a 10' clear zone from the edge of the traveled way and providing drainage.

This variance application applies only to the Wenger Short Plat SP-07-07.



Public Works Director

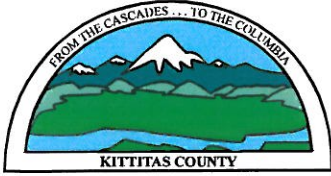


Date

### APPEAL

Date Appealed: \_\_\_\_\_

Board of County Commissioners Hearing Date: \_\_\_\_\_



**KITTITAS COUNTY  
DEPARTMENT OF PUBLIC WORKS**

**RECEIVED**

OCT 28 2008

**KITTITAS COUNTY  
DEPT. OF PUBLICWORKS**

**ROAD STANDARDS VARIANCE APPLICATION**

Application must be received by the last day of the month to be included on the next month's agenda.

**REQUIRED ATTACHMENTS:**

- SUPPORTING DOCUMENTS
- AREA MAP

RV-08-36

**FOR STAFF USE ONLY:**

APPLICATION RECEIVED BY:

DATE: 10/28/08

DATE STAMP HERE

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

Name: MARK & DANCY WENGER  
 Mailing Address: 4684 NELSON SIDING ROAD  
 City/State/ZIP: CLE ELUM / WA / 98922  
 Day Time Phone: 206-650-3272  
 Email Address: MWENGER@TALYST.COM

**2. Name, mailing address and day phone of authorized agent, if different from land owner of record:**

Agent Name: MARC KIRKPATRICK / ENCOMPASS  
 Mailing Address: 108 EAST 2ND ST.  
 City/State/ZIP: CLE ELUM / WA / 98922  
 Day Time Phone: 509-674-7433  
 Email Address: MKIRKPATRICK@ENCOMPASSES.NET

**3. Contact person for application (select one):**  Owner of record  Authorized agent

**4. Street address of property:** SAME AS ABOVE

**6. Tax parcel number(s):** 479134

**7. Nearest County road:** NELSON SIDING ROAD

**8. Property served by a County road?**  Yes  No If no, which road(s): DENEWAY - 20-FT ESM'T

**9. Plat or project name:** WENGER SHORT PLAT (SP-07-07)

10. Narrative project description:

APPLICANT REQUESTS TO SERVE 2 ADDITIONAL LOTS OFF OF AN EXISTING 20-FT EASEMENT, PLUS 10 MORE FEET THAT THE BLM WILL ALLOW. 30-FT TOTAL WILL BE PROVIDED FOR ACCESS.

11. Provision of road standards for which this variance is requested and the way in which you wish to vary from the standards:

12.12.020 PRIVATE STREET DESIGN CRITERIA TABLE 12-1  
3-14 LOTS REQUIRE 40-FT EASEMENT

12. Reason for the variance request:

SEE ATTACHED

13. 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.

14. Are there any other pending applications or issues associated with this property?

Yes  No If yes, describe: SHORT PLAT APPLICATION IS ON HOLD

Signature of Authorized Agent:

X 

Date:

10/24/08

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

X   
Way L

Date:

10/24/08  
10-24-08

Reason for the variance request:

The existing easement was created in the mid 70's with very little detail. The existing easement description simply states "20 foot strip of land being 10 feet on either side of the centerline of the existing road". County Private Road Standards require that a road serving more than 2 lots needs to be within a 40-foot easement. Because the applicant's access travels over an adjacent property, they have been unsuccessful in purchasing any additional easement area from the current owner for the past 2 years. (See attached letter from applicant) The applicant is currently in positive negotiations with the BLM in retaining an additional 10-ft easement onto BLM's existing easement. Currently the driveway serves 2 lots and the applicant is proposing to add 2 additional lots with this project. The terrain is fairly flat and any improvements within the 30-foot easement can meet the minimum road standards. The applicant proposes to improve the existing driveway to 22-feet in width with a cul-de-sac as shown on the enclosed maps.

October 23, 2008

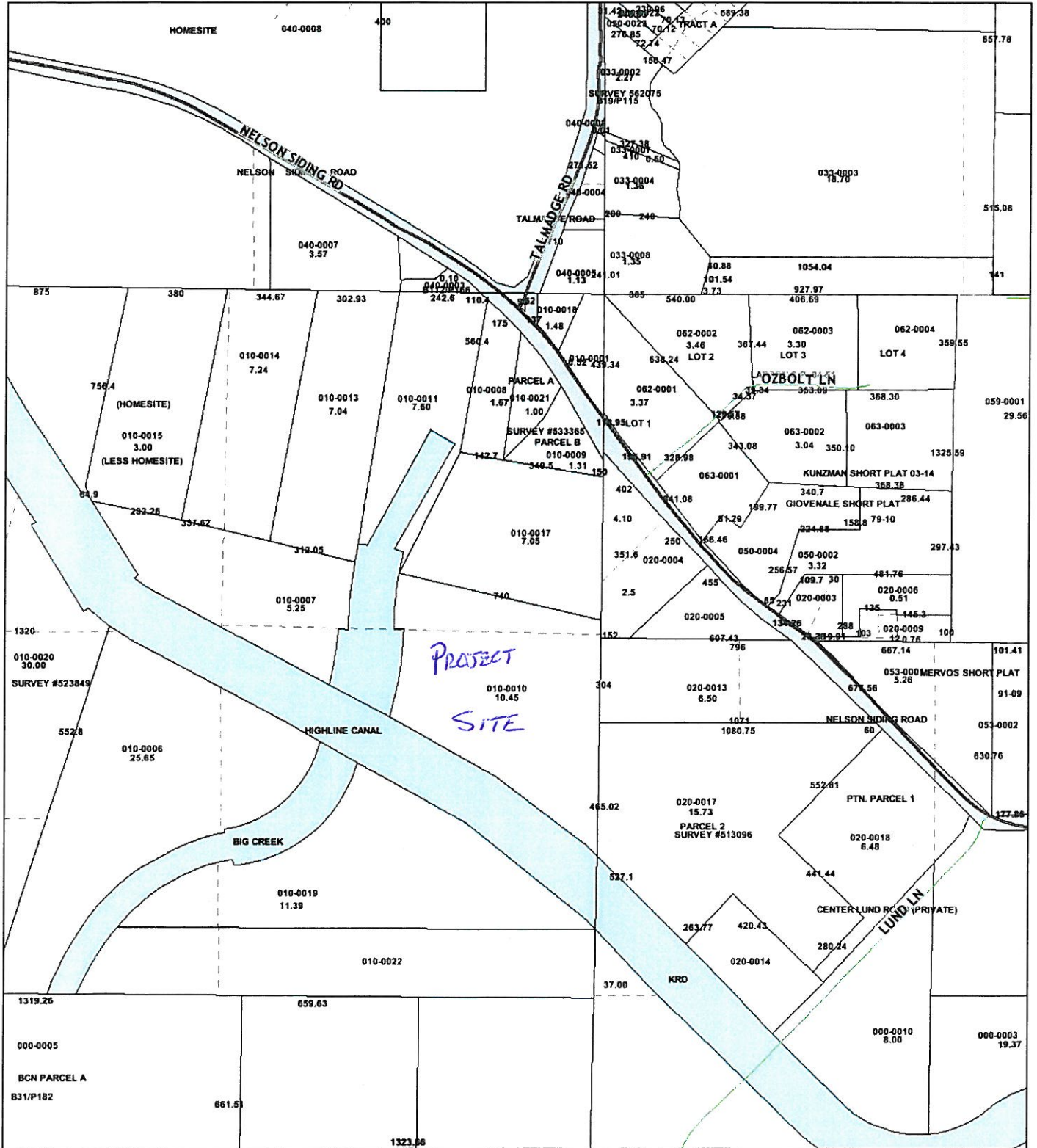
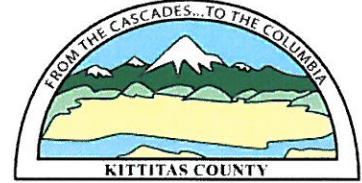
To: The variance committee members

From: Mark and Darcy Wenger

This letter is to inform you of the many attempts and countless hours we have labored to divide our property; in which we are full time residents of. The property address in question is 4684 Nelson Siding Road, Cle Elum WA 98922.

We bought and moved to the above address in August 2006 and started this division quest then. The previous deceased owner's children had made attempts often ending in dispute and argument full attitudes with the neighbors whose land is jointly used for the access driveway. Because we live here full time, we want peace with our neighbors so the subject was not brought up directly for several months. We first approached Mr. Shuttle (then living at 4680 Nelson Siding Rd.) by asking him politely; he seemed to go into a tantrum reliving all the hardship the children of the previous owner had bestowed upon him. We never asked again but continued to be friendly neighbors driving on the side of the driveway he had requested and not on the side in legal description. We also made him cookies and plowed snow from his driveway for his easy access into his parking area. We next contacted our Cle Elum local realtor, Loretta Sweigard with John L Scott, for help with other adjacent property owners. The property adjacent to our neighbors at 4686 Nelson Siding Road could possibly be accessed going all the way around a couple miles and in through the backside. This is not possible as we found that property did not have public access across to the neighbors at 4686. Loretta next did some other legwork and found the immediate adjacent property was owned by the Mussos, who live in Newport WA. We managed to contact the son of the property owners (the son is in charge of their affairs as they are elderly). Over the next six months of calling, letters, and communication with Mr. Musso he finally said his parents felt access across their property would diminish the value. While he did come out to the property to evaluate and they did consider our proposal we were shut down again. Recently and unfortunately, Mr. Shuttle has passed away. We waited for a grieving period for the heirs of Mr. Shuttle then sent a letter of condolences and offered to open communication for access (this included monetary value if they wished) before they sell the property. No attempt on the Shuttle heirs has been made in return. The last eight months we have been working with the BLM to perhaps use partial joint access. We filed a request and paid the fee, as well as have been in contact with them every week. We hope you will find our hardships and efforts worth your consideration. It is our wish to keep a portion of our property for ourselves as we wish to stay and retire here in Cle Elum.

Sincerely, Mark and Darcy Wenger



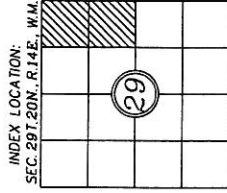
Disclaimer: Kittitas County makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data provided, its use, or its interpretation. Kittitas County does not guarantee the accuracy of the material contained herein and is not responsible for any misuse or representations by others regarding this information or its derivatives.

SP-07-07

**WENGER SHORT PLAT**  
**KITTITAS COUNTY SHORT PLAT NO. 07-07**  
**PORTION OF THE NE 1/4, SEC. 29 T.20N., R.14E., W.M.**  
**KITTITAS COUNTY, WASHINGTON**

**SURVEY NOTES:**

1. THE EXTERNAL BOUNDARY OF THIS SHORT PLAT IS CONCEPTUAL AT THIS TIME. A CORRECT BOUNDARY WILL BE PROVIDED AT FINAL SHORT PLAT.
2. THE PURPOSE OF THIS DOCUMENT IS TO SHORT PLAT PARCEL NUMBER 479134, MAP NUMBER 20-14-29010-0010, TO THE CONFIGURATION SHOWN HEREON.
3. KITTITAS COUNTY RELIES ON ITS RECORD THAT A SUPPLY OF POTABLE WATER EXISTS. THE APPROVAL OF THIS DIVISION OF LAND INCLUDES NO GUARANTEE OR ASSURANCE THAT THERE IS A LEGAL RIGHT TO WITHDRAW GROUNDWATER WITHIN THE LAND DIVISION.
4. CONTOURS ARE NOT ESTABLISHED FOR THE PARCEL SHOWN HEREON. THE PROPERTY IS PRIMARILY FLAT WITH A GRADUAL SLOPE TO THE NORTH.



**GRAPHIC SCALE**



**RECORDER'S CERTIFICATE**

Filed for record this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ M. in book \_\_\_\_\_ of page \_\_\_\_\_ at the request of  
**DAVID P. NELSON**  
 Surveyor's Name

County Auditor \_\_\_\_\_ Deputy County Auditor \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

This map correctly represents a survey made by me or under my direction in compliance with the requirements of the Surveying Act of the request of **MARK & DARCY WENGER** in **NOV. 2006**.

**DAVID P. NELSON** DATE  
 Certificate No. **18092**

**K.C.S.P. NO. 07-07**  
**Ptn. of the NE 1/4 of Sec. 29, T.20N., R.14E., W.M.**  
**Kittitas County, Washington**

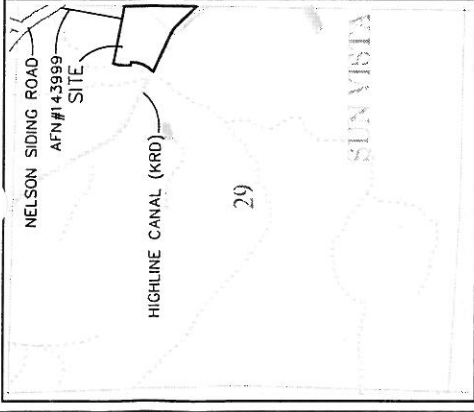
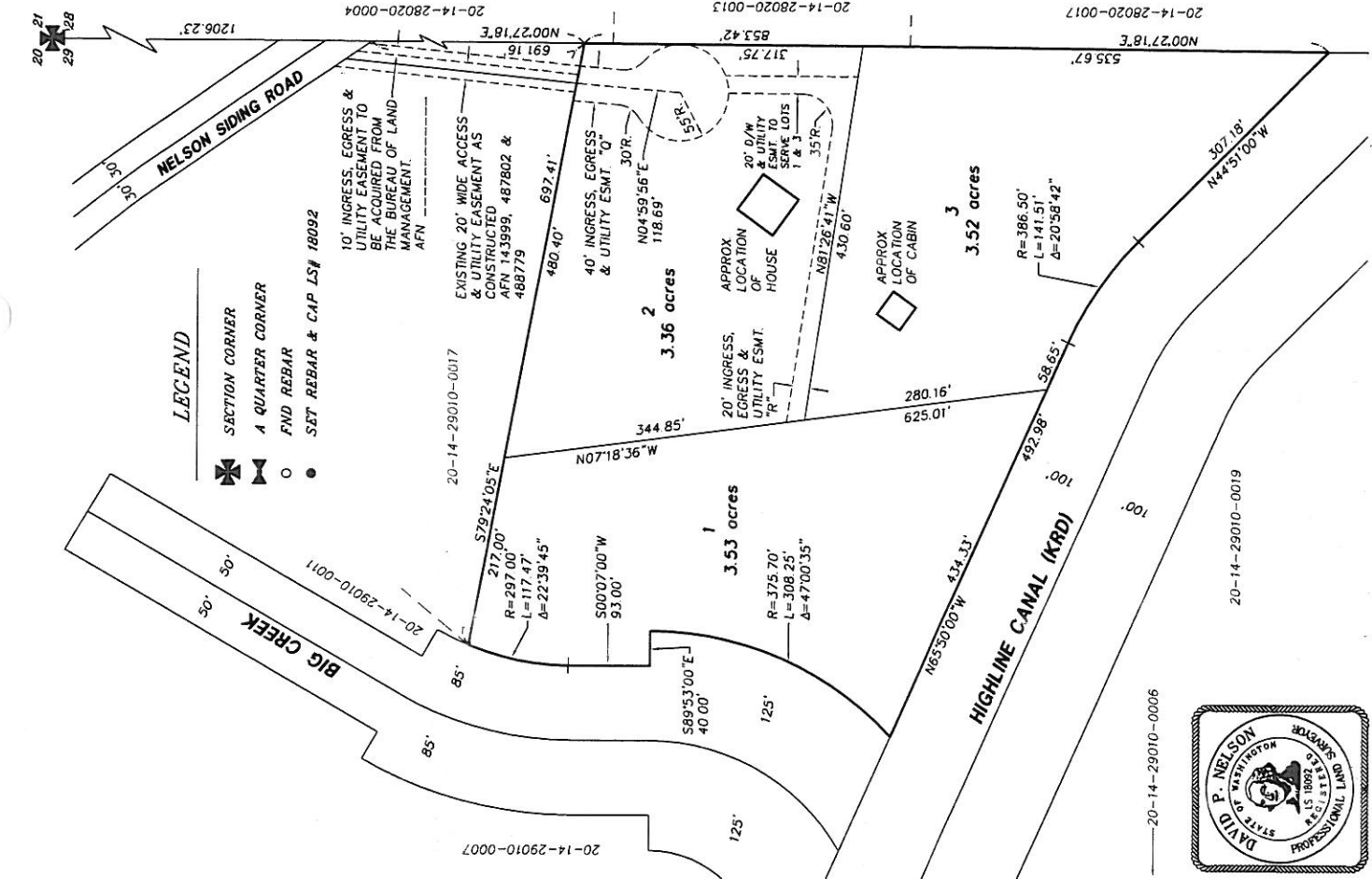
DWN BY	DATE	JOB NO.
G. WEISER	10/08	06305
CHKD BY	SCALE	SHEET
D. NELSON	1"=100'	1 OF 2

**Encompass**  
 ENGINEERING & SURVEYING

108 EAST 2ND STREET  
 CLE ELUM, WA 98922  
 PHONE (509) 674-7433  
 FAX: (509) 674-7419

**LEGEND**

- SECTION CORNER
- A QUARTER CORNER
- FND REBAR
- SET REBAR & CAP LSI# 18092



**APPROVALS**

**KITTITAS COUNTY PUBLIC WORKS**

EXAMINED AND APPROVED This \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_  
 \_\_\_\_\_  
 Kittitas County Engineer

**COUNTY PLANNING DIRECTOR**

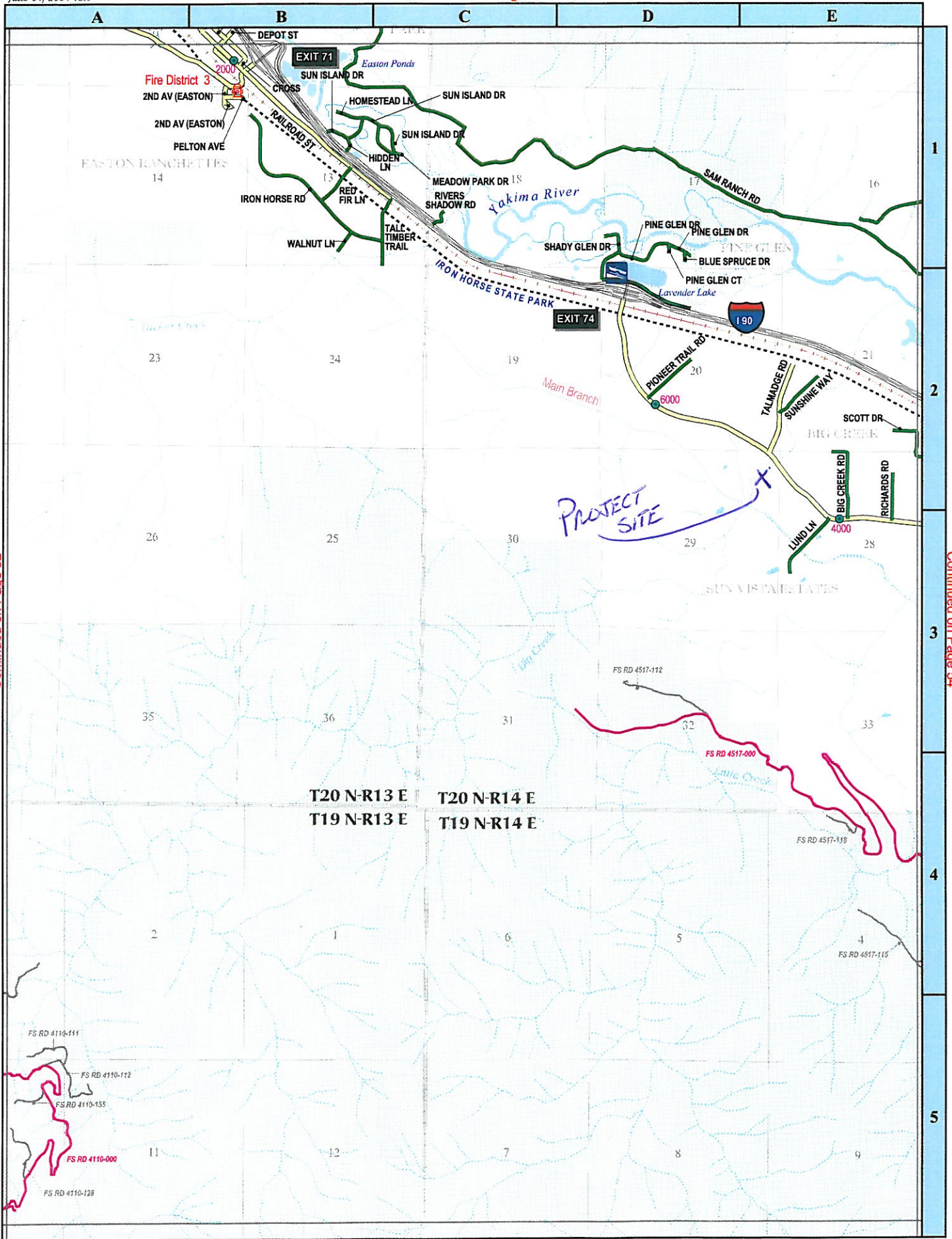
I hereby certify that this "WENGER" Short Plat has been examined by me and find that it conforms to the comprehensive plan of the Kittitas County Planning Commission  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_  
 \_\_\_\_\_  
 Kittitas County Planning Director

**KITTITAS COUNTY HEALTH DEPARTMENT**

Preliminary inspection indicated soil conditions may allow use of septic tanks as a temporary means of sewage disposal for some, but not necessarily all building sites within this short plat. The County Health Department is urged to make inquiries of the County Health Department about issuance of septic tank permits for lots.  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_  
 \_\_\_\_\_  
 Kittitas County Health Officer

**CERTIFICATE OF COUNTY TREASURER**

I hereby certify that the taxes and assessments are paid for the preceding year and for this year in which the plat is now to be filed  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_  
 \_\_\_\_\_  
 Kittitas County Treasurer



Continued on Page 52

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