



FINDINGS OF FACT AND CONCLUSIONS OF LAW Silver Fir Zoning Variance VA-13-00003

This matter having come before the Kittitas County Community Development Services for the Zoning Setback Variance (VA-13-00003) from Silver Fir Properties LLC, landowner to reduce the rear yard setback in the Residential zone from 25 feet to 10 feet, Kittitas County Community Development Services makes the following Findings of Facts, Conclusions at Law and Decision related to the above referenced matter:

1. Community Development Services finds that Silver Fir Properties LLC, landowner submitted a zoning setback variance application on April 29, 2013. A Notice of Application was issued on May 24, 2013. This notice was mailed to government agencies, adjacent property owners, and the applicant as required by law.
2. Community Development Services finds that the site proposed for the zoning setback variance is approximately 25 miles northwest of Cle Elum on Snoqualmie Pass in Ski Acres Estates; west side of Tamarack Lane, half way down, in a portion of Section 09, T22N, R11E, WM in Kittitas County, bearing Assessor's map number 22 11 09054 0059.
3. Community Development Services finds that there is no requirement for county approval of the front yard setback as outlined in the application site plan. The front 15 foot setback for the Residential zone as provisioned in KCC 17.16.060 has been met by the project as proposed. Kittitas County has no interest or jurisdiction in matters of civil CC&Rs imposed by Home Owner Associations.
4. Community Development Services finds that based on the criteria outlined in Title 17.84 of the Kittitas County Code, the proposed setback variance application **has not** demonstrated that:
 - a. Unusual circumstances or conditions apply to the property and/or the intended use that do not apply to other property in the general area.
 - i. **The applicant has failed to demonstrate in a factual and meaningful way the existence of any "unusual circumstance or condition" that does not apply generally to other property in the same vicinity.**
 - ii. **The applicant has failed to demonstrate in a factual and meaningful way the existence of an "undue hardship" caused by the application of the yard requirements as stipulated in KCC 17.60.80.**
 - b. 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.
 - i. **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 17.60.80.**
 - c. Authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.
 - i. **The applicant has failed to demonstrate in a factual and meaningful way that**

the encroachment will not be “injurious” to the public welfare, or how the proposed encroachment might be mitigated to protect the public welfare.

5. Community Development Services finds the granting of the proposed zoning setback variance is **not** consistent and compatible with the intent of goals, objectives and policies of the comprehensive plan, and any implementing regulation.

Based upon above mentioned Findings of Facts and Conclusion of Law the Stencil zoning setback variance (VA-13-00003) is hereby **denied**.


Jeff Watson, Staff Planner

June 28, 2013
Date

These findings represent an administrative decision and as such may be appealed pursuant to KCC 15A.07.010 by submitting specific factual objections and a fee of \$500 to the Kittitas County Board of Adjustment by November 19, 2012 at 5:00pm to 411 North Ruby Street, Suite 2, Ellensburg, WA 98926.