

FINDINGS OF FACT AND CONCLUSIONS OF LAW Heric Zoning Setback Variance VA-15-00001

This matter having come before the Kittitas County Community Development Services for the Heric Zoning Setback Variance (VA-15-00001) from Jim Miller of Alpine Design, authorized agent, to encroach 5 feet into the 10 foot side setback in the Northern portion of the property for the construction of a 1,000 sq. ft. footprint two story garage, 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 Jim Miller of Alpine Design, authorized agent, submitted a Zoning Setback Variance application on July 22, 2015. A Notice of Application was issued on August 28, 2015. 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 located approximately 4.8 miles Northeast of Exit 62 off I-90 on VIA Kachess Road along Lake Kachess at 3220 VIA Kachess Road, Easton, in a portion of Section 17, T21N, R13E, WM in Kittitas County, bearing Assessor’s map number 21-13-17050-0004.
3. Community Development Services finds that based on the criteria outlined in Title 17.84.010 of the Kittitas County Code, the proposed setback variance application **has** 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.

The building envelope on parcel # 326635 is substantially diminished by the location of the existing residence, location of existing septic system and drainfield, location of existing driveway, and the shoreline of the state 100 foot setback.
 - 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.

The Kachess Plat was recorded in the early 1970s when the forest and range zone allowed for ½ acre lots if served by community water and individual sewage disposal systems. Construction and development on lots of similar size and dimension in numerous areas of the county has encroached into the current front, rear, and/or side zoning setback dimensions of this zone. A number of lots within this community have had to request a zoning setback variance for numerous reasons. It is reasonable to allow for a garage associated with a single family residence.
 - c. Authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.

This variance allows for a reasonable garage to be built on the subject property. The front and rear setbacks can be met without a variance along with the 100 foot shoreline setback from Kachess Lake which is a Shoreline of the State. No comments were received from adjacent property owners objecting to the granting of this variance. To further protect the public welfare and ensure this variance is not injurious to property in the vicinity, a condition of approval is necessary to ensure that the roof is designed in such a way that the roof runoff will be maintained on the subject property.

- d. The granting of such a variance will not adversely affect the realization of the comprehensive development pattern of this area.

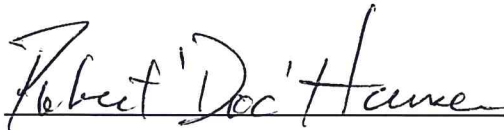
The granting of this side yard setback variance will not adversely affect the comprehensive development pattern of this community. Kittitas County Public Works has no issues with the proposed placement of the garage structure in relation to the county road. Additionally, this design does allow for the use of the existing driveway off of the county road.

4. Community Development Services finds that the granting of the proposed Zoning Setback Variance **will not**:
- a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity and planned uses; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
5. Community Development Services finds that the granting of the proposed Zoning Setback Variance **is** 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 Heric Zoning Setback Variance (VA-15-00001) is hereby **approved** with the following condition of approval:

1. The roof of the garage structure shall slope east & west to maintain roof runoff on the subject property.

**Responsible
Official:**



Robert 'Doc' Hansen

Title:

Kittitas County Planning Official

Address:

Kittitas County Community Development Services
411 North Ruby St., Suite 2
Ellensburg, WA 98926
(509) 962-7506 FAX (509) 962-7682

Date:

Thursday, September 24, 2015

An appeal of this land use decision may be filed within 10 working days by submitting specific factual objections and a fee of \$500 to the Kittitas County Board of Commissioners at 205 West 5th, #108 Ellensburg, WA 98926. The appeal and deadline is 5:00 pm October 8, 2015.