



## FINDINGS OF FACT AND CONCLUSIONS OF LAW

### Tuttle Zoning Setback Variance VA-20-00011

This matter having come before the Kittitas County Community Development Services for the Tuttle Zoning Setback Variance (VA-20-00011) submitted by Brooks Tuttle to reduce a 25 foot front yard setbacks within the Residential Zone to 8 feet along the East property line. This variance is in order to facilitate construction of a RV Storage Shop with a second story access point.

1. Community Development Services finds that Brooks Tuttle submitted a Zoning Setback Variance application on October 20, 2020. A Notice of Application was issued on December 9, 2020. This notice was mailed to government agencies, adjacent property owners, and the applicant as required by law.

Community Development Services finds that the subject property is parcel # 360134 located off of Cascade View Dr in Ronald, in the SE1/4 of Section 12, T 20N, R 14E. W.M. Map number 20-14-12051-0524.

1. Comments were received from the Washington Department of Archeological and Historic Preservation (DAHP), and Kittitas County Public Works responded with substantive comments .
2. DAHP: DAHP provided comment requesting an Inadvertent Discovery Plan be in place to protect cultural resources.

#### Staff Response

This decision has been conditioned to ensure the applicant is aware of the Washington State requirements for discovery of cultural resources.

3. KCPW: Kittitas County Public Works submitted comments noting an easement that will have to be observed along the northern property boundary. KCPW also noted some issues with the site plan that seem to contradict the related Pine Loch' Sun development survey. KCPW also noted the grade and fill thresholds for a Grade and Fill permit.

#### Staff Response

CDS has conditioned this determination to ensure that the applicant observe all legal lot line and easement locations and base this variance reduction on the official lot lines. Additionally the threshold for a Grade and Fill permit have been noted in the conditions.

4. 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.

#### Applicant Response:

"The unusual! circumstances of my lot are that I have 3 front yards under the new code. My lot is not a rectangle. The odd angle on the North side could either be a

front or side yard under the old code. I would like to vary from the code so I can make a reasonable improvement to my property. I have an 81-foot-wide lot. The designation of my East property line as a "front yard" and the West property line back yard removes 50 feet of developable width space from my lot. I would have a 31 by 73' space to work with. I am one of the 3 lots in Ronald with 3 front yards. This designation applies to very few lots in Ronald. The original front yard street access for the property is and will continue to be from Cascade View Dr. The 25 feet for the front yard set back in not a factor in my proposal. The old back yard was on West Pacific Ave. There was no problem with the backyard designation for this area as it is my drainfield and reserve area. Now my backyard is on the west side of my property. This code change removes approximately 5850 additional sq. ft. of buildable lot space. 5' and 15' by 195' lot length is 3900 sq ft of setback to the West and East sides. The new 25' and 25' setbacks by the 195' removes 9750 sq. ft of buildable lot space. The total lost is approx 5850 of additional property under the new code. I am losing an entire city lot of buildable space.”

- 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.

Applicant Response

“Such a variance is necessary for the preservation and enjoyment of a substantial property right. These rights and enjoyments are possessed by other properties in the vicinity. I have a 1959 travel trailer RV and desire shop space. My RV is not built to be stored in an area with 180 pound snow load. I would not have to have a flapping tarp coving my trailer for 5 or 6 months of the year. There are many other properties in the vicinity with covered storage available to off street park/ store RV's, boats or have shop space. People who move to rural lots expect to have extra property space available for additional enjoyment.”

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

Applicant Response

“Authorization of such a variance would not be materially detrimental to the public welfare or injurious to property in the vicinity. I would not have to have a flapping tarp covering my trailer for 5 or 6 months of the year. This cover was visible from my 3 abutting road for 5 months this winter. The new structure will be current code compliant. The improvements in the property would be a material boost to property in the vicinity. Granted that living in a pink building would mean any improvement would be a material boost to my neighbors.”

- d. 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.”

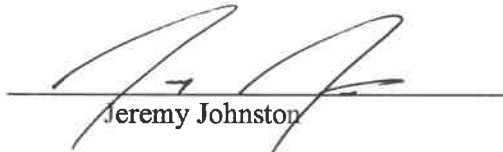
5. Community Development Services finds that the granting of the proposed Zoning Setback Variance **will not**:

- 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.
  - d. Adversely affect the realization of the comprehensive development plan of this area.
6. 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 Tuttle Zoning Setback Variance (VA-20-00011) is hereby **approved** with the following conditions of approval:

1. Should ground disturbing or other activities related to the proposed project result in the inadvertent discovery of cultural or archaeological materials, work shall be stopped in the immediate area and contact be made with the Washington State Department of Archaeology and Historic Preservation (DAHP). Work shall remain suspended until the find is assessed and appropriate consultation is conducted. Should human remains be inadvertently discovered, as dictated by Washington State RCW 27.44.055, work shall be immediately halted in the area and contact made with the coroner and local law enforcement in the most expeditious manner possible.
2. The applicant shall not encroach on any easement or right-of-way.
3. Any grading over 100 cubic yards of material will require a grading permit from Kittitas County Public Works.
4. The applicant shall ensure all structural setback distances are measured accurately from legal property lines.
5. This front lot line setback variance shall expire after one year of the decision date if no substantial construction has taken place.

**Responsible  
Official:**



Jeremy Johnston

**Title:** Planning Official, Kittitas County Community Development Services

**Address:** Kittitas County Community Development Services  
411 North Ruby St., Suite 2  
Ellensburg, WA 98926

**Date:** 2/11/2021

**Pursuant to Chapter 15A.07 KCC, this determination may be appealed by submitting specific factual objections in writing with a fee of \$1540 to the Kittitas County Community Development Services at 411 N Ruby St Ste. 2, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00pm February 26, 2021. Aggrieved parties are encouraged to contact Community Development Services at (509) 962-7506 for more information on the appeal process.**