



Notice of Administrative Decision

Date: 10/13/2021

To: Tracy Moser, Inman_moser@hotmail.com
Interested Parties and Parties of Record

RE: **Permit Number:** 21-03575
Project Name: Moser 10% Setback Variance
Type of Application: Administrative Zoning Setback Variance (Type I)

The Kitsap County Department of Community Development has **APPROVED** the land use application for **Permit 21-03575: Moser 10% Setback Variance – Administrative Zoning Setback Variance (Type I)**, subject to the conditions outlined in this Notice and included Staff Report.

THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS TIMELY APPEALED TO THE KITSAP COUNTY HEARING EXAMINER ON OR BEFORE 14 DAYS FROM THE DATE OF DECISION PER KITSAP COUNTY CODE 21.04.290.

The written appeal shall be made on, or attached to, an appeal form found on DCD's website: <https://www.cognitofrms.com/KitsapCounty1/RequiredPermitQuestionnaireAppealObjectionOfAnAdministrativeDecision>.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360-337-5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review at the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777. Please note DCD is open Monday to Thursday from 8:00am to 4:00pm and on Friday from 9:00am to 1:00pm except holidays.

CC: Applicant/Owner: Tracy Moser
Inman_moser@hotmail.com
Interested Parties:
None
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Colin Poff
DCD File # 21-03575



STAFF REPORT ADMINISTRATIVE DECISION

Report Date: October 7, 2021

Application Submittal Date: 06/28/2021

Application Complete Date: 08/04/2021

Project Name: Moser 10% Setback Variance

Type of Application: Administrative Zoning Setback Variance (Type I)

Permit Number: 21-03575

Project Location

No Address

Commissioner District 3 (Central)

VICINITY MAP

Assessor's Account

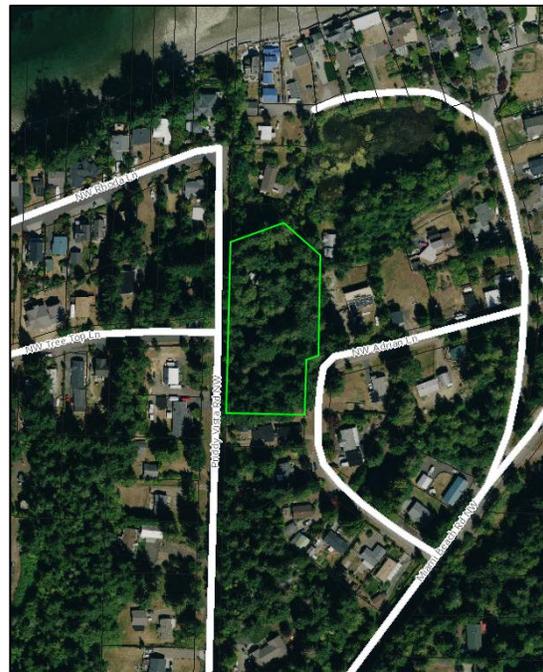
172501-3-015-1006

Applicant/Owner of Record

Tracy Moser

21626 114th St. E.

Bonney Lake, WA 98391



1. Project Request

The proposal is for a variance for up to a 10% reduction of the front yard setback. The request is to reduce the required 50-foot front yard setback to 45-feet to allow for the construction of a single-family home, due to the presence of critical areas on the property.

2. SEPA (State Environmental Policy Act)

The project is SEPA Exempt under KCC 18.04 State Environmental Policy Act.

3. Physical Characteristics

The site is a 2.03 acre parcel located in a rural residential area in Kitsap County. The site is currently undeveloped and wooded. Onsite or directly abutting the site are two depressional wetlands and a Type Ns Stream.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential Zone: Rural Residential (RR)	Standard	Proposed
Minimum Density	N/A	N/A - Subject property is an existing lot.
Maximum Density	1 dwelling unit/5 acres	
Minimum Lot Size	5 acres	N/A
Maximum Lot Size	NA	N/A
Minimum Lot Width	140 feet	N/A
Minimum Lot Depth	140 feet	N/A
Maximum Height	35 feet	N/A
Maximum Impervious Surface Coverage	N/A	N/A
Maximum Lot Coverage	N/A	N/A

Applicable footnotes: None

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (West)	50 feet	45 feet (per variance request)
Side (North) Side (South)	20 feet	30 feet+
Rear (East)	10 feet	100 feet +

Applicable footnotes: None

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-family residences	Rural Residential (RR)
South	Single-family residences	Rural Residential (RR)
East	Single-family residences	Rural Residential (RR)
West	Single-family residences	Rural Residential (RR)

Table 4 - Public Utilities and Services

	Provider
Water	Private Well
Power	Puget Sound Energy
Sewer	Onsite system

Police	Kitsap County Sherriff
Fire	Central Kitsap Fire & Rescue
School	Central Kitsap School District

4. Access

The site will be accessed directly with a private driveway from Priddy Vista Rd NW, a County-owned road.

5. Site Design

The submitted site plan shows the building envelope for a future single-family home in the northwestern portion of the property. The home will be accessed by a private driveway from the west. A septic drain field is proposed in front of the future home, within the front setback area.

The County’s development regulations are contained within the Kitsap County Code. The following development regulations are most relevant to this application:

Code Reference	Subject
Title 12	Storm Water Drainage
Title 13	Water and Sewers
Title 14	Buildings and Construction
Title 17	Zoning
Title 19	Critical Areas
Chapter 18.04	State Environmental Policy Act (SEPA)
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	Land Use and Development Procedures

6. Analysis

a. Planning/Zoning

Setback Variance Criteria

Pursuant to Kitsap County Code Section 17.455.010 Interpretations and Exceptions, the applicant can request in writing to the Director to authorize a variation of up to 10% of any numerical standard, except density, when unusual circumstances cause undue hardship in the strict application of the Code. A variance shall be approved only when all the following conditions and facts exist:

1. There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, that were not created by the

applicant and do not apply generally to other property in the same vicinity or zone;

Staff Comment: The applicant submitted a single-family wetland certification prepared by a habitat biologist pursuant to KCC 19.200.215.C. The certificate identified an onsite Type IV wetland (wetland "A"), requiring a 40-foot standard buffer. The certificate also identified one onsite Type Ns Stream (stream "Z") requiring a 50-foot standard buffer. Both features require an additional 15-foot structure setback. These features significantly impact the buildable area of this lot. A 5-foot front setback reduction allows for enough area for a building site while not impacting critical area buffers. A variance to setback requirements is a preferable alternative to a variance to critical area buffer requirements.

2. Such variance is necessary for the preservation and enjoyment of a substantial property right or use of the applicant possessed by the owners of other properties in the same vicinity or zone;

Staff Comment: The property is in a rural residential area where most lots are developed with single family homes. Many of the lots are smaller in size, thereby allowing for a front setback that is less than what is required of this property. The variance will allow the property owner the ability to reasonably develop the home with a single-family residence of similar nature to adjacent properties.

3. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zone in which property is located; and

Staff Comment: The 5-foot setback variance is not expected to have any adverse impacts on the property or vicinity.

4. The variance is the minimum necessary to grant relief to the applicant.

Staff Comment: . Many of the lots in this area are smaller in size, thereby allowing for a front setback that is less than what is required of this property. The setback request of a 5-foot reduction will still result in a 45-foot front setback, and will only allow for a small triangular shaped building envelope, about 92 feet by 27 feet. The variance request is the minimum necessary.

b. Lighting

Lighting was not analyzed as part of this proposal.

c. Off-Street Parking

Per KCC 17.490.030, a single-family dwelling requires 3 parking spaces. Per County code, spaces within a garage may not be counted toward this requirement. The proposed driveway and parking pad include enough area to park 3 vehicles.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	3 for single-family home	3	3 proposed.
Total	3	3	3

d. Signage

No signage is proposed or required.

e. Landscaping

Per KCC 17.500.010, single-family lots are exempt from landscaping requirements.

f. Frontage Improvements

No frontage improvements are required or proposed as part of this application.

g. Design Districts/Requirements

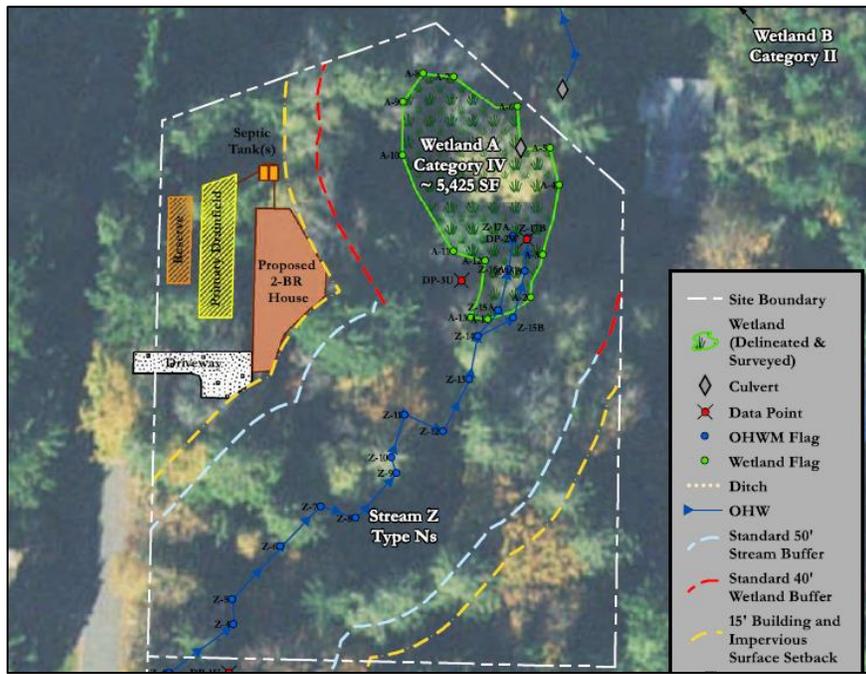
The subject property is not within a design district.

h. Development Engineering/Stormwater

No comments at this time.

i. Environmental

The applicant submitted a single-family wetland certification prepared by a habitat biologist pursuant to KCC 19.200.215.C. The certificate identified an onsite Type IV wetland (wetland "A"), requiring a 40-foot standard buffer. The certificate also identified one onsite Type Ns Stream (stream "Z") requiring a 50-foot standard buffer. Both features require an additional 15-foot structure setback. The wetland and stream buffer are shown on the site plan and are not proposed to be impacted by this proposal and future development of a single-family residence.



j. **Access, Traffic and Roads**
No comments at this time.

k. **Fire Safety**
No comments at this time.

l. **Solid Waste**
No comments at this time

m. **Water/Sewer**
No comments at this time.

n. **Kitsap Public Health District**
No comments at this time.

7. Review Authority

Pursuant to KCC 21.04, a setback variance of less than 10% is a Type I Administrative Decision.

Decision:

Based upon the above findings, the Administrative Variance request for the Moser 10% Setback Variance is **approved**, subject to the following conditions:

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. This Variance approval shall automatically become void if no building permit application is accepted as complete by the Department of Community Development within four years of the Notice of Decision date or the resolution of any appeals.
3. The decision set forth herein is based upon representations made and exhibits contained in the project application (21-03575) Any change(s) or deviation(s) in such plans, proposals, or conditions of approval imposed shall be subject to further review and approval of the County and potentially the Hearing Examiner.
4. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.
5. Pursuant to KCC 21.04, land use approval is valid for a period of up to three (4) years from the decision date.
6. The applicant shall adhere to all applicable requirements of the KCC Title 19, Critical Areas.
7. The applicant shall adhere to all applicable requirements of the Kitsap Public Health District.
8. The applicant shall adhere to all applicable requirements of Development Services and Engineering.

This Decision of the Director of the Kitsap County Department of Community Development may be appealed to the Kitsap County Hearing Examiner pursuant to KCC 21.04.290 Appeals. An appeal must be filed with the Department of Community Development within 14 days after this decision is mailed.

Report prepared by:



Colin Poff / Project Lead

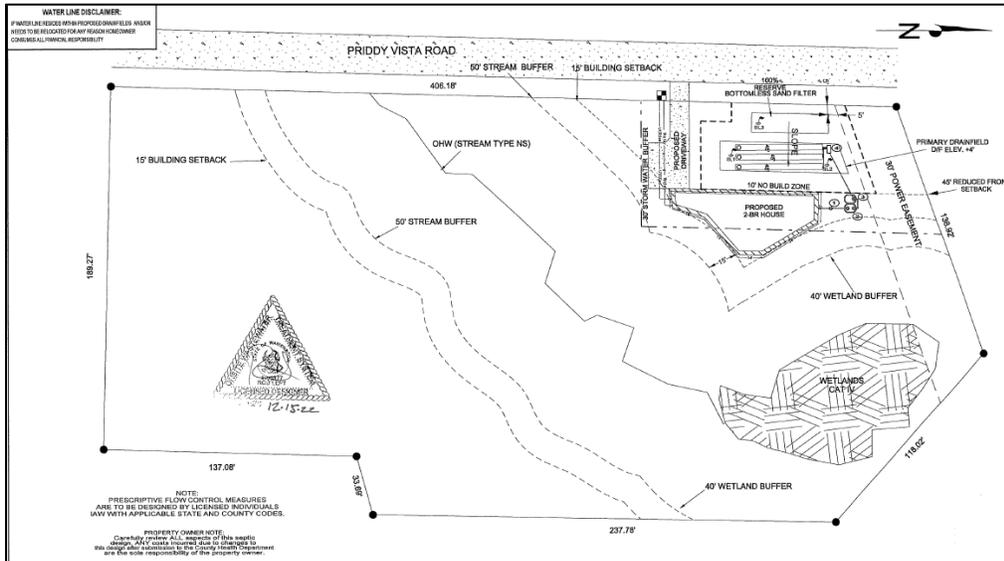
October 7, 2021
Date

Attachments:

Attachment A – Zoning Map

CC: Michael and Tracy Moser
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Colin Poff

Site Plan



Attachment A – Zoning Map

