



## **Administrative Staff Report**

**Report Date:** 06/13/2025

**Application Submittal Date:** 01/07/2025

**Application Complete Date:** 01/31/2025

**Project Name:** Anthony – Administrative  
Zoning Variance

**Type of Application:**

Type II – ZVAR-ADMIN

**Permit Number:** 25-00187

**Project Location**

NO SITUS ADDRESS

Commissioner District #3

**Assessor's Account #**

4722-000-012-0104

**Applicant/Owner of Record**

ANTHONY SILAS R & HEATHER B

9319 MISERY POINT RD NW

SEABECK, WA 98380



### **Decision Summary**

Approved subject to conditions listed under section 13 of this report.

### **1. Background**

The subject parcel is an irregularly shaped lot with steep slopes in the east and south portions. The Northwest corner of the lot, which is where access is located, is the only buildable area for the lot. A modest house of 1704 square feet is proposed for the northwest corner, with the drain field and reserve located downhill on the eastern portion of the parcel. This is the only buildable area on the parcel due to the Top of Slope building setback.

### **2. Project Request**

The applicant is requesting an Administrative Zoning Variance to reduce the front setback by from 20 ft to 15 ft (25%) to allow the construction of a Single-Family Residence (permit #23-02746). This reduction in front setback will allow the applicant to meet the off-street parking requirements without being set directly against the Top of Slope.

### 3. SEPA (State Environmental Policy Act)

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

### 4. Physical Characteristics

Subject parcel is irregularly shaped with steep slopes on the east and south sides of the property, with tree coverage on the slopes. The access point is shaped with a 90-degree angle in the center, directed inward to the site.

**Table 1 - Comprehensive Plan Designation and Zoning**

| Comprehensive Plan:<br>Urban Low-Density<br>Residential<br>Zone: Urban Restricted | Standard             | Proposed                 |
|---|----------------------|--------------------------|
| Minimum Density   | 1 du/acre            | 1                        |
| Maximum Density   | 1 (.6 acres x 5 = 3) |                          |
| Minimum Lot Size  | NA                   | NA                       |
| Maximum Lot Size  | NA                   | NA                       |
| Minimum Lot Width   | 60                   | NA                       |
| Minimum Lot Depth   | 60                   | NA                       |
| Maximum Height  | 35 feet              | 1.5 stories, <27'6" feet |
| Maximum Impervious<br>Surface Coverage  | NA                   | NA                       |
| Maximum Lot Coverage  | NA                   | NA                       |

**Table 2 - Setback for Zoning District**

|                          | Standard | Proposed                    |
|--------------------------|----------|-----------------------------|
| Front (Northwest corner) | 20 feet  | 15 feet                     |
| Side (North)             | 5 feet   | 36 feet                     |
| Side (East & West)       | 5 feet   | 150 feet (east), 10' (west) |
| Rear (South)             | 10 feet  | 36 feet                     |

**Table 3 - Surrounding Land Use and Zoning**

| Surrounding Property | Land Use                                 | Zoning                |
|----------------------|--|-----------------------|
| North                | Single-family residence                  | Urban Restricted (UR) |
| South                | Single-family residence                  | Urban Restricted (UR) |
| East                 | Undeveloped and single-family residences | Urban Restricted (UR) |
| West                 | Single-family residence                  | Urban Restricted (UR) |

**Table 4 - Public Utilities and Services**

|        | Provider                           |
|--------|------------------------------------|
| Water  | North Perry Water                  |
| Power  | Puget Sound Energy                 |
| Sewer  | Kitsap County                      |
| Police | Kitsap County Sheriff              |
| Fire   | Central Kitsap Fire & Rescue       |
| School | Bremerton School District No 100-C |

**5. Access**

Access is directly off Classic Ave NE, a County maintained road.

**6. Site Design**

Analyzed under Section 10 of this report.

**7. Policies and Regulations Applicable to the Subject Proposal**

The Growth Management Act of the State of Washington, RCW 36.70A, requires that the County adopt a Comprehensive Plan, and then implement that plan by adopting development regulations. The development regulations must be consistent with the Comprehensive Plan. The Comprehensive Plan process includes public involvement as required by law, so that those who are impacted by development regulations have an opportunity to help shape the Comprehensive Plan which is then used to prepare development regulations.

Kitsap County Comprehensive Plan, adopted June 30, 2016 amended in 2018 and 2020.

The following Comprehensive Plan goals and policies are most relevant to this application:

*Housing, Human Services Policy 11. Promote fair housing to ensure that all residents of Kitsap County have an equal and fair opportunity to obtain safe and sanitary housing suitable to their needs and financial resources, regardless of race, religion, gender, sexual orientation, age, national origin, family status, income, disability, or other protected class.*

*Housing, Human Services Policy 12. Identify and remove regulatory barriers and limits access to or the provision of a diverse affordable housing supply.*

*Housing, Human Services Policy 14. Disperse affordable housing opportunities throughout the County.*

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  |
| Chapter 18.04  | State Environmental Policy Act (SEPA)           |
| Title 19       | Critical Areas Ordinance                        |
| Chapter 20.04  | Transportation Facilities Concurrency Ordinance |
| Chapter 21.04  | Land Use and Development Procedures             |

## 8. Documents Consulted in the Analysis

| <u>Applicant Submittals</u>           | <u>Dated or date stamped</u> |
|---------------------------------------|------------------------------|
| Administrative CUP Application        | January 17, 2025             |
| Site Plan                             | May 15, 2025                 |
| Building Elevation                    | January 17, 2025             |
| Building Floor Plan                   | January 17, 2025             |
| Variance Narrative (Variance Request) | April 26, 2025               |
| Geotechnical Report                   | January 17, 2025             |
| Geotechnical Report Addendum          | January 17, 2025             |
| Health District Approval              | January 17, 2025             |
| Storm Drainage Report                 | January 17, 2025             |
| Single-Family Wetland Certification   | January 17, 2025             |

## 9. Public Outreach and Comments

The variance request for this project to reduce the front setback along Classic Ave NE from 20ft to 15ft (25% reduction), requires a Type II permit review process with a decision by the Kitsap County Department of Community Development Director. Kitsap County prepared a notice of application consistent with Kitsap County Code (KCC) 21.04 published on February 21, 2025. The following comments were received.

| Issue Ref. No. | Summary of Concern   | Comment Letter Exhibit Reference No. |
|----------------|--|--------------------------------------|
| 1              | Statement of support for neighbor to build with 25% reduction in front setback. Received with application materials. | Rudee                                |

|   |  |               |
|---|--|---------------|
| 2 | Statement of support for neighbor to build with 25% reduction in front setback. Received with application materials. | DelArca Gomez |
| 3 | Statement of support for neighbor to build with 25% reduction in front setback. Received with application materials. | Beckwith      |
| 4 | Statement of concern for correct implementation of Illahee Community Plan. Received in response to NOA.              | Schultz       |

## 10. Analysis

### a. Planning/Zoning

A single-family residence is proposed within the Urban Restricted zone. The standard setbacks in this zone are 20' front, 5' sides, and 10' rear. Due to the physical constraints of the property the building site is limited to the plateau in the northwest corner. The entire lot is sloped, with the most extreme slope being indicated on the Site Plan as "top of slope". The Limited Geotechnical Engineering Report states "[t]he 15-foot buffer can be waived if a home is constructed with a daylight basement excavated at least 8.0 feet into the slope." In selecting that engineering option, the applicant has placed their house only 8 feet from the top of slope, allowing a modest back yard before the edge of a moderate slope. Further constraining the lot is the shape of the point of access, with a right angle in the center of the only feasible site for the driveway, impacting the parking area. Due to the physical constraints of the property, there is no other location for the applicant to construct their single-family residence. Allowing the 5 foot reduction in the front setback allows both the modest distance from the Top of Slope and for the applicant to meet the off-street parking requirements of two spaces (one being in the attached garage).

#### **KCC 17.560.010 Conditions for granting a variance.**

A variance may be granted to any numerical standard of this title, excluding housing density, only when unusual circumstances relating to the property cause undue hardship in the application of this title. The granting of such a variance shall be in the public interest. A variance shall be made only when all of the following conditions and facts exist:

A. 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 Response: the site is encumbered by steep slopes and an irregularly shaped access point. Given the required setbacks, it is not feasible to construct a modest sized single family residence and meet parking requirements. Therefore, strict application of dimensional standards do not allow for reasonable use of this property.*

B. 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;

*With a far smaller available building site, the application has proposed a structure similar in size to other properties in the vicinity. There is no other location on the parcel to construct the residence.*

C. 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

*There is no detriment to the public as this proposal is utilizing the platted parcel for its intended use of constructing a single-family residence.*

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

*The applicant has minimized the footprint by choosing a two-story design and minimized their rear setback by selecting an engineering design that allows the slope setback to be waived. Granting the variance of 5-feet will allow the modest design and allow the customer to meet the parking requirements.*

**b. Lighting**

Single-family developments are exempt from lighting design standards (KCC 17.420.030.A).

**c. Off-Street Parking**

Single-Family developments require three (2) off-street parking spaces (KCC 17.490.030), measuring at least 8 feet by 20 feet. The proposed home includes an attached garage. The variance will allow the requirement for the remaining parking space to be met.

**Table 5 - Parking Table**

| Use Identified in<br>17.490.030            | Standard  | Required Spaces | Proposed<br>Spaces/Existing<br>Spaces |
|--|---|-----------------|---------------------------------------|
| Single-Family<br>(attached or<br>detached) | For historical lots<br>or lots with no<br>standing<br>requirement, 2 per<br>unit. 1 garage<br>space may count<br>toward this<br>requirement for<br>multiple car<br>garages. | 2               | 2                                     |
| Total                                      | 2   | 2               | 2                                     |

**d. Signage**

No signage is proposed.

**e. Landscaping**

Single-family developments are exempt from landscaping design standards (KCC 17.420.030.A).

**Table 6 - Landscaping Table**

Not required.

**f. Frontage Improvements**

No frontage improvements proposed.

**g. Design Districts/Requirements**

No design district applies.

**h. Development Engineering/Stormwater**

Not required for this permit type.

**i. Environmental**

A Limited Geotechnical Engineering Report dated May 09, 2018 and an Addendum dated February 27, 2023 have been submitted. The report makes various findings and recommendations which will be verified at the time of building permit review and a condition has been placed on this permit for those to be addressed.

**j. Access, Traffic and Roads**

Access to the parcel is directly off Classic Ave NE, as platted. No adverse impacts are anticipated.

**k. Fire Safety**

Not required for this permit type. Fire review will be completed with the associated building permit.

**l. Solid Waste**

Not required for this permit type. Solid Waste review will be completed with the associated building permit.

**m. Water/Sewer**

No comment.

**n. Kitsap Public Health District**

The proposed septic design has preliminary approval through Kitsap Public Health. Current approval will be required with the associated building permit.

### **11. Review Authority**

The Director has review authority for this Administrative Zoning Variance application under KCC, Section 21.04.100. The Kitsap County Commissioners have determined that this application requires review and approval of the Director. The Director may approve, approve with conditions, or deny an Administrative Zoning Variance.

### **12. Findings**

The department of Community Development has determined that this application, as conditioned, meets requirements of KCC Title 17 Zoning and will comply with all other applicable provisions of Kitsap County Code and all other applicable regulations. The application also meets the requirements for a variance found in KCC 17.450.040(A).

1. The proposal is consistent with the Comprehensive Plan.
2. The proposal complies or will comply with requirements of KCC Title 17 and complies with or will comply with all of the other applicable provisions of Kitsap County Code and all other applicable regulations, including all applicable development standards and design guidelines, through the imposed conditions outlined in this report.
3. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
4. The proposal is compatible with and incorporates specific features, conditions, or revisions that ensure it responds appropriately to the existing character, appearance, quality or development, and physical characteristics of the subject property and the immediate vicinity.

### **13. Decision**

Based upon the analysis above and the decision criteria found in KCC 17.560.010, the Department of Community Development recommends that the Zoning Variance request for Anthony - Administrative Zoning Variance be approved, subject to the following conditions:

#### **a. Planning/Zoning**

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 (permit 25-00187). 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.

**b. Development Engineering**

NA

**c. Environmental**

5. Building permit shall follow the recommendations of the Limited Geotechnical Engineering Report and its addendum which are filed with this permit.

**d. Traffic and Roads**

NA

**e. Fire Safety**

NA

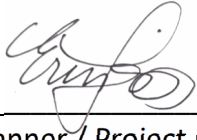
**f. Solid Waste**

NA

**g. Kitsap Public Health District**

NA

**Report prepared by:**



Erin Lewis, Staff Planner / Project Lead

05/19/2025

Date

**Report approved by:**



Darren Gurnee, Department Manager /  
Supervisor

\_6/9/2025\_

Date

**Attachments:**

Attachment A – Site Plan

Attachment B – Zoning Map Attachment

C – Critical Areas Map

CC: **Applicant/Owner:** Silas & Heather Anthony, Asilas444\_@hotmail.com  
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**Kitsap County Health District, MS-30**  
**Kitsap County Public Works Dept., MS-26**  
**DCD Staff Planner:** Erin Lewis



## Zoning Map



## Attachment C – Critical Areas Map

