



Rafe Wysham  
Director

## KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

*To enable the development of quality, affordable, structurally safe and environmentally sound communities.*

### Notice of Hearing Examiner Decision

4/25/2025

To: Interested Parties and Parties of Record

RE: Project Name: Raisl - Zoning Variance for new Single-Family Residence  
Applicant: Edward & Lynn Raisl  
3221 N 29TH St  
Tacoma, WA 98407  
Application: ZVAR-HE  
Permit Number: 24-03100

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permi 24-03100: Raisl - Zoning Variance for new Single-Family Residence (ZVAR-HE)**, subject to the conditions outlined in this Notice and included Decision.

**THE DECISION OF THE HEARING EXAMINER IS FINAL, UNLESS TIMELY APPEALED, AS PROVIDED UNDER WASHINGTON LAW.**

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at:

<https://www.kitsap.gov/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf>.

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 by contacting the Department of Community Development; if you wish to view the case file or have other questions, please contact [help@kitsap1.com](mailto:help@kitsap1.com) or (360) 337-5777.

CC:

Applicant/Owner: Edward & Lynn Raisl, [Ed@raislco.com](mailto:Ed@raislco.com)  
Project Manager: Jill Sousa, [jill@jillsousaarchitect.com](mailto:jill@jillsousaarchitect.com)  
Surveyor: N.L. Olson & Associates Inc, [twalton@nlolson.com](mailto:twalton@nlolson.com)  
Designer: Ecological Land Services Inc, [Joanne@eco-land.com](mailto:Joanne@eco-land.com)

619 Division Street MS-36 Port Orchard, WA 98366-4682  
(360) 337-5777 | [www.kitsap.gov/dcd](http://www.kitsap.gov/dcd)

Interested Parties:

None

Prosecutor's Office

Assessor's Office

DCD

Kitsap Sun

Health District

Public Works

Parks

Navy

DSE

Kitsap Transit

Puget Sound Energy

Water Purveyor KPUD No 1

Sewer Purveyor N/A

Point No Point Treaty Council

Suquamish Tribe

Port Gamble S'Klallam Tribe

Squaxin Island Tribe

Puyallup Tribe

Skokomish Tribe

WA Dept of Fish & Wildlife

WA State Dept of Ecology-SEPA

WA State Dept of Ecology-Wetland Review

WA State Dept of Transportation

Dept of Archaeological Historic Preservation

WA Dept of Natural Resources

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**BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY**

Phil Olbrechts, Hearing Examiner

RE: Edward and Lynn Raisl  Zoning Variance  File No. 24-03100	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.</b>
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**INTRODUCTION**

Edward and Lynn Raisl request approval of variance to KCC17.420.060.A29 to encroach 44 feet into a 100 foot front yard setback to construct a single-family home at 8120 SW Lake Vista Way, Port Orchard. The variance is approved subject to conditions.

**ORAL TESTIMONY**

A computer-generated transcript of the hearing has been prepared to provide an overview of the hearing testimony. The transcript is provided for informational purposes only as Exhibit 19.

**EXHIBITS**

Exhibits 1-18 listed in the Index to the Record prepared by County staff were admitted during the hearing. A computer generated transcript is added to the record for convenience only as Exhibit 19. The transcript is not intended to serve as evidence, but rather to provide an approximate rendition of hearing testimony. A hearing recording is available from the Hearing Examiner Clerk for anyone needing an accurate rendition of hearing testimony.

**FINDINGS OF FACT**

**Procedural:**

1. Applicant. Edward and Lynn Raisl, 3221 N 29th St, Tacoma, WA 98407
2. Hearing. The Hearing Examiner conducted a virtual hearing on the application at 9:00 am on April 10, 2025.

1 **Substantive:**

2 3. Site/Proposal Description. Edward and Lynn Raisl request approval of  
3 variance to KCC17.420.060.A29 to encroach 44 feet into a 100-foot front yard setback  
4 to construct a 1,644 square foot single-family home at 8120 SW Lake Vista Way, Port  
5 Orchard.

6 The subject property is zoned Rural Residential (RR) which typically requires a 50'  
7 zoning setback from the front and 20' side from the side and rear. However, the subject  
8 property abuts the Rural Wooded (RW) zone on the western parcel line. Kitsap County  
9 Code 17.420.060.29 states: *“one-hundred-foot setback required for single-family  
10 buildings abutting FRL or RW zones.”*

11 4. Characteristics of the Area. The project area is bordered on the south, east  
12 and west with single-family homes zoned RP. Anderson Road abuts the property to  
13 the south. There are several properties (8880, 9040, and 9200 NW Anderson Hill Road)  
14 on the same street that also have structures within the established 50 setback.

15 5. Adverse Impacts. No significant adverse impacts are anticipated from the  
16 proposed variance. The parcel is separated from the RW zone by Carney Lake Road  
17 SW. As such there is already significant separation between the subject parcel and the  
18 RW zone. Further, according to staff hearing testimony, the RW properties across the  
19 street don't have any logging traffic activities associated with them and are largely  
20 composed of smaller suburban type lots with residences. The expanse of the 100-foot  
21 setback is not necessary for compatibility.

22 6. Special Circumstances for Front Yard Setback. The project site is restricted by  
23 unusually small lot size, steep slopes, a shoreline buffer and mature trees The proposed  
24 building site is located to balance access, privacy, and preservation of existing mature  
25 trees. As shown in the Att. A site plan to the staff report, the project encroaches 15  
feet into the 80 foot shoreline setback for the project site. The 80-foot buffer can be  
reduced to down to 50' when utilizing mitigation to achieve a no net loss. The size of  
the lot is only 1.6 acres, which is significantly below the five-acre minimum lot size of  
the RR district.

21 **CONCLUSIONS OF LAW**

22 **Procedural:**

23 1. Authority of Hearing Examiner. KCC 21.04.100 provides that zoning  
24 variances involving requests that exceed 25% of bulk and dimensional standards are  
25 Type III decisions. As outlined in KCC 21.04.110, the Type III process involves an  
open record hearing held by the hearing examiner and a final decision issued by the  
hearing examiner.

1 **Substantive:**

2 2. Zoning Designation. The property is currently zoned Rural Protection.

3 3. Review Criteria. KCC 17.560.010A governs the criteria for zoning  
4 variances. Pertinent criteria are quoted below and applied via corresponding  
5 conclusions of law.

6 **Variance**

7 **KCC 17.560.010A:** *A variance may be granted to any numerical standard of this title,  
8 excluding housing density, only when unusual circumstances relating to the property  
9 cause undue hardship in the application of this title. The granting of such a variance  
10 shall be in the public interest. A variance shall be made only when all of the following  
11 conditions and facts exist:*

12 A. *There are special circumstances applicable to the subject property, including size,  
13 shape, topography, location or surroundings, that were not created by the applicant  
14 and do not apply generally to other property in the same vicinity or zone;*

15 10. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.  
16 6.

17 **KCC 17.560.010B:** *Such variance is necessary for the preservation and enjoyment  
18 of a substantial property right or use of the applicant possessed by the owners of other  
19 properties in the same vicinity or zone;*

20 11. Criterion met. The criterion is met. The variance is necessary for a reasonably  
21 sized 1,644 square foot home. Any lesser encroachment would likely entail a greater  
22 shoreline buffer encroachment, which is unnecessary given the lack of adverse impacts  
23 associated with the proposed 100-foot encroachment.

24 **KCC 17.560.010C:** *The authorization of such variance will not be materially  
25 detrimental to the public welfare or injurious to property in the vicinity or zone in which  
property is located; and*

12. Criterion met. The criterion is met for the reasons identified in Finding of  
Fact No. 5.

**KCC 17.560.010D:** *The variance is the minimum necessary to grant relief to the  
applicant.*

1 13. Criterion met. The criterion is met. A 1,644 square foot home is not out of scale  
2 with typically sized homes. Even if a second story is added the home would not be  
unreasonably large.

### 3 **DECISION**

4 Based upon the conclusions of law above, the zoning variance application is approved  
5 subject to the following conditions:

6 a. Planning/Zoning

7 1. All required permits shall be obtained prior to commencement of land clearing,  
construction and/or occupancy.

8 2. This Variance approval shall automatically become void if no building permit  
9 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.

10 3. The decision set forth herein is based upon representations made and exhibits  
11 contained in the project application (Permit #24-03100). Any change(s) or deviation(s)  
12 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.

13 The authorization granted herein is subject to all applicable federal, state, and local  
14 laws, regulations, and ordinances. Compliance with such laws, regulations, and  
15 ordinances is a condition to the approvals granted and is a continuing requirement of  
16 such approvals. By accepting this/these approvals, the applicant represents that the  
17 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.

18 b. Development Engineering

19 NA

20 c. Environmental

21 4. Project shall follow the recommendations of the Geologic Report submitted  
prepared by Envirotech Engineering dated July 30, 2021.

22 5. Due to site constraints, a Reduced Shoreline buffer has been approved. The  
23 Shoreline Mitigation Plan prepared by Ecological Land Services dated August 23,  
24 2021, has determined that a 50 buffer and 15 building setback shall be applied and will  
25 result in no net loss of shoreline ecological functions and is the minimum necessary to  
accommodate the proposed development. Buffers shall remain undisturbed natural  
vegetation areas except where the buffer can be enhanced to improve its functional  
attributes. Refuse shall not be placed in buffers.

1 d. Traffic and Roads  
NA

2 e. Fire Safety  
3 NA

4 f. Solid Waste  
5 NA

6 g. Kitsap Public Health District  
7 NA

8  
9 Dated this 24th day of April, 2025.

10 *Phil Olbrechts*

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Phil Olbrechts,  
Kitsap County Hearing Examiner

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14 **Appeal Right and Valuation Notices**

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16 Pursuant to KCC 21.4.100 and KCC 21.04.110, this decision is a final land use decision  
17 of Kitsap County and may be appealed to superior court within 21 days as governed by  
the Washington State Land Use Petition Act, Chapter 36.70C RCW.

18 Affected property owners may request a change in valuation for property tax purposes  
19 notwithstanding any program of revaluation.  
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