



Notice of Administrative Decision

Date: 08/07/2019

To: Mike Williams, rockyhouse1@comcast.net
Interested Parties and Parties of Record

RE: Permit Number: 19-03133
Project Name: Williams – Conditional View Blockage Waiver
Type of Application: Conditional Waiver from View Blockage Requirements

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.cognitofirms.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: Owner/Applicant: David Michael & MonicaLou Williams, rockyhouse1@comcast.net
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DSE
Point No Point Treaty Council
Suquamish Tribe
Port Gamble S'Klallam Tribe
Squaxin Island Tribe
Puyallup Tribe
WA Dept of Fish & Wildlife
WA State Dept of Ecology – Shoreline Review
DCD Staff Planner: Anna Bausher
Interested Parties: None



Administrative Staff Report

Report Date: August 1, 2019

Application Submittal Date: July 11, 2019

Application Complete Date: July 11, 2019

Project Name: Williams Conditional View Blockage Waiver

Type of Application: Conditional Waiver from View Blockage Requirements

Permit Number: 19-03133

Project Location

1115 NW Drury Lane
Bremerton, WA 98312
Commissioner District 3

Assessor's Account

032401-3-023-2001

Applicant/Owner of Record

Mike Williams
1115 NW Drury Lane
Bremerton, WA 98312

Decision Summary

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

VICINITY MAP



1. Background

Mike Williams has applied for a Conditional View Blockage Waiver to reduce the shoreline structure setback for the view line to locate a proposed eight foot wide covered patio and deck attached to the existing single-family residence approximately 130 feet from ordinary high water mark which encroaches into the established view line by approximately five feet. Kitsap County Code (KCC) 22.400.135(D)(2) identifies that the applicant seeking a conditional waiver of the strict application of this chapter may file an application with the department accompanied by an application fee per the Kitsap County development permit fee schedule (Section 21.10.010). This applications purpose is to request a conditional waiver from view blockage requirements as allowed by code.

2. Project Request

The proposal is to reduce the shoreline structure setback for the view line to locate a

proposed eight-foot-wide covered patio and deck attached to the existing single-family residence approximately 130 feet from ordinary high water mark which encroaches into the established view line by approximately five feet. Strict application of code draws the view line from the foundation of each of the adjacent residences, pursuant to KCC 22.400.135(a)(3). The existing home was built in 1949 prior to any regulation on view line. The property owner/applicant is now remodeling the home and would like to add a deck onto the residence. This is a reasonable request to be able to enjoy the shoreline and is consistent with the other adjacent residences. This application has been analyzed and conditioned based on criteria in Kitsap County Code 22.400.135(D), Conditional Wavier Procedure.

3. SEPA (State Environmental Policy Act)

The proposal is exempt from SEPA review under WAC 197-11-800(6)(a).

4. Physical Characteristics

The subject parcel is a rectangular shaped flag lot approximately 1.53 acres in size. The parcel is largely cleared with grass and single-family residential development, including an existing residence, garage, and associated appurtenances. The driveway is located down the panhandle of the parcel. The areas where the driveway pan handle meets the larger rectangular portion of the parcel slopes down to the east that flatten out towards to the shoreline. There are mapped critical areas in addition to the shoreline that will be discussed later in the environmental section of this report.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Urban Low Density Residential Zone: Urban Low Residential	Standard	Proposed
Minimum Density	5	1 Existing
Maximum Density	9	
Minimum Lot Size	2,400	Existing lot
Maximum Lot Size	9,000	Existing lot, allowed per footnote 25
Minimum Lot Width	40	Existing lot
Minimum Lot Depth	60	Existing lot
Maximum Height	35 feet	Up to 35'
Maximum Impervious Surface Coverage	N/A	N/A
Maximum Lot Coverage	N/A	N/A

Applicable footnotes:

17.120.060(A)(25) For new building permit applications on vacant lots over eighteen thousand square feet located in urban low residential (ULR) and urban cluster residential (UCR) zones, the maximum lot size shall not exceed nine thousand square feet. This

restriction shall not apply if:

- a. The net developable area of the existing parcel is less than eighteen thousand square feet; or
- b. The project application will meet minimum density requirements as established by this chapter.

Staff Comment: The lot is allowed to be developed with a single-family residence when at the time of the development permit this footnote is met. Review of this will occur with the single-family residential building permit. The residence is existing, the land is not vacant so this footnote will not be of consequence.

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (West)	20 for garage or carport; 10 for habitable area	Approximately 245 feet
Side (North)	5	Approximately 30 feet
Side (South)	5	Approximately 24 feet
Rear (East)	5	Approximately 130 feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Developed Single-Family Residential	Urban Low Residential
South	Developed Single-family Residential	Urban Low Residential
East	Shoreline Open Water	None - Aquatic Shoreline Designation
West	Developed Single Family Residential	Urban Low Residential

Table 4 - Public Utilities and Services

	Provider
Water	Rocky Point Water District 12
Power	Puget Sound Energy
Sewer	None - On-site Sewage Disposal System
Police	Kitsap County Sheriff
Fire	South Kitsap Fire and Rescue
School	Bremerton School District

5. Access

The site is accessed off a private road named Drury Lane, which gains access to the county-maintained Rocky Point Road NW. Drury Lane is located in the panhandle of the subject parcel.

6. Site Design

Not applicable to residential development.

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

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

Housing, Human Services Policy 23. Promote housing preservation and development in areas that area already well-served by schools, public transportation, commercial facilities, and have adequate infrastructure to support alternative mode of transportation.

Shoreline Master Program (KCC 22.300.125(B)) Policy SH-21. Give preference to water-dependent uses and single-family residential uses that are consistent with preservation of shoreline ecological functions and processes. Secondary preference should be given to water-related and water-enjoyment uses. Non-water-oriented uses should be limited to those locations where the above-described uses are inappropriate or where non-water-oriented uses demonstrably contribute to the objectives of the Act. For use preference within shorelines of statewide significance, see Section 22.300.145(B).

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	Building and Construction
Title 17	Zoning
Chapter 18.04	State Environmental Policy Act (SEPA)
Title 19	Critical Areas Ordinance

Title 21	Land Use and Development Procedures
Title 22	Shoreline Master Program

8. Documents Consulted in the Analysis

<u>Applicant Submittals</u>	<u>Dated or date stamped</u>
Application	July 11, 2019
Site Plan	July 11, 2019
Drawing of View Line	July 11, 2019
Photos	July 11, 2019
Signed Note of Support from Adjacent Neighbors	July 11, 2019

9. Public Outreach and Comments

Staff received two inquiries on the application during the public notice period. Both property owners inquired for some general information on the proposal. The application did include a written statement from the directly adjacent parcel owners on both sides of the subject parcel identifying the proposal would not impact their view and are in support of the proposal (Attachment F).

10. Analysis

a. Planning/Zoning

Single family residential development is a permitted use in this zone subject to meeting the applicable development standards. Please see Table 1 for zoning setbacks. Condition 1 addresses zoning setbacks.

b. Lighting

Not applicable to this project.

c. Off-Street Parking

Off-street parking will be analyzed under the building permit review.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-family residence	3 per a unit	3	Please see Condition 2

d. Signage

Not applicable to this project.

e. Landscaping

Kitsap County Code 17.500.010 exempts single-family lots from landscaping requirements.

Table 6 - Landscaping Table

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	N/A	N/A
Required Buffer(s) 17.500.025		
North	N/A	N/A
South	N/A	N/A
East	N/A	N/A
West	N/A	N/A
Street Trees	N/A	N/A

f. Frontage Improvements

Not applicable to this project.

g. Design Districts/Requirements

The subject property is not within a design district.

h. Development Engineering/Stormwater

Stormwater review will occur within the building permit.

i. Environmental

The proposal was reviewed under the Kitsap County Critical Areas Ordinance Title 19. Kitsap County GIS has mapped the parcel to contain geologically hazardous areas (landslide), hydric soils (potential wetlands), bald eagle habitat. A geological assessment and biological letter were submitted identifying no wetland or geological hazard exists on the property. No bald eagle nest was found by the applicant; however, the building permit will be conditioned to comply with the Federal Bald Eagle Management Guidelines if a nest is found to be present.

The proposal was reviewed under the Kitsap County Shoreline Master Program (KC SMP). Specific development standards in the KC SMP such as for shoreline vegetation conservation buffers, building and impervious surface setbacks, and bulk and dimensions will be reviewed at the time of the building permit application. The Shoreline Designation is Shoreline Residential, which requires an 85 foot standard buffer and allows for a reduction of 50 feet with mitigation. This vegetation conservation buffer is in addition to the shoreline setback line and may or may not be more

restrictive. KCC 22.400.135(D) Conditional Waiver Procedure outlines the specific criteria for requests from the structure setback line for view blockage.

KCC 22.400.135(D) Conditional Waiver Procedures

1. An applicant aggrieved by the strict application of this chapter may seek a conditional waiver from the director. Such a waiver shall be a Type II administrative decision. A conditional waiver may be granted after the applicant demonstrates the following:

a. The hardship which serves as the basis for granting the conditional waiver is specifically related to the property of the applicant and does not apply generally to other property in the vicinity;

Staff Comment: The subject property was developed in 1949, which is generally earlier than majority of the other residences in the area. In 1949 it would have not been predicable to determine where the adjacent residences were going to be built or that future shoreline regulations would require a view line consideration based on those locations. Many of the other existing residences also already have patios or decks, while the subject residence does not. The requested shoreline setback for view would not be providing any special privileges to the applicant that others in the general vicinity. As the parcel is already developed it would be a hardship to require relocation of existing structures to allow for this expansion behind the view line.

b. The hardship which serves as the basis for granting the conditional waiver is specifically related to the property of the applicant and does not apply generally to other property in the vicinity;

Staff Comment: KCC 22.400.135(D)(a) and (b) are the same requirements, this is a Scribner's error in the code. Please see subsection a above for staff comments to this criterion.

c. The hardship which results from the application of the requirements of this chapter is not a result of the applicant's own actions;

Staff Comment: The parcel was developed in 1949 by a previous property owner. At the time when the home was built in 1949 it would not have been known what the shoreline regulations would be in the future or where the associated residences would be built. The desired expansion to the existing residence is at the desire of the applicant, but the associated hardship was not a result of their actions.

d. The conditional waiver, if granted, will be in harmony with the general purpose and intent of the Act and this program in preserving the views of the adjacent shoreline residences; and

Staff Comment: The two directly adjacent property owners have signed a document in support of the proposed expansion as submitted with the project application and can be seen in Attachment F. It is not expected that the proposal will impact the views of other residences within the vicinity as the encroachment is minimal and there is some distance between the adjacent residences. The open shoreline which largely consists of grass has expansive views in general as can be seen in the photos submitted in conjunction with the project application in Attachment D. Single family residential use is a preferred use of the shoreline and is consistent with the with KC SMP and Shoreline Management Act.

- e. In balancing the interest of the applicant with adjacent neighbors, if more harm will be done by granting the conditional waiver than would be done by denying it, the conditional waiver shall be denied.

Staff Comment: The proposal would benefit the applicants but would not harm the neighbors. The submitted comment of support from the directly adjacent neighbors whose views have potential for the greatest impact demonstrates no harm will directly come to them. With the remodel and expansion of the existing residence it may have a positive impact of valuation of the subject property and properties within the neighborhood. The project as proposed is consistent with the character of the shoreline residential designation and reflects the character of the surrounding area. The project is consistent with the goals and intent of the KC SMP.

j. Access, Traffic and Roads

Not applicable to this project.

k. Fire Safety

Not applicable to this project.

l. Solid Waste

Not applicable to this project.

m. Water/Sewer

Water and sanitation review will occur with the building permit.

n. Kitsap Public Health District

The associated required building permit will be routed to the Health District for their review.

11. Review Authority

The Director has review authority for this Administrative Decision application under KCC, Sections 22.400.135 and 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 Conditional Use Permit.

12. Findings

2. The proposal is consistent with the Comprehensive Plan.
3. The proposal complies or will comply with requirements of KCC Title 17 and 22 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.
4. The proposal is not materially detrimental to existing or future uses or property in the immediate vicinity.
5. 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 22.400.135(D), the Department of Community Development recommends the Waggoner Conditional View Blockage Waiver be approved, subject to the following five (5) conditions:

a. Planning/Zoning

1. Development shall adhere to all zoning setbacks and height limitations in the Kitsap County Code 17.420.052.
2. At the time of the building permit review, adequate parking shall be identified on the site plan as required by Kitsap County Code 17.490.030.

b. Development Engineering

None

c. Environmental

3. Development subject to the shoreline structure setback shall not intrude into the view line further than by established in this waiver. The approved site plan identifies the proposed shoreline structure setback line (view line) to be located approximately five feet waterward than the original view line between the two adjacent structures.

4. Associated building permits shall be subject to verification of the shoreline structure setback for the view line at the foundation inspection.

5. In addition to the shoreline structure setback, appropriate shoreline vegetation conservation buffers and building and impervious surface setbacks are required and will be reviewed with the building permit application.

d. Traffic and Roads

None

e. Fire Safety

None

f. Solid Waste

None

g. Kitsap Public Health District

None

Report prepared by:



Anna Bausher, Staff Planner / Project Lead

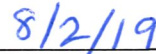


Date

Report approved by:



Shawn Alire, DSE Supervisor



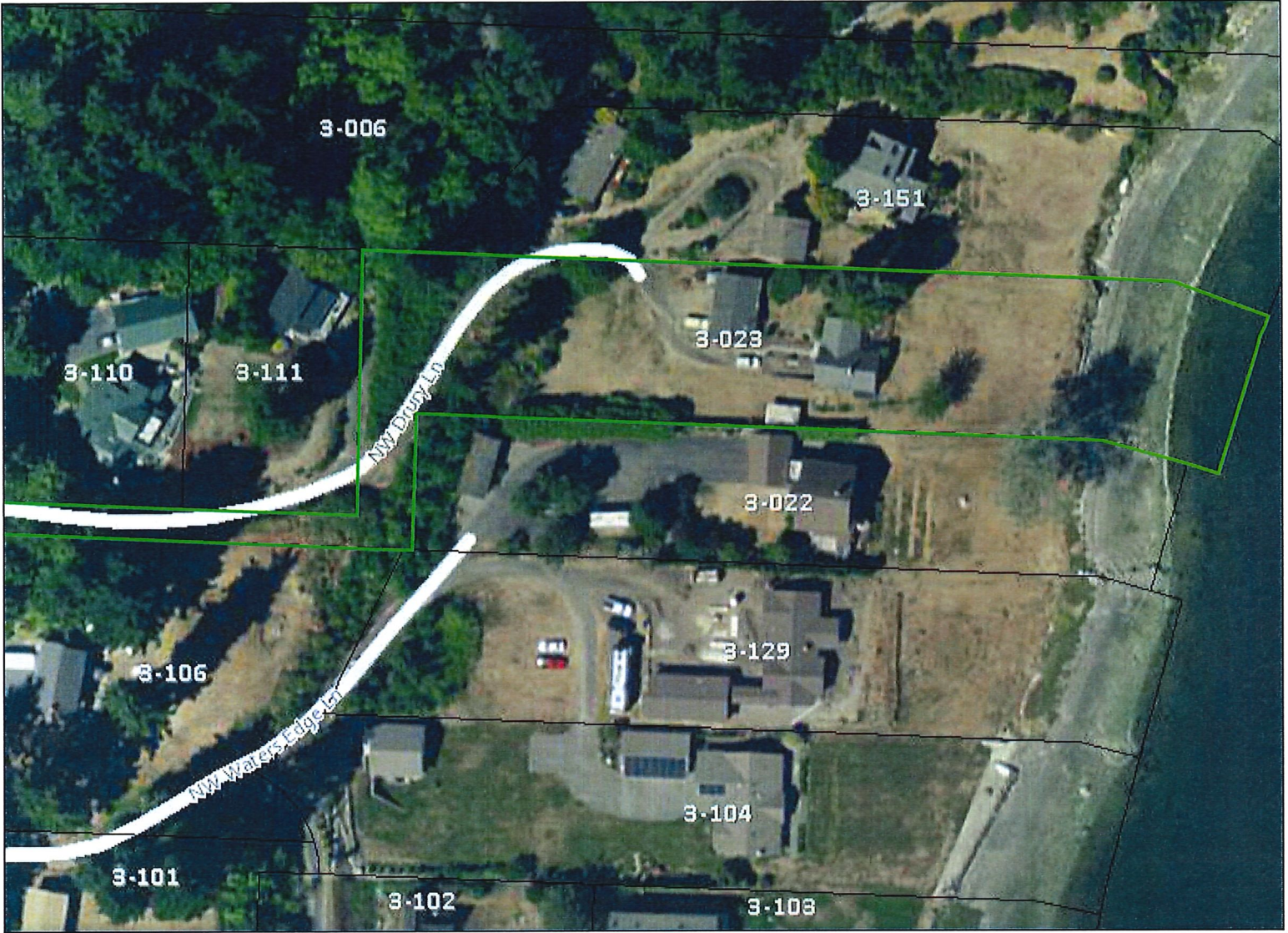
Date

Attachments:

- Attachment A - Aerial Photo
- Attachment B - Shoreline Designation
- Attachment C - Zoning Map
- Attachment D - Photos
- Attachment E - Drawing of View Line on Proposal
- Attachment F - Adjacent Property Owners Support

CC: Owner/Applicant: Mike Williams, rockyhouse1@comcast.net
DCD Project Planner: Anna Bausher

Attachment A (Aerial Photo):



** This map is not a substitute for field survey **

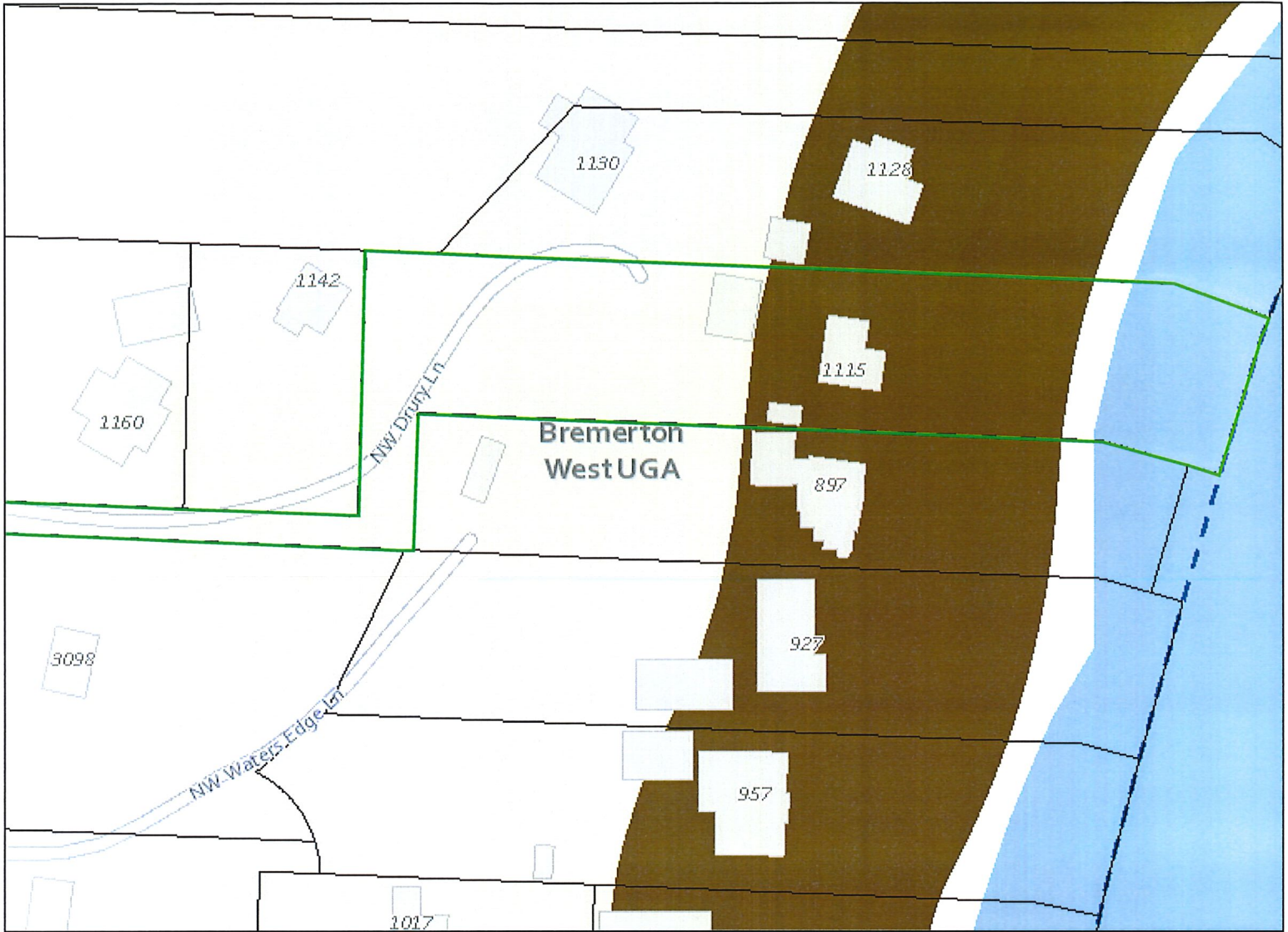
Map Scale: 1 inch = 100 feet

Comments

Parcel No: 032401-3-023-2001 TaxPayer: WILLIAMS DAVID MICHAEL & MONICALOU Site Address: 1115 NWDRURY LN



Attachment B (Shoreline Designation Map):



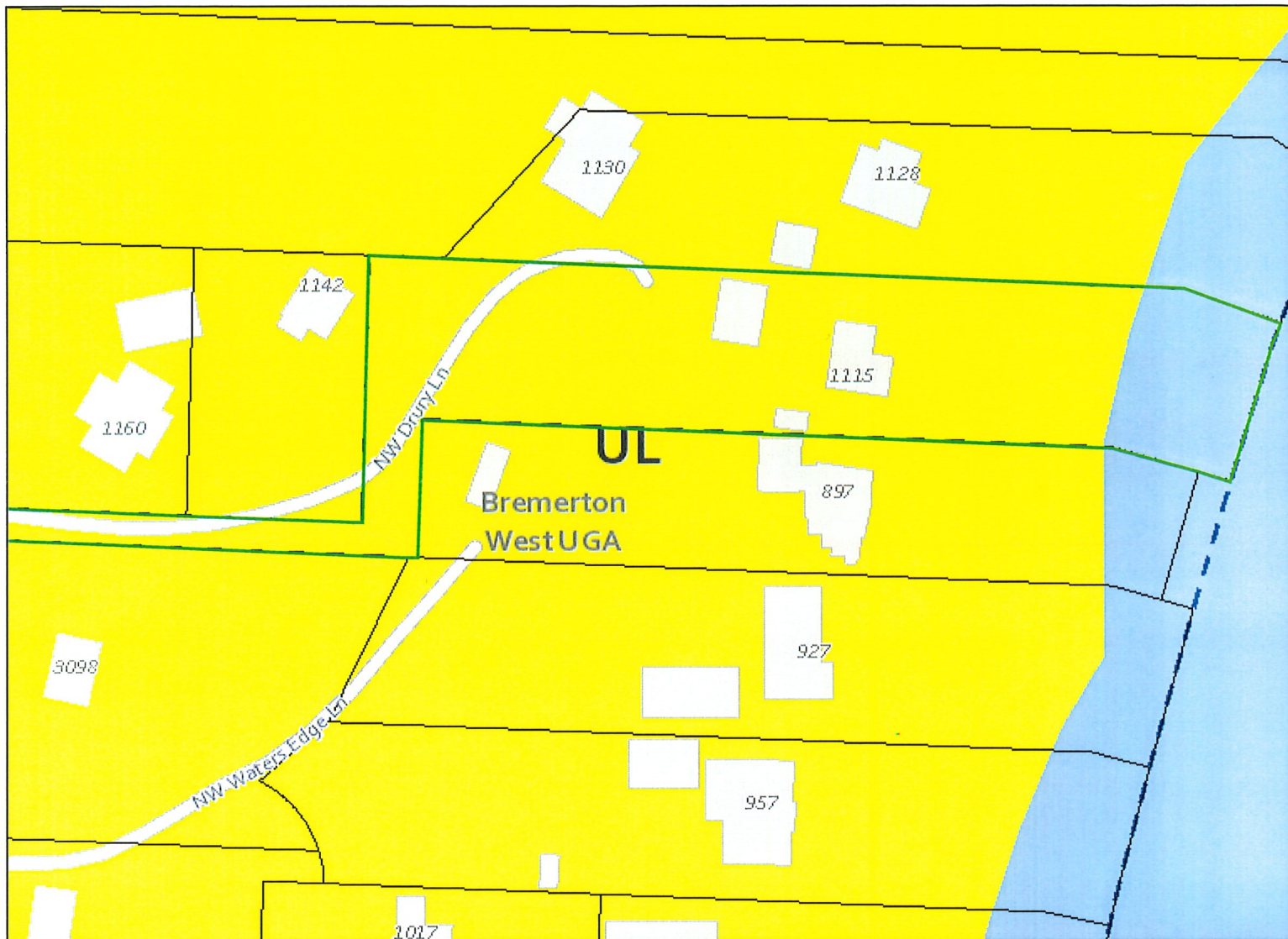
** This map is not a substitute for field survey ** Map Scale: 1 inch = 100 feet

Legend

- | | | |
|---|-----------------------|-------------------------------|
| Tax Parcels Outlines | Building Footprints | No Channel as depicted by DNR |
| Watercourse - DNR and Wildfish Conservancy | | |
| (S) Designated Shoreline of the State | Natural | Rural Conservancy |
| (F) Fish Habitat | Shoreline Residential | Urban Conservancy |
| (N) Non-fish Habitat | High Intensity | Aquatic |
| (U) Unknown, unmodeled hydrographic feature | | |



Attachment C (Zoning Map):



** This map is not a substitute for field survey ** Map Scale: 1 inch = 100 feet

Legend

View Protection Overlay	FRL - Forest Resource Lands (1 DU/40 Ac)	Low Intensity Commercial (10-30 DU/Ac)	UR - Urban Restricted (1-5 DU/Ac)	KVLR - Keyport Village Low Residential	RHTR - Rural Historic Town Residential	MIL - Military
Kitsap County Zoning Designations	Mineral Resource/Forest Resource Lands	RCO - Rural Commercial	MRO/UR - Mineral Resource/Urban Restricted	KVR - Keyport Village Residential	RHTW - Rural Historic Town Waterfront	Mineral Resource/Military
RURAL	COMMERCIAL...	REC - Rural Employment Center	UL - Urban Low Residential (5-9 DU/Ac)	MANCHESTER VILLAGE	SUQUAMISH VILLAGE	P - Park (Kitsap County)
RR - Rural Residential (1 DU/5 Ac)	BC - Business Center	RI - Rural Industrial	UM - Urban Medium Residential (10-18 DU/Ac)	MVC - Manchester Village Commercial	SVC - Suquamish Village Commercial	T - Tribal Land
MRO/RR - Mineral Resource/Rural Residential	BP - Business Park	TTEC - Twelve Trees Employment Center	UH - Urban High Residential (19-30 DU/Ac)	MVL - Manchester Village Low Residential	SVL - Suquamish Village Low Residential	Lake
RP - Rural Protection (1 DU/10 Ac)	IND - Industrial	MRO/TTEC - Mineral Resource/Twelve Trees Employment Center	UVC - Urban Village Center (up to 18 DU/Ac)	MVR - Manchester Village Residential	SVR - Suquamish Village Residential	Salt Water
MRO/RP - Mineral Resource/Rural Protection	MRO/IND - Mineral Resource/Industrial	URBAN	KEYPORT VILLAGE	RURAL HISTORIC TOWN	OTHER	INDUSTRIAL
RW - Rural Wooded (1 DU/20 Ac)	Regional Center (10-30 DU/Ac)	GB - Greenbelt (1-4 DU/Ac)	RHTC - Rural Historic Town Commercial	CITY - Incorporated City	Park	LI - Light Industrial
MRO/RW - Mineral Resource/Rural Wooded	NC - Neighborhood Commercial (10-30 DU/Ac)	UCR - Urban Cluster Residential (5-9 DU/Ac)	KVC - Keyport Village Commercial			CITY OF POULSBORO
						RL - Residential Low

Comments

Parcel No: 032401-3-023-2001 TaxPayer: WILLIAMS DAVID MICHAEL & MONICALOU Site Address: 1115 NWDRURY LN

Kitsap Co. Parcel Search Application





This photo shows the adjacent houses to the north of 1115 NW Drury Ln. An approved conditional waiver will bring the house up to neighborhood standards.



This photo shows the adjacent houses to the south of 1115 NW Drury Ln. An approved conditional waiver will bring the house up to neighborhood standards.

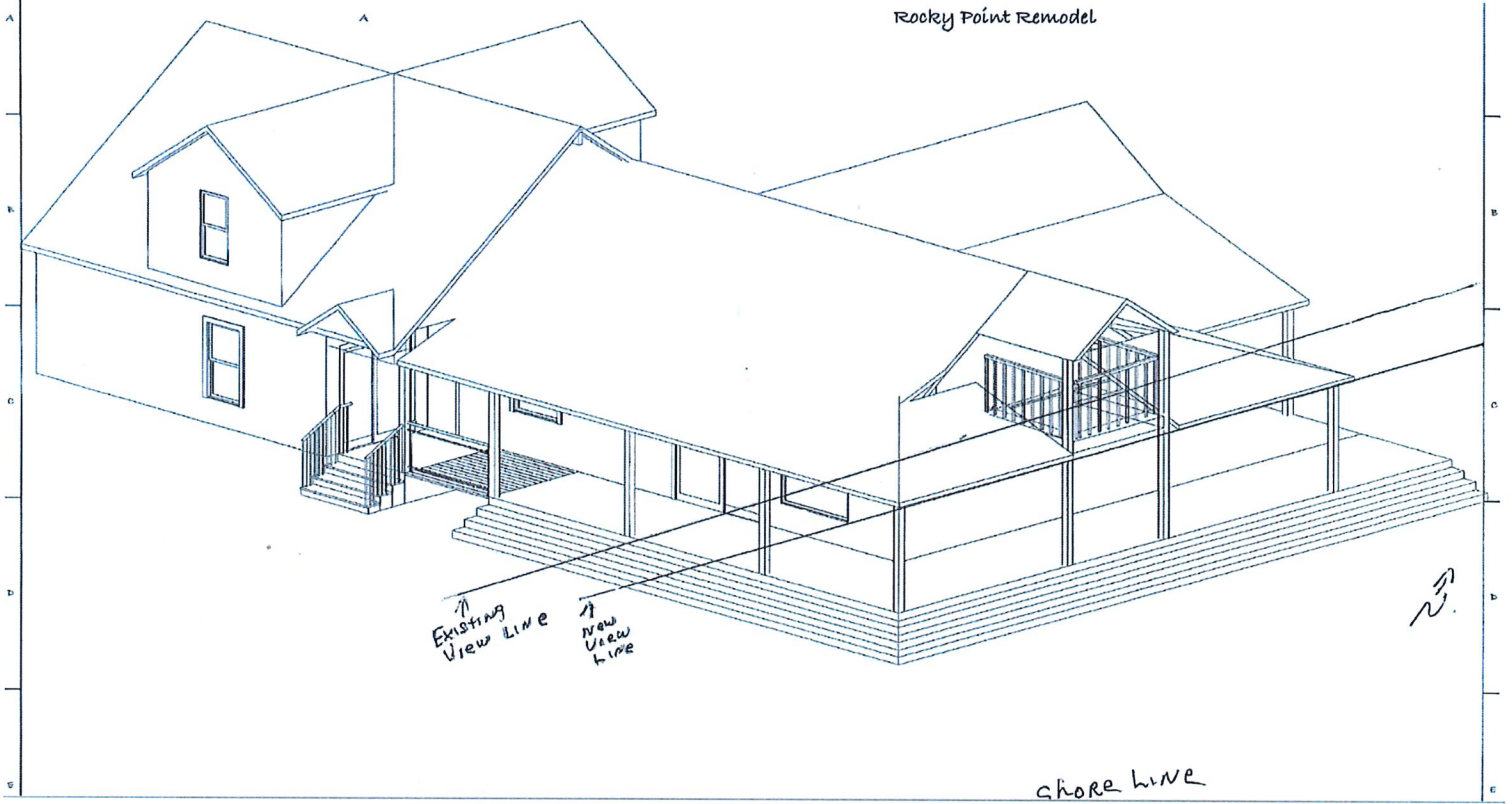


The highlighted pole represents the distance from the house to the edge of the proposed covered patio. This picture is taken from the view line of 897 NW Waters Edge Ln looking north.



The highlighted pole represents the distance from the house to the edge of the proposed covered patio. This picture is taken from 1128 NW Drury Ln looking south.

Attachment E (Drawing of View Line on Proposal):



Attachment F (Adjacent Property Owners Support):

June 26, 2019

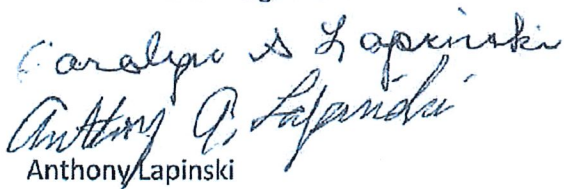
RE : 1115 NW Drury Lane conditional waiver

As a neighbor to 1115 NW Drury Lane we support the waiver to allow an 8' covered patio with deck to be built on the east side of the house. It will not have any impact on our view and will be an asset to the property owners in the area by improving this property and its value.



Jerry Wien

897 NW Waters Edge Lane



Anthony Lapinski

1128 NW Drury Lane