



## Notice of Administrative Decision

**Date:** 1/20/2022

**To:** Jane and Harvey Long, long16w571@aol.com  
Interested Parties and Parties of Record

**RE:** **Permit Number:** 21-05501  
**Project Name:** Long 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 21-05501: Long 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.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](mailto: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:** Interested Parties:  
None  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Steve Heacock



## STAFF REPORT ADMINISTRATIVE DECISION

**Report Date:** January 14, 2022

**Application Submittal Date:** October 18, 2021

**Application Complete Date:** December 7, 2021

**Project Name:** Long 10% Setback Variance

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

**Permit Number:** 21-05501

### Project Location

13780 Wye Lake Blvd SW  
Port Orchard, WA 98367  
South Kitsap (District 2)

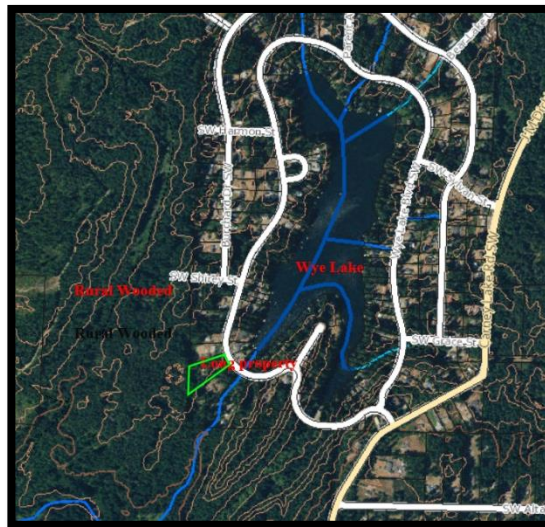
### Assessor's Account #

4857-007-009-0002

### Applicant/Owner of Record

Jane and Harvey Long  
9515 Burnham Dr  
Gig Harbor, WA 98322

### VICINITY MAP



### 1. Project Request

The applicant is proposing to develop the Rural Residential (RR) subject site with a single-family residence, driveway, and septic drain field. A building permit (#21-05790) is currently in review pending approval of this variance. Per KCC 17.420.060, footnote 29, a one-hundred-foot setback is required for single-family buildings abutting RW zones. The proposed home abuts a property zoned as RW to the west (the rear yard) and the applicant is requesting a variance to reduce the required setback to the western property line from 100 feet to 90 feet (10% reduction).

### 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 1.44-acre, wedge-shaped parcel located in a Rural Residential-zoned area in Kitsap County. The site is currently undeveloped and mostly wooded. There are no critical areas on-site. The site has a knoll in the northwest quadrant that constrains the property and

which the applicant does not wish to remove.

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

| Comprehensive Plan:<br>Rural Residential<br>Zone:<br>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 (East)                 | 50 feet  | 236 feet+                      |
| Side (North)<br>Side (South) | 20 feet  | 71 feet+<br>35 feet            |
| Rear (West)                  | 10 feet  | 90 feet (per variance request) |

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                 | None                     | Rural Wooded (RW)      |

**Table 4 - Public Utilities and Services**

|       | Provider            |
|-------|---------------------|
| Water | Private Shared Well |
| Power | Puget Sound Energy  |

|        |                              |
|--------|------------------------------|
| Sewer  | Onsite system                |
| Police | Kitsap County Sherriff       |
| Fire   | South Kitsap Fire & Rescue   |
| School | South Kitsap School District |

**4. Access**

The site will be accessed directly with a private driveway from Wye Lake Blvd, a County-owned road.

**5. Site Design**

The submitted site plan shows the building envelope for a future single-family home in the western portion of the property. A septic drain field is proposed in front of the future home, somewhat central to the lot.

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 site shows a prominent knob or shelf of land that rises from a base elevation of 320' to 330' in the eastern half of the northwestern quadrant of the site. This feature impacts the buildable area of this lot. A 10-foot rear setback reduction allows for enough area for a building site while not requiring the applicant to excavate a portion of the knob.*

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, legal nonconforming in size. 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 10-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 accommodating a rear setback that is less than the 100 feet required of this property by virtue of being adjacent to Rural Wooded zoning. The setback request of a 10-foot reduction will still result in a 90-foot rear setback, and will allow for an approximately triangular shaped building envelope, about 150 feet by 70 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 site is not impacted by critical areas. Wye Lake is across Wye Lake Blvd and further separated by residential lots that border the lake. There is a fish-bearing stream two lots to the southeast that originates at Wye Lake. The 150-foot stream buffer is fully met on the site.

**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 10% Setback Variance is **approved**, subject to the following conditions:

1. Permits will be required to submitted and approved for legal occupancy of the structure.
2. Pursuant to KCC 21.04, land use approval is valid for a period of up to four (4) years from the decision date.
3. Land use approval is limited to the uses proposed by the applicant. Any modifications or expansion of the project will be subject to further review pursuant to the requirements of the appropriate sections of the KCC.
4. The applicant shall adhere to all applicable requirements of the Kitsap Public Health District.
5. 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:**

  
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Steve Heacock / Project Lead

January 13, 2022

Date

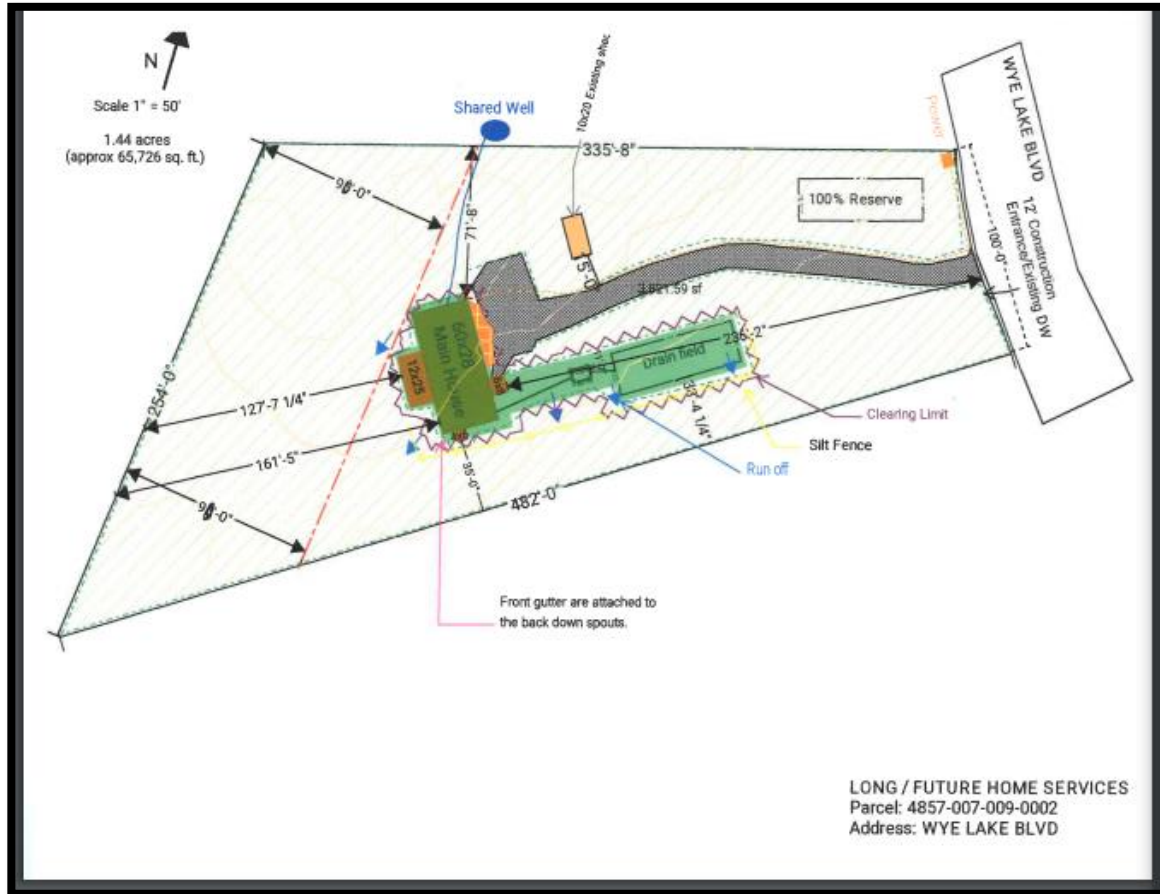
**Attachments:**

Attachment A – Site Plan

Attachment B – Zoning Map

CC: Jane and Harvey Long  
Kitsap County Health District, MS-30  
Kitsap County Public Works Dept., MS-26  
DCD Staff Planner: Steve Heacock

Attachment A – Site Plan



Attachment B – Zoning Map

