



## Notice of Administrative Decision

**Date:** 04/22/2019

**To:** Robert & Susan Ciarelli, [bigblue4@cox.net](mailto:bigblue4@cox.net)  
Interested Parties and Parties of Record

**RE:** **Permit Number:** 19-01014  
**Project Name:** Ciarelli Conditional Waiver from View Blockage  
**Type of Application:** Conditional Waiver from View Blockage

**THE DECISION OF THE DEPARTMENT IS FINAL, UNLESS 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/AppealObjectionOfAnAdministrativeDecision>.

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:**

Owner: Robert and Susan Ciarelli, [bigblue4@cox.net](mailto:bigblue4@cox.net)  
Architect: Brian Lyman, [lymanarchitects@gmail.com](mailto:lymanarchitects@gmail.com)  
Navy  
DSE  
South Kitsap Fire District  
South Kitsap School District  
Puget Sound Energy  
Water Purveyor  
Sewer Purveyor  
Point No Point Treaty Council  
Suquamish Tribe  
Port Gamble S'Klallam Tribe  
Squaxin Island Tribe

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Puyallup Tribe  
WA Dept of Fish & Wildlife  
Interested Parties:  
    Jennifer Davis, [5sistersandadog@gmail.com](mailto:5sistersandadog@gmail.com)  
DCD Staff Planner: Katharine Shaffer



## Administrative Staff Report

Report Date: April 15, 2019

Application Submittal Date: March 20, 2019

Application Complete Date: March 21, 2019

**Project Name:** Ciarelli Conditional Wavier from View Blockage

**Type of Application:** Conditional Wavier from View Blockage

**Permit Number:** 19-01014

### Project Location

4395 Beach Drive E  
Port Orchard, WA 98366  
Commissioner District #2

### Assessor's Account #

172402-2-011-2000

### Applicant/Owner of Record

Robert and Susan Ciarelli  
PO Box 854  
Manchester, WA 98366

### Decision Summary

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

### VICINITY MAP



### 1. Background

Robert and Susan Ciarelli have applied for a Conditional View Blockage Waiver to construct a replacement single-family residence.

### 2. Project Request

The application proposes to demolish an existing single-family residence and construct a new single-family residence 25' from the property. The existing lot has a narrow rear dimension making it difficult to place a conforming structure. The existing structure was built in 1943 and does not meet current zoning setbacks. Moving the new structure forward will intrude in the adjacent neighbor's view line but will allow the applicants greater use of their property. Application was analyzed and conditioned based on criteria in Kitsap County Code 22.400.135.D, Conditional Wavier Procedure.

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

The proposed project is SEPA exempt under Kitsap County Code 18.04.090.A.1

**4. Physical Characteristics**

The subject property is a shoreline parcel and is 0.16 acres. The lot width at the rear of the property is 21.95 feet and it widens as it approaches the shore to 47 feet.

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

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	N/A	1 single family residence (replacement)
Maximum Density	1 dwelling unit per 5 acres	
Minimum Lot Size	5 acres	Existing lot
Maximum Lot Size	N/A	Existing lot
Minimum Lot Width	140'	Existing lot
Minimum Lot Depth	140'	Existing lot
Maximum Height	35'	35', See Condition 1
Maximum Impervious Surface Coverage	N/A	N/A
Maximum Lot Coverage	N/A	N/A

Applicable footnotes:

17.120.060.A.42. The following exceptions apply to historic lots:

- a. Building setback lines that do not meet the requirements of this title but were legally established prior to the adoption of this title shall be considered the building line for alterations, remodels, and accessory structures on the lot or parcel; providing, that no structure or portion of such addition may further project beyond the established building line.
- b. Any single-family residential lot of record as defined in Chapter 17.110 that has a smaller width or lot depth than that required by this title, or is less than one acre, may use that residential zoning classification that most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks from the property lines.

Staff Comment: *The subject property is 0.16 acres and meets the criteria for KCC 17.120.060.A.42.b. Urban Restrictive (UR) is the most closely related zone to the dimension requirements of Kitsap County 17.420.052 to the subject property. Table 2 describes the setbacks requirements for the UR zone and the proposed zoning setbacks for the application.*

**Table 2 - Setback for Zoning District**

	Standard	Proposed
Front: North	20 feet	25 feet
Side: East	5 feet	9 feet
Side: South	5 feet	5 feet

Rear: South	10 feet	82 feet
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**Table 3 - Surrounding Land Use and Zoning**

Surrounding Property	Land Use	Zoning
North	None, Port Orchard Bay	None, Port Orchard Bay
South	Single Family Residence	Rural Residential
East	Single Family Residence	Rural Residential
West	Single Family Residence	Rural Residential

**Table 4 - Public Utilities and Services**

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Kitsap County
Police	Kitsap County Sherriff
Fire	South Kitsap Fire and Rescue
School	South Kitsap School District #402

**5. Access**

The subject property is accessed off Beach Drive E which is a County maintained road.

**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 are already well-served by schools, public transportation, commercial facilities, and have adequate infrastructure to support alternative modes of transportation.*

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)
Chapter 20.04	Transportation Facilities Concurrency Ordinance
Chapter 21.04	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	March 21, 2019
Letter from neighbor: Gulberg	March 21, 2019
Letter from neighbor: Elliot	March 21, 2019
Narrative	March 21, 2019
Site Plan	March 21, 2019

**9. Public Outreach and Comments**

Staff received an inquiry on the project. The person inquiring wanted to be an interested party but had no formal comment.

**10. Analysis**

**a. Planning/Zoning**

Single-family detached residence is permitted in the zone per Kitsap County Code 17.410.042. 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. Please see Condition 2.

**Table 5 - Parking Table**

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-family residence	3 per 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 landscape requirements.

**Table 6 - Landscaping Table**

	Required	Proposed
Required Landscaping (Sq. Ft) 15% of Site	N/A	N/A
Required Buffer(s) 17.500.025	N/A	N/A
North	N/A	N/A
South	N/A	N/A
East	N/A	N/A
West	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 with the building permit.

**i. Environmental**

22.400.135.D. Conditional Waiver Procedure.

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 existing lot is narrow at the southern end and widens as it goes north toward Beach Drive E. The lot width at the rear of the property is 21.95' and the lot width at the front of the property is 47 feet. Other properties in the vicinity are narrow but do not have the pinched, narrow, rear like the subject property. The other properties have more of a rectangle shape. Please see map below:*



*If the proposed house adhered to the established view line, the new, proposed house would be reduced to an unusable width and would prevent access to the existing garage. The existing home does not meet current zoning setbacks. By moving the proposed single-family residence forward of the view line, all zoning setbacks can be met.*

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: Kitsap County Code 22.400.135.D a and b are the same requirements. Please see above mentioned comments. This is a Scribner's error in the code.*

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 existing structure on the property was built in 1943, prior to the County's permit requirements and before the Shoreline Master Program was enacted. The current owners of the property purchased the subject property in 2017 and inherited the narrow lot. The current owners did not aid in creating the narrow lot.*

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;



*Staff Comment: Submitted with the applicant are two letters from the adjacent neighbors supporting the proposal. The circumstances around the subject property supports the intent of the conditional waiver procedure.*

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 letters of support from the adjacent neighbors demonstrate no harm will come to them. 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 KCC Title 22, Kitsap County Shoreline Management Master Program.*

**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 17.540.020 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 Decision.

**12. Findings**

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 17.540.040.A, the Department of Community Development recommends that the Ciarelli Conditional View Blockage Waiver be approved, subject to the following 4 conditions:

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

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

#### **b. Development Engineering**

None

#### **c. Environmental**

3. Project shall not further intrude into the view line than by established by this waiver. The proposal allows for the single-family residence to be 25' from the property line.
4. Permit approval subject to verification of the shoreline view line at the foundation inspection.

#### **d. Traffic and Roads**

None

#### **e. Fire Safety**

None


#### **f. Solid Waste**

None

**g. Kitsap Public Health District**

None

**Report prepared by:**

  
\_\_\_\_\_  
Katharine Shaffer, Planner / Project Lead

April 15, 2019  
Date

**Report approved by:**

  
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Shawn Alire, DSE Supervisor

April 15, 2019  
Date

**Attachments:**

Attachment A – Zoning Map

CC: Applicant/Owner: Robert and Susan Ciarelli, bigblue4@cox.net  
Interested Parties: Jennifer Davis, 5sistersandadog@gmail.com  
DCD Staff Planner: Katharine Shaffer

Site Plan

