



Administrative Staff Report

Report Date: October 25, 2022

Application Submittal Date: June 13, 2022

Application Complete Date: June 27, 2022

Project Name: Bautista – 6.1-foot front setback Zoning Variance

Type of Application: Zoning Variance (Type II)

Permit Number: 22-02896

Project Location

2128 NE Old Copper Beech Dr
Poulsbo, WA
Commissioner District 1

Assessor's Account

012501-3-095-2005

Applicant/Owner of Record

Karen & Ronnel Bautista
2128 NE Old Copper Beech Dr
Poulsbo, WA

Decision Summary

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

1. Background

Karen and Ronnel Bautista (hereafter, “the Applicant”) propose to construct a 720 square-foot detached garage within the required 50-foot front setback from the 30-foot easement running along the south property line. Per Kitsap County Code (KCC) section 17.560.010, a zoning variance may be granted for encroachment into a required zoning setback if the applicant meets all conditions listed.

The site is developed with a 2,232 square-foot single family home with an 808 square-foot attached garage, paved driveway, and septic system.

2. Project Request

The applicant requests a 6.1-foot reduction of the 50-foot required front setback from the 30-foot easement on the south property line due to the physical constraints on the property. Per the Copper Beech Estates Large Lot Subdivision established in 2019, “Per standard zoning front setback, buildings shall be constructed no closer than 50 feet from the easement or

VICINITY MAP



right-of-way from which they access.” (Condition #9, page 1 of 5) A 30-foot access easement runs along the south parcel line; therefore, the front setback is measured from the northern edge of the access easement. This places the proposed detached garage 73.9-feet away from the south parcel line. The proposed detached RV garage will be located south of the existing house and attached garage. The applicant will gain access to the detached garage from the existing driveway running along the east parcel line.

3. SEPA (State Environmental Policy Act)

The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington), is a state law that requires the County to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment.

This project is SEPA exempt per WAC 197.11.800.6(e).

4. Physical Characteristics

According to the Kitsap County Assessor, the subject site is 5.01 acres. The northeastern portion of the property is developed with a three-bedroom house, attached garage, and paved driveway. The septic and reserve drain field are located west of the existing home just outside of the required 25-foot vegetation buffer on the north property line. A storm basin benefitting all lots within the subdivision occupies the western portion of the property. A 30-foot powerline easement runs north to south in the central portion of the parcel. The entirety of the parcel is mapped as a moderate seismic hazard area. The western portion of the property to the center of the property has a 38% slope. The eastern portion of the property to the center of the property has a 10% slope. The existing house and proposed location of the detached RV garage are situated on the most level portion of the property.

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Rural Residential Zone: Rural Residential	Standard	Proposed
Minimum Density	NA	NA
Maximum Density	1 dwelling unit per 5 acres	
Minimum Lot Size	5 acres	NA
Maximum Lot Size	NA	NA
Minimum Lot Width	140	NA
Minimum Lot Depth	140	NA
Maximum Height	35 feet	22.11 feet
Maximum Impervious Surface Coverage	NA	NA
Maximum Lot Coverage	NA	NA

Table 2 - Setback for Zoning District

	Standard	Proposed
Front (South)	50 feet	73.9 feet from property line, 41.9 feet from easement
Side (West)	5 feet for accessory structures	288.1 feet
Side (East)	5 feet for accessory structures	16.7 feet
Rear (North)	5 feet for accessory structures	68.10 feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Undeveloped and Common Area	Rural Residential (RR)
South	Undeveloped and single-family residence	Rural Residential (RR)
East	Undeveloped and single-family residence	Rural Residential (RR)
West	Agriculture and single-family residence	Rural Residential (RR)

Table 4 - Public Utilities and Services

	Provider
Water	Kitsap PUD #1
Power	Puget Sound Energy
Sewer	Septic
Police	Kitsap County Sheriff
Fire	Central Kitsap Fire & Rescue
School	North Kitsap School District #400

5. Access

The subject site gains access via the existing driveway off South Keyport Road.

6. Site Design

The detached RV garage will be located approximately 4 feet from the existing attached single-family residence and attached garage.

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, and amended in 2018 and 2020.

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

Land Use Goal 13

Protect Kitsap County's unique rural character.

Land Use Policy 51 Permit residential uses in rural areas consistent with the planned rural character of the surrounding area.

Land Use Policy 55

Encourage development practices and design standards for the rural area, such as minimizing changes in grade from pre-development site conditions in order to maximize native vegetation retention.

Environment Goal 3

Reduce the risk of damage to life, property, and the natural environment through appropriate regulatory and incentive-based approaches in land use, transportation, and development engineering programs.

Environment Policy 13

Use the best scientific information available to direct how functions and values of critical areas are preserved or enhanced.

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)
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	June 13, 2022
Site Plan	September 16, 2022
Plat Map/Conditions	January 29, 2019
Final Health Approval (BSA)	October 28, 2021
Garage Construction Plans	October 21, 2021

9. Public Outreach and Comments

No public comments were received.

10. Analysis

a. Planning/Zoning

Per 17.560.010 Conditions for grating 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 Comment: Condition #9 on the Copper Beech Estates Large Lot Subdivision (page 1) states, "Per the standard zoning front setback, buildings shall be constructed no closer than 50 feet from the easement or right-of-way from which they access." This condition requires the applicant to construct a total of 80 feet from the south (front) property line. With the additional 30-foot powerline easement running north and south in the center of the property, the large stormwater basin easement (provided for all lots) located in most of the western portion of the property, the required 25-foot native vegetation buffer along the north property line, and the steep slopes in the central and western portions of the parcel, the applicant is severely restricted to constructing buildings in the northeast portion of the property. The proposed location for the detached RV garage is the best and most feasible location due to the constraints mentioned.

- 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;

Staff Comment: The proposal is consistent with the residential use of the property and neighboring properties. Although other properties in the Copper Beech Estate Large Lot Subdivision may have to comply with Condition #9, they do not have similar critical area and additional easement constraints severely limiting them to one corner of their property for development. Allowing the 6.1-foot zoning variance provides the applicant with the minimum relief necessary for the enjoyment of their property.

- 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

Staff Comment: Approval of a 6.1-foot front setback reduction still provides a buffer of 73.9 feet from the south property line and 41.9 feet from the access easement. Only one other parcel (Lot 7) to the east will use the access easement near the detached RV garage. Allowing the zoning variance will not negatively affect the neighboring properties.

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

Staff Comment: Given the previously discussed limitations of steep slopes, easements, and natural vegetation buffer requirements, a 6.1-foot front setback reduction is the minimum necessary to grant relief to the applicant.

b. Lighting

Lighting was not analyzed as part of this proposal.

c. Off-Street Parking

Additional parking is not required for an accessory structure such as a detached RV garage.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Accessory Structures	NA	NA	NA
Total	NA	NA	NA

d. Signage

No signage is proposed or required.

e. Landscaping

Per KCC 17.500.010, single-family lots are exempt from landscaping requirements.

Table 6 - Landscaping Table

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

f. Frontage Improvements

Not applicable; there are no frontage improvement requirements for this project.

g. Design Districts/Requirements

Not applicable; the subject property is not located within a design district.

h. Development Engineering/Stormwater

Permit type does not require this review.

i. Environmental

The parcel is in a moderate seismic hazard area and will require a Geotech assessment as part of the building permit review prior to construction.

j. Access, Traffic and Roads

Permit type does not require this review.

k. Fire Safety

Permit type does not require this review.

l. Solid Waste

Permit type does not require this review.

m. Water/Sewer

Permit type does not require this review.

n. Kitsap Public Health District

Permit type does not require this review.

11. Review Authority

The Director has review authority for this application under KCC 21.04.100. The Director may approve, approve with conditions, or deny the application.

12. Findings

The Department of Community Development has determined that this application meets all four zoning variance criteria as outlined at KCC 17.560.010 “Conditions for granting a variance.” The criteria are detailed above in section 10 Analysis.

13. Decision

Based upon the analysis above and the decision criteria found in Kitsap County Code, the Department of Community Development recommends that the application be **approved** subject to the following conditions:

a. Planning/Zoning

1. This permit shall comply with all of the conditions of approval of the land segregation for LOT 1, LARGE LOT NO. 367, RECORDED UNDER AUDITOR'S FILE NO(S). 201902070167, IN VOLUME 03 OF LARGE LOTS, PAGE(S) 57-61, BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 01, TOWNSHIP 25 NORTH, RANGE 1 EAST, W.M., IN KITSAP COUNTY, WASHINGTON; SUBJECT TO AND TOGETHER WITH EASEMENTS AS DEPICTED ON SAID LARGE LOT.
2. All setbacks must be verified during the footing inspection for compliance consistent with this decision.
3. 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.
4. The decision set forth herein is based upon representations made and exhibits contained in the project application (#22-02896). 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.
5. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.

b. Development Engineering

6. Comply with all applicable Kitsap County storm drainage requirements noted in Kitsap County Code Title 12 and the Kitsap County Stormwater Design Manual.

c. Environmental

7. A geotech assessment must be provided with the building permit application to support the feasibility of construction in proposed location due to the moderate seismic hazard area covering the entirety of the parcel.

d. Traffic and Roads

8. None

e. Fire Safety

9. None

f. Solid Waste

10. None

g. Kitsap Public Health District


11. None

Report prepared by:

Carla Lundgren
Carla Lundgren, Staff Planner / Project Lead

10/25/2022
Date

Report approved by:



Scott Diener, DSE Manager, DCD

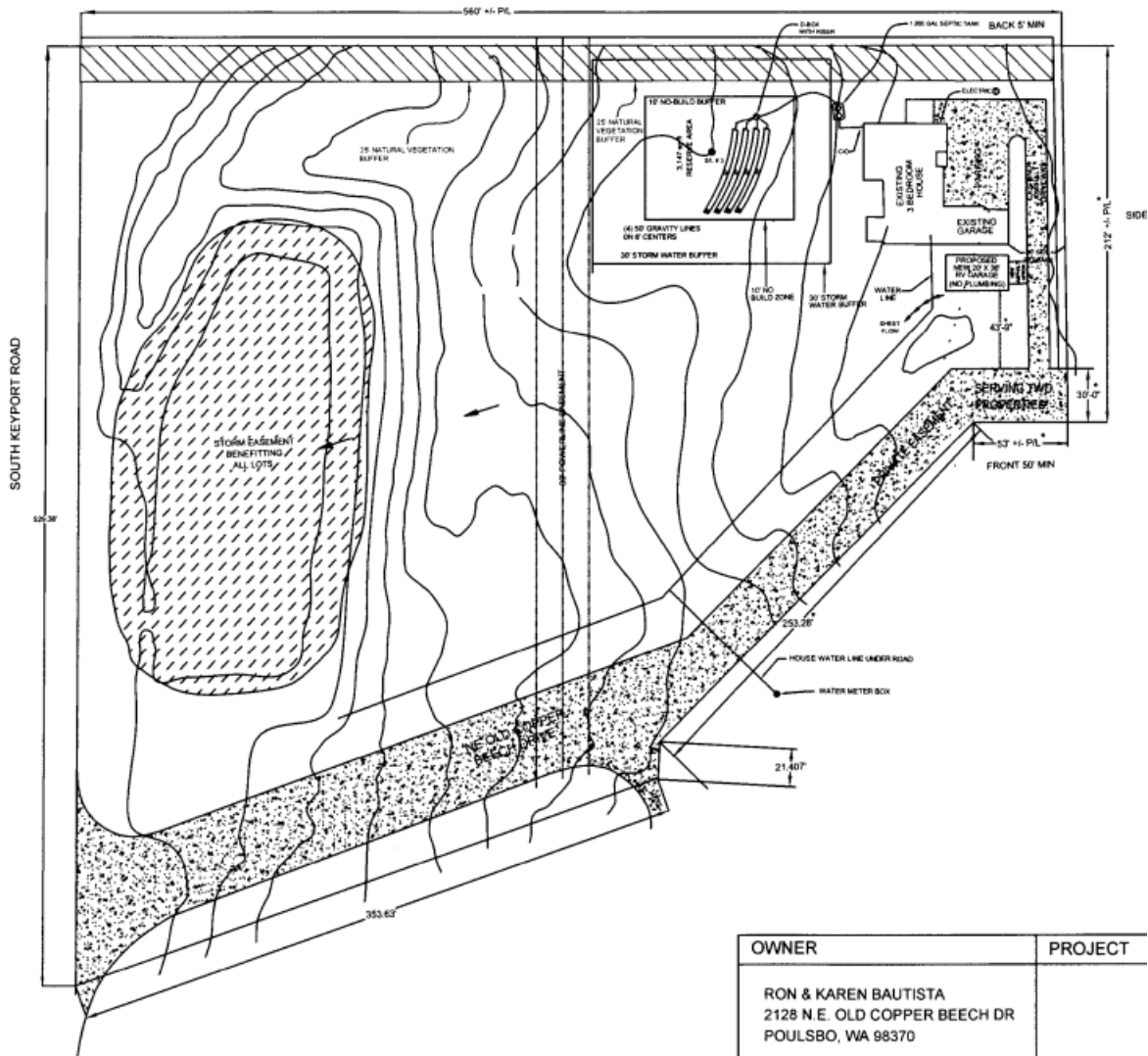
10/25/2022
Date

Attachments:

- Attachment A – Ariel Imagery
- Attachment B – Critical Areas Map
- Attachment C – Zoning Map
- Attachment D – Plat Conditions & Plat Map

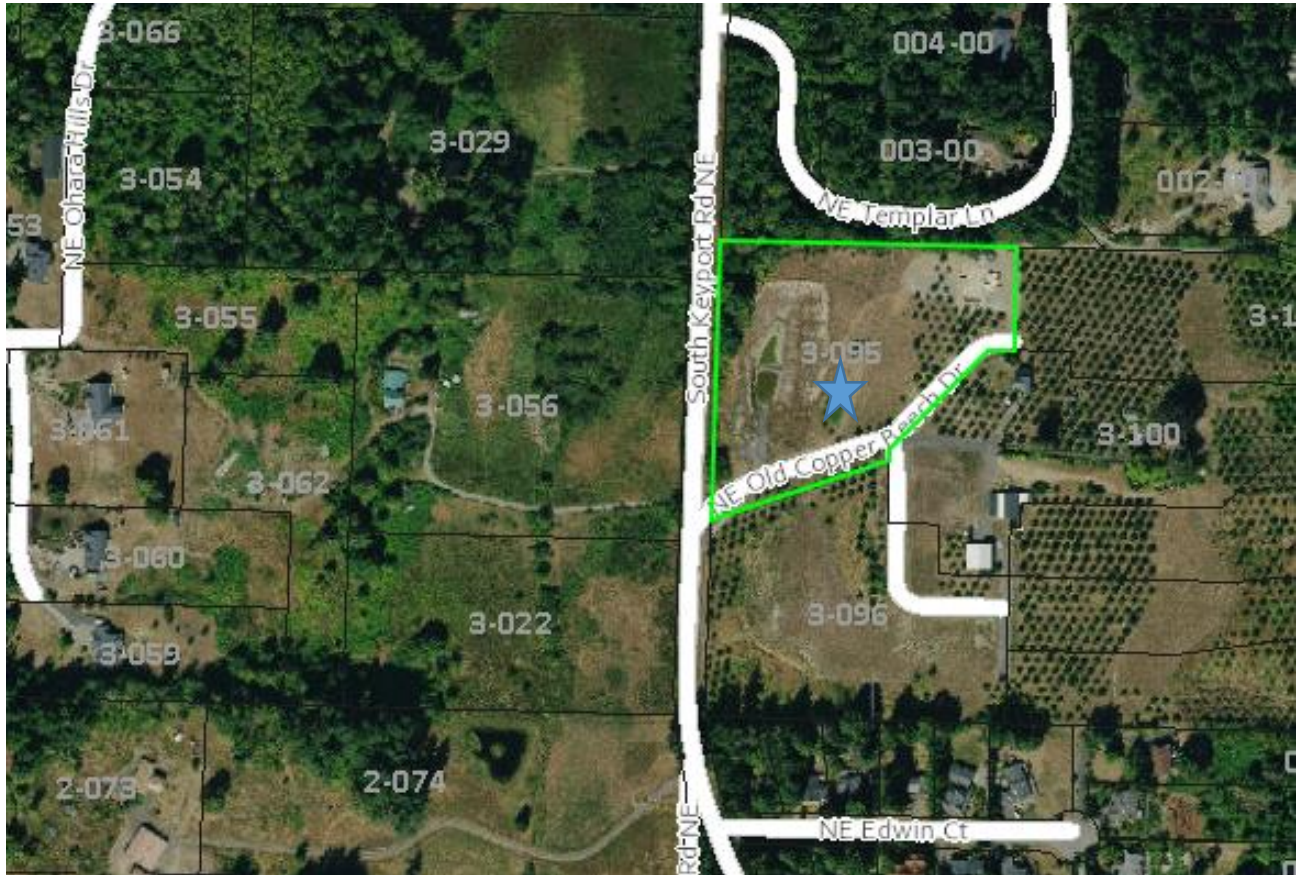
CC: Karen & Ron Bautista - R.bautista@comcast.net
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Staff Planner: Carla Lundgren

Site Plan

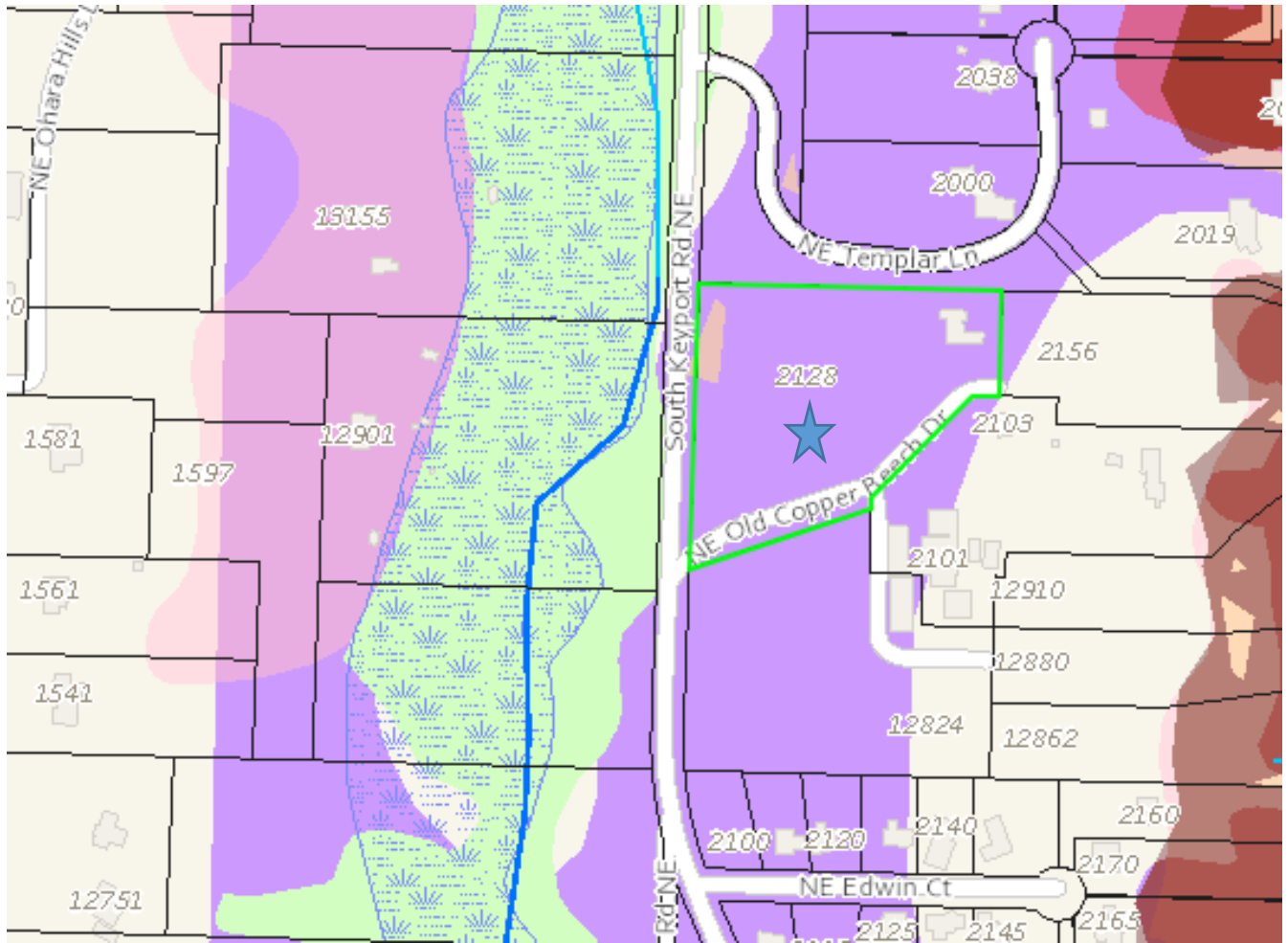


OWNER	PROJECT
RON & KAREN BAUTISTA 2128 N E. OLD COPPER BEECH DR POULSBO, WA 98370	

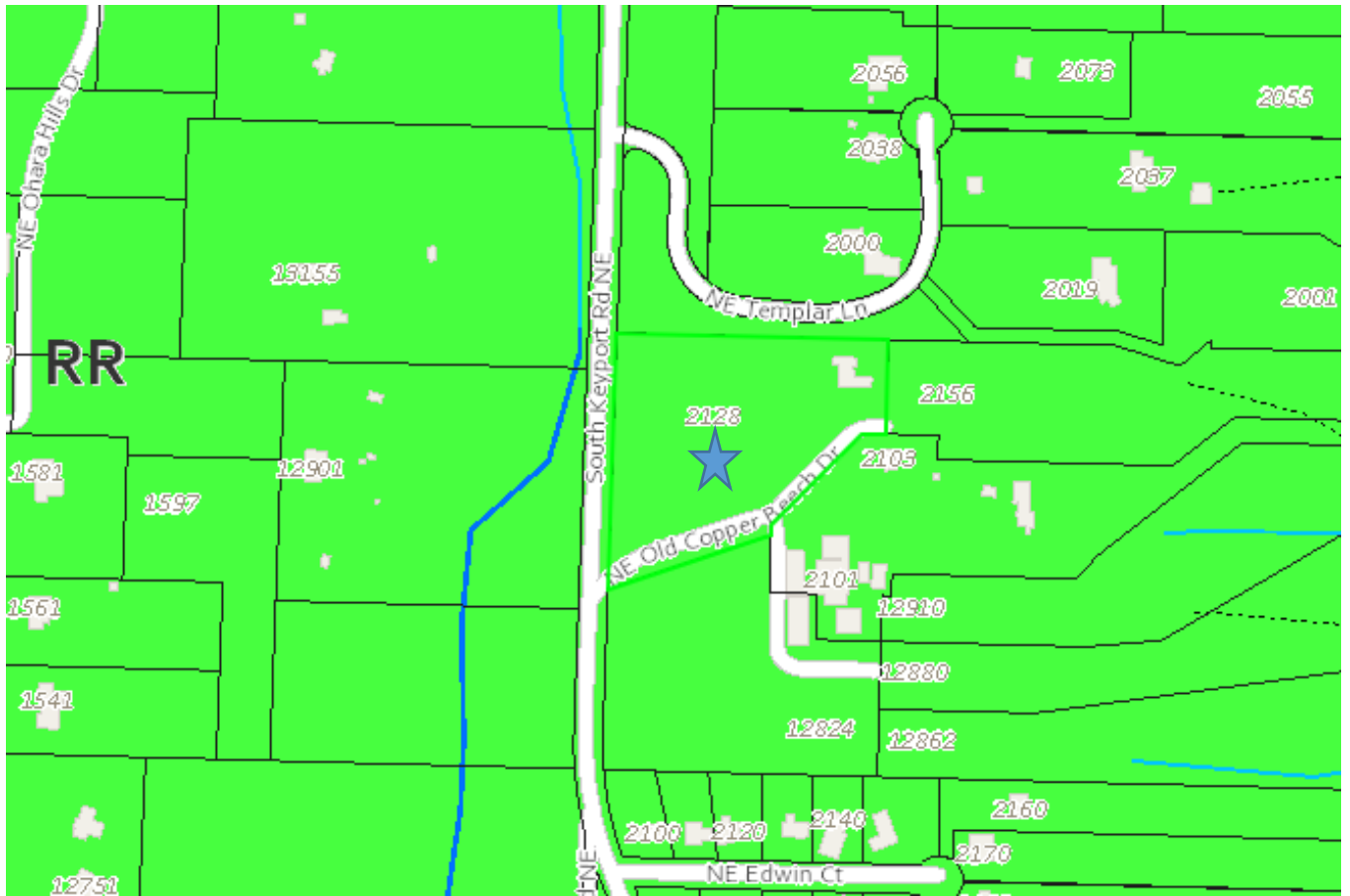
ATTACHMENT A: Aerial Imagery



ATTACHMENT B: Critical Areas Map



ATTACHMENT C: Zoning Map



ATTACHMENT D: Plat Conditions & Plat Map

Copper Beech Estates Large Lot Subdivision

Computed locations per
Volume 18 of Surveys,
Pages 233A-C

Legal Description

That portion of Government Lot 4, Section 1, Township 25 North, Range 1 East, W.M., in Kitsap County, Washington, described as follows:

Beginning at the southwest corner of said Government Lot 4, thence north along the west boundary of said Government Lot 907.5 feet, more or less, to a post wire fence which is the south boundary of tract of land heretofore conveyed to Jessie Coleman by F.O. Ekstedt and Hanna Ekstedt, husband and wife, in deed dated March 22, 1906 and filed April 2, 1906 in Book 44 of Deeds, Page 719, under Auditor's File No. 30788; thence east and following said post and wire fence parallel to the south line of said section 1060 feet; thence South 74° East 140 feet; thence North 49° East 81 feet; thence North 12° East 49 feet, more or less, or the the original line 420 feet south of the south line of Government Lot 3; thence east on original line 530 feet, more or less, to the United States Government meander line; thence following said meander line southerly to the meander corner at the southeast corner of said Government Lot 4, said corner being 907.5 feet south of north line of this description; thence west on the section line 1759.37 feet to the point of beginning;

EXCEPT that portion for road conveyed to Kitsap County, Washington, by deed recorded under Auditor's File Number 425251;

AND EXCEPT any portion lying within the Plat of Rosecross per Volume 27 of Plats, Pages 133-135, records of Kitsap County, Washington.

Found iron pipe (6/28/2012)

Methods & Instrumentation

This survey employed the use of a Carlson BRX 6 dual-frequency receiver/antenna linked to the SmartNet RTN and a Leica TPS 1200 or Carlson CR2+ robotic total station measuring closed traverses with multiple observations per control traverse point.

Survey Standards

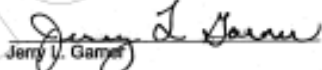
Meets or exceeds minimum requirements of WAC 332-130.

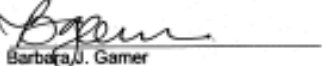
Owner Declaration

Know all men by these presents, that Jerry I. Gamer owners in fee simple of the land hereby pla new easements depicted hereon for the us

A pedestrian and beach access easement is 7 hereon. Said easement shall encompass il Native Vegetative Cover Retention Area Auditor's File Number 201806080049.

In witness whereof we have set our hands:


Jerry I. Gamer


Barbara J. Gamer

Acknowledgements

State of Hawaii)
County of Maui)

On this 27th day of undersigned, a Notary Public in and for the commissioned and sworn, personally appt and wife, to me known to be the individua

Conditions

1. All interior roads shall remain private.
2. All lots shall access from interior roads only.
3. Property owners within this subdivision shall be responsible for maintenance of all landscaping within the existing and proposed right-of-way including any structures other than roadway, storm drainage facilities, and traffic signage. Maintenance shall include, but not be limited to, mowing of lawn areas.
7. All native vegetation buffers shall be maintained as depicted on the plat. No cutting or clearing shall occur within the buffers. Hazardous trees within the buffers may be removed upon review and approval of Kitsap County. Replanting of removed trees may be required.
8. The property within this Large Lot Subdivision shall have a perpetual covenant prohibiting any substantial development within the Southwest Quartet of Section 1, Township 25 North, Range 1 East, W.M.
9. Per the standard zoning front setback, buildings shall be constructed no closer than 50 feet from the easement or right-of-way from which they access.
10. If access to any building for Lot 2 is from the interior 30-foot wide easement thereon, the building shall comply with the standard zoning front setback of 50 feet.
11. Lot 6, Buildings G, H, and I, shall not be used as an agricultural building because they do not comply with 50-foot wide setbacks from all property lines.
12. Trees, brush and vegetation (collectively "Vegetation") on the uplands for lots 3, 4, 5 and 7 OR that is closer than fifty feet (50') from the upland "Top of Bank" of these Lots as reflected hereon, shall not be permitted to grow in excess of eighteen feet (18') in height. Height shall be measured from the lowest point of the base grade at the base of the tree, brush or vegetation, and extending in a horizontal plane as measured therefrom over the Lot. Enforcement of this provision shall be in accordance with Paragraph 5.15 of the Copper Beech CC&Rs recorded under Auditor's File No. _____.
13. All trimming, pruning and removal of native vegetation within the Native Vegetative Cover Retention Easement reflected hereon and recorded under Auditor's File No. 201806080049 shall be completed in compliance with the Kitsap County Critical Areas Ordinance, including without limitation the requirements set forth in Kitsap County Code 19.400.410 as may be amended.
14. Additional impervious surfaces created on an individual lot beyond the amount accounted for in the overall drainage facilities, and shown in the table, shall be mitigated in accordance with Kitsap County Code Title 12.



Copper Beech Estates Large Lot Subdivision

