



KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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Larry Keeton, Director

STAFF REPORT

RECOMMENDATION TO THE HEARING EXAMINER

Date: February 8, 2008

Application Date: May 3, 2006

Project: Wilson Garage Variance

Type of Application: Conditional Use Permit **Project #:** 07 50258

Project Description:

The request is for a variance to the required 20-foot front yard setback in KCC 17.382.090 Rural Sub-Area Density and Dimensions Table, Manchester Village Residential lot requirements, to allow a two-car garage, approximately 480-square feet to encroach 10 feet into the required front yard setback along E Hemlock Street. The applicant's variance request is based on limited building area because the project site is corner lot, fronting on two streets and the location of the existing house. The proposed garage access is from E Hemlock Street.

Project Location:

The subject property is located at 2085 Spring Street E., Manchester South Kitsap County.

Assessor's Account #: 4524-003-008-0203

Applicant and Owner:

Michael E. Wilson
5816 18th ST. CT NW
Gig Harbor, WA 98335

State Environmental Policy Act (SEPA) Status:

Pursuant to WAC 197-11-800, the Responsible Official has determined that the Wilson setback variance is SEPA exempt.

Physical Characteristics:

The subject property is 0.20 of an acre (8,712 square feet)). The property is comprised of three platted lots (Lots-10, 9, and half of 8), created through the recording of Davis Addition to Manchester subdivision. In 1936, the property went into foreclosure because of the lack of payment of taxes. The County sold the property and reserved 10-foot

from lots 8 and 9 as a tax title strip. The existing house is located on the west side of the property that was constructed in the 1936 without a garage. The property slopes down from the west to the east with two terraces. Kitsap County resource maps for Geological Hazard Areas and Aquifer Recharge Areas show the property is located within a moderate hazard area overlay and within Category-I Aquifer Recharge Area respectively. On April 27, 2007, the applicant recorded a Boundary Line Adjustment to change the configuration of the three lots (running north and south) created through subdivision to two lots (running east to west) one with the house and the other vacant.

Comprehensive Plan Designation and Existing Zoning:

The community of Manchester is designated a Local Area of More Intensive Rural Development (AMIRD). The subject property’s zoning and comprehensive plan designation is Manchester Village Residential (MVR) per Kitsap County Code (KCC) Chapter 17.321C.020. The MVR designation applies to areas within the Manchester Village where the platting of parcels has been most intense, primarily along Alaska and California Avenues and in the downtown area (average lot size .25 acres). The subarea plan and zoning code acknowledges these historic developed lots and sets both minimum developable and minimum divisible lot sizes.

Minimum Lot Area = 10,890 square feet *
Maximum Lot Area = N/A

Minimum Lot Width = 60-feet
Minimum Lot Depth = 60-feet

Maximum Density = 4-dwelling units/acre

Minimum Setbacks = 20-feet front yard
= 5-feet side yard
= 5-feet rear yard

* See Footnote No. 12 Nonconforming Lots in Single Ownership

Surrounding Land Use and Zoning:

The subject property is located in an area with similar sized parcels on slopes, which include single-family homes with zoning of MVR.

Public Utilities and Services:

Water: Manchester Water District
Power: Puget Sound Energy
Sewer: Kitsap County
Police: Kitsap County Sheriff
Fire: South Kitsap Fire and Rescue

Schools: South Kitsap School District No. 402

Transportation Review:

The property currently receives access from E. Spring Street to the west. Hemlock Street E abuts the north side of the property, but access is not provided. Both streets have a functional classification as local access roads. Development Engineering has reviewed transportation issues and issued a memorandum of preliminary approval, dated February 5, 2008.

Stormwater Facilities:

Development Engineering has reviewed storm drainage and issued memorandum of preliminary approval, dated, February 5, 2008.

Off-Street Parking:

Single-family homes require two off-street parking spaces pursuant to KCC 17.435 Off-Street Parking and Loading. The property owner appears to only provide one off-street space with on-street parking in front.

Policies and Regulations Applicable to the Subject Proposal:

Stormwater Drainage, Title 12

Zoning, Title 17, (February 15, 1999/ as amended)

- Chapter 110 Definitions
- Chapter 321C Manchester Rural Village
- Chapter 382 Density, Dimensions and Design
- Chapter 400 Land Use Review
- Chapter 435 Off-Street Parking and Loading
- Chapter 500 Variances
- Chapter 520 Appeals
- Chapter 525 Revocations of Permits or Variances

KCC, State Environmental Policy Act, Chapter 18.04

Kitsap County Critical Areas Ordinance, Title 19, (Adopted May 7, 1998 and as amended December 2005)

Kitsap County Land Use and Development Procedures Title 21, (May 18, 1998 and as amended)

Kitsap County Comprehensive Plan (May 7, 1998 and as amended)

The following provisions are Goals of the Comprehensive Plan addressing the utility element:

Goal 6

Allow for the designation of LAMIRDs outside of the UGA based on existing rural residential communities or villages, areas mixed use activity, isolated areas of small-scale commercial/industrial activity and historic towns.

Policy RL-31 Encourage new development within designated LAMIRDs to strengthen the desirable characteristics and the historic character of the village community. New development should be supported by necessary public facilities and services, and compatible with historic resources and nearby rural or resource uses. Development should be kept compact, promoting pedestrian travel within the designated area.

Analysis:

The County will review the application for consistency with criteria in KCC Section 17.500, Variances, to see if the applicant has demonstrated that there are unusual circumstances with the land and if the development is physically suitable for the site. The Review Authority will be the Kitsap County Hearing Examiner consistent with Title 21 of the Kitsap County Code (KCC).

Front Yard Setback Variance

The Hearing Examiner can authorize a variance of any numerical standard but only when there is unusual circumstances associated with the property that creates a hardship. The applicant has requested a variance to allow the proposed garage to encroach 10-feet into the required 20-foot front yard setback along E. Hemlock Street KCC Section 17.382.090 Rural Sub-Areas Density and Dimensions Table 17.435.020.E.

The variance shall be made only when all the following conditions and facts exists:

- 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;

The applicant states there are special circumstances due to the unusual shape of the property and steep topography. The existing house was constructed in 1936 on the west half of the parcel that is at grade with Spring Street E. The rest of the property terraces down to the east half of the parcel, which is relatively flat. The Applicant cannot construct a garage next to the house with access to Spring Street E., due to the sloping topography of the parcel and location of the house in relation to its orientation to Spring Street E. The 10-foot strip reserved by Kitsap County from lots-8 and 9 created an irregular shaped lot limiting options for siting the garage.

Comment:

Staff concurs with the applicant that there are special circumstances with topography of the property and the County reserving the 10-feet of the property for the tax title strip created a more irregular shaped parcel. A provision in KCC Section 17.382.110 Footnotes #41, exceptions to apply to front yard setbacks, lots with multiple front

yard, the setback can be reduced to 5-feet on the side which the lot does not receive access. Staff agrees with the applicant that this provision is not feasible due to the location of the house, and steep slopes. However, the slopes are not significant enough to prevent the garage from meeting the setback off E Hemlock Street.

- B. Such a 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;

The applicant's use of the property would be adversely impacted if the variance was not granted. In order to provide enjoyment and use of the property, the garage and driveway needs to be located where it does not adversely impact the view of Puget Sound from the house, consume too much of the back yard with a garage, a larger concrete driveway, and/or be situated too far from the house on the lower level. If the garage setback was measured 20-feet from the edge of Lot-9, an additional 420 square feet of the backyard, garage would be aesthetically look out of place in orientation to the house and add 210-square feet of impervious surface.

Comment:

Staff agrees that the applicant should enjoy similar property rights to the neighbors to the subject property who already have garages to store two vehicles. Appears the applicant only has one uncovered off-street parking space. Staff does not consider the applicant's concern that the required garage setback will impact the view of Seattle enjoyed by neighbors as a substantial property right.

- 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

This parcel is one of the most visible properties in Manchester. The applicant has completed a total renovation of the home and property and constructing a new Craftsman-style garage would improve the aesthetics of the property even more and enhance the quality of the neighborhood. Since the garage would be situated substantially below the road grade of Spring Street, the height of the garage should not impact the adjacent property owners(s) and certainly not affect the view corridor.

Comment:

Staff believes that the proposed garage encroachment of 10-feet into the required 20-foot front yard setback will not be detrimental to the public welfare or injurious to property in the vicinity. There should not be any sight distance or other safety issues created with the relaxation of the development standard.

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

The applicant states the variance is the minimum needed to grant relief to applicant since measuring the setback at 10-feet from Lot-9 would allow for the construction of the garage. If the variance is not granted, the applicant will not construct a garage due to the above adverse impacts.

Comment:

Review of the site plan and the project site it appears that the garage is modest in size and in scale with the properties in the vicinity. Staff believes there is a feasible alternative by moving the garage further into the backyard, consistent with the required front yard setback of 20-feet. The applicant's request for a variance is not supportable because the property owner has created his own hardship.

Public Comments:

The County, pursuant to KCC Title 21, Land Use, and Development Procedures, gave proper public notice. The Department has not received public comments to date.

- County Health District: A letter dated January 22, 2008 recommends approval with conditions.
- County Development Engineering: A memorandum dated February 5, 2008 recommends approval, subject to conditions.
- County Fire Prevention Bureau: No comments.
- Public Input: No comments received to date.

Recommendation:

Based upon the above findings, staff recommends that the Variance application request for the Wilson Garage Variance be **denied**, based the above variance criteria.

- cc: Michael E. Wilson, 5816 18th ST. CT NW, Gig Harbor, WA 98335
- Interested Parties: **(None)**
- Kitsap County Health District, MS-30
- Kitsap County Parks & Recreation Dept., MS-6
- Kitsap County Development Engineering / Public Works
- DCD Staff Planner Jeff Smith
- DCD Code Enforcement
- Hearing Examiner
- Clerk of Hearing Examiner
- DCD File
- DCD Building Permit File