



Administrative Staff Report

Report Date: January 02, 2024

Application Submittal Date: September 25, 2023

Application Complete Date: October 31, 2023

Project Name: Caldwell Administrative Zoning Variance

Type of Application: Administrative Zoning Variance

Permit Number: 23-04567

Project Location

No Address Assigned

Kingston, WA 98346

Commissioner District 1

Assessor's Account

4317-000-032-0101

Applicant/Owner of Record

Jason Chakravarty and Jennifer Caldwell

8202 NE State Hwy 104

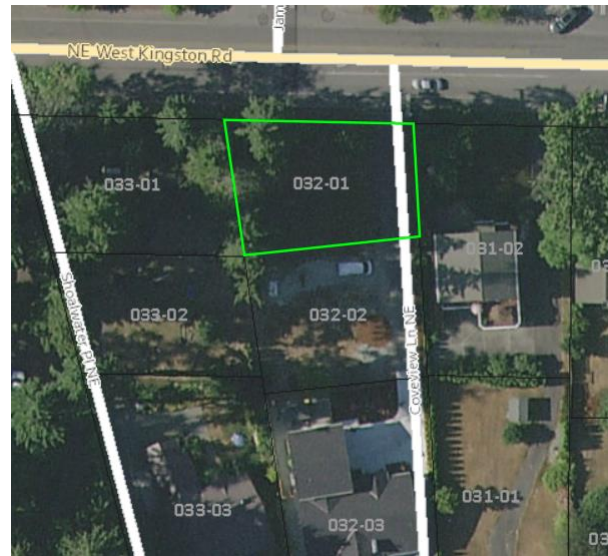
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Kingston, WA 98346

Decision Summary

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

VICINITY MAP



1. Background

The undeveloped 0.13-acre subject property is zoned Urban Low Residential. The parcel abuts NE West Kingston Rd to the north, and Coveview Ln NE follows along the east parcel line, creating two front setbacks.

Because the property is approximately 94' x 56' (5,663 square feet), a variance is the only feasible way the applicant can fit a single-family residence and fit all the necessary appurtenances. The project is evaluated for setback reduction under Kitsap County Code 17.560 Variances.

2. Project Request

The applicants are requesting an administrative zoning variance to reduce the non-accessed front setback from 20' to 15' (25%) to allow the construction of a single-family residence (Permit # 23-02102).

3. SEPA (State Environmental Policy Act)

Proposal was SEPA exempt per Kitsap County Code 18.04.090.A.b

4. Physical Characteristics

The property is undeveloped and is a skewed rectangle shape measuring approximately 94' x 56' (5,663 square feet)

Table 1 - Comprehensive Plan Designation and Zoning

Comprehensive Plan: Urban Low-Density Residential Zone: Urban Low	Standard	Proposed
Minimum Density	5 dwelling units per 1 acre	The subject property is existing and not creating a new lot
Maximum Density	9 dwelling unit per 1 acres	
Minimum Lot Size	2,400 square feet	
Maximum Lot Size	9,000 square feet	
Minimum Lot Width	40 feet	
Minimum Lot Depth	60 feet	
Maximum Height	35 feet	
Maximum Impervious Surface Coverage	N/A	
Maximum Lot Coverage	N/A	

Table 2 - Setback for Zoning District

	Standard	Proposed
Front : North	20 feet for garage, 10' for habitable area	15 feet (Reduced from 20 feet)
Front :West	20 feet for garage, 10' for habitable area	20 feet
Side: East	5 feet	5 feet
Side: South	5 feet	5 feet

Table 3 - Surrounding Land Use and Zoning

Surrounding Property	Land Use	Zoning
North	Single-Family Residence	Urban Medium (UM)
South	Single-Family Residence	Urban Low Residential (UL)
East	Single-Family Residence	Urban Low Residential (UL)

West	Single-Family Residence	Urban Low Residential (UL)
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Table 4 - Public Utilities and Services

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

5. Access

Access is off Coveview Ln NE

6. Site Design

Analyzed under Section 10 of this report.

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 amended in 2018 and 2020.

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

Housing, Human Services Policy 11. Promote fair housing to ensure that all residents of Kitsap County have an equal and fair opportunity to obtain safe and sanitary housing suitable to their needs and financial resources, regardless of race, religion, gender, sexual orientation, age, national origin, family status, income, disability, or other protected class.

Housing, Human Services Policy 12. Identify and remove regulatory barriers and limits access to or the provision of a diverse affordable housing supply.

Housing, Human Services Policy 14. Disperse affordable housing opportunities throughout the County.

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	September 27, 2023
Site Plan	September 27, 2023
Variance Narrative	December 5, 2023
Building Elevation and Floor Plans	September 27, 2023
Water Availability Letter	September 27, 2023
Sewer Availability Letter	September 27, 2023
Stormwater Worksheet	October 16, 2023

9. Public Outreach and Comments

The variance request for this project to reduce the front setback along NE West Kingston Road from 20ft to 15ft (25% reduction), requires a Type II permit review process with a decision by the Kitsap County Department of Community Development Director. Kitsap County prepared a notice of application consistent with Kitsap County Code (KCC) 21.04 published on December 11, 2023. No comments were received.

10. Analysis

a. Planning/Zoning

Kitsap County Code 17.560.010 Conditions for granting a variance:

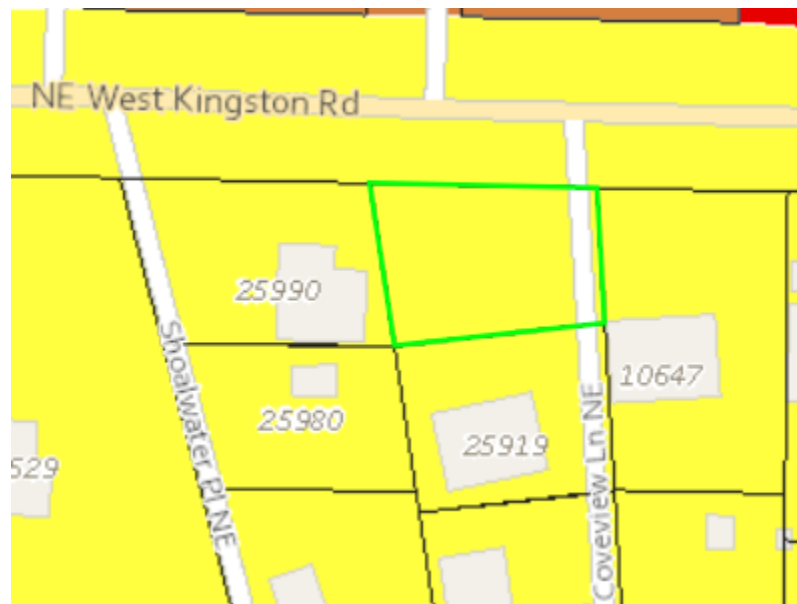
- A. There are special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, that were not created by the applicant and do not apply generally to other property in the same vicinity or zone;

Staff Comment: The subject property abuts NE West Kingston Rd to the north and Coveview Ln NE to the east. This creates two fronts on the parcel requiring a 20’ building

setback. The parcel itself is restricted in size (0.13 acres), limiting where a structure can be placed. The applicant purchased the property in 2023. The lot was already created. The applicant did not create this hardship.

The single-family residence directly to the east is on longer lot and does not abut a second road. The parcel to the west is larger in size(0.16), while it abuts a second road, it has a larger width . The limited square footage of the lot, with two 20' fronts does not generally apply to these properties which are in the same vicinity as the subject property.

The subject property has Coveview Dr NE running along its eastern parcel line, at a width of 20', along with a 5' utility easement running along the inside of Coveview Dr NE. The subject property is 5,663 sq ft approximately with the two 20' fronts, the utility easement, and remaining setbacks, it would leave approximately 2,742 square feet or 48% of the lot remaining to construct the home. The home is proposed to be 2,287 square feet of habitable space. The lot would have enough room for a driveway, garage, and sanitation. The only portion of the structure that would extend into the front setback is the front access stairway by 5'. This property size, relative to the county setbacks, creates a "special circumstance" to any construction on this property.



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 applicant is asking for the same rights and privileges as the surrounding properties which is a three-bedroom home with a garage. Imposing the 20-foot front setback along NE West Kingston Rd. would extremely limit the enjoyment of the property for the applicant.

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: Proposed construction within the front setback along NE West Kingston Rd. will not damage the area in any way. The customer is proposing a single-family residence that is consistent with other uses in this zone.

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

Staff Comment: The approximately 2,287 sf home two-story residence includes three bedrooms and a garage. Other properties in the surrounding vicinity generally have the same size.

b. Lighting

Lighting was not analyzed for this proposal.

c. Off-Street Parking

The proposal is located in a High Capacity Transit Station Area (per Kitsap County Code 17.700 Appendix E1) and has the ability to have its garage count for off-street parking. The proposal has 277 sf of driveway reserved for parking. The applicant also proposes a two-car garage. The proposal has enough for two required parking spaces.

Table 5 - Parking Table

Use Identified in 17.490.030	Standard	Required Spaces	Proposed Spaces/Existing Spaces
Single-Family (attached or detached)	2 Spaces. Due to being in a High-Capacity Transit Station Area, Garages count toward that requirement	2	2 proposed
Total			2 = meets requirement

d. Signage

Signage was not analyzed for this proposal.

e. Landscaping

Landscaping was not analyzed for this proposal per Kitsap County Code 17.500.010: Single-family lots shall be exempt.

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

Frontage improvements are not required for this proposal.

g. Design Districts/Requirements

This proposal is not within a design district.

h. Development Engineering/Stormwater

No comments at this time.

i. Environmental

No comments at this time.

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.

11. Review Authority

The Director has review authority for this Administrative Conditional Use Permit application under KCC, Sections 17.540.020 and 21.04.100. The Director may approve, approve with conditions, or deny an Administrative Conditional Use Permit.

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, the DCD recommends that the application be **approved**, subject to the following conditions:

a. Planning/Zoning

1. All required permits shall be obtained prior to commencement of land clearing, construction and/or occupancy.
2. 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.
3. The decision set forth herein is based upon representations made and exhibits contained in the project application. 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.
4. The authorization granted herein is subject to all applicable federal, state, and local laws, regulations, and ordinances. Compliance with such laws, regulations, and ordinances is a condition to the approvals granted and is a continuing requirement of such approvals. By accepting this/these approvals, the applicant represents that the development and activities allowed will comply with such laws, regulations, and ordinances. If, during the term of the approval granted, the

development and activities permitted do not comply with such laws, regulations, or ordinances, the applicant agrees to promptly bring such development or activities into compliance.

b. Development Engineering

N/A

c. Environmental

N/A

d. Traffic and Roads

N/A

e. Fire Safety

N/A

f. Solid Waste

N/A

g. Kitsap Public Health District

N/A

Report prepared by:

Izzy Lotz

December 28, 2023

Izzy Lotz, Project Lead

Date

Report approved by:

Katharine Shaffer

December 28, 2023

Katharine Shaffer, Planning Supervisor

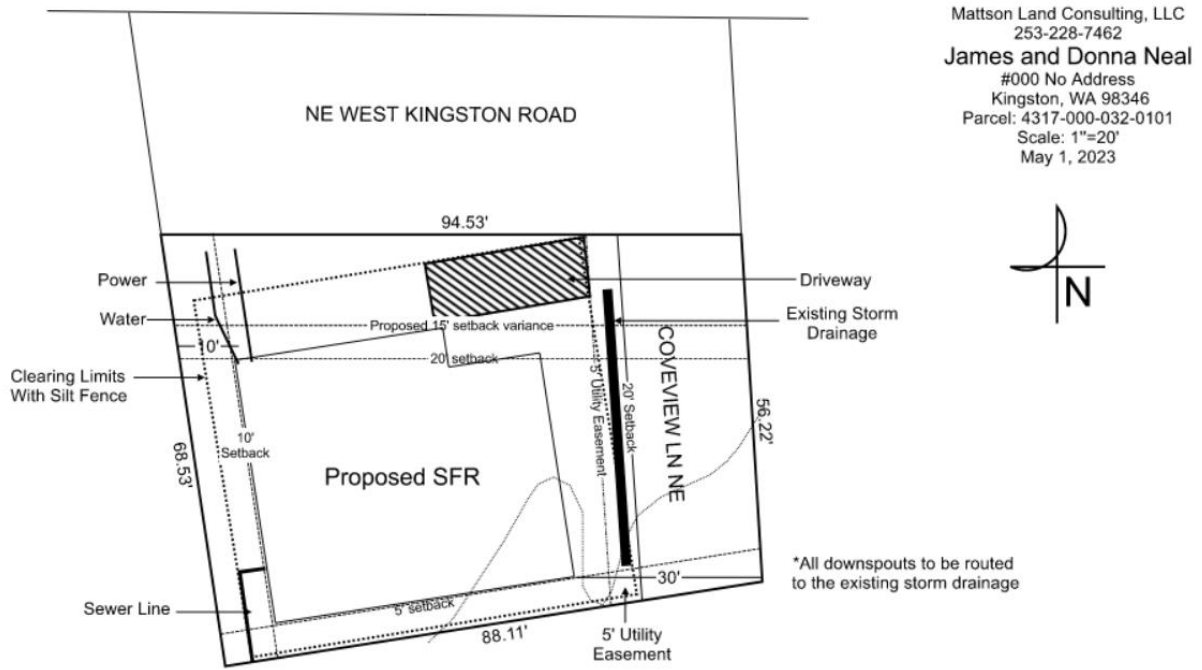
Date

Attachments:

Attachment A – Zoning Map

CC: Applicant/Owner email: Jennifer Caldwell and Jason Chakravarty
Interested Parties: None
Kitsap County Health District, MS-30
Kitsap County Public Works Dept., MS-26
DCD Planner: Izzy Lotz

Site Plan



Attachment A – Zoning Map:

