



Notice of Hearing Examiner Decision

02/08/2024

To: Interested Parties and Parties of Record

RE: Project Name: Broere Zoning Variance (ZVAR)
 Applicant: Paul & Kathleen Broere
 8884 NW Anderson Hill Rd
 Silverdale, WA 98383
 Application Type: Zoning Variance (ZVAR)
 Permit Number: 22-03678

The Kitsap County Hearing Examiner has **APPROVED** the land use application for **Permit #22-03678 Broere Zoning Variance (ZVAR)**, subject to the conditions outlined in this Notice and included Decision.

THE DECISION OF THE HEARING EXAMINER IS FINAL, UNLESS TIMELY APPEALED, AS PROVIDED UNDER WASHINGTON LAW.

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at:

<https://kitsapgov.com/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf>

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 by contacting the Department of Community Development; if you wish to view the case file or have other questions, please contact help@kitsap1.com or (360) 337-5777.

CC: Owner/Applicant: Paul & Kathleen Broere, broere@wavecable.com
 Designer: Tom Herstad Building Design, tom@tomherstad.com
 DSE & PEP
 Health District
 Public Works
 Parks
 Kitsap Transit
 Central Kitsap Fire District
 Central 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
Puyallup Tribe
WA Dept of Fish & Wildlife
WA State Dept of Ecology-SEPA
WA State Dept of Transportation
Interested Parties: None

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BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY

Phil Olbrechts, Hearing Examiner

RE: Kathleen and Paul Broere Zoning Variance File No. 22-03678	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.
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INTRODUCTION

Kathleen and Paul Broere request approval of variance to encroach 25 feet into a 50 foot front yard setback to construct a garage at 8884 NW Anderson Hill Road, Silverdale. The variance is approved subject to conditions.

ORAL TESTIMONY

A computer-generated transcript of the hearing has been prepared to provide an overview of the hearing testimony. The transcript is provided for informational purposes only as Appendix A.

EXHIBITS

Exhibits 1-11 listed in the Index to the Record prepared by County staff were admitted during the hearing.

FINDINGS OF FACT

Procedural:

1. Applicant. Kathleen and Paul Broere, 8884 NW Anderson Hill Road Silverdale, WA 98383.
2. Hearing. The Hearing Examiner conducted a virtual hearing on the application at 9:00 am on January 25, 2024.

Substantive:

3. Site/Proposal Description. Kathleen and Paul Broere request approval of variance to encroach 25 feet into a 50-foot front yard setback to construct a 480 square

1 foot garage at 8884 NW Anderson Hill Road, Silverdale. KCC 17.420.052 imposes a
2 50-foot front yard setback for parcels in the RP zone. The subject parcel is zoned RP.

3 The subject parcel is 1.6-acre shoreline parcel that is developed with a 2,540-square-
4 foot single-family residence and a 364-square-foot carport. The proposed garage is for
5 the purpose of storing electric vehicles and will have solar panels to power these
6 vehicles. Having electric and solar amenities will aid in the preservation of the property.
According to the staff report, the 480 square foot area is just large enough to
accommodate two vehicles and does not have excess space for other uses. The
Applicant notes that its carport is only large enough to accommodate two small vehicles
and it will be used for just one vehicle once the proposed garage is constructed.

7
8 4. Characteristics of the Area. The project area is bordered on the south, east
and west with single-family homes zoned RP. Anderson Road abuts the property to
the south. There are several properties (8880, 9040, and 9200 NW Anderson Hill Road)
9 on the same street that also have structures within the established 50 setback.

10 5. Adverse Impacts. No significant adverse impacts are anticipated from the
11 proposed variance.

12 The proposed garage will be fully hidden due to existing trees and vegetation. The rural
13 character would remain.

14 The subject property has high geologic hazards approximately 135' from the proposed
15 garage. Submitted with the application was a geologic report prepared by All American
16 Geotechnical dated December 2022. The report states, "The development site, while
17 within 200 feet of two different landslide/bluff mappings, is in no danger of landslide
failure or mass wasting." The report also states, "we recommend that the project
proceed." The project will be conditioned to follow the recommendations of the report.

18 Fire safety was analyzed under the building permit 22-02044. Kitsap County Fire
19 Marshal's staff reviewed and approved the proposal.

20 Stormwater review was done under the building permit 22-02044. Kitsap County
21 engineering staff reviewed the proposal and approved.

22 6. Special Circumstances for Front Yard Setback. A large cliff qualifies as a special
23 circumstance of the subject property. The cliff, located on the northern side of the
24 parcel along the shoreline, pushes development toward NW Anderson Hill Road. In
25 addition, the subject property has two tiers due to the slope; only the upper tier is
available for building, however a required 50-foot setback would render the garage
impractical, impinge on the existing home, require tree removal and driveway
destruction. The lower tier is too remote from the driveway and impinges upon the
septic fields.

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CONCLUSIONS OF LAW

Procedural:

1. Authority of Hearing Examiner. KCC 21.04.100 provides that critical area zoning variances involving requests that exceed 25% of bulk and dimensional standards are Type III decisions. As outlined in KCC 21.04.110, the Type III process involves an open record hearing held by the hearing examiner and a final decision issued by the hearing examiner.

Substantive:

2. Zoning Designation. The property is currently zoned Rural Protection.

3. Review Criteria. KCC 17.560.010A governs the criteria for zoning variances. Pertinent criteria are quoted below and applied via corresponding conclusions of law.

Variance

KCC 17.560.010A: *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;*

10. Criterion met. The criterion is met for the reasons identified in Finding of Fact No. 6.

KCC 17.560.010B: *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;*

11. Criterion met. The criterion is met. The variance is necessary for an enclosed garage, which is a development amenity available to most owners of single-family homes.

KCC 17.560.010C: *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*

1 12. Criterion met. The criterion is met for the reasons identified in Finding of
2 Fact No. 5.

3 **KCC 17.560.010D:** *The variance is the minimum necessary to grant relief to the*
4 *applicant.*

5 13. Criterion met. The criterion is met. As noted in Finding of Fact No. 3, the proposed
6 garage size is the minimum necessary to accommodate two vehicles.

7 **DECISION**

8 Based upon the conclusions of law above, the zoning variance application is approved
9 subject to the following conditions:

- 10 1. All required permits shall be obtained prior to commencement of land clearing,
11 construction and/or occupancy.
12 2. This Variance approval shall automatically become void if no building permit
13 application is accepted as complete by the Department of Community Development
14 within four years of the Notice of Decision date or the resolution of any appeals.
15 3. The decision set forth herein is based upon representations made and exhibits
16 contained in the project application (Permit 22-03678). Any change(s) or deviation(s)
17 in such plans, proposals, or conditions of approval imposed shall be subject to further
18 review and approval of the County and potentially the Hearing Examiner.
19 4. The authorization granted herein is subject to all applicable federal, state, and local
20 laws, regulations, and ordinances. Compliance with such laws, regulations, and
21 ordinances is a condition to the approvals granted and is a continuing requirement of
22 such approvals. By accepting this/these approvals, the applicant represents that the
23 development and activities allowed will comply with such laws, regulations, and
24 ordinances. If, during the term of the approval granted, the development and activities
25 permitted do not comply with such laws, regulations, or ordinances, the applicant
agrees to promptly bring such development or activities into compliance.
5. The project shall follow the recommendations of the submitted geologic report
prepared by All American Geotechnical dated December 2022.

Dated this 8th day of February, 2024.

Phil Olbrechts

Phil Olbrechts,
Kitsap County Hearing Examiner

Appeal Right and Valuation Notices

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Pursuant to KCC 21.4.100 and KCC 21.04.110, this decision is a final land use decision of Kitsap County and may be appealed to superior court within 21 days as governed by the Washington State Land Use Petition Act, Chapter 36.70C RCW.

Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

Appendix A

January 25, 2024 Hearing Transcript

Broere Zoning Variance – 22-03678

Note: This is a computer-generated transcript provided for informational purposes only. The reader should not take this document as 100% accurate or take offense at errors created by the limitations of the programming in transcribing speech. For those in need of an accurate rendition of the hearing testimony, a hearing recording can be acquired from Kitsap County.

Examiner Olbrechts: [\(00:05\)](#):

Okay, great. It is January 25th, 2024, 9:00 AM I'm Phil Alre, a hearing examiner for Kitsap County. We have a couple applications to review this morning. The first one we're going to do is the front setback zoning variance. That's file number 22 dash 3 6 7 8 from the brewers. The hearing format will be start off with a presentation from staff. Then from there we'll go on to the applicants if they wish to participate. Then public comments. If there are any members of the public out there who want to add something, then we go back to staff to answer questions, provide any rebuttal evidence they find necessary. Then applicant gets final word and I get 10 business days, a couple of weeks to issue a final decision. So I'm going to share my screen at this point and show you the documents that'll be considered in this hearing. This is something that staff put together rather.

[\(00:55\)](#):

These are exhibits that staff honored me to take a look at in preparation for this hearing, as should be shown on the screen here, I have one through 11 documents, 10 and 11 are documents yet to be put into the record, but the record is proposed by staff's, composed by their staff report, application forms, site plan, or geotechnical report. There's some slopes on this property health district approval, the notice for the application, an addendum to the application, a notice of the hearing and certification of public notice staff presentation, which will be the upcoming PowerPoint and hearing sign in. At this point, I just want to ask if anyone has any objections to entry of these documents or needs to see any of these to see if they object. Just raise the virtual hand on your zoom screen if you have any problems with those documents or need to see them Not seeing any takers on this. I'll go ahead and admit exhibits one through 11. So let me stop my share and who's going to be the staff person on this one?

Ms. Shaffer: [\(01:56\)](#):

Hi, my name is Catherine Schafer.

Examiner Olbrechts: [\(01:58\)](#):

Okay, Ms. Schaffer, let me swear in. Just raise your right hand. Do you swear affirm tell the truth and nothing but the truth in this proceeding?

Ms. Shaffer: [\(02:04\)](#):

I do.

Examiner Olbrechts: [\(02:04\)](#):

Okay, great. Go ahead.

Ms. Shaffer: (02:07):

Alrighty. They're going to pull up the PowerPoint really quick. Okay. Well again, good morning. My name is Catherine Schafer and I'm the current planning supervisor and I'm here today to present the rower zoning variance. The application proposes to reduce the required 50 foot front setback to 25 feet to allow for the construction of a 480 square foot detached garage. The request for a 50% reduction,

(02:59):

Our Kitsap County Code 21 0 4 100 review authority table, and this presentation intends to augment and further support the staff report prepared by the department. Okay, we're going to start with the vicinity. Right now it's the general vicinity of the entire county. The large red arrow points to the shoreline subject property, which is located off of Anderson Hill Road in Central Kitsap Commissioner District number three, and we've zoomed in a little bit and this is the zoning map. The subject property is zoned rural protection, which is shown in green and there's a little bit of purple over there to the east. And the P stands for park. So as you can tell, very much a rural protection surrounding the subject property. This zone promotes low density rural development and agriculture activities that are consistent with rural character and protects environmental features such as steep slopes, wetlands, and streams. The zoning setbacks for this parcel are established in Kitsap County Code 17 4 20 density, density dimensions and design and include a 50 foot front setback to the south property line along Anderson Hill Road. That is what we're here to reduce aside setbacks to the east and west are 20 feet for primary structures and five feet for accessory structures like the proposed garage and the rear setback is governed by the shoreline, which is 130 foot buffer.

(04:39):

Okay, here is the most recent aerial that the county has. This is from 2021, and this shows the subject property, which is 1.6 acres and it's currently developed with a 2,540 square foot single family residence and a 364 square foot carport. Also, the aerial shows development consistent with the rural protection zone with single family homes and garage structures along either side of the subject property in a little bit to the east as well, but we'll show you a more zoomed out aerial as we go along. Next is the critical area map. The pink red area represents erosion and landslide areas, and then the individual pink lines represent five foot contour lines. So the close to the lines are together, the steeper the slopes, so as you can see, the lines are very close together on that northern portion of the parcel. So that's a very significant slope, estimated about 50%. So these hazards as well as the shoreline buffer are pushing development forward closer to Anderson Hill. There was a hazardous areas geologic report prepared by all American geotechnical submitted with the application. It was dated December of 2022, and the report stated that the development site while within 200 feet of two different landslides slash bluff mappings is no danger of landslide failure or mass wasting. The report also stated, we recommend that the project proceed. The project is conditioned to follow the recommendations of the report. I believe that is condition number five in the staff report.

(06:28):

So next is the site plan, and I do apologize that we've been looking at one orientation of the parcel and then the site plan is a different portion. If I turned it to the same portion. The site plan didn't show up very well on the PowerPoint, so I do apologize it's a different orientation now, however, this is a great depiction of the different constraints on the property, for example, so the garage does meet the five foot setback required for accessory structures. This does depict the constraints of the lot. For example, you can see on the southern portion of the property you've got a primary drain field, which includes a no build portion, so you can't build within the primary drain field as well as the area around it. So it does say a no build line as well. So that whole portion is unavailable to house this garage.

[\(07:28\)](#):

And then as shown, the steep slopes take up about 40% of the subject property. Again, as I mentioned, pushing that development forward towards Anderson Hill Road. And then like I mentioned also earlier, the contour lines are five foot interval lines. So if you note the contour lines near the home, those contour lines make the subject property tiered. So it's two different tiers. So there are a lot of design elements that you can negate that tier with a single family residence. So for example, you can have a daylight basement if you're building into a hill, but it's really difficult to have a garage be two tiered.

[\(08:11\)](#):

Next here is the neighboring property. So this is a zoomed out version of the street, as you can see to the east, 8, 8, 8, 80. It has an attached garage that is within the zoning setback buffer, and then we go a little bit further to the west for 9040, and that also has an accessory structure within the front setback. So it's not uncommon for this particular street in area to have these accessory structures within the front setback, the neighbor to the east. That structure was built in 1972, so it would be considered legal non-conforming, but it does fit with the character of the vicinity.

[\(09:04\)](#):

Okay, now we're going to get to the variance criteria. So kit County code 17 5 6 0 1 0 conditions for granting 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 and undue hardship in the application of this title, the granting of such a variance shall be in public interest. A variance shall be made only when all the following conditions and facts exist. So the first one is there are special circumstances applicable to the subject property including size, shape to topography, I apologize, location or surroundings that were not created by the applicant and do not generally apply to other properties in the same vicinity or zone. So the subject property is a shoreline parcel with a large cliff on the northern side that pushes development towards Anderson Hill Road. Though other properties on the same side of the street are also shoreline properties with difficult topography, not all of them, for example, the neighbors across the street experienced these type of challenges.

[\(10:21\)](#):

The topography and the shoreline were not created by the applicant. In addition, the subject property has those two tiers that I mentioned. The upper tier is available for building, however, the 50 foot setback would impinge on the existing home. If you had to push, if the proposed garage had to meet that setback, it would be in the area of that single family residence and the lower tier would impinge on the drain field and the septic B, such a variance is necessary for the preservation and enjoyment of substantial property, right, or use of the, of the applicant possessed by the owners of the other properties in the same vicinity or zone. The proposed garage is for the purpose of storing electric vehicles and will have solar panels to power these vehicles. Having electric and solar amenities will aid in the preservation of the property. There are several properties, as I mentioned before, on the same street that also have structures within the established 50 foot setback.

[\(11:32\)](#):

The authorization of such variance will not be materially detrimental to the public welfare for bear or injurious to property in the vicinity or zone in which the property is located. The proposed garage will be fully hidden due to the existing vegetation on site due to the vast screening from the existing trees. Neighbors in the vicinity may not notice the garage once it goes in, so they may not even know it's there because of the vegetation around it. The real character would remain. So D, the variance is the minimum necessary to grant relief for the application. The proposed garage is only 480 square feet with no plumbing proposed and it will accommodate two cars. No other spaces proposed within the

structure, for example, not like a working area or anything like that, it's just a parked two cars. So this is considered a small request. Staff found the proposal consistent with the comprehensive plan and the zoning standards for the rural protection zone in Kitsap County Code Title 17 and the proposal meets the criteria for zoning variance in Kitsap County Code 17 5 60 0 1 10 as analyzed in section 10 A of the staff report. The department recommends approval with five conditions and I'd be happy to address any questions.

Examiner Olbrechts: ([13:02](#)):

Okay, well first of all, maybe could kind of show me the two tiers on the property you're talking about. Back on one of the contour maps,

Ms. Shaffer: ([13:13](#)):

I think the critical area map would be the best. Okay, so if you look near the home, so the northern portion of the parcel, those lines together represent a steep slope. So those are all going like this and it's five foot intervals. And to measure the slope, you do rise over runs. So you take the distance and you measure, you count five. So if you look on the southern portion of the property, you see those three lines. So those are making the property, and I know I'm making some hand gestures kind of like this, so it'd be difficult to put a garage in that area because it's too tiered like that. And if we could zoom in. So if you also see the driveway to the proposed home, see where the car is parked. So in order they'd also have to augment the driveway and go, if they wanted to have a garage on that second tier, they'd have to take that driveway and cut into the slope.

Examiner Olbrechts: ([14:17](#)):

So are you saying the tiers are running east, west, then Basically in the front yard of the property, there are two tiers separated by five feet. So I

Ms. Shaffer: ([14:29](#)):

It's going east and west? Yes, correct.

Examiner Olbrechts: ([14:30](#)):

Okay, okay. Alright. Yeah. Okay. So if you built the garage further to the west, then there'd be a five foot difference that it has to deal with. Is that or five or 10 maybe? Correct, yes. Okay, okay.

Ms. Shaffer: ([14:46](#)):

And like I mentioned, for a single family resident you can design around that, but for a garage it's a little difficult.

Examiner Olbrechts: ([14:51](#)):

I see. I see. And why can't they push the garage further north from the property or from their front property line? Is that they need driveway access? Is that the limiting feature in that regard

Ms. Shaffer: ([15:05](#)):

North property line?

Examiner Olbrechts: ([15:07](#)):

No, I mean if they could just push the garage further away from the Anderson road further north, maybe we'd look at the site plan. Yeah, because I think they have a contemplated driveway there, but would they really not have enough room to access the garage if you pushed it further north?

Ms. Shaffer: [\(15:28\)](#):

Yeah, so for example, if you put it on, if you're looking at the house and it's to the east, they wouldn't meet the side setback if they put it parallel with the existing house. So there isn't a five foot setback on the on, but

Examiner Olbrechts: [\(15:42\)](#):

I mean if you just pushed it straight north so that it was 50 feet from the front lot line instead of 25. I mean right now how much there's, it looks like there's about 50 feet of separation between the house and the proposed garage. What if you made that 25? Is that pushing it over the two tiers of the property or what would be the problem in doing that?

Ms. Shaffer: [\(16:08\)](#):

And the applicant is online to give a little bit more context of those two tiers. So I think it would be too close to the existing house and then it may not be able to meet that other side setback too. If we were to push it more to the north and to the east

Examiner Olbrechts: [\(16:26\)](#):

China, the better was straight. There we go. And so have you looked at that site? Would it not be possible to reduce the size of the garage and still accommodate two electric vehicles? Is this really the minimum necessary? We don't have, there's no site plan of the garage and the record. I don't know how much space they really have and whether this is really the minimum necessary to accommodate a two car garage.

Ms. Shaffer: [\(16:52\)](#):

Okay. Well keep in mind, as I mentioned earlier, this is so that the cars can have solar panels to power the electric vehicles. So 480 square feet for garage is not very large. I've seen proposed garages that are 1200 square feet that have parking and shops and storage and things like that. So this is relatively small, it's not a large ask.

Examiner Olbrechts: [\(17:19\)](#):

Yeah, well I mean at the same time the encroachment isn't that 25 feet isn't that much. And if that can be avoided and still accommodate a two car garage, of course that's preferable. But you're saying this is not an unusually large garage and doesn't have a lot of shop space. So I guess that's the most important factor. And then of course, I guess another consideration building in the front yard is impacts on site distance. I mean we're near a curve, but it doesn't look like that's in this case. I just want to kind of confirm, is that correct?

Ms. Shaffer: [\(17:52\)](#):

That's correct. In fact, you can see the vegetation on,

Examiner Olbrechts: [\(17:56\)](#):

Oh there is

Ms. Shaffer: (17:56):

Right near Anderson Hill, so it's like a cove almost of trees. So like I mentioned in the presentation, if they were to build it, people may not even notice it.

Examiner Olbrechts: (18:07):

Right. It's not well

Ms. Shaffer: (18:08):

Screened.

Examiner Olbrechts: (18:09):

And where's the existing garage, the carport? Is that already gone or?

Ms. Shaffer: (18:15):

So the carport is to the west. The house was built in 2004, but I couldn't find a date for the carport. The applicant is online so he or she may be able to give a little bit more detail about the carport, but that's only 364 square feet and it's open. And if you notice, the driveway doesn't lead to the carport either, so it's not like they're driving to the carport to park.

Examiner Olbrechts: (18:41):

That might be more, I mean can we see the carport in this area because the site plan it's depicted, the other structures depicted as a shed, so I didn't know where the carport was.

Ms. Shaffer: (18:51):

Yeah, it's to the west of the house. Yeah, thank you.

Examiner Olbrechts: (18:54):

Oh that is okay. I thought the site plan said that was a shed.

Ms. Shaffer: (18:58):

Yeah, here we go. Yeah, I think it's a shed slash carport. They don't park in it, if you notice on the aerial, they're parked right in front of the

Examiner Olbrechts: (19:07):

House. Oh, okay. Okay. And the shed's going to stay there, is that correct?

Ms. Shaffer: (19:11):

Correct. And there's no ability to park in the shed either. There's no driveway that leads up to it.

Examiner Olbrechts: (19:17):

Oh, I see. Oh, okay.

Ms. Shaffer: ([19:19](#)):

It's like isolated. Yeah, and I think it's because of the tier, so I think you'd have to build the driveway to go down and then up.

Examiner Olbrechts: ([19:26](#)):

I mean why is it called a carport then if it's not used for that? I guess that's the part that kind of confused me. Yeah,

Ms. Shaffer: ([19:31](#)):

I'm not sure that's what the assessor called

Examiner Olbrechts: ([19:32](#)):

It. Oh I see. Called a carport. Okay. Gotcha, gotcha. Alright. That's what got me a little off. Okay.

Ms. Shaffer: ([19:38](#)):

Yeah.

Examiner Olbrechts: ([19:39](#)):

Okay. That all makes sense. Thank you. Alright, well let's move on to the applicants, if the applicants have anything they want to say. See we've got the brewers on wave cable.com if you want to say something now your chance. You don't have to though. That's okay.

Ms. Broere: ([19:53](#)):

No, it's not a problem. If you can hear me.

Examiner Olbrechts: ([19:55](#)):

Yeah, can hear you let, let me swear you in. Mr. Brewer, do you swear affirm tell the truth and nothing but the truth in this proceeding? Oh

Ms. Broere: ([20:01](#)):

Absolutely.

Examiner Olbrechts: ([20:02](#)):

Okay, great. Go ahead.

Ms. Broere: ([20:05](#)):

There actually is a carport where the car is seen on the picture is just outside the carport. It's attached to the house. Currently we have two cars that barely fit into there and it's going to be a one car garage, not two. So we plan to use the carport just to cover one of the cars.

Examiner Olbrechts: ([20:31](#)):

Oh, I see, okay.

Ms. Broere: ([20:32](#)):

Yeah, and if you moved it closer to the house, you would have no room to turn the car around.

Examiner Olbrechts: (20:40):

Okay. Yeah, that's what I thought.

Ms. Broere: (20:42):

Yeah, it's a pretty tight fit. So the area that you see with fresh gravel is pretty much where we replace the garage, but we might have a little cement apron because the garage will be a little higher elevation than a driveway. But if you can imagine turning around, we barely have enough room to turn around now when you back out of the carport and then go out along the driveway encroach on that, it would make it a real hazard or accidents

Examiner Olbrechts: (21:23):

Also

Ms. Broere: (21:24):

Along the green line, the northern portion of the property are very large dug furs and then there are magnolias, Japanese maples. There would be a lot of demolition involved to fit the garage closer to the house. We'd have to remove a lot of trees. It would make essentially a very large mess. We originally planned to have the garage made at the time the house being built in that site that you can see outlined with the crushed stone. We just didn't have the resources at that time to pursue that.

Examiner Olbrechts: (22:04):

And in terms of the garage design, is that really the minimum size you can have to fit one car and the solar panels

Ms. Broere: (22:14):

And we wanted to use the design is to fit in with the style of the house.

Examiner Olbrechts: (22:24):

So

Ms. Broere: (22:25):

It has the same features, the same slope roof and the direction of the roof pretty much base south. So when it comes time to place solar panels, we'll get a maximum exposure of the sun. So that's important.

Examiner Olbrechts: (22:47):

Yeah, because in a variance review of one major factor is it's the minimum waiver necessary to accommodate reasonable use, which in this case is really a two car garage and you're just asking for one and that's certainly a factor. So yeah, I just need to kind of confirm then that this is the space here you need for your garage pretty much is that's the minimum you need to Yeah, it's a garage. Pardon?

Ms. Broere: (23:14):

It's a one bay garage. One garage

Examiner Olbrechts: (23:16):

Door. Yeah. But there isn't a whole lot of storage space or something on the sides or workspace? No,

Ms. Broere: (23:23):

There'll be a stairway and we can just store some stuff upstairs.

Examiner Olbrechts: (23:26):

Oh okay, okay. Alright. Yeah. Okay. But on the first floor it's pretty much just fits a car and not much else, is that correct? Correct. Okay, perfect. Yeah, that's what I needed. Okay. Anything else sir?

Ms. Broere: (23:41):

No, we have the property it highly engineered for stormwater. Any roof line that you see has drains that go down to the beach, bypasses the slope. We have not had any activity on the slope at all as far as slides unless you go up right up to the last 20 feet or 30 feet on the north side. That's an area that has had some activity over the years. It's still, the project is 300 and some odd feet from that area. It's not going to impact on that. And we also have deep drains drilled under the ground that are directional drains that slide across the top of the placing that's underneath the lower tier and it drains all the deep water out and that runs all year round. So we have surface drains on that parallel the property. We have downspout drains and drains around the foundations that are tight lined down to the water. So there is no water hitting the ground except what hits the ground. In other words, there's no collected water from the roofs. That's all bypassing the property and we've had tremendous success. There have been no slides as you can tell by the vegetation on the slope. Everything has stayed put. We're really happy. And our neighbors as well, we're on the same team. They have curtain drains as well and we tie into one another because we're all looking for the same outcome. We don't want any slides at all.

(25:43):

Yeah, it was pretty much proposed when we built the house. We would like to do it now and so it's going to be a little encroachment. There's some very large cypress trees that completely hide the structure except for the very front and I've already on good terms with both neighbors and they're like, they really don't mind at all. It's not within their line of sight for their mountains and the view. They really don't have an opinion one way or another whether we proceed or not.

Examiner Olbrechts: (26:23):

Okay, thanks Mr. Brewer, that's really helpful comments really completed the record for us. So let me, at this point I'll see if there's anyone else out there want to add anything. I mean Ms. Schafer, there's still nobody in the council chambers, correct? Or Commissioner Chambers I should say? Correct. Alright. And not seeing if anyone out there wants to say something on this application, just raise your virtual hand at the bottom of your screen not seeing any. So I think at this point Ms. Shaffer, did you have any additional comments you wanted to make?

Ms. Shaffer: (26:53):

No, thank you so much for hearing our case.

Examiner Olbrechts: (26:55):

Yeah, it's a good case. I'll go ahead and close the hearing. Beautiful property out there and I think it looks like pretty good justification to approve it. I should be able to do that and we'll get that out in a

couple weeks. Mr four, thanks for participating today and as I mentioned, we'll get that decision out real soon. We'll go ahead and adjourn that hearing, move on to the next one.