



## CITY OF KIRKLAND

Planning and Community Development Department  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3225  
www.kirklandwa.gov

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### ADVISORY REPORT

### FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS

**Date:** March 30, 2012

**To:** Kirkland Hearing Examiner

**From:**  Eric R. Shields, AICP, Planning Director  
Sean LeRoy, Project Planner

**Subject:** APPEAL OF PLANNING DIRECTOR DECISION FOR VARIANCE REQUEST; ZONING PERMIT NO. ZON11-00031

**Hearing Date and Place:** April 19, 2012  
City Hall Council Chamber  
123 Fifth Avenue, Kirkland

#### I. INTRODUCTION

- A. Appellants: James McElwee, Don Prince, Wray Featherstone
- B. Action Being Appealed: Planning Director Decision to grant a variance to KZC 17.10.010, special regulation 5, requiring residential lots in the RS 35 zone to provide a 10,000 square foot permeable area.
- C. Issues Raised in Appeal: The appeal disputes the statement of fact in the Staff Report that King County had requested the applicant, Bob Bonjorni, to submit a lot line alteration while the subject property was under the County's jurisdiction. The appeal further objects on the basis that the Staff Report failed to examine alternative sites and sizes for the required permeable space.
- D. Request: The appeal requests that the Hearing Examiner reverse the Planning Department's favorable decision of the applicant's variance request.

#### II. RULES FOR THE APPEAL HEARING AND DECISION

Conduct the appeal hearing and take comments from parties entitled to participate in the appeal as defined in KZC 145.70. Decide to:

- A. Affirm the decision being appealed;
- B. Reverse the decision being appealed; or
- C. Modify the decision being appealed.

### III. HEARING SCOPE AND CONSIDERATIONS

- A. KZC 145.75 states that the scope of the appeal is limited to the specific factual findings and conclusions disputed in the letter of appeal.
- B. KZC 145.95 states that the person filing the appeal has the responsibility of convincing the Hearing Examiner that the Planning Director made an incorrect decision.

### IV. BACKGROUND & SITE DESCRIPTION

- A. Site Location: 6117 135<sup>th</sup> Ave NE (see Exhibit A).
- B. Zoning and Land Use: The site is zoned RSX 35, a low density residential zoning designation. The lot is 24,708 square feet and currently vacant.
- C. Proposal: The proposal is a request for a Zoning Code variance to the 10,000 square feet permeable space requirement, found in KZC 17.10.010.
- D. Staff review of variance application: Based upon the review of the application materials and several site visits, the Project Planner, Sean LeRoy, recommended approval by the Planning Director.
- E. Planning Director Decision: On February 22, 2012, the Planning Director approved the variance request (see Exhibit C).
- F. Appeal: On March 12, 2012, James McElwee, Don Prince and Wray Featherstone appealed the Planning Director decision to approve the variance (see Exhibit B).

### V. STAFF ANALYSIS OF ISSUES RAISED IN THE APPEAL

The letter of appeal raises two primary issues listed below. Staff response and analysis follows each:

- A. The appeal claims that: "The Planning Director incorrectly states as fact that the County requested the Lot Line Adjustment which created the relevant non-conforming lot." The appellants, as proof of their claim, point out that a copy of the County application reveals Bob Bonjorni as the requestor.

*Staff Response:* The applicant has indicated that the origin of the Lot Line Alteration (LLA) to have come out of the discussions Mr. Bonjorni had with the County. Staff has no reason to doubt the applicant's explanation for the current lot configuration, nor does staff find that explanation or history particularly relevant to the proposed variance. King County approved the LLA in 2006. The LLA did not create the undersized lot; it simply moved the property line on a lot already undersized per the former County standard.

Regardless of the above clarification, the points more germane to the City's decision on the applicant's variance request are:

- After the County approved the LLA application, the subject property was then annexed into the City of Kirkland.
- Per the City of Kirkland Zoning Code, the subject property constitutes a legal building site, even though it is under-sized. (The appellants concur with the City's determination that the subject property is a legal building site).
- Therefore, the City reviewed the proposal with this understanding and in light of the variance criteria found within its Code.

- B. The appeal letter also states the following: The Planning Department exhibited a "failure to examine alternative sites and sizes to protect the public interest." As an example, the appeal states that if the

“paddock” were pushed further up the slope, an area would result “very possibly to the extent of the required 10,000 square feet.”

*Staff Response:* The Planning Department did explore alternatives to the applicant’s proposal in consideration of the variance request, including whether the paddock area could be located at the top of the slope as suggested in the appeal letter. Given the small size of the lot, steep slopes, existing driveway and drainage improvements, and the need to include a septic drain field separate from a paddock, the Planning Director concluded that there was insufficient area to construct a paddock meeting the requirements of special regulation 5 of KZC 17.10.010 and special regulation 6 for large domestic animals in KZC 115.20 (4) (chart).

Requiring the applicant to move the proposed location of the home in favor of sliding the “paddock” up the slope, as suggested by the appellants, would not result in compliance with the Zoning Code. As illustrated in Exhibit E, a location starting at the top of the lot with the minimum 10,000 square feet of permeable area would result in a paddock with a slope of approximately 21% and cover approximately 40% of the parcel. The remainder of the parcel left for construction of a home and septic system is steeper, with approximately 26% average slope and an area on the southern portion of the lot identified by King County as a critical area with approximately 40% slope. Shifting the home site would also require removal of some the existing driveway and possibly reconfiguration of the remainder.

As noted in the appeal, the size of the paddock could be decreased in order to increase the area for residential site improvements, but the result would be a paddock that would not meet the minimum area or the maximum slope provisions of the Code and residential development on the less suitable portion of the site. An alternative smaller paddock located at the top of the lot is also shown in Exhibit E.

## **VI. RECOMMENDATION**

Staff recommends that the Planning Department’s approval of the variance application be upheld. The point raised by the appellants regarding the lot-line alteration application is not central to the decision since the lot line adjustment was approved by King County prior to the subject property being annexed and it does not change the fact that the subject property is a legal building site. Further, the appellants have not demonstrated that a paddock meeting the requirements of the Zoning Code can be reasonably accommodated on the subject property. The points raised in the appeal do not change the City’s position that a variance to the paddock requirement is justified.

## **VII. JUDICIAL REVIEW**

Under KZC Section 145.110, the action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 36.70C.130 in the King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision by the City.

## **VIII. ATTACHMENTS**

- A. Vicinity Map
- B. Letter of Appeal
- C. Written Decision of Planning Director
- D. Letter of Response to Appeal From Applicant
- E. PCD Appeal Analysis (Graphic)



**BONJOURNI PADDOCK VARIANCE  
ZON11-00031**

**3.6**

**RSX 35**

6117 135th Avenue NE

132ND AVE NE

NE 66TH ST

133RD AVE NE

NE 66TH ST

135TH AVE NE

133RD AVE NE

NE 61ST ST

136TH AVE NE





RECEIVED

MAR 12 2012

2:25 PM

PLANNING DEPARTMENT

Date: March 12, 2012

From: James McElwee  
12907 NE 78<sup>th</sup> Place  
Kirkland, WA 98033  
425-301-3885

Signature:



BY

CG

Don Prince  
6021 136<sup>th</sup> Ave. NE  
Kirkland, WA 98033  
425-883-8501

Signatures:



Wray Featherstone  
13330 NE 61<sup>st</sup> St.  
Kirkland, WA 98033  
425-883-4821

Signature:



To: Eric Shields, Planning Director  
City of Kirkland  
123 Fifth Avenue  
Kirkland, WA 98033

Subject: Appeal of Director's Decision Regarding Permit Application ZON11-00031

We hereby appeal the February 27, 2012 decision of the Planning Director to approve the Bonjorni Variance Request, ZON 11-00031. This appeal is based on the following points:

1. FALSE STATEMENT: The Planning Director incorrectly states as fact that the County requested the lot line adjustment which created the relevant non-conforming lot. (See Exhibit A, Paragraph II.B.1 of Staff Report dated February 27, 2012 and signed by Planning Director Eric Shields.)

The statement of "Fact" has no basis. In the City file for the application there is no evidence whatsoever to indicate that the County made such a request. The County file for the lot line adjustment, L06L0070, contains no such information and, in fact, shows the current applicant, Robert Bonjorni, as the requestor of the lot line adjustment. (See Exhibit B, Excerpt from Lot Line Adjustment application, L06L0070.)

2. FAILURE TO EXAMINE ALTERNATIVE SITES AND SIZES TO PROTECT THE PUBLIC INTEREST: The Planning Director states as fact that the subject land parcel is a legal building site under Kirkland Zoning Code Chapter 115.80 (Reference Staff Report Paragraph D.II.a.(2)) and further states as fact that "Given the severe slopes on the property, the subject property cannot comply with the basic requirements of KZC 17.010.10 and KZC 115.20(4) chart."

We do not contest the fact that the site is a legal building site under Kirkland Zoning Code, but the statement regarding the inability to comply with the requirements of KZC 17.010.10 and KZC 115.20(4) chart is not proven and furthermore is highly questionable.

The Planning Director appears, however, to have accepted the applicant's proposed layout of the potential driveway and residence as a fixed entity, something which he is not bound to do by Code. Since the size of the subject parcel has been reduced at the request of the applicant (not the County), there is no reason to support an expectation that the footprint of the future residence should necessarily be comparable to that on the adjoining and nearby parcels. The Planning Director is under no requirement to accept the proposed residence size and location as justification for reducing the zoning requirements for the paddock size. In fact, it is the Planning Director's responsibility to direct all reasonable efforts to avoid the necessity of granting a variance or to minimize the extent thereof.

(See Exhibit C: Staff Report Exhibit 2, page designated "Plan for drain field and reserve drain field") If the Planning Director were to require that alternative siting arrangements and footprint sizes be investigated, there would undoubtedly be an arrangement which allowed expansion of the legal paddock area farther up the slope, very possibly to the extent of the required 10,000 square feet. A reduction of the residence footprint in proportion to the reduction of the lot size, approximately 35,000:24,708 (a reduction of approximately 29.6%) would result in a proposed residence footprint of approximately 1,422 square feet based on the applicant's proposed footprint of approximately 2,020 square feet. Such a footprint, arranged in a "lazy L" configuration (somewhat similar to the adjoining property at 13350 NE 61<sup>st</sup> Street) more or less along the south boundary of the western part of the site, would significantly enhance the ability to expand the proposed paddock area. Such an adjustment would be fair and equitable given the circumstances of the creation of the non-conforming lot.

We hereby request that the Hearing Examiner deny the application for Zoning Variance ZON11-00031 on the grounds that 1) the current approval by the Planning Director is based in part on a false statement of fact; and 2) the Planning Director has not protected the public interest by requiring the applicant to take all reasonable efforts to comply with the Kirkland Zoning Code.

**Attachments:**

Eshibit A. Excerpt from Paragraph II.B.1 of Staff Report dated February 27, 2012 and signed by Planning Director Eric Shields

Eshibit B. Excerpt from King County APPLICATION FOR LAND USE PERMITS, L06L0070 dated Aug 1, 2006

Exhibit C. Staff Report Exhibit 2, page designated "Plan for drain field and reserve drain field"

- (b) Not be located on a steep slope (over 15% grade).
  - (c) Be easily converted to a paddock area and barn.
  - (d) Have a minimum width of 40 feet, with the majority of the area having a width of 80 feet. The Planning Official may approve minor deviations from the required dimensions and/or shape under certain circumstances.
  - (e) Be configured in a contiguous and usable manner to accommodate feed, storage, and manure (in a shape as close to a square or rectangle as possible).
  - (f) Be pervious and exclusive of any structures or improvements.
  - (g) Not be located over a septic tank, drain field, or reserve drain field.
- (4) Terrain and Vegetation: The property slopes sharply from east to west 44 feet from a 100' elevation at the east property line to 144' elevation at the west property line. The site contains a critical area steep slope, as designated previously by King County, as well as slopes well in excess of 20%. The site is vegetated with groundcover, shrubs and weeds and contains one deciduous tree located in the northwest corner of the property.
- b. Conclusions: The zoning and terrain present the following constraining factors:
- (1) The property is encumbered by steep slopes and does not contain a contiguous area totaling 10,000 square feet with a slope less than 26%. In some cases, slopes are upwards of 40% (see Attachments 2 and 4).
  - (2) As part of a development permit, since a sewer line is not available in 135<sup>th</sup> Ave NE, the applicant will be required to install a septic system, which cannot have a paddock area located over the top (see Attachment 9). According to the City of Kirkland's Public Works Department, sewer will not be constructed in 135<sup>th</sup> Ave NE, until an agreement is reached with the City of Redmond to service the line.
  - (3) A "permeable" area that would meet the width requirements, though not the square footage, would be located on a steep slope of 26% (10% steeper than the maximum allowed of 15%) (See Attachments 2 and 9).
  - (4) The slopes on the subject property would make the eventual construction of a barn problematic.

## B. HISTORY

1. Fact: The subject parcel was created in 1963 under the jurisdiction of King County as part of the Bridle View Plat. At that time, Mr. Bonjorni owned the subject property and the adjoining parcel to the southwest - Parcel no. 1088100220, 13350 NE 61<sup>st</sup> Street, Lot 12 Bridle View Plat. When Mr. Bonjorni made application to remodel the existing house, the County requested that he adjust the common lot line with the intended result, as suggested by King County, that the existing drain field, and applicable reserves, would exist solely on the improved parcel (Lot 12). The lot-line alteration was approved by King



King County  
Department of Development and Environmental Services  
Land Use Services Division  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055-1219  
206-296-6600 TTY 206-296-7217

**APPLICATION FOR  
LAND USE PERMITS**

For alternate formats, call 206-296-6600.

Staff Use Only - Do not write in this box

Application  
Linda Nellans & Bob Bonjorni  
LOGLO070

**RECEIVED**  
AUG 01 2006  
K.C. D.D.E.S.  
Date Received (stamp)

**DO NOT WRITE ABOVE THIS DIVIDER**

I (We) request the following permit(s) or approval(s):

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Building Permit                     | <input type="checkbox"/> Road Variance                            | <input type="checkbox"/> Zoning Variance                            |
| <input type="checkbox"/> Clearing & Grading Permit           | <input type="checkbox"/> Drainage Variance or Adjustment          | <input type="checkbox"/> Conditional Use Permit                     |
| <input type="checkbox"/> Temporary Use Permit                | <input type="checkbox"/> Right-of-Way Use Permit                  | <input type="checkbox"/> Reuse of Public Schools                    |
| <input type="checkbox"/> Binding Site Plan                   | <input type="checkbox"/> Shoreline Exemption                      | <input type="checkbox"/> Special Use Permit                         |
| <input type="checkbox"/> Site Development Permit             | <input type="checkbox"/> Critical Areas Alteration Exception      | <input type="checkbox"/> Zone Reclassification                      |
| <input checked="" type="checkbox"/> Boundary Line Adjustment | <input type="checkbox"/> Linear                                   | <input type="checkbox"/> Site Specific Comprehensive Plan Amendment |
| <input type="checkbox"/> Short Subdivision                   | <input type="checkbox"/> Non-linear                               | <input type="checkbox"/> P-Suffix Amendment                         |
| <input type="checkbox"/> Formal Subdivision                  | <input type="checkbox"/> Shoreline Substantial Development Permit | <input type="checkbox"/> Special District Overlay Removal           |
| <input type="checkbox"/> Urban Planned Development           | <input type="checkbox"/> Shoreline Conditional Use Permit         | <input type="checkbox"/> Reasonable Use Exception                   |
| <input type="checkbox"/> Plat Alteration                     | <input type="checkbox"/> Shoreline Variance                       | <input type="checkbox"/> Public Agency & Utility Exception          |
| <input type="checkbox"/> Plat Vacation                       | <input type="checkbox"/> Shoreline Redesignation                  | <input type="checkbox"/> Period Review for Mining Sites             |

I, Robert C Bonjorni, being duly sworn, state that I am the owner or officer of the corporation owning property described in the legal description filed with this application and that I have reviewed the rules and regulations of the Department of Development and Environmental Services (DDES) regarding the preparation and filing of this application and that all statements, answers and information submitted with this application are in all respects true, accurate and complete to the best of my knowledge and belief.

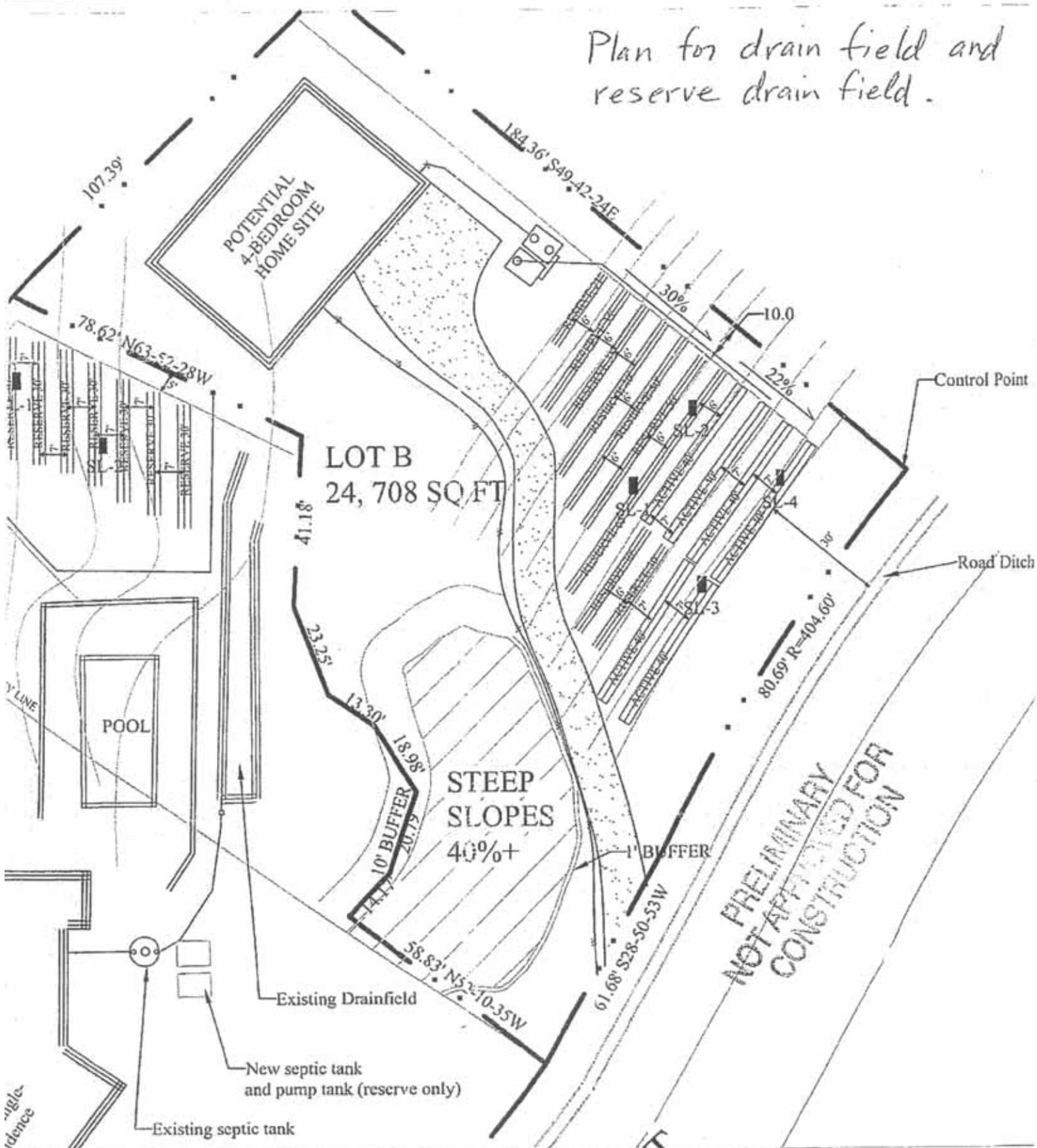
During the review of this application, it may be necessary for DDES staff to make one or more site visits. By signing this application form, you are giving permission for these visits. If it is rental property, the owner hereby agrees to notify tenants of possible site visits.

Printed Name Robert C Bonjorni Signature Robert C Bonjorni  
 Company N/A  
 Phone 425-883-0287 E-mail bonjorni@aol.com  
 Mailing Address PO Box 3104 Kirkland WA 98083  
STREET CITY ST ZIP

If applicable, state below the name, address and telephone number of the authorized applicant for this application as shown on the Certification and Transfer of Application Status form filed with this application.

Name N/A  
 Phone \_\_\_\_\_ E-mail \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
STREET CITY ST ZIP

Plan for drain field and reserve drain field.







**CITY OF KIRKLAND**  
 Planning and Community Development Department  
 123 Fifth Avenue, Kirkland, WA 98033  
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**ADVISORY REPORT  
 FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS**

**To:** Eric R. Shields, AICP, Planning Director  
 Kirkland Hearing Examiner

**From:** **Sean LeRoy** , Project Planner  
  
 Eric R. Shields, AICP, Planning Director

**Date:** February 22, 2012

**File:** ZON11-00031 – Bonjorni Variance Request

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## I. INTRODUCTION

### A. APPLICATION

1. Applicant: Bob Bonjorni
2. Site Location: 6117 135<sup>th</sup> Ave NE
3. Request: Variance request for elimination of the 10,000 permeable square feet requirement of the RSX 35 zone, as found in Special Regulation 5 of the Kirkland Zoning Code (KZC) Chapter 17.10.010.
4. Review Process: Process I, Planning Director decision.
5. Summary of Key Issues and Conclusions: The key issue for this application is meeting the variance criteria as set forth in the KZC, Chapter 120. Section II.D contains the staff analysis of the proposal in light of the aforementioned criteria.

### B. RECOMMENDATIONS

1. Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, I recommend approval of this application subject to the following conditions:
2. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 3, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 3, the condition of approval shall be followed.

## II. FINDINGS OF FACT AND CONCLUSIONS

### A. SITE DESCRIPTION

1. Site Development and Zoning:
  - a. Facts:
    - (1) Size: The area of the subject property is 24,708 square feet.
    - (2) Land Use: The site is currently unimproved with the exception of a long graded driveway with an asphalt approach (see Attachment 2).
    - (3) Zoning: RSX 35. For detached dwelling units in this zone KZC 17.10.010, Special Regulation 5 states that: "Residential lots in the RSX zone and in the Bridle Trails neighborhood, north and northeast of Bridle Trails State Park, must contain a minimum area of 10,000 permeable square feet which complies with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart)" (see Attachment 8).

In summary, the chart found in KZC 115.20(4) (see Attachment 9) states that for Large Domestic Animals the permeable area must:

- (a) Be capable of accommodating two (2) horses.

- (b) Not be located on a steep slope (over 15% grade).
  - (c) Be easily converted to a paddock area and barn.
  - (d) Have a minimum width of 40 feet, with the majority of the area having a width of 80 feet. The Planning Official may approve minor deviations from the required dimensions and/or shape under certain circumstances.
  - (e) Be configured in a contiguous and usable manner to accommodate feed, storage, and manure (in a shape as close to a square or rectangle as possible).
  - (f) Be pervious and exclusive of any structures or improvements.
  - (g) Not be located over a septic tank, drain field, or reserve drain field.
- (4) Terrain and Vegetation: The property slopes sharply from east to west 44 feet from a 100' elevation at the east property line to 144' elevation at the west property line. The site contains a critical area steep slope, as designated previously by King County, as well as slopes well in excess of 20%. The site is vegetated with groundcover, shrubs and weeds and contains one deciduous tree located in the northwest corner of the property.
- b. Conclusions: The zoning and terrain present the following constraining factors:
- (1) The property is encumbered by steep slopes and does not contain a contiguous area totaling 10,000 square feet with a slope less than 26%. In some cases, slopes are upwards of 40% (see Attachments 2 and 4).
  - (2) As part of a development permit, since a sewer line is not available in 135<sup>th</sup> Ave NE, the applicant will be required to install a septic system, which cannot have a paddock area located over the top (see Attachment 9). According to the City of Kirkland's Public Works Department, sewer will not be constructed in 135<sup>th</sup> Ave NE, until an agreement is reached with the City of Redmond to service the line.
  - (3) A "permeable" area that would meet the width requirements, though not the square footage, would be located on a steep slope of 26% (10% steeper than the maximum allowed of 15%) (See Attachments 2 and 9).
  - (4) The slopes on the subject property would make the eventual construction of a barn problematic.

## B. HISTORY

1. Fact: The subject parcel was created in 1963 under the jurisdiction of King County as part of the Bridle View Plat. At that time, Mr. Bonjorni owned the subject property and the adjoining parcel to the southwest - Parcel no. 1088100220, 13350 NE 61<sup>st</sup> Street, Lot 12 Bridle View Plat. When Mr. Bonjorni made application to remodel the existing house, the County requested that he adjust the common lot line with the intended result, as suggested by King County, that the existing drain field, and applicable reserves, would exist solely on the improved parcel (Lot 12). The lot-line alteration was approved by King

County Department of Development and Environmental Services on December 28, 2006 and examined and approved by King County Department of Assessments on January 2, 2007.

The property was annexed into the City of Kirkland on October 2, 2009.

2. Conclusion: The subject property was legally established and its property line legally adjusted under King County. Both permits were approved prior to the property being annexed into the City of Kirkland. The property has not been altered, modified or changed since being annexed. The property is considered a legal building site under Kirkland's Zoning Code Section 115.80 (see Attachments 2, 4 and 7).

### C. PUBLIC COMMENT

#### 1. Facts:

- a. The public comment period ran from November 17, 2011 to December 04, 2011. The City received numerous comments. A summary of the issues raised in these comments follows. For the complete list of comments raised see Attachment 6.
  - (1) *The variance endangers the horse-keeping nature of the community as a whole.*
  - (2) *The variance should have Equine Advisory Board approval.*
  - (3) *The granting of a variance such as this sets a dangerous precedent.*
  - (4) *This variance will open the door for others to create substandard-sized lots.*
  - (5) *This variance would lead to a collapse of the neighborhoods covenant structure.*
  - (6) *This variance will endanger the zoning in our neighborhood and constitute a zoning change.*
  - (7) *The subject property is non-conforming as to its size; therefore, the variance should be denied.*
  - (8) *The City should uphold the 1-acre zoning, and not allow the property owner to subdivide his property.*
  - (9) *If the applicant is allowed to develop his property, the neighborhood could be forced to pay for his sewer line.*
  - (10) *The variance request does not meet the criteria in the Zoning Code.*
  - (11) *This variance would negate the Equestrian Overlay mandated by the Zoning Code.*
  - (12) *Granting this variance will eliminate any future equestrian use on the subject property.*
  - (13) *The City should not grant the variance, because the property owner (applicant) created his own hardship under King County.*

2. Conclusions: Due to the sheer number of comments received during the open comment period, City staff did not respond to each one in writing. As stated above, because the site is constrained with such features as steep slopes, compliance with KZC 115.20(4) is not feasible. Therefore, the applicant's proposal is a candidate for a zoning code variance.

a. *The variance endangers the horse-keeping nature of the community.*

*The Zoning Code does not require horses to be kept on properties within the RSX 35 zone; it only sets forth the conditions under which horses may be kept (See KZC 115.20.4 chart) and related dimensional requirements. The issue with this variance request, discussed in Section II.D below, is whether compliance with these conditions is feasible given the site conditions of the subject property.*

- b. The variance should have Equine Advisory Board approval.*

*The Equine Advisory Board originated as the City was updating its zoning code to include the requirements such as the permeable space, with the express purpose of providing feedback to City staff. The Board was not set up as a regulatory, enforcement or review board. The City of Kirkland Zoning Code Chapter 120 establishes the process and obligations the City has in processing a variance. The Planning Department has complied with the specifications of KZC 120, including noticing the application.*

- c. The granting of a variance such as this sets a dangerous precedent.*

*KZC 120.05 states that the purpose of Chapter 120 is to establish a "mechanism whereby the provisions of this code (KZC) can be varied on a case-by-case basis, if the application of these provisions would result in an unreasonable and unusual hardship". The current variance request is evaluated under established criteria based on conditions unique to this parcel. Any precedent would be if there were other parcels with the same conditions.*

- d. Granting the variance would lead to a collapse of the covenant structure of the neighborhood.*

*Staff is not aware of neighborhood covenants and the City is not legally able to enforce private covenants.*

- e. The variance will open the door for others to create substandard sized lots; the variance should be denied because the lot is under-sized.*

*This variance is not for lot size, it is for the permeable space requirement as found in the Kirkland Zoning Code (KZC 17.10.010, Special Regulation 5). However, the subject property has been determined to be a legal building site. City codes do not allow the creation of any new substandard lots.*

- f. This variance will endanger the zoning in our neighborhood and constitute a zoning change.*

*A variance is not a zoning "change". Rather, variances are a mechanism under which a property owner may legally request relief from a particular hardship brought about by the application of a provision in the Zoning Code. As mentioned above, variances are reviewed and, if they meet the criteria, approved on a case-by-case basis and as such do not constitute a neighborhood wide change to the Zoning Code.*

- g. The City should uphold the 1-acre zoning, and not allow the property*

*owner to subdivide his property.*

*The underlying zoning requires a minimum 35,000 square feet lot size. The subject property is legally nonconforming as to the minimum lot size due to legal boundary line adjustment activity under the prior jurisdiction of King County (see the discussion in Section II.B, "History", above).*

*h. The Variance does not meet the zoning code criteria.*

*See Section II.D below for a complete analysis and discussion of the variance criteria.*

*i. If the applicant is allowed to develop his property, the neighborhood could be forced to pay for his sewer line.*

*135<sup>th</sup> Ave SE, the street which provides access to the subject property, does not contain a sewer line and one would not be constructed when the property develops; neither does the City have plans to install a new sewer line. When the owner of the subject parcel applies for development permits, a septic system will be constructed as a part of those plans, at the owner's expense.*

*j. This variance would negate the Equestrian Overlay mandated by the Zoning Code.*

*The requested variance would exclude the property from compliance with the Code provisions noted above (note that the Bridle View Plat does not contain an Equestrian overlay.*

*k. Granting this variance will eliminate any future equestrian use on the subject property.*

*Due to the site conditions, this parcel cannot meet the requirements set forth in the Code (See Sections II.A.1 and II.A.2 above) for the keeping of large domestic animals. The keeping of large domestic animals such as horses over drain fields or reserve areas can present a health hazard, and paddock areas best function on lands with little to no slope.*

## **D. APPROVAL CRITERIA**

### **1. VARIANCE**

a. Facts: Zoning Code Chapter 120 sets forth the mechanism whereby a provision of the Code may be varied on a case-by-case basis if the application of the provision would result in an unusual and unreasonable hardship.

(1) Zoning Code section 120.20 establishes three decisional criteria with which a variance request must comply in order to be granted. The applicant's response to these criteria can be found in Attachment 2. Sections II.D.2 through II.D.4 contain the staff's findings of facts and conclusions based on these three criteria.

b. Conclusions: Based on the following analysis, the application meets the

established criteria for a variance.

2. Variance Criterion 1: The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City, in part or as a whole.

a. Facts:

- (1) The property is zoned RSX 35, which allows for single family use and development.
- (2) The subject property constitutes a legal building site as defined in the Kirkland Zoning Code Chapter 115.80.
- (3) The City does not have a code in place which *requires* a home owner to keep or board large domestic animals, such as horses.
- (4) The RSX 35 zone limits lot coverage to 50%.
- (5) Given the severe slopes on the property, the subject property cannot comply with the basic requirements of KZC 17.010.10 and KZC 115.20(4) chart.

b. Conclusions:

- (1) The variance will not have a negative impact on the properties and improvements in the area, as the principle use of the subject property, when developed, will be still be single family residential, and all other zoning requirements will be met.
- (2) Because of the limitation the Zoning Code places on total lot coverage, the property, even after it is improved with a single family residence, will have a large portion that is permeable. This area, however, will not be able to comply with the conditions established by the Zoning Code for the keeping of a large domestic animal, such as a horse.
- (3) The City, in whole or in part, will not be detrimentally affected since in approving the variance, the City is simply recognizing the constraining nature of the existing conditions on the subject property. Granting the variance does not establish a negative precedent for properties not similarly constrained. Although the Code establishes regulations preserving the equestrian character of the neighborhood, this property is not well suited for equestrian use.

3. Variance Criterion 2: The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of preexisting improvements on the subject property that conformed to the Zoning Code in effect when the improvement was constructed.

a. Facts:

- (1) The Kirkland Zoning Code requires lots in this area to contain an area of at least 10,000 permeable square feet for purposes of accommodating horses in a paddock or barn.
- (2) The Kirkland Zoning Code restricts the location of the required

10,000 square feet permeable area. It may not be located on slopes greater than 15%, it must be contiguous and may not be located over a septic system, drain field or reserve drain field.

- (3) The property is constrained by steep slopes, in excess of 20% and in some cases approximately 40%. This condition is not typical of the zone wherein the 10,000 square foot permeable area regulation applies.
- (4) Since the right of way providing access to the subject property, 135th Ave NE, does not contain a sewer line, the applicant in developing the property will need to construct a new septic system. The system will necessarily be downhill from where a home is sited.
- (5) The Planning Official is authorized under the Zoning Code to permit "minor deviations" to the dimensions and shape. This authorization, however, does not extend to location (over a septic system, drain field or reserve drain field, or steep slope).

b. Conclusion:

- (1) The special circumstances of the property relative to the size, shape, topography as detailed throughout this report make a variance a necessity in order to reasonably develop the property in its intended and allowed use with a single family residence.
- (2) The site is encumbered by slopes, in all cases well in excess of 15%, and therefore cannot accommodate the minimum code requirement of 10,000 permeable square feet and related standards for that area.
- (3) The eventual construction of a septic system precludes the property from providing a 10,000 square foot permeable area (See Attachment 13).

4. Variance Criterion 3: The variance would not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this Code allows for other properties in the same area and zone as the subject property.

a. Facts:

- (1) As previously discussed, the subject property is a legal building site and as such, the property owner is entitled to build a single family home on the property. At issue with this variance is whether the property is suitable or capable of providing the required permeable space.
- (2) The variance process establishes a mechanism to grant departures from regulations on a case-by-case basis. The City has not granted variances from the applicable special regulations in the past and staff is not aware of any similarly constrained properties in the neighborhood.

b. Conclusion: Due to the existing site constraints, the applicant cannot meet the basic tenants of the permeable space requirement. The applicant plans to improve the property with a single family residence,

an allowed and permitted use within the RSX 35 zone. The granting of a variance for Special Regulation 5 as found in KZC 17.010.10, does not constitute a "special privilege" as the applicant has sought relief for the hardship under the proper mechanism and plans to develop the property in a manner consistent with the Code and with the neighborhood.

5. GENERAL ZONING CODE CRITERIA

- a. Fact: Zoning Code section 145.45.2 states that a Process I application may be approved if:
  - (1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
  - (2) It is consistent with the public health, safety, and welfare.
- b. Conclusion: The proposal complies with the criteria in section 145.45.2. It is consistent with all applicable development regulations (see Sections II.) and the Comprehensive Plan (see Section II.). In addition, because it will ensure a paddock area and, hence, a large breed animal will not be located over the future septic system, it is consistent with the health, safety and welfare of the public.

E. DEVELOPMENT REGULATIONS

Additional comments and requirements placed on the project are found in the Development Standards, Attachment 3.

F. COMPREHENSIVE PLAN

1. Fact: The subject property is located within the neighborhood. Figure BT-1 on page XV.C-2 designates the subject property for low density residential (see Attachment 11).
2. Conclusion: The future development plans are consistent with the low density Comprehensive Plan designation.

III. APPEALS

Appeal to the Hearing Examiner:

Section 145.60 of the Zoning Code allows the Planning Director's decision to be appealed by the applicant or any person who submitted written comments or information to the Planning Director. A party who signed a petition may not appeal unless such party also submitted independent written comments or information. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., March 12, 2012, fourteen (14) calendar days following the postmarked date of distribution of the Director's decision.

**IV. LAPSE OF APPROVAL**

Under Section 145.115 of the Zoning Code, the applicant must submit to the City a complete building permit application approved under Chapter 145, within four (4) years after the final approval on the matter, or the decision becomes void. Provided, however, that in the event judicial review is initiated per Section 145.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. Furthermore, the applicant must substantially complete the development activity approved under Chapter 145 and complete the applicable conditions listed on the Notice of Approval within six (6) years after the final approval on the matter, or the decision becomes void.

**V. APPENDICES**

Attachments 1 through 13 are attached.

1. Vicinity Map
2. Applicant's Plans and Proposal
3. Development Standards
4. Survey
5. Aerial Photo
6. Public Comments
7. Planning Department Letter to Mr. Bonjorni
8. KZC 17.010.10 – RSX Use Zone Chart
9. KZC 115.20(4) (chart) – Large Breed Animals
10. KZC 115.80 – Legal Building Site
11. Comprehensive Plan Designation
12. Planning Department Permeable Space Graphic Analysis

**VI. PARTIES OF RECORD**

Applicant Bob Bonjorni  
Department of Planning and Community Development  
Department of Public Works  
Department of Building and Fire Services

Review by Planning Director:

I concur  I do not concur

Comments: I have read all the comments submitted on this proposal and I understand the strong opposition to this proposal. It's clear that neighbors are very concerned about impacts to the equestrian character of the neighborhood and the potential of setting an undesirable precedent for future development. Many also question the circumstances surrounding the creation of the lot on which the variance is proposed, suggesting that the lot should remain unbuildable. I'm sympathetic to these concerns, but the variance must be decided only on the basis of the variance criteria; and I agree with the staff report that those criteria are met.

The lot in question was legally created under the jurisdiction of King County, at which time the neighborhood was not subject to the current City of Kirkland "equestrian" regulations. The City is

now bound to honor the lot as a buildable site and may not unreasonably restrict its use. Under the existing zoning, construction of a single family house is an appropriate use of the lot. Consequently, the question posed by the variance request is essentially whether the required 10,000 sq. ft. potential paddock area is able to be accommodated on the lot given the construction of a single family house? The facts and conclusions presented in the staff report show that the answer to this question is no. Due to the size of the lot, the area required for a house and septic drain field and the steep topography, there is no place on the lot for the potential paddock area to be accommodated; and none of the comment letters suggested otherwise.

In addition, although the potential for this variance to set a precedent is clearly of concern to the neighborhood, any precedent will be extremely limited and applicable only to other lots with very similar characteristics. Even then, any future variance requests will have to be evaluated on their own merits.

I take public comments very seriously and would prefer to be more responsive to them. But in this case, I have to conclude that the requested variance meets the criteria for approval.



February 22, 2012

---

Eric R. Shields

Date



# BONJOURNI PADDOCK VARIANCE ZON11-00031

3.6

## RSX 35

6117 135th Avenue NE

132ND AVE NE

NE 66TH ST

133RD AVE NE

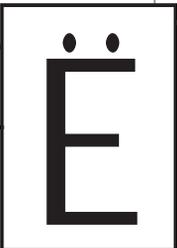
NE 66TH ST

135TH AVE NE

133RD AVE NE

NE 61ST ST

136TH AVE NE







**PLANNING & COMMUNITY DEVELOPMENT  
ZONING PERMIT APPLICATION**

PROCESS (Circle one) I IIA IIB IV

**PRIMARY CONTACT:**

Applicant's name: Bob Benjorni Daytime Phone: 425-233-4435  
 Applicant's e-mail address: benjorni@aol.com  
 Applicant's mailing address: PO Box 1816, Issaquah WA 98027

Note: If applicant is not property owner, he/she must be authorized as agent (see page 2)

**SECONDARY CONTACT:**

Property Owner's name: Bob Benjorni / Linda Mellans Daytime Phone: 425-233-4435  
 Property Owner's e-mail address: benjorni@aol.com  
 Property Owner's address: PO Box 1816, Issaquah WA 98027

AN ELECTRONIC COPY OF OR A WEB LINK TO THE STAFF REPORT, MEETING AGENDAS AND THE NOTICE OF FINAL DECISION WILL BE EMAILED TO THE APPLICANT AT THE ABOVE LISTED EMAIL ADDRESS. IF YOU PREFER TO RECEIVE A PAPER COPY, THEY ARE AVAILABLE UPON REQUEST. PLEASE INDICATE IF YOU WOULD ALSO LIKE A COPY OF THESE MATERIALS TO BE SENT TO THE PROPERTY OWNER'S EMAIL ADDRESS: YES X NO       

- (1) Property address (if vacant, indicate lot or tax number, access street and nearest intersection):  
6117 135th Avenue NE, Kirkland WA
- (2) Tax parcel number: 108810-0230
- (3) The property is zoned: RSX 35 and is presently used as: Vacant Lot/Open Space
- (4) Describe permit application and the nature of project (attach additional pages if necessary):  
See Attached

- (5) Have there been any previous zoning permits for the subject property? No If yes, what is the Department of Planning and Community Development file number?
- (6) Have you met with a planner prior to submitting your application? YES        NO X

Name of planner:        Date of pre-submittal meeting:       

**YOUR APPLICATION WILL NOT BE COMPLETE UNTIL ALL DOCUMENTS LISTED ON THE APPLICATION CHECKLIST ARE SUBMITTED.**

**YOU MAY NOT BEGIN ANY ACTIVITY BASED ON THIS APPLICATION UNTIL A DECISION, INCLUDING THE RESOLUTION OF ANY APPEAL, HAS BEEN MADE. CONDITIONS OR RESTRICTIONS MAY BE PLACED ON YOUR REQUEST IF IT IS APPROVED. AFTER THE CITY HAS ACTED ON YOUR APPLICATION, YOU WILL RECEIVE FORMAL NOTICE OF THE OUTCOME. IF AN APPEAL IS FILED, YOU MAY NOT BEGIN ANY WORK UNTIL THE APPEAL IS SETTLED. YOU MAY ALSO NEED APPROVALS FROM OTHER CITY DEPARTMENTS. PLEASE CHECK THIS BEFORE BEGINNING ANY ACTIVITY.**

**If you suspect that your site contains a stream or wetland or is adjacent to a lake, you may need a permit from the state or federal government.**

**4. Describe permit application and the nature of project**

I am applying today for two variances:

**The first variance** reduces the horse paddock size from 10,000 square feet to 7,500 square feet.

**The second variance** eliminates the horse requirement and substitutes some other appropriate farm animal capable of living on top of a septic drainfield area and reserve drainfield area. The appropriate farm animal must also be capable of living on a slope greater than 15 percent.



**PLANNING & COMMUNITY DEVELOPMENT  
ZONING PERMIT APPLICATION**

STATEMENT OF OWNERSHIP/DESIGNATION OF AGENT

The undersigned property owners, under penalty of perjury, each state that we are all of the legal owners of the property described in Exhibit A, which is attached as page 3 of this application, and designate Robert C Benjermi to act as our agent with respect to this application.

AUTHORITY TO ENTER PROPERTY

I/we acknowledge that by signing this application I/we are authorizing employees or agents of the City of Kirkland to enter onto the property which is the subject of this application during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, for the sole purpose of making any inspection of the limited area of the property which is necessary to process this application. In the event the City determines that such an inspection is necessary during a different time or day, the applicant(s) further agrees that City employees or agents may enter the property during such other times and days as necessary for such inspection upon 24 hours notice to applicant(s), which notice will be deemed received when given either verbally or in writing.

HOLD HARMLESS AGREEMENT – READ CAREFULLY BEFORE SIGNING

The undersigned in making this application certifies under penalty of perjury, the truth and/or accuracy of all statements, designs, plans and/or specifications submitted with said application and hereby agrees to defend, pay, and save harmless the City of Kirkland, its officers, employees, and agents from any and all claims, including costs, expenses and attorney's fees incurred in investigation and defense of said claims whether real or imaginary which may be hereafter made by any person including the undersigned, his successors, assigns, employees, and agents, and arising out of reliance by the City of Kirkland, its officers, employees and agents upon any maps, designs, drawings, plans or specifications, or any factual statements, including the reasonable inferences to be drawn therefrom contained in said application or submitted along with said application.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

<p>Applicant</p> <p>Signature: <u>Robert C Benjermi</u></p> <p>Name: <u>Robert C Benjermi</u></p> <p>Address: <u>PO Box 1816</u> <u>Issaquah WA 98027</u></p> <p>Telephone: <u>425 233 4435</u></p>	<p>Property Owner #1</p> <p>Signature: <u>Robert C Benjermi</u></p> <p>Name: <u>Robert C Benjermi</u></p> <p>Address: <u>PO Box 1816</u> <u>Issaquah WA 98027</u></p> <p>Telephone: <u>425 233-4435</u></p>
<p>Agent (Other than Applicant)</p> <p>Signature: _____</p> <p>Name: _____</p> <p>Address: _____</p> <p>Telephone: _____</p>	<p>Property Owner #2</p> <p>Signature: <u>Linda Mellans</u></p> <p>Name: <u>Linda Mellans</u></p> <p>Address: <u>PO Box 1816</u> <u>Issaquah WA 98027</u></p> <p>Telephone: <u>425 233-4435</u></p>



## PLANNING & COMMUNITY DEVELOPMENT ZONING PERMIT APPLICATION

### APPLICATION CHECKLIST: ZONING PERMIT

The following is a list of materials which must be submitted in order to have a complete application. For some applications, it will not be necessary to submit all of the listed materials. Consult with the Department of Planning and Community Development if you have questions. Please do not turn in your application until all materials which apply to your proposal have been checked off. A hearing date will not be assigned until your application materials are complete and the City has completed its review of your Environmental Checklist.

#### RETURN THIS CHECKLIST WITH APPLICATION

Applicant  
To check if  
Submitted

#### Pre-Submittal Meeting

A meeting with a planner is required within the six months immediately prior to submittal.



#### Road Concurrency Review

Prior to submittal of a Zoning Permit, a road concurrency application must be submitted to the Public Works Department and a test notice of passing must be received. A copy of the test notice must be submitted with the zoning application (if exempt from SEPA, then exempt for concurrency review). Concurrency applications are available from the Planning or Public Works Department.

not needed

#### Application

A completed application form and supporting affidavits.



A completed and signed Environmental Checklist (unless exempt). SEPA requires a complete traffic report. Refer to the Transportation Impact Analysis Guidelines memo and contact the City's Traffic Engineer for all required data. In addition, other impact analysis may be required. Consult with the assigned planner.

Traffic not needed

A statement describing how the application specifically complies with applicable criteria set forth in the Zoning Code.



#### Fees

A check to the City of Kirkland for the filing fee and, if applicable, Environmental Checklist fee (fee schedule is attached).



**Note:** Other fees, including Park Impact Fees and Road Impact Fees, may be required during the development review process.

#### Neighborhood Meetings

A neighborhood meeting(s) has been held (see attached instruction sheet on neighborhood meetings to determine if encouraged).





## PLANNING & COMMUNITY DEVELOPMENT ZONING PERMIT APPLICATION

Applicant  
To check if  
Submitted

### Plans

Five (5) copies of dimensioned site plans, drawn at 1" = 20' or a comparable scale, and folded to 8½" size, showing:

- |    |  |                                     |
|----|--|-------------------------------------|
| a. | Property survey showing property dimensions, and any existing structures which are proposed to remain on the property and names of adjacent rights-of-way. (Check with Department of Planning and Community Development to see if survey is required for your permit request.)   | <input checked="" type="checkbox"/> |
| b. | Existing water courses and bodies, fire hydrants utility lines (including location of nearest utility poles and fire hydrants), structures, rockeries, roadways and other relevant man-made or natural features.   | <input checked="" type="checkbox"/> |
| c. | Tree-related information as required by the appropriate Tree Plan for the proposal.  | <input checked="" type="checkbox"/> |
| d. | Proposed landscaping; size, species, location and distance apart.  | <input checked="" type="checkbox"/> |
| e. | Location and dimensions of proposed structure(s), parking areas (include degree of angle for parking stall design), driveways and roadways.  | <input checked="" type="checkbox"/> |
| f. | Dimensioned building elevations drawn at 1/8" = 1' or a comparable scale showing two facades.  | <input checked="" type="checkbox"/> |
| g. | Existing and finished grades at 2-foot contours with the precise slope of any area in excess of 15%.   | <input checked="" type="checkbox"/> |
| h. | Check with the City to determine if your project requires a pedestrian easement and if it does show this easement location on your plans.  | <input checked="" type="checkbox"/> |
| i. | Conceptual storm drainage plans for a 100-year storm. Location and dimensions of proposed biofiltration swale(s). These cannot be located in wetlands, streams or associated buffers or tree protection areas.   | <input checked="" type="checkbox"/> |
| j. | Gross floor area and parking calculations  | <input checked="" type="checkbox"/> |
| k. | Building height calculations (see handout).  | <input checked="" type="checkbox"/> |
| l. | Location and size of proposed utility lines, together with a letter of water and/or sewer availability if sewer and/or water service is to be provided by a utility other than the City.   | <input checked="" type="checkbox"/> |
| m. | Name, location and dimensions of, and existing and proposed improvements in rights-of-way and easements. Existing improvements in existing rights-of-way and easements must also be indicated. (Right-of-way standards are established by Chapter 110 of the Zoning Code. Easement standards are established by Chapter 105 of the Zoning Code.) | <input checked="" type="checkbox"/> |
| n. | Lot size and lot coverage calculations.  | <input checked="" type="checkbox"/> |
| o. | Dimensions of required yards and view corridors  | <input checked="" type="checkbox"/> |
| p. | Locations and screening of dumpsters.  | <input checked="" type="checkbox"/> |



## PLANNING & COMMUNITY DEVELOPMENT ZONING PERMIT APPLICATION

Applicant  
To check if  
Submitted

- q. Location, dimensions and nature of any proposed easements or dedications.
- r. For multifamily residential, location and dimensions of common open space.
- s. Type of construction and proposed use.

### Other

- a. One (1) copy of all plans reduced onto 8½" x 11" sheets.
- b. Perspective drawings, photographs, color renderings or other graphics may be needed to adequately evaluate your application.
- c. The following materials must be submitted on CD to the Planning Department for presentation at public meetings and/or permanent storage:
- Acceptable native electronic formats are: Adobe PDF, Word, Excel, PowerPoint, JPEG or GIF.
  - All memos and reports including SEPA checklists, wetland reports, geotech. reports, site plans, traffic reports, etc. should be submitted in their native electronic format or converted from their native format to Adobe PDF rather than being scanned.
  - Any memo/report that is created from multiple formats must be combined and submitted as one PDF document.
  - All plans, drawings, renderings, photographs or other graphics must be submitted in its native electronic format. CAD format is unacceptable; you must convert to Adobe PDF before submitting.
  - All documents must be either 8 ½ x 11 or 11 x 17 inch size. Legal sized documents will not be accepted.
  - Models and/or material/color boards, if prepared, must be photographed for permanent storage and submitted to the Planning Department on CD.

Converting a document from its native format to an Adobe PDF document is preferred as opposed to scanning the document.

- d. A copy of all existing recorded easement documents pertaining to the subject property.
- e. A report by a professional engineer (per Zoning Code Chapter 85) may be required if development will occur on or near a landslide or seismic hazard area. If required, two copies are to be submitted to the Planning Department.
- f. Clustered mailbox structure location plan approved by the U.S. Postal Service Kirkland Growth Management Representative (1-800-275-8777).
- g. Other required information:



## PLANNING & COMMUNITY DEVELOPMENT ZONING PERMIT APPLICATION

Applicant  
To check if  
Submitted

### Public Notice

You are responsible for obtaining and erecting public notice sign(s) on the subject property. You will need to provide for and erect public notice sign(s) not more than 10 calendar days after the Planning Official determines that the application is complete. In order to ensure that the signs are installed in a timely manner, you should contact a Sign Company and arrange for the appropriate number of signs to be made. See attached instruction sheet about Public Notice Signs. Any delay in installing the board will result in procedural deficiencies and/or delays.

Please provide the name of the Sign Company that you have contacted to make the public notice signs: \_\_\_\_\_

Fastsigns of Kirkland  
 Greg Shugarts  
 12004 NE 85<sup>TH</sup> Street  
 Kirkland, WA 98033  
 (425) 822-6542  
 email greg.shugarts@fastsigns.com



**PLANNING & COMMUNITY DEVELOPMENT  
ZONING PERMIT APPLICATION**

**Neighborhood Meetings**

There have been no neighborhood meetings.

**Plans**

- A. The attached driveway improvement plan shows the lot dimensions, the existing improvements on the site, critical areas located on the property, and the topography lines. In addition, it shows the likely site address, street, tax parcel number, and legal description of the property.
- B. There is no water on the site itself. There is accumulation water from time to time of water in the ditch located in front of the property along 135<sup>th</sup> Ave. N.E. The closest fire hydrant is located on 135<sup>th</sup> Ave. N.E. directly across the street from the lot, which is the discussion of this variance. The closest utility pole is located at the northeast corner of the property in the public right-of-way. Located on that pole are telephone, electricity, probably cable too. The existing driveway and all manmade structures have been presented on the site plan which is attached. Other utilities include public water, which is in 135<sup>th</sup> Ave. N.E. and is provided by the City of Redmond. Included also in 135<sup>th</sup> Ave. N.E. are natural gas lines. In other words, all public utilities are available to the site except for public sewer.
- C. Tree-related Information. There are no trees located on the property, therefore this section does not apply.
- D. Proposed Landscaping: Size, Species, Location, Distance Apart. As a part of this application I am agreeing not to landscape the 7,500 square foot proposed paddock area. This area will remain weeds and other natural grasses in conformity with the neighborhood.
- E. Location and Dimension of Proposed Structures. Any proposed future structures are capable of complying with all applicable zoning and building codes within the City of Kirkland. The two variances I am applying for here have nothing to do with any proposed structures on the property and I am not applying or asking that there be any waiver of any applicable laws, regulations, rules, etc. with respect to any and all proposed structure to be built on the property.

- F. Dimensioned Building Elevations. There are no buildings associated with this variance and there are building located on the site.
- G. Existing and Finish Grade at 2-Foot Contours. Located on the attached driveway improvement drawing are the 2-foot contour lines requested under Item G. The slope area where the proposed paddock is to be located, which has been drawn on this particular map has an overall slope of 26 percent. The critical areas identified by the double hash lines has a slope area in excess of 40 percent.
- H. Check with the City to Determine if Your Project Requires a Pedestrian Easement. It has been determined that I am not required to comply with this section of the application.
- I. Conceptual Storm Drainage Plan for a 100-Year Storm. The property which is the subject of this variance is not located within a 100-Year Storm area and there are no biofiltration swales located on the property. The proposed paddock area is located, for the most part, on a hillside. There is a 26-foot elevation difference between the lower part of the lot and the higher part of the lot. Assuming the worst case situation it is highly unlikely that the ditch in the front of the property would ever, even in a 100-year situation flood to the point where any animal caught in the paddock would drown due to a flooding situation. In fact that the animal could walk up the hill to an elevation of approximately 26 feet higher than the lower portion of the paddock and therefore avoid drowning.
- J. Gross Floor Area and Parking Calculations. This would apply to a building and we're not discussing a building in this instance. Parking calculations, again we're not discussing parking although there would be room to park on the existing driveway without interfering with impervious area.
- K. Height Calculations. The height of the paddock fence would be three and a half to four and a half feet, or whatever the appropriate fence height the City would request.
- L. Location and Size of Proposed Utility Lines, Together With The Letter Of Water And/Or Sewer Availability. The proposed utility lines are already in and are located at the northeast corner of the property. Letter from the City of Redmond indicating the water availability is attached.

- M. Name, Location, Dimensions of Any Existing or Proposed Improvements and Right-of-Way and Easements. This variance does not concern itself with the existing public right-of-way and will not affect the existing public right-of-way in any way.
- N. Lot Size and Lot Coverage Calculations. The lot size is 24,780 square feet. Based upon the attached recorded survey recorded on December 28, 2006. The critical area located out on the lot totals approximately 3,000 square feet and the existing driveway located on the site totals approximately 3,000 square feet, and the proposed paddock area totals approximately 7,500 square feet. In this instance, the critical area represents approximately 12 percent of the site, the driveway represents about 12 percent of the site, and the proposed paddock area represents 30 percent of the site.
- O. Dimensions of Required Yards and View Corridors. This section would not apply as we are not applying for a building. However, it would be my intention to meet all the minimum requirements presented in the zoning in the City of Kirkland for whatever their setback and yard requirements and view corridor requirements would be.
- P. Location of Screening of Dumpsters. I am not planning to put a dumpster on the site at this time.
- Q. Location, Dimensions and Nature of Any Proposed Easements or Dedications. I am not planning to put any easements or dedications on the property at this time. I am also not aware of any easements which effect the property. However, If requested I will order a title report.
- R. For Multi-Family Residential: Location, Dimensions of Common Open Space. The critical area will remain an open area and will not be touched. The paddock area in keeping with the neighborhood will not be landscaped in any way. No rockeries will be put in the paddock area, so only weeds and grasses will be allowed to grow in this area.
- S. Types of Construction and Proposed Use. The fence around the proposed paddock area will either be of wood or plastic, chain link or chicken wire, depending upon the type of farm animal the City of Kirkland suggests reside on the property.

**Other**

- A. Complied with
- B. Complied with
- C. Complied with
- D. Copy of all existing recorded easements, documents pertaining to the subject property. I am not aware of any apparent easements or encroachments on the site. If the City requests, I will order a title report to identify any potential easements. However, the last title report I have on this site showed no easement or encroachments on the site. There are subdivision covenants which effect the property. With the completion of the BLA in 2006 the swimming pool and on-site sewage system for lot 11 were moved from this lot which was lot 12 and put back to lot 11 which has a street address of 13350 NE 61<sup>st</sup> Street, Kirkland, WA.
- E. There is a critical area located on the property with a slope greater than 40 percent. This area is not being affected and I have taken great pains to not touch critical area. King County completed a survey of the critical area, mapped the critical area, outlined it. The critical area was surveyed and identified and presented on the driveway improvement plan and other plans if the City would like them. As a part of this application I have provided the city with a copy of King County's report showing where the critical area are located on the site.
- F. Clustered mailbox structure located in the plan provided by the U.S. Postal Service. This area does not apply as individual mailboxes are used in the subdivision.
- G. Other required information. Additional information will be provided upon request.



King County  
 Department of Development and Environmental Services  
 Building Services Division  
 900 Oakesdale Avenue Southwest  
 Renton, Washington 98055-1219  
 (206) 296-6600 TTY (206) 296-7217

# King County Certificate of Water Availability

Alternative formats available upon request

## King County Certificate of Water Availability

This certificate provides the Seattle King County Department of Public Health and the Department of Development and Environmental Services with information necessary to evaluate development proposals.

Do not write in this box

---

\_\_\_\_\_ number \_\_\_\_\_ name \_\_\_\_\_

- Building Permit                       Preliminary Plat or PUD  
 Short Subdivision                       Rezone or other \_\_\_\_\_

Applicant's name: Robert C and Mellans L Bonjourni  
 Proposed use: Single Family Home  
 Location: 13350 NE 61<sup>st</sup>  
Apn #'s 1088100210 + 1088100230  
 (attach map and legal description if necessary)

### Water purveyor information:

1.  a. Water will be provided by service connection only to an existing 6-inch (size) water main that is fronting feet from the site.  
 OR  
 b. Water service will require an improvement to the water system of:  
 (1) \_\_\_\_\_ feet of water main to reach the site; and/or  
 (2) The construction of a distribution system on the site; and/or  
 (3) Other (describe) \_\_\_\_\_
2.  a. The water system is in conformance with a County approved water comprehensive plan.  
 OR  
 b. The water system improvement is not in conformance with a County approved water comprehensive plan and will require a water comprehensive plan amendment. (This may cause a delay in issuance of a permit or approval).
3.  a. The proposed project is within the corporate limits of the district, or has been granted Boundary Review Board approval for extension of service outside the district or city, or is within the County approved service area of a private water purveyor.  
 OR  
 b. Annexation or Boundary Review Board (BRB) approval will be necessary to provide service.
4.  a. Water is or will be available at the rate of flow and duration indicated below at no less than 20 psi measured at the nearest fire hydrant 200 feet from the building/property (or as marked on the attached map):  

<b>Rate of flow at Peak Demand</b>		<b>Duration</b>	
<input type="checkbox"/> less than 500 gpm (approx. _____ gpm)		<input type="checkbox"/> less than 1 hour	
<input type="checkbox"/> 500 to 999 gpm		<input type="checkbox"/> 1 hour to 2 hours	
<input checked="" type="checkbox"/> 1000 gpm or more		<input type="checkbox"/> 2 hours or more	
<input type="checkbox"/> flow test of _____ gpm		<input type="checkbox"/> other _____	
<input type="checkbox"/> calculation of _____ gpm			

(Note: Commercial building permits which includes multifamily structures require flow test or calculation.)

 OR  
 b. Water system is not capable of providing fire flow.
5.  a. Water system has certificates of water right or water right claims sufficient to provide service.  
 OR  
 b. Water system does not currently have necessary water rights or water right claims.

Comments/conditions: \_\_\_\_\_

I certify that the above water purveyor information is true. This certification shall be valid for one year from date of signature.

Agency name: City of Redmond                      Signatory name: James A. Streit  
 Title: Sr. Utility Engineer                      Signature: \_\_\_\_\_                      Date: 7-25-06





**CITY OF KIRKLAND  
 PLANNING & COMMUNITY DEVELOPMENT**  
 123 5<sup>th</sup> Avenue, Kirkland, WA 98033 425.587.3225  
 www.kirklandwa.gov

**TREE RETENTION PLAN – MAJOR**

*There are no trees on this property*

Tree retention plan requirements for single-family, or two attached, detached or stacked dwelling units, and related demolition and land surface modification applications are identified within this form. These requirements are applicable when new development, redevelopment, or development in which the total square footage of the proposed improvements is more than 50 percent of the total square footage of the existing improvements on the subject property.<sup>(1)</sup>

**These requirements are located in Section 95.30 of the Kirkland Zoning Code (KZC) and are summarized below. Note that additional tree and vegetation requirements apply to properties located in the Holmes Point Overlay Zone (KZC Chapter 70).**

**DEVELOPMENT ACTIVITY CHART**

REQUIRED COMPONENTS	
<b>TREE INVENTORY AS DESCRIBED IN SECTION I. OF THE PERMIT SUBMITTAL CHECKLIST FOR:</b>	
<input type="checkbox"/> All significant trees on the subject property	<i>No trees on property</i>
<b>SITE PLAN AS DESCRIBED IN SECTION II. OF THE PERMIT SUBMITTAL CHECKLIST TO INCLUDE:</b>	
<input type="checkbox"/> Surveyed tree locations if required by the Planning Official	<i>No trees on property</i>
<b>REQUIREMENTS IN SECTION III. OF THE PERMIT SUBMITTAL CHECKLIST SHALL BE PREPARED BY A QUALIFIED PROFESSIONAL AND APPLY TO:</b>	
<input type="checkbox"/> Significant trees within required yards or within 10 feet of any side property line	<i>No Trees on property</i>
<b>TREE RETENTION STANDARDS</b>	
<input type="checkbox"/> Retain and protect trees with a high retention value to the maximum extent possible <sup>(2)</sup>	<i>No Trees on property</i>
<input type="checkbox"/> Retain and protect trees with a moderate retention value if feasible	<i>No Trees on property</i>
<input type="checkbox"/> Preservation and maintenance agreements pursuant to KZC 95.51 are required for all remaining trees on the subject property	
<b>TREE DENSITY</b>	
<input type="checkbox"/> Tree density requirements shall apply as required in KZC 95.33	<i>No Trees on property</i>

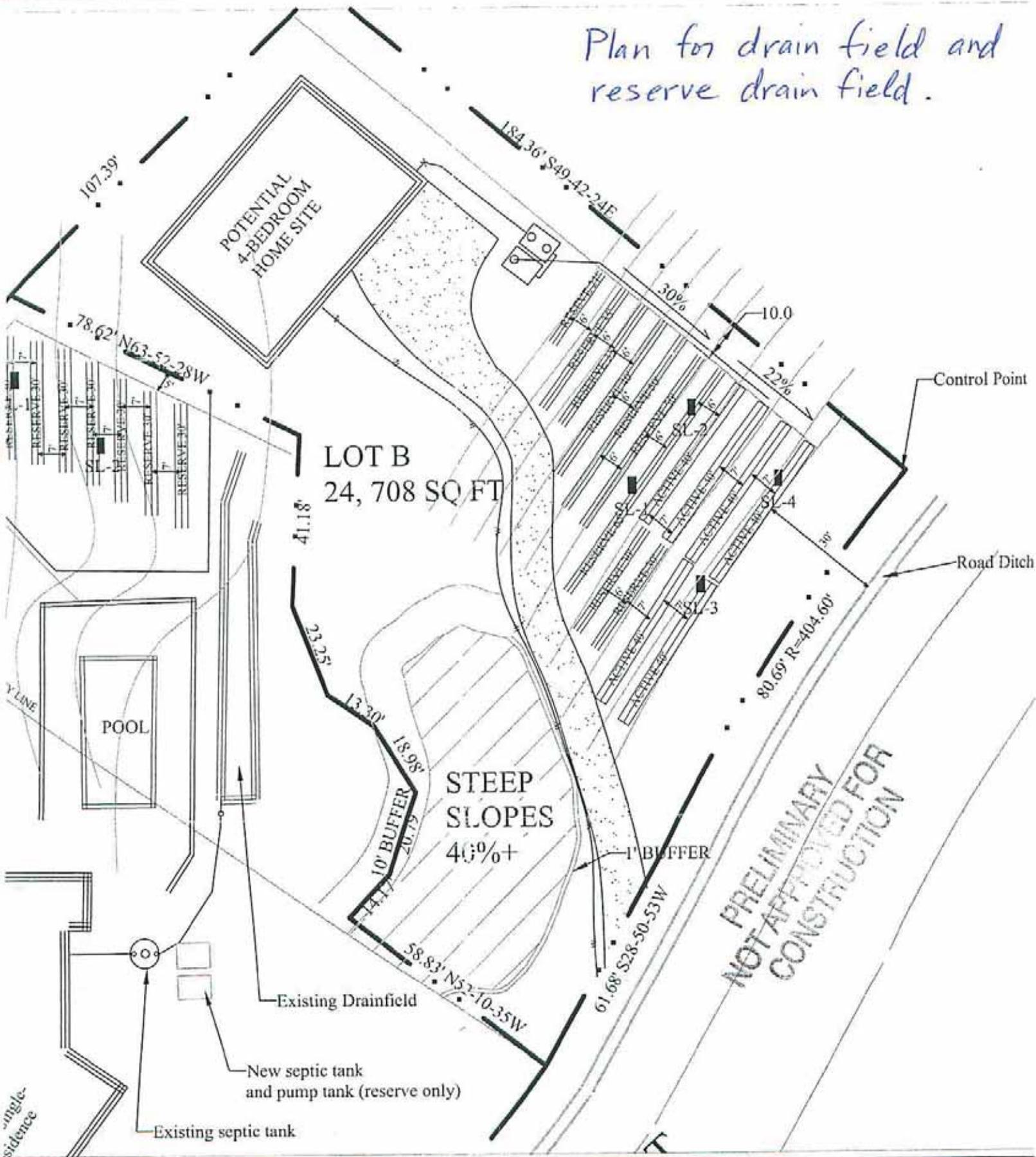
(1) For lots created through a short subdivision, subdivision, or planned unit development with an approved Tree Retention Plan, the applicant must comply with the Tree Retention Plan approved with the short subdivision, subdivision, or planned unit development unless subsection (6)(a) of this section, Phased Review, applies.  
 (2) To retain trees with a high retention value, the applicant shall pursue, where feasible, applicable variations in the development standards of this code as outlined in KZC 95.32.

**Helpful definitions to complete the tree plans described below:**

- Significant Tree:** A tree that is at least 6 inches in diameter at breast height (DBH) (The diameter or thickness of a tree trunk measured at 4.5 feet from the ground).
- Qualified Professional:** An individual with relevant education and training in arboriculture or urban forestry, having two or more of the following credentials: 1) International Society of Arboriculture (ISA) Certified Arborist; 2) Tree Risk Assessor Certification (TRACE) as established by the Pacific Northwest Chapter of ISA (or equivalent); 3) American Society of Consulting Arborists (ASCA) registered Consulting Arborist; 4) Society of American Foresters (SAF) Certified Forester for Forest Management Plans; and for tree retention associated with a development permit a minimum of three years' experience working directly with the protection of trees during construction and have experience with the likelihood of tree survival after construction. A qualified professional must also be able to prescribe appropriate measures for the preservation of trees during land development.
- Limits of Disturbance:** The boundary between the protected area around a tree and the allowable site disturbance as determined by a qualified professional measured in feet from the trunk.



Plan for drain field and reserve drain field.



KING COUNTY, WASHINGTON



BOUNDARY LINE ADJUSTMENT NO. 106LD0070

DECLARATION

I KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNERS(S) OF THE LAND HERIN DESCRIBED DO HEREBY MAKE A BOUNDARY LINE ADJUSTMENT THEREOF...

Robert C. Bonjorn Linda M. Nellans

STATE OF Washington COUNTY OF King

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT ROBERT C. BONJORN

SIGNED THIS DECLARATION AND ACKNOWLEDGED IT TO BE THEIR FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED 12-26-2006 SIGNATURE OF NOTARY PUBLIC DANIEL A. ACAR... TITLE NOTARY MY APPOINTMENT EXPIRES July 26, 2008

STATE OF Washington COUNTY OF King

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT LINDA M. NELLANS

SIGNED THIS DECLARATION AND ACKNOWLEDGED IT TO BE THEIR FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

DATED 12-26-2006 SIGNATURE OF NOTARY PUBLIC DANIEL A. ACAR... TITLE NOTARY MY APPOINTMENT EXPIRES July 26, 2008

APPROVAL

DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES APPROVED THIS 28th DAY OF December 2006

KING COUNTY DEPARTMENT OF ASSESSMENTS EXAMINED & APPROVED THIS 2nd DAY OF January 2007

APPROVAL NOTES:

THIS REQUEST QUALIFIES FOR EXEMPTION UNDER KCC 19A.28 IT DOES NOT GUARANTEE THAT THE LOTS WILL BE SUITABLE FOR DEVELOPMENT NOW OR IN THE FUTURE...

RECORDING NO.

20070103900024

VOL./PAGE

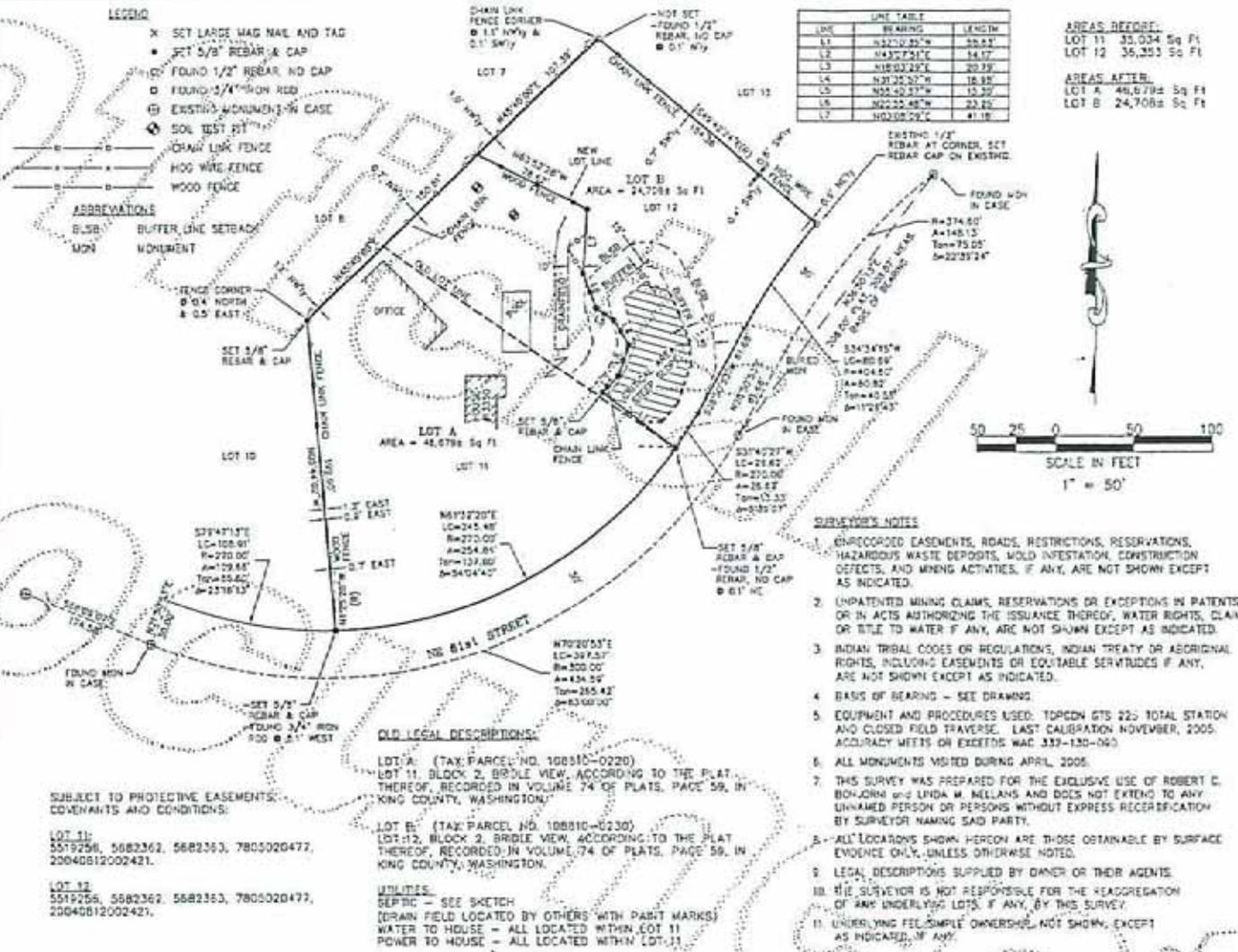
217/060

SCALE: 1 INCH = 50 FT.



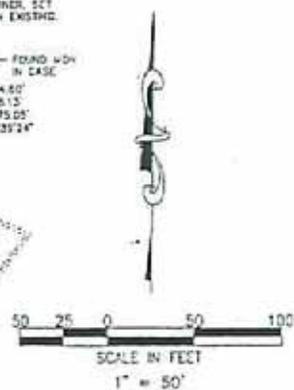
PORTION OF

SW 1/4 of SW 1/4, S. 10, T. 22 N., R. 5 E. W.M.



LINE TABLE with columns: LINE, BEARING, LENGTH

AREAS BEFORE LOT 11 35,034 Sq Ft LOT 12 35,353 Sq Ft AREAS AFTER LOT A 46,679 Sq Ft LOT B 24,708 Sq Ft



- SURVEYOR'S NOTES: 1. ENCLOSED EASEMENTS, ROADS, RESTRICTIONS, RESERVATIONS... 2. UNPATENTED MINING CLAIMS... 3. INDIAN TRIBAL CODES... 4. BASIS OF BEARING... 5. EQUIPMENT AND PROCEDURES USED... 6. ALL MONUMENTS VISITED... 7. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF ROBERT C. BONJORN AND LINDA M. NELLANS... 8. ALL LOCATIONS SHOWN HEREON ARE THOSE OBTAINABLE BY SURFACE EVIDENCE ONLY... 9. LEGAL DESCRIPTIONS SUPPLIED BY OWNER OR THEIR AGENTS... 10. THE SURVEYOR IS NOT RESPONSIBLE FOR THE REAGGREGATION OF ANY UNDERLYING LOTS... 11. UNDERLYING FEE SIMPLE OWNERSHIP, NOT SHOWN, EXCEPT AS INDICATED, IF ANY.

OLD LEGAL DESCRIPTIONS: LOT A: (TAX PARCEL NO. 108510-0220) LOT 11, BLOCK 2, BRIDLE VIEW... LOT B: (TAX PARCEL NO. 108510-0230) LOT 12, BLOCK 2, BRIDLE VIEW...

RECORDER'S CERTIFICATE FILED FOR RECORD THIS 03 DAY OF Jan, 2007 IN BOOK 217, DEPARTMENT PAGE 060

LAND SURVEYOR'S CERTIFICATE THIS BOUNDARY LINE ADJUSTMENT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH STATE AND COUNTY STATUTES. IN Dec 2006



BOYD & ASSOCIATES INCORPORATED

828 INDEK COURT NE RENTON, WA 98056 425-204-0540

KING COUNTY BOUNDARY LINE ADJUSTMENT FOR ROBERT C. BONJORN and LINDA M. NELLANS



King County  
Department of Development and  
Environmental Services  
900 Oakesdale Avenue Southwest  
Renton, WA 98055-1219

January 26, 2006

Bob Bonjorni  
P.O. Box 3104  
Kirkland, WA 98083

RE: Revised Critical Areas Designation L05SA469, Parcels 108810-0220 and 108810-0230  
Status: Complete

Dear Mr. Bonjorni:

I visited the above-referenced site for the purpose of critical area review. The portion of the site that has been reviewed contains **steep slopes**. Please note that the determination regarding these critical areas is vested for five years.

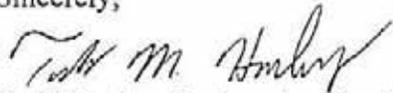
Steep Slope Area (21A.24.310). The parcel contains one area of steep slopes that appears to have been created and subsequently modified by grading and placement of yard debris. Regulated steep slopes are defined as those areas with forty percent inclination or more with a vertical elevation change of at least ten feet. Standard buffers from the top, toe, and sides of regulated steep slopes are 50 feet, plus a 15-foot building setback. In this case, the steep slope buffer may be reduced to ten feet from the top and sides of the steep slope and 1 foot at the toe of slope. The fifteen foot building setback would extend from the outer edge of the reduced buffer. Please see the attached site plan for an approximation of the steep slope areas and related buffers and building setbacks. Because this slope was created through previous legal grading, you could re-grade the slope (with an appropriate permit) and if the resulting slope no longer met the standards for a regulated steep slope, critical areas requirements would no longer apply. For purposes of on-site septic system design, no portion of the system should be located within the steep slope or required buffers except for a tight conveyance line that could cross either the slope or buffer if no reasonable alternative exists. Any crossing would be reviewed at the time of the building permit to insure that the installation would have the minimum necessary impact.

Additional requirements for the design and location of the on-site septic system(s) may be placed during review by Public Health, and are beyond the scope of the King County Critical Areas Ordinance and this designation.

Bob Bonjorni  
December 9, 2005  
Page 2

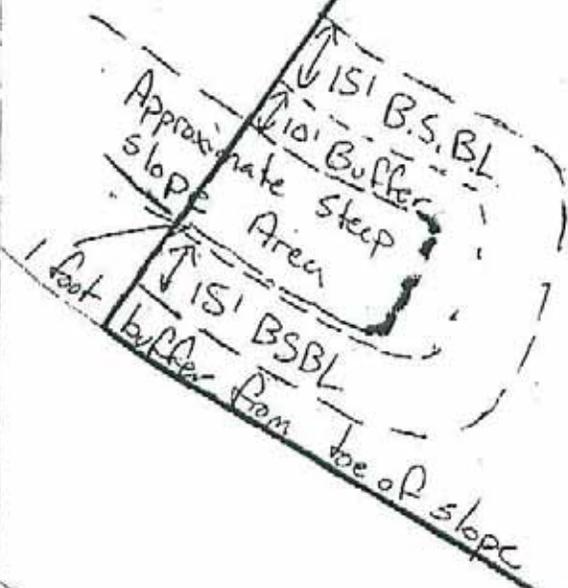
This completed Critical Areas Designation is vested for 5 years from the date of this letter. Please submit this letter with your septic design to the Health Department. Please note that the purpose of this review is to determine the location and classification of critical areas on your site, and unless otherwise specifically noted, is not an approval of existing or proposed development. Additional reviews, including but not limited to drainage, floodplain, shorelines, clearing, compliance with critical area codes, and fire flow may occur during the building permit process.

Sincerely,



Todd Hurley, Engineering Geologist  
Critical Areas Section  
Land Use Services Division

Revised  
1/26/05 *T.M. Hurley*  
Todd M. Hurley  
K.C. Environmental Sci. III



Print Date: Dec 8, 2006 14:55:00 (UTC-08:00) 'ca' 'ep' 'ca'

The information contained on this map was compiled by...  
King County



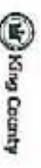
Parcel: 1088100230  
Start Name: Hurley  
Accuracy: Non-Surveyed  
Date: Dec 8, 2005  
Valid Until: 12/14/2010

K I N G C O U N T Y



KING COUNTY

Permit: L055A469  
 Parcel: 1088100220  
 Staff Name: Hurley  
 Accuracy: Non-Surveyed  
 Date: Dec 8, 2005  
 Valid Until: 12/14/2010



This document is a technical drawing prepared by King County and is not to be used for any other purpose without the express written permission of King County. It is the responsibility of the user to ensure that the drawing is used in accordance with the applicable laws and regulations. King County does not warrant the accuracy or completeness of the information contained herein. Any reliance on this information is at the user's own risk. King County may be contacted at 206-435-7000 for more information.

Print Date: 01-18-2006 10:48:00 AM Plot No: 1088100220.dwg



**CITY OF KIRKLAND**  
**PLANNING & COMMUNITY DEVELOPMENT**  
 123 5<sup>th</sup> Avenue, Kirkland, WA 98033 425.587.3225  
 www.ci.kirkland.wa.us

## Chapter 120 – VARIANCES

### 120.10 Process for Deciding Upon a Proposed Variance

*The following subsection is not effective within the disapproval jurisdiction of the Houghton Community Council:*

1. The City will use Process IIA, described in Chapter 150 KZC, to review and decide upon an application for a variance except as to property located within an RS or RSX Zone or for a detached dwelling unit in any zone. For variance applications as to property located within an RS or RSX Zone or for a detached dwelling unit in any zone, the City will use Process I described in Chapter 145 KZC; provided, however, that while the content of the notice shall be per KZC 145.22(1), the distribution of the notice shall be per KZC 150.30(2).

*The following subsection is effective only within the disapproval jurisdiction of the Houghton Community Council:*

2. The City will use Process IIA, described in Chapter 150 KZC, to review and decide upon an application for a variance except as to property located within an RS or RSX Zone. For variance applications as to property located within an RS or RSX Zone, the City will use Process I described in Chapter 145 KZC; provided, however, that while the content of the notice shall be per KZC 145.22(1), the distribution of the notice shall be per KZC 150.30(2).

### 120.12 Expansion or Modification of an Existing Structure

*The following section is not effective within the disapproval jurisdiction of the Houghton Community Council.*

If the expansion or modification of an existing structure requires a variance under this chapter, the Planning Director may approve such expansion or modification without requiring the variance process if all of the following criteria are met:

1. The request complies with the criteria in KZC 120.20; and
2. The gross floor area of the structure is expanded by less than five percent; and
3. The Planning Director determines that the change or alteration will not have significantly more or different impact on the surrounding area than does the present development

### 120.20 Criteria for Granting a Variance

**The City may grant a variance only if it finds that:**

1. The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole; and
2. The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of a preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed; and
3. The variance will not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this code allows to other property in the same area and zone as the subject property.

### 120.25 What May Not Be Varied

The City may grant a variance to any of the provisions of this code except:

1. The City may not grant a variance to any provision establishing the uses that are permitted to locate or that may continue to operate in any zone; and
2. The City may not grant a variance to any of the procedural provisions of this code; and
3. The City may not grant a variance to any provision that specifically states that its requirements are not subject to variance.

**Item 120.20 - Criteria for Granting of Variance**

The City may grant a variance only if it finds that:

**Question**

1. The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the city in part, or as a whole.

**Answer**

In this instance, the granting of a variance from a 10,000 square foot horse paddock to a 7,500 square alternative farm animal paddock would not be materially detrimental to the existing property, the surrounding properties, or to the City of Kirkland. The difference between a 7,500 square foot paddock and a 10,000 square foot paddock would not have an effect on value.

It is also my conclusion the substitution of one farm animal for another would not be materially detrimental to the property or improvements in the area of the subject property or to the city in part, or as a whole. The difference between a horse and goat would not have an effect on value.

**Question**

2. The variance is necessary because of special circumstances regarding the size, shape, topography or location of the subject property, or the location of pre-existing improvements on the subject property that conform to the zoning code in effect when the improvements were constructed.

**Answer**

A variance is necessary because this particular lot is approximately 10,000 square feet smaller than the next smallest lot located within the subdivision. The subject lot also has steep slopes and would not accommodate a large animal over the drainfield or reserve drainfield such as a horse, cow, burro, or other large domestic farm animal. The City is already aware, and have indicated that this lot cannot meet the criteria based on the site size, topography, critical steep slopes and the location of the drainfield. I concur with the city of Kirkland's previous findings.

**Question**

3. The variance will not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this code allows to other properties in the same area and zone of the subject property.

**Answer**

The variance would not constitute a special privilege to the subject property which would be inconsistent with the general rights and codes allowed to other properties in the same area and zone because the area dedicated to a paddock on the subject property would constitute approximately 30 percent of the site whereas the area dedicated on all other lots within the subdivision would constitute a 29 percent of the site. In other words, a 7,500 square foot paddock on the subject property, in fact, encumbers a larger percentage of the site than a 10,000 square foot paddock on the next smallest lot in the subdivision.

The second reason why the granting of an easement in this situation would not constitute a special privilege is because none of the other lots are as small as the subject property. All of the other lots are generally approximately 35,000 square feet. The next smallest lot is approximately 35,000 square feet, therefore, no one else in the subdivision is faced with the same situation. In addition, there is only one other lot in the entire subdivision that is vacant and not already constructed on and that lot is a flat lot in which a 10,000 square foot horse paddock would not be a problem or an issue. The variance I am requesting, because of the size of all of the other lots within the subdivision, will probably never be an issue because the lots are large enough to accommodate large domestic animals like horses.

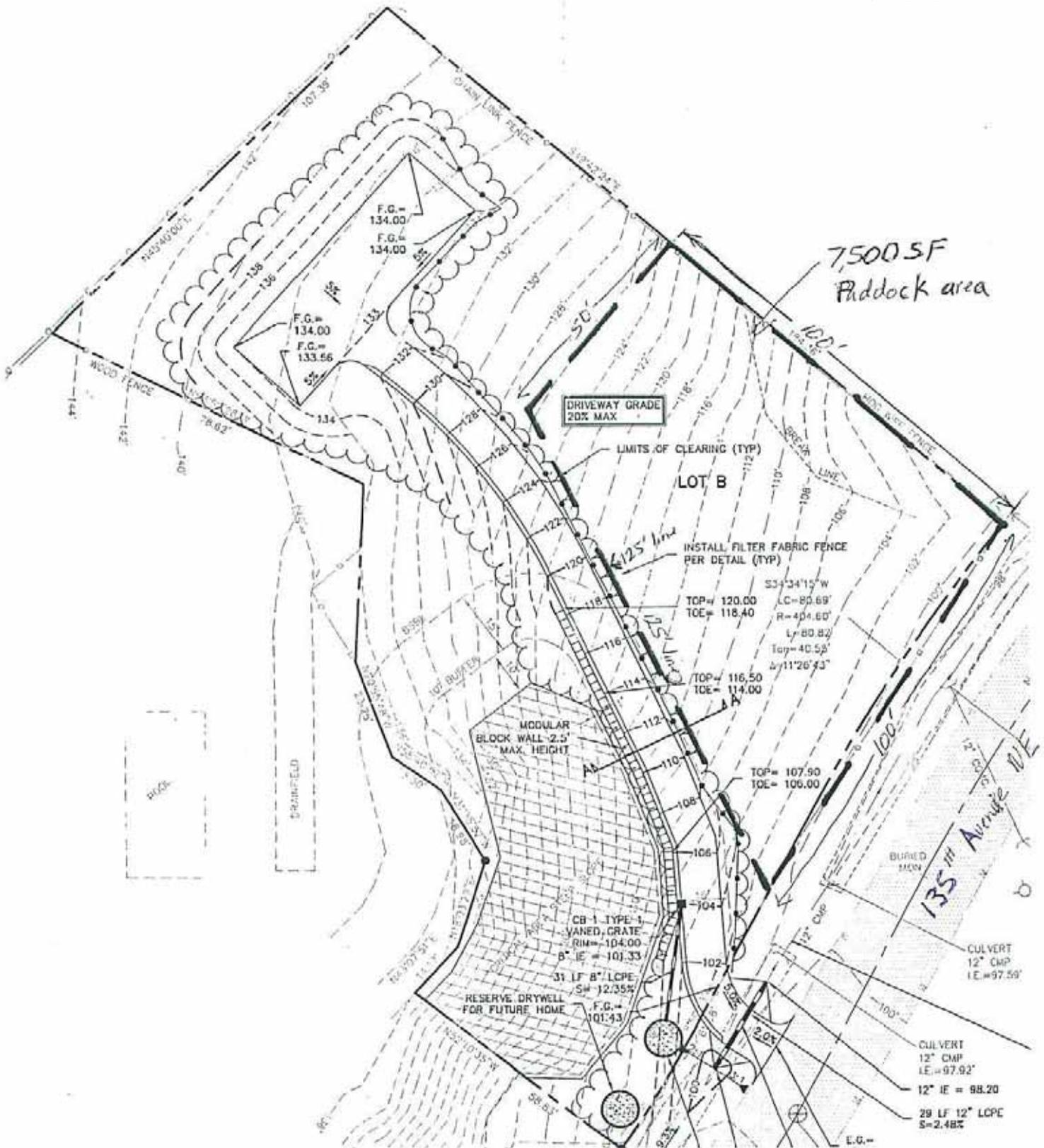


**PLANNING & COMMUNITY DEVELOPMENT  
ZONING PERMIT APPLICATION**

---

EXHIBIT A: LEGAL DESCRIPTION

*Lot B of King County Boundary Line  
Adjustment 20070103900024, Records  
of King County, Washington*







## CITY OF KIRKLAND

Planning and Community Development Department

123 Fifth Avenue, Kirkland, WA 98033 425.587-

3225

[www.kirklandwa.gov](http://www.kirklandwa.gov)

## DEVELOPMENT STANDARDS LIST

File: ZON11-00031 BONJORNI VARIANCE

### ZONING CODE STANDARDS

**95.50 Tree Installation Standards.** All supplemental trees to be planted shall conform to the Kirkland Plant List. All installation standards shall conform to Kirkland Zoning Code Section 95.45.

**95.52 Prohibited Vegetation.** Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

**110.60.5 Street Trees.** All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

**115.25 Work Hours.** It is a violation of this Code to engage in any development activity or to operate any heavy equipment before 7:00 am. or after 8:00 pm Monday through Friday, or before 9:00 am or after 6:00 pm Saturday. No development activity or use of heavy equipment may occur on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. The applicant will be required to comply with these regulations and any violation of this section will result in enforcement action, unless written permission is obtained from the Planning official.

**115.40 Fence Location.** Fences over 6 feet in height may not be located in a required setback yard. A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard. No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard, which is coincident with the high waterline setback yard.

A detached dwelling unit may not have a fence over 3.5 feet in height within 3 feet of the property line abutting a principal or minor arterial except where the abutting arterial contains an improved landscape strip between the street and sidewalk. The area between the fence and property line shall be planted with vegetation and maintained by the property owner.

**115.42 Floor Area Ratio (F.A.R.) Limits.** Floor area for detached dwelling units is limited to a maximum floor area ratio in low density residential zones. See Use Zone charts for the maximum percentages allowed. This regulation does not apply within the disapproval jurisdiction of the Houghton Community Council.

**115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones.** Detached dwelling units served by an open public alley, or an easement or tract serving as an alley, shall enter all garages from that alley. Whenever practicable, garage doors shall not be placed on the front façade of the house. Side-entry garages shall minimize blank walls. For garages with garage doors on the front façade, increased setbacks apply, and the garage width shall not exceed 50% of the total width of the front façade. These regulations do not apply within the disapproval jurisdiction of the Houghton Community Council. Section 115.43 lists

other exceptions to these requirements.

**115.75.2 Fill Material.** All materials used as fill must be non-dissolving and non-decomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.

**115.90 Calculating Lot Coverage.** The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations. See Section 115.90 for a more detailed explanation of these exceptions.

**115.95 Noise Standards.** The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.

**115.115 Required Setback Yards.** This section establishes what structures, improvements and activities may be within required setback yards as established for each use in each zone.

**115.115.3.g Rockeries and Retaining Walls.** Rockeries and retaining walls are limited to a maximum height of four feet in a required yard unless certain modification criteria in this section are met. The combined height of fences and retaining walls within five feet of each other in a required yard is limited to a maximum height of 6 feet, unless certain modification criteria in this section are met.

**115.115.3.o Garage Setbacks.** In low density residential zones, garages meeting certain criteria in this section can be placed closer to the rear property line than is normally allowed in those zones.

**115.115.3.p HVAC and Similar Equipment:** These may be placed no closer than five feet of a side or rear property line, and shall not be located within a required front yard; provided, that HVAC equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC equipment shall be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC 115.95.

**115.115.5.a Driveway Width and Setbacks.** For a detached dwelling unit, a driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard surfaced areas located in the front yard by a 5-foot wide landscape strip. Driveways shall not be closer than 5 feet to any side property line unless certain standards are met.

**115.135 Sight Distance at Intersection.** Areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction as described in this section.

**145.22.2 Public Notice Signs.** Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs.

***Prior to issuance of a grading or building permit:***

**85.25.1 Geotechnical Report Recommendations.** A written acknowledgment must be added to the face of the plans signed by the architect, engineer, and/or designer that he/she has reviewed the geotechnical recommendations and incorporated these recommendations into the plans.

**27.06.030 Park Impact Fees.** New residential units are required to pay park impact fees prior to issuance of a building permit. Please see KMC 27.06 for the current rate. Exemptions and/or credits may apply pursuant to KMC 27.06.050 and KMC 27.06.060. If a property

contains an existing unit to be removed, a "credit" for that unit shall apply to the first building permit of the subdivision.

***Prior to occupancy:***

**95.51.2.b Tree Maintenance.** For detached dwelling units, the applicant shall submit a 5-year tree maintenance agreement to the Planning Department to maintain all pre-existing trees designated for preservation and any supplemental trees required to be planted.

**110.60.6 Mailboxes.** Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.



KING COUNTY, WASHINGTON



BOUNDARY LINE ADJUSTMENT NO. 106LD0070

DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNER(S) OF THE LAND HERIN DESCRIBED DO HEREBY MAKE A BOUNDARY LINE ADJUSTMENT THEREOF...

Robert C. Bonjorn Linda M. Nellans ROBERT C. BONJORN LINDA M. NELLANS

STATE of Washington COUNTY of King

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT ROBERT C. BONJORN

SIGNED THIS DECLARATION AND ACKNOWLEDGED IT TO BE THEIR FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.



DATED 12-26-2006 SIGNATURE OF NOTARY PUBLIC... TITLE NOTARY

STATE of Washington COUNTY of King

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT LINDA M. NELLANS

SIGNED THIS DECLARATION AND ACKNOWLEDGED IT TO BE THEIR FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.



DATED 12-26-2006 SIGNATURE OF NOTARY PUBLIC... TITLE NOTARY

APPROVAL

DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES APPROVED THIS 22nd DAY OF December 2006

Scott Noble David Kissinger KING COUNTY ASSESSOR DEPUTY KING COUNTY ASSESSOR

APPROVAL NOTES:

THIS REQUEST QUALIFIES FOR EXEMPTION UNDER KCC 19A.28 IT DOES NOT GUARANTEE THAT THE LOTS WILL BE SUITABLE FOR DEVELOPMENT NOW OR IN THE FUTURE...

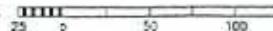
RECORDING NO.

20070103900024

VOL./PAGE

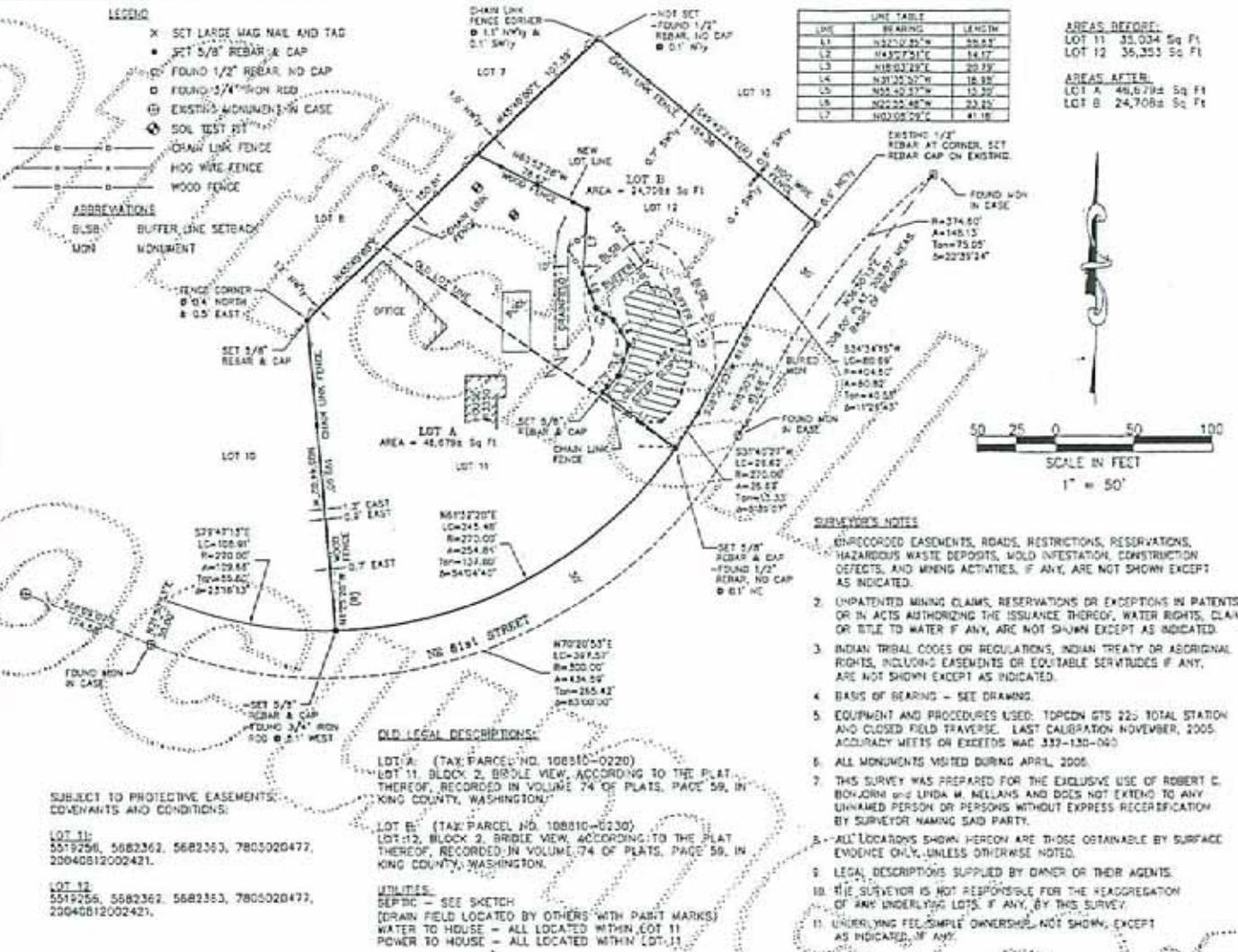
217/060

SCALE: 1 INCH = 50 FT.



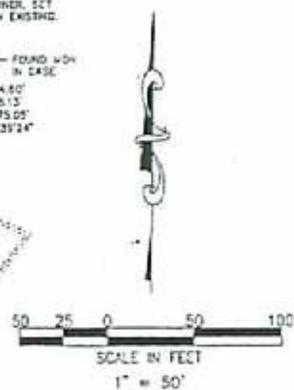
PORTION OF

SW 1/4 of SW 1/4, S. 10, T. 23, N. R. 5 E. W.M.



LINE TABLE with columns: LINE, BEARING, LENGTH. Lists lines L1 through L7 with their respective bearings and lengths.

AREAS BEFORE and AREAS AFTER tables. Shows lot areas before and after the adjustment.



- SURVEYOR'S NOTES: 1. UNRECORDED EASEMENTS, ROADS, RESTRICTIONS, RESERVATIONS... 2. UNPATENTED MINING CLAIMS... 3. INDIAN TRIBAL CODES OR REGULATIONS... 4. BASIS OF BEARING... 5. EQUIPMENT AND PROCEDURES USED... 6. ALL MONUMENTS VISITED DURING APRIL, 2006... 7. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF ROBERT C. BONJORN AND LINDA M. NELLANS... 8. ALL LOCATIONS SHOWN HEREON ARE THOSE OBTAINABLE BY SURFACE EVIDENCE ONLY... 9. LEGAL DESCRIPTIONS SUPPLIED BY OWNER OR THEIR AGENTS... 10. THE SURVEYOR IS NOT RESPONSIBLE FOR THE REAGGREGATION OF ANY UNDERLYING LOTS... 11. UNDERLYING FEE SIMPLE OWNERSHIP NOT SHOWN EXCEPT AS INDICATED, IF ANY.

RECORDER'S CERTIFICATE FILED FOR RECORD THIS 23rd DAY OF Jan, 2007 AT 1:29 PM IN BOOK 217, OFFICIAL PAGE 060 AT THE REQUEST OF SURVEYOR'S NAME Scott Bonjorn

LAND SURVEYOR'S CERTIFICATE THIS BOUNDARY LINE ADJUSTMENT CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH STATE AND COUNTY STATUTES. IN Dec 2006 CERTIFICATE NO. 17659



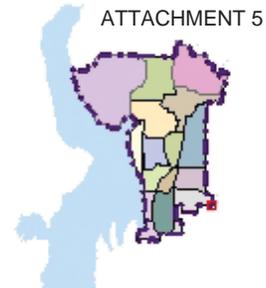
BOYD & ASSOCIATES INCORPORATED

828 INDEK COURT NE RENTON, WA 98056 425-204-0540

KING COUNTY BOUNDARY LINE ADJUSTMENT FOR ROBERT C. BONJORN and LINDA M. NELLANS. Table with columns: DWN. BY, DATE, JOB NO., CHKD. BY, SCALE, SHEET.



# GIS MAPPING PORTAL ~ City of Kirkland, Washington ~ Department of Information Technology



### Legend

- Address
- City Limits
- Grid
- QQ Grid
- + Railroad
- Streets
- Parcels
- ComPlace Names
- Buildings
- Lakes
- Parks
- Schools
- z\_Image09
  - Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3

1: 1,124



0.0 0 0.02 0.04 Miles

NAD\_1983\_StatePlane\_Washington\_North\_FIPS\_4601\_Feet  
Produced by the City of Kirkland. © 2011 City of Kirkland, Washington, all rights reserved.

No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Notes

Bonjomi Aerial Photo

**Sean LeRoy**

---

**From:** Sean LeRoy  
**Sent:** Friday, November 18, 2011 10:43 AM  
**To:** 'lolawolf@comcast.net'  
**Cc:** Sean LeRoy  
**Subject:** RE: File # ZON11-00031

Hi Lola,  
 Thank you for your email. I will include it as part of the public record and address it in my staff report. In the meantime should you have any further questions, please do contact me.  
 Sincerely,

Sean LeRoy  
 PLANNER  
 City of Kirkland  
 Hrs: Tues - Fri 7am-5.30pm  
 tele: 425.587.3260

-----Original Message-----  
**From:** Christian Geitz  
**Sent:** Friday, November 18, 2011 8:26 AM  
**To:** Sean LeRoy  
**Cc:** Scott Guter; Dawn Nelson  
**Subject:** FW: File # ZON11-00031

Another comment for ZON11-00031.

Christian Geitz  
 Assistant Planner  
 Planning and Community Development  
 City of Kirkland  
 p: 425.587.3246

-----Original Message-----  
**From:** Lola Wolf [<mailto:lolawolf@comcast.net>]  
**Sent:** Friday, November 18, 2011 7:16 AM  
**To:** PlanningInfo  
**Subject:** File # ZON11-00031

Dear Person,

Having lived in my home in Bridle View since 1986, I appreciate the beauty and the quiet in the neighborhood. The fact that all of our homes are on horse-acres has definitely contributed if not defined this. I wish to object to Bob Bonjorni's application of the RSX 35 zoning as found in Special Regulations 5 of the Kirkland Zoning Code Chapter 17.10.010 on his property at Lot 12, Block 2 of the Bridle View Housing Area in the Bridle Trails area of Kirkland. (Site add. 6117 132nd Ave, NE, Kirkland)

If he is granted this variance, I do believe that this will set a precedent for others and our neighborhood would then be in jeopardy of no longer being horse property. Although I do not have a horse, I wish the homes to remain on horse acres. It is an unusual place where people enjoy that part of nature which has been taken away in many other places.

Thank you,

Lola Wolf

**Sean LeRoy**

---

**From:** Carolyn Adams [cac.architect@comcast.net]  
**Sent:** Friday, December 02, 2011 5:02 PM  
**To:** Sean LeRoy  
**Subject:** Bonjorni Paddock Variance, case # ZON11-00031

I am a resident of the Bridle View development in Kirkland. I reside at 13315 NE 61st Street Kirkland 98033. I ask that you deny the Bonjorni Paddock Variance, case # ZON11-00031. Please uphold the current 1-acre zoning and do not allow this non-resident homeowner to subdivide his property. It sets a bad precedent for the neighborhood, a unique horse community. Most residents live here because they support the equestrian lifestyle. We would like to see it continue intact. I oppose this variance.

thank you,  
Carolyn Adams



**Sean LeRoy**

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**From:** Jeff Allen [jefallen@live.com]  
**Sent:** Saturday, December 03, 2011 7:07 PM  
**To:** Sean LeRoy  
**Cc:** pattyallen28@hotmail.com  
**Subject:** Dissent of variance request # (Bonjorni Paddock Variance, case # ZON11-00031)

As a resident of Kirkland's Bridle View community, I am writing to express my dissent in the city granting the Bonjorni Paddock Variance, case # ZON11-00031. The variance is in violation of Bridle View's covenants and jeopardizes the equestrian zoning established in the neighborhood for some 40+ years. The individual making the variance request is not a resident of the neighborhood but a real estate investor and speculator who cares little or nothing about the neighborhood. The lot in question is an eye sore and poorly maintained -the grass has not been mowed for more than 2 years and there are 4-5 large holes dug in the lot - cleaning it up would be a better use of city time and resources vs. granting the owner the right to bypass existing zoning regulations.

Please consider the voice of the Bridle View residents who care about our community and want to see the long standing equestrian zoning remain intact.

Jeff and Patty Allen  
6343 135<sup>th</sup> AV NE  
Kirkland WA 98033



# Web Case Comments

ATTACHMENT 6 12/05/2011

**Permit Number:** ZON11-00031  
**Project Name:** VARIANCE REQUEST  
**Opened for Comment:** 11/14/2011 3:39PM  
**Closed for Comment:** 12/05/2011 12:00AM

**Permit Status:** P  
**Comments on this Case:** 2

## Permit Details:

Variance request for elimination of the 10,000 permeable square feet requirement of the RSX 35 zone, as found in Special Regulation 5 of the Kirkland Zoning Code Chapter 17.10.010.

---

## Comments:

**Nelson Betty, 6105-136th Ave.NE Kirkland Wa 98033,**

**11/16/2011**

**1 of 2**

this property was allowed to be split up according to the rules of King County at the time. the neighborhood has since been absorbed into the City of Kirkland. we now have a lot that was useable to something that is not useable. what is fair? I am in favor of the variance. it takes an eye sore piece that can never be built on to something can generates revenue for several governmental agencies, short term and long term. I live directly across from the lot.

**George Joy, 13536 NE 66th St Kirkland WA 98033,**

**11/20/2011**

**2 of 2**

I live in the Bridle view community a few houses away from the property at 6117 137th Ave NE referenced by this permit application.

The permit requests a variance to the horse-property zoning requirements that are part of the by-laws of the Bridle view community within which the property is located.

The owner of the property is asking for a reduction of the size of the horse pasture size requirement on account of the size and contours of the property.

The application makes the case that the owner would set aside the same percentage of land as the other houses in the community. This argument does not make sense - a farm animal requires a certain minimum amount of space and that is what the regulation is about. This pasture space exists at the the top of the hill. Instead, the proposed "pasture" is actually on a fairly steep hill.

There is an implicit assumption by the applicant that this property is one that is suitable for a single family home. No such permit has been granted. The property does not seem suitable for a home due to its small size and steep contours. I would request the City of Kirkland to review the conditions under which the current property lines were drawn up. The limitations of the property should have been obvious to the owner at the time he purchased the property or subdivided it.

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## Sean LeRoy

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**From:** Sean LeRoy  
**Sent:** Thursday, December 01, 2011 10:06 AM  
**To:** 'Shannon Burbridge'  
**Cc:** 'mburbridge@nai-ppsp.com'; Sean LeRoy  
**Subject:** RE: permit # ZON11-00031

Hi Shannon,

Thank you for your comments on City file ZON11-00031. I will include it as part of the public record and address it as part of my staff report.

In the meantime, should you have any questions, please do let me know.

Sincerely,

## Sean LeRoy

PLANNER

City of Kirkland

Hrs: Tues - Fri 7am-5.30pm

tele: 425.587.3260

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**From:** Shannon Burbridge [<mailto:s.burbridge@frontier.com>]  
**Sent:** Thursday, December 01, 2011 9:33 AM  
**To:** Sean LeRoy  
**Subject:** permit # ZON11-00031

Dear Sean LeRoy~

I am writing in regards to the Application for the Bonjorni Paddock Variance, case # ZON11-00031.

My husband (Morgan Burbridge) and myself live in the Bridle View neighborhood @ 6306 135<sup>th</sup> Ave NE, Kirkland WA 98033, my email is [s.burbridge@frontier.com](mailto:s.burbridge@frontier.com), and Morgan's is [mburbridge@nai-ppsp.com](mailto:mburbridge@nai-ppsp.com) .

We would like to go on record as being opposed to this variance being granted. The residents of this neighborhood have worked very hard to maintain its character, and an integral part of this character is due to larger lots supporting many equestrian properties.

Bonjorni knew that the property at 6117 135<sup>th</sup> Ave NE would be non conforming once he completed the lot line adjustment during the sale of the adjacent property which he also owned. He now seeks to undermine the character of the neighborhood by gaining an exception to our zoning for the non conforming lot at 6117 135<sup>th</sup> Ave NE.

He is not a resident in this community, nor does he have any intention to be. His only concern is making a profit on the sale of the property, without concern for how it will impact our community long term.

We are concerned that this variance would set a precedent and open the door for others to divide larger properties into smaller lots. Please consider our voices as residents of this neighborhood for 11 years, we are committed to the area and it's well being. We hope that you will not allow the undermining of its special character - that so many have worked so long to maintain and protect.

Thank you for your consideration.

Sincerely,

*Shannon Burbridge*

Alpine River Hideaway~ [www.alpineriverhideaway.com](http://www.alpineriverhideaway.com)

Heaven Can Wait LLC & The Osprey Nest Cabin~ [www.hcwlodge.com](http://www.hcwlodge.com)

ph 425-985-6455 fax 425-881-6434

 Please consider the environment before printing this email.

## Sean LeRoy

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**From:** Irene Carlson [rickrennie48@comcast.net]  
**Sent:** Sunday, December 04, 2011 8:16 PM  
**To:** Sean LeRoy  
**Subject:** Please consider

Dear Mr. LeRoy

I am writing to comment on the open application for variance by Mr. Bonjorni (Case No. ZON11-00031). Mr. Bonjorni was fully aware of the subject lots size requirements when he subdivided his original purchase. Any request that the city absolve him of the problems created by his own hand to the detriment of others in the community is unacceptable.

Sincerely,  
Rick & Irene Carlson  
6350 133rd Av NE  
Kirkland, Wa 98033

[rickrennie48@comcast.net](mailto:rickrennie48@comcast.net)



**Sean LeRoy**

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**From:** William Dolan [william\_b\_dolan@hotmail.com]  
**Sent:** Sunday, December 04, 2011 4:47 PM  
**To:** Sean LeRoy  
**Cc:** kathy hunt  
**Subject:** Case No. ZON11-00031, Bridle View zoning Variance

Dear Mr. LeRoy,

I am writing with respect Robert Bonjorni's open application for variance in the Bridle View neighborhood (Case No. ZON11-00031). I live close to the property in question, and am opposed to the City of Kirkland granting the variance.

Many people in this small, tight-knit neighborhood worked for years to arrange annexation by Kirkland rather than Redmond, specifically in order to preserve its equestrian nature. Granting this variance would create a precedent for future variances, and could quickly destroy the character of our neighborhood. We paid a premium to buy a home in Bridle View because of its equestrian feel (we do keep a horse on our property), and we strongly believe that our property value will be negatively affected if this variance is granted.

Mr. Bonjorni originally owned two adjacent lots, each with large enough square footage to provide adequate paddock space. When he changed the property line separating these two tax parcels, he knowingly created a lot with insufficient paddock space for a horse, problematic driveway access, and drainfield issues. At the time he seemed confident, though, that he could eventually overcome any legal obstacles.

In my view, this problematic lot is a problem that Mr. Bonjorni created for himself, and our neighborhood should not suffer as a result. I hope the city will decline to grant this variance.

Thanks,  
William Dolan  
13333 NE 61st St. Kirkland WA



**Sean LeRoy**

---

**From:** FxIdaho@aol.com  
**Sent:** Saturday, December 03, 2011 9:50 PM  
**To:** Sean LeRoy  
**Subject:** bonjorni paddock variance

Barbara and Wray Featherstone  
13330 NE 61st ST  
Kirkland, WA 98033  
425-883-4821

[fxidaho@aol.com](mailto:fxidaho@aol.com)

ATTN: Mr. Sean LeRoy

Reference Permit Number ZON11-00031

Dear Mr LeRoy,

My wife and I are 26 year residents of the Bridle View community. We are writing to voice our strongest objections against the Bonjorni Paddock Variance.

We are writing to ask your protection of this 50 year old horse community. Mr. Bonjorni bought the lot in question and the lot to the West as a single "investment" several years ago. He planned to sell the Westerly house and lot then the vacant subject lot. He never planned to live in our community. He soon realized that he was unable to divide the lots into two "horse acre" lots because of a swimming pool located on the west lot.

Through his experience and other means, he was able to persuade King County to grant him an exception to the standard lot size in this area. Despite the objections of nearly every resident in our area, the County granted the Variance.

Please do not allow him to further degrade the conditions that governed the creation of this horse friendly neighborhood so many years ago. Most of the residents of this area helped fund the Bridle Trails Foundation which contributes a large amount of money yearly to maintain Bridle Trails State Park (which was designated as a pedestrian and horse friendly park).

We are very appreciative of your time and sense of "right and wrong".

Sincerely,

Barbara and Wray Featherstone



**Sean LeRoy**

---

**From:** Janka Hobbs [urtica@frontier.com]  
**Sent:** Sunday, December 04, 2011 12:33 PM  
**To:** Sean LeRoy  
**Subject:** ZON11-00031

Dear Mr. Leroy,

Thank you for speaking with me last week. I am putting my concerns about Mr. Bonjorni's variance request in writing, as you suggested.

As you know, Mr. Bonjorni bought a horse property in this neighborhood before it was annexed to Kirkland. He sold the part of the lot with an existing house and structures, and kept a steep paddock area, hoping to develop it later. Since all of the houses in this neighborhood are on septic systems, there is no sewer line nearby. His lot is too small and steep to put in a traditional septic system, hence the variance request. If the system he puts in fails, it will force the city to build a sewer line to that property. I am concerned that when this happens, the rest of the neighborhood will be forced to pay for the line.

Also, several people in this neighborhood worked hard for many years to allow our annexation by Kirkland, so that we could qualify for Kirkland's equine overlay zoning. I have trouble imagining how a house built on a narrow, steep lot would fit in with the character of the neighborhood.

Thank You,

Jana Hobbs  
13506 NE 66th St.  
Kirkland, WA 98033-8601  
[urtica@frontier.com](mailto:urtica@frontier.com)



**Sean LeRoy**

---

**From:** Dawn Nelson  
**Sent:** Monday, November 14, 2011 7:56 AM  
**To:** Sean LeRoy  
**Cc:** Christian Geitz; Scott Guter  
**Subject:** FW: File # ZON11-00031

-----Original Message-----

From: Michael Hobbs [[mail to: BirdMarymoor@frontier.com](mailto:BirdMarymoor@frontier.com)]

Sent: Saturday, November 12, 2011 9:00 PM

To: PlanningInfo

Subject: Re: File # ZON11-00031

Michael Hobbs  
 13506 NE 66th St  
 Kirkland, WA 98033  
 Nov. 12, 2011

Kirkland Planning Department

Re: File # ZON11-00031

To Whom It May Concern,

I am writing about Bob Bonjorni's application for a variance and elimination of the 10,000 permeable square foot requirement of the RSX 35 zoning as found in Special Regulation 5 of the Kirkland Zoning Code Chapter 17.10.010 on his property at Lot 12, Block 2 of the Bridle View Housing Area in the Bridle Trails area of Kirkland. (Site add. 6117 132th Ave NE, Kirkland.)

I know other people have written you (e.g. Alice Prince) with the history of this property, so I won't repeat that stuff here.

I urge you to deny this application for a variance for a few reasons. First is one of fairness – he is knowingly attempting to get around rules in order to make his property more valuable. Cheaters shouldn't be rewarded. He was warned that the small lot he created would not be developable, and he went ahead and did it anyway. That should be his too bad, so sad.

[ It's a ridiculous lot anyway, incredibly steep. Any house built on it would be poised above the neighborhood just waiting for the first rain to slide down onto the road. ]

The second reason I ask you to block this variance is because it could set a bad precedent. Our property is set up for horses, with pasture and a barn.

But it could easily be split into two half-acre lots too small for horses.

If it were developable, it would be worth more. BUT WE DON'T WANT TO SPLIT IT. However, if all one had to do, to get around the rules, was to ask for a variance, then our property might get TAXED as if it could be developed.

That would be bad, and it would be the death-knell for horse properties in our community.

Thank you.





## South Rose Hill/Bridle Trails Neighborhood Association

Date: December 3, 2011

To: Eric Shields, Planning Director, City of Kirkland  
Sean LeRoy, Project Planner

From: Board of Directors, South Rose Hill/Bridle Trails Neighborhood Association  
Deirdre Johnson, President, Andrew Held, C Ray Allshouse, Colette Ulloa, Donald Samdahl, Ernest Anderson, James McElwee, Jeanette Simecek, Laura Seitz, and Lorraine Trospen

Subject: Bonjorni Paddock Variance, File No. ZON11-00031

Bridle View was annexed effective October 2, 2009 and is covered by the Equestrian Overlay that is unique to the Bridle Trails portion of Kirkland. The provisions of this overlay apply to properties in the neighborhood whether or not they actually house horses in order to preserve the equestrian nature of our part of Kirkland. This requirement to preserve 10,000 permeable square feet of the RSX 35 zone as pasture-designated land has been discussed and refined over the years and is a critical part of our equestrian codes to preserve neighborhood character. This provision insures the potential for future equestrian use.

The Bonjorni Paddock Variance, and any paddock variances, are contrary to the goals and vision of our neighborhood as expressed in the Comprehensive Plan and the Special Regulation 5 of the Kirkland Zoning Code, Chapter 17.10.010. The paddock requirement is a key and vital part of what makes the Bridle Trails neighborhood of Kirkland so special and unique. We feel it is imperative for the City to continue to enforce the regulations as written and deny this variance request. Therefore, the Board of Directors of the South Rose Hill/Bridle Trails Neighborhood Association strongly opposes the variance being requested by Mr. Bonjorni because such a variance will eliminate any possibility for equestrian use.

The South Rose Hills/Bridle Trails Neighborhood Association was created in 1998 and our neighborhood boundary included the Bridle View neighborhood. Residents of Bridle View desired at that time that Bridle View to join the City of Kirkland. Residents had expressed an interest in joining our neighborhood association within the City of Kirkland even before annexation took place. They sought to join the City of Kirkland *because of Kirkland's equestrian overlay which would preserve the equestrian character of their neighborhood.*

In 2005 the City put together a committee called the Equestrian Advisory Board because of the **recurring** problem of new Bridle Trails development not in keeping with code for the equestrian overlay. Now, thanks to the efforts of the EAB, flags go up to work with the City to make sure plans are in compliance. Please ensure that this unique neighborhood of Kirkland retains its equestrian character as fully as possible.

Thank you.



**Sean LeRoy**

---

**From:** James McElwee [jandlmcwee@msn.com]  
**Sent:** Sunday, December 04, 2011 4:47 PM  
**To:** Sean LeRoy  
**Subject:** ZON11-00031, Bonjorni Paddock Variance

Mr. Leroy,

Please include my email in public comments for the subject variance application.

Maintaining the equestrian nature of the Bridle View neighborhood is paramount to the Zoning Code for the equestrian neighborhoods near Bridle Trails State Park. To allow a reduction in the requirement for 10,000 sq. ft. of paddock area would be a disservice to the immediate neighboring properties and a license for any other lot within the Equestrian Overlay area to apply for and receive such a variance. There is no compelling reason to grant the variance.

The situation in which this lot finds itself without an easily identified area for 10,000 sq. ft. for a paddock is of artificial construction in which the owner at one time chose to create greater capability on one lot to the detriment of the adjoining lot (the subject lot). To ask now for a variance for a condition which was intentionally created would be to absolve the owner of any responsibility for prior actions. The whole process of creating the limited lot and then to ask for relief by variance is sequential incrementalization which, if granted, would make a mockery of the zoning code and its processes.

To summarize, there is no compelling reason to grant the variance, and there is a great deal of compelling reason to deny, thereby maintaining the 10,000 sq. ft. requirement for the rest of the Equestrian Overlay.

Thank you.

James McElwee  
12907 NE 78th Place, Kirkland



Chris & Debbie Tott  
6313 135<sup>th</sup> Ave. NE  
Kirkland, WA 98033

Dec. 2, 2011

Kirkland Planning Department  
123 5<sup>th</sup> Ave.  
Kirkland, WA 98033

Re: File # ZON11-00031 – Bonjourni Property – 6117 135<sup>th</sup> Ave. NE, Kirkland

Dear Kirkland City Planners,

We understand that the owner of one of our neighborhood parcels has requested a variance. This is of great concern to us. If this variance is granted, it will jeopardize the zoning for our entire neighborhood by setting a new precedence. The Bridle View neighborhood community members worked for many years to obtain specific zoning to protect the parcel sizes. This was done to ensure space for horses as the neighborhood is adjacent to Bridle Trails Park. There are very few equestrian spaces remaining in our area. It is also our understanding that when our neighborhood was recently annexed into Kirkland, the equestrian overlay was important not only to the neighborhood but also to the City of Kirkland.

Mr. Bonjourni purchased a larger parcel and subdivided it quite a few years ago. The result was two lots, one of which is about 1½ acres the other is about ½ acre. As you know, building lots in our neighborhood must be larger than ½ acre. This remaining, smaller parcel is the one that he has requested the variance on. He was well aware of the non-conformance that would result for the remaining parcel when he subdivided.

What a shame it would be to put fifty parcels at risk of a zoning change. From what we can tell Mr. Bonjourni has tried many avenues to try to sell the property at 6117 135<sup>th</sup> Ave. NE. This variance request is the latest measure. We request that you deny this variance. Generations of families have enjoyed this equestrian neighborhood. Allowing this variance would be the beginning of a very sad change. Please help us protect the equestrian community in the Bridle View neighborhood by denying this variance.

Thank you for your consideration,

Chris & Debbie Tott



**Sean LeRoy**

---

**From:** Frank Pampiks [debandfrank@comcast.net]  
**Sent:** Friday, December 02, 2011 10:12 PM  
**To:** Sean LeRoy  
**Subject:** Bonjorni Paddock Variance, case # ZON11-00031)

Dear Mr LeRoy,

My name is Debra Pampiks. I am the owner of the house next door to the Bonjorni property that has requested a variance for elimination of the 10,000 permeable square feet requirement. Permit # ZON11-00031.

It is very important to me that we maintain the equestrian zoning in Bridleview. I feel very strongly that our housing area is unique and special and I would not want to see this jeopardized by setting a new precedent. One of the main reasons I voted for annexation with the city of Kirkland recently was to protect and maintain the equestrian zoning.

Please advise the planning director that I want to see this application for variance denied.

Thank you,

Debra Pampiks  
6133 135th Ave NE  
Kirkland, WA 98033  
[debandfrank@comcast.net](mailto:debandfrank@comcast.net)



**Sean LeRoy**

---

**From:** Grant Peterson [Grant.Peterson@docusign.com]  
**Sent:** Sunday, December 04, 2011 2:56 PM  
**To:** Sean LeRoy  
**Cc:** Rena Peterson; Grant Peterson  
**Subject:** Comment on BONJORNI PADDOCK VARIANCE, CASE NO. ZON11-00031

**Importance:** High

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Donald & Rena Peterson  
 6148 133<sup>rd</sup> AVE NE  
 Kirkland, Washington 98033  
[grant@petersonhome.us](mailto:grant@petersonhome.us)  
[rena@renapeterson.us](mailto:rena@renapeterson.us)

December 4, 2011  
 RE: BONJORNI PADDOCK VARIANCE, CASE NO. ZON11-00031

Sean LeRoy  
 City of Kirkland Project Planner  
 123 5<sup>th</sup> AVE  
 Kirkland, Washington 98033

Dear Mr. LeRoy,

I am writing to provide formal comment on the open application for variance by Mr. Bonjorni (Case No. ZON11-00031). It is my opinion that this application fails to meet 120.20 Criteria for Granting a Variance Tests 1&3, and in principal fails to meet Test 2.

### **Item 120.20 – Criteria for Granting of Variance**

**Question 1.** The variance will not be materially detrimental to the property or improvements in the area of the subject property or the City in part of as a whole.

Answer: The Bridle View neighborhood (location of the subject property) is an equestrian keeping neighborhood. It is one of a very few such neighborhoods in the area. Many homeowners in this neighborhood worked together for a decade to accomplish annexation to Kirkland and gain the equestrian overlay, which protects this unique area. A large majority of homeowners voted to be annexed to Kirkland proving our dedication and belief that the unique nature of our neighborhood sustains value and must be protected. Homes in the neighborhood are generally older, ranch style homes built in the 60's and 70's. Regardless, values have been generally high due to the unique nature of our neighborhood. Granting this variance sets precedent that will be detrimental to improvements and values in the area.

**Question 3.** The variance will not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this code allows to other property in the same area and zone as the subject property.

Answer: Currently all lots in Bridle View are in compliance with the 10,000 permeable square foot requirement of the RSX 25 Zone. The subject lot was originally sized similarly with all of the other lots in Bridle View. Mr. Bonjorni owned 2 adjacent lots, lot 11 and the subject lot 12. The subject property was reduced from its original size via BLA in 2006 creating this problem. Mr. Bonjorni was notified by a number of the adjacent homeowners that the requested BLA would make it impossible to both build a home and maintain the required 10,000 square feet of permeable paddock. Furthermore, the proposed 7,500 square foot paddock would not be appropriate to keep a horse, the purpose of the Equestrian Overlay, due to the slope of this area. Mr. Bonjorni was aware of; the eminent vote for annexation to Kirkland to accomplish the equestrian overlay, and the issues of critical slope. The character of the Bridle View neighborhood and the property values therein require the neighborhood remain consistent with the zoning it was annexed into. Granting an exception to this requirement would create precedent for future variances. The intent of the Equestrian Overlay is preserving the ability for each property to maintain horses. This is done through the imposition of minimum paddock size, but the quality of the paddock should also be considered relative to intent of the Equestrian Overlay. The assertion that creating a smaller, sloped paddock that can house a goat as a substitute for a horse is directly contradictory to the intent of the current zoning.

**Question 2.** The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed.

Answer: Mr. Bonjorni was fully aware of the subject lots size requirements, the critical slope on the lot and the issues with placement of a septic drain field. He proceeded with a BLA in 2006, I would assume to expedite his ability to sell his adjacent lot and the house on it creating this problem and subjecting all of his adjacent neighbors, the neighborhood and the Kirkland equestrian community to this issue. Any request that the city absolve him of this problem created at his own hand to the detriment of others in the community is unacceptable.

Thank you for your careful consideration.

Sincerely,  
Donald & Rena Peterson

**Sean LeRoy**

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**From:** Alice Prince [afprince42@aol.com]  
**Sent:** Tuesday, December 06, 2011 4:05 PM  
**To:** Sean LeRoy  
**Cc:** Lorraine Trosper; Suzanne Kagen; Andy Held; Eric Shields  
**Subject:** Re: Answers to ltrs re: permit # ZON11-00031

Sean,

Thanks for checking on this, but the Equine Advisory Board is still a viable group, however we never did "meet" unless there was a question regarding the Equine square footage requirements - and I would say this meets that requirement. I don't know for sure who the person is that's in charge of this Advisory Board now, and it is true that we haven't had regular meetings and haven't been called on to advise for a long time, but this is definitely a situation that has the potential of effecting all the horse properties in Kirkland and the Advisory group should absolutely be notified and asked to convene and give their opinion. That's what why this Board was created.

When you say the City only mails the Notice of Application to the requirements of the Code - owners within 300" - that almost cuts out everyone in the horse community because the size of their lots puts most of them further away than that, and yet, the determination of whether or not this variance is allowed will set a precedent that could possibly harm all the rest of the horse properties in Kirkland (which Kirkland vowed to protect). Therefore, when talking about those who may be effected by this, it is absolutely necessary that the owners of all possible horse-keeping properties be given a chance to have their voices heard.

That said, if all these people were not notified and given chance to have their say, then, to be fair, the deadline should be extended until they are notified and given that chance.

I will find out who the President or acting head of the EAB is and get back to you.

Thank you for letting me know.

Alice Prince

On Dec 6, 2011, at 11:54 AM, Sean LeRoy wrote:

> Hi Alice,  
 > Had a chance to ask around regarding your question on the "Equestrian  
 > Board" being notified, and it sounds like since the Code amendments  
 > went into effect, that group doesn't meet anymore (for whatever  
 > reason) and the City only mails the Notice of Application to the  
 > requirements of the Code - owners w/in 300'.  
 > Hope this helps. Please let me know if you have any further questions.  
 > Sincerely,  
 >  
 > Sean LeRoy  
 > PLANNER  
 > City of Kirkland  
 > Hrs: Tues - Fri 7am-5.30pm  
 > tel: 425.587.3260

>  
>  
> -----Original Message-----  
> From: Alice Prince [<mailto:afprince42@aol.com>]  
> Sent: Monday, December 05, 2011 9:16 PM  
> To: Sean LeRoy  
> Cc: Carolyn Adams; Jeff & Patty Allen; Morgan & Shannon Burbidge;  
> Michael & Jana Hobbs; Grant & Rena Peterson; Sonja Rudie; Donald &  
> Alice Prince; Chris & Debbie Tott; Lola Wolf  
> Subject: Answers to ltrs re: permit # ZON11-00031  
>  
>  
>  
> Dear Mr. or Ms. LeRoy,  
>  
> I wrote you a letter shortly after the Bonjorni application for a  
> variance was posted on his property at 6117 - 135th Ave NE, Kirkland.  
>  
> I have received copies of many of the letters from my neighbors also  
> voicing their concerns about this subject. What I would like to ask  
> is: will you be notifying us of any further deliberation or process  
> to be followed regarding this application? Will there be any kind  
> of public hearing or work session where we can come and be heard?  
> Will you please copy each and every one of us on whatever action is  
> taken on this subject?  
>  
> I can be reached at: 6021 136th Ave. NE, Kirkland, WA,  
> 98033 or phone: 425-883-8501 and, of  
> course, at this e-mail address;  
> [afprince42@aol.com](mailto:afprince42@aol.com) .  
>  
> We hope to hear from you soon now that the deadline for public comment  
> has come and gone.  
>  
> Thanks for your help in this matter.  
>  
>  
> Alice Prince  
>  
>

**Sean LeRoy**

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**From:** Dawn Nelson  
**Sent:** Monday, November 14, 2011 7:55 AM  
**To:** Sean LeRoy  
**Cc:** Christian Geitz; Scott Guter  
**Subject:** FW: Bonjorni request for variance

-----Original Message-----

From: Alice Prince [[mail to: afprince42@aol.com](mailto:afprince42@aol.com)]  
 Sent: Thursday, November 10, 2011 11:55 PM  
 To: PlanningInfo  
 Subject: Bonjorni request for variance

Alice and Don Prince  
 6021 136th Ave. NE  
 Kirkland, WA 98033  
 Nov. 11, 2011

Kirkland Planning Department

Re: File # ZON11-00031

To Whom It May Concern,

I am writing about Bob Bonjorni's application for a variance and elimination of the 10,000 permeable square foot requirement of the RSX 35 zoning as found in Special Regulation 5 of the Kirkland Zoning Code Chapter 17.10.010 on his property at Lot 12, Block 2 of the Bridle View Housing Area in the Bridle Trails area of Kirkland. (Site add. 6117 132th Ave NE, Kirkland.)

Bridle View was annexed to Kirkland in October of 2009 after 21 years of work by the residents of this housing area in an effort to bring our housing development under the protection of the mandatory Equine Overlay. We sought this annexation in order to preserve our horse acre properties which define the Bridle Trails community. There will never be any more of these horse acre properties developed and Kirkland promised to protect them in the face of the Federal Growth Management Act which has been slowly crowding them out.

Mr. Bonjorni once owned a 2 acre piece of property (more than enough on which to keep horses) but was able to convince the County to grant him a lot line adjustment several years ago in order to split his property into two parcels which then became lots #11 (about 1 ½ acres with a house on it) and lot #12 (a non-conforming lot of just about ½ acre.)

He knew at the time that this lot would be non-conforming and the residents tried at the time to stop him but were unsuccessful. He has been trying unsuccessfully to sell this property ever since, but

no one wanted a non-conforming lot on the side of a hill that wouldn't perk.

We would greatly appreciate your NOT granting him this variance as it would set a very dangerous precedent and possibly endangering what is left of the few horse-keeping properties in Kirkland.

Also, shouldn't this sort of variance, just like building in a horse-keeping community, need to be scrutinized and evaluated by the Equine Advisory Board that was set up to help guide the Kirkland Planning Department in making these kinds of decisions?

Please, help us protect our properties by denying this request. It's true that it is no longer capable of housing a horse, but the very act of granting this variance could open the door to allowing variances on properties that do, thus endangering the very existence of the cornerstone of this community.

Thank you.

Alice and Don Prince

## Sean LeRoy

---

**From:** Sean LeRoy  
**Sent:** Friday, November 18, 2011 10:41 AM  
**To:** 'sonjarudiema@earthlink.net'  
**Cc:** Sean LeRoy  
**Subject:** RE: ZON 11-00031 Bridle View zoning variance application-information request

Hi Sonja,

Thank you for your email. I'll include it in the public record and address it in my staff report. Just to be clear, As for voting; given the process there is no vote, only an appeal, and even then only certain people may appeal → the applicant and those that have submitted comments.

You may want to peruse Kirkland Zoning Code 145.60 and following if you have further questions on that specific process. You may access the code online here → [http://kirklandcode.ecitygov.net/CK\\_KZC\\_Search.html](http://kirklandcode.ecitygov.net/CK_KZC_Search.html)

Again if you have any questions please let me know.

## Sean LeRoy

### PLANNER

City of Kirkland

Hrs: Tues - Fri 7am-5.30pm

tele: 425.587.3260

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**From:** [sonjarudiema@earthlink.net](mailto:sonjarudiema@earthlink.net) [<mailto:sonjarudiema@earthlink.net>]  
**Sent:** Friday, November 18, 2011 9:33 AM  
**To:** Sean LeRoy  
**Cc:** [sonjarudielmhc@gmail.com](mailto:sonjarudielmhc@gmail.com)  
**Subject:** RE: ZON 11-00031 Bridle View zoning variance application-information request

Hello Sean,

Thank you for your reply, both in voicemail and via email. Since the applicant does not specify the reason for a request for a variance nor the intent that's behind the variance request, I am formally acknowledging my vote that the variance be denied. As a member of the Kirkland Bridle View Community and the Association, I am aware that most of the owners here purchased properties for the expressed reason that our current zoning protects.

If there are future meetings that include a vote on this matter, I am also requesting that this email letter be included as a part of that voting process which objects to the variance being granted.

Please keep me in the loop as the process unfolds. I will likely obtain a community petition (like I did to save our trees along 132nd in front of the shopping mall) if the variance looks like it is going to pass. There are very few properties like these remaining in the city and they are precious for us and the broader communities.

Sincerely,  
 Sonja Rudie

Sonja Rudie

-----Original Message-----

>From: Sean LeRoy  
>Sent: Nov 17, 2011 2:19 PM  
>To: 'Sonja Rudie'  
>Cc: Sean LeRoy  
>Subject: RE: ZON [11-00031](#) Bridle View zoning variance application-information request

>  
>Hi Sonja,  
>Feel free to call me if you like...but in short the applicant is requesting a variance from the paddock/permeable space requirement given the various site constraints and doesn't include construction plans.  
>If you wish to express opposition to the permit, please do so in writing (email is preferred) by the deadline of 5pm December 4th.  
>Also, if you have any further questions please let me know.

>  
>  
>Sean LeRoy  
>PLANNER  
>City of Kirkland  
>Hrs: Tues - Fri 7am-5.30pm  
>tele: [425.587.3260](tel:425.587.3260)

>  
>-----Original Message-----

>From: Sonja Rudie [<mailto:sonjarudiema@earthlink.net>]  
>Sent: Thursday, November 17, 2011 12:31 PM  
>To: Sean LeRoy  
>Subject: ZON [11-00031](#) Bridle View zoning variance application-information request

>  
>Hello Mr. Leroy,  
>My name is Sonja Rudie and I am a part of the Bridle View Community located in the Bridle Trails newly annexed area into Kirkland. I understand that there has been an application forwarded to you for a variance to the 10,000 contiguous square feet zoning that we have  
>in our community. Can you please provide me with more information? Is this for a barn?  
>A garage? If it is not, then I am opposed to the permit being granted and would like to say  
>so in writing.  
>Thank you for your consideration and assistance. I look forward to your reply.  
>Sonja Rudie  
>[425-985-2143](tel:425-985-2143) mobile

>  
>Sent from my iPad  
>Note: My new email address is [SLeRoy@kirklandwa.gov](mailto:SLeRoy@kirklandwa.gov) and you can now find the City of Kirkland online at [www.kirklandwa.gov](http://www.kirklandwa.gov).

>

**Sean LeRoy**

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**From:** Sean LeRoy  
**Sent:** Thursday, November 17, 2011 2:20 PM  
**To:** 'Sonja Rudie'  
**Cc:** Sean LeRoy  
**Subject:** RE: ZON 11-00031 Bridle View zoning variance application-information request

Hi Sonja,

Feel free to call me if you like...but in short the applicant is requesting a variance from the paddock/permeable space requirement given the various site constraints and doesn't include construction plans.

If you wish to express opposition to the permit, please do so in writing (email is preferred) by the deadline of 5pm December 4th.

Also, if you have any further questions please let me know.

Sean LeRoy  
 PLANNER  
 City of Kirkland  
 Hrs: Tues - Fri 7am-5.30pm  
 tele: 425.587.3260

-----Original Message-----

**From:** Sonja Rudie [[mail to: sonjarudie@earthlink.net](mailto:sonjarudie@earthlink.net)]  
**Sent:** Thursday, November 17, 2011 12:31 PM  
**To:** Sean LeRoy  
**Subject:** ZON 11-00031 Bridle View zoning variance application-information request

Hello Mr. Leroy,

My name is Sonja Rudie and I am a part of the Bridle View Community located in the Bridle Trails newly annexed area into Kirkland. I understand that there has been an application forwarded to you for a variance to the 10,000 contiguous square feet zoning that we have in our community. Can you please provide me with more information? Is this for a barn? A garage? If it is not, then I am opposed to the permit being granted and would like to say so in writing.

Thank you for your consideration and assistance. I look forward to your reply.

Sonja Rudie  
 425-985-2143 mobile

Sent from my iPad



**Sean LeRoy**

---

**From:** Roopa Satagopan [roopamurli@yahoo.com]  
**Sent:** Sunday, December 04, 2011 10:55 AM  
**To:** Sean LeRoy  
**Subject:** Bonjorni Paddock Variance, case # ZON11-00031

From

Murli and Roopa Satagopan  
13528 NE 66th Street  
Kirkland WA 98033  
ph:425-8853793

To Whosoever concerned:

In respect to the Bonjorni Paddock Variance, case # ZON11-00031. We would like to voice our opinion on this variance sought by Mr. Bonjorni on this plot and we would like to stand against granting him the variance. We believe the neighborhood has homes that have benefitted from the large acre properties with horses living in them. Granting him the variance will set a precedent for other variances to be sought for in our special zoned neighborhood. Mr. Bonjorni wants this to circumvent the zoning and protection it offers to our neighborhood with large lots.

Thanks  
Roopa Murli Satagopan



**Sean LeRoy**

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**From:** Spina, Frank [fspina@spu.edu]  
**Sent:** Friday, December 02, 2011 12:38 PM  
**To:** Sean LeRoy  
**Subject:** Permit number Zon11-00031

This letter is from Frank Anthony Spina and Jo-Ellen Watson  
6131 136th Ave NE  
Kirkland, WA 98033

[fspina@spu.edu](mailto:fspina@spu.edu); [watson.assoc@comcast.net](mailto:watson.assoc@comcast.net);

In regard to Permit number ZON11-00031 and Robert Bonjorni's request for a Variance of the 10,000 permeable square feet requirement of the RSX 35 zone.

December 2, 2011

To Whom it May Concern:

We are strongly opposed to the granting of the requested variance. As residents of the Bridle View area since 1999, we greatly appreciate the character of our community, including its zoning requirements. In our view, any changes in the zoning which would compromise the equestrian nature of the community's properties would lead eventually to the collapse of our covenant structure. We agree that folk are not obligated to have horses, but insist that zoning rules not be relaxed in a manner that would allow residents to alter their property so as to preclude horse ownership. Alterations such as swimming pools, tennis courts, mega-houses, and the like violate, in our judgment, the letter and the spirit of the covenant into which we entered in 1999.

Thank you very much for your consideration in this matter.

Frank Anthony Spina, Ph.D.  
Jo-Ellen Watson, Ph.D.  
425-702-8713





May 27, 2011

Bob Bonjorni  
P.O. Box 1816  
Issaquah, WA 98027

Subject: Bridle View Subdivision Property, Parcel #108810-0230

Dear Bob:

The City of Kirkland Department of Planning and Community Development has completed a review of your research request letter and documents for conformance with the Kirkland Zoning Code and other applicable development regulations. This letter will address the questions raised by you regarding the future development of the property.

The letter you submitted to the Planning Department on May 2, 2011 requested information regarding two questions. The first question was concerning whether the parcel, which is substandard to minimum lot size, is a legal building site pursuant to Kirkland Codes. The second question was related to the possible requirement for submitting a variance related to the required horse paddock requirement.

#### **Legal Building Site (KZC 115.80)**

The Kirkland Zoning Code (KZC) identifies that it is a violation of this code to erect any structure on or to use or occupy any lot or parcel unless that lot or parcel is a legal building site. The lot must meet specific criteria in order to conform to code. Since the lot in question is substandard to lot size, it would not meet the general criteria for a legal building site. However, under the exemption subsection 2a:

*a detached dwelling unit may be built on a parcel regardless of size if the applicant applies for necessary permits to construct the unit within five (5) years of the date the lot or parcel is annexed into the City and the lot or parcel was a lawfully created lot under King County subdivision and zoning laws.*

The parcel was adjusted through a lot line alteration under King County. The approval was issued on December 28, 2006 and recorded with the King County Department of Elections and Records under recording number 20070103900024. The property was part of the Bridle View Annexation into the City of Kirkland, which was approved and effective on October 2, 2009. Therefore, the property is determined to be a legal building site for 5 years of the date of annexation. If a permit for a detached dwelling unit is submitted prior to October 2, 2014, a variance for the legal building site will not be required.

#### **Horse Paddock Requirement (KZC 17.10)**

The parcel is located within the RSX 35 use Zone and is subject to special regulation 5 located within section 17.10 of the Use Zone Chart. Special Regulation 5 states that:

*Residential lots in RSX zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart).*

Further regulations that are relevant to the subject property are located within the 115.20(4) chart and require:

*The area shall not be located over a septic tank, drain field, or reserve drain field. Paddock areas shall not be located on steep slopes (over 15 percent grade) or in areas regulated under Chapter 90 KZC, Drainage Basins.*

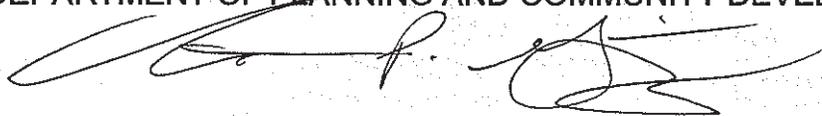
The subject property cannot meet these criteria based on the size, topography, critical steep slope, and location of drain field. Due to the existing conditions on the subject property, a variance will be required in order to construct a detached dwelling unit.

Chapter 120 of the KZC, which established the requirements for the variance process, identifies that the variance will be reviewed under a Process I subject to Chapter 145 of the KZC. A Process I review is a zoning permit and a public process. The first step that is required under Chapter 145 is a Pre-submittal meeting. These applications are available through the Planning Department website or can be picked up at City Hall.

If you have any questions or require additional clarification on any of the items contained in this response letter, please feel free to contact me at 425-587-3246.

Sincerely,

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT



Christian Geitz  
Assistant Planner

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 17.10	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Detached Dwelling Unit	None	As established on the Zoning Map. See Spec. Reg. 1.	20' See Spec. Reg. 6.	5' each side. See Spec. Reg. 3.	10'	50% See Spec. Reg. 5.	30' above average building elevation.	E	A	2.0 per dwelling unit.	<ol style="list-style-type: none"> <li>Minimum lot size per dwelling unit is as follows:                             <ol style="list-style-type: none"> <li>In RSX 35 zones, the minimum lot size is 35,000 square feet.</li> <li>In RSX 8.5 zones, the minimum lot size is 8,500 square feet.</li> <li>In RSX 7.2 zones, the minimum lot size is 7,200 square feet.</li> <li>In RSX 5.0 zones, the minimum lot size is 5,000 square feet.</li> </ol>                             In RSX 35, 8.5, 7.2 and 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot.                         </li> <li>Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:                             <ol style="list-style-type: none"> <li>In RSX 35 zones, F.A.R. is 20 percent of lot size.</li> <li>In RSX 12.5 zones, F.A.R. is 35 percent of lot size.</li> <li>In RSX 8.5 zones, F.A.R. is 50 percent of lot size.</li> <li>In RSX 7.2 zones, F.A.R. is 50 percent of lot size.</li> <li>In RSX 5.0 zones, F.A.R. is 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the following criteria are met:                                     <ol style="list-style-type: none"> <li>The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical: 12 feet horizontal; and</li> <li>A setback of at least 7.5 feet is provided along each side yard.</li> </ol>                                     See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.                                 </li> </ol> </li> <li>On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement.</li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>Residential lots in RSX zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart).</li> <li>Garages shall comply with the requirements of KZC 115.43, including required front yard. These requirements are not effective within the disapproval jurisdiction of the Houghton Community Council.</li> </ol>

TYPE OF ANIMAL  ↓	REGULATIONS  ↓	Required Review Process	MAXIMUM	MINIMUMS		Special Regulations
			Number of Adult Animals	Lot Size	Setback	
Large Domestic Animals		<p>If lot size is less than 35,000 sq. ft., then Process I, Chapter 145 KZC</p> <p>Otherwise none</p>	<p>2 per 35,000 sq. ft. of lot area and 1 per each additional 17,500 sq. ft. of lot area</p> <p>If lot size is less than 35,000 sq. ft., then only 1 horse</p>	<p>35,000 sq. ft. per dwelling unit</p> <p>May be less if approved through Chapter 145 KZC, Process I</p>	<p>Structures and pens used to house animals must be at least 40' from each property line subject to Special Regulation 1.</p> <p>Roaming, grazing areas and horse paddock areas must be at least 20' from each property line, subject to Special Regulation 1.</p>	<p>1. If an abutting property owner files a signed and notarized statement in support of the request, the City may permit areas for roaming or grazing, horse paddock areas and structures or pens to extend into the property line in common with the abutting property; provided, that the structure or pen complies with all other regulations pertaining to setback in that zone.</p> <p>2. The City may limit the number of animals allowed to less than the maximum considering:</p> <p>a. Proximity to</p>

				<p>dwelling units both on and off the subject property; and</p> <p>b. Lot size and isolation; and</p> <p>c. Compatibility with surrounding uses; and</p> <p>d. Potential noise impacts.</p> <p>3. The applicant must provide a suitable structure or pen to house the animals, and must maintain that structure or pen in a clean condition.</p> <p>4. No outdoor manure pile may be placed closer than a point equidistant to any adjacent residential structure.</p> <p>5. For residential lots containing one (1) or more horses other than those regulated below in Special Regulation 6, each lot must contain an area of at least 14,500 sq. ft. capable of</p>
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				<p>being used as a horse paddock area and configured in a contiguous and usable manner to accommodate the feed storage and manure pile for two (2) horses. This area must be exclusive of any structures, including storage sheds, barns, residential units and carports. Direct access to this area must be available for trucks to deliver feed and pick up manure from an alley, easement, or an adjacent right-of-way across a side yard of the lot.</p> <p>6. For residential lots in RS 35 and RSX 35 Zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park or residential lots in PLA 16 which are not part of a recorded master plan, the required review process shall be "None," and the</p>
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				<p>maximum number of adult animals and minimum lot size and setback regulations shall not apply. Instead, the following regulations shall apply:</p> <p>a. Up to two (2) additional horses may be kept on a residential lot, providing that an additional 3,000 square feet of paddock area is available for each additional horse.</p> <p>(CONTINUED ON NEXT PAGE)</p>
<p>Large Domestic Animals (Continued)</p>				<p>b. Each residential lot must contain an area of at least 10,000 permeable square feet for the purpose of accommodating two (2) horses, capable of being used for or easily converted to a paddock area and barn, having a minimum width of 40 feet and configured in a contiguous and usable manner to accommodate the</p>

				<p>feed, storage and manure pile.          “Configured in a contiguous and usable manner” shall mean an area, uninterrupted by non-paddock area, having a shape as close to square or rectangular as possible. While the minimum width allowed is 40 feet, the majority of the area must have a width of at least 80 feet. The Planning Official is authorized to approve minor deviations from the required dimensions and/or shape of the paddock area due to pre-existing improvements and/or size, shape, or topography of the property.</p> <p>c. The area used or reserved for paddock area must be pervious and exclusive of any structures or improvements (except livestock barns) such as storage sheds,</p>
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				<p>residential units, carports, decks, patios, swimming pools, ponds, sports courts, rockeries, or paving, but may contain easily removed features such as children's play equipment, landscaping, trellises, and flagpoles, as long as such features are not embedded in concrete or otherwise permanently mounted. The area shall not be located over a septic tank, drain field, or reserve drain field. Paddock areas shall not be located on steep slopes (over 15 percent grade) or in areas regulated under Chapter 90 KZC, Drainage Basins.</p> <p>d. Direct access to the paddock area must be available to deliver feed and pick up manure from an alley, an easement or an adjacent right-of-way across a side yard of the lot.</p>
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				<p>The access route shall have a minimum unobstructed width of 15 feet and a grade no greater than 12 percent, except that for the first 15 feet in back of the existing or future curb line the grade shall not exceed six (6) percent. Any portion of an access route located within an adjacent equestrian trail easement shall not be paved, but may be surfaced with gravel up to 5/8-inch size.</p> <p>e. The paddock areas must be set back five (5) feet from each property line which abuts a school use or a residential zone other than RS 35, RSX 35 or PLA 16.</p> <p>(CONTINUED ON NEXT PAGE)</p>
<p>Large Domestic Animals (Continued)</p>				<p>f. The paddock areas must be set back 10 feet from habitable</p>

					<p>                     dwellings and five (5) feet from significant improvements outside the paddock area, such as swimming pools, sports courts, decks and patios. Livestock barns must be set back 40 feet from habitable dwellings.                 </p> <p>                     g. Livestock barns permitted within the designated paddock area may not exceed 1,200 square feet in footprint, excluding covered overhangs, and must be designed solely for housing of animals and storage of tack, feed, shavings or ancillary equipment.                 </p> <p>                     h. Special Regulations 2, 3, and 4 also apply to these zones.                 </p> <p>                     i. Interpretations of the Zoning Code which directly or indirectly involve application of regulations about                 </p>
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					horse paddock areas shall be liberally construed in favor of an equestrian character for the neighborhood.
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## **115.80 Legal Building Site**

1. General – It is a violation of this code to erect any structure on or to use or occupy any lot or parcel unless that lot or parcel is a legal building site. A lot or parcel is a legal building site if it meets all of the following criteria:
  - a. It was created or segregated pursuant to all applicable laws, ordinances and regulations.
  - b. Except as specified in subsection (2) of this section, it meets the allowable minimum lot size established by this code.
  - c. It is either adjacent to, or has a legally created means of access to, a street providing access to the lot or parcel.
2. Exception, Detached Dwelling Units – An applicant may build one (1) detached dwelling unit on a lot or parcel regardless of the size of the lot or parcel if:
  - a. The applicant applies for necessary permits to construct the unit within five (5) years of the date the lot or parcel is annexed into the City and the lot or parcel was a lawfully created lot under King County subdivision and zoning laws; or
  - b. There is or ever has been a residence on the subject property. At any time, the applicant may remodel, rebuild, or enlarge that one (1) residence; provided, that all other Zoning Code requirements are met; or
  - c. The lot lines defining the lot or parcel were recorded in the King County Assessors Office prior to May 17, 1972, and the lot or parcel has not simultaneously been owned by the owner of a contiguous lot or parcel which fronts on the same right-of-way subsequent to May 17, 1972.



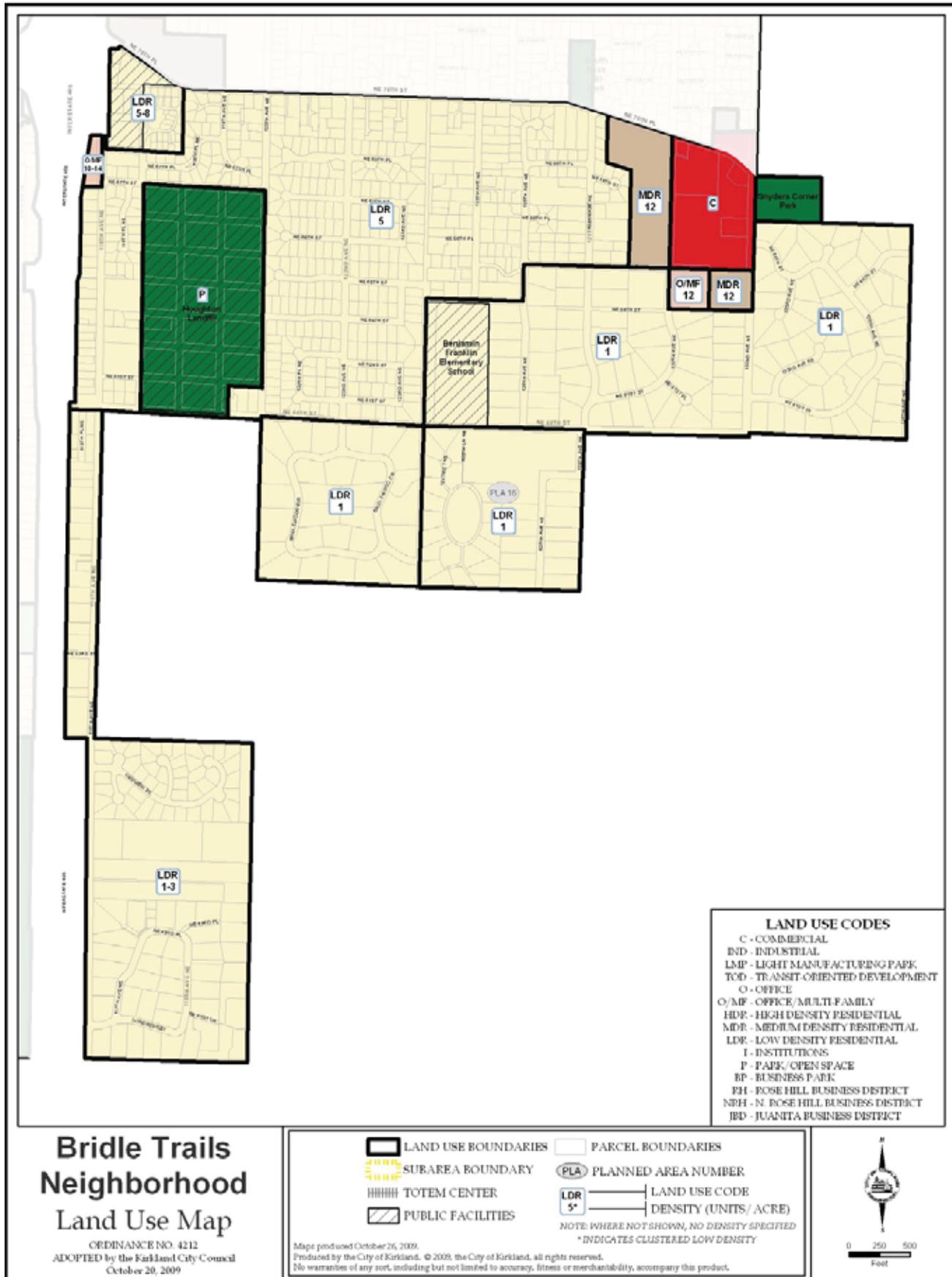
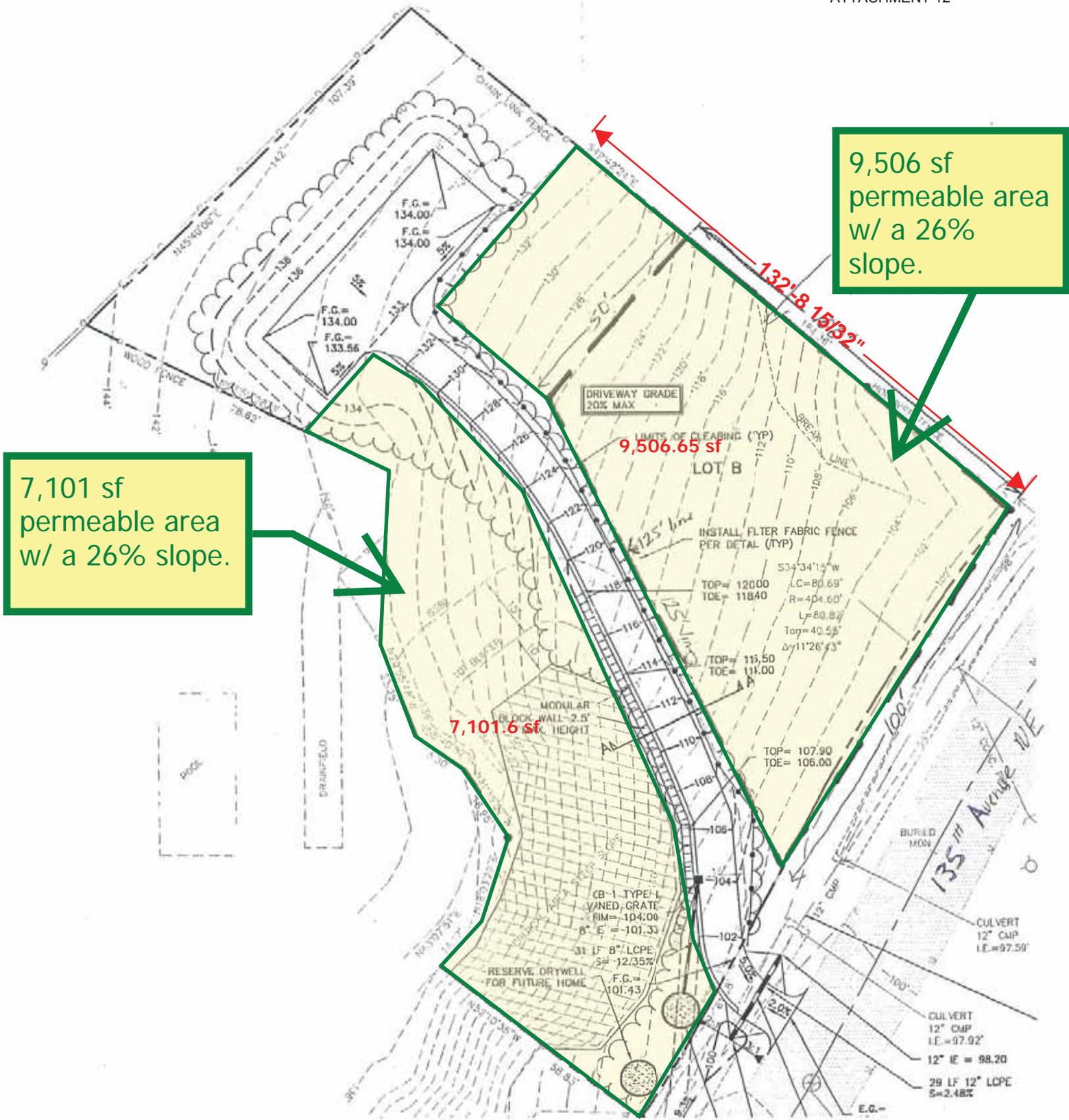
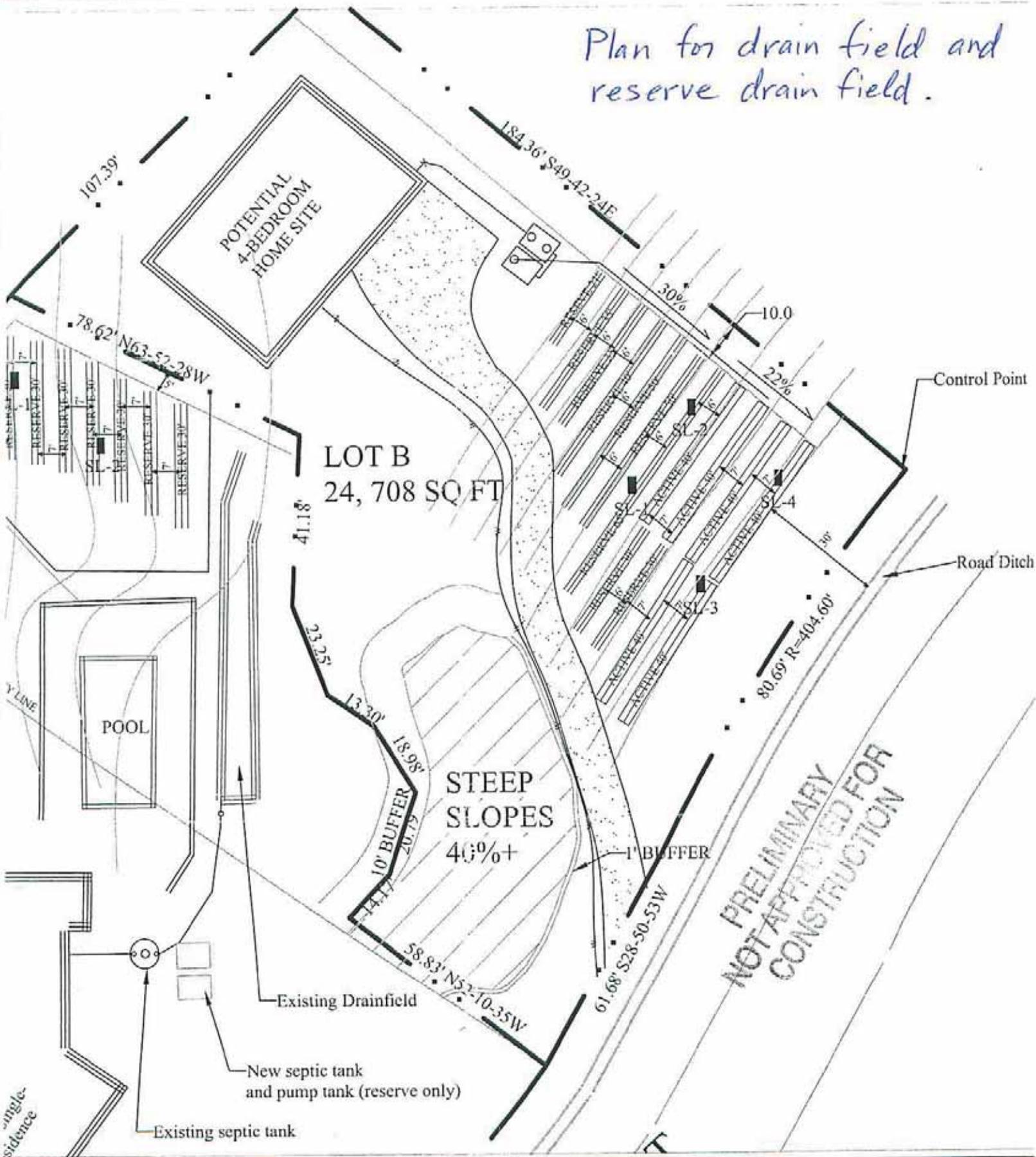


Figure BT-1: Bridle Trails Land Use





Plan for drain field and reserve drain field.



**Sean LeRoy**

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**From:** Bonjorni@aol.com  
**Sent:** Thursday, March 15, 2012 1:47 PM  
**To:** Sean LeRoy  
**Cc:** elnellans@gmail.com  
**Subject:** Bonjorni Variance No. ZON11-00031

Sean:

Please pass the following email on to the hearing examiner concerning my variance application #ZON11-00031 which deals with the elimination of a 10,000 square foot paddock area.

As I read through the appeal there appears to be two issues. The first issue has to do with the boundary line adjustment and the second issue has to do with the paddock area.

With respect to the first issue having to do with the boundary line adjustment, it should be noted that the individuals that are complaining were not involved at all in the boundary line adjustment and are not privileged to any of the conversations that went on. They are correct in that I was applying for a permit to remodel the house I owned, which was located on the abutting lot to the south. During the pre-approval application process the County told me that it was not a requirement that a boundary line adjustment be completed because, under the County code, it was legal to have an off-site drainfield. However, it was the County's preference that the drainfield and the reserve drainfield be located on the same lot as the house. At that point the County asked me if I would consider completing a boundary-line adjustment so that my existing drainfield and reserve drainfield would be on the same lot as the house. In order to accommodate the County's request, I agreed to do a boundary-line adjustment between lots 11 and 12 and adjust the property line between the two lots in such a way that both the existing drainfield and the reserve drainfield would then be located on the same lot as the house.

There was no advantage for me to complete a boundary-line adjustment between lots 11 and 12. In fact, it would have been preferable to me that I had not completed the boundary-line adjustment because of the expense associated with the boundary-line adjustment. However, in order to accommodate the County's preferences, I went ahead and completed the boundary-line adjustment. The boundary-line adjustment was completed and approved by the County prior to the annexation into the City of Kirkland in 2009.

With respect to the second issue having to do with the 10,000 square foot paddock at the top, or westerly part of the lot, the individuals who appealed the cities decision on the variance are just plain not correct. The north property line totals a little more than 184 feet in length total. The narrowest portion would be approximately 86 feet wide and the west property line at the top of the hill is a little more than 107 feet. In order to get 10,000 square feet you would have to come down the lot from the northwest corner of the lot approximately 100 feet. 100 feet down the lot is clearly through the middle of the proposed reserve drainfield and the easterly 50 feet or so of the paddock area would have a slope of approximately 22 percent, which is about seven percent more than the maximum allowed in the Kirkland zoning code for a paddock area. In addition, I currently have an existing impervious driveway which goes through this area and, according to the zoning code; the

area for the paddock must be pervious and exclusive of any structures or improvements. The existing driveway is considered an impervious area and would go through and takes up a portion of any proposed paddock in this location. In addition, the code also eliminates a paddock area over any drainfield, or reserve drainfield. In this instance, any paddock configuration on this lot, no matter how you would draw the lines, would have to include an area with a slope greater than 15 percent and would have to include a portion of the reserve drainfield. I provided the city with a survey of the site which includes topography lines and the existing driveway location. Even if you do not consider the driveway or drainfield requirements it is still not physically possible to place a paddock on this site without being in violation of the City's paddock slope requirement.

Therefore, I concur with the City of Kirkland Planning Department in that there is physically no place on this lot for a 10,000 square foot paddock area that meets the current City code requirements needed for a paddock area. Thank you, Bob

Bob Bonjorni, MAI, SRA, MRICS  
425-233-4435



