



### Notice of Hearing Examiner Decision

6/29/2026

To: Interested Parties and Parties of Record

RE: Project Name: CHO - Zoning Variance for Constructing Single Family Home

Applicant: Dong Woo & Jinyoung Kim Cho  
2881 Timberline Dr  
Eugene, OR 97405

Application: ZVAR-HE

Permit Number: 24-04541

The Kitsap County Hearing Examiner has **DENIED** the land use application for **PERMIT 24-04541: CHO - Zoning Variance for Constructing Single Family Home (ZVAR-HE)**, subject to the conditions outlined in this Notice and included Decision.

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

The applicant is encouraged to review the Kitsap County Office of Hearing Examiner Rules of Procedure found at <https://www.kitsap.gov/dcd/HEDocs/HE-Rules-for-Kitsap-County.pdf>.

Please note affected property owners may request a change in valuation for property tax purposes, notwithstanding any program of revaluation. Please contact the Assessor's Office at 360.337.5777 to determine if a change in valuation is applicable due to the issued Decision.

The complete case file is available for review by contacting the Department of Community Development. If you wish to view the case file or have other questions, please contact [help@kitsap1.com](mailto:help@kitsap1.com) or 360.337.5777.

CC: Applicant/Owner: Dong Woo & Jinyoung Kim Cho, [dwcheaux@yahoo.com](mailto:dwcheaux@yahoo.com)  
Architect: K.B. Monaco Design, [kbmonaco@hotmail.com](mailto:kbmonaco@hotmail.com)  
Engineer: Swartz Engineering, [kenswartz69@gmail.com](mailto:kenswartz69@gmail.com); Kegel Engineering, [kegelengineering@gmail.com](mailto:kegelengineering@gmail.com)  
Geologist: Resolve Environmental & Geotechnical, Inc, [resolveenvironmental@gmail.com](mailto:resolveenvironmental@gmail.com)



24-04541 Cho ZVAR-HE

Interested Parties: None  
Prosecutor's Office  
Assessor's Office  
DCD  
Kitsap Sun  
Point No Point Treaty Council  
Suquamish Tribe  
Skokomish Tribe  
Port Gamble S'Klallam Tribe  
Squaxin Island Tribe  
Puyallup Tribe  
Dept of Archaeological Historic Preservation  
WA Dept of Natural Resources  
WA Dept of Fish & Wildlife  
WA State Dept of Ecology-SEPA  
WA State Dept of Transportation  
USACE  
Health District  
Public Works  
Parks  
Navy  
DE & PEP  
Kitsap Transit  
Central Kitsap Fire District  
Central Kitsap School District  
Puget Sound Energy  
Central Kitsap CAC  
Cascade Natural Gas

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**BEFORE THE HEARING EXAMINER FOR KITSAP COUNTY**

Phil Olbrechts, Hearing Examiner

RE: Cho Dong Woo & Jinyoung Kim  Zoning Variance  File No. 24-04541	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION.</b>
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**INTRODUCTION**

Cho Dong Woo & Jinyoung Kim request approval of a variance to reduce building setbacks from 100 to 20 feet for a parcel located at 3094 Sonat Place NW, Bremerton, WA 98312. The application is denied.

This decision doesn't address whether the variance is necessary for construction in the southeast corner as proposed by the Applicants. This decision just addresses whether the variance criteria are met if the proposed building site is located within a 100-foot buffer. The Applicants have identified that their proposed building site is located within a building site approved as part of a prior site development activity permit (SDAP). There might be some legal merit to the Applicant's position if the SDAP approval has the legal status as a final land use decision approving a building site. That position is questionable given that the SDAP approval can be construed as an approval of a clearing site as opposed to a building site. If the SDAP approval does in fact entitle the Applicants to the building site they're pursuing, this variance decision should not serve as an obstacle to their development plans.

The Applicants make a compelling case for establishing special circumstances that burden the development of their property. The combination of an RR zoned lot with substandard lot area adjacent to two RW zone lots results in building setbacks that substantially reduce building potential to a degree that far exceeds the burden placed upon other RR zone lots. However, the Applicants must meet all variance criteria for approval. One of those criteria requires that the variance be the minimum necessary to provide relief. That they cannot do. The Applicants' proposed building site does just the opposite. The proposed building site in the southeast corner encroaches more into the required setbacks than any other hypothetical site. The northwest corner of the site is the only portion of the site that isn't encumbered by building setbacks. In that location, the Applicant may still have to encroach into some setbacks to build a

1 reasonably sized home. However, such encroachments would not be anywhere near as  
2 significant as those he seeks in the southeast corner. The variance is not the minimum  
3 necessary to afford relief and thus cannot be approved.

### 4 **ORAL TESTIMONY**

5 A computer-generated transcript of the hearing has been prepared to provide an  
6 overview of the hearing testimony. The transcript is provided for informational  
7 purposes only as Exhibit 27.

### 8 **EXHIBITS**

9 Exhibits 1-24 listed in the Index to the Record prepared by County staff were admitted  
10 during the hearing. The following documents were admitted during and after the  
11 hearing:

- 12 25: June 2, 2026 Cho Written statement
- 13 26: June 17, 2026 Cho written statement
- 14 27: Zoom hearing transcript
- 15 28: June 24, 2026 Memo from Darren Gurneew w/Att. A plat amendment
- 16 29: June 24, 2026 email w/2 attachments from Dongwoo Cho
- 17 30: June 25, 2026 email w/1 attachment from Dongwoo Cho

### 18 **FINDINGS OF FACT**

#### 19 **Procedural:**

- 20 1. Applicant. Cho Dong Woo & Jinyoung Kim, 2881 Timberline Drive  
21 Eugene, OR 97405-2981.
- 22 2. Hearing. The Hearing Examiner conducted a virtual hearing on the  
23 application at 9:00 am on June 11, 2026. The record was left open through June 19,  
24 2026.

#### 25 **Substantive:**

- 3. Site/Proposal Description. Cho Dong Woo & Jinyoung Kim request  
approval of a variance to reduce a building setback from 100 to 20 feet for a parcel  
located at 3094 Sonat Place NW, Bremerton, WA 98312. The parcel is 0.82-acres in  
size.

The 100-foot setback is imposed by KCC 17.420.060A29. That provision imposes a  
100-foot setback for RR zoned lots on sides where they abut parcels zoned RW.

- 4. Characteristics of the Area. The parcel is surrounded by undeveloped  
forested properties on all side. The lots adjoining to the south and east are zoned Rural  
Wooded (RW).

1 5. Adverse Impacts. The staff report, p. 5, identifies that the purpose of the  
2 100 foot buffers from the RW zone is to protect single-family residences from forest  
3 practices in adjoining RW zones. The Applicant notes that the adjoining RW owners  
4 have not objected to the variance request or have experienced any conflicts in the past  
5 with forest practices in the adjoining southern lot.

6 6. Special Circumstances. The existence of adjoining zoned RW lots on two sides  
7 significantly reduces the development potential of the project site and eliminates the  
8 benefit of a view protection easement. The Applicants have a view easement that  
9 protects those portions of the parcel that are at elevations or 745 feet or more. The only  
10 portion of the Applicants' lot that qualifies for this view protection is the southeast  
11 corner, within the 100-foot setback imposed for the adjoining RW zoned lot to the east.  
12 The Applicants asserts that view serves as its primary value.

13 Application of the RW 100-foot setback reduces the buildable area to a 0.18-acre space  
14 only 68 feet wide and 114 feet long in the northwest corner. The Applicants' lot at 0.82  
15 acres is also substantially smaller than the minimum five acre lots required in the  
16 applicable RR5 district. The substandard lot size significantly increases the impact of  
17 the RW 100-foot setbacks. The Applicants also asserts that two slopes converge at this  
18 buildable area and that it receives surface and groundwater flow from the entire lot.  
19 The Applicants have presented a geotechnical report, Ex. 8, that identifies that building  
20 in the northwest corner as opposed to the southeast corner will significantly increase  
21 development costs because of the slopes located in the northwest corner. The report  
22 did not assert that development would be cost-prohibitive or infeasible in the northwest  
23 corner.

## 24 CONCLUSIONS OF LAW

### 25 **Procedural:**

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

### 6 **Substantive:**

7 2. Zoning Designation. The property is currently zoned Rural Residential  
8 (RR).

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

1 **Variance**

2 **KCC 17.560.010A:** *A variance may be granted to any numerical standard of this title,*  
3 *excluding housing density, only when unusual circumstances relating to the property*  
4 *cause undue hardship in the application of this title. The granting of such a variance*  
5 *shall be in the public interest. A variance shall be made only when all of the following*  
6 *conditions and facts exist:*

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

10 10. Criterion met. The criterion is met for the reasons identified in Finding of Fact No.  
11 6. The small size of the Applicants' lot combined with its proximity to RW zoned  
12 lots and the presence of geological impediments all create special circumstances that  
13 significantly burden development of the property.

14 **KCC 17.560.010B:** *Such variance is necessary for the preservation and enjoyment*  
15 *of a substantial property right or use of the applicant possessed by the owners of other*  
16 *properties in the same vicinity or zone;*

17 11. Criterion met. The criterion is not met. The Applicant can still build a reasonably  
18 sized home in the northwest corner of the Applicant's property. A minor variance may  
19 still be necessary for the northwest corner due to the presence of an easement.  
20 However, the variance would involve a significantly less encroachment than that  
21 proposed by the Applicants. The Applicant's geotechnical report identifies that  
22 building in the northwest corner may also be more expensive than building in other  
23 parts of the lot, but as noted by staff it is common for property owners to incur this type  
24 of expense for lots burdened by steep slopes.

25 **KCC 17.560.010C:** *The authorization of such variance will not be materially*  
*detrimental to the public welfare or injurious to property in the vicinity or zone in which*  
*property is located; and*

12. Criterion met. For the reasons identified in Finding of Fact No. 5, the criterion is  
potentially not met because the proposed substantial buffer reduction could adversely  
affect forest practices on neighboring RW zoned properties due to forest practices on  
the RW lot adversely affecting the subject property.

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

1 13. Criterion met. The criterion is not met. As noted in the Introduction, the proposed  
2 variance is clearly not the minimum necessary for the Applicants to build a reasonably  
3 sized home. The Applicants may meet all the other variance criteria necessary for  
approval, but they don't meet KCC 17.560.010D. For that reason, the variance  
application must be denied.

#### 4 **DECISION**

5 Based upon the conclusions of law above, the zoning variance application is denied.  
6 The proposed variance is not the minimum necessary for relief. The Applicants can  
7 build a reasonably size home on the northwest corner of the property with substantially  
less setback encroachments than those proposed.

8 Dated this 29th day of June, 2026 .

9 *Phil Olbrechts*

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Phil Olbrechts,  
11 Kitsap County Hearing Examiner

#### 12 **Appeal Right and Valuation Notices**

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

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