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KATHY HILL
SKAGIT COUNTY AUDITOR

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RECORDED _____ FILED _____
REQUEST OF _____

AFTER RECORDING RETURN TO:
SKAGIT COUNTY HEARING EXAMINER
302 SOUTH FIRST STREET
MOUNT VERNON, WA 98273

9907010006

DOCUMENT TITLE: ORDER ON VARIANCE VA 99-0226

GRANTOR(S): SKAGIT COUNTY HEARING EXAMINER

GRANTEE: CHUCK DRALLE

ASSESSOR PARCEL NO: P62132

ABBREVIATED LEGAL DESCRIPTION: 19126 West Big Lake Blvd., Mount Vernon, WA; Lot 111, Big Lake Waterfront Tracts, within the NW 1/4 of Section 7, Township 33 North, Range 5 East, W.M., Skagit County, Washington.

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VA 99 0226.ORD

SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON

In the matter of:

Application No. VA 99 0226

Of CHUCK DRALLE

for a Variance for:

placement of a mobile home and a pole building

within the required 100-foot setbacks from the

front and side property lines.

) Findings of Fact

) Entry of Order

) No. VA 99 0226

THIS MATTER having come regularly before the Skagit County Hearing Examiner for a Public Hearing under an application filed with the Skagit County Planning and Permit Center on behalf of the Applicant requesting a Variance as described in the attached Report and Findings of that department, and located at 19126 West Big Lake Blvd., Mount Vernon, WA; Lot 111, Big Lake Waterfront Tracts; within the NW ¼ of Section 7, Township 33 North, Range 5 East, W.M., Skagit County, Washington;

Assessor Account No: 3863-000-0111-0006

And, notice having been given to all property owners within 300 feet of said property and all matters in the file having been considered together with the testimony, evidence, and exhibits in open hearing and made a part of the record in this matter, the Hearing Examiner makes the following findings of fact.

FINDINGS OF FACT

1. June 9, 1999 was fixed as the date of the public hearing and the Hearing Examiner held a public hearing on that date.
2. All persons present at the Public Hearing were given an opportunity to present evidence and testimony, and all correspondence received was made a part of the record.
3. The Planning and Permit Center issued a Staff Report and Findings The Hearing Examiner adopts Findings No. one (1) through twelve (12) as presented in that Report.
4. The Hearing Examiner reviewed this project with regard to the following criteria pertaining to Variances (Section 14.04.223(1)(f), Skagit County Code), and finds that the criteria are met:

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- (i) That special conditions and circumstances exist which are peculiar to the land or structure or building involved and which are not applicable to other lands, structures, or buildings in the same district,
 - (ii) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter,
 - (iii) That the special conditions and circumstances do not result from the actions of the applicant,
 - (iv) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.
5. The Hearing Examiner makes the following findings as required by Section 14.04.223 (3) of the Skagit County Code:
- a. The reasons and information submitted in the application and in the testimony and evidence submitted during the hearing and for the record justify the granting of the Variance, and the Variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - b. The granting of the Variance will be in harmony with the general purpose and intent of this Chapter, and will not be injurious to the neighborhood, or otherwise detrimental to public welfare.
 - c. The use proposed is permissible under the terms of this Section in the district involved.

DECISION

The Hearing Examiner APPROVES the application for a Variance subject to the following conditions:

- 1. Prior to start of construction, applicant shall obtain all required permits and approvals.
- 2. All structures shall meet the minimum residential setback requirements of 35 feet front and 8 feet side property lines.

3. Applicant shall comply with the provisions of SCC 14.04.190(e)(i), Property on or Adjacent to Designated Natural Resource Lands, Title Notification.

This decision shall become final unless Request for Reconsideration is made in accordance with Skagit County Code §14.01.057 or unless appeal is made to the Skagit County Board of Commissioners in accordance with Skagit County Code §14.01.061.

SKAGIT COUNTY HEARING EXAMINER


BRADFORD E. FURLONG, PRO TEM

Date of Action: June 30, 1999

Date transmitted to applicant: June 30, 1999

Attachment: Staff Report and Findings

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**SKAGIT COUNTY PLANNING AND PERMIT CENTER
FINDINGS OF FACT**

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER

HEARING DATE: June 9, 1999

APPLICATION NUMBER: VARIANCE PL#99-0226

APPLICANT: Chuck Dralle

ADDRESS: 24500 Old Day Creek Road
Sedro-Woolley, WA 98284

PROJECT LOCATION: Located at 19126 West Big Lake Blvd., Mt. Vernon, WA; Lot 111 Big Lake Waterfront Tracts; within a portion of the NW ¼ of Section 07, Township 33 North, Range 05 East, W.M., Skagit County, Washington.

PROJECT DESCRIPTION: Variance Request to allow for the placement of a mobile home and a pole building to be located within the required 100-foot setbacks from the front and side property lines.

ASSESSOR'S ACCOUNT NUMBER: 3863-000-111-0006

PARCEL ID NUMBER: P 62132

ZONING: Secondary Forest

COMPREHENSIVE PLAN: Secondary Forest

RECOMMENDATION: The Planning and Permit Center would recommend of the requested variance with conditions.

EXHIBITS:

- a. Application dated April 9, 1999
- b. Assessor map
- c. Site Plan
- d. Staff Photos
- e. Letter of completeness dated April 20, 1999

STAFF FINDINGS:

1. The subject property is zoned Secondary Forest and the Comprehensive Plan designates the area as Secondary Forest.
2. Per Section 14.01.033 of the Skagit County Code, a letter of completeness was issued on April 20, 1999. A Notice of Development Application for the application was posted on the subject property and published in a newspaper of general

circulation on as required by Section 14.01.040(2) of Skagit County Code on April 22, 1999. The public hearing has been advertised in accordance with the requirements of Chapter 14.01.042 of the Skagit County Code.

3. The application has been reviewed in accordance with the State Environmental Act Guidelines WAC 197-11-800 (6)(b) and has been found to be exempt.
4. The subject property is not located within a designated flood hazard area.
5. The subject parcel was reviewed with the respect to the Skagit County Critical Areas Ordinance in conjunction with a fill and grade permit (97-1275). A site visit was conducted and no critical areas were identified within the building area.
6. The subject property is approximately .49 acres in size and is rectangular in shape. The property lies in an east/west configuration and is located on the west side of West Big Lake Blvd in the Big Lake area. The subject property is approximately 67 ft. wide, the north side property line is approximately 326 ft. and the south line is approximately 313 ft. The property is currently vacant. The front part of the property is relatively flat and approximately 170 feet has been cleared. The back portion slopes downward and is wooded along the rear property line. Public water and an individual septic system serve the property.
6. The subject property is located in land designated as Secondary Forest. The applicant shall comply with the provisions of Skagit County Code 14.04.190 (e)(i), Property on or Adjacent to Designated Natural Resource Lands, Title Notification.
7. The Skagit County Natural Resource Lands Ordinance (NRL), Title 14, Chapter 14.04.170 became effective on September 11, 1996 under Ordinance #16287 and amended September 17, 1996 under Ordinance #16291. At that time, the ordinance amended the Official Zoning Map so that lands designated as natural resource also were now zoned as such.
8. Skagit County Code Section 14.04.125 (5)(c) Secondary Forest established the minimum building setback as 100 feet on all sides.
9. The applicant is requesting a variance to allow for the placement of a mobile home and a pole building to be located within the required 100-foot setbacks from the front and side property lines. A 27-ft. wide by 52-ft. long mobile home and a 30-ft. wide by 24-ft. long pole building are being proposed for the site. According to site plans submitted for each of

the proposed structures, the mobile will be located along the southern property line and the pole building along the northern property line. The septic system has been installed. According to the as built the tank area is approximately 108 ft. from the front property line along the southern sideline. The drainfield is located approximately 200 ft. from the front property line along the northern sideline.

10. The application has been routed to the appropriate county offices for review and comments. Public Works had no comments. Septic Division has approved the septic design and an asbuilt has been received. Water Division-A letter from PUD was needed stating that water is in the immediate proximity and available for connection. (This letter has been received). Prior to issuance of any building permit proof of payment for connection or receipt for the hookup charge is needed. (This has been provided).
11. Section 14.04.223(1) e Variances of the Skagit County Code states that certain items will be reviewed when approving or denying Variances. Those items are as follows:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

Staff recognizes that special conditions and circumstances generally apply to topographic hardships, i.e., a large ditch or creek or other physical feature peculiar to a particular parcel of property, that has a detrimental impact on a proposed development. The property is long (approximately 320 ft.) and narrow (approximately 67 ft.) with the front portion relatively flat and the back portion sloping downward. A site visit has confirmed the topography of the site. The lot is part of a plat that was done prior to the adoption of any subdivision regulations in Skagit County.

The property is designated as Secondary Forest with a 100-foot setback requirement from all property lines. Because of the dimensions (width) of the property any structure placed on the parcel would not be able to meet the required side yard setbacks.

- b. That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

Staff notes that the literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter. The subject property has been deemed a legal lot.

through the lot certification process. Single-family residential dwellings, together with the usual accessory buildings and uses are permitted within the secondary forest designation. The area especially across the street (although a different designation) is developed and the west side of the road is becoming more developed as time goes on.

- c. That the special conditions and circumstances do not result from the actions of the applicant.

The applicant purchased the property in 1997. The lot was created prior to the adoption of any subdivision regulations. The zoning designation and setback requirements were in place prior to the applicant purchasing the property.

- d. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

Staff concurs that the granting of this variance will not confer on the applicant any special privilege that is denied to other lands, structures, or buildings in the same district. There are approximately 20 lots located on the west side of West Big Lake Blvd that are part of this plat. It would not be uncommon for any other lot within this area to have the same circumstances as the subject property. The proposed plan will utilize the property in the best manner.

RECOMMENDATION:

Based on the above findings the Planning and Permit Center would recommend approval of the requested variance with the following conditions:

1. The applicant prior to construction obtains all required permits.
2. All structures will need to meet the minimum residential setback requirements of 35 feet front and 8 feet sides.
3. The applicant shall comply with the provisions of Skagit County Code 14.04.190 (e)(i), Property on or Adjacent to Designated Natural Resource Lands, Title Notification.

Prepared by: MS
Approved by: DCH