



200009250098

, Skagit County Auditor

9/25/2000 Page 1 of 5 2:34:09PM

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

DOCUMENT TITLE: VARIANCE VA 99 0267

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: GORDON WEISS

ASSESSOR PARCEL NO: P35114

ABBREVIATED LEGAL DESCRIPTION: located at 11453 Bayview Edison Road, Mount Vernon, WA; within the NE ¼ of Section 31, Township 35 North, Range 3 East, W.M., Skagit County, Washington.

**SKAGIT COUNTY HEARING EXAMINER**  
**STATE OF WASHINGTON**

In the Matter of the Application of  
**GORDON WEISS**

VA99-0267

For a Variance from the Setbacks  
For Mobile Home Parks to Allow for  
The Replacement of Homes on Specified  
Lots within the Bayview Mobile Home  
Park

FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND DECISION

THIS MATTER, an application for a setback variance, came on regularly for hearing on August 16, 2000, after due notice. The Planning and Permit Center was represented by Marge Swint. The applicant represented himself. Members of the public were given an opportunity to be heard.

Testimony was taken, exhibits were admitted, and argument was made. On the basis thereof, the following is entered:

**FINDINGS OF FACT**

1. Gordon Weiss (applicant) seeks permission to replace manufactured homes on certain interior lots of the Bayview Mobile Home Park.

2. The site is located at 11453 Bayview Edison Road, within a portion of the NE1/4, Sec. 31, T35N, R3E, W.M. It is about 400 feet from the bay and outside of the shoreline jurisdiction. The Comprehensive Plan designation is Rural Village. The zoning is Residential.

3. The subject mobile home park is fully developed, having been established in approximately 1968, before the enactment of the County's ordinance regulating such parks. The originally established lots are in some cases too small to accommodate the larger mobile homes of today within the setbacks now prescribed.

4. The property is approximately 7.85 acres in size, developed into 36 lots containing a mixture of singlewide and doublewide manufactured homes. The park is for "Seniors Only."

5. By and large the homes in the park are in good condition. But, when current residents move or sell, the park has been trying to insert newer units that meet current safety codes on the affected lots. The smaller units of the past are generally being replaced with larger new ones.



6. The instant variance application is intended to allow multiple replacements to occur in the future without having to apply for a variance every time. The applicant initially identified Lots 23, 24, 27 and 29 as lots that would not comply with current setback requirements if the homes were replaced.

7. The difficulty is with two of the provisions SCC 14.04.170(6), establishing setbacks for mobile homes, as follows:

(c) 20 feet from the long side of another mobile home

(e) 35 feet from the centerline of the service road

8. The four lots in question are now occupied by singlewide mobiles with a standard width of 14 feet. Today, these are outmoded. The park hopes eventually to accommodate doublewides on most lots. These are normally 28 feet wide. Units with a 24 foot width can be obtained by special order.

9. In the application materials the applicant presented site plans showing possible scenarios with different sized mobile homes on the targeted lots. Subsequently at the hearing, the applicant stated that the required setbacks can be met on Lots 27 and 29 by ordering special units. But he testified that there remains a problem with Lots 23 and 24.

10. County agencies made comments as follows: *Septic Division* -- replacement mobiles cannot encroach on septic tanks; *Fire Marshal* -- replacement mobiles must be new (sheet rock interiors, etc.), have the door in the front end, be spaced at least 10 feet apart, and have no parking, porches or storage between units. The applicant does not object to these requirements.

11. Under SCC 14.04.223, variances are authorized in specific cases where departure from the requirements of the zoning code "will not be contrary to the public interest" and "where, owing to special conditions, a literal enforcement of the provision of this chapter would result in unnecessary hardship." The explicit criteria for approval of a variance are:

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.

b. 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.



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

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.

12. The Staff Report analyzes the proposal against the above criteria and concludes that the application meets them. The Examiner concurs in this analysis and adopts the same.

13. The applicant appears to have made an effort to insure that in replacing mobile homes his actions will not violate tenant safeguards contained in the Mobile Home Landlord Tenant Act, Chapter 59.20 RCW. There was no testimony in opposition to the proposal, and no comments from neighbors suggesting interference with adjacent property.

14. The reasons set forth in the variance application justify granting the variance as to Lots 23 and 24. The proposal is the minimum needed to accomplish reasonable use objectives of the applicant. The proposed replacements will be in harmony with the general purpose and intent of the zoning code and will not be injurious to the neighborhood, or otherwise detrimental to public welfare.

15. Any conclusion herein which may be deemed a finding is hereby adopted as such.

### **CONCLUSIONS OF LAW**

1. The Examiner has jurisdiction over the parties and the subject matter of this proceeding.

2. The proposal is exempt from the procedural requirements of the State Environmental Policy Act. WAC 197-11-800(6).

3. The proposal, as conditioned, meets the variance criteria of SCC 14.04.223.

4. The following conditions should be imposed:

(a) The applicant shall obtain all other required permits prior to the installation of any replacement homes.

(b) Nothing in this approval shall be construed as authorization to violate the provisions of Chapter 59.20 RCW.

(c) No replacement home may encroach upon a septic tank.

(d) Proof of connection to Public Utility District water will be required at the time of building permit submittal.



- (e) Each replacement shall be made in accordance with an approved layout submitted to the Planning and Permit Center.
- (f) Replacement homes shall be new (sheet rock interiors, etc.), have the door at the front end, be at least 10 feet from other homes, and have no parking, porches, sheds or storage between units.
- (g) All building and fire codes must be met.

5. Any conclusion herein which may be deemed a finding is hereby adopted as such.

### DECISION

The requested variance as to Lots 23 and 24 is approved, subject to the conditions set forth in Conclusion 4 above.

  
Wick Dufford, Hearing Examiner

Date of Action: September 20, 2000

Copy transmitted to Applicant: September 20, 2000

Attachment: Staff Report

### RECONSIDERATION/APPEAL

A request for reconsideration may be filed as provided in SCC 14.06.180. The decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with the Clerk of the Board within 14 days after the date of the Examiner's decision, or decision on reconsideration if applicable.



200009250098  
Skagit County Auditor

9/25/2000 Page 5 of 5 2:34:09PM