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Skagit County Auditor

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

DOCUMENT TITLE: Order on Variance Permit Application VA 01 0867

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: RICHARD WAILES

ASSESSOR PARCEL NO: P46343

ABBREVIATED LEGAL DESCRIPTION: located on the northeast corner of Sinclair Island, known as Tract 8 of the Survey of Sinclair AF#8106180002, Anacortes, WA; within a portion of Section 9, Township 36N, Range 1 East W.M. Skagit County, Washington.

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: Richard Wailes
14830 – 210th Ave. NE
Woodinville, WA 98072

File No: VA 01-0867

Request: Variance

Location: The northeast corner of Sinclair Island, known as Tract 8 of the Survey of Sinclair; a portion of Section 9, Township 36 North, Range 1 East, W.M., Skagit County, Washington.

Summary of Proposal: Request for a variance from Skagit County Code Section 14.16.850(6)(b)(iii)(e) to not install a sprinkler system within an existing cabin located outside a fire district.

Land Use Designation: *Comprehensive Plan and Zoning:* RRv – Rural Reserve

Public Hearing: After reviewing the report of the Planning and Permit Center, the Hearing Examiner conducted a public hearing on February 13, 2002. Due notice of the hearing was given.

Decision: The application is approved, subject to conditions.



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FINDINGS OF FACT

1. Richard Wailes seeks a variance from the requirement of the Skagit County Code to install a sprinkler system in a dwelling structure located outside a fire district.
2. The parcel is approximately 20 acres in size and located on the north side of Sinclair Island. The subject parcel measures approximately 360 feet along the south property line, approximately 2,464 feet along the east property line, approximately 2,331 feet along the west property line and approximately 380 feet along the north property line which fronts on Rosario Strait.
3. There is an existing cabin and an existing accessory structure located along the northeast portion of the property. The parcel contains an existing individual drilled well with a water storage tank and the cabin utilizes an existing on-site septic system.
4. The surrounding area is primarily forested with scattered recreational cabins.
5. There is no electrical power provided on Sinclair Island except for that provided by individually owned generators.
6. The applicant has indicated that he has obtained all necessary permits and has complied with the following Fire Marshal requirements including: a) the lot was a legal lot of record prior to June 11, 1990, b) metal roofing, c) slash abatement within 200 feet of the cabin, and d) a safety zone cleared of flammable vegetation 50 feet surrounding the cabin. The applicant further indicated the following: "The source of water on my property is a private well. No electrical power is available on Sinclair Island. I have constructed a water storage tower with 300 gallon capacity. However the system is shut down from October until April to prevent freezing damage to the water lines when the cabin is vacant. With no water or power available during this six months of the year, it makes a building sprinkler system useless."
7. Staff notes that the original intent of the code to require sprinklers was based on properties that were located within a natural resource area outside of fire districts. Sinclair Island is not designated as a natural resource island and the Fire Marshal has no opposition to this variance approval since the other criteria items have been addressed.
8. Skagit County Public Works had no concerns with the proposal.
9. The Skagit County Fire Marshal raised no objections to the requested variance.
10. The Examiner finds that the variance is consistent with the surrounding properties on Sinclair Island. Allowing the variance sought will not result in a detriment to neighbors or to the public in general.



11. Special circumstances exist here in the current status of electrical power in the area. These circumstances support approving the variance.

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

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the persons and the subject matter of this proceeding. SCC 14.10.020(3).

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

3. The findings above support a conclusion that the proposal is consistent with the applicable variance criteria of SCC 14.10.020(2), if the following conditions are imposed:

a. The applicant shall obtain all permits and approvals from the appropriate jurisdiction.

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

DECISION

The requested variance from SCC 14.16.850(6)(b)(iii), is granted, subject to the condition set forth Conclusion 3 above.



Bradford E. Furlong, Hearing Examiner Pro Tem

Date of Action: March 19, 2002

Copy Transmitted to Applicant: March 19, 2002

RECONSIDERATION/APPEAL

As provided in SCC 14.06.180, a request for reconsideration may be filed with the Planning and Permit Center within 10 days after the date of this decision. As provided in SCC 14.06.120(9), the decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with the Planning and Permit Center within 14 days after the date of the decision, or decision on reconsideration, if applicable.

