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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 SHORELINE VARIANCE MODIFICATION SL 00 0068

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: JAMES WINCHESTER

ASSESSOR PARCEL NO: P79571

LEGAL DESCRIPTION: The proposed project is located approximately ¼ mile north of the intersection of Downey Road and Channel Drive, LaConner, within a portion of Section 24, Township 34 North, Range 2 East, W.M., Skagit County, Washington.

**BEFORE THE SKAGIT COUNTY HEARING EXAMINER**

**Applicant:** James Winchester  
5708 138th Place SE  
Everett, WA 98208

**Agent:** Douglas E. Schwind  
Northwest Datum and Design, Inc.  
160 Cascade Place, Suite 102  
Burlington, WA 98233

**File No:** PL00-0068 (Revision)

**Request:** Revision of Shoreline Variance Permit

**Location:** Approximately ¼ mile north of the intersection of Downey Road and Channel Drive, within a portion of Sec. 24, T34N, R2E, W.M.

**Shoreline Designation:** Rural Residential

**Summary of Proposal:** To increase the setback from the shore of a proposed near-ground-level deck from 14 feet to 18 feet and to reduce site coverage from 44% to 28%.

**Public Hearing:** After reviewing the Report of the Planning and Permit Center, the Hearing Examiner conducted a public hearing on August 13, 2003.

**Decision:** The application is approved, subject to conditions.



## FINDINGS OF FACT

1. James Winchester seeks to modify the approved plans for a residence on a shoreline designated Rural Residential. The project is located at approximately ¼ mile north of the intersection of Downey road and Channel Drive, within a portion of Sec. 24, T34N, R2E, W.M.
2. The requested change will modify a variance permit issued in 2001 for the construction of single-family residence located 35 feet from the Ordinary High Water Mark (OHWM). The original approval contemplated a patio reaching to 14 feet from the OHWM and a total site coverage of 44%.
3. The normal minimum shore setback in the Rural Residential Shoreline is 50 feet and the maximum allowable site coverage is 30%.
4. The proposed modification will improve the setback and lot coverage situation. The patio, as modified, will be 18 feet from the OHWM. The residential structure will be reconfigured so that site coverage will be reduced to 28%. The setback of the residence itself will not change.
5. A permit revision may be approved if the change is within the scope and intent of the original permit and consistent with the applicable master program. WAC 173-27-200(1). Skagit County's Shoreline Master Program (SMP) describes changes that are within the original scope and intent as "insignificant." SMP 9.13.
6. To be "within the scope and intent of the original permit," the proposal must involve little or no additional over water construction, must not increase ground coverage and height over 10%, must not authorize exceeding dimensional limits of the master program except as authorized by variance, must keep landscaping requirements consistent with original permit conditions, must not authorize a change in use, and must avoid any adverse environmental impact. WAC 173-27-200(2).
7. Here, the proposal conforms to the original permit's scope and intent. The initial variance authorized project features that exceed the limits of SMP dimensional requirements. The proposal makes the project come closer to complying with those requirements. The resulting project will match the residential setbacks of the abutting properties on either side. No additional landscaping is needed.
8. The Examiner concludes that the proposed modification is insignificant.
9. Any conclusion herein which may be deemed a finding is hereby adopted as such.

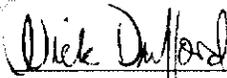


## CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the persons and subject matter of this proceeding.
2. The proposal is exempt from the procedural requirements of the State Environmental Policy Act.
3. The proposal meets the criteria for approval of a permit revision under the SMP and the Department of Ecology's rules. SMP 9.13, WAC 173-27-200.
4. Any finding herein which may be deemed a conclusion is hereby adopted as such.

## DECISION

The application is approved, subject to the original conditions of approval, except that the project shall adhere to the revised plans rather than to the original ones.



Wick Dufford, Hearing Examiner

Date of Action: September 8, 2003.

Copy Transmitted to Applicant: September 8, 2003

## APPEAL

Appeals shall be in accordance with RCW 90.58.180 and shall be filed within 15 days from the date of mailing.

