



200312080136
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 REVISION SL 99-0191

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: SCOTT AND LAUREL HARRISON

ASSESSOR PARCEL NO: P64872

LEGAL DESCRIPTION: The proposed project is located at 15855 Yokeko Drive, Anacortes, WA; a portion of Section 24, Township 34 North, Range 1 East, W.M., Skagit County, Washington.

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicant: Scott and Laurel Harrison
15855 Yokeko Drive
Anacortes, WA 98221

File No: PL99-0191

Request: Revision of Shoreline Variance Permit

Location: 15855 Yokeko Drive, on the shore of Deception Pass,
within a portion of Sec 24, T34N, R1E, W.M.

Shoreline Designation: Rural Residential

Summary of Proposal: To add 244.8 square feet to the footprint of a residence
in four small areas. The structure will extend no closer
to the water than previously. The already-designated
Protected Critical Area will be unaffected.

Public Hearing: After reviewing the Report of the Planning and Permit
Center, the Hearing Examiner conducted a public hearing
on October 8, 2003.

Decision: The application is approved, subject to conditions.



FINDINGS OF FACT

1. Scot and Laurel Harrison (applicants) are restoring the residential property at 15855 Yokeko Drive on Deception Pass. They have made some changes in their plans and seek approval before commencing construction.

2. Under the County's Shoreline Master Program (SMP), the shore in this area is designated Rural Residential. The setback from the Ordinary High Water Mark (OHWM) established by the SMP is 50 feet.

3. The neighborhood is one in which residential development was established long before the shoreline program was adopted. The general pattern of shore setbacks was much closer to the water than 50 feet. The house on the applicants' lot was built in the 1940's with a setback of approximately 20 feet. The side setback (8 feet) was also impinged upon. Thus, with the adoption of the SMP it became a nonconforming structure.

4. When the applicants began to renovate the property, they initially sought a variance to allow the house to be rebuilt at the existing setbacks. The permit, granted in 1999, authorized the addition of 184 square feet to the first floor, the addition of a second floor, and the removal of an existing shop and garage to be replaced by a guesthouse located eight feet farther from the OHWM.

5. None of the authorized construction was to approach closer to the shore than the pre-existing development. The areas shoreward of the house and a space to the side were put into a Protected Critical Area (PCA), preserved from future structural development.

6. Although some of the other work has been done, the reconstruction of the house has been deferred until now. A permit extension has been obtained, so that approval has not lapsed.

7. The building site is almost entirely atop exposed bedrock. The applicants have discovered that the foundation of the original residence was not properly attached to this rock and seek, on advice of a structural engineer, to straighten the foundation and insure that it is secured to optimal bedrock. In order to accomplish this, the footprint will need to change. The effect will be the addition of 244.8 square feet of enclosed habitable space in four small areas of the residence. No new fill work will be necessary. The end result will be increased structural stability and earthquake damage prevention.

8. The original "as built" residence had a foundation perimeter plus attached decks and stairs of 2,282 square feet. The 1999 permit approved the placement of a residence with attached decks and stairs totaling 2,504 square feet. The instant request includes the removal of a long set of exposed stairs along the eastern margin of the house.



The present plan will create coverage of 2,511 square feet. This is an increase of only seven square feet in lot coverage.

9. The revision will have no effect on the previously created PCA. No landscaping requirements will be altered. No damage to shoreline resources will occur. The alteration will add no adverse environmental impact. Indeed, the restoration process as a whole is a step forward in terms of aesthetics and other environmental values.

10. The record contains six letters from neighbors, all rather enthusiastically supporting the present proposal.

11. 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 173-27-100(1). The Skagit County SMP describes changes that are within the original permit's scope and intent as "insignificant." SMP 9.13.

12. 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 area 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 173-27-100(2).

13. 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 (SEPA).

3. Under the facts, this proposal conforms to the original permit's scope and intent. The Examiner concludes that the proposed revision is insignificant.

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



DECISION

The proposed variance permit revision is approved, subject to the conditions of the original permit, except that the project shall be constructed as shown on the revised plans submitted.



Wick Dufford, Hearing Examiner

Date of Action: October 16, 2003

Copy Transmitted to Applicants: October 16, 2003

APPEAL

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



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