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Skagit County Planning and Development Services



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**SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
FINDINGS OF FACT**

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE DECISION PL06-0257

APPLICANT: DOUGLAS HANSON

ADDRESS: P.O. BOX 25069
SEATTLE, WA 98165-1969

PROJECT LOCATION: Located at Lake Cavanaugh Subdivision 2, lot 115 and the East ½ of lot 116, and lot 76, and the East ½ of lot 77 off of South Shore Drive, Mount Vernon, within a portion of Section 27, Township 33 North, Range 6 East W.M., situated within Skagit County, Washington.

PROJECT DESCRIPTION: The applicant requests an Administrative reduction in setbacks to reduce the front setback from 35 feet to 25 feet for a single family residential structure. The proposal also includes a retaining wall approximately 8 feet from the front property line, ranging from 2 feet to 16 feet in height, between lots 115, 116, and 117, and a zero lot line setback along the east (side) and west (side) property line, also along with a reduction of the west (side) setback for a retaining wall between lots 117 and 115 with a zero lot line setback to the proposed residence. The single family residential structure is proposed to be located approximately 25 feet off of the north side of South Shore Drive (front) property line, approximately 15 feet off of the west (side) property line, approximately 10 feet off of the east (side) property line, and approximately 40 feet off of the north (rear) property line. The retaining wall structure is proposed to be located approximately 8 feet off of the north side of South Shore Drive (front) property line, and 0 feet off of the east (side) property line, and the side-yard retaining wall between lots 117 and 115 is proposed to be located approximately 0 feet off of the west (side) property line to the house structure. Skagit County Code (SCC) section 14.16.310(5) requires a minimum front setback of 35 feet, side setback of 8 feet, and rear setback of 25 feet for structures.

ASSESSOR'S ACCOUNT NUMBERS: 3938-001-116-0000

PROPERTY NUMBER: P66729

ZONING/ COMPREHENSIVE PLAN: The proposed project is located within a Rural Village Residential zoning/Comprehensive Plan designated area as identified within the Skagit County Comprehensive Plan and associated maps as adopted July 24, 2000 and as thereafter amended.

STAFF FINDINGS: Pursuant to 14.16.810(4), the Administrative Official may reduce the required front, side or rear setbacks where topography or critical areas or the lot's size and configuration impact the reasonable development of the property. To reduce the front or rear setback, the Administrative Official must determine that the public health, safety and welfare will be maintained. Consultation with the Public Works Department concerning traffic safety may be solicited during this analysis.

1. The subject property measures approximately 389 feet in length along the east and west property lines, and approximately 94 feet in width along the north and south property lines. The subject property is physically located along the north and south side of South Shore Drive, south of Lake Cavanaugh.
2. The proposed structures will not be able to meet the current front and side setback requirements due to the lots topography and critical areas (shoreline setback). SCC Section 14.16.310(5) requires a 35 foot front setback; this is a 10 foot reduction request at the closest point for the house structure and a 27 foot reduction request at the closest point for the retaining wall. SCC Section 14.16.310(5) requires an 8 foot side setback; this is an 8 foot reduction request at the closest point for the side-yard retaining walls.
3. A letter of completeness was issued on April 24, 2006 per SCC Section 14.06.100. A Notice of Development was published and posted on the property on April 27, 2006 per SCC Section 14.06.150. All property owners within 300 feet of the property were sent the Notice of Development. There was a fifteen-(15) day public comment period associated with the Notice which ended on May 12, 2006. No public comments were received in regard to this proposal.
4. The proposal was reviewed by Skagit County critical areas staff. Staff indicated that a critical areas review was completed with PL05-0358 and the project appears to meet the minimum 50 foot setback per the site plan and recorded Protected Critical Area (PCA) AF#200603310184.
5. The proposal was reviewed by the Skagit County Shorelines Administrator. The Shoreline Administrator indicated that if the narrative is correct then the setback from the lake is okay. The height above average grade must not exceed 30 feet.

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6. The proposal was reviewed by the Skagit County Public Works Department. Public Works indicated that the retaining wall is a structure and will require a building permit and the applicant must show the location of the road (South Shore Drive) within the County right of way on the site plan. Applicant must provide engineering (turning template for passenger car) to show that vehicles using the proposed access (driveway & parking area) will not encroach on the oncoming lane. This should be done on the site plan. The property corners must be staked prior to construction. A letter requesting additional information was sent on April 28, 2006. A meeting was held regarding the issues stated above and an agreement between the applicant and Public Works staff was agreed on to move the retaining wall structure an extra 3 feet from the front property line. The retaining wall structure will be a minimum of 8 feet from the front property line to allow a safer turning radius. A permanent access permit is required and a revised site plan is required for Building Permit submittal.
7. Staff finds that the proposed reduction in setback request is reasonable due to the existing topography, and critical areas, and the size of the existing lots in the immediate vicinity.
8. Staff finds that the requested setbacks would not create any problems with regard to the maintenance of public health, safety or welfare. Additionally, no traffic safety concerns were identified with the proposal.



Decision:

The Director hereby approves the Administrative Decision to allow reasonable use of the property subject to the conditions and modifications listed below:

1. The applicant shall obtain all necessary permits.
2. The building permits for the proposed structures shall be issued in accordance with the approved reduction in setback as requested.
3. A copy of this decision shall be submitted with the building permit at time of application.
4. The property corners must be staked prior to construction. A permanent access permit is required and a revised site plan indicating an 8 foot setback reduction is required for Building Permit submittal.
5. Please be advised that this approval for reduction of setback is based on a limited review specific to the criteria for this application (14.16.810 (4) SCC). Other County requirements may alter your proposal and require revision to your plan to comply with all jurisdictional requirements for development.
6. All fees must be paid prior to final approval.

Prepared By:


Michele Q. Szafran, Assistant Planner

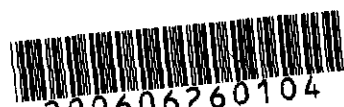
Reviewed By:


Brandon Black, Senior Planner

Date of approval: June 5, 2006

The applicant and/or a party of record may appeal the decision of the Administrative Official to the Skagit County Hearing Examiner pursuant to the provisions of Section 14.06.110(7). Parties with standing to appeal must submit the appeal form and appeal fees to the Planning and Development Services within 14 calendar days of the publication of this Notice pursuant to SCC 14.06.110.

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