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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 PL07-0075

APPLICANT: ROBERT CHIN AND JEANNINE JACOBSON

ADDRESS: 23748 NOOKACHAMP HILLS DRIVE
MOUNT VERNON, WA 98274

PROJECT LOCATION: Located at 23748 Nookachamp Hills Drive, Mount Vernon, within a portion of Section 25, Township 34 North, Range 4 East W.M., situated within Skagit County, Washington.

PROJECT DESCRIPTION: The applicant requests an Administrative reduction in setbacks for the construction of a retaining wall structure. The structure is proposed to be located approximately 13 feet off of the north (front) property line along Nookachamp Hills Drive, and approximately 0 feet off of the west (side) property line. Skagit County Code (SCC) section 14.16.310(5) requires a 35 foot front setback, 8 foot side yard setbacks, and a 25 foot setback off of the rear property line.

ASSESSOR'S ACCOUNT NUMBERS: 4821-000-073-0000

PROPERTY NUMBER: P120753

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.

DEPARTMENTAL 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 100 feet in width along the north property line, approximately 50 feet in width along the south property line, approximately 170 feet in depth along the west property line, and approximately 200 feet in depth along the east property line. The subject property is physically located north of Nookachamp Hills Drive.
2. The proposed retaining wall structure will not be able to meet the current front or side-yard setback requirements due to the lots topography. SCC Section 14.16.310(5) requires a 35 foot front setback, and an 8 foot side-yard setback, this is a 22 foot reduction request at the closest point along the front setback and an 8 foot reduction request at the closest point along the side setback.
3. A letter of completeness was issued on February 14, 2007 per SCC Section 14.06.100. A Notice of Development was published and posted on the property on March 8, 2007 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 March 23, 2007. No public comments were received in regard to this proposal.
4. The proposal was reviewed by Skagit County critical areas staff. Staff indicated that the critical areas review was conducted and approved previously as part of the land division.
5. The proposal was reviewed by the Skagit County Public Works Department. Public Works indicated that they have no objection to the proposal.
6. Staff finds that the proposed reduction in setback request is reasonable due to the existing topography.
7. 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:

Reduction in setback request #PL07-0075



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1. The applicant shall obtain all necessary permits.
2. The building permit for the proposed structure shall be issued in accordance with the approved reduction in setbacks as requested.
3. A copy of this decision shall be submitted with the building permit at time of application.
4. ***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.***
5. All fees must be paid prior to final approval.

Prepared By:

Michele Q. Szafran
Michele Q. Szafran, Assistant Planner

Reviewed By:

Brandon Black
Brandon Black, Senior Planner

Date of approval: April 9, 2007

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.

