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Skagit County Planning and Development Services



200802290151

Skagit County Auditor

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

**HEARING AUTHORITY:** SKAGIT COUNTY PLANNING DIRECTOR

**APPLICATION NUMBER:** ADMINISTRATIVE DECISION PL05-0912

**APPLICANT:** KENT VAN EGDOM

**ADDRESS:** 2603 WASHINGTON BLVD.  
ANACORTES, WA 98221

**PROJECT LOCATION:** Located within Rancho San Juan Del Mar Subdivision 2, on lot 5 off of Whitecap Lane, Anacortes, within a portion of Section 2, Township 34 North, Range 1 East W.M., situated within Skagit County, Washington.

**PROJECT DESCRIPTION:** The applicant requests an Administrative reduction in setbacks for the construction of a single family residential structure. The proposed 2 story structure measures approximately 690 square feet on the main floor. The structure is proposed to be located approximately 10 feet off of the east (front) property line, allowing for approximately 22 feet for parking in front of the garage along Whitecap Lane, approximately 5 feet off of the north (side) property line, approximately 25 feet from the top of the bluff along the west (rear) location of the property, approximately 26 feet from the top of the bluff along the south (side) location of the property, and approximately 42 feet off of the south (side) property line. Skagit County Code (SCC) section 14.16.300(5) requires a minimum front setback of 25 feet for primary structures off of a minor access or dead-end street, requires a minimum side setback of 8 feet, and a 25 foot setback off of the rear property line.

**ASSESSOR'S ACCOUNT NUMBERS:** 3973-000-005-0002

**PROPERTY NUMBER:** P68248

**ZONING/ COMPREHENSIVE PLAN:** The proposed project is located within a Rural Intermediate 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 99 feet in width along the east and west property lines, and approximately 204 feet in depth along the north and south property lines. The subject property is physically located on a minor access road, along the west side of Whitecap Lane, east of Burrows Bay.
2. The proposed structure will not be able to meet the current front and side setback requirements due to the lots topography, critical areas, lot size and configuration. SCC Section 14.16.300(5) requires a 25 foot front setback, and a 8 foot side setback, this is a 15 foot reduction request at the closest point along the front (east) property line and a 3 foot reduction request at the closest point along the side (north) property line.

The applicant has stated in the narrative that the following circumstances have led to the setback reduction request: site topography, private road, shoreline setbacks, septic field and reserve requirements, changes in zoning rules after the parcel was created, and the loss of property due to adverse possession claim of neighbor.

3. A letter of completeness was issued on January 13, 2006 per SCC Section 14.06.100. A combined Notice of Development was issued for the Administrative reduction request and a Shoreline Variance request number PL05-0911 which was published and posted on the property on November 22, 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 thirty-(30) day public comment period associated with the Notice which ended on December 21, 2007. The following comment letters were received in opposition of the proposed reduction of setback;
  - Gerald Bongard located at 12614 Whitecap Lane, Anacortes, letter received on November 26, 2007.
  - Robert and Joann Ryan located at 12490 Whitecap Lane, Anacortes, letter received on December 19, 2007.
  - Jim and Margy Miller located at 12540 Whitecap Lane, Anacortes, letter received on December 17, 2007.

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4. The proposal was reviewed by Skagit County critical areas staff. Staff indicated the following; "The critical areas review of this parcel was completed with PL05-0289." Prior to approval of this proposal, the Protected Critical Area (PCA) site plan and cover sheet must be recorded at the County Auditor's office per (SCC 14.24.170). The Protected Critical Area (PCA) site plan and cover sheet has been recorded under Auditors file number 200801310001.
5. The proposal was reviewed by the Skagit County Shorelines Administrator. The Shorelines Administrator indicated that the roof peak shall be no greater than 40 feet above average grade; the setback of the house must meet the average setback from the Ordinary High Water Mark (OHWM) of residences within 300 feet of both side property lines.

A public hearing before the Hearing Examiner will be scheduled in the near future for Shoreline Variance number PL05-0911 for a side yard setback reduction from 50 feet to 5 feet off of the side (north) property line.
6. The proposal was reviewed by Skagit County Health Department Septic Review. Staff indicated that there is an approved septic permit (SW05-0714), and that the drainfield most likely has to go where it shows on the site-plan dated November 8, 2007, the tanks can be moved.
7. The proposal was reviewed by the Skagit County Fire Marshal. The Fire Marshal indicated the following; "After a field review of this location the Fire Marshal's Office would not oppose this variance provided that the ten foot setback be the line that no portion of the building cross including over hangs or eaves."
8. The proposal was reviewed by the Skagit County Public Works Department. Public Works indicated the following; "The garage entrance must be a minimum of 20 feet from easement for Whitecap Lane."
9. Staff finds that the proposed reduction in setback request is reasonable due to the existing topography, lot size, configuration, critical areas, and the size of the existing lots in the immediate vicinity.
10. 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.

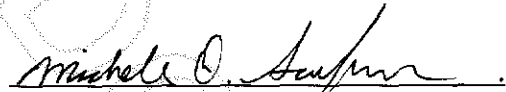


**Decision:**

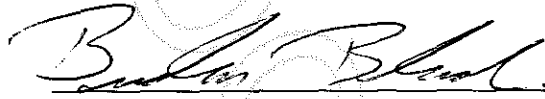
The Director hereby approves the Administrative Decision to allow reasonable use of the property subject to the conditions and modifications listed below:

1. The applicant shall obtain all necessary permits.
2. The building permit for the proposed structure 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. No portion of the building shall cross the ten foot setback line including eaves and over-hangs.
5. The roof peak shall be no greater than 40 feet above average grade, and the setback of the house must meet the average setback from the OHWM of residences within 300 feet of both side property lines.
6. The garage entrance must be a minimum of 20 feet from easement for Whitecap Lane.
7. ***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.***

Prepared By:

  
Michele Q. Szafran, Associate Planner

Reviewed By:

  
Brandon Black, Senior Planner – Team Supervisor

Date of approval: February 4, 2008

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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