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Skagit County Planning & Development Services



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Skagit County Auditor

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

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE DECISION PL07-0924

APPLICANT: DENNIS & LOUISE CONWAY

ADDRESS: 8205 75TH ST NE
MARYSVILLE, WA 98270-7748

PROJECT LOCATION: Located at 33168 West Shore Drive, Mount Vernon, within the Southwest quarter of Section 22, Township 33 North, Range 06 East W.M., Skagit County, Washington. The property is a platted parcel, bordering Lake Cavanaugh to the south. There is an existing single family residence. The lot measures approximately 167.47/166.73 feet long by 60 feet wide. It is bordered on the north by a 60-foot County road easement named West Shore Drive.

PROJECT DESCRIPTION: The applicant requests an Administrative reduction in setback (Administrative Variance) for the placement/construction of a 288 square-foot accessory structure for residential accessory use (boat storage). The accessory structure is proposed to be located 5 feet off of the north (front) property line along West Shore Drive, approximately 152 feet off of the south (rear/lakeside) property line, approximately 8 feet off of the east (side) property line and approximately 27.5 feet off of the west (side) property line. Skagit County Code (SCC) section 14.16.310(5)(a)(iv) requires a minimum front setback of 35 feet, 8 foot side yard setbacks, and a 25 foot setback off of the rear property line for accessory structures.

Skagit County Code (SCC) section 14.16.310(5)(e) indicates a Maximum Lot Coverage of 50%. Over the whole lot, the resulting developed area (including a new

residential structure, to replace the existing residential structure, reviewed via Shoreline Variance, PL07-0317) will be 28.1 percent. The Shoreline Variance findings indicate that existing structures including the 160 square-foot storage shed/boat garage will be removed.

ASSESSOR'S ACCOUNT #: 3939-001-117-0008

PARCEL #: P66892

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 October 10, 2007. The application was accepted as complete on February 27, 2008, and is vested under the Comprehensive Plan & Zoning regulations in effect at that time.

SITE DESCRIPTION: The project site is located at 33168 West Shore Drive located on the shoreline of Lake Cavanaugh. The subject site is accessed of West Shore Drive by a gravel driveway leading to a parking area located in front of the existing cabin. The subject site slopes downhill from West Shore Drive to the shoreline of Lake Cavanaugh. The entire site is landscaped with lawn and native plat species.

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 (P66892) measures approximately 60 feet in width along the east and west property line, approximately 167.47/166.73 feet in depth along the north and south property lines and occupies 0.23 acre. The subject property is physically located on a minor access road, along the south side of West Shore Drive. The topography of the lot slopes down (average 23%) to the south from the road to the lake;
2. The lot's development is constrained by the existing drainfield which lies between the existing residence and West Shore Drive. The drainfield occupies ;
3. The space needed for the effective operation of the drainfield simply does not allow the proposed residential accessory use structure to be pushed back farther from the road;



4. The proposed residential accessory use structure will not be able to meet the current front setback requirements due to the topography and lot configuration (drainfield area). SCC Section 14.16.310(5)(a)(iv) requires a 35 foot front setback, this is a 30 foot reduction request at the closest point;
5. A letter of completeness was issued on February 28, 2008 per SCC Section 14.06.100. A Notice of Development was published and posted on the property on March 6, 2008 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 21, 2008. Public comments in support were received in regard to this proposal;
6. The proposal was reviewed by Skagit County critical areas staff and by the Skagit County Shorelines Administrator. This review was conducted via PLO7-0317 a Shoreline Variance for the construction of a single family residence. The proposal was approved by the Hearing Examiner with conditions of approval. All conditions of approval of the Staff report dated January 2, 2008 and Hearing Examiner Decision, approved March 5, 2008 shall by this reference incorporated herein as though fully set forth;
7. The proposal was reviewed by the Skagit County Public Works Department. Public Works indicated that the request to have the front setback reduced from 25 feet to 5 feet for the purpose of placement of a accessory residential structure is approved provided that the applicant have the lot corners clearly marked prior to issuance of the building permit; if the lot corners can not be found then the applicant will need to have them set by a licensed surveyor; the granting of the 5 foot setback will mandate that no portion of the building will be closer that the requested distance of 5 feet. This will include roof overhangs;
8. Staff finds that the proposed reduction in setback request is reasonable due to the existing topography, lot configuration, existing lot size, and the size of the existing lots in the immediate vicinity;
9. Staff finds that the requested setbacks would not create any problems with regard to the maintenance of public health, safety or welfare. The variance is the minimum that will make possible the reasonable use of the property. Additionally, no traffic safety concerns were identified with the proposal and it will not injure the neighborhood or otherwise be detrimental to the public welfare.

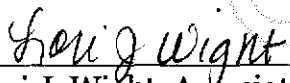


Decision:

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 structure(s) 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(s) at time of application;
4. Prior to building permit approval the applicant shall demonstrate the site coverage percentages for the building(s) and access areas on site. Please itemize those percentages (structure vs. access);
5. Two (2) off-street parking spots shall be provided in addition to the existing residential parking prior to issuance of a certificate of occupancy. Additionally, per SCC 14.16.850(5) in no zoning district shall any portion of articles or vehicles be permitted to be stored in public rights-of-way. All vehicles placed in setbacks shall be currently licensed and registered;
6. Shall comply with SCC 14.16.800 Performance standards in relation to vibration, heat, glare & steam, electrical disturbance and noise;
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;***
8. All fees must be paid prior to final approval.
9. All conditions of approval of the Staff Report for the Shoreline Variance granted March 5, 2008 by the Skagit Count hearing Examiner are adopted as conditions of approval for this Administrative Setback Reduction Variance;

Prepared By:


Lori J. Wight, Associate Planner

Reviewed By:


Brandon Black, Senior Planner

Date of approval: April 15, 2008

Staff Findings ADMV request, PL07-0924



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Skagit County Auditor

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.