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Please return to:

Skagit County Planning and Development Services

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

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE DECISION PL07-0819

APPLICANT: JIM AND CAROL PLETZ

ADDRESS: 24109 78TH PLACE W.
EDMONDS, WA 98026

PROJECT LOCATION: Located at 33986 North Shore Drive, Mount Vernon, within a portion of Section 22, Township 33 North, Range 6 East W.M., situated within Skagit County, Washington.

PROJECT DESCRIPTION: Administrative reduction in setback request off of the front setback from 35 feet to 3 feet for the construction of a 38' x 24' detached garage structure. The structure is proposed to be located approximately 3 feet off of the northeast (front) property line along North Shore Drive, approximately 8 feet off of the southeast (side) property line, approximately 80 feet northeast of the existing residential structure, and approximately 29 feet off of the northwest (side) property line. Skagit County Code (SCC) section 14.16.310(5) requires a 35 foot front setback, 8 foot side yard setbacks on interior lots, and a 25 foot setback off of the rear property line.

ASSESSOR'S ACCOUNT NUMBERS: 3937-001-047-0005

PROPERTY NUMBER: P66323

ZONING/ COMPREHENSIVE PLAN: The proposed project is located within a Rural Village Residential (RVR) zoning/comprehensive Plan designated area as identified within the Skagit County Comprehensive Plan and associated maps as adopted October 10, 2007.

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 60 feet in width along the northeast and southwest property lines, approximately 230 feet in depth along the northwest property line, and approximately 200 feet in depth along the southeast property line. The subject property is physically located along the southwest side of North Shore Drive, northeast of Lake Cavanaugh.
2. The proposed accessory structure will not be able to meet the current front setback requirements due to the lots critical areas, lot size and configuration. SCC Section 14.16.310(5) requires a 35 foot front setback; this is a 32 foot reduction request at the closest point.
3. A letter of completeness was issued per SCC Section 14.06.100. A Notice of Development was published and posted on the property on September 11, 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 September 26, 2008. No public comments were received in regard to this proposal.
4. The proposal was reviewed by Skagit County critical areas staff. Staff indicated that critical areas were approved with BP02-0249.
5. The proposal was reviewed by Skagit County Health Department staff for Septic Review. Staff indicated the following; "I have no objections to the request. The garage will need to meet drainfield setbacks so it needs to be close to the road. It appears however, that the proposed garage is encroaching on the existing drainfield as shown on their site plan."
6. The proposal was reviewed by the Skagit County Shorelines Administrator. The Shorelines Administrator indicated the following in a series of reviews.

On December 3, 2007 Staff indicated that U class rated structures are 15' to peak and R-3 class rated structures are 30' to peak above average grade. Staff also indicated the following;



“Additional information is required in order to determine if the project as proposed complies with the Skagit County Shoreline Management Master Program (SCSMMP). In order to continue processing the building permit, please provide the following information stated below which is required by SCC 14.26.7.13(C) Table RD. Based on the information you or your representative(s) have submitted, your property is located within the Rural Residential shoreline designation. Please provide the following information:

1. The proposal requires a site coverage percentage calculation of what the “Developed area” of the project within the shoreline area (within 200 feet of the Ordinary High Water Mark). Shoreline regulations require that a itemized listing of all man-made surface features (driveways, structures, decks etc) on the property that are within 200 feet (the shoreline area) of the Ordinary High Water Mark (OHWM) be calculated separately and added together to determine the total “developed area” with the shoreline area. The Ordinary High Water Mark is defined in Washington Administrative Code 173-22-030(11).
2. What is the height and use(s) of the proposed structure? Accessory structures that do not have a “residential” component are allowed a maximum height of 15 feet to the peak of the roof above Average Grade as defined in the SCSMMP (see below).

Average Grade is defined in the SCSMMP as “shall mean the average of the natural or existing topography at the center of all exterior walls of a building or structure to be placed on a site; PROVIDED, that in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water.””

On April 30, 2008 Staff indicated the following:

“The following shoreline comments are based on revised materials that were submitted. Additional information is required in order to determine if the project as proposed complies with the Skagit County Shoreline Management Master Program (SCSMMP).

Please provide the following information:

1. The site coverage percentage calculation of the total developed area of the project within the shoreline area (within 200 feet of the Ordinary High Water Mark), appears to vary between the site plan and the tabular calculations provided. The site plan shows the new garage size as 38’ X 24’ (912 square feet) while the table indicates that the size of the garage will be 660 square feet. Please make the necessary corrections.
2. Any pavers utilized must be grass covered if they are intended to be utilized as site coverage reduction tool. Please provide more information about the Gypcrete pavers.



3. What will be the height and use(s) of the proposed structure? Accessory structures that do not have a "residential" component on the upper floor are allowed a maximum height of 15 feet to the peak of the roof above Average Grade as defined in the SCSMMP."

On July 14, 2008 Staff indicated the following:

"The proposal as revised appears to meet the Skagit County Shoreline Management Master Program requirements."

7. The proposal was reviewed by the Skagit County Public Works Department. Public Works indicated the following in a series of reviews.

On December 14, 2007 Staff indicated the following:

- "The site plan that has been submitted shows an 8 foot "average" for a front setback. The applicant has requested a front setback of 8 feet. The site plan and written request for setback reduction will need to be synonymous.
- The request for an 8 foot setback is less than the required 20 feet. As such the applicant will need to demonstrate why the proposed structure cannot be located within current approved setbacks.
- We will also require that the applicant either locate the property corners for visual verification or have a licensed surveyor establish said corners, so that Public Works may examine them for final consideration of this variance request."

On February 19, 2008 Staff indicated the following:

Public Works has reviewed the variance request revisions and has the following comment:

- "The access as proposed to the garage is intended to come directly off North Shore Drive. This being the case the minimum setback that will be considered is 20 feet. The applicant will also need to demonstrate the ability for vehicles not to be parked within the right-of-way."

On May 8, 2008 Staff indicated the following:

Public Works has reviewed the variance request revisions and has the following comment:



- The variance request has Public Works approval based on the drawing submitted showing that the access to the garage will be provided by the driveway and not directly from North Shore Drive.
8. Staff finds that the proposed reduction in setback request is reasonable due to the lots critical areas, lot size and configuration.
 9. 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 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. The access to the garage shall be provided by the driveway and not directly from North Shore Drive
5. The applicant may need to modify, or move the existing drainfield so the proposed garage is not encroaching.
6. The applicant shall comply with the Skagit County Shoreline Management Master Program (SCSMMP) and Skagit County Code (SCC) 14.26.7.13(C) Table RD.
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.***




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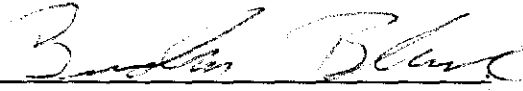
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Prepared By:


Michele Q. Szafran, Associate Planner

Reviewed By:


Brandon Black, Senior Planner - Team
Supervisor

Date of approval: October 30, 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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