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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 VARIANCE PL08-0553

APPLICANT: DUNCAN AND DORIS EADER

ADDRESS: P.O. BOX 1690
ANACORTES, WA 98221

PROJECT LOCATION: Located at 3735 Birch Way, Anacortes, within a portion of Section 15, Township 34 North, Range 1 East W.M., situated within Skagit County, Washington.

PROJECT DESCRIPTION: The applicant requests an Administrative reduction in setbacks off of the side (south) property line (along Birch Way) from 20 feet to 0 feet and off of the front (east) property line (along the dedicated easement access) from 35 to 10 feet to allow for the construction and placement of a retaining wall structure. Skagit County Code (SCC) 14.16.300(5)(a)(iv) requires a minimum front setback of 35 feet for accessory structures, 8 foot side yard setbacks, and a 25 foot setback off of the rear property line. When a property has two lot lines that front a right-of-way the dedicated access is considered the front property line and the second right-of-way will need to be setback 20 feet.

ASSESSOR'S ACCOUNT NUMBERS: 4028-000-010-0008

PROPERTY NUMBER: P69929

ZONING/ COMPREHENSIVE PLAN: The proposed project is located within a Rural Intermediate (RI) zoning/Comprehensive Plan designated area as identified within the Skagit County Comprehensive Plan and associated maps as adopted October 10, 2007 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 76 feet in width along the south property line, approximately 162 feet in depth along the west property line, and approximately 164 feet in depth along the east property line. The subject property is physically located on a minor access road, along the north side of Birch Bay road.
2. The proposed retaining wall structure will not be able to meet the current front or side setback requirements due to the lots configuration and topography. SCC Section 14.16.300(5)(a) requires a 35 foot front setback off of the dedicated access road, and a 20 foot side yard setback off of Birch Bay, this is a 25 foot reduction request at the closest point off of the front property line (along the dedicated easement access) and a 20 foot reduction request at the closest point off of the side property line (along Birch Bay).

The applicant has indicated that due to topography and lot configuration of the property, there is an impact to reasonable development of the property.

3. A letter of completeness was not issued and the application was determined complete on November 12, 2008 per SCC Section 14.06.100. A Notice of Development was published and posted on the property on November 20, 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 December 3, 2008. The following comment letters were received;
 - Larry and Alba Stevens, located at 3743 Birch Way, Anacortes, letter received on December 3, 2008 in favor of the proposed reduction of setback.
 - Mary Jean Brady and Donald E. Power, located at 3739 Birch Way, Anacortes, letter received on November 25, 2008 in favor of the proposed reduction of setback.
 - Peter E. and Mary Lou Grafton, located at 3740 Birch Way, Anacortes, letter received on November 25, 2008 in favor of the proposed reduction of setback.
 - Gary and Joyce Clyde, located at 3711 Birch Way, Anacortes, letter received on November 25, 2008 in favor of the proposed reduction of setback.

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The following comment letters were received after the closing of the comment period;

- Thomas M. Carson, President of Sunset West Water Association, located at 14233 Hemlock Place, Anacortes, letter received on December 23, 2008
4. The proposal was reviewed by Skagit County critical areas staff. Staff indicated that Critical Areas review was completed and approved with PL08-0550.
 5. The proposal was reviewed by Skagit County Health Department staff (Water Review). Staff indicated that project construction or approval shall not impact the water line(s).
 6. The proposal was reviewed by Skagit County Health Department staff (Septic Review). Staff indicated that they have no concerns.
 7. The proposal was reviewed by the Skagit County Public Works Department. Public Works indicated the following;
 - Public Works will require that the applicant submit a more detailed drawing showing the wall location in relationship to Birch Way. The drawing will need to list the dimensions to all adjacent property lines.
 - An elevation view of the proposed wall will also need to be included in the revised submittal.

Revised information has been submitted by the applicant. Skagit County Public Works Department reviewed the revised information and had the following comments;

- Revised drawings appear to show the wall being located on the front property line with the footing extending into the County right-of-way. A zero setback may be approved in this instance however that means no part of the structure including the footing will be allowed to be placed within the right-of-way. Please include a revised drawing that clearly demonstrates the wall and footing being located within the boundaries of the parcel.
- The applicant will need to submit a revised narrative detailing the changes from the original proposal.

The applicant provided a revised site plan detail showing the proposed structures, including footing, being located outside of the Right-of-Way. Public Works has reviewed the revised site plan and approved the proposal.

8. Staff finds that the proposed reduction in setback request is reasonable due to the existing topography and the existing lot 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 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. A zero setback may be approved in this instance however that means no part of the structure including the footing will be allowed to be placed within the right-of-way.
5. The setback reduction approval shall not supersede any easements which provide access to Public Water lines. Any damage to existing water lines due to the construction, location, and/or placement of the proposed structure shall be the responsibility of the applicant.
6. 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 23, 2009

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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