

Please return to:

Skagit County Planning and Development Services



200909010035
Skagit County Auditor

9/1/2009 Page 1 of 3 1:40PM

**SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES
BEFORE THE ADMINISTRATIVE OFFICIAL**

ADMINISTRATIVE DECISION

Findings, Conclusion and Decision

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE VARIANCE
MODIFICATION #PL09-0316 (of #PL09-0118)

APPLICANT/CONTACT: TIM FANTON
5383 WEST SHORE ROAD
ANACORTES, WA 98221

OWNER: JERRY & MARY HOLMES
10210 N.E. 156TH PL.
BOTHELL, WA 98011

PROJECT LOCATION: Located at 7779 Cypress Way, Anacortes, within a portion of Section 8, Township 35 North, Range 2 East W.M., situated within Skagit County, Washington.

PROJECT DESCRIPTION: The applicant requests a modification to a previously approved setback reduction request. Skagit County Code (SCC) section 14.16.300(5) requires a minimum front setback of 25 feet for structures located off of a dead-end street. An Administrative reduction was previously approved under permit #PL09-0118 to reduce the 25-foot setback to 20 feet from the west (front) property line for a proposed deck attached to the house. The applicant is now seeking to reduce the setback five more feet to 15 feet, a total 10 foot reduction.

ASSESSOR'S ACCOUNT NUMBERS: 3926-004-001-0006, P65901
3926-004-002-0005, P65902

PROPERTY NUMBER:

P65901
P65902

ZONING/ COMPREHENSIVE PLAN: The proposed project is located within a Rural Intermediate (RI) zoning district as identified in the Skagit County Comprehensive Plan and associated maps as adopted October 10, 2007 and as thereafter amended.

JURISDICTION

The Director of Planning and Development Services or his/her designee has jurisdiction to make a decision on this application without a public hearing. Skagit County Code (SCC) 14.06.050(1)(a)(xii) or SCC 14.06.050(1)(a)(xiii).

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 195 feet in width along the west and east property lines, and approximately 120 feet in depth along the north and south property lines. The subject property is physically located on a minor access road, along the east side of Cypress Way.
2. The proposed deck/house structure will not be able to meet the current front setback requirements due to the lots topography and critical areas. SCC Section 14.16.300(5) requires a minimum front setback of 25 feet for structures located off of a dead-end street. The applicant has indicated that topography is located on the property which impacts the reasonable development of the property.
3. A letter of completeness was not issued and the application was determined to be complete on July 28, 2009 per SCC Section 14.06.100. A Notice of Development was published and posted on the property on July 30, 2009 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 August 14, 2009. 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 was approved for the project location with PL07-0556. The project meets the Protected Critical Areas (PCA) setback per the site plan (AF# 200903250076). During Building Permit review, a licensed geologist must review the development plans.
5. The proposal was reviewed by the Skagit County Shorelines Administrator. The Shorelines Administrator indicated that the proposal is approved.

Reduction in setback request #PL09-0316



200909010035
Skagit County Auditor

6. The proposal was reviewed by the Skagit County Public Works Department. Public Works indicated that they have no objection to the above referenced application.
7. Staff finds that the proposed reduction in setback request is reasonable due to the existing topography and critical areas.
8. 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.

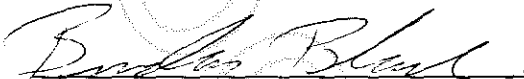
DECISION

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

CONDITIONS

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. During Building Permit review, a licensed geologist must review the development plans.
5. 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:


Brandon Black, Senior Planner – Team
Supervisor

Reviewed By:


Bill Dowe, CBO, Deputy Director

Date of approval: August 17, 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.

Reduction in setback request #PL09-0316

of 3



200909010035
Skagit County Auditor