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Skagit County Planning and Development Services



200910070068

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**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 #PL09-0271

APPLICANT/ OWNER: RICHARD LUDWIGSEN
P.O. BOX 1836
ANACORTES, WA 98221

PROJECT LOCATION: Located at 11264 Marine Drive, Anacortes, within a portion of Township 35N, Range 1E, Section 34, W.M., situated within Skagit County, Washington. Parcel # P61852.

PROJECT DESCRIPTION: The applicant requests an Administrative Reduction in Setback, request #PL09-0271, for the construction of a single family residence and attached garage to be located 8 feet from the north property line. SCC 14.16.300(5) requires a 25 foot minimum setback from the front property line. The applicant is requesting a 17 foot reduction from the 25 foot setback.

ASSESSOR'S ACCOUNT NUMBERS: 3858-000-043-0006

PROPERTY NUMBER: P61852

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 90 feet in width along the east (front) property line along Marine Drive, approximately 147 feet in width along the west property line along Burrows Bay, approximately 563 feet in length along the south property line and approximately 524 feet in length along the north (front) property line along Marine Drive Lane. The subject property is long and narrow and contains two front property lines, one along Marine Drive to the east, and the other off of the north property line as the property is located at the end of Marine Drive Lane (minor access).
2. The applicant is proposing to construct a single family residence with attached garage along the westerly portion of the subject property on a previously cleared flat area of the site. The applicant has indicated that the proposed structures will not be able to meet the current front setback requirements due to the lots size, topography and critical areas. SCC Section 14.16.300(5) requires a minimum front setback of 25 feet for structures located off of a minor access or dead-end street. A 35 foot setback is required for accessory structures. In this case the proposed residence and attached garage are connected and are being considered as one structure for setback purposes under the request to locate 8 feet from the north property line. The applicant has indicated that it is the topography of the site 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 June 29, 2009 per SCC Section 14.06.100. A Notice of Development was published and posted on the property on July 2, 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 July 17, 2009. One public comment letter was received on July 15, 2009 from Nikolas and Karen Christensen, 11310 Marine Lane, Anacortes, WA 98221, expressing concerns with the proposal.
4. Based on comments received, a letter requesting additional information was sent on July 29, 2009. On August 24, 2009 a response was received with the requested information. The applicant has indicated that the proposed location for the structure is cleared and flat whereas if the structure were to be reoriented on the



subject site, additional land disturbance and clearing of natural vegetation would need to take place.

5. The proposal was reviewed by Skagit County critical areas staff. Staff that CAO review was completed with PL08-0081 and the conditions of approval are as follows:

"The recommendations included in the Fish Wildlife and Habitat and Geohazard Assessments by Edison Engineering, dated July 17, 2008 are included as conditions of permit approval. Conditions include, but are not limited to, the following:"

"1) Buildings shall have a 30 foot setback from slopes exceeding 40% as per SCC 14.24.430."

"2) All foundations shall be constructed on bedrock. Construction shall occur on near level to backward sloping benches in the bedrock surface that are less than ten degrees. Any portion of the foundation exceeding ten degree slope, the foundation shall be affixed to the bedrock by drilling 1.5 feet into bedrock and grouting steel pins into the bedrock."

"3) All Scot's broom shall be removed from the property."

"4) A 89.4 foot buffer shall be established from the OHWM."

See also PCA AF#200808010067.

6. The proposal was reviewed by the Skagit County Shorelines review staff. The Shorelines review staff indicated that the proposed administrative reduction should have no impact on the applicable shoreline requirements if approved.
7. The proposal was reviewed by the Skagit County Public Works Department. Public Works indicated that they have no objection to the variance as requested.
8. Staff finds that the proposed reduction in setback request is reasonable due to the existing topography and critical areas.
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:

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.

Reduction in setback request #PL09-0271



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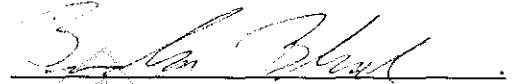
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4. All onsite construction and activities shall comply with the Skagit County Shoreline Management Master Program.
5. The recommendations included in the Fish Wildlife and Habitat and Geohazard Assessments by Edison Engineering, dated July 17, 2008 are included as conditions of permit approval. Conditions include, but are not limited to, the following:
- 1) Buildings shall have a 30 foot setback from slopes exceeding 40% as per SCC 14.24.430.
 - 2) All foundations shall be constructed on bedrock. Construction shall occur on near level to backward sloping benches in the bedrock surface that are less than ten degrees. Any portion of the foundation exceeding ten degree slope, the foundation shall be affixed to the bedrock by drilling 1.5 feet into bedrock and grouting steel pins into the bedrock.
 - 3) All Scot's broom shall be removed from the property.
 - 4) A 89.4 foot buffer shall be established from the OHWM.
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:


Brandon Black, Senior Planner – Team Supervisor

Reviewed By:


Bill Dowe, CBO, Deputy Director

Date of approval: September 21, 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 #PL09-0271


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