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Skagit County Planning & Development Services



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

**ADMINISTRATIVE VARIANCE**

**Findings, Conclusions and Decision**

**HEARING AUTHORITY:** Skagit County Planning Director

**Applicant:** Larsen Heidi  
218 Highland Drive  
Bellingham, WA 98225

**Owner:** Larsen Heidi  
218 Highland Drive  
Bellingham, WA 98225

**File Number:** PL09-0387

**Request:** Administrative Variance or Decision

**Parcel Number:** P48510; 360332-0-012-0001

**Legal Description:** A Portion of Government Lot 9, within a Portion of the Southeast ¼ of the Southeast ¼ of Section 32 Township 36, Range 3 E., W.M., Skagit County Washington. The physical address of the subject property is 5852 Farm to Market Road, Bow, WA.

**Land Use Designation:** Rural Village Residential.

**Project Description:** Administrative Variance to allow the following: construction of a concrete foundation; raising the existing structure to a second story level; replacing 269 sq. ft. with a new 198 sq. ft. addition to the rear of the building; and relocating the finished structure in such a manner as to comply with the required 8 ft. sideyard setbacks. The finished structure is proposed to remain within 9 ft. of the driving surface of Farm to Market Road.

## DEPARTMENTAL FINDINGS:

1. The subject property has a zoning and comprehensive plan designation of Rural Village Residential. The minimum lot size in the Rural Village Residential zoning designation is either one acre with community/public water or 2.5 acres with on-site water (well).
2. The subject property is approximately 4,000 sq. ft. in size (approximately 80 ft. x 50 ft. ). There is an existing residence and a small existing shed located on the property.
3. A letter of completeness was not issued. The application was determined to be complete on September 21, 2009 per SCC Section 14.06.100. A Notice of Development was published on October 8 and posted on August 31, 2009 per SCC Section 14.06.150. All property owners within 300 ft. of the subject property were sent the Notice of Development. There was a fifteen (15) day public comment period associated with the Notice of Development. The fifteen (15) day comment period ended October 23, 2009. No negative public comments were received in regard to this proposal.
4. The subject property is located in a designated flood hazard zone, with a base flood elevation of 9 ft. mean sea level. It will be necessary for the proposed remodel to comply with Section 14.34, Flood Damage Protection Ordinance of the Skagit County Code.
5. The applicant is requesting an Administrative Reduction in setbacks to allow the following:  
  
Move the existing structure; construct a concrete foundation; raising the existing structure to a second story level; replacing 269 sq. ft. with a new 198 sq. ft. addition to the rear of the building; and relocating the finished structure in such a manner as to comply with the required 8 ft. sideyard setbacks. The finished structure is proposed to remain within 9 ft. of the driving surface of Farm to Market Road instead of the required 35 ft.
6. In reviewing the site plan as submitted, the following items have been noted:
  - a. The applicant is proposing to remove an 88 sq. ft. addition; move the existing building "off to the side" construct a foundation and first story and replace the existing building in such a manner that the living level would actually be a "second story". The result would be replacing the structure within the original footprint of within 9 ft. of the driving surface of Farm to Market Road.
  - b. The existing structure is approximately 143 ft. from the ordinary high water mark of Edison Slough. The resulting remodel will not change the distance from the ordinary high water mark.
  - c. The resulting remodel will move the building in a northerly direction approximately 2.5 ft. in order to comply with the required 8 ft. side yard setback.
  - d. The resulting remodel is proposed to maintain the existing front yard setback of approximately 9 ft. from the driving surface of Farm to Market Road.



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7. Although the building, as currently existing, due to setbacks, is considered a pre-existing, non-conforming use, the proposed remodel is in compliance with SCC 14.16.880 Non-conforming Uses and structures, in regard to maintenance of the structure in a safe habitable manner.

### **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).

### **CONCLUSIONS**

#### Public Works

1. The proposal has been reviewed by the Department of Public Works. Providing the building is constructed as proposed at a minimum of 9 ft. from the property line, the Department of Public Works has no objections to the request as proposed.

#### Health

1. The proposal has been reviewed by the Health Unit of Planning & Development Services. Providing the remodel/addition is constructed as proposed, the Health Unit has no objections to the request as proposed.
2. The following items are required prior to issuance of any development permits:
  - a. Letter of water availability
  - b. Letter of continuous sewer service
  - c. After construction, proof that the lids covering the pressure septic tanks are elevated and not damaged. Continuous access to the pressure septic tanks shall be maintained.
3. It should be noted that there are no commercial hook-ups available. The remodel/addition shall be limited to residential use only.

#### Critical Areas and Shorelines

1. Critical Area/Shoreline Staff reviewed the proposal and made the following comments:
  - a. Providing the resulting remodel complies with the required 8 ft. side yard setback, a Shoreline Dimensional Variance would not be required.



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- b. The Rural Shoreline Buffer is 100 ft., the building appears to be at approximately 143 ft.; and the buffer for a Type N water is 50 ft. The proposed project appears to be in compliance with the required setbacks.
  - c. The proposed project shall comply with all applicable provisions of SCC 14.24.300-.370.
2. Providing the building is constructed as proposed, in the proposed location, the Critical Areas/Shoreline Staff had no objections to the proposal.

#### Building

The Building Staff has reviewed the proposed project and had the following comment:

1. A Building Permit will be required prior to any construction or moving of the existing structure.
2. All new construction shall comply with SCC 14.34, Flood Damage Prevention. In addition, there shall be no living space allowed below the base flood elevation.
3. An elevation certificate may be necessary.

#### Current Planning

1. Staff finds the proposed reduction in setback request is reasonable due to the size constraints of the subject property.
2. Staff finds that maintaining the existing reduced setback of 9 ft. will not create a level of demand that would negatively impact the public health, safety, traffic or general welfare.

### CONDITIONS

1. Based on the recommendations by Skagit County Public Works; the Critical Areas/Shorelines Staff; Health Unit Staff and the Skagit County Planning & Development Services, the following conditions are recommended:
  - a. The addition/remodel shall adhere as closely as possible to site plan as submitted.
  - b. The addition/remodel shall be located a minimum of 9 ft. from the front property line.
  - c. The applicant shall obtain all necessary local, state, and federal permits prior to start of construction.
  - d. The applicant shall comply with Section 14.34, Flood Damage Prevention Ordinance of the Skagit County Code. There shall be no living space below the base flood elevation of 9 ft. mean sea level.
  - e. Temporary erosion/sedimentation control shall be utilized during construction pursuant to Skagit County Code 14.32, Drainage Ordinance.
  - f. The building construction shall comply with all elements of the International Building Codes.
  - g. A copy of this permit decision shall be submitted with the Building Permit application.
  - h. The approval for reduction of setback is based on a limited review specific to the criteria of this application (14.16.810(4) SCC). Other County requirements may alter the proposal and require revision to the plan in order to comply with all jurisdictional requirements for development.



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- i. The applicant shall submit a letter of water availability with the Building Permit Application.
- j. The applicant shall submit a letter of continuous sewer service with the Building Permit Application.
- k. After construction, the applicant shall submit proof that the lids covering the pressure septic tanks are elevated and have not been damaged. Continuous access to the pressure septic tanks shall be maintained.
- l. The remodel/addition shall be limited to residential use only. No commercial use of the structure/site is allowed.
- m. The structure shall maintain an 8 ft. side yard setback.
- n. The proposed project shall comply with all applicable provisions of SCC 14.24.300-.370 (Critical Areas/Shorelines).
- o. The applicant shall apply for and receive a Building Permit prior to start of any construction.
- p. All Planning related fees shall be paid prior to issuance of the Building Permit.
- q. The applicant shall comply with the provisions of SCC 14.16.870, Notification of Development Activities Adjacent to Natural Resource Lands.

**DECISION**

This application for approval to reduce/maintain front setback of 9 ft. is hereby approved, subject to the conditions listed above.



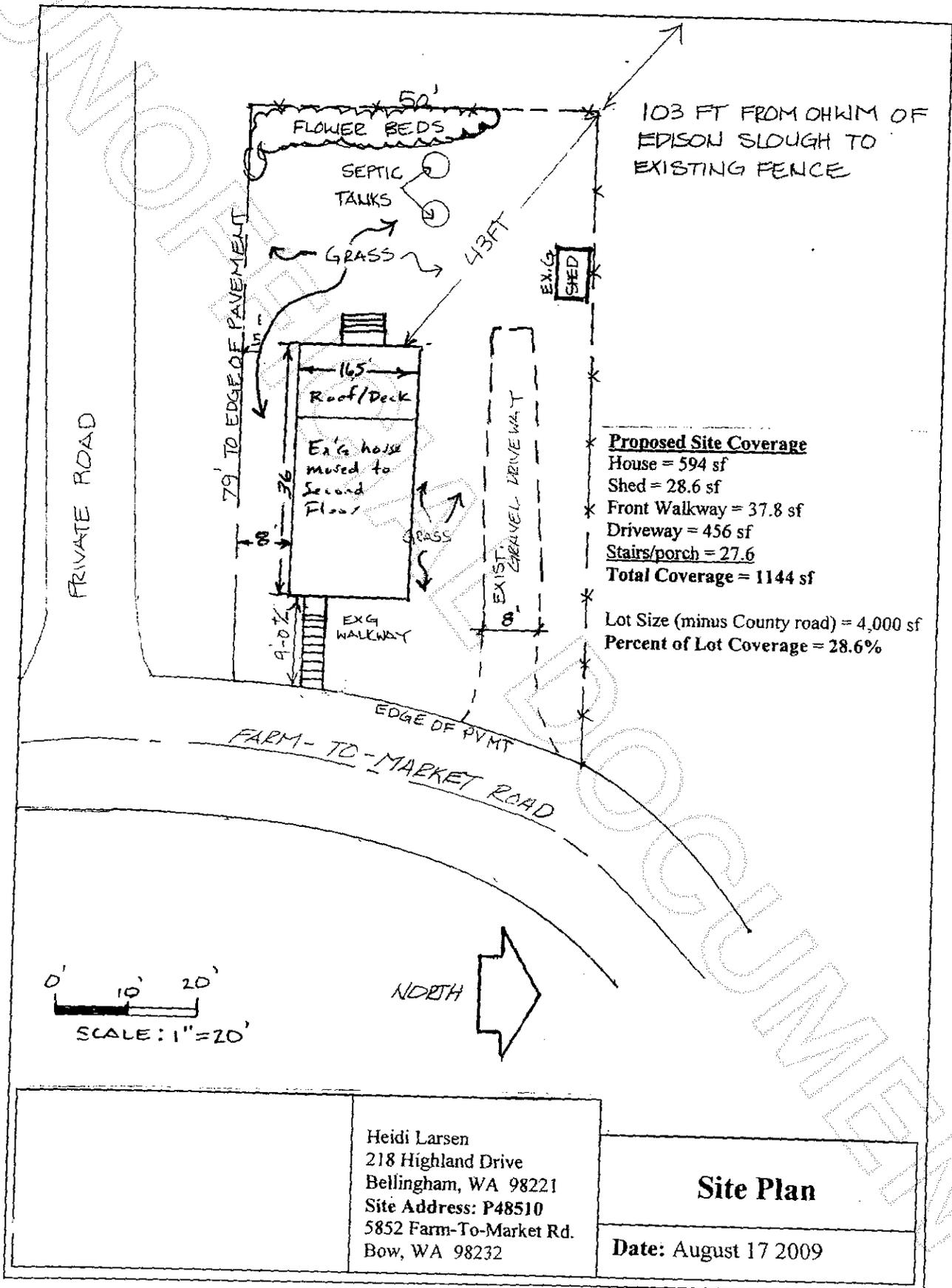
Brandon Black, Senior Planner-Supervisor

**Date of Decision:** December 15, 2009  
**Date Transmitted to Applicant:** December 15, 2009

A level I decision may be appealed to the Hearing Examiner by the applicant or by parties who have commented on the proposal by filing a written Notice of Appeal, together with the applicable appeal fee, with the Administrative Official within 14 days of the date the Notice of Decision was issued. If a Notice of Decision is not required, because the decision is exempt pursuant to SCC 14.06.200(1), then any appeal shall be filed within 14 days of the date the Administrative Official makes the decision. SCC 14.06.110(7).



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Heidi Larsen  
 218 Highland Drive  
 Bellingham, WA 98221  
 Site Address: P48510  
 5852 Farm-To-Market Rd.  
 Bow, WA 98232

**Site Plan**

Date: August 17 2009



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