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Skagit County Planning and Development Services



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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 #PL09-0428

**APPLICANT/ OWNER:** Donald and Jean Berkey  
2503 60th Street SE  
Everett, WA 98203

**PROJECT LOCATION:** Located at 15885 Yokeko Drive, Anacortes, within a portion of Section 24, Township 34N, Range 1E W.M., situated within Skagit County, Washington.

**PROJECT DESCRIPTION:** The applicant requests an Administrative Reduction in Setback (#PL09-0428) for the construction of a new 1,020 square foot attached garage structure not able to meet the required setback off of the side (west) property line. The project proposal is to replace the existing garage and carport structure, locate the new structure in approximately the same location at 3 feet from the west property line, and attach the new structure to the proposed residential structure. SCC 14.16.300(5) requires an 8 foot minimum setback off of the side property lines for accessory structures. The reduction request is for a 5 foot setback reduction at the closest point.

**ASSESSOR'S ACCOUNT NUMBERS:** 3898-000-005-0004

**PROPERTY NUMBER:** P64867

**LEGAL DESCRIPTION:** TRACT 4 AND THE WEST 1/2 OF TRACT 5, DECEPTION PASS WATERFRONT TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE 26, RECORDS OF SKAGIT COUNTY, WASHINGTON. ALSO TOGETHER WITH TIDELANDS OF THE SECOND CLASS EXTENDING TO THE LINE OF EXTREME LOW TIDE AND

SITUATE IN FRONT OF, ADJACENT TO OR ABUTTING ON THE ABOVE-DESCRIBED PREMISES. SURVEY RECORDED AF#200508100085.

**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 75 feet in width along the north (front) and south (rear/shoreline) property lines and approximately 200 feet in length along the east and west (side) property lines. The subject property is long and narrow and contains an existing single family residence along with a garage and covered carport. Access to the site is off of Yokeko Drive.
2. The applicant is proposing to replace the existing 440 square foot garage, and 360 square foot carport structures, and construct a new 1,020 square foot attached garage accessory structure. The proposal is to locate the new structure in approximately the same location at 3 feet from the west property line, and attach the new structure to the proposed residential structure. A shoreline variance (#PL05-0914) was previously approved for setbacks and site coverage for the proposed reconstruction of the on-site structures. SCC 14.16.300(5) requires an 8 foot minimum setback off of the side property lines for accessory structures. The reduction request is for a 5 foot setback reduction at the closest point. The applicant has indicated that it is the topography of the site, lot size and existing configuration of onsite development/utilities 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 January 28, 2010 per SCC Section 14.06.100. A Notice of Development was published and posted on the property on February 4, 2010 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 February 19, 2010. Three public comment letters were received in support of the proposal.

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4. 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. The applicants were previously granted a Shoreline Variance (#PL05-0914), with conditions, by the Skagit County Hearing Examiner and the Department of Ecology. The conditions imposed on the Shoreline Variance still apply and will need to be followed.
5. The proposal was reviewed by Skagit County critical areas staff. Staff review was conducted and approved with review of the Shoreline Variance #PL05-0914).
6. The proposal was reviewed by the Skagit County Public Works Department. Public Works indicated that they have no objection to the variance as requested.
7. Staff finds that the proposed reduction in setback request is reasonable due to the existing topography, lot size and configuration.
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**

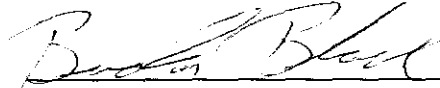
The Director hereby approves the Administrative Decision to allow reasonable use of the property subject to the conditions and modifications listed below:

#### **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. All onsite construction and activities shall comply with the Skagit County Shoreline Management Master Program. All final conditions of the Shoreline Variance #PL05-0914 shall be followed.
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.
6. All fees, including recording fees, shall be paid prior to final approval.



Prepared By:

  
Brandon Black, Senior Planner – Team  
Supervisor

Reviewed By:

  
Bill Dowe, CBO, Deputy Director

Date of approval: March 29, 2010

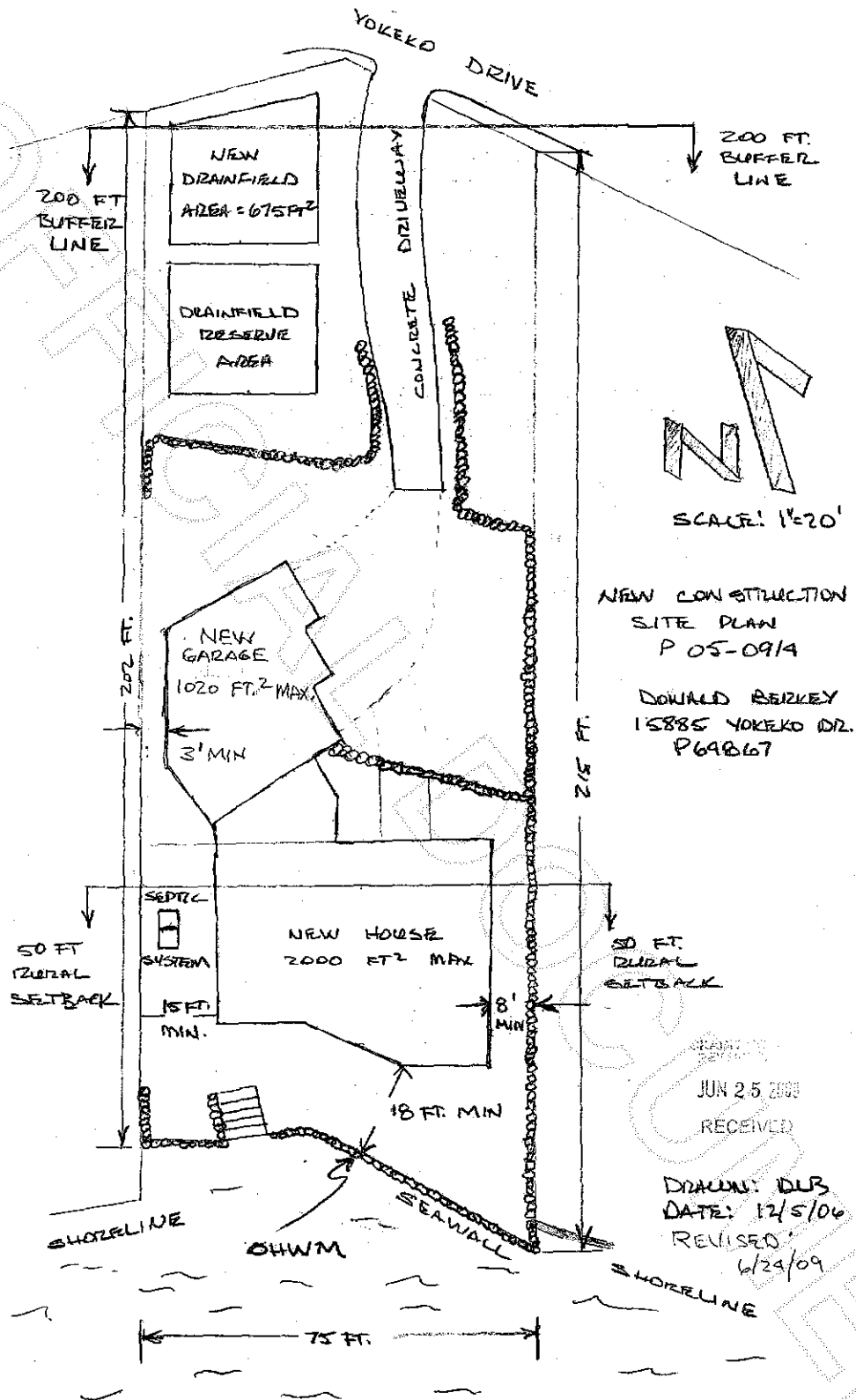
The applicant and/or a party of record may appeal the decision of the Administrative Official to the Skagit County Hearing Examiner pursuant to the provisions of Section 14.06.110(7). Parties with standing to appeal must submit the appeal form and appeal fees to the Planning and Development Services within 14 calendar days of the publication of this Notice pursuant to SCC 14.06.110.



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