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Skagit County Auditor

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1/22/2018 Page

1 of

7 11:39AM

Return Address:

Document Title(s):

Variance

Reference Number (if applicable):

Grantor(s):

additional grantor names on page ____

1. Anacortes City of

2. _____

Grantee(s):

additional grantee names on page ____

1. Craig Nelson

2. Rochelle Nelson

Abbreviated legal description:

full legal on page(s) ____

18/35/02 SW

Assessor Parcel / Tax ID Number:

additional parcel number(s) on page ____

P56466



Anacortes Planning, Community, & Economic Development Dept.

Permit Center

P.O. Box 547, Anacortes, WA 98221-0547

Don Measamer, *Director of Planning, Community and Economic Development*

PH (360) 299-1984

FAX (360) 293-1938

Nelson Variance Findings of Fact, Conclusions of Law, & Decision

Background Information

Application Date	February 16, 2017
Complete Application	February 17, 2017
Notice of Application	April 18, 2017
Project Name	Nelson Variance Request; BLD-2017-0087
Applicant/Landowner	Craig & Rochelle Nelson, 219 U Avenue, Anacortes, WA 98221
Project Location	219 U Avenue is located in that portion of the Southwest ¼ in Section 18, Township 35, Range 02, W.M.; P56466
Zoning/Comprehensive Plan Designation	R2/ Residential Low Density
Site Area	10,500 feet (0.24 acres)
Utilities	Drainage, sewage, and water are provided by the City of Anacortes.
Variance Level	Level 1 variance, decision by director
Decision	Approved

Findings of Fact

Nature of Application

- 1) The applicant is requesting a variance to reduce the front yard setback from 20 ft. to 16 ft., to allow the placement of an elevator on the West side of the residence, along U Avenue. There is one single family residence currently located on the site.
- 2) The site, as well as properties to the North, East, and South, are single family residences in the R2 Residential District. Properties to the West are Zoned for Manufacturing & Shipping, with single family residences between the proposed variance and other uses. The Commercial Marine 1 zone is located immediately Northwest of the site.
- 3) According to AMC 17.06.795, Setback Requirements, ramps added to an existing building for the specific purpose of accessibility for handicapped persons may extend into setbacks when no other reasonable location is available.
- 4) The lot will continue to access off of U Avenue from the existing driveway.
- 5) The City of Anacortes determined the application complete on February 17, 2017. On May 26, 2017, the city posted notice of the application at two locations on the property, mailed the notice to property owners within 300 feet of the property, at designated posting locations, and sent to the Anacortes American to be published.

Consistency with AMC Title 19.38, Variances

- 1) The administrative official (Director of Planning, Community, and Economic Development) or his or her designee is granted the authority to approve or disapprove the proposed variance in accordance with AMC Table 10.20.030-1.
- 2) Variances are allowed to grant relief from dimensional or numeric standards from setbacks, per AMC 19.38.020(A)(6).
- 3) The request falls under a Level 1 Variance Request pursuant to AMC 19.38.030(A)(1). A Level 1 variance request is any variance up to twenty-five percent (25%) of the numerical standard in question. The proposal requests a reduction of a twenty (20) foot setback by four (4) feet, which is a twenty percent (20%) variance of the numerical standard in question.
- 4) According to AMC 19.38.040, the city may approve or approve with modifications an application for a variance from the provisions of this code only if by preponderance of evidence, the applicant demonstrates that all of the following criteria are met:

- a. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone of the site;

Staff Analysis: Anacortes Municipal Code allows for the addition of ramps to an existing building for accessibility for handicapped persons within the setbacks. Allowing an elevator within the setback area is a reasonable comparison, not constituting a grant of special privilege.

- b. The variance is necessary because of the unique size, shape, topography, or location of the site;

Staff Analysis: Alternative locations would disrupt the internal floor plan, prevent ease of access to the elevator, or involve substantial excavation.

- c. The site is deprived, by the provisions of this code, of rights and privileges enjoyed by other properties in the vicinity and same zone as the site;

Staff Analysis: Denial of this variance would deny rights and privileges enjoyed by other properties for handicapped persons.

- d. The variance is the minimum necessary to provide the site with those rights and privileges;

Staff Analysis: The variance requested is only that size which would allow the elevator.

- e. The need for the variance is not the result of deliberate actions of the applicants or property owner;

Staff Analysis: The applicants did not build the house, and setback distances are pre-existing.

- f. Granting of the variance will not be materially injurious to the property or improvements in the vicinity and zone in which the site is located;

Staff Analysis: The proposed variance is located on the side of the house facing U Avenue, away from the view of neighboring lots, with little to no impact.

- g. The variance is not inconsistent with the intent and purpose of the provisions being varied.

Staff Analysis: The request is consistent with the intent and purpose of provisions, as a handicap accessible use within a setback.

Public Comments Received

Three public comments were received during the fourteen (14) day comment period.

- a. Cynthia Richardson, a former City Council member, supported the request by stating the intent of the Setback Code when written, as well as support as an experienced architect.
- b. Dennis Cullen & LaDonna Krautkremer stated support as neighbors, adding that the rocky slope along U Avenue would provide difficult for any future ROW widening, lessening the demand of the full setback.
- c. Philo Lund provided support as a neighbor, stating that the elevator will not impact views and that the lot will prove difficult for handicap access.

Conclusions of Law

The variance request is consistent with the applicable standards in the Anacortes Municipal Code, including, but not limited to AMC 19.38, Variances.

Decision

Based on the foregoing Findings of Facts and Conclusions of Law, the Planning, Community, and Economic Development Director hereby grants approval of the variance request.

Conditions of Approval

- 1) The applicant must record the variance against the property with the Skagit County auditor on a form provided by the department and provide the department a copy of the recording, prior to building permit issuance.
- 2) The approved site plan is included as Attachment A.



Don Measamer, PCED Director

6-13-17

Date

Appeals

Appeals must be delivered to the City Clerk by mail or personal delivery before **5:00 p.m. on June 30, 2017**. Appeals received by mail after 5:00 p.m. on the last day of the appeal period will not be accepted, regardless when such appeals were mailed or postmarked, per AMC 19.20.210, Appeals. The local appeal is available to the Hearing Examiner.

Craig and Rochelle
NELSON RESIDENCE
Anacortes, Washington

February 2, 2017

Project Information

Owners/Applicants: Craig and Rochelle Nelson

Property Address: 219 J Ave.
Anacortes, WA 98221
(360) 755-8630

Legal Description: Lots 11 and 12, and vacated R/Ws in Block 285,
Map of the City of Anacortes

Zoning: Residential Low Density (RL)

Construction Type: Type V, Non-rated with 1-hour fire resistive
construction between residence and private garage

Building Height: Two-story with basement (40'0")
One-story garage (18'3")

Building Area:

First Floor	1200 SF
Second Floor	884 SF
Basement	448 SF
Garages	1406 SF
Decks/Porch	424 SF

Lot Area: 140 x 75 10,500 SF

Lot Coverage: 2318/10,500 22%



Site F

0 5
feet

Scale: 1/2

