

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicant: James Hanson
17446 Mallard Cove Lane
Mount Vernon, WA 98274

Request/File No: Shoreline Variance Modification, PL11-0175

Location: 17446 Mallard Cove Lane, on the shore of Big Lake,
within the NE1/4 Sec. 36, T34N, R4E, W.M.

Shoreline Designation: Rural Residential

Summary of Proposal: To enclose a second story deck in order to expand the dining and living room. The enclosed deck will be no closer to the lake shore than the existing deck.

SEPA Compliance: Exempt

Public Hearing: August 31, 2011. No public testimony. Planning and Development Services (PDS) recommended approval.

Decision: Approval, subject to conditions.

Reconsideration/Appeal: A Request for Reconsideration may be filed with PDS within five days of this decision. The decision may be appealed to the Board of County Commissioners by filing an Appeal with PDS within five days of the date of decision or decision on reconsideration, if applicable. Any appeal of the County's decision shall be made to the Shoreline Hearings Board within 15 days of the date of mailing.

Online Text: The entire decision can be viewed at:
[www.skagitcounty.net/hearing examiner](http://www.skagitcounty.net/hearing_examiner)

FINDINGS OF FACT

1. James Hanson seeks modification of a Shoreline Variance to allow the enclosure of an existing second story deck on his residence.
2. He was earlier granted a Shoreline Variance (PL98-0081) to expand the residence to a setback of 25 feet from the Ordinary High Water Mark (OHWM). The proposed enclosure will not extend the residence closer to the OHWM than does the existing deck.
3. The residence is located at 17446 Mallard Cove Lane on the shore of Big Lake, within NE1/4 Sec. 36, T34N, R4E, W.M. It includes Lot 74 of Cheasty's Big Lake Tracts and a portion of vacated Northern Pacific Railway right-of-way. The lot was created by land division in 1927.
4. The parcel is approximately 0.4 acres and slopes east to west, from State Route 9 down toward the shoreline. It is bisected by Mallard Cove Lane.
5. The site has been used for residential and recreational purposes for decades. In addition to the residence there are a detached garage and an accessory dwelling unit on the site.
6. The surrounding properties are developed with recreational and residential uses.
7. The proposal is simply to enclose a 6-foot by 18-foot section of deck on the second story of the home. The area is now used for dining and will be used for this purpose in the future. The construction will have no impact on views. It will not have an adverse aesthetic effect. It will not affect traffic. It will add no burden to public services. It will not affect shoreline resources.
8. There were no comments on this proposal and no public testimony.
9. The Shoreline Administrator has determined that the proposal is an insignificant change that is within the scope and intent of the original variance. The Hearing Examiner concurs with this finding. The proposed construction will have no shoreline impacts.
10. A building permit (BP11-0302) has been applied for.
11. Any conclusion herein which may be deemed a finding is hereby adopted as such.

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the subject matter of this proceeding.
2. The change is "insignificant." The proposal meets the requirements for approval of a Shoreline permit modification. See Shoreline Master Program Sec. 9.13.

3. Staff has recommended the conditions below.
4. The revised permit shall become effective immediately, subject to stay in the event of a reconsideration request or appeal.
5. Any finding herein which may be deemed a conclusion is hereby adopted as such.

CONDITIONS

1. The applicant and his contractors shall comply with the State Water Quality Criteria for surface water (Chapter 173-201A WAC) and ground water (Chapter 173-200 WAC), and with maximum environmental noise levels (Chapter 173-60 WAC).
2. Temporary erosion/sedimentation control measures shall be used in accordance with the County drainage ordinance (Chapter 14.32 SCC).
3. The applicant shall comply with Northwest Clean Air Agency requirements.
4. The applicant shall comply with all relevant provisions of the County critical areas ordinance (Chapter 14.24 C) and with applicable zoning requirements (Chapter 14.16 SCC).
5. The applicant shall obtain a building permit. The applicant shall submit a copy of this decision to the building official to accompany the permit application.
6. The project shall be commenced within two years of this approval and completed within five years thereof.
7. The applicant shall strictly adhere to the project information submitted for this proposal. If the applicant proposes a modification of the proposal, he shall request a permit revision from PDS prior to starting construction.
8. Failure to comply with these conditions may result in permit revocation.

DECISION

The requested modification to Shoreline Variance PL98-0081 is approved, subject to the conditions set forth above.

DONE this 19th day of September, 2011.



Wick Dufford, Hearing Examiner

Transmitted to Applicant on September 19, 2011

See Notice of Decision, Page 1, for Reconsideration and Appeal information.