

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

FINDINGS, CONCLUSIONS AND DECISION

Applicant: Willard & Debra Aldridge
13207 Satterlee Road
Anacortes, WA 98221

File Nos: PL06-01148
PL06-01149

Requests: Shoreline Variance
Zoning Setback Reduction

Location: 13207 Satterlee Road adjacent to Similk Bay, within a portion of Sec. 9, T34N, R2E, W.M.

Parcel No: P69268

Land Use Designations: Shorelines: Rural Residential
Zoning: Rural Intermediate

Summary of Proposal: To build a second floor on an existing residence and expand the first floor. The second floor construction will be five feet from the side yard property line on the east. Associated with the project will be the construction of a normal protective bulkhead along the toe of the bank.

Public Hearing: After reviewing the report of Planning and Development Services, the Hearing Examiner conducted a public hearing on July 11, 2007.

Decision: The application is approved, subject to conditions.

FINDINGS OF FACT

1. Willard and Debra Aldridge (applicants) seek setback variances in order to build a second floor on an existing shoreline dwelling.

2. The property is located on Similk Bay at 13207 Satterlee Road, within a portion of Sec. 9, T34N, R2E, W.M. The parcel number is P69268. The stretch of shore is a Shoreline of Statewide Significance and the shoreline environment designation is Rural Residential. The zoning district is Rural Intermediate.

3. The lot is a flat, rectangular parcel measuring 52 feet wide and an average of 123 feet long. There is a residence located about 50 feet landward of the Ordinary High Water Mark (OHWM).

4. A small extension of the existing residence and a carport extend slightly over the eastern property boundary. The original shell of the residence is 5.6 feet from the eastern property boundary. The proposed second floor will extend up from the original eastern wall of the house.

5. The side setback for this lot under both the Shoreline Master Program (SMP) and the zoning code is eight (8) feet. The requests are for approval of a setback reduction to 5.6 feet for the second story.

6. The expansion of the first floor will be to the west and north and will cause no setback or other dimensional nonconformities. The average shore setback of residences within 300 feet on both sides of the subject property is 30.99 feet. The shore setback proposed here will be substantially greater than this average.

7. The proposed bulkhead will extend across the width of the lot at the toe of the 3-8 foot bank. The beach has a significant accumulation of drift wood and some bank erosion is occurring. There are bulkheads at other homes along this stretch of shore.

8. County Departments consulted had no objections or offered no comments on the proposal.

9. One neighbor wrote a letter expressing concern about possible view impacts. The applicants intend to change the roofline from east-west to north-south. The roof will have a low pitch. At the hearing the neighbor appeared and stated that, after reviewing the plans, she does not think a second story will be a problem. There was no other public comment.

10. The lot is small – only 6,396 square feet in size. It is constrained on the north by Satterlee Road and on the south by Similk Bay. The existing house is an older (1929)

cabin, containing only about 780 square feet. The expansion will add 890 square feet to the ground floor.

11. The lot immediately to the east is only 10 feet wide. At this extreme narrowness it serves as a shore access but is not buildable for residential purposes. Therefore, the proposed second story will not effectively reduce the open space between structures to the east. It will merely maintain the side yard setback status quo.

12. The overall height of the proposed structure will remain below 30 feet which is the shoreline limit. Many other homes in the vicinity have been remodeled. The appearance of the home will be entirely consistent with the surrounding development.

13. A Fish and Wildlife Habitat Site Assessment and an Addendum were prepared by Rupert Schmidt, Consulting Biologist. He determined that the second story project will cause little impact within the shoreline area and the overlapping fish and wildlife habitat conservation area. He concluded that the development will not require mitigation with the exception of the creation of a Protected Critical Area buffer in the 50 foot strip between the house and the shore. As to the bulkhead, he suggested that native plants be planted on the bank. Also Best Management Practices should be used to control sedimentation and erosion during construction.

14. The Examiner finds that the proposed increase on the nonconforming use of the shorelines can be accomplished without appreciable threat to the health, safety and general welfare of the public or the shoreline environment or the purposes of the shoreline management program. Denial of the variance would prevent the reasonable development of this particular parcel. No public benefit would be derived from such denial.

15. Variances from the Skagit County Shoreline Management Master Program for construction landward of the OHWM must meet the following criteria (SMP 10.03(1)):

- a. The strict application of the bulk dimensional or performance standards set forth in this Master Program precludes or significantly interferes with with a reasonable use of the property not otherwise prohibited by this Master Program.
- b. The hardship described above is specifically related to the property and is the result of unique conditions such as irregular lot shape, size or natural features and the application of this Master Program and, not, for for example, from deed restrictions or the applicant's own actions.
- c. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to the adjacent properties or the shoreline environment designation.

d. The variance granted does not constitute a grant of special privilege not enjoyed by the other properties in the same area and will be the minimum necessary to afford relief.

e. The public interest will suffer no substantial detrimental effect.

In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area.

16. The Staff Report analyzes the request here in light of the above criteria and determines that, as conditioned, the development will be consistent with the criteria. The Hearing Examiner concurs with this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

17. 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 persons and the subject matter of this proceeding. The requests were properly consolidated for hearing.

2. The requests are exempt from the procedural requirements of the State Environmental Policy Act (SEPA). WAC 197-11-800(6)

3. On the subject shore area which has long been intensely developed, this proposal will not be contrary to the preferences for Shorelines of Statewide Significance. RCW 90.58.020.

4. The proposal, as conditioned, will be consistent with the criteria for approval of a Shoreline Variance. SMP 10.03(1).

5. The proposal, as conditioned, meets the exceptional conditions required for approval of the enlargement or increase of a non-conforming use on shorelines. SMP 12.04

6. The proposal is consistent with the standards of SCC 14.16.810(4) for the reduction of zoning setbacks.

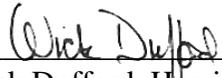
7. Any finding herein which may be deemed a conclusion is hereby adopted as such.

CONDITIONS

1. The project shall be constructed as shown in the application materials, except as the same may be modified by these conditions.
2. The applicants shall obtain a building permit and receive all other necessary County approvals.
3. If the applicants propose any modifications to the proposal, they shall apply for a new permit or a permit revision prior to commencing construction.
4. The project shall comply with all applicable provisions of the Skagit County Code, including the provisions of the local Shoreline Master Program.
5. The project shall adhere to the recommendations of the Fish and Wildlife Site Assessment (April 26, 2007) and Addendum (May 16, 2007) prepared by Rupert Schmidt, consulting biologist.
6. The Protected Critical Area (PCA) shall be accurately mapped and recorded with the County Auditor prior to approval of the building permit. See SCC 14.24.170. The bulkhead site plan and the planting plan shall be submitted with the building permit application.
7. The project shall be commenced with two years of the date of final approval and finished within five years thereof or the shoreline permit will become void.
8. Failure to comply with any of these conditions may result in revocation of permits.

DECISION

The requested Shoreline Variance and zoning setback reduction are approved, subject to the conditions set forth above. The second story shall be no closer than 5.6 feet from the east property line.



Wick Dufford, Hearing Examiner

Date of Action: August 8, 2007

Date Transmitted to Applicants: August 8, 2007

RECONSIDERATION/APPEAL - SHORELINES

As provided in the Skagit County Shoreline Master Program, Section 13.01, a request for reconsideration may be filed with Planning and Development Services within five (5) days after the date of this decision. The decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with Planning and Development Services within five (5) days after the date of decision or decision on reconsideration, if applicable.

RECONSIDERATION/APPEAL - ZONING

As provided in SCC 14.06.180, a request for reconsideration may be filed with Planning and Development Services within 10 days after the date of this decision. As provided in SCC 14.06.120(9), the decision may be appealed to the Board of County Commissioners by filing a written Notice of Appeal with Planning and Development Services within 14 days after the date of the decision, or decision on reconsideration, if applicable.

DEPARTMENT OF ECOLOGY REVIEW

If approval of a Shoreline Variance or Shoreline Conditional Use becomes final at the County level, the Department of Ecology must approve or disapprove it, pursuant to RCW 90.58.140.