



200003140047

Kathy Hill, Skagit County Auditor

3/14/2000 Page 1 of 9 1:13:15PM

AFTER RECORDING RETURN TO:
SKAGIT COUNTY HEARING EXAMINER
302 SOUTH FIRST STREET
MOUNT VERNON, WA 98273

DOCUMENT TITLE: ORDER ON VARIANCE VA 99 0673

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: RON and MONICA UNDERWOOD

ASSESSOR PARCEL NO: P62055

ABBREVIATED LEGAL DESCRIPTION: located at 18417 and 18421 West Biglake Blvd.,
Mount Vernon, Washington; within the NE ¼ of Section 01, Township 33 North, Range
04 East, W.M., Skagit County, Washington.

SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON

In the matter of:

Application No. PL99-0673
of Ron and Monica Underwood,
for a Variance to not meet setback
requirements.

)
) Findings of Fact
) Entry of Order
) No. VA 99-0673
)
)
)
)

THIS MATTER having come regularly before the Skagit County Hearing Examiner *Pro Tem* for a Public Hearing under an application filed with the Skagit County Planning and Permit Center on behalf of the Applicant requesting a Variance as described in the attached Report and Findings of that department, and located at 18417 & 18421 West Big Lake Blvd., Mount Vernon; within the NE 1/4 of Sec. 1, Twp. 33 N., R. 4 E., W.M., Skagit County, Washington;

Assessor Account No: 3862-000-061-0007, P62055

And, notice having been given to all property owners within 300 feet of said property and all matters in the file having been considered together with the testimony, evidence, and exhibits in open hearing and made a part of the record in this matter; the Hearing Examiner makes the following findings of fact.

FINDINGS OF FACT

1. February 23, 2000 was fixed as the date of the public hearing and the Hearing Examiner held a public hearing on that date.
2. All persons present at the Public Hearing were given an opportunity to present evidence and testimony, and all correspondence received was made a part of the record.
3. The Planning and Permit Center issued a Staff Report and Findings. The Hearing Examiner adopts Findings No. 1-14 as presented in that Report, a copy of which is attached to this document.
4. The Hearing Examiner reviewed this project with regard to the following criteria pertaining to Variances (Section 14.04.223(1)(f), Skagit County Code):



200003140047

Kathy Hill, Skagit County Auditor

- (i) That special conditions and circumstances exist which are peculiar to the land or structure or building involved and which are not applicable to other lands, structures, or buildings in the same district,
 - (ii) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter,
 - (iii) That the special conditions and circumstances do not result from the actions of the applicant,
 - (iv) The granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.
5. The Hearing Examiner makes the following findings as required by Section 14.04.223 (3) of the Skagit County Code:
- a. The reasons and information submitted in the application and in the testimony and evidence submitted during the hearing and for the record justify the granting of the Variance, and the Variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - b. The granting of the Variance will be in harmony with the general purpose and intent of this Chapter, and will not be injurious to the neighborhood, or otherwise detrimental to public welfare.
 - c. The use proposed is permissible under the terms of this Section in the district involved.

DECISION

The Hearing Examiner APPROVES the application for a Variance subject to the following conditions:

1. The proposed property line between the two lots shall be adjusted to provide fifteen (15) feet between the residence on Lot B and the rear property line and shall be shown on the plat map.



200003140047

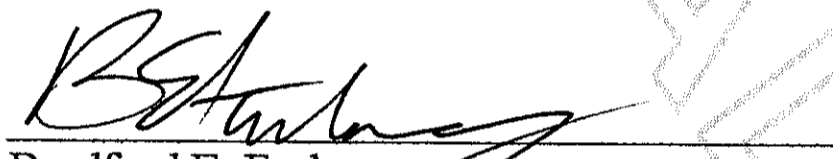
Kathy Hill, Skagit County Auditor

2. An easement in favor of lot A providing adequate parking for two cars shall be shown on the face of the plat map.
3. Prior to the sale of any portion of the property, a two-lot land division shall be approved and recorded.

This decision shall become final unless Request for Reconsideration is made in accordance with Skagit County Code §14.01.057 or unless appeal is made to the Skagit County Board of Commissioners in accordance with Skagit County Code §14.01.061.

SKAGIT COUNTY HEARING EXAMINER

BY:


Bradford E. Furlong
Hearing Examiner, *Pro Tem*

Date of Action: 13-9-00

Copies Transmitted to Applicant:

Attachment: Staff Report and Findings



200003140047

Kathy Hill, Skagit County Auditor

3/14/2000 Page 4 of 9 1:13:15PM

SKAGIT COUNTY PLANNING AND PERMIT CENTER
FINDINGS OF FACT

HEARING AUTHORITY: SKAGIT COUNTY HEARING EXAMINER

HEARING DATE: February 23, 2000

APPLICATION NUMBER: VARIANCE PL#99-0673

APPLICANT: Ron & Monica Underwood

ADDRESS: 919 N. Waugh Road
Mount Vernon, WA 98273

PROJECT LOCATION: Located at 18417 & 18421 West Big Lake Blvd,
Mount Vernon, WA; Tract 61 of Big Lake Waterfront Tracts, within a
portion of the NE ¼ of Section 01, Township 33 North, Range 04
East, W.M., Skagit County, Washington.

PROJECT DESCRIPTION: Variance Request to allow for the creation of
a lot with an existing residence that will not meet the current
setback requirements.

ASSESSOR'S ACCOUNT NUMBER: 3862-000-061-0007

PARCEL ID NUMBER: P62055

ZONING: Residential

COMPREHENSIVE PLAN: Urban Growth

RECOMMENDATION: The Planning and Permit Center would recommend
approval of the requested variance with conditions.

EXHIBITS:

- a. Application dated November 30, 1999
- b. Assessor map
- c. Proposed short plat map
- d. Photos
- e. Land division status letter dated November 5, 1999

STAFF FINDINGS:

1. The subject property is zoned Residential and Comprehensive Plan, at the time of land division application, designated the area as Urban Growth. The property currently is designated as Rural Village.
2. Per Section 14.01.033 of the Skagit County Code, a letter of completeness was issued on December 22, 1999. A Notice of Development Application for the application was posted on the



subject property and published in a newspaper of general circulation on as required by Section 14.01.040(2) of Skagit County Code on December 30, 1999. The public hearing has been advertised in accordance with the requirements of Chapter 14.01.042 of the Skagit County Code.

3. The application has been reviewed in accordance with the State Environmental Act Guidelines WAC 197-11-800 (6)(b) and has been found to be exempt.
4. The subject property is not located within a designated flood hazard area or located adjacent to a designated resource land.
5. The subject parcel was reviewed with the respect to the Skagit County Critical Areas Ordinance with the short plat review. Because the existing footprints were not being expanded at this time, no further review was necessary. Any future building activity would require review.
6. The subject property is approximately .5 acres in size and basically rectangular in shape. The property is located on the west side of Big Lake, next to the public boat launch, on West Big Lake Blvd. The property runs in an east/west direction toward the lake. The west property line is irregular measuring approximately 110 feet, the south property line, also irregular, measures approximately 199 feet, the east property line along the lake measures approximately 101 feet, and the north property line measures approximately 222 feet.
7. The subject property is relatively flat with a gentle slope down to the lake. There are two residences located on the property, a cottage built in 1964 and a manufactured home placed on the property in 1982. Currently the two residences meet current setback requirements except for the southwest corner of the manufactured home. The two structures are approximately 42 feet apart. Public water and public sewer serve the property. Currently there is a concrete driveway that provides parking for both structures.
8. The applicant purchased the property in March 1999 and wanted to take advantage of the urban growth designation for the area and divide the property into two lots. A land division application to create two lots was submitted on July 20, 1999. Proposed Lot A will contain the small cottage, two small storage sheds, is rectangular in shape and approximately 10,649 sq. feet. Proposed Lot B will contain the manufactured home, is "L shaped" and approximately 10,869 sq. feet in size. A 20-foot easement is being provided through Lot B to Lot A for access & utility. During that review process it was noted that there was no backyard immediately adjacent to the residence on Proposed Lot B and that the distance between the two existing



residences would not allow one of the existing structures to meet setback requirements when the lots were created.

9. SCC Zoning Ordinance Section 14.04.090 Residential District (5)(b) lists setbacks for primary structures as: front-35 feet, 25 feet on minor access and dead-end street; side-8 feet on interior lots, 20 ft. on corner lots; rear-25 feet.
10. SCC Section 14.04.190(11) states not more than one (1) dwelling unit shall be allowed on any lot, except by legal means as provided in this Ordinance. SCC Section 14.04.200(1)(c) states residential off-street parking space shall consist of a parking strip or driveway or garage or a combination thereof, and shall be located on the lot they are intended to serve. Section 14.04.200 (2)(s) established the minimum number of off-street parking spaces as 2 (two) for residential, single family.
11. The applicant is requesting a variance to allow for the creation of a lot with an existing residence that will not meet the current setback requirements.
12. The initial land division application was routed to various county departments for review. Outstanding issues were identified and sent in a status letter to the applicant dated November 5, 1999.
13. Section 14.04.223(1)(e) Variances of the Skagit County Code states that certain items will be reviewed when approving or denying Variances. Those items are as follows:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

Staff generally recognizes that special conditions and circumstances apply to topographic hardships, i.e., a large ditch or creek or other physical feature peculiar to a particular parcel of property, that has a detrimental impact on a proposed development. A site visit confirms that there are no topographical hardships noted on the subject property. Staff notes that a special conditions exists relating to the placement of the existing structures--the cottage built in 1964, small storage shed and a manufactured home placed on the property in 1982. The two residences are approximately 42 feet apart and meet current setback requirements except for the front southwest corner of the manufactured home. The manufactured home (proposed Lot B) is approximately 36 feet from the front property line except for where the line jogs in 15 feet. The small storage shed located on the north property line is between the two residences. Also there is a large fir tree in this area.



For the land division, the proposed rear lot line for Lot B is the front property line for Lot A. There is not enough room between the two structures to meet the setback requirements of 25 feet. Proposed Lot B rear line is approximately 8 feet from the manufactured home not including the deck. The small shed along the north property line is approximately 12 feet from the proposed lot line. Also noted during the site visit, is the lack of a parking area on proposed Lot A.

- b. That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

Staff notes that the literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter. Staff notes that there are single family residences in the area many of which are encroaching in the required setback area. It is not uncommon within the area to have had lots with two residences that have been subsequently divided to create separate lots for each structure. The lot dimensions would allow for the lot to be divided.

- c. That the special conditions and circumstances do not result from the actions of the applicant.

The special condition of the two existing residences on the property is not a result from actions of the applicant. The two existing residences were placed on the property prior to the current owner purchasing the property in March 1999. The residential structures met the current setback requirements. However, the desire to further divide property is a result of actions of the applicant.

- d. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

There are several residences in the area that don't meet the setback requirements. With the location of the existing structures the proposed plan will utilize the property in the best manner. Therefore Staff concurs that the granting of this variance will not confer on the applicant any special privilege that is denied to other lands, structures, or buildings in the same district.

14. As previously noted, the current owner was not involved with locating the existing manufactured home. At the time the 1982 owner placed the manufactured home, no further development was possible. Thus, the manufactured home was located in relatively close proximity to the existing cottage. Now with regulations allowing a division of the property, creates a



situation with no "backyard" for the existing manufactured home and no parking for the cottage. Staff is concerned about the lack of any "backyard" adjacent to the residence on proposed Lot B and the lack of parking area available for proposed Lot A.

RECOMMENDATION:

Based on the above findings the Planning and Permit Center would recommend approval of the requested variance with the following conditions:

1. The proposed property line between the two lots shall be adjusted to provide 15 feet between the residence on Lot B and the rear property line and shall be shown on the plat map.
2. Adequate parking for two cars for Lot A that is part of that lot shall be shown on the plat map.
3. Prior to any portion of the subject property being sold, the two-lot land division will need to be approved and recorded.

Prepared by: MS

Approved by:



200003140047

Kathy Hill, Skagit County Auditor

3/14/2000 Page 9 of 9 1:13:15PM