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

DOCUMENT TITLE: ORDER ON VARIANCE VA 00 0036

HEARING OFFICER: SKAGIT COUNTY HEARING EXAMINER

APPLICANT: GARY OWENS

ASSESSOR PARCEL NOS: P65946

ABBREVIATED LEGAL DESCRIPTION: located at 7243 Channel View Drive, Guemes Island, Anacortes, WA; within Section 8, Township 35 North, Range 2 East, W.M., Skagit County, Washington.

SKAGIT COUNTY HEARING EXAMINER
STATE OF WASHINGTON

In the Matter of the Application of GARY OWENS)	
)	VA00-0036
)	
For a Variance from the Rear Yard Setback for a Residence to be Built At 7243 Channel View Drive, Guemes Island)	Findings of Fact, Conclusions of Law And Decision
)	
)	

THIS MATTER, an application for a residential variance, came on for hearing on May 10, 2000, after due notice. The Skagit County Planning and Permit Center was represented by Brandon Black. Gary Owens represented himself. Members of the public were given an opportunity to be heard.

Testimony was taken, exhibits were admitted and argument was made. On the basis thereof, the following is entered:

FINDINGS OF FACT

1. Gary Owens (applicant) seeks to build a single family residence with a setback of 15 feet from the rear line of his property at 7243 Channel View Drive, Guemes Island. The standard rear setback for the zone is 25 feet. SCC 14.04.090(5)(b)(i).
2. The property is within a portion of Sec. 8, T35N, R2E, WM. The Comprehensive Plan designation is Rural Intermediate. The zoning is Residential.
3. The subject property is approximately .19 acres in size, situated on the north side of Channel View Drive. The lot sides measure approximately 80 feet (west), 90 feet (east), and 100 feet (north and south).
4. The proposal is to build a 34' by 34' two-bedroom residence on the parcel, located at the standard front setback about 35 feet behind south property line. This would leave only 15 feet between the house and the rear (north) property line.
5. A 21-foot easement on the south adjacent to the street contributes to constricting the developable area to the north portion of the parcel. An existing loop driveway runs in part behind this easement. Between the driveway and the street are a number of tall fir trees.
6. The house would be placed roughly in the middle of the east-west dimension of the lot, readily meeting the applicable eight-foot side yard setbacks. The east side of the property is occupied by the septic tank and drainfield. Along the rear (north) line are



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woods. The nearest house in a northerly direction is about 250 feet away. A wetland in the forested area should preclude development close to the north property boundary.

7. The surrounding area is residential in character with homes throughout the area developed on relatively small lots. There are other residences in the neighborhood that fail to meet the standard setbacks.

8. Consulted agencies had no adverse comments on this application. Water Resources noted that an approval of water supply adequacy from the water purveyor must be submitted. There was no public comment in the file. There was no public testimony.

9. Under SCC 14.04.223, variances are authorized in specific cases where departure from the requirements of the zoning code "will not be contrary to the public interest" and "where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship." The explicit criteria for approval of a variance are:

- 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.
- b. 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.
- c. That the special conditions and circumstances do not result from the 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.

10. The Staff Report accurately describes the proposal, the setting and the legal requirements. The Examiner adopts the findings of the Staff Report, including the analysis showing consistency of this proposal with the variance criteria. The Report is incorporated herein as through fully set forth.

11. The two bedroom house proposed is of a modest size and represents a permitted use. Given the lot size and the constraints posed by natural and built features, the variance is the minimum that allows reasonable use of the property. The development will fit the character of the neighborhood.

12. The reasons set forth in the variance application justify the granting of the variance. The proposed development will be in harmony with the general purpose and



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intent of the zoning code and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.

13. 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 parties and the subject matter of this proceeding.

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

3. The proposal meets the variance approval criteria of SCC 14.04.223.

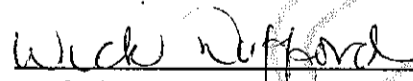
4. The application should be approved, subject to the following conditions.

- (1) The applicant shall obtain all other required permits and approvals.
- (2) Prior to building permit approval, water adequacy verification shall be supplied by the water purveyor and approved by the Skagit County Health Department.
- (3) The project shall be constructed as proposed in the application materials.

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

DECISION

The requested variance is **APPROVED**, subject to the conditions set forth in Conclusion 4 above.


Wick Dufford, Hearing Examiner

Date of Action: June 19, 2000

Copy Transmitted to Applicant: June 19, 2000



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RECONSIDERATION/APPEAL

This decision shall become final unless a request for reconsideration or appeal is filed. A request for reconsideration shall be filed with the Hearing Examiner within ten (10) day from the date of this decision. An appeal to the Board of County Commissioners shall be filed with the Planning and Permit Center within fourteen (14) days from the date of this decision, or if reconsideration has been requested, within fourteen (14) days from the decision after reconsideration.



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