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Skagit County Planning and Development Services



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**SKAGIT COUNTY PLANNING AND DEVELOPMENT SERVICES
FINDINGS OF FACT**

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE VARIANCE PL09-0048

APPLICANT: DEAN AND KATHLEEN ROBERTS
25715 LAKE CAVANAUGH ROAD
MOUNT VERNON, WA 98274

PROJECT LOCATION: Located at 25715 Lake Cavanaugh Road, Mount Vernon, within a portion of Section 17, Township 35 North, Range 5 East W.M., situated within Skagit County, Washington.

PROJECT DESCRIPTION: The applicant requests an Administrative reduction in setbacks for the construction of an approximately 1,800 square foot (30' x 60') detached garage structure, and an approximately 2,000 square foot (50' x 40') residential structure and a 450 square foot (15' x 30') attached garage structure. The detached garage structure is proposed to be located approximately 50 feet off of the front (west) property line along Lake Cavanaugh Road, and approximately 40 feet off of the side (south) property line and the residential/attached garage structure is proposed to be located approximately 70 feet off of the front (west) property line along Lake Cavanaugh Road. Skagit County Code (SCC) 14.16.420(5) requires a minimum front, side, and rear setback of 100 feet for structures.

ASSESSOR'S ACCOUNT NUMBERS: 330517-1-001-0129

PROPERTY NUMBER: P18098

ZONING/ COMPREHENSIVE PLAN: The proposed project is located within a Secondary Forest Natural Resource Lands (SF-NRL) zoning/Comprehensive Plan designated area as identified within the Skagit County Comprehensive Plan and associated maps as adopted October 10, 2007 and as thereafter amended.

DEPARTMENTAL FINDINGS: Pursuant to 14.16.810(4), the Administrative Official may reduce the required front, side or rear setbacks where topography or critical areas or the lot's size and configuration impact the reasonable development of the property. To reduce the front or rear setback, the Administrative Official must determine that the public health, safety and welfare will be maintained. Consultation with the Public Works Department concerning traffic safety may be solicited during this analysis.

1. The subject property measures approximately 691 feet in width along the west and east property lines, approximately 971 feet in depth along the north property line, and approximately 897 feet in depth along the south property line. The subject property is physically located along the east side of Lake Cavanaugh Road.
2. The proposed structures will not be able to meet the current front and side setback requirements due to the lots topography, and critical areas. SCC Section 14.16.420(5) requires a minimum front, side, and rear setback of 100 feet for structures; this is a 60 foot reduction request at the closest point. The applicant has indicated that critical areas and topography are located on the property which impacts the reasonable development of the property.
3. Per SCC Section 14.06.100 the application was determined complete on February 25, 2009. A Notice of Development was published and posted on the property on April 2, 2009 per SCC Section 14.06.150. All property owners within 300 feet of the property were sent the Notice of Development. There was a fifteen-(15) day public comment period associated with the Notice which ended on April 17, 2009. No public comments were received in regard to this proposal.
4. The proposal was reviewed by Skagit County critical areas staff. Staff indicated that critical areas are approved, provided the applicant complies with the PCA established with BP01-0512 under AF 200107130010.
5. The proposal was reviewed by the Skagit County Public Works Department. Public Works indicated that they have no objection to the above referenced application.
6. Staff finds that the proposed reduction in setback request is reasonable due to the existing topography, and critical areas located on site.
7. Staff finds that the requested setbacks would not create any problems with regard to the maintenance of public health, safety or welfare. Additionally, no traffic safety concerns were identified with the proposal.



Decision:

The Director hereby approves the Administrative Decision to allow reasonable use of the property subject to the conditions and modifications listed below:

1. The applicant shall obtain all necessary permits.
2. The building permit for the proposed structures shall be issued in accordance with the approved reduction in setback as requested.
3. A copy of this decision shall be submitted with the building permit at time of application.
4. ***Please be advised that this approval for reduction of setback is based on a limited review specific to the criteria for this application (14.16.810 (4) SCC). Other County requirements may alter your proposal and require revision to your plan to comply with all jurisdictional requirements for development.***

Prepared By:


Michele Q. Szafran, Associate Planner

Reviewed By:


Bill Dowe, Deputy Director

Date of approval: April 27, 2009

The applicant and/or a party of record may appeal the decision of the Administrative Official to the Skagit County Hearing Examiner pursuant to the provisions of Section 14.06.110(7). Parties with standing to appeal must submit the appeal form and appeal fees to the Planning and Development Services within 14 calendar days of the publication of this Notice pursuant to SCC 14.06.110.



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