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Skagit County Planning & Development Services



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Skagit County Auditor

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**SKAGIT COUNTY PLANNING & DEVELOPMENT SERVICES
BEFORE THE ADMINISTRATIVE OFFICIAL**

ADMINISTRATIVE VARIANCE

Findings, Conclusions and Decision

HEARING AUTHORITY: Skagit County Planning Director

Applicant: EASTVOLD NEIL
EASTVOLD JANICE C
428 LILAC DR
MOUNT VERNON WA 98273

Owner: EASTVOLD NEIL
EASTVOLD JANICE C
428 LILAC DR
MOUNT VERNON WA 98273

File Number: PL09-0298

Request: **Administrative Variance or Decision**

Parcel Number: P66348; 3937-002-007-0001

Legal Description: Lake Cavanaugh Subdivision # 1, Lot 7, Blk 2; recorded in Vol 5, Pages 37-43, June 14, 1946; within a portion of the Southeast ¼ of Section 22, Twp. 33, Range 6 E., W.M., Skagit County, Washington.

Land Use Designation: Rural Village Residential

Project Description: Administrative Variance request to allow the reduction of the required 35 ft. front yard setback to 20 ft.

DEPARTMENTAL FINDINGS:

1. The subject property has a zoning and comprehensive plan designation of Rural Village Residential. The minimum lot size in the Rural Village Residential zoning designation is either one (1) acre with public water and public sewer or 2.5 acres with on-site water (well) and on-site sewage disposal.
2. The subject property is approximately 22,000 sq. ft. in size and is currently vacant. The subject property is located on the north side (uphill, away from Lake Cavanaugh) of North Shore Drive at Lake Cavanaugh.
3. A letter of completeness was not issued. The application was determined to be complete on August 10, 2009 per SCC Section 14.06.100. A Notice of Development was published and posted on August 13, 2009 per SCC Section 14.06.150. All property owners within 300 ft. of the subject property were sent the Notice of Development. There was a fifteen (15) day public comment period associated with the Notice of Development. The fifteen (15) day comment period ended August 28, 2009. No public comments were received in regard to this proposal.
4. The subject property is located out of any designated flood hazard areas. The subject property is located adjacent to Secondary Forest-Natural Resource Land. The applicant will need to comply with the provisions of Skagit County Code 14.16.870, Notification of Development Activities on or Adjacent to Designated Natural Resource Lands. In addition, it will be necessary for the applicant to comply with the provisions of Section 14.16.810(7) Setback Requirements adjacent to Natural Resource Land.
5. The applicant is requesting an Administrative Reduction in setbacks to allow construction of a 30 ft. x 40 ft. garage/shop building within approximately 20 ft. of the front property line instead of the required 35 ft.
6. In reviewing the site plan as submitted, the following items have been noted:
 - a. The physical location of North Shore Drive is not in the center of the actual right-of-way. The physical road is located an additional approximate 26 ft. south (towards Lake Cavanaugh) of the centerline of the right-of-way.
 - b. It is indicated on the site plan that the distance from the front property line to a point at which the slope starts to ascend steeply is approximately 64 ft. It appears from the site plan that the applicant is proposing placement of the building as close to the base of the hill as possible and still allow construction-working area. It also appears that in order to construct the proposed building, it would be necessary to locate the building within 20 ft. of the front property line.
 - c. Based on the site plan submitted, there does not appear to be any other location that would allow construction of the proposed building.



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JURISDICTION

The Director of Planning and Development Services or his/her designee has jurisdiction to make a decision on this application without a public hearing. Skagit County Code (SCC) 14.06.050(1)(a)(xii) or SCC 14.06.050(1)(a)(xiii).

CONCLUSIONS

Public Works

1. The proposal has been reviewed by the Department of Public Works. Providing the building is constructed as proposed at a minimum of 20 ft. from the property line, the Department of Public Works has no objections to the request as proposed.

Health

1. There is no water or on-site sewage disposal proposed for the building. The proposal was not routed to the Health Unit for review.

Critical Areas and Shorelines

1. Critical Area/Shoreline Staff reviewed the proposal and made the following comments:
 - a. Due to topographic conditions and the presence of critical areas (streams), the building cannot be moved further away from the road than is proposed.
2. Providing the building is constructed as proposed, in the proposed location, the Critical Areas/Shoreline Staff had no objections to the proposal.

Current Planning

1. Staff finds the proposed reduction in setback request is reasonable due to the existing topography and critical areas.
2. Staff finds that the proposed reduction in setbacks will not create a level of demand that would negatively impact the public health, safety, traffic or general welfare.

CONDITIONS

1. Based on the recommendations by Skagit County Public Works and the Critical Areas/Shorelines Staff of the Skagit County Planning & Development Services, the following conditions are recommended:
 - a. The building shall be no larger than 30 ft. x 40 ft.



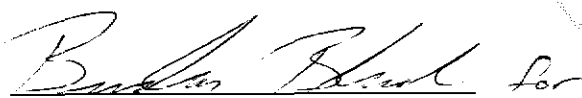
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- b. The building shall be located a minimum of 20 ft. from the front property line.
- c. The applicant shall obtain all necessary local, state, and federal permits prior to start of construction.
- d. The applicant shall comply with Sections 14.16.810 and 14.16.870 in regard to Setbacks from Natural Resource Lands and Notification of Development Activities Adjacent to Natural Resource Lands.
- e. Temporary erosion/sedimentation control shall be utilized during construction pursuant to Skagit County Code 14.32, Drainage Ordinance.
- f. The building construction shall comply with all elements of the International Building Codes.
- g. A copy of this permit decision shall be submitted with the Building Permit application.
- h. The approval for reduction of setback is based on a limited review specific to the criteria or this application (14.16.810(4) SCC). Other County requirements may alter the proposal and require revision to the plan in order to comply with all jurisdictional requirements for development.
- i. All Planning related fees shall be paid prior to issuance of the Building Permit.

DECISION

This application for approval to Reduce front setback from 35' to 20' is hereby approved, subject to the conditions listed above.


Gary R Christensen, Director

Date of Decision: 9-18-2009
Date Transmitted to Applicant: 9-18-2009

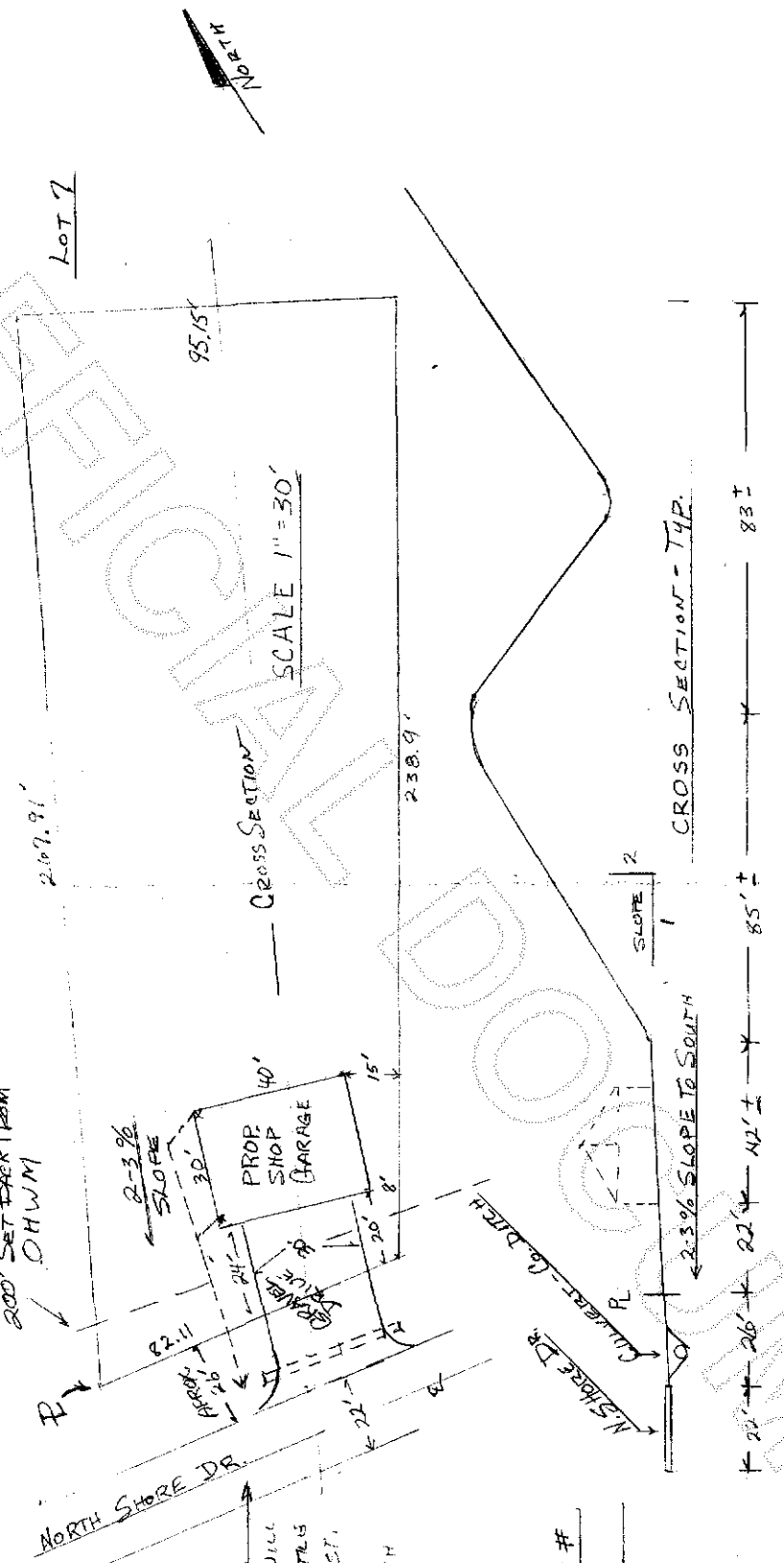
A level I decision may be appealed to the Hearing Examiner by the applicant or by parties who have commented on the proposal by filing a written Notice of Appeal, together with the applicable appeal fee, with the Administrative Official within 14 days of the date the Notice of Decision was issued. If a Notice of Decision is not required, because the decision is exempt pursuant to SCC 14.06.200(1), then any appeal shall be filed within 14 days of the date the Administrative Official makes the decision. SCC 14.06.110(7).



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UNOFFICIAL



EROSION CONTROL
 POST FRAME CONSTRUCTION WILL DISTURBE VERY LITTLE GROUND DURING CONSTRUCTION SPURS WILL BE CLEAN TO N. DITCH

ACCESS PERMIT #
 ROB-3585

SITE PLAN - LOOKING WEST

DATE: 7/7/2009

NEW IMPERVIOUS AREA
 GARAGE - 1200 SQ. FT.

NEIL EASTVOLD
 33822 NORTH SHORE DR.
 MOUNT VERMILION, WA.
 P 666 348
 TAX # 3937-002-001-0001
 LOT 7, Block 2, Subdivision #1 LAKE BRIDGE #111

CROSS SECTION - TYP.
 83' ±
 85' ±
 87' ±
 88' ±
 89' ±



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