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Skagit County Planning and Development Services



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Skagit County Auditor

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

ADMINISTRATIVE DECISION

Findings, Conclusion and Decision

HEARING AUTHORITY: SKAGIT COUNTY PLANNING DIRECTOR

APPLICATION NUMBER: ADMINISTRATIVE VARIANCE #PL09-0159

APPLICANT/ OWNER: PAMELA MARTENS & STEVEN J. COX
P.O. BOX 13375
MILL CREEK, WA 98082

PROJECT LOCATION: Located adjacent to Lake Cavanaugh at 35056 North Shore Drive, Mount Vernon, within a portion of Section 25, Township 33N, Range 6 E W.M., situated within Skagit County, Washington. (Parcel # P66464 & P66441).

PROJECT DESCRIPTION: The applicant requests an Administrative Reduction in Setback (#PL09-0159) for two proposed structures. The first proposal is for the demolition of an existing residence and the reconstruction of a new residence, within the footprint of the existing home, which is currently located 8 feet from the front property line (P66464) at the closest point. Additionally, the applicant requests to construct a 780 square foot garage structure, across the road from and northeast of the residential structure (P66441 - northeast of North Shore Drive), not able to meet the front setback requirement due to topography. The proposal is to locate the proposed garage structure 20 feet from the front (southwest) property line. SCC 14.16.310(5) requires a 25 foot minimum setback from the front property lines from minor access and dead-end streets and requires a 35 foot setback for accessory structures from the front property line. The request is for a 17 foot setback reduction for the residence at the closest point and for a 15 foot reduction in setbacks for the accessory structure (garage).

ASSESSOR'S ACCOUNT NUMBERS: 3937-006-018-0009 & 3937-005-018-0001
PROPERTY NUMBER: P66464 & P66441

ZONING/ COMPREHENSIVE PLAN: The proposed project is located within the Rural Village Residential (RVR) zoning/comprehensive plan designated area as indicated in the Skagit County Comprehensive Plan and associated maps adopted October 10, 2007 and as thereafter amended

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).

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 is located on the shoreline of Lake Cavanaugh along North Shore Drive. The subject property is bisected by, and accessed off of, North Shore Drive with the existing/proposed new residence located to the southwest of North Shore Drive and the proposed garage structure located to the northeast of North Shore Drive. The subject site slopes slightly downhill from North Shore Drive to the shoreline of Lake Cavanaugh. The site is landscaped with lawn and native plant species. A 772 square foot residence is currently present on the subject site. The residence is located approximately 17 feet from the OHWM, approximately 8 feet from the front property line at the closest point, and the proposed structure is to be approximately 14 feet from the south property line (11 feet from the proposed utility stairs) and approximately 8 feet from the north property line.
2. The applicant is proposing to demolish the existing 772 square foot residence and the construct a new 1,444 square foot residence. The proposed residence will be three stories for a total of approximately 3,063 square feet and is proposed to be located 8 feet from the front property line (P66464) at the closest point, approximately 17 feet from the rear property line along Lake Cavanaugh, approximately 8 feet from the northerly side property line and approximately 14 feet from the southerly side property line. The request is for a 17 foot reduction from the front property line for the residence.
3. Additionally, the applicant requests to construct a 780 square foot garage structure northeast of the residential structure (P66441 - northeast of North Shore Drive) not able to meet the front setback requirement due to topography. The proposal is to locate the proposed garage structure 20 feet from the front (southwest) property line and maintain the required setbacks from the other property lines. SCC 14.16.310(5) requires a 25 foot minimum setback from the front property lines from minor access and dead-end streets and requires a 35 foot setback for



accessory structures from the front property line. The additional request is for a 15 foot reduction in setbacks from the front property line for the proposed accessory structure (garage).

4. A letter of completeness was issued on May 11, 2009 and the application was determined to be complete on April 27, 2009 per SCC Section 14.06.100. A Notice of Development was published and posted on the property on July 16, 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 thirty-(30) day public comment period associated with the Notice which ended on August 24, 2009. One public comment letter was received on July 28, 2009 from Ralph and Catherine Beuter, 13228 NE 36th Street, Bellevue, WA 98005, expressing concerns about the proposed dock reconstruction. The Department notes that the dock reconstruction is not part of this setback reduction request.
5. The proposal was reviewed by Skagit County critical areas staff. Staff indicated the following:

"The subject parcel was reviewed with respect to the Skagit County Critical Areas Ordinance, Chapter 14.24 of the Skagit County Code. Initial critical areas review was completed in 2005, associated with a request for a Shorelines Statement of Exemption for a bulkhead on the subject site to protect the existing residential structure. The review resulted in the recording of a PCA for the subject site which requires a 17 foot buffer from the OHWM. The subject site is vested to this 2005 protected critical areas agreement."

"During critical areas review for this proposal, it was determined that the applicant violated the terms of the PCA agreement by turning the PCA area into a lakeside patio including a retaining wall, pavers and an outdoor kitchen. In response to the finding, the applicant has agreed to remove all structures from the PCA area. The applicant submitted an addendum to the original fish and wildlife site assessment to evaluate the impacts of the proposed new developments on the critical areas. Based on the addendum to the Fish and Wildlife site Assessment, the proposal was determined to be in compliance with Critical Areas regulations and the existing PCA on the subject site."

6. The proposal was reviewed by the Skagit County Public Works Department. Public Works indicated that they have no objection to the variance as requested for the residence provided no parking is allowed along the residential structure side of North Shore Drive and no parking shall be allowed within the County right-of-way on either side. Additionally, Public Works indicated that they have no objections with the proposed accessory structure north of North Shore Drive provided the structure is located at least 20 feet from the right-of-way and all parking for the overall property ownership is directed to that location.



7. The application was routed to Planning and Development Services Shoreline review staff for comments. Shoreline review staff indicated that there were no concerns with the proposed land use setback reduction requests. Shorelines staff further noted that the applicant has applied for a Shoreline Variance (#PL09-0158) to allow the lot coverage to exceed 30% and to allow the proposed residential structure to encroach 33 feet into the standard 50 foot shoreline setback area. The request is to allow the lot coverage to be 37.2% and to allow a shoreline setback of 17 feet from the ordinary high water mark. The shoreline variance request will be presented in the near future to the Skagit County Hearing Examiner for consideration and recommendation to the Department of Ecology.
8. Staff finds that the proposed "land use" reduction in setback request is reasonable due to the lots size, configuration and existing topography of the site which impacts the reasonable development of the property.
9. 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 provided all parking is located to the northeast of North Shore Drive adjacent to the proposed accessory structure and no parking is allowed within the County road right-of-way.

DECISION

The Director hereby approves the Administrative Decision to allow reasonable use of the property and allow for a 17 foot reduction from the front property line for the residence and for a 15 foot reduction in setbacks from the front property line for the proposed accessory structure (garage) subject to the conditions and modifications listed below: The request is.


CONDITIONS

1. The applicant shall obtain all necessary permits.
2. The building permit for the proposed structure 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(s) at time of application.
4. No parking shall be allowed along the southerly side of North Shore Drive adjacent to the proposed residential structure. No parking shall be allowed within the County Road Right-of-Way. All parking shall be directed to locate on the northerly portion of the parcel, north of North Shore Drive, outside of the County Road Right-of-Way adjacent to the proposed accessory structure.
5. The applicant shall comply with all applicable requirements of the Shoreline Master Program.
6. The applicant shall comply with the provisions of Skagit County Code 14.16.870, Notification of Development Activities on or Adjacent to Designated Natural Resource Lands.



7. 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. Specifically, the scope of this decision is limited to the setbacks from the property lines immediately adjacent to North Shore Drive.
8. All fees, including recording fees, shall be paid prior to final approval.

Prepared By:


Brandon Black, Senior Planner – Team
Supervisor

Reviewed By:


Bill Dowe, CBO, Deputy Director

Date of approval: December 4, 2009

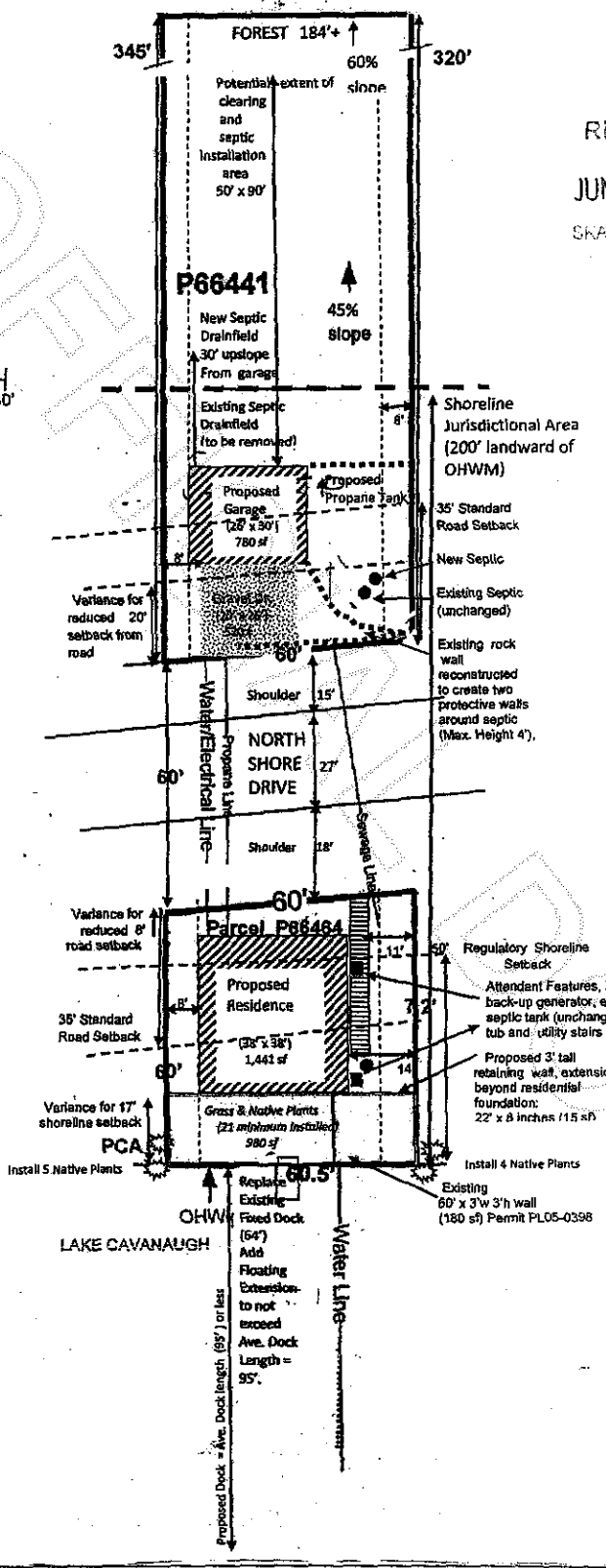
The applicant and/or a party of record may appeal the decision of the Administrative Official to the Skagit County Hearing Examiner pursuant to the provisions of Section 14.06.110(7). Parties with standing to appeal must submit the appeal form and appeal fees to the Planning and Development Services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



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 JUN 15 2009
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 Approx. Scale:
 1 Inch = 30'



Site Plan updated May 12th 2009



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