

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

In the Matter of the Appeal of)	
)	PL10-0178
DAVID ALLAN)	
)	ORDER DENYING REQUEST
From the Administrative Denial of a)	FOR RECONSIDERATION
Variance for a Reduction of Setbacks on)	
Property at 15547 Flinn Road.)	
)	
_____)	

This is an appeal from the denial of a request for an administrative setback reduction (PL 10-0012). The Hearing Examiner affirmed the denial by a decision dated July 13, 2010.

The Appellant filed a Request for Reconsideration on July 23, 2010. He submitted additional argument and exhibits on July 30, 2010.

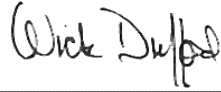
Normally, the only evidence allowed on a Request for Reconsideration is newly discovered evidence that could not reasonably have been submitted at the hearing. However, in recognition of the pro se representation in this case, the Examiner has considered the additional submissions of the Appellant.

In response to the Request, the Examiner has thoroughly and carefully reviewed the entire record. After this review, he remains convinced that that setback variance should be denied. The Examiner notes the following:

- (1) There is nothing in the Wetland Assessment Addendum, dated December 15, 2009, (Exhibit 14) that supports the issuance of the zoning variance sought.
- (2) The record does not support a finding that the two 12' x 110' sheds represent merely the repair of pre-existing lawful structures. The two sheds, as now configured, came into being after the Superior Court had ordered the appellant to move the shop 35 feet back from the same boundary.
- (3) While it is true that the 40' x 60' shop is above the base flood elevation, the evidence related to topography fails to show that there is no room elsewhere for reasonable development of agricultural accessories that meet the setback.
- (4) Even in areas of special flood hazard, construction of agricultural accessories can occur if the provisions of Chapter 14.34 SCC are met.
- (5) The intrusion of the buildings in question into the setback is due to the Appellant's own actions and is not dictated by any special circumstance or need inherent in the nature of the property.

The Hearing Examiner finds nothing in either the new or the original materials which demonstrates that a material legal error has occurred or that a material factual issue has been overlooked that would change the previous decision. SCC 14.060.180. Accordingly, the Request for Reconsideration is denied.

SO ORDERED, this 6th day of August, 2020



Wick Dufford, Hearing Examiner

Transmitted to Appellant on August 6, 2010.