

NOTICE OF DECISION

BEFORE THE SKAGIT COUNTY HEARING EXAMINER

Applicant: Steve Broman
405 S. Seventh Street
Mount Vernon, WA 98273

Agent: Oscar Graham
3643 Legg Road
Bow, WA 98232

Request/File No: Shoreline Variance (setback reduction), PL10-0093

Location: 23172 Lanyard Lane on the shore of Big Lake, within NW1/4 Sec.36,
T34N, R4E, W.M. (Parcel #P29911)

Shoreline Designation: Rural Residential

Summary of Proposal: To replace a mobile home with a wood-frame residence, at the approximate location of the mobile home. The new residence will be situated 93 feet back from the Ordinary High Water Mark (OHWM). The average setback from the OHWM of residences in the area is 112 feet.

SEPA Compliance: Exempt

Public Hearing: June 23, 2010. No public testimony. Planning and Development Services (PDS) recommended approval.

Decision: Approval, subject to conditions.

Date of Decision: July 9, 2010

Reconsideration/Appeal: A Request for Reconsideration may be filed with PDS within 5 days of this decision. The decision may be appealed to the Board of County Commissioners by filing an Appeal with PDS within 5 days of the date of the decision or decision on reconsideration, if applicable (SMP 13.01).

Online Text: The entire decision can be viewed at:
[www.skagitcounty.net/hearing examiner](http://www.skagitcounty.net/hearing_examiner)

FINDINGS OF FACT

1. Steve Broman (applicant) seeks a Shoreline Variance to build a replacement home on waterfront property that will extend into the standard shore setback.
2. The location is 23172 Lanyard Lane on the shore of Big Lake, within NW1/4 Sec. 36, T34N, R4E, W.M. The parcel number is P29911.
3. The parcel is pie-shaped with the base of the triangle along the waterfront. Lanyard Lane is a gravel driveway leading off of West Big Lake Boulevard. The subject site slopes slightly downhill from Lanyard Lane to the shore. The entire site is landscaped with lawn.
4. An 864 square-foot mobile home and associated deck are currently present on the site. The mobile home is 99 feet from the OHWM.
5. The applicant wishes to remove the existing mobile home and replace it with a wood-frame residence with a foot print of 2,000 square feet, located 93 feet from the OHWM. The setback standard for this location is 112 feet.
6. A ground level concrete patio is proposed on the east (water) side of the house, extending another 15 feet closer to the OHWM. In addition the applicant will remove the existing carport behind the house and build a 2-foot high rock bulkhead across the lot approximately 17 feet landward of the OHWM.
7. The 112 foot setback number represents the average setback of adjacent homes within 300 feet of the property. The reason for the variance request is the inability to fit an average-sized home on the property any further back on the lot. The proposed house will be similar in size to adjacent residences.
8. The entire shoreline of Big Lake is developed in single family residences and recreational cabins.
9. The subject replacement residence will not interfere with views of the lake from neighboring homes. Neighbors have been made aware of the project. There was no correspondence from any members of the public on the proposal.
10. Notice of Development Application was posted, published and mailed as required by law.
11. Because of the shoreline location, the applicant submitted a Fish and Wildlife Habitat Assessment. The report, prepared by Graham Bunting Associates, dated February 2010, calls for enhancement of the 75 foot buffer from deck to lake with mitigation plantings. A Protected Critical Area will be created and recorded for this area to prevent future development.
12. Sewer and water service are available to the property. Other utilities are also available. The existing overhead power line will be buried. The project will have no adverse

impact on traffic or parking. Existing public facilities are adequate to meet the demands of this development.

13. The proposed construction will result in site coverage which is slightly less than the 30% limit that applies. The structure will meet Shoreline Master Program (SMP) height limitations and side yard setbacks. No significant additional runoff is anticipated.

14. The SMP contains criteria for Shoreline Variances landward of the OHWM at Section 10.03(1), as follows:

(a) The strict application of the bulk, dimensional or performance standards set forth in the Master Program precludes or significantly interferes with a reasonable use of the property not otherwise prohibited by this Master Program.

(b) The hardship described above is specifically related to the property and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of this Master Program and not for example from deed restrictions or the applicants own actions.

(c) The design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent property or the shoreline environment designation.

(d) The variance authorized does not constitute a grant of special privilege not enjoyed by other properties in the same area and will be the minimum necessary to afford relief.

(e) The public interest will suffer no substantial detrimental effect.

In the granting of all variance permits, consideration shall be given to the cumulative effect of additional requests for like actions in the area.

15. The Staff Report analyzes the application in light of the above criteria and determines that, as conditioned, the project will be consistent with them. The Hearing Examiner concurs with this analysis and adopts the same. The Staff Report is by this reference incorporated herein as though fully set forth.

16. Residential development is contemplated in the Rural Residential shoreline environment. The subject proposal is a reasonable use of the property and is consistent with other development in the area. It will not interfere with the use of adjacent property. The only variation from regulations requested is from the shore setback. The 93 foot setback proposed is the most that can be achieved consistent with reasonable use. It is necessitated by the unique size and shape of the lot.

17. 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 subject matter of this proceeding. SMP 10.02(3).
2. The proposal is exempt from the procedural requirements of the State Environmental Policy Act (SEPA).
3. As conditioned, the project will be consistent with the criteria for approval of a Shoreline Variance landward of the OHWM. SMP 10.03(1).
4. Any finding herein which may be deemed a conclusion is hereby adopted as such.

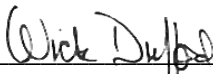
CONDITIONS

1. The project shall be constructed as shown on the application materials, except as the same may be altered by these conditions.
2. The applicant shall obtain a building permit and all other required permits and shall abide by the conditions of same.
3. The applicant and its contractors shall comply with all relevant local, state, and federal regulations, including but not limited to, Chapters 173-201A and 173-200 WAC (surface and ground water quality), Chapter 173-60 WAC (noise), Chapter 14.24 SCC (critical areas), Chapter 14.16 SCC (zoning), Chapter 14.32 SCC (drainage).
4. Temporary erosion/sedimentation control measures shall be used in accordance with applicable drainage standards.
5. Aesthetic impacts shall be minimized.
6. The applicant shall adhere to the enhancement plan set forth in the Fish and Wildlife Habitat Assessment, dated February 22, 2010, by Graham-Bunting Associates. The performance standards for plantings shall be met.
7. The area landward 75 feet from the OHWM shall be placed into a Protected Critical Area (PCA) which shall be mapped and filed as required by SCC 14.24.090.
8. A copy of this decision shall be submitted with the building permit application.
9. The project shall be commenced with two years of final approval of this Shoreline Variance and completed within five years thereof.
10. Failure to comply with any condition may result in permit revocation.

DECISION

The application for a Shoreline Variance (PL10-0093) is approved, subject to the conditions set forth above.

DONE this 9th day of July, 2010.



Wick Dufford, Hearing Examiner

Transmitted to Applicant on July 9, 2010.

See Page 1, Notice of Decision, for information on Reconsideration and Appeal.

Note: If approval of this Shoreline Variance becomes final at the County level, the State Department of Ecology must approve it or disapprove it, pursuant to RCW 90.58.140.