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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 PL09-0107

APPLICANT: THOMAS N. DEUTSCH

ADDRESS: 16611 143RD PL. SE.
RENTON, WA 98058

PROJECT LOCATION: Located at 5079 Guemes Island Road, Anacortes, within a portion of Section 36, Township 36 North, Range 1 East W.M., situated within Skagit County, Washington.

PROJECT DESCRIPTION: The applicant requests an Administrative reduction in setbacks of the front (south) setback from 35 feet to 5 feet and a reduction of the side (west) setback from 8 feet to 1 foot 6 inches to allow for the replacement of a dilapidated preexisting nonconforming garage structure. Skagit County Code (SCC) 14.16.300(5) requires a minimum front setback of 35 feet, a side setback of 8 feet, and a rear setback of 25 feet for accessory structures

ASSESSOR'S ACCOUNT NUMBERS: 3855-000-010-0008

PROPERTY NUMBER: P61715

ZONING/ COMPREHENSIVE PLAN: The proposed project is located within a Rural Intermediate (RI) 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 50 feet in width along the southwest and northeast property lines, and approximately 150 feet in depth along the northwest and southeast property lines. The subject property is physically located along the northeast side of Guemes Island Road, southwest of Padilla Bay.

2. The proposed replacement accessory structure will not be able to meet the current front and side setback setback requirements due to the lots critical areas, lot size and configuration. SCC Section 14.16.300(5) requires a minimum front setback of 35 feet, and a side setback of 8 feet, this is a 30 foot reduction request at the closest point along the front setback, and a 6.5 foot reduction request at the closest point along the side setback. The applicant has indicated that critical areas, lot size and configuration are located on the property which impacts the reasonable development of the property.

3. A letter of completeness was issued and the application was determined complete on March 31, 2009 per SCC Section 14.06.100. A Notice of Development was published and posted on the property on April 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 fifteen-(15) day public comment period associated with the Notice which ended on May 1, 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 a Critical Areas review was completed and approved with BP09-0064.

5. The proposal was reviewed by the Skagit County Shorelines Administrator. The Shorelines Administrator stated they have no comment since there is no expansion of a non-conforming structure proposed.

6. The proposal was reviewed by the Skagit County Public Works Department. Public Works indicated that they have no objection to the above referenced variance as proposed.

7. Staff finds that the proposed reduction in setback request is reasonable due to the existing critical areas, lot size, configuration, and the size of the existing lots in the immediate vicinity.

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8. 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 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 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: _____.
Brandon Black, Senior Planner – Team Supervisor

Date of approval: June 18, 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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