


CITY OF SEDRO-WOOLLEY
PLANNING DEPARTMENT
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TRANSMITTAL & REPORT MEMORANDUM

HEARING DATE: October 5, 2020

TO: Sedro-Woolley Hearing Examiner

RE: Files # ZV-2020-052 and SP-2020-053 – Ivarsen Ball Street Short Plat and Variance

FROM: 
Katherine Weir, Assistant Planner

GENERAL INFORMATION:

APPLICATION DATE: February 28, 2020

APPLICATION COMPLETE: April 2, 2020

RECOMMENDATION: Staff Recommends **Approval with Conditions**

PROJECT NAME: Ivarsen Ball Street Short Plat and Variance

SITE LOCATION: 523 Ball Street, Parcel #77102

PROPERTY OWNER: Ivarsen Holdings, LLC
754 Humphrey Place
Burlington, WA 98233

PROJECT PROPONENT: Jon Kvernmo
754 Humphrey Place
Burlington, WA 98233

DESCRIPTION OF PROPOSAL:

The City has received an application to subdivide an approximately 0.62 acre lot into three separate residential lots. Proposed lots 1 and 2 are along the street and proposed lot 3 is a flag lot in the rear. There are currently two single family homes on the property that classify the lot as legal non-conforming because they were built prior to the city's current zoning

regulation. Due to the locations of the existing homes, it is difficult to separate the lot into three separate lots and meet setback, lot width and lot area requirements. To allow for the subdivision, the applicant is requesting a Zoning Variance from the standard lot width and lot area requirements. Sedro-Woolley Municipal Code (SWMC) does not allow easements for ingress and egress to count towards lot area or lot width at building line. In order to provide access to proposed lot 3, an easement is required over the front of the property. The easement will reduce the lot width and lot area of proposed lot 2 to below the requirements for lots within the specific zone. The applicant is also requesting a reduction in lot width on proposed lot 1 in order to provide a five foot setback for the existing house. In accordance with SWMC 2.90.070(G), a Zoning Variance is processed as Type III Permit and a Short Plat is processed as a Type II Permit. SWMC 2.90.070(C) 2 specifies that when more than one land use permit is required and the permits are subject to different types of permit review procedures, then all the applications are subject to the highest-number procedure. Thus, the short plat is reviewed as a Type III Permit under a consolidated review process with the Zoning Variance.

Site Address:	523 Ball Street, Sedro-Woolley WA 98284
Parcel ID Nos.	P77102
Zoning District:	Residential 7

COMPREHENSIVE PLAN LAND USE DESIGNATIONS, ZONING DESIGNATIONS AND EXISTING LAND USES OF THE SITE AND SURROUNDING AREAS:

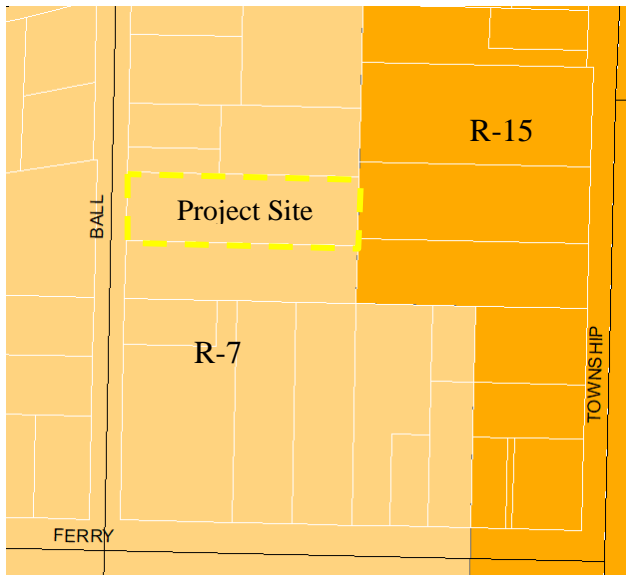
Area	Land Designation	Use	Zoning	Existing Use
Project Site	Residential 7		R-7	Single family residential
North	Residential 7		R-7	Single family residential
South	Residential 7		R-7	Single family residential
East	Residential 15		R-15	Multi-family residential
West	Residential 7		R-7	Single family residential

Residential 7 (R-7) Zoning Regulations:			
Minimum lot size:	6,000 square feet	Lot width at building line:	40 feet
Front Setback:	20 feet	Lot width at road frontage:	20 feet
Rear Setback:	10 feet	Maximum building height:	35 feet
Side Setback:	5 feet for single story, 8 feet for two story	Maximum building coverage:	50%

PUBLIC UTILITIES AND SERVICES PROVIDED BY:

Water:	Skagit County PUD #1	Cable TV:	Comcast
Sewer:	City of Sedro-Woolley	Police:	City of Sedro-Woolley

Garbage:	City of Sedro-Woolley	Fire:	City of Sedro-Woolley
Storm Water:	City of Sedro-Woolley	School:	Sedro-Woolley School District
Telephone:	Verizon	Hospital:	Peace Health United
Electricity:	Puget Sound Energy	Gas:	Cascade Natural Gas



ANALYSIS

1. Application Process:

- a. On October 16, 2019 the city held a required pre-application meeting for the proposed Ivarsen Ball Street Short Plat with the project applicant. At the meeting, staff reviewed the applicant’s proposal and informed him that the proposal did not meet minimum lot size requirements. It was determined that in order to achieve what the applicant was proposing, a zoning variance application along with the short plat application would be required.
- b. On February 28, 2020, the City received the short plat application (**Exhibit B**) and Zoning Variance application. After receiving additional required materials on March 19, 2020, the City determined that the two applications were complete on April 2, 2020.
- c. Per SWMC 2.90.070, short plat and variance applications are classified as different types. A short plat application is classified as a type II permit and is an administrative decision with no public hearing required. Zoning Variances are classified as a type III permit and require a public hearing. The final decision for type III permits is made by the hearing examiner. Per SWMC 2.90.070(C) 2, when more than one land use

permit is required and the permits are subject to different types of permit review procedures, then all the applications are subject to the highest-number procedure. Thus, the short plat application was elevated to a type III permit and is being processed accordingly along with the variance application.

- d. On April 6, 2020, the City issued a Notice of Application and public comment period (**Exhibit C**).
- e. After requesting revised materials on April 24, 2020, the City accepted a revised variance application on August 31, 2020 (**Exhibit D**), a revised narrative on September 8, 2020 (**Exhibit E**) and a revised application map on August 13, 2020 (**Exhibit F**).
- f. A public hearing before the Sedro-Woolley Hearing Examiner was scheduled for October 5, 2020 at 1PM and will be held virtually via Zoom. Notice of the public hearing was advertised to the public and interested parties.

CONCLUSION: The application meets the procedural requirements for Type III applications established in Chapter 2.90 SWMC.

2. Public Notification, Meeting and Comment:

- a. The Notice of Application and Public Comment Period (**Exhibit C**) was issued on April 6, 2020 and the comment period ended on April 20, 2020. Notices were mailed on April 2, 2020 to all residents and property owners within 500 feet of the subject property and the notice was posted on the subject site on April 6, 2020.
- b. Six neighbor comments were received (**Exhibits G, H, I, J, K and L**). These comments were received by mail or email during a time when the Washington State Stay Home Stay Safe order was in place and City staff was working remotely. As such, City staff has accepted all comments received into the record even though several were not received during the posted comment period.
- c. The City issued a Notice of Public Hearing (**Exhibit M**) for the proposal on September 24, 2020. The notice was posted on the subject site on September 22, 2020, published in the legal notices section of the Skagit Valley Herald on September 24, 2020 as well as mailed to all parties of interest, residents and property owners within 500 feet of the property on September 23, 2020.

CONCLUSION: The city has met the noticing requirements for Type III applications established in 2.90 SWMC.

3. Comprehensive Plan:

- a. The Sedro-Woolley Comprehensive Plan identifies this area as Residential 7 (R-7). The R-7 is described within the Land Use Element: allows single lot developments to a maximum density of seven units per acre, with a minimum lot size of six thousand square feet, allows duplexes on appropriately sized lots (minimum duplex lot size of nine thousand square feet) and allows planned residential developments (PRDs) with varying residential densities as a conditional use.
- b. Specific goals and policies from the Land Use Element of the Comprehensive Plan that are relevant and applicable to this proposal include the following:
 - i. Policy LU5.7: Recognize the rights of property owners to freely use and develop private property consistent with city regulations.
- c. Specific goals and policies from the Housing Element on the Comprehensive Plan that are relevant and applicable to this proposal include the following:
 - i. Policy H2.3: Encourage affordable housing for all household types, including seasonal workers, single parents, extended families, and group homes.
- d. Staff finds that this proposal is consistent with the above zoning designation policies from the Land Use Element and Housing Element of the comprehensive plan. The proposed short plat meets the intent of the zoning requirements for development in the R-7 zone and the applicant request is consistent with city regulations. The existing homes on the lot provide renting opportunities in a single family neighborhood and the third proposed lot can potentially accommodate a duplex.

CONCLUSION: The application as conditioned conforms to the Sedro-Woolley Comprehensive Plan.

4. Specific Criteria: Chapters 16.12, 17.12, 17.36, 17.60 and 17.65 SWMC establish the requirements and criteria relevant for approving this application and are reviewed as follows:
 - a. Chapter 16.12 SWMC Short Plats
 - i. Per SWMC 16.12.010, unless an applicant for short plat approval requests otherwise, a short plat shall be processed simultaneously with applications for rezones, variances, planned unit developments, site plan approvals, and similar quasi-judicial or administrative actions to the extent that procedural requirements applicable to these actions permit simultaneous processing. The applicant has not requested otherwise and the short plat application is being processed simultaneously with the variance application.

- ii. The applicant submitted an application map (**Exhibit F**) that meets the content of application requirements described in SWMC 16.12.015.
- iii. City staff reviewed the short plat application against the criteria for approval described in SWMC 16.12.045 and found that with the variance application being processed simultaneously with the short plat application, the proposal meets the criteria for approval.

b. Chapter 17.12 SWMC Residential 7 Zone:

- i. The applicant submitted an application map (**Exhibit F**) that demonstrates that the proposal meets the bulk restrictions of the R-7 zone.
- ii. As part of the zoning variance request, the applicant chose to prioritize the setback requirement for proposed lot 2 over the lot width at building line requirement for lot 1. This was supported by city staff as the setback requirement is for fire safety and should be prioritized. It is preferred that the lot width of proposed lot 1 be reduced to 39.25 to allow for a 5 foot side setback on proposed lot 2. The applicant provided a description of this variance in their zoning variance narrative (**Exhibit E**).
- iii. The applicant has also requested a variance from the lot width and size requirements of the R-7 zone for proposed lot 2. The minimum lot size in the R-7 zone is 6,000 square feet and the lot width at building line requirement is 40 feet. The gross lot area of proposed lot 2 is 7,755 square feet, and the gross lot width is 50.17 feet. There is a 20 foot wide easement proposed over lot 2. Per the lot area and lot width at building definitions in SWMC 17.04.030, easements for ingress and egress do not count toward lot width or lot area. Because of these definitions, the net lot area of proposed lot 2 is reduced to roughly 4,700 square feet and the net lot width is a little over 30 feet.

c. Chapter 17.36 SWMC Off-Street Parking and Loading:

- i. Per 17.36.030, two off-street parking spaces are required per dwelling unit. The applicant has demonstrated on their application map (**Exhibit F**) that this requirement will be met.
- ii. The applicant has also shown on the application map that the proposal meets the development standards described in 17.36.040 for off-street parking and loading.

d. 17.60 SWMC Variances and Zoning Waivers:

- i. Per 17.60.050, the criteria for variances are as follows:
 - A. no detriment will result to neighbors or the public in general,
 - B. the reason the regulation from which relief is requested is unnecessary in this case is that special circumstances exist here which are not common to other similarly restricted properties. (These circumstances may include physical features of the subject property, nature of surrounding improvements and uses, or proposed design elements that will meet the same purpose as the regulation from which relief is requested. The special circumstance(s) shall be specified in the findings); and
 - C. the special circumstances are sufficiently unique that the cumulative effect of such variances will not undermine the purpose and intent of this title.
- ii. The applicant has provided a narrative (**Exhibit E**) with the variance application that describes how their proposal meets the above criteria.
- iii. Staff finds that no detriment will result to neighbors or the public in general if the variance requests are approved. The reason that the variances are proposed is that the property owner wishes to preserve the existing rental homes on the property. If the homes were removed, the property could be subdivided as a short plat per code with no variances required. Additionally, the new development that will likely occur as a result of the proposed variances will be behind the existing homes and not plainly visible from the street.

The only change to the existing conditions of the property along the street that will occur as a result of the proposed variances is that the existing driveways currently serving the homes will be paved. The driveway serving the northernmost house will be paved and elongated in order to serve the back parcel. The property owner is allowed to pave or lengthen the existing driveways at any time without short plat or variance approval.

- iv. Staff finds that there are special circumstances that are not common to other similarly restricted properties. There are two existing homes on the same lot. This is uncommon. The homes are classified as legal nonconforming because they were built prior to the city's current zoning regulations. The existing homes are on a property that has a width that can accommodate two homes on their own lot per the current R-7 zoning regulations. However there is also a

large amount of space in the easternmost portion of the lot that is not utilized. Staff finds that the above special circumstances are sufficiently unique and that the cumulative effect of such variances will not undermine the purpose and intent of Title 17 SWMC, Zoning. The subdivision will result in the existing homes being placed on separate, conforming lots. The easternmost portion of the lot will also become available for future construction of a new single family residence or duplex.

e. 17.65 SWMC Regulations for Critical Areas

- i. Per SWMC 17.65.090, the Planning Director reviewed the project site and determined that a critical areas site assessment was not required.

CONCLUSION: The application as conditioned meets the review criteria set forth in SWMC that apply to this proposal.

STAFF RECOMMENDATIONS

The Planning Department recommends **APPROVAL** of Zoning Variance # 2020-052 and Short Plat #2020-053 **subject to the following condition(s):**

1. Provide a maintenance agreement for the shared driveway that serves lots 2 and 3 to be reviewed and approved with final plat.
2. Construct parking spaces that meet Sedro-Woolley development regulations on proposed lots 1 and 2 before final short plat approval.

EXHIBITS

- A. Staff Report
- B. Short Plat Application #SP-2020-053
- C. Notice of Application
- D. Revised Variance Application #ZV-2020-052
- E. Revised Variance Narrative
- F. Revised Application Map
- G. Mary Comment Letter
- H. Ewing Comment Letter
- I. Berg Comment Letter
- J. Melder Comment Letter
- K. O'Neil Comment Letter
- L. Soren Comment Letter
- M. Notice of Public Hearing