



**STAFF REPORT & DECISION  
ADMINISTRATIVE SPECIAL USE PERMIT *for*  
ACCESSORY DWELLING UNIT**

**A. SUMMARY AND PURPOSE OF REQUEST**

---

**Date of Decision:** March 20, 2013

**Application Type:** Accessory Dwelling Unit (ADU)

**Project/File Number:** PL13-019

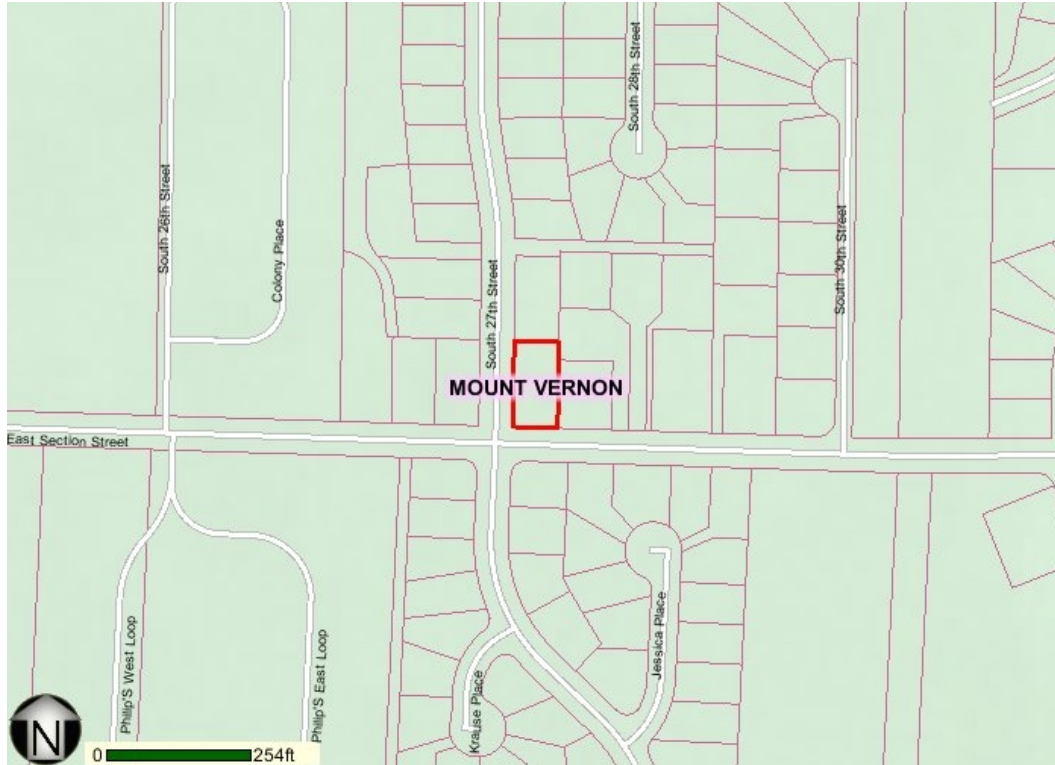
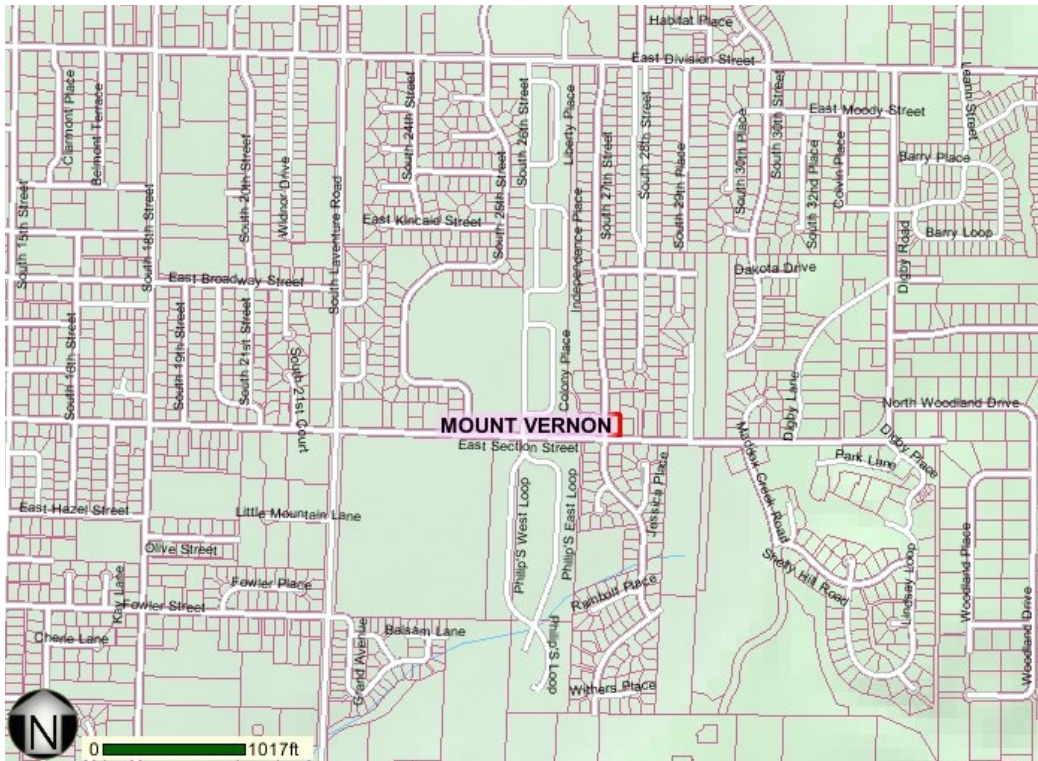
**Project Planner:** Rebecca Lowell, Senior Planner

**Applicant/Owner:** Ray L. Smith, 2765 East Section Street, Mount Vernon, WA 98274

**Project Description:** The applicant is seeking approval of a Special Use Permit to construct a ± 450 square foot accessory dwelling unit (ADU) in their existing attached garage that is located on the east side of their existing single-family residential home.

**Project Location:** The subject property is located at 2765 East Section Street in Mount Vernon, the Skagit County Assessor identifies the site as parcel: P27029, it is located at the northeast corner of the intersection of South 27<sup>th</sup> and East Section Streets, and is within a portion of Section 21, Township 34 North, Range 04 East, WM in Skagit County, Washington.

Below are two maps that show the location of the subject site outlined in red; however, please keep in mind that these maps are to be used only in the context of this staff report to locate the subject site. The property lines shown on these maps are approximate.



**B. EXHIBIT LIST**

**Exhibit 1:** Smith Special Use Permit Land Use Application file, File No. PL13-019

**C. GENERAL INFORMATION**

---

**Zoning Designation:** Single-Family Detached Residential (R-1, 4.0) District

**Comprehensive Plan Designation:** Medium Density Single-Family (SF-MED)

**Existing Site Use:** Single-Family Residential

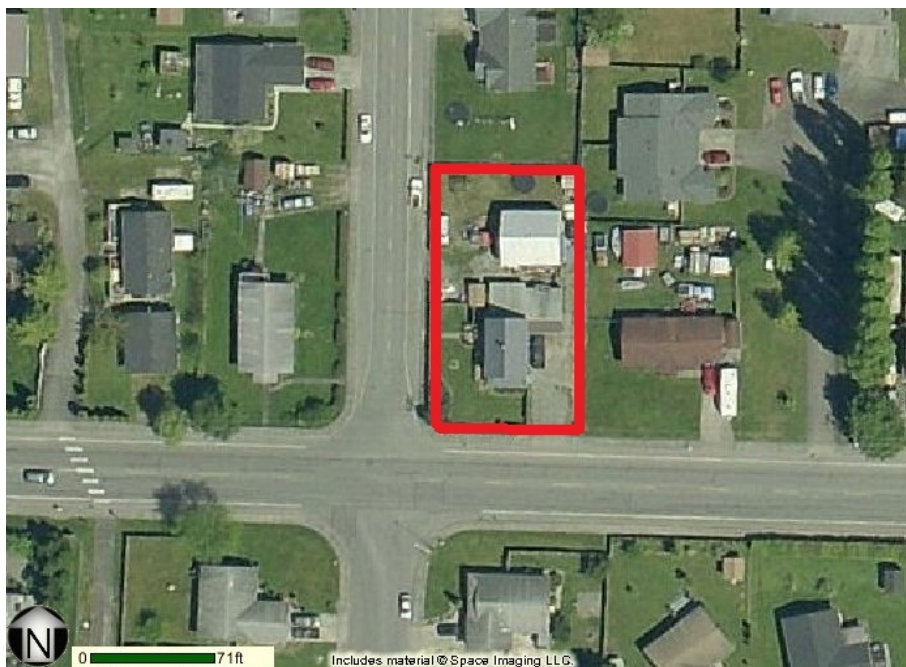
**Neighborhood characteristics:**

**North:** Single-Family Residential Lot  
**East:** Single-Family Residential Lot  
**South:** East Section Street  
**West:** South 27<sup>th</sup> Street

Below is an aerial map of the subject site. The site boundaries are roughly approximated in red. This map is presented for informational purposes regarding the surrounding land uses only.

**Access:** The vehicular entrance to the proposed ADU would be off of the existing driveway from East Section Street.

**Site Area:** The area of the lot is ± .31 of an acre; or 13,503± square feet.



## **D. APPLICABLE SECTIONS OF THE MOUNT VERNON MUNICIPAL CODE (MVMC)**

---

### **Title 14 Land Use and Development**

- Chapter 14.05 Administration of Development Regulations

### **Title 17 Zoning**

- Chapter 17.15 'R-1' Single-Family Detached Residential District
- Chapter 17.81 Special Uses

## **E. applicable sections of the MOUNT VERNON comprehensive PLAN**

---

- Land Use Element
- Housing Element

## **F. DEPARTMENT ANALYSIS**

---

### ***PROJECT DESCRIPTION/BACKGROUND:***

The 450± square foot accessory dwelling unit (ADU) will be located within the existing detached garage that is located on the northeast portion of the subject property. There is an existing area on the subject site to accommodate the required parking areas for at least three (3) vehicles. One meter shall be required for each utility including electric, water and sewer.

### ***ENVIRONMENTAL REVIEW:***

For minor new construction under WAC 197-11-900(1)(c), up to ten dwelling units, cumulative, is categorically exempt from the threshold determination and the Environmental Impact Statement Requirements of SEPA [MVMC 15.06.095(A)(1)].

### ***STAFF REVIEW COMMENTS:***

Representatives from various City departments have reviewed the application materials to identify and address site plan issues from the proposed development. No comments were received during the comment period.

### **Consistency with Special Use for ADU Criteria:**

MVMC 17.81.110 provides performance standards that staff are to consider, along with all other relevant information, in the review of a Special Use Permit for an ADU application. These performance standards are adopted as the conditions of approval for the Special Use Permit for ADU decision. The applicant has provided a narrative on the site plan addressing the special use for ADU criteria found in MVMC 17.81.110:

- A. An accessory dwelling unit may be established in an existing single-family dwelling unit or in a detached structure on a legal building lot by any one or by a combination of the following methods:
1. Alteration of interior space of the dwelling; or
  2. Conversion of an attic, basement, attached or detached garage, or other previously uninhabited portion of a dwelling; or
  3. Addition of attached living area onto an existing dwelling; or
  4. Construction of a detached living area.
- B. Each single-family dwelling on a legal building lot shall have not more than one accessory dwelling unit.
- C. One of the dwelling units shall be occupied by one or more owners of the property as the owner's permanent and principal residence. "Owners" shall include title holders and contract purchasers. The owner shall file a certification or owner-occupancy with the CED Department prior to the issuance of the permit to establish an accessory dwelling unit.
- D. The floor area of the accessory dwelling unit shall not exceed 900 square feet.
- E. The total number of persons who may occupy the principal and accessory dwelling units combined shall not exceed the number of persons that are defined by this title as a "family": "one person or two or more related persons living together, or not more than eight unrelated persons living together as a single, nonprofit housekeeping unit".
- F. Three (3) off-street parking spaces shall be provided for the principal and accessory dwelling units. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley, unless topography makes such access impossible.
- G. The single-family appearance and character of the dwelling shall be maintained when viewed from the surrounding neighborhood. Only one entrance to the residential structure may be located on any street side of the structure; provided, that this limitation shall not affect the eligibility of a residential structure which has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.
- H. Only one (1) electric, one (1) gas, and one (1) water meter shall be allowed for the entire building, serving both the principal and accessory dwelling unit.
- I. The accessory and principal dwelling unit shall comply with all applicable requirements of the Uniform Building Code and zoning ordinance as adopted or amended by the City.
- J. The owner of a single-family dwelling with an accessory dwelling unit shall file an owner's certificate of occupancy in a form acceptable to the City Attorney no later than April 1st of each year. Any person who falsely certifies that he or she resides in a dwelling unit at the stated address to satisfy the requirements of this section shall be subject to the violation and penalty provisions of Chapter 17.114 MVMC.
- K. A permit for an accessory dwelling unit shall not be transferable to any lot other than the lot described in the application.
- L. In addition to the conditions which may be imposed by the Community & Economic Development (CED) Director through the special use permit process, all accessory dwelling units shall also be subject to the condition that such a permit shall automatically expire whenever:
1. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by both the CED Director and Building Official; or

2. The subject lot ceases to maintain at least three (3) off-street parking spaces; or,
3. The applicant ceases to own or reside in either the principal or the accessory dwelling unit.

M. The applicant shall provide a covenant in a form acceptable to the City Attorney and suitable for recording with the County Auditor, providing notice to future owners or long term lessors of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the principal dwelling by the person to whom the accessory dwelling unit permit has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated.

**Consistency with Special Use Review Criteria:**

MVMC 17.81.540 provides review criteria that the Community & Economic Development Director is to consider, along with all other relevant information, in making a decision on a Special Use Permit for ADU application.

1. The proposal is compatible with the intent of the Comprehensive Plan for the City;

Staff Response: The accessory dwelling unit is located within an area of similarly-sized residential lots that are designated Single-Family Medium Density on the Comprehensive Plan; and, ADUs are recognized as allowed uses with the Comprehensive Plan. The Housing Element of the Comprehensive Plan contains the following Policy:

**Policy HO-1.2.3** City regulations should facilitate attached and detached accessory dwelling units in single-family districts subject to specific development, design and owner occupancy provisions.

2. The proposal shall be compatible with the surrounding neighborhood;

Staff Response: The surrounding residential neighborhood is developed with predominately single-family residential homes constructed around the same timeframe. The ADU performance standards are designed to maintain the single-family appearance of the neighborhood.

3. The surrounding neighborhood would not be negatively impacted by the size, arrangement, or architectural design of the proposed use.

Staff Response: The proposed garage and ADU have been designed to maintain the appearance of the single-family residential neighborhood. The proposed ADU meets all applicable land use regulations.

4. Traffic patterns are not severely impacted;

Staff Response: The applicant has existing parking areas on this site to accommodate the required three (3) parking spaces. No on-street parking to serve the residences is necessary. Access to the ADU will be off of East Section Street on the north side of the site.

5. Public facilities are available to serve the proposed development;

Staff Response: The residential lot is currently served by public utilities/facilities.

6. The proposal has no materially detrimental effects on neighboring properties due to excessive noise, lighting or other interference with the peaceful use and possession of said neighboring properties; and

Staff Response: The proposal is for a residential use in a residential neighborhood, and there is no indication that excessive noise, lighting or other interference with the peaceful use and possession of neighboring properties would occur.

7. The proposal has been designed to minimize adverse effects on neighboring properties.

Staff Response: 'Special Use for Accessory Dwelling Unit' code conditions ensure that ADU proposals will be compatible with the single-family appearance of the neighborhoods that they are situated in and will not negatively impact or affect the surrounding neighborhood. The applicant is/will be complying with this code; and as such, will be minimizing adverse effects on neighboring properties.

## **G. CONCLUSIONS**

---

1. The accessory dwelling unit complies with the Special Use for ADU performance standards.
  2. The Special Use Permit will be conditioned as follows under the 'Decision' section of the staff report to meet requirements from the CEDD.
-



**H. DECISION**

The Special Use Permit application for the **Smith Accessory Dwelling Unit, Project File No. PL13-009** is approved subject to compliance with MVMC 17.81.110, provided in Section F,§ “Consistency With Special Use For ADU Criteria” of this report and the following specific conditions:

1. The applicant shall sign and record a covenant in a form acceptable to the City Attorney and record it with the County Auditor that outlines the conditions of the ADU. The Community & Economic Development Department has covenant forms that the applicant can utilize for this purpose.

**SIGNATURE:**

\_\_\_\_\_  
Jana Hanson, Community & Economic Development Director

\_\_\_\_\_  
Date

**APPEALS:**

The decision of the CEDD Director is final unless an appeal to the Hearing Examiner is filed within fourteen (14) calendar days from the date of mailing of this written decision. **Appeals must be made in writing on or before 4:30 PM on April 2, 2013** and must be accompanied by a \$100.00 fee.

The appeal letter must state the appellant’s reason(s) for the appeal based upon the criteria set forth in MVMC 17.81.110 and 17.81.540; and shall include all of the information that is requested in MVMC 14.05.160(C)(3). A copy of the MVMC can be obtained by contacting the CEDD at: (360) 336-6214; or by downloading it off of the City’s website at: <http://www.ci.mount-vernon.wa.us>.

**EXPIRATION PERIODS**

Special Use: An approved Special Use Permit for ADU shall become void after the expiration of one (1) year from the date of final decision unless a building permit application conforming to the approved special use permit for ADU is filed with the City. The applicant may request an extension of the time limit by filing a written request and appropriate filing fee with the Community & Economic Development Director prior to the Special Use Permit for ADU expiration date. The Community & Economic Development Director shall send notice of his/her decision on the extension request to all parties of record and property owners within 100 feet of the proposal property.

**TRANSMITTED** this 20<sup>th</sup> day of March, 2013 to the applicant, who is the owner.