



## NOTICE OF HEARING EXAMINER RECOMMENDATION & NOTICE OF PUBLIC HEARING

**PROJECT NAME/NUMBER** Jarolimek Addition – Special Permission, PL18-173

**PROJECT DESCRIPTION:** Proposal seeks to modify a non-conforming single family residence. The proposal will add 36 square feet of floor area to create a half bath. The single story addition will extend the southern-most wall approximately 6 feet towards the rear of the lot. There will be no change in height as the addition will match the existing roofline.

**PROJECT LOCATION:** The proposal property has an address of 1124 S. 10<sup>th</sup> St. The parcel number is P53676, and it is located within a portion of the southwest 1/4 of Section 20, Township 34, Range 4, W.M.

On April 3, 2019 the Mount Vernon Hearing Examiner held an open record public hearing on the above described project. On April 17, 2019 the Hearing Examiner rendered a recommendation on this project. Mount Vernon Municipal Code (MVMC) 14.05.110(H)(4) states that an applicant or party of record feeling that the recommendation of the examiner is based on an erroneous procedure, errors of law or fact, err in judgment, or the discovery of new evidence, which could not be reasonably available at the public hearing, may make a written application for review within 10 days. This means the applicant and parties of record have until **April 29, 2019** to submit a request for reconsideration. Requests for reconsideration are required to comply with the provisions of MVMC 14.05.110(H).

City staff has created a page on the City's website where the site plans, technical reports, and other pertinent information can be viewed. This webpage can be viewed as follows: navigate to: [www.mountvernonwa.gov](http://www.mountvernonwa.gov); once here click on 'Departments' then 'Development Services' then then 'News Notices' then scroll down the page to find the project name/number.

**PUBLIC HEARING:** A closed record public hearing on the above described project will be held by the Mount Vernon City Council on **May 8, 2019**.

**CITY CONTACT:** Further information can be obtained by contacting the following:  
City of Mount Vernon, Development Services Department  
Contact: Rebecca Lowell  
910 Cleveland Ave.  
Mount Vernon, WA 98273  
(360) 336-6214

**ISSUED:** April 18, 2019

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**BEFORE THE HEARING EXAMINER FOR THE CITY OF  
MOUNT VERNON**

Phil Olbrechts, Hearing Examiner

RE: John and Laurie Jarolimek  Special Permission  PL18-173	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION</b>
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**INTRODUCTION**

The Applicant requests approval of a “special permission” request to expand a nonconforming single-family residence located at 1124 S. 10<sup>th</sup> St. by adding a 36 square foot half-bath encroachment five feet and 11 inches into the 20 foot front yard setback of East Section Street. A portion of the single-family residence already encroaches five feet 11 inches into the front yard setback and the proposed half-bath addition will extend the width of this encroachment but not its depth into the front yard of East Section Street. It is recommended that the City Council approve the requested special permission application.

**ORAL TESTIMONY**

Marianne Manville-Ailles, City of Mount Vernon Planning Consultant, summarized the staff report. She noted that the added setback encroachment only goes into the setback as far as other parts of the home that are already encroaching into the front yard setback. She noted that the fire department requested smoke detectors because the fire flow is not as great as it should be. She noted that Ex. 4F is an ordinance that amended the special permit criteria.

**EXHIBITS**

The staff report along with its attachments 1-4 Exhibits were admitted into the record during the April 3, 2019 public hearing.

**FINDINGS OF FACT**

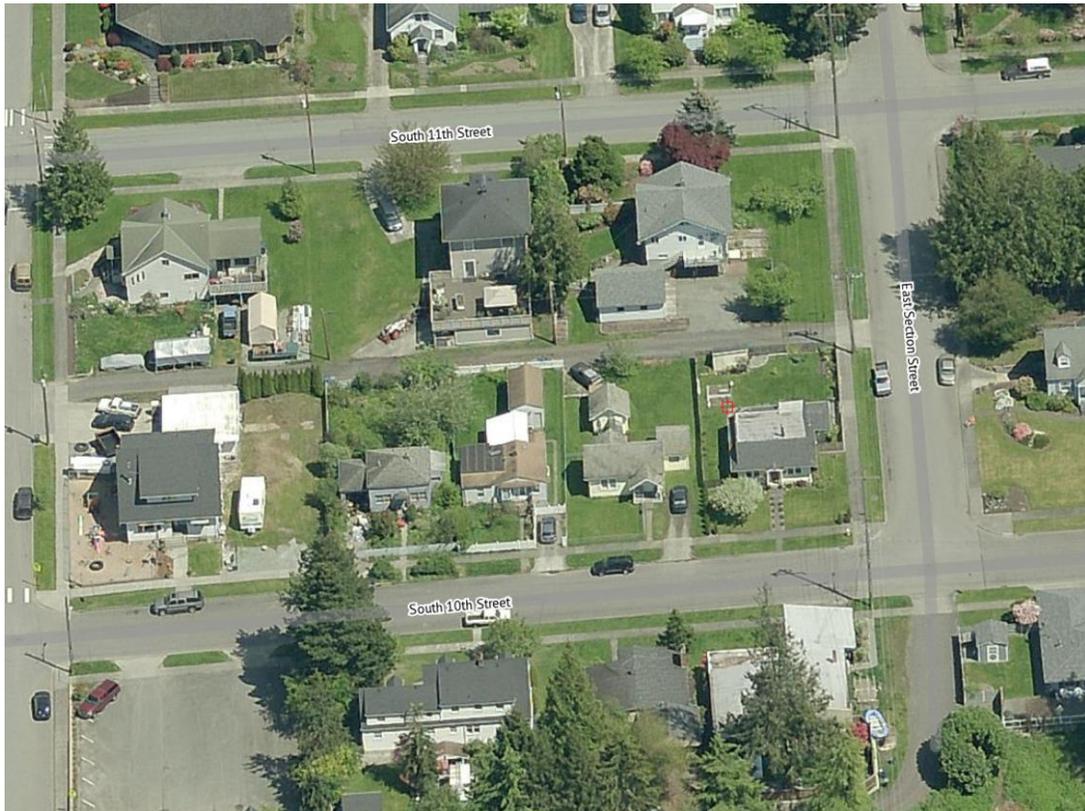
**Procedural:**

1. Applicant. John & Laurie Jarolimek, 1124 S. 10th St., Mount Vernon, WA 98274.

2. Hearing. A hearing for the special permission application was held on April 3, 2019 in the planning conference room at the Mount Vernon City Hall.

**Substantive:**

3. Site/Proposal Description. The Applicant requests approval of a “special permission” request to expand a nonconforming single-family residence located at 1124 S. 10th St. by adding a 36 square foot half-bath encroachment five feet and 11 inches into the 20 foot front yard setback of East Section Street. A portion of the single-family residence already encroaches five feet 11 inches into the front yard setback and the proposed half-bath addition will extend the width of this encroachment but not its depth into the front yard of East Section Street. There will be no change in height as the addition will match the existing roofline. The home subject to the application is identified in red in the following photograph excised from the staff report:



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4. Characteristics of the Area. From the aerial photograph above, it appears that surrounding uses are primarily comprised of single-family development.

5. Adverse Impacts. There are no significant adverse impacts associated with the proposal. The requested expansion of 36 square feet will only increase the size of the small home from 860 square feet to 896 square feet, which is consistent with the size of surrounding single-family homes as depicted in the aerial photograph of the staff report. The increase in home size will hardly be noticeable to surrounding properties, as the expansion area is relatively small and will nominally add to the width of an existing encroachment into the setback for East Section Street. The proposal will not create any parking or traffic impacts because it will not increase the occupancy of the home. The Fire Marshall recommended that the Applicant install fire detectors due to low fire flow. It is recommended the Council impose this condition.

**CONCLUSIONS OF LAW**

**Procedural:**

1. Authority of Hearing Examiner. The hearing examiner has authority to hold hearings and make recommendations to the City Council on requests for “special permission” to expand nonconforming buildings and uses as authorized by MVMC 17.102.030.

**Substantive:**

2. Zoning Designation. The project site is zoned R-1, 7.0.

3. Review Criteria. “Special permission” criteria are governed by MVMC 17.102.070, which are quoted below in italics and applied through corresponding conclusions of law.

**MVMC 17.102.070(A):** *The effect of such enlargement, expansion or reconstruction on the appearance and use of the area that might be affected;*

5. The proposed use is fully compatible with the use and appearance of surrounding uses for the reasons identified in Finding of Fact No. 5.

1 **MVMC 17.102.070(B):** *The effect of the granting of such permit on traffic patterns in*  
2 *the area;*

3 6. As determined in Finding of Fact No. 5, the proposal will not create any significant  
4 impacts to traffic since the proposal will not increase occupancy of the home.

5 **MVMC 17.102.070(C):** *The adequacy of parking facilities provided or to be provided;*

6 7. As determined in Finding of Fact No. 5, the proposal will not create any additional  
7 demand for parking since occupancy will not be increased.

8 **MVMC 17.102.070(D):** *The effect on adjacent and nearby property or the economic*  
9 *effect of the proposed expansion, alteration or reconstruction on both the applicant*  
10 *and the owners of property in the vicinity.*

11 8. No adverse economic impacts are apparent or reasonably suggested by the record.  
12 No other adverse impacts to the property owner or other owners in the vicinity are  
13 anticipated as determined in Finding of Fact No. 5.

### 14 **Recommendation**

15 The proposal complies with all “special permission” criteria and requirements for the  
16 reasons identified in the Conclusions of Law above. For these reasons it is  
17 recommended that the City Council approve the special permission request subject to  
18 the following condition of approval:

19 1. The Applicant comply with the Fire Marshall recommendations in Ex. 4d.

20 Dated this 17th day of April 2019.

21   
22 Phil A. Olbrechts

23 City of Mount Vernon Hearing Examiner