



**MINUTES OF THE
BOARD OF ADJUSTMENT
JANUARY 20, 2010
Council Chambers, City Hall
833 S. SPRUCE STREET, BURLINGTON, WA**

MEMBERS: Mark Kramer, Chair; Pat Iversen, Terry Van Natta, Roy Burt.

STAFF: Margaret Fleek

Mark Kramer called the meeting to order.

Motion by *Iversen/Burt* to approve the September 29, 2009 minutes as written. Motion carried.

VARIANCE #5-09

830 E VERNON AVENUE

VARIANCE TO ESTABLISH FRONT YARD SETBACKS

MIGUEL QUEZADA, APPLICANT

Proposed variance to establish existing nonconforming front yard setback on a corner lot for the record in order to complete a Boundary Line Adjustment to create two small residential lots. 20 feet required; 12 feet existing on Holly Street side.

Fleek stated this lot is located in old town of Burlington originally platted in 30 foot lots. Several years ago the code was amended to allow a Boundary Line Adjustment down to those original lots to allow property owners to be homeowners on a small lot. The City Attorney has advised that if the existing house does not meet the setbacks they have to get a variance to legalize the setbacks for the record, so if the property is ever sold there is no question about the setback. The reason for the variance is to legalize the existing front yard setback. There is an unimproved alley to the south and we will require they improve their one-half of the alley so the parking for the new house is from the alley. If the variance is approved, they could build a second house on the small lot or sell it.

Public hearing opened.

Jerry Mollerstuen, 800 E. Orange Avenue – has lived in this area for five years. Wanted to move to an area they could live long term, with single family housing with green space, yards and open space. When these lots was originally platted into 30 foot lots, that was a different era; when we start building on small lots they turn out to be rental houses; he opposes the variance.

Tina Mollerstuen, 800 E. Orange Avenue – has driven past this area near the library and there are cars parked all over, and are concerned that if the variance is approved, bringing in an additional residence, the additional cars will add to the problem. There are no curbs, sidewalks only. Wants quality of life, likes single family areas.

Veronica Gonzales, 830 E. Vernon (owner) – do not know if they are going to build or sell at this time. They like living here, the area is close to the library and parks; dividing the lot is for the future. They didn't think it would be an issue as their neighbor to the south received approval for their front yard variance to create a small residential lot, and they want the same opportunity. **Burt** asked if they were building a fence. **Mrs. Gonzales** stated they are in the process. As far as no curbs, they have asked the City many times; and it is a danger for their children not to have them.

Kramer asked if the small residential lot created would be zoned single family. **Fleek** – yes.

Iversen stated the reason for the variance is to bring the existing home into compliance. **Fleek** – yes, to legalize the existing setback. If they had the 20 foot setback they would not need a variance and could boundary line adjustment and create a small residential lot.

Fleek commented that the city needs to look at residential street standards so they don't build a 33 foot wide street as a raceway. The City should have put the curbs across the street when they constructed the library.

Kramer asked if the two new houses across the street from the Senior Center on Greenleaf are on 3,000 square foot lots. **Fleek** – yes, and they are nicely designed houses. Several homes in this part of Burlington are on 30 foot lots. **Kramer** has seen an increase in owner occupied homes; just because the lot is small does not guarantee it will become a rental.

Iversen commented that is the applicant's right to use their property. **Iversen** suggested people moving to Burlington need to take a good look at how the surrounding lots are platted and how they are being used before they purchase their house.

Ms. Gonzales has lived in Burlington 37 years and loves this city. They are not going to move. This is something they want to do for the future; and it is their right to do what they want with their property as long as they following the zoning rules. There are people from every town in Skagit County coming into town using our library and creating a lot more traffic.

Kramer stated there are a couple of issues. 1. Impact of library in the neighborhood. The neighbors surrounding the library need to come to the City Council and say they need some kind of accommodations for parking. 2. Density issue. **Kramer** is not a proponent of rental housing, but Burlington of owner occupied housing. You can maintain a quality of life if the majority of housing is owner occupied. The lots have been platted for 100 years. The issue we are talking about today is to allow the existing house to become legal with setbacks. There are some requirements: 1. The alley to the south has to be improved. 2. The garage needs to be cut back to create a legal setback so it does not encroach on to the new lot.

Fleek clarified that the Boundary Line Adjustment would not be able to be complete until the garage is cut back to meet the setback. The alley would not have to be improved until time of the new building permit.

Burt stated the existing house has been there for years and the variance is only about legalizing the front yard setback. He does not see any choice, but to approve the variance. This would be an improvement to the neighborhood. We cannot control if the new home is a rental or not, but they cannot build a duplex.

Mr. Mollerstuen asked if the setback is one issue and dividing the lot is another issue. **Burt** – yes, and there are requirements that have to be met for the Boundary Line Adjustment before this can be accomplished. **Fleek** noted the applicant will have two years from variance approval to complete the Boundary Line Adjustment.

Public hearing closed.

Motion by **Iversen/Burt** to approve the variance to establish the existing nonconforming 12 foot front yard setback on S. Holly Street subject to the following conditions:

1. Parking for new construction shall be from the alley.
2. Improve their one-half of the alley to Public Works standards.
3. The existing garage be cut back or removed to meet the setback of the new proposed lot or jog the property line around the existing garage.

Motion carried.

Meeting adjourned.