

June 2, 2022

City of Mukilteo

Department of Planning & Community Development

11930 Cyrus WA, Mukilteo, WA 98275

City of Mukilteo Planning Department

VAR-2021-001 Revision D

The purpose of this letter and accompanying documentation is to request a variance for the residential property 6XXX Webster Way (R4086-004-003-008), regarding steep slope setback per Mukilteo **Municipal Code section 17.52A.50** which requires a setback of 25 ft from all slopes of 40% or greater. If applied here no reasonable building pad would be available after adhering to property line setbacks and street setbacks as the majority of the Eastern portion of the lot is steep slope. We are proposing that the steep slope setback for the structure be reduced to 10 ft, setback for the eaves to be reduced to 8 ft. Under section **17.52A.060 Modifications and Flexibility, alterations of the geologic sensitive areas or an associated setback may only occur where:**

In addition we are requesting a Front building setback variance from city code 17.52.025 C, of 50% from 20 feet down to 10 feet along Webster Way.

A. Modifications to slopes of forty percent or greater may only be allowed where the disturbed slope is not connected to a larger ravine system, is a manmade slope, or the area has been previously regraded and landscaped; Not disturbing steep slope. Please reference Site Plan

B. A site assessment has been submitted showing that the proposal will have no adverse impact on the stability or erosion susceptibility of the adjacent sensitive slope area; see attached Geogroup NW addendum

C. The impacted area totals no more than twenty percent of the entire site;

Impacted area totals less than 5% of total site.

D. The modification will not increase surface water discharge or sedimentation to adjacent properties beyond pre-development conditions;

Since we are proposing to minimize the setback it will have no additional impact to water discharge. The entire project will be located at the West section of the site which is not designated a Geologic sensitive area.

E. The activity will not adversely impact other critical areas as regulated by Chapters [17.52](#) through [17.52E](#);

See attached addendum from Geogroup NW

F. The development will not decrease slope stability on adjacent properties

See attached addendum from Geogroup NW

G. Stormwater runoff from any new impervious surface shall be collected in a detention system and directed to an enclosed drainage system. Where minor additions of less than one thousand square feet of new impervious areas are proposed to existing developed properties that do not have detention facilities, the stormwater runoff shall be directed to the city's storm drainage system or be designed for natural infiltration or dispersion. At no time shall concentrated stormwater runoff be allowed to flow directly over a steep slope or impact a neighboring property. (Ord. 1124 § 9 (part), 2005)

All stormwater runoff from completed project shall be directed as specified into the natural infiltration and dispersion of existing neighborhood system.

City of Mukilteo criteria for accepting a variance per code 17.64.040

Mukilteo Municipal Code section 17.64.040 sets forth minimum criteria that a variance request must meet. We are confident this request meets these criteria:

1. The variance shall not constitute a grant of special privilege inconsistent with the rules and regulations governing the uses of other properties in the vicinity or zoning district in which the property for which the variance is requested is located; and

Approving the variance of reducing the steep slope setback would not in any way constitute special privilege for the subject property, and would in fact allow development in keeping with the zoning of RD12S and surrounding similar residential properties. The site plan has a housing footprint of only 2020 sf on a lot of 13652 sf constituting only 14.7% of the lot.

2. The variance must be necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights

and privileges permitted to other properties in the vicinity that are located in the same zoning district in which the subject property is located; and

Due to the majority of the lot designated a Geologically sensitive area. The western portion of the lot is the only location for reasonable use. To construct a home including garage onto the site without the setback reduction and still adhering to the neighboring lot setback, and street setback. Would leave a footprint too small to be economically viable to develop.

3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the subject property is situated;

A variance request of reducing the steep slope setback to allow a reasonable SFR development for this property will not in any way be materially detrimental to the public welfare nor injurious to this property or its surrounding neighborhood. First there will be no additional demand or strain on public services, such as police or fire, since the zoning district is specifically designated for residential development and therefore a new single-family residence at this location is expected and provided for in the city's public service and zoning regulation allowances. Secondly, approving this variance and approving the development of this lot will further stabilize the lot by reducing the number of large alder trees which are notorious for shallow root systems and destabilizing of hill sides.

4. Hardships of a financial nature, hardships which are self-created, and hardships which are personal to the owner and not to the property, shall not be grounds for a variance;

Variance request is due to the nature of the property, not actions created by the Applicant. The area was platted prior to the city adopting critical area regulations.

5. Variances shall not be granted if the granting of the variance would allow a use not permitted outright or by conditional use permit, or any use prohibited outright or by implications in the zoning district involved.

Allowing this variance request would not in any way alter the existing use permitted for this property located in the RD12.5S zoning district per MMC section 17.52A.60, which is a single family residential construction. The owners seek only to allow this property to be developed to its best use within the current city regulations and zoning allowances, but also to a reasonable standard that is consistent with the existing residential development in the surrounding neighborhood.