



**City of Stanwood**  
**Community Development Department**  
10220 270<sup>th</sup> St NW  
Stanwood, WA 98292  
360-629-2181

## **ADMINISTRATIVE INTERPRETATION**

### **GENERAL INFORMATION**

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Project Title:	Legal Non-Conforming Uses
Applicant:	City of Stanwood
Description:	Interpretation of Legal Non-Conforming Uses in the Mainstreet Business I Zone for 8808 271 <sup>st</sup> Street NW.
Date of Decision:	January 4, 2019
Decision:	<b>APPROVED</b>

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### **I. NATURE OF APPLICATION**

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#### **A. Request**

To clarify the legal non-conforming uses that are allowed to operate at the subject property located at 8808 271<sup>st</sup> Street NW.

#### **B. Project Chronology/Background**

In 2011 the Stanwood Municipal Code adopted section 17.30 permitted land uses, which regulates permitted uses on properties in each established zone.

The subject property is located in the MB-I zone of the city. The building was constructed in 1965 and prior to the current zoning standards. The building was occupied by Tru-View Glass and Window from 2009 to 2017. The use was operating as a legal non-conforming use after code changes were made to the Mainstreet Business I zone. The property was then under contract with a retail use that never occupied the building. The owner has actively had the building and property on the rental market, however the permitted uses in the MB-I do not coincide with the layout of the building or property.

The purpose of this Administrative Interpretation is to establish which uses are considered to be legal non-conforming uses for the subject property.

## II. FINDINGS OF FACT

Existing		Proposed
<b>Chapter 17.30 SMC, Permitted Uses</b>		
Uses	Zones Permitted	<p>To allow the four uses listed as Building Construction Yard, Equipment Rental, Construction and Home Building Supplies and Electrical and Plumbing Supplies to be allowed as legal non-conforming uses within the building and property located at 8808 271<sup>st</sup> Street NW.</p> <p>These uses do not change the current building characteristics or the surrounding area. This would allow for the continuation of businesses to operate with a legal non-conforming status.</p>
<u>Industrial</u>		
<b>Building Construction Yard</b>	GI	
<u>Personal Services</u>		
<b>Equipment Rental</b>	MB-II, GC, LI and GI	
<u>Retail</u>		
<b>Construction and Home Building Supplies</b>	MR and LI	
<b>Electrical and Plumbing Supplies</b>	MR, GC and LI	

## III. CONSISTENCY WITH TITLE 17, ZONING

The administrative interpretation is subject to review for conformity with the Stanwood Municipal Code (SMC), including but not limited to the following:

### Chapter 17.25 – General Provisions

Regulation	Analysis	Meets
<b>Chapter 17.25 SMC, General Provisions</b>		
<p>17.25.200 Change in use of property where a non-conforming situation exists.</p> <p>(4) If the intended change in use is to another use that is also non-conforming, then the change is permissible if the planning director approves the change. The planning director may issue the permit if he or she finds, in addition to other findings that may be required by this code, that:</p>	<p>The above listed uses for the property are currently not permitted uses within the MB-I zone. The business occupying the property for the past 10 years was a glass and window company.</p> <p>The proposed allowed uses for the property would align with the same type of business, therefore continuing the legal non-conforming status of the property.</p>	Yes
<p>(a) The use requested is one that is permissible in some other zoning district;</p>	<p>The requested uses are all allowed within other zones of the city.</p>	Yes

(b) All of the conditions applicable to the permit authorized in subsection (3) of the this section are satisfied;	The proposed request meets all conditions of subsection (3) because there are no repairs, construction or building violations for the property. All new businesses will be required to receive an inspection from the City Building Official, as part of the Business License approval process.	Yes
(c) The proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for.	The proposed uses will have the same impact on the surrounding neighborhood as the previous business. A new business occupying a vacant building or property will have a positive impact on the citizens and the city as a whole by providing new services.	Yes

**IV. ADMINISTRATIVE DECISION**

It is the decision of the Community Development Director that continuing the non-conforming use for the property located at 8808 271<sup>st</sup> Street is consistent with current land use laws and the City of Stanwood zoning code. The administrative interpretation is hereby **APPROVED**. However, if the building or property is occupied by a permitted use allowed by the MB-I zoning, then the property will no longer have a legal non-conforming status and shall not be allowed to revert back to previous uses (SMC 17.25.200 and SMC 17.25.210).

**Prepared by:** Amy Rusko, Senior Planner  
**Date:** January 4, 2019

**Approved by:**

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

1/4/19

Patricia Love  
Community Development Director