



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3001549
Applicant Name: Michael Weisman
Address of Proposal: 5016 6th Ave NW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow 325 square foot addition to a single family residence. Project includes raising the height of the home to create a higher ceiling in the basement. Existing detached garage to remain.

The following approval is required:

Variance – to allow a portion of a single family structure to extend into the required rear yard (minimum 20 feet required, 8 feet proposed).
Section 23.44.014.B Seattle Municipal Code (SMC).

SEPA DETERMINATION: Exempt DNS EIS

DNS with conditions

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

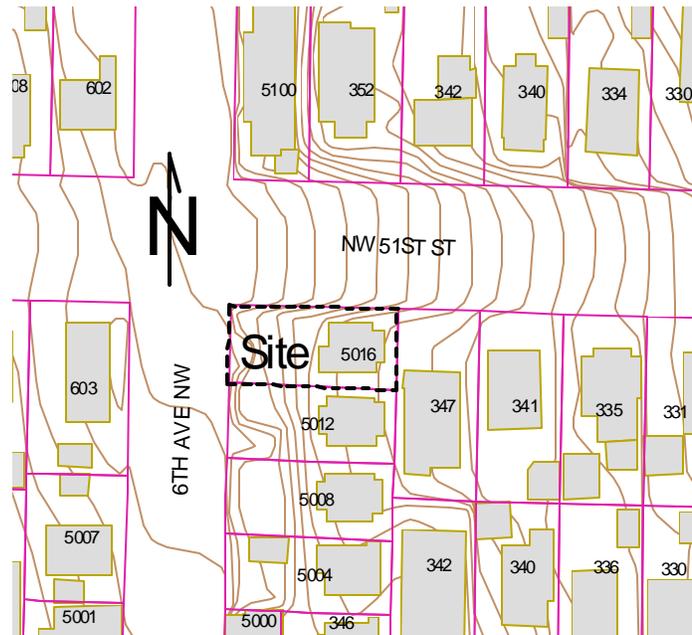
BACKGROUND DATA

Site

The site is located on the southeast corner of NW 51st St and 6th Ave NW, in the southeastern area of the Ballard neighborhood near the Fremont neighborhood. The site measures 40 by 100 feet for a total lot area of 4,000 square feet. The site slopes to the west and contains extensive vegetation.

The parcel is developed with a single family structure in the east area of the lot and a recent garage at the 6th Ave NW street frontage.

The subject property was platted with narrow street frontage at 6th Ave NW and wider street frontage at NW 51st St. The placement of the existing structure and nearby structures requires a front yard at 6th Ave NW and a side yard at NW 51st St. The existing structure was built in 1924 towards the rear of the lot, with 8' between the rear property line and the structure. The upper portion of the lot contains more flat areas than the sloped western area of the lot.



Other properties facing 6th Ave NW have the same yard designations and similar placement of structures on the lot.

Area Development

The immediate surrounding area consists of single family residential zoning (SF 5000) and single family structures, with a few nearby multi-family structures. Multi-family zoning (L-1) is located approximately 800' to the west and 800' to the northeast. Industrial zoning (IB U/45) is located approximately 800' to the southwest.

Description of Proposal

The applicant proposes to expand the existing house and raise the house to add ceiling height in a basement with a new foundation. The proposed variance would allow the east wall of the proposed structure to be extended north and south from the existing location to create a rectangular building footprint. The existing east wall at the porch is 15'6" feet long and approximately one and a half stories tall. The finished east wall would be 21'9" feet long and approximately two stories tall. The remaining aspects of the proposed development would meet Land Use Code requirements.

Public Comment

Notice of the proposal was issued on April 26, 2006. One public comment letter was received.

ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

The subject property is unusual due having two street frontages, no alley, a smaller lot size than required by the zoning and compared to nearby properties, and sloping topography.

If the east property line were adjacent to an alley, more lenient rear yard requirements would apply and a portion of the alley area could count towards required rear yard. The topography of the lots facing 6th Ave NW was most likely the reason behind the original home placement, since the upper east portions of the lots are less steep and provide a territorial view to the west. Nearby properties facing 6th Ave NW include similar placement of structures with nonconforming rear yards and most appear to have even smaller rear yards than the subject property.

Thus, the strict application of the Land Use Code under these conditions would prevent the enjoyment of normal land use privileges allowed in the same zone and vicinity.

- 2. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;***

Plans indicate that the proposed variance is minor. The applicant proposes to extend the existing east wall by approximately five feet in length. The proposed east wall would be taller than the current wall, but due to existing and finished grades the neighbor to the east would only view approximately 16 feet of this wall with a 5' peak roof above the wall. The finished structure will be 1,900 square feet in size with approximately an 850 square foot footprint. The proposed building height and lot coverage are well within the maximum allowed under Land Use Code requirements. All other proposed yards are within Land Use Code requirements. The proposed structure would be proportional in size to several nearby single family residences, and therefore does not constitute any special privilege.

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

This pattern of development is common in this zone and vicinity. The proposed minor additional area and additional projection are not anticipated to be materially detrimental to any adjacent property or improvement.

- 4. The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;***

The applicant has noted that the existing foundation is damaged and requires replacement. The proposed development would take place mostly in the existing footprint, with some expansion to the west. The proposed remodel incorporates the existing house, with additions to the west façade and northeast and southeast corners, and a basement below. If yard requirements were strictly applied, the steeper grade of the western portions of the lot would require additional excavation and backfill, and further additions to the building to respond to grade changes.

Due to the smaller lot size than required by the zone, the topography of the existing lot, the additional side yard area required adjacent to the street, and the placement of existing structures, strict application of the applicable provisions of the Land Use Code would cause undue hardship or practical difficulties, and would not reflect surrounding development in response to these difficulties.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area.*

The Land Use Code provides for a variance process for relief from unusual conditions and situations that the rules of the Code could not anticipate. At the same time, the spirit and intent of the Land Use Code and land use regulations is to provide development compatible with environmental constraints, land development patterns, and existing neighborhood character.

The request for a variance is due to the platting of the lot on the corner of two street fronts, the small size of the platted lot, and the topography of the lot. This variance application seeks to provide flexibility for a minor modification in a situation constrained by platting and street designation.

The proposed additions are consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable.

DECISION - VARIANCE

Based on the above findings and analysis all of the facts and conditions stated in the numbered criteria of SMC 23.40.020, *Variances*, are found to exist. Each of the requested variances is **CONDITIONALLY APPROVED**, subject to the following condition:

CONDITIONS – VARIANCE

Prior to Issuance of any Building Permit and For the Life of the Project:

1. The variance is approved based on the plan sets date stamped April 18, 2007. Any building permit plans shall reflect the information found in the plan set approved with this variance.

Signature: _____ (signature on file) Date: May 24, 2007
Shelley Bolser, Land Use Planner
Department of Planning and Development