



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: 3004475
Applicant Name: Jean-Marc Leroy for Janette Anderson
Address of Proposal: 148 NW 75th St

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 205 sq. ft. addition to include a new garage, porch, stairs and deck for the existing single family residence.

The following approvals are required:

- **Variance** to allow expansion of a non conforming structure.
(SMC 23.42.112)
- **Variance** to allow a porch above 4' and stairs projecting more than 6' into the required front yard.
(SMC 23.44.014 – D.4)
- **Variance** to allow portion of the principal structure to project into the required front yard.
(SMC 23.44.014 – A)
- **Variance** to allow portion of the principal structure to project into the required side yard.
(SMC 23.44.014 – C)
- **Variance** to allow a deck in the required front yard.
(SMC 23.44.014 – D.11)
- **Variance** to allow portions of the front façade above 8' to be closer than 5' to the front lot line (for lots 30' or less in width).
(SMC 23.44.014 – D.14)

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

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

BACKGROUND DATA

Site and Area Description

The approximately 3,090 square foot site is located in a single family (SF 5000) residential zone. A craftsman-style single family house exists on the site and was constructed in 1911. The site is in the northwest area of Seattle located just east of the intersection of 3rd Ave NW and NW 75th St. The property has 30' of street frontage on NW 75th St and is an interior lot.

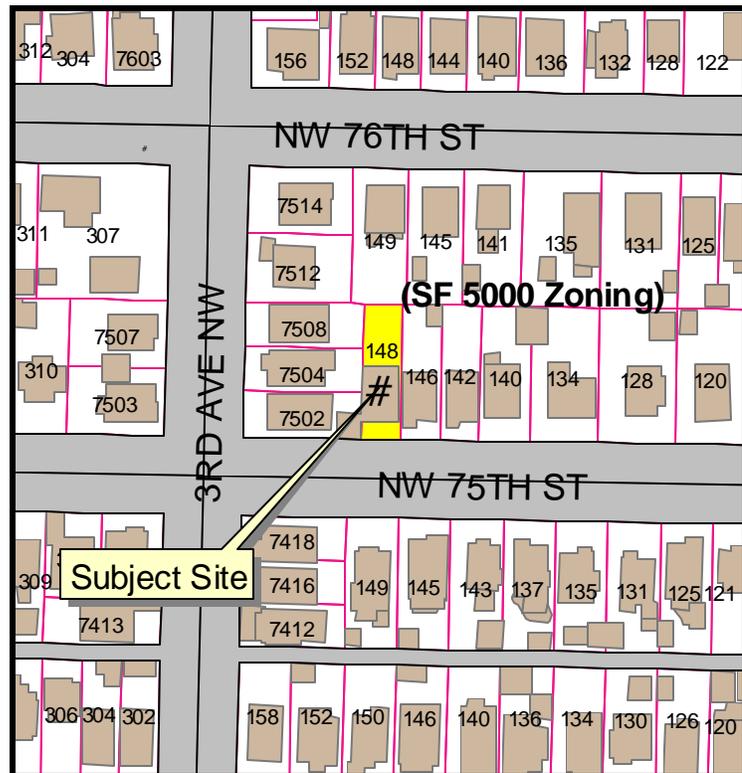
Zoning in the immediate vicinity is SF 5000. There is some multifamily zoning to the east and west, one and two blocks away respectively. The site does not have existing on-site parking or vehicle access.

Proposal Description

The proposal includes raising the house approximately 2'-2^{1/4"} to create a more habitable basement with 8'-2^{3/4"} of head height. As a result, the front porch and steps are proposed to be re-designed and re-built to 7'-5^{1/2"} in height. The overall area of the porch is proposed to be slightly expanded while the stairs will be reduced in area. A one-story garage addition is proposed to project into the front yard 12'-3" and be 3' from the front lot line. The garage is also proposed to project into the side yard and to have a deck over the garage in the required front yard.

Public Comments

During the public comment period which ended November 3^d, 2006, the City received five written comments in support of the project.



ANALYSIS - VARIANCES

Pursuant to SMC 23.40.020 C, variances from the provisions or requirements of this Land Use Code shall be authorized when all the facts and conditions listed below are found to exist. Analysis of the variance requested follows each statement of the required facts and conditions.

- 1. Because of the 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 the Land Use Code would deprive the property the rights and privileges enjoyed by other properties in the same zone or vicinity;***

The small size (3,090 sq ft) of the property is the unusual condition. The house currently has a small amount of livable square footage (860 sq. ft.) and the approximately 794 sq. ft. basement is unfinished. The variance requests are all tied to the garage's proposed location in the front yard along with raising the house and how that affects the existing porch and stairs.

The applicant has documented that other properties in the area have garages in street facing yards. Some of these garages meet terraced garage standards of 23.44.018 - C.3.b and some were built prior to the existence of applicable zoning regulations. The western abutting property has a two car garage facing NW 75th and is located in that property's rear yard.

The property has an unusual condition and strict application of the Land Use Code would deprive the property the privilege of having a garage in their front and side yard. The porch is being expanded, but only slightly, while the stair area has been reduced in overall square footage to the code minimum width. Strict application of the Code would also deprive the owner's the right to have stair access to the main floor which is enjoyed by numerous properties in the area. The applicant has requested to place the east wall of the proposed garage in the east side yard in an attempt to not affect the existing roof overhang over the front door and porch.

As a result the proposal is compliant with this criterion.

- 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;***

Allowing the location of the garage will be consistent with the neighborhood character and the stair area is reduced in the proposal to be the minimum necessary. The porch is proposed to be slightly expanded but is the minimum necessary as the area is nearly identical to the original porch size.

The proposed location of the east wall of the garage does go beyond the minimum necessary in that the wall can be constructed along the same wall line as the corner bay window wall. Conditioning is warranted to ensure the eastern wall line of the proposed garage is adjusted and in line with eastern wall of the existing corner bay window. This requirement will still allow the construction of the garage and would allow the retention of the covered porch. The proposed garage size is designed just above the minimum size to allow one car to park.

The proposed deck over the garage does go beyond the minimum necessary to afford relief; the revised rear deck provides a code compliant location and adequate relief considering the lot size. Related to the approval of the front yard variances, conditioning is warranted to ensure that the deck is removed by a design change; the swinging doors from the living room to the proposed deck must be removed and a note added to the plans stating that the roof of the deck is not to be used as a deck. The architect must use design elements such as but not limited to planters or barriers to prohibit use of the garage's roof as a deck.

This criterion is conditionally satisfied, the proposed deck notwithstanding.

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;*

Considering the positive public comment and the fact that in the area a garage is a common design element in street facing yards, the proposal and the variances will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity. There are full street improvements existing at the site. The project will be reviewed under the applicable building codes to ensure life safety issues.

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

The literal interpretation and strict application of the Land Use Code would cause undue hardship on the applicant; notwithstanding, the deck over the garage and east wall of the proposed garage analyzed above. The goal of the proposal is to get on-site parking and three bedrooms by raising the house and improving the basement. There are many reasons why providing the parking space completely within the existing structure and requiring a rear living space addition to obtain the project goals would cause hardships on the applicant:

- Access problems bringing equipment and materials to the back of the house.
- Costs associated with a new foundation at the back of the house and re-engineering the back exterior wall to support the upper floor while making the lower (basement) level open and usable.
- Requiring a rear addition to accommodate a third bedroom, while putting the parking completely within the existing envelope, would require a flat roof over the rear addition. Any other roof form in the rear would prohibit the use of the back deck. There are no plans to revise the existing kitchen and interior main floor.
- A flat roof creates some undesirable issues:
 1. The ceiling height in this portion needs to be lower than rest of the basement to allow structural and ventilation requirements with the waterproof deck/roof.

2. Flat roofs are difficult to waterproof and present possible long-term problems and failures of the system, especially considering the nature of Seattle's weather patterns.

As a result, this criterion is satisfied.

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

The spirit and purpose of the Land Use Code recognizes flexibility as one of the important goals to allow the residents in single family zones maximum use and enjoyment of their homes. Granting the requested variances, other than the proposed garage deck and side yard (east wall) of the garage, to allow the location of the single family home and the garage is consistent with the spirit of the Land Use Code based on the analysis given above.

The requested variance would be consistent with the spirit and purpose of the Land Use regulations as the design is consistent with homes and properties in the area.

Therefore, this criterion is satisfied.

DECISION – VARIANCE(S):

- **Variance** to allow expansion of a non conforming structure.
(SMC 23.42.112)

Granted

- **Variance** to allow a porch above 4' and stairs projecting more than 6' in to the required front yard.
(SMC 23.44.014 – D.4)

Granted

- **Variance** to allow portion of the principal structure to project into the required front yard.
(SMC 23.44.014 – A)

Conditionally Granted

- **Variance** to allow portion of the principal structure to project into the required side yard.
(SMC 23.44.014 – C)

Conditionally Granted

- **Variance** to allow a deck in the required front yard.
(SMC 23.44.014 – D.11)

Denied

- **Variance** to allow portions of the front façade above 8' to be closer than 5' to the front lot line (for lots 30' or less in width).
(SMC 23.44.014 – D.14)

Granted

CONDITIONS - VARIANCE:

Prior to Issuance of MUP

1. Remove the proposed deck above the garage; remove the proposed swinging doors from the living room. Use design elements such as but not limited to planters or barriers to prohibit use of the garage's roof as a deck. Add a note to the plans stating that the roof above the garage is not to be used as a deck.
2. Revise the garage's east wall to be in line with the wall line of the east projecting wall of the existing bay window.

Signature: _____ (signature on file) Date: March 29, 2007
Lucas DeHerrera, Land Use Planner
Department of Planning and Development

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