



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

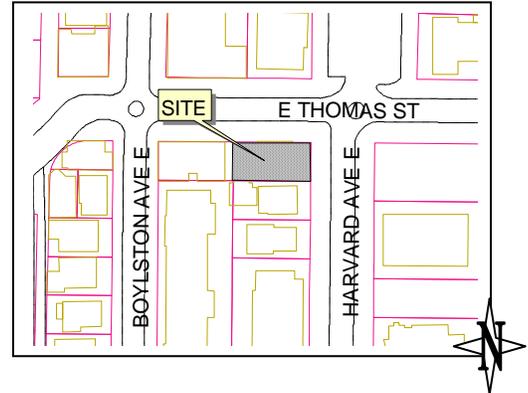
Diane M. Sugimura, Director

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

Application Number: 3004914

Applicant Name: Norman Sandler

Address of Proposal: 233 Harvard Avenue East



¹SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 490 square foot garage addition with a rooftop deck in the rear yard of an existing single family residence.

- Variance has been requested to exceed the maximum allowed structure depth per Seattle Municipal Code (*SMC*) 23.45.052.B.
- Variance has been requested to allow an attached garage in the required rear setback per *SMC* 23.45.056.B.
- Variance has been requested to allow a second story deck above an attached garage in the required rear setback per *SMC* 23.45.056.D.2
- Variance has been requested from modulation requirements listed in *SMC* 23.45.054.B.

SEPA DETERMINATION: Exempt DNS EIS

DNS with conditions

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

¹ The public notice proposal description did not specifically mention variances for structure modulation and the rooftop deck. The size of the garage was originally advertised as 515 square feet and located 3 feet from the northerly property line and is now 4 feet 4 inches from the property line. The proposed work has not been substantially modified from what was public noticed and there were no negative public comments submitted, therefore the public notice was not renoticed in this instance.

BACKGROUND DATA

Site Description

The subject site is located in a Midrise (MR) zone and slopes down from east to west. The site is a rectangular shaped lot with a width of 40 feet and depth of 80 feet and an approximate area of 3,200 square feet. The site is developed with an older single-family residence. The northerly façade of the structure facing East Thomas Street has several architectural features such as a corner bay on the northeast corner followed by a curved bay window which breaks up the mass and creates interest along that façade. Additionally, the roof of the two story home steps down from two story to one story as the slope of the site goes down. There currently is an existing concrete pad which provides off-street parking for two vehicles and is accessed off East Thomas Street. An approximate 3-foot retaining wall is located along the west property line. The concrete pad is located at a grade approximately two feet higher than the abutting property.

Surrounding Area Description

The neighborhood is developed with a variety of structures consisting of apartment buildings, older single-family buildings converted into multi-family structures and limited single-family development. The applicants submitted information on single-family homes with two car garages built up to property lines. These homes were located further to the north within a single-family zone. Much of the surrounding development predates the current land use code which is reflected in the fact many of the surrounding structures are not meeting one or more setback requirements. There are also examples of surrounding structures not meeting the structure modulation and maximum structure depth requirements. The four story apartment building abutting to the west of subject site is built up to the northerly, southerly and westerly property lines and is setback approximately 8 feet from the easterly shared property line. This 8-foot wide paved area is primarily used for refuse collection. The applicant and surrounding neighbors (neighbors abutting to the west and south) have indicated the current configuration of structures around this refuse area have created a somewhat secluded area with easy access from the subject site. This spatial arrangement has encouraged a variety of unwanted activities centered on trespassers digging through the dumpster bins.

Proposal Description

Land Use Application to allow a 490 square foot. garage addition with rooftop deck in the rear setback of an existing single family residence. A variance will also be required for the structure modulation requirement and to exceed the maximum structure depth. There currently is an existing concrete pad which provides off-street parking for two vehicles and will serve as the footprint for the proposed garage. The garage addition would be constructed up to the westerly property line and setback 4 feet 4 inches from the northerly property line. The garage addition is offset 14 inches to the south of the exterior wall of the residence. The front façade of the garage is 20 feet 8 inches with a depth of 24 feet 8 inches. The garage will be 8 feet 6 inches in height with a 6-foot trellis surrounding the roof deck. The applicant submitted several letters from surrounding property owners and residences of the apartment building to the west supporting the proposal.

Public Comments

The application was deemed to be complete on June 5, 2006 and notice of application was sent on March 9, 2006. The 14 day public comment period ended on July 5, 2006. No public comments were received during the public comment period.

ANALYSIS - VARIANCES

As provided in SMC 23.40.020, variances from the provisions or requirements of this Land Use Code shall be authorized only when all of the following facts and conditions 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 project complies with this criterion by the unusually small size, shallow depth and surroundings of the site. The subject site is relatively small for a single-family residence (3,200 square feet) and shallow making additions to the existing building difficult without a variance. Additionally, the property owners have no control over the disruptive behavior of the trespassers on the property to the west and the enclosed garage would provide additional personal security when entering and exiting their vehicle. Therefore, it is determined that because of an unusual condition, specifically the size, depth and surroundings of the site, 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.

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;*

Many of the properties in the vicinity currently enjoy reduced setbacks similar to what the applicant is requesting. Additionally, the property owners have no control over the disruptive behavior of the trespassers on the property to the west and the enclosed garage would provide additional personal security when entering and exiting their vehicle. Therefore it is determined that the 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.

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;*

According to the applicant and surrounding property owners, the location of the trash receptacles on the westerly property is causing a trespassing issue which is detrimentally affecting the surrounding property owners, including the subject site. Allowing the proposed two car garage up to the westerly property line would restrict access to the trash receptacles from the subject site and a representative of the owner of the apartment building has indicated a locked gate would be

installed to completely secure access to the trash receptacles. The applicant submitted letters from the surrounding property owners indicating they are all impacted by the trespassers and support any proposal which may help address the security issues surrounding the trash receptacles, in this instance, a two car garage. These letters, including letters from the residents living at the westerly apartment building support the proposal, primarily because it may address the current problem with people trespassing on the westerly property and rummaging through the trash receptacles. Additionally, the proposal will be conditioned to limit the size of the roof deck starting 7 feet from the westerly property line with appropriate landscaping in the setback area. Therefore, it is determined that 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.

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;*

According to the applicant and surrounding property owners, the location of the trash receptacles on the westerly property is causing a trespassing issue which is troublesome to the subject site and surrounding property owners. The property owners have no control over the disruptive behavior of the trespassers on the property to the west and the enclosed garage would provide additional personal security when entering and exiting their vehicle. Therefore it is determined that the literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause practical difficulties.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code 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 intent and purpose of the Code is to assure compatibility of uses within a zone and preservation of neighborhood character. The intent of the rear setback is to reduce impacts to abutting neighbors. In this situation, the apartment building to the west is setback 8 feet from its easterly property line, providing additional space for separation between structures. Additionally, a 7-foot area on the roof deck will be landscaped, providing additional buffering, therefore the variance request is consistent with the land use code. The intent of the maximum structure depth is to balance the mass and scale of the building with the lot which partially defines the character of neighborhoods. In this instance, the mass and scale of the single-family home after the garage addition continues to be consistent with the existing development pattern; therefore the requested variance is consistent with the land use code. The intent of the building modulation requirement is to break up the mass of large uninterrupted walls. The existing home has several features along the Thomas Street frontage which breaks up the mass of the structure, the proposed one-story garage steps the overall building down and the proposed garage is not set flushed with the exterior wall of the residence, further breaking up the mass, therefore the requested variance is consistent with the land use code.

DECISION - VARIANCE

The following proposed variances to allow construction of a two-car garage on an existing principal structure are **GRANTED WITH CONDITIONS**:

- Variance to exceed the maximum allowed structure depth per Seattle Municipal Code (SMC) 23.45.052.B.
- Variance to allow an attached garage in the required rear setback per SMC 23.45.056.B.
- Variance to allow a second story deck above an attached garage in the required rear setback per SMC 23.45.056.D.2
- Variance has been requested from modulation requirements listed in SMC 23.45.054.B.

CONDITIONS - VARIANCE

Prior to Issuance of the MUP

The owner(s) and/or responsible party(s) shall revise plans to show:

1. The roof deck area used for recreational purposes shall be limited to an area setback 7 feet from the westerly property line. The entire 7-foot setback area on the roof deck shall be planted with landscaping to provide additional privacy for the abutting neighbors to the west. The landscaping plan for the patio shall be designed to the satisfaction of the reviewing planner.
2. The proposed garage shall be setback 4 feet 4 inches from the northerly property line and the overall square footage shall be reduced to 490 square feet.

Signature: (signature on file)
Mark Taylor, Land Use Planner
Department of Planning and Development

Date: December 21, 2006