



City of Seattle

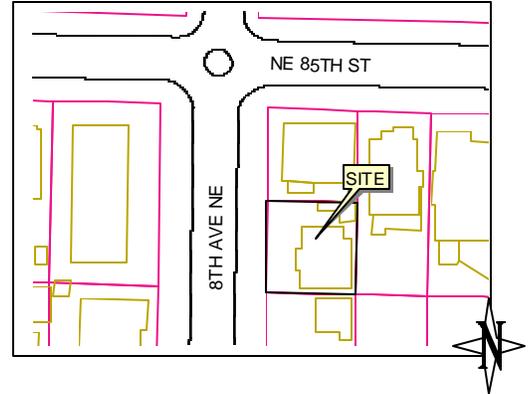
Gregory J. Nickels, Mayor

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: 3005525
Applicant Name: Dante Palmaffy
Address of Proposal: 8410 8th Avenue NE



SUMMARY OF PROPOSED ACTION

Land Use Application to allow construction of a three-story single family residence with an attached garage. The existing structures will be removed.

- Ⓢ **Variance** has been requested to allow a single family structure in the required front yard per Seattle Municipal Code (SMC) 23.44.014A.

SEPA DETERMINATION: Exempt DNS EIS

DNS with conditions

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

BACKGROUND DATA

Site Description

The subject site is located in a Single-Family 5000 zone (SF-5000) and slopes down from north east to southwest. The site is a square shaped lot with a width of 50 feet and depth of 50 feet and an approximate area of 2,500 square feet. The grade of the site is approximately 3 feet higher than the sidewalk grade and developed with a one-story single-family residence which will be removed. Access is provided off 8th Avenue NE, improved with curb, gutter and sidewalk.

Surrounding Area Description

The surrounding area is zoned SF 5000 and developed with a variety of 1-2 ½ story single-family homes. The side yard of the house to the north is setback 9.6 feet from the property line abutting 8th Avenue NE and the side yard of the house to the south is setback 13.6 feet from the property line abutting 8th Avenue NE. The proposed front yard reduction of 13 feet aligns the structures to make a more pleasing streetscape along 8th Avenue NE. Typically, front yard averaging is applied to make proposed development consistent with existing streetscape structure alignment but there are no code provisions to apply side yards in a similar fashion. There are several examples of two story structures being located within the required front yard in the surrounding area.

Proposal Description

Land use application to allow a 3-story single family residence with an attached garage. The existing single-family home will be removed. The proposed reduced front yard of 13 feet will align the proposed home with the homes to the north and south, creating a consistent front yard streetscape along the block. The proposed home is modulated on the street facing façade so the entire bulk of three stories is not within the front yard setback. The two dormers on the third floor are located within 17 feet of the front property line, the third story exterior wall is located 19 feet from the front property line and the peak of the roofline is setback 29 feet from the front property line. The front street facing façade has the following dimensions; The front entryway is 5 feet in width by 23 feet in height and is setback 22 feet from the front property line, the middle portion of the facade is 22 feet in width by 23 feet in height and is setback 14 feet and the northerly portion of the street facing façade measuring 13 in width by 23 feet in height and is setback 13 feet. The aforementioned façade modulations and upper story setbacks will reduce the perceived mass of the structure from 8th Avenue NE and keep the structure more consistent with the architectural scale of the surrounding area.

Public Comments

The application was deemed to be complete on August 8, 2006 and notice of application was sent on August 17, 2006. The 14 day public comment period ended on August 30, 2006. Public comments were received during the public comment period. The comment suggested the mass and height of the structure was out of character for the neighborhood.

The applicant responded to the public comments by lowering the overall height of the structure by 6 inches for an overall height of 34 feet, setting back the third story dormers by a foot and setting the bulk of the third story a foot back. These modifications push the dormers back from 15 feet to 17 feet from the front property line and the exterior walls of the third floor will be pushed back from 18 feet to 19 feet.

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 and shallow depth. The subject site is relatively small for a single-family residence (2,500 square feet) and shallow making the construction of a new home difficult without a variance. Therefore, it is determined that because of an unusual condition, specifically the size and depth, 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 front yards similar to what the applicant is requesting. Additionally, the proposed building footprint is similar to the structures located to the north and west, both of which have similar lot size and configuration as the subject site. 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;*

The portions of the proposed structure found within the required front yard are typical of the existing development pattern in the surrounding area. Additionally, the proposed front yard aligns the proposed home with the structures to the north and south, creating a consistent streetscape. Therefore, granting this variance would 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;*

The literal interpretation of the applicable provisions and requirements of the Land Use Code, which denies a portion of a structure to encroach into the front yard, would cause an undue hardship and practical difficulty of constructing a reasonably sized and shaped single family structure characteristic of the surrounding neighborhood, partially due to the unique conditions of small lot size and shallow lot depth. 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 spirit and purpose of the Land Use Code provides for preservation and maintenance of the physical characteristics of single-family neighborhoods. One purpose of the front yard requirement is to maintain a pleasing streetscape by maintaining a consistent building setback. In this instance, the granting of the variance will allow the proposed home to have a similar front yard setback as the homes to the north and south, thereby creating a pleasing streetscape. The requested variance is consistent with the spirit and purpose of the land use code.

DECISION - VARIANCE

The following proposed variance to allow construction of a single-family home is **GRANTED WITH CONDITIONS** per plans:

- Ⓢ **Variance** to allow a single family structure in the required front yard per Seattle Municipal Code (SMC) 23.44.014A.

CONDITIONS - VARIANCE

Prior to Issuance of the MUP

The owner(s) and/or responsible party(s) shall make the following revisions to the MUP drawings and Building Permit drawings:

1. The height of the structure shall be lowered by 0.5 inches to 34 feet.
2. The two third story dormers shall be setback 17 feet from the front property line.
3. The depth of the third story shall be reduced from 22 feet to 21 feet with the exterior westerly wall being setback 19 feet from the front property line.

Signature: _____ (signature on file) Date: May 7, 2007
Mark Taylor, Land Use Planner
Department of Planning and Development

MJT:bg