



City of Seattle

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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**

**Project Number** 3005825  
**Applicant Name:** Jean Zaputil  
**Address of Proposal:** 1010 36<sup>th</sup> Ave East

**SUMMARY OF PROPOSED ACTION**

Land Use Application to establish use for future construction of a garage accessory to a single family residence.

The following approvals are required:

**Variance** to exceed the maximum lot coverage on a single family lot.  
(SMC 23.44.010 - C) Allowed: 35% Proposed: 38.72%

**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 6,000 square foot site is located in a Single Family (SF 7200) residential zone which is residential in character. The site is located on the east side of 36th Ave East, just south of East Prospect St. 36<sup>th</sup> Avenue East is paved with curbs, gutters and sidewalks. The existing single family structure was originally built in 1908. Currently the site is provided vehicle access to a garage from the alley.

Development in the Vicinity

The surrounding zone is Single Family 7200 (SF 7200) and the development in the vicinity consists of single family residences which are predominantly one, two or three stories. The site is 6000 square feet. Properties south of the site are developed with one and two story residences and north and west of the subject lot, similar development exists. The streets in the vicinity are improved to city standards and the topography is generally gradual slopes but no mapped Environmentally Critical Areas exist in the immediate vicinity.

### Proposal Description

The proponent proposes to construct a one-car garage with access off of the alley. The existing lot coverage for the site is 37.23%. The proposed garage (20' x 14') would bring the total lot coverage of the property to 38.72%, exceeding the maximum allowable lot coverage of 35%.

### Public Comments

During the public comment period which ended October 25, 2006, the City received no written comments related to 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 Lands Use Code would deprive the property the rights and privileges enjoyed by other properties in the same zone or vicinity;***

The subject property currently has a one car garage and the proposal is to replace the garage with a larger, but still, one car garage. There are prior permits which indicate that the current coverage was a permitted condition. The existing garage is built to standards of another era (10 x 16). The owner wishes to increase the garage dimensions to allow for a modern car and door swing (14 x 20). The neighborhood norm is to have two car garages or a carriage house with room for two cars. This site measures 6,000 square feet and is the smallest lot on the block by 1200 square feet. The other lots measure between 7,200 square feet up to 21,600 square feet. The strict application of the Land Use Code would deprive the owner of the lot coverage and terraced garage rights and privileges enjoyed by others in the vicinity. As a result, the above criterion is met.

- 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;***

The requested variance does not go beyond the minimum necessary; a one car garage is an acceptable replacement for a prior one car garage. The garage replacement meets the applicable Land Use Code requirements of SMC 23.44.014. The request does not constitute a grant of special privilege as it would only be permitting a single car garage similar to other properties in the immediate vicinity. The Land Use Code specifies that for terraced garages and garages permitted in required yards the width is not to exceed 14 feet for a one car garage. (SMC 23.44.016 C and D.) Therefore the proposal meets expectations of the Land Use code.

- 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 granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property. The new garage will be

built to applicable side setback development standards which will bring the side setback into compliance with the Land Use Code.

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, as the zoning code permits the location of a garage for one vehicle, but lot coverage limit (35%) requirements would not allow the garage. The strict application of the Land Use Code would force the applicant to make no changes to the property, which is to continue using an undersized garage, as a result the above criterion is met.

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 variance to allow additional lot coverage on the lot for the construction of the garage is consistent with the spirit and purpose of the Land Use Code based on the analysis given above.

**DECISION – VARIANCE:**

**Variance** to exceed the maximum lot coverage on a single family lot is **GRANTED.**

**CONDITIONS**

None.

Signature: (signature on file) Date: November 16, 2006  
Holly Godard, Land Use Planner