



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:** 3006162  
**Applicant Name:** John Cashman for Scott and Rebecca Sloan  
**Address of Proposal:** 3240 NW 74<sup>th</sup> St

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow portions of a 101 sq. ft. addition and an 88 sq. ft. elevated deck to project in the required rear yard.

The following approvals are required:

- **Variance** - to allow portion of the principal structure to project into the required rear yard.  
(SMC 23.44.014 – B)
- **Variance** - to allow a deck in the required rear yard.  
(SMC 23.44.014 – D.11)

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

DNS with conditions

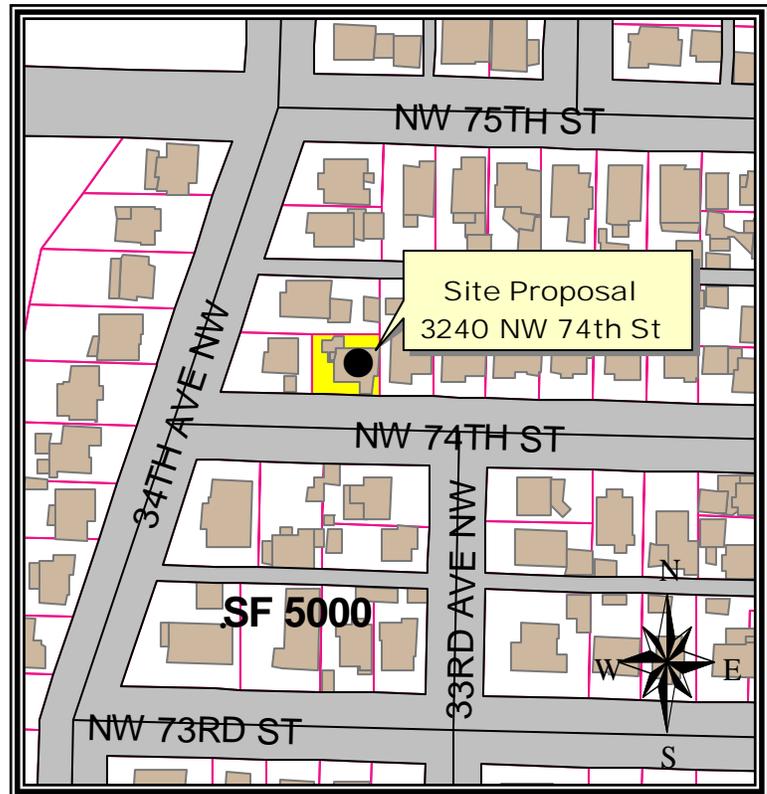
DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

## **BACKGROUND DATA**

### **Site and Area Description**

The approximately 3,180 square foot site is located in a single family (SF 5000) residential zone. A craftsman-style two-story single family residence with basement constructed in 1928, exists on the site. The site is in the northwest area of Seattle just east of the intersection of 34<sup>th</sup> Ave NW and NW 74<sup>th</sup> St. The property has 60' of street frontage on NW 74<sup>th</sup> St and is an interior lot.

Zoning in the immediate vicinity is SF 5000. Single family zoning dominates the area. To the west is Puget Sound with Golden Gardens Park to the northwest. The site has one existing on-site parking space located in a one-car garage located in the front yard.



### **Proposal Description**

The proposal is for an 8' - 8<sup>1/2</sup>" (deep) by 11' - 6<sup>1/2</sup>" (wide) rear addition to the existing residence. The rear yard requirement for the site is 10.6'. The addition is proposed to project into the required rear yard by 5' - 7<sup>1/2</sup>". The existing structure is 14.08' from the rear property line as noted on the survey. The area is proposed to be an extension of an existing nook attached to the kitchen. To be accessed from the new nook addition, an uncovered deck 3.65' above grade is proposed to project into the required rear yard by 5' - 7<sup>1/2</sup>", in line with the proposed addition.

### **Public Comments**

During the public comment period which ended December 20<sup>th</sup>, 2006, the City received one written comment.

## **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 (3,180 sf) of the property combined with the uncommon platting of the west end of this block creates an unusual condition. The lot size could not be created under current Land Use code short plat standards. Examples of principal structures in rear yards are apparent and exist in the immediate vicinity (7316 34<sup>th</sup> Ave NW; 3311 NW 74<sup>th</sup> St; 7402 34<sup>th</sup> Ave W; 3211 NW 74<sup>th</sup> St). In light of these examples and the unusual conditions of the property strict application of the Land Use Code would deprive the property the rights and privileges enjoyed by other properties in the same zone and in close vicinity.

Regarding the proposed elevated deck in the rear yard, the application did not provide documentation or justification that it is a right and privilege enjoyed by others in the same zone or vicinity. Therefore, the strict application of the code with regard to the proposed deck does not deprive the property the rights and privileges enjoyed by other properties in the same zone or vicinity.

As a result, the proposal for the principal structure addition is compliant with this criterion while the proposed elevated deck is not.

- 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;***

Analysis of this criterion regarding the nook addition must take into consideration the necessary amenities of a single family home paired with subject property's small lot size. The proposed kitchen nook addition is beyond the minimum necessary to afford relief for many reasons. The existing single family home has 2,272 sf of floor area with three bedrooms, two full bathrooms, a living room, a den room, a media room, a sitting room, two exterior decks (west side), two storage rooms garage parking for one vehicle. The existing kitchen has approximately 120 sq ft of walkable floor area (including the existing nook) not including the area for two sinks, dishwasher, counters, cooking range, refrigerator, island and seating (in existing nook). Considering the small size of the property (3,180 sf), the existing floor area and amenities, allowing a bigger nook than already exists would be beyond the minimum necessary. The property and home provide the necessary amenities and floor area for a reasonable single family home. Nooks are not integral to the functional needs of a reasonable single family residence on a small lot, especially when one already exists. Desire and relief are two separate tests and the proposed nook is not a relief, but is a request of desire.

Further, the applicant could make a 3'-2" rear addition which would meet rear yard requirements with no variance needed. Another aspect is that permitted buildable area exists on the west side of the house could be used to create additional living area in a code complying location. The smaller existing deck accessed off the den could be removed and an addition located there, while the deck could be relocated off the existing nook. A west side addition would also provide more sun exposure.

As a result of the above analysis, the proposed rear nook addition does not meet this criterion.

Regarding the deck in the rear yard, simply lowering the deck to within 18" of grade will meet the Land Use Code with no variance required, so this criterion is also not met for the elevated deck proposal.

**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 peculiar platting of this block end, the proposal and the principal structure rear yard variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity. The northern abutting property line is a side lot line to the adjacent property and as a result that property has the right to build within 5' of the side lot line in the principal building area. Also, the northern abutting property can place an accessory structure or garage up to the side property line within the required rear yard. The abutting property line to the east is also that property's side lot line and side yard, as a result the property can build as close as 5'. The addition is approximately 43.5' from the west property line, so the proposal will not affect the western abutting property. Further, the project will be reviewed under the applicable building codes to ensure compliance for life safety issues.

As stated for the proposed deck in the rear yard, simply lowering the deck to within 18" of grade will meet the Land Use Code with no variance required.

The nook addition will not be materially detrimental to public welfare nor injurious to the property or improvements in the zone or vicinity in which the property is located.

Therefore, this criterion is satisfied.

**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 not cause undue hardship. Not having a large enough kitchen nook does not reach a level of hardship for the property in question. The existing amount of square footage and amenities (see criterion # 2 above) considering the lot size for the single family home are sufficient for successful function of the residence.

Further, the applicant has two code complying options to obtain the goal that do not require variances: 1) Construct a 3'-2" rear addition to accomplish this or 2) Provide the addition in the location where the existing deck is located off the den. This second option would be in the same foot print of the deck and actually could be moved further southward which shouldn't affect the 8" elm tree. This addition would also be approximately 20' away from the street rockery.

