



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**

**Application Number:** 3006271  
**Applicant Name:** Andrea Wilson  
**Address of Proposal:** 1506 Northeast 76<sup>th</sup> Street

**SUMMARY OF PROPOSED ACTION**

Land use application to allow a 258 sq. ft. addition, to include a new dining room and basement storage area, to the existing single family residence.

The following approval is required:

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

**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 subject site is approximately 3,402 sq. ft. in area and is located in a Single Family 5000 (SF 5000) zone. The site contains one existing single family residence and has a single parking space located within an attached garage.

The site is located in northeast Seattle, east of the intersection of 15<sup>th</sup> Ave NE and NE 76<sup>th</sup> St. The property has 54' of street frontage on NE 76<sup>th</sup> St. and is an interior lot. Zoning in the immediate vicinity is SF 5000. However, multifamily and commercial zoning exists along the Lake City Way NE corridor to the west and north of the subject site.



### Proposal Description

The proposal includes a 10' by 3'3" first-floor uncovered porch and step addition, a 10' by 14' first-floor dining room addition with basement storage below and a 3' by 4'6" first-floor closet addition. All proposed additions are to the rear of the house and would result in the following encroachments into the required 12'8" rear yard:

**Porch and Steps :** 5' long by 3'3" wide, plus an 18" eave. The proposed uncovered porch and steps meet Land Use Code Section 23.44.014, subsection D.4 and do not require a variance to be constructed.

**Dining Room:** 5' wide by 14' long, plus an 18" eave.

**Basement Storage :** 5' wide by 14' long. The proposed basement storage room is underground and does not require a variance to be constructed.

**Closet:** No encroachment into required yards.

### Public Comments

During the public comment period which ended February 21<sup>st</sup>, 2007, the City received three letters regarding the proposed variance.

### 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 (3,402 sq ft) of the property is the applicable unusual condition. The applicant asserts in her variance application that the “lot and home are among the smallest on [their] street and is one of the few that does not have a dining room.” According to parcel information supplied by King County, the subject property is the smallest on the block. Additionally, information supplied by the applicant shows that at least nine homes in the immediate vicinity have dining rooms.

The size of the subject lot offers fewer alternatives for additions than are available to other properties in the area zoned SF 5000. Three code-compliant alternatives were submitted by the applicant that could achieve a dining room addition. However, those alternatives would result in either the demolition of an otherwise viable kitchen or disruption of the existing interior layout of the single family residence.

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;***

The proposed dining room addition is the minimum necessary to allow for a dining room table and other incidental furniture, and circulation around the table.

The lot immediately to the west of the subject property, addressed 7604 15<sup>th</sup> Ave NE, has a nonconforming rear yard of approximately 7 ft (13.34 ft required). The proposal would result in a structure that would be 8.5 ft. from the rear property line (12.67 ft. required). The allowance of the proposed dining room, particularly at the proposed size, would 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 proposal is compliant with this criterion.

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 from the residents of all three abutting lots and that proposed dining room is unlikely to have any affect on any other properties in the area, the proposal will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity.

The proposal is compliant with this criterion.

**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 or practical difficulties for the applicant. Code compliant alternatives do exist that could accommodate a dining room addition to the west of the existing residence. However, such alternatives would result in impractical floor plans, loss of existing trees, loss of natural light into the existing kitchen, loss of west-facing yard space, and/or relocation of the electrical service meter.

Specifically, in her variance application, the applicant provided drawings for the following three code compliant alternatives, along with reasons why the alternatives caused undue hardship or practical difficulties in order to achieve a dining room:

Alternative 1: New dining room would be located to the west of the existing kitchen. The dining room would be accessed from a new hallway located north of the existing kitchen. The following were listed as undue hardship or practical difficulty by the applicant:

- *The existing kitchen would have no window to the outside of the home,*
- *Access to the new dining room would be through a new hallway to the north of the home. This is a very inconvenient access to the new dining room from the kitchen and the rest of the home, causing practical difficulties for us.*
- *An existing vine maple tree planted to the west of the existing kitchen (see photographs and site plan) would have to be removed since it would be too close to the new addition. There is not another location for this tree on our property. The location of existing plantings in our rear yard and our neighbor's side yard (to the north) does not allow for trees of this size.*
- *The existing flowering crabapple in the south-west of the front yard would have to be removed because it would interfere with the new electrical service meter wires from the street. Another location is not available for this tree on our property.*
- *The cost of the necessary new hallway, having to relocate the existing electrical service meter and mast, and rewiring the existing exterior phone attachment from the street would be a sizeable additional amount, causing financial hardship for us.*

Alternative 2: The new dining room would be located to the west of the existing living room. The dining room would be accessed through the existing living room. The following were listed as undue hardship or practical difficulty by the applicant:

- *Places the new dining room to the west of the existing living room, making access to the new dining room very inconvenient from the kitchen...*
- *For architectural reasons, the new dining room would be placed back from the front wall of the house, which then impacts the windows from the upstairs bedroom. If the windows were replaced to accommodate for this, it would add an additional expense to the project, and the windows would not match the ones on the east side of the home.*

- *In this plan, relocating the existing electrical service meter and mast, and rewiring the existing exterior phone attachment from the street would also have to be done, which is a sizeable additional cost, causing financial hardship for us.*
- *The existing fence would have to be replaced to relocate access to the rear yard (an additional expense). Additionally, the existing flowering crabapple would interfere with the new electrical service meter wires from the street. The existing flowering crab apple, in addition to the other plants surrounding it, would have to be removed. Another location is not available for this tree on our property.*

Alternative 3: The existing kitchen would be demolished and moved north of its current locations. The dining room would be located where the west half of the kitchen now exists and further to the west. The following were listed an undue hardship or practical difficulty by the applicant:

- *Requires that the existing kitchen be moved to the north-east, which adds considerable expense to the project, causing financial hardship on us... (Expenses itemized by applicant).*
- *Requires relocating existing service meter and mast, re-feeding existing panel, relocating existing exterior phone attachment from the street, which adds considerable expense to the project, causing additional financial hardship for us (see electrical bid).*
- *The dining room addition to the west adds considerable construction expense to the project, causing additional financial hardship on us... (Expenses itemized by applicant).*
- *Overall, the additional cost of this alternate is \$44,356, double the cost of our original proposal (see attached bid from Johnson Brothers Construction and C & R Electric, and comparison of the cost of these two projects), causing major financial hardship for us.*
- *Because this alternate requires moving the kitchen and the construction necessary for this, we would be out of a kitchen for two months. The result is a practical difficulty for us.*
- *This alternative also requires considerable more demolition to the existing home which would require more dumping of existing construction materials into local land fills.*

Although cost is asserted as a hardship by the applicant, cost alone does not warrant a hardship. With that said, a hardship has been demonstrated by showing that the floor plans of code-compliant Alternatives 1 and 2 would be impractical. A hardship was further demonstrated by showing that the floor plan of Alternative 3 would require that the kitchen be moved, resulting in the unnecessary demolition of an otherwise viable existing kitchen.

The proposal is compliant with this criterion.

**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 to the dining room addition and incidental basement storage 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.

The proposal is compliant with this criterion.

**DECISION – VARIANCE:**

A variance to allow portion of the principal structure to project into the required rear yard is **GRANTED** based upon the plans submitted. Revisions to the approved plans or new designs are acceptable, at the discretion of the Director of DPD, if the design of the structure does not substantially change the height, setbacks, footprint and/or square footage approved under this application.

**CONDITIONS VARIANCE:**

None.

Signature: (signature on file) Date: May 10, 2007  
Roque Deherrera, Senior Land Use Planner  
Department of Planning and Development