



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Acting Director

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

Application Number: 3006564
Applicant Name: Adriel Rollins
Address of Proposal: 7056 9th Ave NW

SUMMARY OF PROPOSED ACTION

Land use application to allow a 462 sq. ft. detached garage in the required rear yard.

The following approvals are required:

Variance – to exceed the maximum allowed rear yard lot coverage (40% allowed, 68.5% proposed) Section 23.44.014.D.6.b

- SEPA DETERMINATION: [X] Exempt [ ] DNS [ ] EIS
[ ] DNS with conditions
[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site

The site is located on 9th Ave NW between NW 70th St and NW 73rd St in the Ballard neighborhood west of Phinney Ridge. The site measures 30 by 100 feet for a total lot area of 3,000 square feet. The site slopes slightly down to the northwest. The parcel is developed with a single family structure and a garage in the rear yard accessed by a joint easement shared with the lot to the south (7052 9th Ave NW).



### Area Development

The immediate surrounding area consists of single family residential development. The surrounding zoning consists of all Single Family Residential (SF 5000). The nearest zoning change is Neighborhood Commercial (NC1-30) approximately 600 feet to the southeast.

### Description of Proposal

The applicant has demolished the existing 315 square foot garage in the rear yard and proposes to construct a 462.8 square foot garage as a replacement. The existing and proposed garages are located partially in the rear yard and partially in the primary building area.

The rear yard in this application of single family residential zones is defined as the area bounded by the side lot lines, the rear property line, and a line 20 feet from (and parallel to) the rear lot line. The rear yard area for this lot measures 600 square feet. 40% of the rear yard may be covered by a private garage. The Land Use Code would allow a garage up to 240 square feet in the rear yard of the subject property.

279 square feet of the existing garage is located in the rear yard area, for total existing rear yard lot coverage of 46.5%. The applicant proposes to build a garage with 411 square feet of the structure located in the rear yard area (68.5% rear yard coverage).

Overall permitted lot coverage for this parcel is 1,750 square feet. Existing total lot coverage is 1434.9 square feet. Proposed total lot coverage would be 1,582.7 square feet. Both existing and proposed total lot coverage meet Land Use Code requirements.

### Public Comment

Notice of the proposal was issued on March 29, 2007. No public comment letters were received.

### ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below 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 subject property is unusual due to having no alley, an existing shared vehicular access easement, and a smaller lot size than required by the zoning and compared to nearby properties.

If the east property line were adjacent to an alley, more lenient rear yard requirements would apply and a portion of the alley area could count towards required rear yard, thereby increasing permitted square feet of rear yard lot coverage. Structures in the rear yard are common in nearby properties and some appear to have more rear yard and total lot coverage than proposed at the subject property.

Thus, the strict application of the Land Use Code under these conditions would prevent the enjoyment of normal land use privileges allowed in the same zone and 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;***

Plans indicate that the proposed variance is minor. The applicant proposes to replace the existing garage with a garage that is 147 square feet larger. The proposed structure would occupy more of the rear yard than the current structure, but the applicant has noted that the 315 square foot garage provides very limited difficult access for one vehicle. A code compliant garage of this size would create difficult vehicle maneuvering, due to the configuration of the existing shared vehicular access easement located on the south property line.

The proposed garage would allow easier vehicle access in response to the small lot size, the lack of an alley, and the configuration of the existing vehicular access easement. Although the proposed variance would allow proportionally more than permitted lot coverage for this site, it conforms to overall lot coverage and would result in a total structure size and location comparable to nearby development. The proposal therefore does not constitute any special privilege.

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 pattern of rear yard garages accessed by shared vehicle access easements is common in this zone and vicinity. The proposed minor additional area would be placed in the rear yard, which would provide more visual open space to adjacent neighbors than a code compliant garage that extended into the primary building area. The proposal is not anticipated to be materially detrimental to any adjacent property or improvement.

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 applicant has noted that the proposed garage replacement would include a structure in a different configuration than required by the Land Use Code. The existing garage was inadequate for vehicle storage and required replacement. The proposed garage would take place mostly in the existing footprint, with some expansion to the north. If lot coverage in rear yard requirements were strictly applied, the garage would conflict with the existing vehicular easement access and would present a larger visual bulk to neighbors to the north and south.

Due to the smaller lot size than required by the zone, the shared vehicular access at the south side of the lot, and the lack of an alley adjacent to this property, strict application of the applicable provisions of the Land Use Code would cause undue hardship or practical difficulties, and would not reflect surrounding development in response to these difficulties.

5. ***The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use 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 spirit and intent

of the Land Use Code and Land Use regulations is to provide development compatible with environmental constraints, land development patterns, and existing neighborhood character.

The request for a variance is due to the small lot size, lack of an alley, and shared vehicular access easement. This variance application seeks to provide flexibility for a minor modification in a situation constrained by platting and street designation.

The proposed additions are consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable.

**DECISION - VARIANCE**

Based on the above findings and analysis all of the facts and conditions stated in the numbered criteria of SMC 23.40.020, *Variances*, are found to exist. Each of the requested variances is **CONDITIONALLY APPROVED**, subject to the following condition:

**CONDITIONS – VARIANCE**

*Prior to Issuance of any Building Permit for the above described work and For the Life of the Project:*

1. The variance is approved based on the plan sets date stamped March 12, 2007, including redline dimensions and numeric data added by the Land Use Planner.

Signature: (signature on file) Date: June 11, 2007  
Shelley Bolser, Land Use Planner  
Department of Planning and Development