



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: 3006565
Applicant Name: Peter Sandall for Charles Grinstein
Address of Proposal: 2641 West Plymouth Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow 220 square foot addition to an existing detached garage accessory to a single family residence (already built).

The following approval is required:

Variance - To allow a garage to exceed 300 square feet and 14 feet in width (Seattle Municipal Code Section 23.44.016 D1c). *Proposed: 440 square feet and 22 feet in width*

Variance - To exceed the maximum lot coverage on a single family lot (Seattle Municipal Code Section 23.44.010C). *Allowed: 35% Proposed: 43.2%*

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

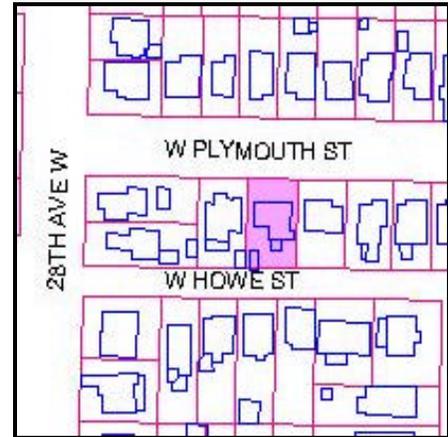
Subject Site and Vicinity

The subject property is zoned Single Family 5000 (SF-5000) and is a through-lot, bounded on the north by West Plymouth Street and on the south by West Howe Street. Zoning changes to Lowrise 2 across 26th Avenue West to the east of the subject site. Otherwise, zoning is SF5000 in all

directions. The lot is located at the southeast corner of the Magnolia neighborhood, the vicinity developed predominately with single family residences, neighborhood schools and churches.

The subject block is the only such through lot block in the neighborhood. Lot sizes vary from 3,584 square feet to 4,570 square feet. Where the lots abut West Howe Street, the right of way is only 30 feet wide with on-street parking permitted on one side.

The site slopes slightly from north to south, from West Plymouth Street to West Howe Street. The total lot area is approximately 4,518 square feet. The single family residence and a single car garage on the subject site was completed in 2005 under permit #2501458.



Proposal Description

The proposed project includes construction of an addition to an existing detached garage fronting on West Howe Street. The applicant is requesting a variance to expand the existing detached garage along the south property line in order to accommodate a second vehicle, resulting in a garage that would be 440 square feet and 22 feet in width. The Land Use Code would allow a one-vehicle garage on through lots that are less than 125 feet in depth (SMC 23.44.016C5) and would limit the size to no more than 300 square feet and 14 feet in width (SMC 23.44.016 D1c). The addition to the garage would also increase the lot coverage from 1733 square feet (1750 square feet is permitted) to 1953 square feet.

Public Comment

One comment letter was received during the comment period, which ended on March 14, 2007. The comment from the neighbor was generally positive but objected to the size and bulk of the new structure and the potential for the roof of the garage to be used as a roof-top deck.

Background Information

As part of the original building permit, a single car garage was built in the front yard of the property as permitted under SMC23.44.016C5 for through lots with a lot depth of less than 125 feet. In September of 2005, the contractor for this project requested information from DPD about expanding the, then new, garage and was informed that it was not permitted. The garage addition was completed in 2006 without permit. An enforcement action was brought against the property owner in March of 2006. The application for variance was filed January 8, 2007.

ANALYSIS - VARIANCE

Variances from the provisions or requirements of the 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; and*

The subject property is a through lot bounded by two streets, one of which, West Plymouth Street, is a typical residential street 60 feet in width. The other, West Howe Street, is 30 feet in width with a 6 foot sidewalk on the north side of the street where the subject structure is located. Parking is permitted on both sides of the street on West Plymouth and on the north side of the street on West Howe Street where cars typically park on the sidewalk to allow for safer vehicle passage. Parking on several of the surrounding streets is restricted to local residents because of the location of bus stops within one block of the subject property. However, there is no such restriction on either West Plymouth or West Howe Streets. Though commuters often park on these streets, it did not appear, at site inspection on several occasions that all available parking was taken.

The applicant claims that, by providing a space for off-street parking, there is now additional parking on the street. However, because the garage abuts the street at West Howe on the side where parking is permitted, the area in front of the garage must remain clear and is, therefore, not available to be used for parking.

There is nothing unusual about the property that creates an undue hardship for the applicant. Though the site slopes slightly from north to south, the subject site does not contain any unusual physical conditions that would prevent the construction of a code-complying garage. Rather, an attached 2-car garage could have built as part of the new construction permit in 2005.

There are three other 2-car garages at street level within one block of the subject site. However, these garages were built at the time the homes were constructed in 1926, 1927 and 1940 respectively, prior to current zoning regulations. All of the remaining homes in a two-block radius that have garages, have single-car garages. The two properties on either side of the subject property have single car garages with pitched roofs at the street level. Therefore, the property is not being denied rights and privileges enjoyed by others in the same 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; and*

The applicant is requesting a variance to increase the allowable width of the proposed garage addition from 11 feet to 22 feet and the size from 220 square feet to 440 square feet. Expanding the existing garage will increase the lot allowable lot coverage by an additional 203 square feet which is approximately 4.4% of the total lot area. The Land Use Code permits a single car garage to be located in the front yard of a lot less than 125 feet in depth that is located on a through street and is considered the minimum necessary for the owner of a single family residence located on a through lot. As there are no other properties on this block with more than a single car garage, it would constitute a grant of 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; and*

The 2-car garage is out of scale with existing structures on the block and is therefore, materially detrimental to the public welfare. In addition, the garage, as built, has a flat roof and could be used as a roof-top deck which is not a permitted use (SMC23.44.014D4). A use as a rooftop deck is injurious to the adjacent property owner in loss of privacy.

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 strict application of the Land Use Code would not cause undue hardship or practical difficulties. A code-complying, single-car garage was already provided on the site at the completion of the construction of the single family home. A code-complying, 2-car garage could be built on the property within the prescribed set-backs. There also appears to be adequate street parking on both West Howe and West Plymouth Streets. While parking may not be available directly in front of the applicant's home on every occasion, there is parking available nonetheless.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The purpose of the Land Use Code is to protect and promote public health, safety and the general welfare through a set of regulations and procedures for the use of land which conforms to the City's land use policies. It is the responsibility of the City to preserve and protect areas that are currently in predominantly single-family residential use. The construction of the 2-car garage is not in character with the patterns of surrounding development where one car garages are predominant. The Land Use Code does not prevent the applicant's intention of providing parking for two cars on his property, it only seeks to direct its execution.

DECISION - VARIANCE

The request for a variance to allow a garage in the front yard to exceed 14 feet in width and 300 square feet in size (Seattle Municipal Code Section 23.44.016D) is **DENIED**.

The request for a variance to exceed the maximum lot coverage on a single family lot (Seattle Municipal Code 23.44.010C) is **DENIED**.

Signature: _____ (signature on file) Date: April 16, 2007
Marti Stave, Land Use Planner

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