



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:** 3007259  
**Applicant Name:** Kenneth Bowles  
**Address of Proposal:** 2420 Bigelow Ave North

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a third story addition and roof deck to an existing three-story residence.

The following approvals are required:

**Variance** – to allow portion of the principal structure to extend into the required front yard. SMC 23.44.014.A

**Variance** – to allow portion of principal structure to extend into required side yard. (5 feet required; 1’9” proposed) SMC 23.44.014.C

**Variance** – to allow expansion of a non-conforming structure (certain additions allowed within 3’ of side property line; additions within 1’9” of side property line proposed) SMC 23.44.014.D.3

**SEPA DETERMINATION:**  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 the southeast corner of Bigelow Ave North and North Wheeler Street in the northeast area of the Queen Anne neighborhood. The site is irregularly shaped with a 50’ wide front property line facing N. Wheeler St, an east side property line of 50’, a south rear property line of 32’, and a west side curving property line measuring approximately 60’ adjacent to Bigelow Ave N. The total lot size is 2,198 square feet. The site slopes down to the east with approximately 4 feet of elevation change across the property. The parcel is developed with a single family structure and an attached garage in the front yard accessed via a curb cut from N. Wheeler St.

Queen Anne Boulevard, which is owned and administered by Seattle Parks and Recreation, is located adjacent to the west side of the site where N. Wheeler St. curves and joins Bigelow Ave N.

### 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 Commercial (C1-40 and C1-65) located approximately one block to the east, past a steep ridge.

### Description of Proposal

The applicant proposes to add a partial third story to an existing three story residence. The existing residence is three stories in the center of the house, and two stories with a daylight basement on the west elevation. The east elevation consists of one story over the attached garage. This area is finished with a rooftop deck that joins the existing Dutch Colonial roof of the rest of the residence.



The applicant proposes to fill in the area of east elevation to continue the existing third floor area. The addition would occupy part of the existing rooftop deck area at the third floor, and include additional rooftop deck above the proposed addition.

The variances are required because the proposal would not meet the requirements of SMC 23.42.112, Nonconformity to Development Standards.

### Public Comment

Notice of the proposal was issued on June 7, 2007. Three public comment letters, including referral comments from Seattle Parks and Recreation, 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 a smaller size than nearby properties (and smaller than required by zoning), the location on the corner of two streets and the resulting yard requirements, the unusual shape of the lot, and the fact that the lot is not adjacent to an alley.

The small size of the subject property restricts the building area to a very small footprint. The lot size (2,198 square feet) is quite small compared to the average lot size in the area (5,250 square feet, according to information provided by the applicant). The location of the lot on two street frontages results in further restriction of the possible footprint. The curved irregularly shaped west lot line further restricts the buildable area of the lot. If the lot were adjacent to an alley, the alley could be used for the purposes of measuring some of the required yard area. 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 for building addition is minor. The applicant proposes to add space for a master bedroom suite and a second bathroom on the third floor. Currently the residence includes two bedrooms and a bathroom on the third floor. The main (2<sup>nd</sup>) floor includes living room, dining room, kitchen, breakfast, and bath room. The daylight basement includes the one-car garage, a utility room, a bathroom, as well as office, den, and storage areas.

The existing residence is 2,993 square feet in size. The proposed addition would be 210 square feet in size, for a total square footage of 3,203 square feet. The additional roof top deck would be approximately 210 square feet to replace the existing rooftop deck area that will be occupied by the addition.

The applicant has requested to add building area where there is currently roof top deck area. The applicant will have approximately 315 square feet of second story roof area after the proposed addition, in addition to approximately 180 square feet of level yard at the northwest corner of the lot. A partial rooftop deck addition that meets the 5' side yard and 10' front yard would be permitted without a variance, for an additional 128 square feet of usable outdoor area. Total potential usable outdoor area without a variance for additional rooftop deck would be 623 square feet, which is 28.3% of the total lot area.

The building area is warranted and would not go beyond the minimum necessary to afford relief. It does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone.

The rooftop deck goes beyond the minimum necessary, since the additional rooftop deck would be placed with the deck floor at 29'7-1/8" above grade. The railings would be placed in the 3' above that area. The topography of the lot would result in the appearance of additional height within 1'9" of the east property line, with a rooftop deck looming over the neighboring single family property to the east. The applicant has proposed to place enclosed building structure on existing rooftop deck, and will have sufficient usable open space without the additional deck area. The variance approval is conditioned below to allow only the enclosed building area and not the additional rooftop deck area that would require variance approval.

**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 proposed building addition would be placed within 1'9" of the east property line, which is adjacent to a residence to the east. The residence to the east is one story tall and is located approximately 11' from the shared property line. The topography in this area slopes down to the east, so the proposed building addition would appear taller than the proposed 29'7-1/8" from grade. The distance between the two residences provides some buffer for this development.

The proposed building addition would include two sets of windows on the east elevation, with additional deck area above. The windows would create some impact to the privacy of the adjacent lot, but the height of the window locations compared to the property elevation to the east, and the area between the proposed addition and the existing residence to the east would provide some separation. The granting of the variance for the enclosed building area is not anticipated to 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 proposed rooftop deck above the enclosed building addition would likely include outdoor activity, noise, and an increased impact on the privacy of the residence to the east. Therefore, the rooftop deck would be injurious and materially detrimental to the property and improvements to the east. The variance approval is conditioned below to allow only the enclosed building area and not the additional rooftop deck area that would require variance approval.

**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 proposed building addition would be located within the footprint of the existing residence. The applicant has noted that the proposed addition would be limited to 127 square feet instead of 210 square feet in order to meet Land Use Code requirements. The proposed rooftop deck would be limited to approximately 128 square feet instead of 210 square feet.

Due to the smaller lot size than required by the zone and typical for this area, the irregular shape of the lot, the location on two street frontages, and the lack of an alley, strict application of the applicable provisions of the Land Use Code for the enclosed building addition would cause undue hardship or practical difficulties, and would not reflect surrounding development in response to these difficulties. The variance approval for the enclosed building area is conditioned below.

The applicant has chosen to occupy part of the existing second story deck with additional building area. After the proposed addition, the applicant would still have approximately 623 square feet of usable open space. The literal interpretation and strict application of the applicable requirements of the Land Use Code to the rooftop deck request would not cause undue hardship or practical difficulties. The variance approval is conditioned below to allow only the enclosed building area and not the additional rooftop deck area that would require variance approval.

**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, unusual lot shape, corner lot location, and lack of an alley. This variance application seeks to provide flexibility for a minor modification to add building area in a situation constrained by platting and street designation.

The proposed variances for an enclosed building addition are consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable, as conditioned below.

The proposed variances for rooftop deck variance are not consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable. The variance approval is conditioned below to allow only the enclosed building area and not the additional rooftop deck area that would require variance approval.

### **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, subject to the conditions listed below.

The requested variances for a reduced front and side yard and addition closer than 3' to the side property line and expansion of a non-conforming structure are **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 addition to the residence shall not include rooftop deck area within the required yards.
2. The applicant may modify the plans to add a peaked roof to the enclosed addition.
3. All other aspects of the proposed variance are approved based on the plan sets date stamped May 24, 2007.

Signature: (signature on file)  
Shelley Bolser, AICP, Land Use Planner  
Department of Planning and Development

Date: August 9, 2007