



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 Numbers:** 3005187  
**Applicant Name:** Ralph Latham  
**Address of Proposal:** 7323 Glenridge Way SW

**SUMMARY OF PROPOSED ACTIONS**

Land Use Application to allow a two story, 3,030 sq. ft. single family dwelling unit in an environmentally critical area. The existing structure is to be removed under separate permit.

The following approval is required:

**ECA Variance** – to allow a portion of the principal structure to extend into required front yard.

**25.09.280**

**Variance** - to allow a portion of the principal structure to extend into required side yard.

**23.44.014 B, 23.44.014 C, 23.40.020**

**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 Vicinity Description**

The property is located in the Lincoln Park neighborhood of West Seattle at 7323 Glenridge Way S.W. between S.W Webster St. to the south and S.W. Othello St. to the north. The property is considered a through lot. The west property line of the subject site is adjacent to California Avenue S.W. The property is approximately 5,005 sq. ft. in area and is rectangular in shape with a portion of the east property line triangular shaped and the other 13.74 feet of the property line is parallel to the west property line adjacent to California Avenue S.W., which makes the site a

through lot. The site has 52.99-feet of street frontage on California Avenue SW and 67.17-feet of street frontage on Glenridge Way SW. The site is 118.06-feet deep along the north property line and 80.68-feet deep along the south property line. The surrounding neighborhood is comprised primarily of single-family residences. The site is mapped Environmental Critical Area because of Steep Slope.

The site measures approximately 5,005 square feet and is currently developed with a single family residence and what appears to be a structure that was originally built as a detached garage. The detached structure is currently being used as a shop. The site is relatively flat sloping up slightly at the southeast corner to meet Glenridge Way S.W. with a steep slope rising to the west on the west end of the site which rises approximately 22 feet up to California Avenue S.W. The property is zoned Single Family residential with a minimum lot area of 5000 square feet (SF 5000). All surrounding properties are similarly zoned.

The slope is heavily vegetated with deciduous trees, shrubberies, and planted flowers.

### Proposal

The project proposal is to build an approximately 3,030 sq. ft., two story single-family residence in the required front yard that is adjacent to Glenridge Way S.W. The applicant also proposes to remove the existing structure under a separate permit.

The two story single-family residence requires an ECA variance, specifically relief from the front yard requirements.

The two story single-family residence also requires a variance, specifically relief from the side yard requirements.

The required front yard on this lot is a 20-foot through lot per SMC 23.44.014 A3. The applicant seeks to extend into the required front yard area and the required side yard area SMC 23.44.014C because of ECA Steep Slope.

### Public Comment

DPD published public notice of the proposed development on August 31<sup>st</sup>, 2006, and the Associated public comment period ended on September 13<sup>th</sup>, 2006. DPD received no comments.

### ANALYSIS – ECA VARIANCE

Variances may be authorized only when all of the variance criteria set forth at SMC Section 25.09.280 and quoted below are met.

- B. The Director may approve a yard or setback reduction greater than five feet (5') in order to maintain the full width of the riparian management area, wetland buffer or steep-slope area buffer through an environmentally critical areas yard or setback reduction variance when the following facts and conditions exist:**

**1. The lot has been in existence as a legal building site prior to October 31, 1992.**

The existing structure was built in 1900 as a single family residence with a detached garage and has been considered a legal building site since that time. The detached garage/structure is currently being used as a shop and is proposed to be demolished under a separate permit. Therefore, the lot has been in existence prior to October 31<sup>st</sup>, 1992, which is the Land Use Code requirement for legal building sites.

**2. Because of the location of the subject property in or abutting an environmentally critical area or areas and the size and extent of any required environmentally critical areas buffer, the strict application of the applicable yard or setback requirements of Title 23 would cause unnecessary hardship; and**

The lot slopes steeply from west to east. The site is classified as an environmentally critical area because the steep slope at the west end of the lot rises approximately 22 feet up to California Avenue S.W. This is an unusual condition applicable to the subject property, which was not created by the owner or applicant. The presence of ECA slope on the site limits the expansion available to the applicant. In order to disturb no more than the allowed amount of the ECA slope and/or Buffer the applicant is requesting a variance to maintain the irregularity already present on the site. In order not to disturb the ECA slope and its ECA Buffer the applicant is requesting an ECA variance to allow the new residence to extend into the required front yard and a regular variance to allow a portion of the new residence to extend into the side yard.

The rear property line is generally at a sharp angle and then becomes parallel to the front property line for approximately thirteen (13) feet. This site is characterized as a through lot. A portion of the new residence would extend into the side yard between the rear and front yards creating the need for another variance (Regular). Only a small portion of the new residence would extend into the five foot side yard. Although the side yard creates the need for a regular variance, not an ECA variance and because the side yard functions as a front yard we are treating it as a front yard for purposes of its relation to the street frontage. The new home would result in a structure with an increased bulk and scale. Because homes of similar size with irregular yards are already present along Glenridge Way S.W. and California Ave. S.W. it is not out of place with current character. To deny the proposal would deprive the applicant of property rights enjoyed by their neighbors.

**3. The requested variance does not go beyond the minimum to stay out of the full width of the riparian management area or required buffer and to afford relief; and**

The environmental critical area policies were written to cover the vast majority of critical area situations. The ECA variance provisions are available where unique situations exist which justify a divergence from ECA policies and requirements. The southerly portion of the structure is partially within the required front yard, thus making it non-conforming. Due to the unconventional shape of the lot, the ECA front yard setback requirements and the side yard requirements would cause unnecessary hardship, forcing the project to intrude into the 15-foot buffer required for the ECA steep slope. To allow for the buffer the new residence is proposed to be constructed 5-feet from the east front and side property line. The proposed expansion will meet all the provisions of the ECA policies and regulations, except as to the required front and

side yards. Moving the residence 5-feet from the front property line, leaves the rear of the house 35-feet from the California Av. S.W property line. With 20-feet for the front yard and 15-feet for the buffer that leaves no area beyond the buffer. From the wall of the house to the toe of the 40% slope is 15-feet. To deny this variance would be to deny the applicant reasonable use of his property. The literal interpretation and strict application of the front yard requirements would cause undue and unnecessary hardship by precluding the current property owner from building a new dwelling where the presence of ECA slope on the site limits the expansion available to the applicant and in a manner similar to that allowed on neighboring properties.

**4. The granting of the variance will not be injurious to safety or to the property or improvements in the zone or vicinity in which the property is located; and**

No significant impacts to the neighborhood character are anticipated as a result of this proposal. The site and surrounding area are all single-family zoned parcels. There are several properties in the immediate and surrounding area of the site that do not meet the front yard requirements of the Land Use Code or the Environmental Critical Areas Policies. In addition the proposed new single family house will have the code required parking in an attached garage that is accessible from Glenridge Way S.W. Granting these variances will not be materially detrimental to the public welfare or injurious to the property or improvements in zone or vicinity in which the subject property is located and will limit the disturbance of the steep slope and its buffer.

**5. The yard or setback reduction will not result in a development that is materially detrimental to the character, design and streetscape of the surrounding neighborhood, considering such factors as height, bulk, scale, yards, pedestrian environment, and amount of vegetation remaining; and**

The new residence will not be out of character with the rest of the neighborhood. The proposal would not create much additional appearance of bulk as the new residence presents a façade of only 28 feet 2 inches in height which is less than the average height of the homes in the neighborhood. This measurement is to the top of the roof at the highest point. The required rear yard has a setback of approximately 21' 7" and the side yard setbacks are 5'. The required front yards are 20'. The new residence is setback 5' from the front property line in the required front yard and extends into the required side yard approximately 4' 6". The new residence extends into the required front yard 8' x 11' for a total of 88 square feet. The new residence is being constructed on the same footprint along the east front property line and the south side property line as the residence being removed.

Because of the sharp angle of the rear property line, a portion of the new residence would extend into the side yard between the rear and front yards. This design sets the residence back from the edge of the asphalt of Glenridge Way S.W. in excess of 20-feet at the nearest point.

The steep slope at the west end of the property is heavily vegetated with deciduous trees, shrubberies, and planted flowers. The rest of the property is nicely landscaped with grass, trees and shrubs.

**6. The requested variance would be consistent with the spirit and purpose of the environmentally critical policies and regulations.**

The spirit and purpose of the environmentally critical areas policies and regulations is to strictly regulate development in critical areas to protect the public health, safety, and welfare on development sites and neighboring properties and to limit impacts to environmentally critical areas and buffers by directing activities away from these areas through restrictions on the design and siting of structures and on grading and other land disturbing activity to allow the residents of single-family residential areas maximum use and enjoyment of their homes. Given the development pattern in the neighborhood, the unusual condition and the presence of the environmentally critical area steep slope and it's buffer, granting the requested variance for the proposed new residence, for the ECA variance; relief from the front yard requirements, and for the regular variance; relief from the side yard requirements, is consistent with the Environmental Critical Area Policies.

### **ANALYSIS - VARIANCE**

**Variations 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 property is approximately 5,005 sq. ft. in area and is rectangular in shape with a portion of the east property line triangular shaped and the other 13.74 feet of the property line is parallel to the west property line adjacent to California Avenue S.W. The rear property line is generally at a sharp angle and then becomes parallel to the front property line for approximately thirteen (13) feet. This site is characterized as a through lot. A portion of the new residence would extend into the side yard approximately 4'6" between the rear and front yards creating the need for a regular variance. Only a small portion of the new residence would extend into the five foot side yard. Although the side yard creates the need for a regular variance, not an ECA variance and because the side yard functions as a front yard we are treating it as a front yard for purposes of its relation to the street frontage. The new home would result in a structure with an increased bulk and scale. Because homes of similar size with irregular yards are already present along Glenridge Way S.W. and California Ave. S.W. it is not out of place with current character. To deny the proposal would deprive the applicant of property rights enjoyed by their neighbors.

- 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 requested variance, to allow a portion of the principal structure into the required side yard, does not go beyond the minimum necessary to afford relief nor does it constitute a grant of special privilege. An unusual condition existing for this site, which was not created by the owner or applicant, is the presence of a steep sloped front yard on the property. The area of steep slope to the west of the existing structure is considered by the ECA Ordinance 25.09.180 definition to contain areas of 40% or greater slope. The site has two front yards because it is considered a

through lot. The presence of steep slope in the west front yard limits the direction of expansion available to the applicant for a new residence on the site. The only way to meet this requirement would be to remove a significant portion of the residence, which would be excessive. This would be unfair due to the sharp angle and unusual triangular configuration of the existing site. In order to construct the new residence in a steep slope site the applicant is requesting a side yard variance. Strict application of the Land Use Code would deprive the owner of expansion opportunities that may be enjoyed by other properties in this zone and vicinity.

**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 proposed new residence in the side yard will not be materially detrimental to the public or injurious to the property or improvements in the zone or vicinity. The increase in size and bulk of the structure will not exceed the height limit for the zone and will be difficult to see from the street due in part to the west steep slope off California Avenue S.W. and the fact that the east property line is set back from Glenridge Way S.W. by several feet and shaded by fencing and landscaping. This will help obscure the view from the street.

**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 literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would not allow for the new residence to extend into the required side yard and to create a structure that would be out of character with the existing single family structures in the neighborhood. The new residence will not be out of character with the rest of the neighborhood. A portion of the new residence would extend into the side yard between the rear and front yards. This would not cause undue hardship or practical difficulties and the proposal would not create much additional appearance of bulk as homes of similar size with irregular yards are already present along Glenridge Way S.W. and California Ave. S.W. It is not out of place with current character in the neighborhood.

**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 identifies flexibility as an important directive to allow the residents of single-family residential areas maximum use and enjoyment of their homes. As proposed this application has attributes that are within the spirit and purpose of the Land Use Code.

Allowing the vertical expansion of the new residence along the present façade line and construction of a new residence over the existing footprint preserves the current character of the streetscape while encouraging the use of a new single family building on the footprint of the existing single family residence. The new residence does expand beyond the footprint of the existing single family residence to the west and north without influencing the front or side yards. Thus is consistent with the spirit of the Land Use Code.

