



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: 3005338
Applicant Name: Alev Seymen
Address of Proposal: 1314 Lakeside Ave S

SUMMARY OF PROPOSED ACTION

Land Use Application to propose a variance request for the height of the garage parapet by 20 inches.

The following approvals are required:

Variance - to allow height increase of garage parapet by 20 inches.
(SMC Section 23.42.112)

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 4,570 square foot (0.10 acres) is located in a Single Family Residential Zone (SF 5000). The surrounding area is located in and mapped by the City of Seattle as an Environmentally Critical Area which includes Fish and Wildlife habitat, and known landslide area. There are designated Shoreline areas as mapped by the City of Seattle; Urban Residential Environment, and Conservancy Recreation Environment. The site is located on Lakeside Avenue S that is accessed by vehicles. The westerly lot line is approximately 41.96 feet of frontage on Lakeside Ave S, which is paved with curb, gutters and sidewalks. The lot is rectangular in shape

with a depth that extends out into the shoreline. The existing house was legally constructed in 1927 with the garage addition in 1947. A portion of the garage is located in a position of the property that would not be allowed under today's land use code. The existing non-conforming single family residence and attached garage was demolished and is currently being rebuilt in the same non-conforming building and garage footprint under the provision SMC 23.42.112 (project #6115580).

Development in the Vicinity

The surrounding zoning to the north, south and west of the subject site is currently zoned Single Family Residence (SF 5000) which are predominately 2 or 3 stories. To the north and south of the subject properties, are single family homes subject to designated shoreline regulations as well.

Proposal Description

The applicant proposes a variance from SMC 23.42.112 B to extend the height of the garage parapet by 20 inches. Portions of the garage are located in a required front yard and do not meet SMC 23.42.112 B. As a result a variance is required for the proposal.

The applicant also had proposed a variance to keep the existing 22 foot non-conforming curb-cut. The applicant has pursued amending the issued building permit #6115580 in order to keep the 22 foot wide non-conforming curb cut. The variance for cubcut width has been withdrawn.

Public Comments

During the public comment period which ended January 16, 2008 and extended by written request to January 30, 2008. The City received 6 (six) written comments related to the project. Five of which supportive of the proposed variance request, and 1 (one) which opposed the variance request.

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 unusual condition applicable to the subject property in this situation is the location of the garage in a required front yard due to lack of alley access. The single family dwelling unit was considered a non-conforming structure, but was legally re-built in the same existing footprint according to the provisions of SMC 23.42.112. The original footprint included the garage that was in the required front yard. The waterproofing consultant recommends a slightly higher parapet so that the waterproofing details may be applied properly, to prevent leakage. While rebuilding the garage, the current structural code requires the use of much deeper members than the existing garage joists which also require a slightly higher roof.

The applicant also cited drainage concerns in which recommended

- 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 owner of the single family residence understand the aesthetic intent of the garage height limit, and therefore proposes a variance to increase the height of the garage by only 20 inches. The 20 inch variance is the minimum necessary to slightly increase the low head clearance within the interior portion of the permitted garage.

- 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 granting of this variance will not be materially detrimental to the public. The non-conforming structure was re-built on the existing building foot print. The additional 20 inches in garage height is a minimal increase in size.

- 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;*

Without the variance, the owner would be unable to increase the height of the interior ceiling of the garage to accommodate the owner of the single family residence to own and maintain a vehicle in which handicap equipment may be attached. Further more, roof leaks and other water damage may be more difficult to avoid in the long term.

- 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 to maximum use and enjoyment of their homes. The applicant keeps the variance request at a minimum (20 inches) for the sole purpose of increasing the functionality of their daily use of their garage, and to accommodate handicap equipped vehicles without difficulty.

DECISION – VARIANCE

Variance to allow height increase of a non-conforming garage parapet
(SMC Section 23.42.112) - Approved

Signature: _____ (signature on file) Date: May 08, 2008

Laura Kim, RIC Land Use Planner
Department of Planning and Development
Land Use Services

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