



City of Seattle

**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:** 3006169  
**Applicant Name:** Mark Wilkerson  
**Address of Proposal:** 4826 45<sup>th</sup> Avenue South

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 2 ½ story (742 square foot) addition to an existing single family residence. Existing deck to be demolished and replaced.

The following approval is required:

- **Variance** - To allow a portion of a non-conforming principal structure to project into a new daylight basement level and upward to create new roofline and extend 30 inches to the north. (Seattle Municipal Code Section 23.44.014A.1).
- **Variance** - To allow the replacement of an existing non-conforming front deck with a smaller, non-conforming deck. (Seattle Municipal Code Section 23.44.114D.11.)

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

## **BACKGROUND DATA**

### Proposal Description

The applicant proposes to construct an addition to an existing one-story residence with a daylight basement. A portion (357 sq. ft) of the main level will be demolished. 595 sq. ft. at both the basement level and the main level will remain. A new addition will expand the basement level to approximately 1,060 square feet, the main level to 1,060 square feet and create a loft above the main level with 222 sq. ft. The area of the structure increases by 720 square feet for a total of 2,272 square feet. The total lot coverage increases by 95 square feet.

The north portion of the main floor rests on five wood pylons which in turn rest on a circa 1985 “U” shaped reinforced concrete grade beam. The pylons will be removed and the grade beam will serve as the foundation for the addition. The proposal extends the north wall by 30 inches and includes a basement expansion underneath (currently a semi-open storage area between the existing smaller basement and the pylons). New footings or excavation will not be required.

An existing west façade is approximately nine feet from the front property line. A non-conforming deck extending into the unimproved right-of-way will be demolished and replaced by a new, non-conforming deck (serves as an entry into the main level) that does not encroach upon the right-of-way. Its non-conformity relates to the height above the steeply sloping grade beneath the deck and its location in the front yard.

### Subject Site and Vicinity

The subject site lies on an undersized property of 2,820 sq. ft. on the side of a steep slope with inclines of roughly 60 percent. The lot has a topographic change of 30 feet and does not front on to an improved street. Vehicles are parked at the top of the hill in a portion of paved right-of-way. The residents in the house access the house by descending a flight of exterior steps built in the right-of-way.

The property lies in south Seattle one house north of South Ferdinand St. As mentioned above, 45<sup>th</sup> Avenue S. is largely unimproved due to the significant slope. Equal distance between Rainier Ave S. and Lake Washington Boulevard (near Seward Park), the property sits within a ravine that generally stretches in an east/west direction between S. Ferdinand and S. Angeline streets.

### Public Comment

The comment period ended June 15th, 2011. DPD received two comment letters. These focused on the stability of the hillside, removal of vegetation, water runoff, and whether the height of the proposed structure violates single family zoning regulations.

## 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*

Both the small size of the lot (2,820 square feet), approximately 56 percent of the size of a typical city of Seattle single family parcel, and the steep slope (60 percent) combine to present unusual conditions. Expansion of the small structure in any of the cardinal directions would create more non-conformance as to front, side and rear yards.

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 total lot coverage of the structure would increase by 95 square feet, a result of proposing to extend the north wall 30 inches toward the north property line. Much of the addition would fill in a partially enclosed storage area beneath the house's main level and extend the roofline upward to include a 222 sq. ft. loft. To allow minimal bulk in expanding the building's lot coverage does not go beyond the minimum necessary to afford relief or constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is located.

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 proposal avoids new excavation on a steep slope by using an existing footing. The proposed yard encroachment is not perceptible from adjoining streets and has no obvious effect on neighboring properties.

The proposal would not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity.

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; and*

The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would not allow the applicant to construct an addition that would be sympathetic to the existing structure. A code-compliant expansion would create structural/geotechnical issues that are more efficiently resolved through the proposed configuration.

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. Procedures are established to increase citizen awareness of land use activities and their impacts and to coordinate necessary review processes. These provisions are designed to provide adequate light, air, access, and open space.

Had the property's size conformed to existing city regulations, the variances would not likely be needed. The variance request appears consistent with the spirit and purpose of the Land Use Code.

### **DECISION – VARIANCE**

Variance to allow a portion of a non-conforming principal structure to expand outward to provide a new daylight basement level and upward to create new roofline and extend 30 inches to the north. **GRANTED.**

Variance to allow replacement of an existing non-conforming front deck with a smaller, non-conforming deck. **GRANTED.**

Signature: \_\_\_\_\_ (Signature on File)  
Bruce P. Rips, Sr. Land Use Planner  
Department of Planning and Development

Date: June 23, 2011