



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: 3006622
Applicant Name: Mark Haizlip
Address of Proposal: 812 23rd Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a single family residence with surface parking for one vehicle.

The following approvals are required:

Variance - To allow a portion of the principal structure to extend into the required side yard (Seattle Municipal Code Section 23.44.014.C). *Requirement: The side yard shall be 5 feet - Proposed: 2 feet.*

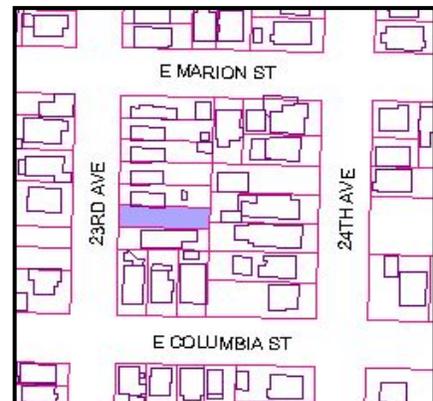
Variance - To allow a portion of the principal structure to extend into the required front yard (Seattle Municipal Code Section 23.44.014.A). *Requirement: The front yard shall be 20 feet - Proposed: 15 feet.*

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 located on 23rd Avenue between East Marion Street and East Columbia Street in the Garfield neighborhood. The surrounding properties are zoned Single Family 5000 (SF-5000) and developed predominately with one and two story,



single family residences. 23rd Avenue is a principal north-south arterial.

The total lot area is approximately 3,576 square feet and there is an informal access to the rear of the parcel from East Columbia Street. The applicant is seeking to make this access legal.

Proposal Description

The proposed project is to construct a 2,010 square foot, two-story single family residence with surface parking for one vehicle. Although the proposed site is vacant, the lot is designated as a historical landmark site as part of the "Twenty-Third Avenue Houses Group" per Ordinance #108224, 05-14-79 (Lots 812-828). A historical residence, nearly identical to the existing historical residences, once stood on the site but was demolished in 1986 by the then owner under Permit #624087. The site has remained vacant since. The five remaining residences in the Group to the north of the proposed site remain intact and present a historical precedent for site development of the vacant parcel. All of the remaining residences have 15 foot front yards and 2 foot side yards on the south side.

Any new development on the site must be approved by the Department of Neighborhoods Landmarks Preservation Board. The development proposal was presented to the Landmarks Preservation Board's Architectural Review Committee on October 27, 2006 and it was agreed that the project would require the variances requested in this land use application.

Public Comment

Two comments letters were received during the comment period, which ended on March 21, 2007. The neighbor to the north supported the project as long as the proposed residence maintained the same side and front yards as the existing landmark homes. The neighbor to the south opposed the 2 foot side yard and stated that he has not given his permission for an access easement.

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 unusual in that it is designated a historical landmark site and any development on the site must be approved by the Landmarks Preservation Board. The Board has indicated that it will not approve any development of the site that does not respect the historical character of the Twenty-Third Avenue Group. The remaining five residences in the Group all

have 15 foot front yards and 2 foot side yards on the south side. In addition, the Board has required that access to the site be identical to the remaining five residences. Therefore, the strict application of the code would deprive the property of rights enjoyed by other properties and the site would remain vacant.

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 is for the same front and side yards that the existing historical residences have and does not go beyond the minimum necessary to afford relief and does not 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*

No detriment to the public welfare or injury to the property or improvements in the zone or vicinity is likely to occur by granting the requested variances. The side and front yards will be identical to the five other landmark residences and the public welfare will likely be improved by developing the property and removing the unsightly weeds and overgrown vegetation on property that has been vacant for 20 years.

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 encroachment into the required side yard is consistent with the streetscape character along 23rd Avenue. The literal interpretation and strict application of the applicable provisions of the Land Use Code would result in the termination of any proposed development as it would not meet the historical requirements of the site.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use Policies or Comprehensive Plan component, as applicable.*

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. It is also the City's responsibility to preserve historical landmarks and preserve the character established by those landmarks. The construction as proposed is in character with the surrounding development and preserves the existing historical character. No adverse effects on adjacent properties in the area are anticipated and the public interest will not suffer as a result of this variance.

DECISION - VARIANCE

The request for a variance to allow a portion of a principal structure to extend into the required side and front yards (Seattle Municipal Code Section 23.44.014.A & C) is **APPROVED**.

Signature: _____ (signature on file) Date: January 10, 2008
Marti Stave, Land Use Planner
Department of Planning and Development

MS:bg

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