



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: 3006632
Applicant Name: Jeffrey Pettey
Address of Proposal: 5242 57th Avenue South

SUMMARY OF PROPOSED ACTION

Land Use Application to allow an addition to an existing single family residence.

The following approvals are required:

Variance - To allow portion of principal structure to extend into the required side yard in a single family zone. Seattle Municipal Code 23.44.014(C)

Variance - To allow the expansion of nonconforming structure in a single family zone. Seattle Municipal Code 23.42.112(A)

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 Description

The subject lot is nearly rectangular in shape (50' X 100'), occupying approximately 5,019 square feet of land in the Seward Park neighborhood in South Seattle. The development site is an interior lot that fronts along 57th Avenue South to the west. The property is slightly above the standard size within the designated Residential, Single-Family 5000 zone (SF 5000). There are two outstanding zoning characteristics associated with the development site that has been verified through historical record research. The first being nonconforming exterior stairs and uncovered porch within the side yard setback area along the south property line, which is the subject of this variance application. The second, a concrete pad has been placed in the front yard where a manicured lawn once was located. Onsite parking quantity and configuration was not a subject of this review.

The site is currently developed with a modest one-story single-family residence (built in 1942) with daylight basement along the east façade. An accessory attached garage is located along the structure's west facade, abutting the 57th Avenue right-of-way. The right-of-way is fully improved with sidewalks, curbs, and gutters. Access to parking within the garage is taken off a ten foot wide driveway that slopes down, from the street right-of-way. The development site slopes downward from west to east approximately 9 feet from the 57th Avenue South street frontage. The existing single family house conforms to all required yard development standards except for the stairs and uncovered porch leading to the kitchen along the south façade. At the location of the kitchen entry door, the porch sits approximately 9 feet above existing grade. In combination, the stairs and porch extend into the required side yard; 1.6 feet at its west corner and 1.4 feet at its east corner from the property line.



The immediate vicinity is zoned for single family residential development in an expansive SF 5000 zone. The area is developed primarily with single, two and three-story single family residences in a mix of architectural styles. This densely populated neighborhood appears to be well established. The area is open to the sky with few trees to provide shade from the afternoon sun. The streetscape is visually impacted by the dominance of vehicles parking within the 57th Avenue South right-of-way. Fifty-seventh (57th) Avenue South contains a 25 foot wide roadway with cars parking on either side.

The general area sits upon a hillside that slopes downward to the east, to Lake Washington. There are a few pockets of steep slope and potential slide; Environmental Critical Areas on the hillside. The area appears to be well developed that could support additional development.

Proposal Description

The applicant has proposed to remodel an existing residential structure to accommodate an expanding family. The remodeling project includes expanding gross floor area on the main level and the addition of a second floor. The project will entail a reconfiguration of the kitchen and addition of an interior stairwell. The kitchen will be shifted further east which will require extending the length of the porch by 6 feet, 9 ¼ inches. The internal stairwell will require a pop-out of approximately 9 inches into the side yard to accommodate vertical and horizontal clearance. From the exterior façade, the pop-out will measure 13 inches in depth, 7 feet 8 ½ inches in length, and approximately 10 feet, 7 inches in height. The existing single family structure is a nonconforming structure with regards to the stairs and porch sited on a lot within the side yard setback area. The required side yard at the development site is 5 feet. The existing structure is located approximately 5.4 feet from the south property line with the stairs and porch extending an additional 4 feet, to a minimum distance of 1.4 feet from the side property line. In total the footprint of the existing structure will expand by 25.08 square feet in the required side yard.

CODE SECTION	STANDARD	REQUEST
SMC 23.44.014.C.	A five-foot side setback is required.	Allow a two point ninety-three foot, (2.93') encroachment into the required side yard, along the south property line for an uncovered porch and stairs. Also, allow a point sixty-eight foot (.68') encroachment into the side yard adjacent to the south property line for stairwell pop-out.

Public Comment

Date of Notice of Application: March 15, 2007
Date End of Comment Period: March 28, 2007
Letters 0
Issues: No comment letters were received for this project.

ANALYSIS - VARIANCES

As provided in SMC 23.40.020, variances from the provisions or requirements set forth in the Seattle Municipal 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.*

The development site is located on a standard sized parcel, within Tract 35, Subdivision of B.W. John's and C.H. Hanford's Five Acre Tracts, in a single family 5,000 zone. The development site comprises a land area of approximately 5,019 square feet, slightly above the standard sized 5,000 square foot required land area for this residential neighborhood. Since the time the development site was established within King County Records, the property has undergone several changes with the succession of each new property owner of single family residence. Abutting the development site to the west is 57th Avenue South, a 50 foot wide right-of-way. The existing 25 foot roadway is positioned along center line of the right-of-way. The existing house is sited approximately 37 feet from the curb's edge. Within the vicinity, the neighboring properties are mostly fully developed lots with similar sized land areas and siting conditions relative to front and side property lines. The existing house with attached garage was constructed in 1942; in 1958 the owner at the time (Warren Collins) was granted a permit to construct a 10 foot by 20 foot addition to the structure in the rear. It is generally assumed that the concrete pad in the front yard was installed during this period which is not the subject of this

application. The stairs and landing leading to the exterior kitchen door was part of the original construction permit and was not impacted during the 1958 expansion. During the time of the original permit, a three foot required side yard setback regulating placement of residential structures on private property within the City limits of Seattle was in place. The development site, as measured against today's zoning standards, is considered nonconforming to required side yards. As measured against neighboring parcels the development site would be in scale within the surrounding area. On average, the houses are set back less than five feet from the side property line along the block front. The typical pattern of development on the block front has residential structures setback to various distances owing in part to code development standards at the time of construction for the older homes in the area. This is a common occurrence within the City of Seattle in older established neighborhoods, prior to 1957.

As mentioned earlier, the lot is rectangular in shape, comprising an area of approximately 5,019 square feet. The minimum required side yard at the development site in this single family zone is five feet. The existing one-story residential structure with daylight basement occupies an area of approximately 1,400 square feet and is sited towards the middle of the property. The existing single family residential side facade is located approximately 5.4 feet from the side (south) property line, with the existing stair and uncovered porch approximately 1.6 feet (west corner) and 1.4 feet (east corner) from the side property line. All other facades are conforming to current development standards. Because of the downward sloping lot conditions, the stairs and porch are more than four feet on average above existing grade which requires a five foot setback from the side property line. Thus, the stair and porch feature is currently nonconforming to required side yard requirements, and any expansion would increase the extent of the nonconforming condition by today's standards.

Other properties in the vicinity, substantially share similar siting conditions related to location of façade to the side property line. Properties on the block front constructed prior to 1957 share a number of characteristics; including location of structures proximity to property lines. Up until 1957, setbacks between residential structures ranged from zero to three feet. Less than five foot setbacks are visually apparent on the block front which resulted from previous zoning standards that allowed less than five feet setbacks from side property lines. This common condition has been well established on the lots fronting 57th Avenue South, especially for properties with frontage on the east side of the street. The historic placement of residential structures which has created these non-conforming conditions, under current Code, related to depth of yards, establishes a presence that cannot be ignored along the streetscape. The proposed remodeling project which includes a pop-out window to accommodate placement of an internal stair landing, and a six foot (length) expansion of an uncovered porch for a relocated kitchen door entry will enable the current owner additional habitable space similar to that enjoyed by most properties on the same block and adjacent blocks. This variance would not constitute a granting of special privilege that is not enjoyed by others in the 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.*

The owner of the subject lot is proposing to add a partial second story addition above the existing main floor footprint that meets Land Use Code developments standards, except for a portion of the stair landing connecting the upper level with the main level. A pop-out (measuring 1 foot, 1 inches in depth, 7 feet, 8 ½ inches in length, and approximately 10 feet, 7 inches in height) is located within the required side yard. As discussed previously, the location of the house is approximately 5.4 feet from the side property line. The owner would be deprived of a safe access up to the second-story level that is on the same plane as the lower level. To safely accommodate interior stairs connecting both levels a landing was chosen to allow both young and old to safely negotiate moving between the two floors. In retrofitting the structure to meet the needs of modern households a stair landing would need to encroach into the side yard approximately .68 feet (8.16 inches), to a distance of 4.32 feet from the side property line. The landing was scaled down to the greatest extent possible (Building Code) to minimize encroachment into the side yard. A number of houses in the vicinity have been identified to have one and two-stories above the main floor. The layout of the existing footprint limits where expansion can occur. The owner is requesting to take advantage of the existing footprint to create gross floor area and façade treatments that is consistent with other single family residential structures in the vicinity. Most of the neighboring properties enjoy the benefits and privileges of nicely crafted homes with subtle architectural features on similar sized lots. Other existing residential structures on similar sized lots in the area enjoy moderate size houses with non-conforming yards. The proposed addition will marginally increase its structural footprint into the required side yard. Along the south façade the pop-out addition will take on the appearance of an external architectural feature to visually lessen its mass. The owner explored installing a segmented stairwell but potential safety hazards arose that compelled installing a stair landing.

Similarly, the expansion of the uncovered porch to the east by 6.77 feet will maintain direct access to the kitchen. The kitchen door is located on the other side of a new partition wall separating the dining room from the kitchen. The elevated secondary access will extend just beyond the kitchen doorframe, approximately 12 inches, to allow clearance area. The width of the porch will be reduced to increase the separation from the side property line from 1.6 feet at the west corner and 1.4 feet at the east corner to a uniform 2.93 feet into the required side yard. Due in part to the sloping conditions at the development site the stairs leading to the kitchen porch can not be shifted further east. Secondary access to the rear or kitchen is commonplace in single family neighborhoods. The owner's proposed horizontal expansion falls well within the long established neighborhood architectural vernacular. To allow this variance would not represent a grant of special privilege because it would not be out of scale with other existing single family residences in the vicinity.

Therefore, the requested variance would not go beyond the minimum necessary to afford relief and would 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.*

Granting the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the zone and vicinity. The proposed expansion at the main floor level of a pop-out to accommodate a stair landing and expansion of an uncovered porch extending in to the side yard setback area, would result in marginal impacts in the side yard and to a lesser degree upon 57th Avenue South right-of-way and the surrounding vicinity. The bulk and scale of

the proposed remodel and expansion would be in keeping with development along the street frontage and would not create additional negative visual impacts upon the surrounding properties. The adjacent property to the south will not be significantly impacted owing in part to its north facing blank façade, and stepping away from the property line to maintain a clearance of over 10 feet. Additionally, the adjacent property to the south (addressed 5250 57th Avenue South) is currently nonconforming to both front and (south) side yards. Visually, the impact of this adjacent structure obscures the proposed expansion. Other properties located across the right-of-way to the west are anticipated to be minimally impacted due to horizontal distance and topographic conditions in the area. Thus, the addition along the south façade does not pose a significant presence upon neighboring properties. By granting the requested variance the owner would be able to fully utilize increased living space for modern lifestyles with marginal impacts on neighboring properties.

Therefore, granting this variance would 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.

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 Land Use Code would require that the remodeling project would not be allowed to expand of the uncovered porch and limit the pop-out interior stair landing to 4 ¾ inches from the façade. Few options are available and feasible to the owner to remodel and expand usable floor area at the development site. The area of expansion precipitating the variance request is along the south façade, which is opposite a blank wall façade of the adjacent single family building.

With a lot that is within the standard sized range with an existing structure situated well within the required side yard, with the exception of the existing stairs and uncovered porch documented in a photo from the Washington State Archives, to literally apply the Land Use Code would achieve a structure that for all practical purposes would superficially create design obstacles to limit spatial internal flow and create unwieldy structural challenges for a house built in 1942. Keeping the kitchen at its current location and configuration would create an awkward design challenge that would lack spatial coherence. With the shift of the kitchen further east, will require a 6.77 foot expansion of the porch. The pop-out to accommodate a stair landing is better suited to maintain safety within the household. The applicant explored a code complying segmented stairs but elected to pursue the flat stair landing to safeguard potential safety hazard for small children and adults with health related concerns. The flat stair landing extends approximately 8.68 feet into the side yard. Setting the interior stair landing at the proposed location ensures structural integrity of a building erected in 1942. It would cause the owners practical difficulties to deprive them of the expansion proposal as designed.

Therefore, the literal interpretation of the requirements of the Land Use Code would result in undue hardship or practical difficulties for the applicant.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

Single family zones are the heart of our City, where human interactions on residential blocks are enhanced by attractive and active streetscapes that are impacted by the bulk and scale of the housing stock. The spirit and purpose of the Land Use Code provides for preservation and maintenance of the physical characteristics of single-family neighborhoods. This well entrenched residential neighborhood with its architectural mix of structures and number of mature trees creates a sense of calm and intimacy. It is the responsibility of the City to preserve and protect areas which are currently in predominantly single-family residential use. The existing single family residence with attached garage is in keeping with what is typical of the residential uses in single family zones and the surrounding area. A number of residential structures in the immediate area were found to be nonconforming to required front and side yard requirements.

The establishment of a single family use at the subject site occurred in 1942. Prior to 1957 a number of residential structures were built along 57th Avenue South at a time when the code required a 3 foot side yard setback (1923 and 1947 Zoning Codes). A few of the structures were found to be sited within the 5 foot side yard (setback) area. In recognizing the importance of protecting life, health, and safety of its residential population the city enacted the Land Use Code. It is further accepted that the city encourages home ownership and use of private property with proscriptions in an ever changing world. The single family section within the Land Use Code contemplates expansion of non-conforming structures but sets limitations of applicability that do not contemplate situations where a confluence of a predominance of shallow side yards are found on block fronts.

Seattle's Comprehensive Plan allows for the development of detached single family dwellings in single family areas that are compatible with the existing pattern of development and the character of each single family neighborhood (Policy L80). One stated goal is to, "Preserve and protect areas, which are currently in predominantly single-family residential use and are large enough to maintain the sense of low-density residential environment, as single-family neighborhoods." (LG40). As was previously noted, the prevailing patterns of shallow side yards are commonplace on the block front. Other surrounding properties enjoy larger residential footprints with accessory parking throughout neighboring properties and other single family zones. The proposed bulk and scale of the expansion would be in keeping with the pattern of lots in the immediate area and meets the bulk and siting provisions in single family zones. The granting of the variance will not adversely affect the physical characteristics or use of the surrounding neighborhood, with the remodel and expansion of a single family residence to the subject development site.

Therefore, granting the requested variance would be consistent with the spirit and purpose of Land Use Code regulations for the area.

DECISION - VARIANCE

The proposed variance to remodel and expand an existing nonconforming residential structure that includes porch and garage expansion, at 4060 Avenue Southwest is **Conditional Granted**.

CONDITIONS - VARIANCE

Prior to Issuance

The owner(s) and/or responsible party(s) shall:

1. Updated site plan and other sheets to reflect setback dimension along the south property line as identified on the wet stamped survey prepared by Schroeter Land Surveying, dated (DPD) August 13, 2007.
2. Revise plan set to clearly document dimension of projections into the side yard, adjacent to the south property line.

Signature: _____ (signature on file) Date: September 27, 2007
Bradley Wilburn, Land Use Planner
Department of Planning and Development
Land Use Services

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