



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: 3007522
Applicant Name: Brittani Ard for Steve Williams
Address of Proposal: 6810 50th Ave NE

SUMMARY OF PROPOSED ACTION

Land use application to allow a detached garage accessory to a single family residence
Construction of the residence has been approved under project #6112008.

The following approvals are required:

Variance – to allow a structure to exceed maximum lot coverage in a single family zone per SMC 23.44.010C

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

BACKGROUND DATA

Site

The site is located mid-block on 50th Ave NE between NE 68th St and NE 70th St. in the View Ridge neighborhood, approximately 2 miles east of the Roosevelt Urban Village and approximately 0.5 miles west of Warren Magnuson Park. The subject property was recently modified through a Lot Boundary Adjustment (MUP #3004934) and developed with a single family residence (Construction Permit #6112008). The site measures approximately 45' by 124' feet for a total lot area of 6037.6 square feet. The site slopes down to the east, toward Lake Washington, which is visible from the property.

Area Development

The surrounding area is entirely single family residentially zoned (SF 5000). The nearest zone change is a Lowrise Multi-family zone (L3), approximately 2,000 feet to the east. Existing development consists of primarily single family detached residential, with View Ridge Elementary School a block and a half to the north.



For illustrative purposes only

Description of Proposal

The applicant proposes to construct a two car garage in the rear yard. There are currently two surface parking spaces at the alley adjacent to an existing retaining wall. It appears that the retaining wall and surface parking would be removed, and the slope would be graded gradually from the rear of the house to the alley. The garage would be connected to the single family residence via an underground garage located below the surface of the yard between the two structures.

A garage accessory to a single family residence is permitted to cover up to 35% of the lot area with structure, which includes half the depth of the alley for the purpose of calculation. The applicant has proposed to cover a total of 38% of the lot area, using the same calculation method. The difference between permitted lot coverage (2113.16 square feet) and requested lot coverage (2304 square feet) is 190.84 square feet.

Public Comment

Notice of the proposal was issued on July 19, 2007. 32 public comment letters were received in opposition to the proposed variance.

ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below 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 subject property was recently modified under Lot Boundary Adjustment 3004934 (King County recording number 20061016900006). The lot line was modified to make the subject property larger than the previous size, bringing it to a total of 6037.6 square feet. The shape of the subject property is rectangular and has street frontage to the west and an alley to the east. The topography slopes to the east, which is a common situation found in most lots in the immediate vicinity.

The shape and size of the subject property were created by the applicant and property owner through the Lot Boundary Adjustment process. The topography was not created by the applicant and owner, but the topography reflects most topography in the immediate zone and vicinity as the subject property. The proposed variance for lot coverage could have also been avoided by reducing the size of the residence on site. The building permit for this residence (6112008) was issued in May 2007 to the applicant and owner of the subject property, and is currently under construction.

The applicant has not provided any examples of nearby development in the vicinity and zone that demonstrate garages built in the rear yard in excess of permitted lot coverage. DPD research (maps and site visit) also did not reveal any nearby examples similar to the proposal. Public comments stated that many rear yard garages adjacent to the alley are either smaller than the proposed garage, and/or the total lot coverage (residence and garage) is less than proposed with this variance.

The applicant has not demonstrated that there are unusual conditions applicable to the subject property that were not created by the owner or applicant. The applicant has also not demonstrated that the maximum lot coverage for this site would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity. The proposal does not meet this criterion.

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 proposed garage and house would bring the total lot coverage to 38%, which is 3% (190.84 square feet) more than permitted by the Land Use Code. Without the variance, the applicant could have a 385.16 square foot garage and meet lot coverage requirements. The Land Use Code defines a "medium" size parking space as 8' wide x 16' long. The minimum area for two medium parking spaces would be 256 square feet ($8 \times 16 \times 2 = 256$). Including maneuvering room, 385.16 square feet would be more than enough space for a two car garage for two medium size parking stalls.

The Land Use Code only requires one off street parking space per residence. That parking space is not required to be enclosed. Public comment has also revealed that the proposal is beyond what is typical of other properties in the vicinity and zone. Since the subject property could accommodate more than code required parking without a variance, the proposal does not demonstrate that the proposed variance is the minimum necessary to afford relief. The proposal does not meet this criterion.

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 proposed garage would be located at the alley adjacent to a shared side property line with the property to the south (also under development by the subject property owner). The proposal would not likely 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;*

As discussed in the response to criterion #2, the literal interpretation and strict application of the maximum lot coverage requirements for this zone would not cause undue hardship or practical difficulties, since the subject property could easily accommodate more than code required parking without a variance. The proposal does not meet this criterion.

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

The Land Use Code provides for a variance process for relief from unusual conditions and situations that the rules of the Code could not anticipate. At the same time, the spirit and intent of the Land Use Code and Land Use regulations is to provide development compatible with environmental constraints, land development patterns, and existing neighborhood character.

The request for a variance is for more than permitted lot coverage, in order to add more than required parking in an enclosed garage. The applicant has not demonstrated that the proposal meets the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area. The proposal does not meet this criterion.

DECISION - VARIANCE

Based on the above findings and analysis all of the facts and conditions stated in the numbered criteria of SMC 23.40.020, *Variances*, are found to exist. The requested variance is **DENIED**,

Signature: _____ (signature on file) Date: November 05, 2007
Shelley Bolser AICP, Senior Land Use Planner
Department of Planning and Development

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