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: 3007629

Applicant Name: Matt Wasse

Address of Proposal: 1414 East Lynn Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow 324 sq. ft. parking pad in the required front yard in a single family zone.

The following approval is required:

Variance - to allow parking in the required front yard.
(SMC 23.40.020 and23.44.016C)

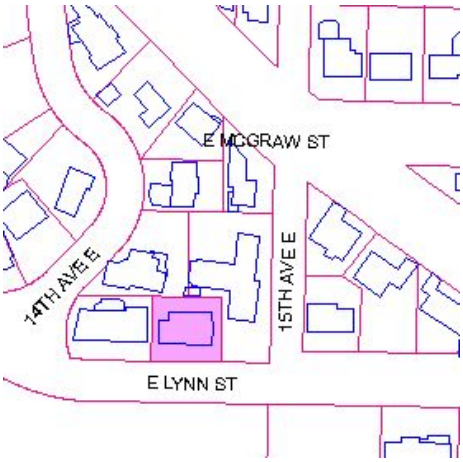
SEPA DETERMINATION: [X] Exempt [ ] DNS [ ] MDNS [ ] EIS

[ ] DNS with conditions

[ ] DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction.

Background Data

The subject property is in a single family 5000 zone (SF 5000) located at 1414 East Lynn Street between 14th Avenue East and 15th Avenue East. East Lynn Street becomes Delmar Avenue East at the intersection of 14th Avenue. There is parking on the site but the applicant wishes to move the parking from the west side of the front yard to the east side of the front yard. The neighborhood is characterized by single family homes. There is no parking on either side of East Lynn Street at this location.



Public Comments

None.

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;

Unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, help shape the nature of the request for moving the parking location on this site. There have been traffic accidents on Lynn at this address off and on for several years. The site topography is steeply sloping down at the Lynn property line, but not quite steep enough to meet code allowances outright. The combination of the site topography, and a desire for a safer parking access and desire to create an accessible route from the house to the parking area are combined motivations to move the parking area.

Lynn Street at this location has a history of car accidents some of which have hit a guard rail at the property in question. The City of Seattle reduced the speed limit on Lynn St. to 25 mph. In 2002, the city took action and ground down the polished aggregate road surface on Lynn St. from the start of the curve at 14th street to the subject property location to improve traction. There have been more crashes in 2007.

In contrast, there have been no instances of cars running into the guard rail at the proposed new location on the east side of the property. In fact, the guard rail ends shortly to the east of the new proposed parking location, which may indicate that there is less danger. The city did not take action to improve the traction of the road at the point of the new proposed parking facility.

The land use code allows parking in the required front yard if the lot has a vertical drop of at least twenty (20) feet in the first sixty (60) feet. This site has a vertical drop of approximately 17 feet, thus falling about three feet short of the requirement. See SMC 23.44.016C4.

Overwhelmingly, the primary reason for moving the parking structure to the east side of the lot is safety, for both the residents and the high volume of pedestrians. The subject property, including topography, location and surroundings on the steep, busy and “crash prone” section of Lynn 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;

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;

While safety is the overwhelming primary reason for improving the location of the parking facility, there exist compelling secondary reasons for moving the parking structure to the east side of the lot: Improved accessibility to the house entrance from the parking facility: Currently, the existing structure requires that the residents walk off the parking structure, onto the sidewalk,

down the hill, and enter the house. This is inconvenient for both the residents and for the pedestrians (often joggers), who must dodge each other on the narrow sidewalk. Improved ADA accessibility: The new parking location would create closer accessibility in elevation, distance and directness, to the front door and via a proposed access to the home's kitchen. Under the current parking location, there is a significant elevation change from the facility to the front door as well as the required detour on the narrow sidewalk. Improved visibility entering and exiting the parking facility. The current "west side" parking location is much closer to the blind curve at 14th Street and Delmar Dr./E. Lynn street, and this creates a general hazard in both entering and exiting the facility. The new proposed location provides increased and ample visibility. Entering the current parking facility from the eastbound lane is hazardous due to cars having less visibility of a car waiting to turn left. Exiting the current facility would also be improved, as the design is to ensure appropriate visibility to the east and west stretches of sidewalk and street (i.e. sight triangles). This will improve pedestrian and bicycle safety when cars enter and exit the facility.

--Options to improve visibility of the current location are limited: The current parking facility is adjacent to the fence owned by the neighbors at 1404 E. Lynn St. Exiting the current parking facility provides less than ideal sight lines both for cars and pedestrians. The proposed plans in the new location create the required visibility for cars entering and exiting the facility. The overwhelming advantages of the new location provide an extremely strong case for moving the location.

The current parking facility can fit one car. The proposed parking facility is to fit two cars. According to the following section of the land use code, the city "permits outright" such an arrangement. Specifically, in Section C6 of Title 23 - LAND USE CODE; Subtitle III Land Use Regulations; Division 2 Authorized Uses and Development Standards; Chapter 23.44 - Residential, Single-Family Subchapter I Principal Uses Permitted Outright: 6. Lots With Uphill Yards Abutting Streets or Downhill or Through Lot Front Yards Fronting on Streets That Prohibit Parking. Accessory parking for two (2) two (2) axle or four (4) wheeled vehicles may be located in uphill yards abutting streets or downhill or through lot front yards as provided in subsection C3, C4 or C5 if, in consultation with Seattle Department of Transportation, it is found that uninterrupted parking for twenty-four (24) hours is prohibited on at least one (1) side of the street within two hundred (200) feet of the lot line over which access is proposed. The Director may authorize a curb cut wider than would be permitted under Section 23.54.030 if necessary for access. At 1414 E. Lynn Street, uninterrupted parking is prohibited on BOTH sides of the street, the entire length of Delmar/E. Lynn. This is a third of a mile to the west, and well over 600 feet to the east of the lot line. The closest on-street parking on this street is found on the other side of the busy intersection at Boyer Ave E. and E. Lynn Street, well over 600 feet away. As it is expressly stated in the city code that room for two vehicles is normally allowed with consultation with the city, we expect that as a result of this consultation, parking for two spaces will be allowed as part of the code and encouraged as beneficial for both the City and Residents.

Therefore allowing parking space for two vehicles does not constitute a grant of special privilege. Other residents of Delmar/E. Lynn have two parking places and garages in the front yard area, so this proposal is entirely consistent with the character and aesthetics of the surrounding neighborhood.

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 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 applicant states that in this area additional freed-up parking spaces on the streets are very welcomed. The applicant would be able to park two cars off the street in this proposal. The proposed curb cut is 16 feet. It is designed to accommodate two cars, and is not a curb cut beyond the minimum needed to accommodate the "driveway it serves."

The request is below the maximum allowable width of 23 feet for a residential curb cut on an arterial, according to section SMC 23.54.030F1c.

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 code would cause undue hardship and practical difficulties for this site.

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 additional parking spot is within code and improves the overall safety and parking conditions in the neighborhood and is consistent with the spirit and purpose of the Land USE Code.

DECISION – VARIANCE

Based on the above findings and analysis of the facts and conditions stated in the numbered criteria of SMC 23.40.020, a Variance can be **CONDITIONALLY APPROVED**, subject to the following condition:

CONDITIONS – VARIANCE

Prior to Issuance of any Building Permit for the Above Described Work and for the Life of the Project:

1. The owner(s) and/or responsible party(s) must secure and maintain any permit(s) required by Seattle Department of Transportation.

2. No modifications may go beyond the plans shown in plans dated August 6, 2007 and September 5, 2007 without the approval of the Land Use Planner.

Signature: (signature on file) Date: October 29, 2007
Holly J. Godard, Land Use Planner
Department of Planning and Development

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