



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: 3007915
Applicant Name: Jeff Spert
Address of Proposal: 2000 30th Avenue S

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 380 square foot expansion to the second floor of an existing single family residence.

The following approvals are required:

Variance - to allow a portion of the principal structure to extend into required front yard (SMC 23.44.014.A).

Variance - to allow a portion of the principal structure to extend into required rear yard (SMC 23.44.014.B).

Variance - to allow a portion of the principal structure to extend into required side yard (SMC 23.44.014.C).

SEPA DETERMINATION: Exempt DNS EIS

DNS with conditions

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

BACKGROUND DATA

Site Visit: 10/26/07

Site Description:

The subject site fronts on S Plum Street to the north and 30th Avenue S to the west. The approximately 1,804 square feet rectangular shaped corner lot is located in an area zoned Single Family Residential 5000 (SF 5000) zone which continues in all directions. The northern border of the lot has 56.79 feet of frontage along S Plum Street. The western border of the lot has 32.06 feet of frontage along 30th Avenue S. Both S Plum Street and 30th Avenue S are improved non-arterial streets and have curbs, gutters, parking strips, and sidewalks.

The site slopes gently downward from northeast to southwest corner, with an elevation change of approximately six feet over the length of the lot (56.79 feet). There are two mature street trees, with one to the north and one to the west of the single family residence. The site is developed with a one and a half story single-family residence with a covered rear porch. The primary entrance to the single family residence is off of 30th Avenue S to the west. The existing single-family residence is a nonconforming structure for current required setbacks.

Development in the Vicinity

Zoning in the vicinity of the proposal site is Single-Family residential 5000 (SF 5000) and development consists of single-story and multi-story single-family homes. A majority of parcels in the immediate area appear to be less than the minimum size required for the zone.

Proposal Description

The applicant is seeking a variance to do the following: expand the existing attic space into a full height second story with a staircase. The existing structure would gain approximately 380 square feet of living space and the addition is proposed to match the existing building footprint and architecture.

A variance is required for this work because the existing house and deck are non-conforming with respect to the required setbacks for front, rear yard and side yards. The footprint of the structure will be reduced due to the east wall and deck being moved approximately 16" to the west. The width of the current rear deck will be reduced. The front porch and rear deck will continue to be covered areas, with a new gable roof above the western portion of the addition and a flat roof proposed to be a vegetated green roof over the eastern portion of the addition. The new stairs will be located on the eastern boundary of the single-family residence.

The variances are required because the proposal would not meet the requirements of SMC 23.42.112, Nonconformity to Development Standards.

Public Comment

Public notice of the proposed project ended on October 31, 2007. During this period no comment letters were received.

ANALYSIS - VARIANCES

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

This proposal site is located in an area zoned Residential, Single-family 5000 (SF5000). The subject property lot is 1,804 sq.ft and is both the smallest lot on the block and is considerably smaller than nearby properties. The average of the other nine lots on this block is 3,996 square feet, which is also less than the 5,000 square feet for the underlying zoning (King County Assessor data).

The small size of the subject property restricts the building area to a very small footprint. If the lot were adjacent to an alley, then the alley could be used for the purpose of measuring some of the required yard area.

The neighboring structures in the vicinity are characterized by single-story and multi-story single-family homes. Thus, the strict application of the Land Use Code under these conditions would prevent the enjoyment of normal land use privileges allowed in the same zone and 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 current owner bought the single family residence which was built in 1909 in its present condition and has not made any additions or alterations that have contributed to the non-conformities of the structure. The house was built prior to the existence of the current zoning regulations and current land use regulations regarding setbacks.

The plans submitted indicate that the proposed variance for the building addition is minor. The applicant proposes to add on to the existing attic and provide room for one bedroom, two bathrooms, laundry area, and a multipurpose room. The arrangement of the rooms on the main floor will be reconfigured, and will continue to provide area for one bedroom, dining room, living room, bathroom, and kitchen. The existing residence is approximately 960 sq. ft on the first floor and 360 sq. ft in the attic for a total of 1,320 sq. ft. There is an unfinished basement with 670 sq. ft. The proposed addition would be 380sqft in size, for a total square footage of 1,700 sq. ft. This square footage is similar to the residences within the vicinity according to current King County Assessor data.

The proposed addition is warranted and would not go beyond the minimum necessary to afford relief. It does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone.

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 required yards for this lot that would apply to expansion of the existing structure are as follows (SMC 23.44.014):

- 20 ft. front yard or the average of the front yards of the single-family structures on either side.
- 10 ft. rear yard or 20% of lot depth if lot is less than 125 ft.
- 5 ft. side yard, with a 3 ft. side yard on the south side where continuing an existing wall (SMC 23.44.014.D.3).

The proposed variance is to expand the second floor in the existing footprint of the nonconforming single family residence. The Seattle Municipal Code allows additions to be built outside of required yard areas. This proposal seeks a variance from these required setbacks. The front yard setback for the existing structure ranges from 13.8-13.9 ft. The existing rear setback ranges from 1.4-2.6 ft. The north side yard setback ranges 4.1-4.4 ft. and the south side yard setback ranges 2.6-3 feet. The proposal reduces the footprint of the single family by 1.3 ft. on the eastern wall of the structure, thus, the deck will be decreased in width from the current 4'11" to 3'8". Thus, this proposal increases the rear setback and distance from the single family residence to the east. The building permit review will include reviewing this second floor expansion for compliance with building and fire safety regulations.

The current height of the single family residence is approximately 22'6" and the proposed height after completion of the addition will be 29'2". The building height complies with SMC23.43.008B which allows a building height up to 30 feet when the portion above 25 feet has a minimum roof pitch of 3:12. The gable roof for the western portion will meet the requirement for a pitched roof, thus, the addition meets development standards and does not require a variance for height of structure. The proposal includes a flat roof on the western portion of the addition that will be vegetated as a green roof, thus, this lower roof will minimize the building mass towards the neighboring single family residence to the east. The proposal is not likely to significantly impact the neighboring properties due to shading because of the relative small increase in building height and source of sunlight from the south, thus, the shadow falling primarily on S Plum Street to the north.

The public welfare is served by the use of treating some of stormwater runoff by the vegetated green roof, and the reduction of pervious surface by reducing the building footprint. The two existing street trees will remain and will be provided protective fencing during construction. Thus, the existing vegetation on the site will be protected and retained which shall serve the public welfare.

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.

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;*

Literal interpretation of the Land Use Code would require the applicant to construct an addition/remodel of the existing structure that conforms to a required front yard of 20 feet and the required street side yard of 5 feet. The second-story addition over the entire existing structure's footprint would not be allowed but would be allowed over only a portion of the existing footprint. Without the granting of a variance, there would be diminished use of existing rooms on the first floor due to the necessary location of a stairway. The owner is seeking a reasonable increase in living space for this single-family structure and without this variance the strict application of the land use code would result in both practical difficulties and undue hardship.

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

The owner of the subject lot is seeking four variances that, if granted, would allow the expansion of a legal nonconforming single family home. The Land Use Code contains many provisions aimed at encouraging the reuse and reconstruction of existing single family structures. Allowing the vertical expansion of the existing structure along the present façade line and construct a second-story addition over the existing footprint preserves the current character of the streetscape while encouraging reuse of a single family building and thus is consistent with the spirit of the Land Use Code.

The request for a variance is due to the small lot size and lack of an alley. This variance application seeks to provide flexibility for a minor modification to a building which is constrained by platting patterns and public right of way locations.

The proposed variances for the 380 sq. ft. expansion to the second floor of this single-family residence are consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable.

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 proposed variance to allow portion of principal structure to extend into the required front yard is **GRANTED**.

The proposed variance to allow portion of principal structure to extend into the required rear yard is **GRANTED**.

The proposed variance to allow portion of principal structure to extend into the required side yard is **GRANTED**.

CONDITIONS –VARIANCE

None.

Signature: _____ (signature on file)
Janet L. Wright, Land Use Planner
Department of Planning and Development

Date: December 13, 2007