



City of Seattle

Gregory Nichols, Mayor
Department of Planning and Development
D. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3008483
Applicant Name: Nazim Nice for Nate Brooks
Address of Proposal: 5817 McKinley Place North

SUMMARY OF PROPOSED ACTION

Land Use Application to allow addition to an existing single family residence to the south and east facades, addition of second and third floor and interior alterations to existing 1st floor and basement.

Variance - to allow parking in the required front yard
(Seattle Municipal Code 23.44.016.C2)

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 and Vicinity Description

The site measures approximately 3,860 square feet and is zoned Single Family residential with a 5000 square foot minimum lot size (SF 5000). The SF zoning designation applies to all surrounding properties in the immediate vicinity, and all adjacent structures are single family homes.



The subject site is relatively flat to the southeast where it fronts on McKinley Place North, then gently slopes approximately 8 feet to the rear property line. The site is currently developed with a two-story 1270 square foot single family home.

The property is located mid-block between Kenwood Place North and Kirkwood Place North on the southeast side of Green Lake.

Proposed Action

The applicant has requested a variance to allow for an existing non-conforming parking space in the required front yard to be established as legal parking for the site, thus fulfilling current Land Use Code requirements for off-street parking. The application for the front yard variance was precipitated by the applicants' proposal for an addition of a second story to the existing residence.

The historic parking location is a paved area approximately 8 feet by 17 feet, beginning just east of the property line along McKinley Place North and extending along the southwest property line. The proposed parking pad would be in the same area, with dimensions of 16 feet in length by 8 feet 6 inches wide, with a 10 foot clearance at mid-point to allow opening of doors on the site. In both cases, the parking is located fully within the required 20 foot front yard.

Public Comment

One written comment letter was received during the public comment period, which ended on February 27, 2008. However, the comment related to the remodel proposal rather than the variance application.

ANALYSIS - VARIANCE

Variances from the provisions or requirements of this Land Use Code shall be authorized only when all of the following facts and conditions (stated in *italics*) 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 variance has been requested because of unusual conditions applicable to the subject property, including parking that has historically existed in the required front yard and either inaccessible or impractical alternate locations for parking on the site. The lot is substandard for size at 3,860 square feet in a SF5000 zone. Of the closest lots developed with single family homes, several have legal parking in the required front yard. To deny a reasonable application to allow a surface parking space in the front yard would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity.

There was a 9 x 17 foot attached garage built in 1919, by permit, which would have complied with today's Land Use Code requirements. Located to the rear of the site along the north property line, this garage was subsequently removed and a rear deck constructed by permit issued in 1993. In

2002, the City issued a permit for an egress window in a basement bedroom which required a window well at the side of the house that might have been use for access to the rear yard. The house sits 8 feet 6 inches form the southwest property line. The window well extends 3 feet 4 inches into the that space leaving 5 feet 2 inches which is not adequate for access or parking a vehicle. The remodeling occurred prior to the current owners' occupation of the home.

Parking in this location does not look out of place because many of the nearby lots developed with single family homes were observed to have cars parked in the required front yard. It appears that strict application of the Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity.

Considering the above arguments, the application meets the first variance 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; and*

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.

There is no alley, and access through the southwest side-yard is prevented by the window well coming within 5 feet 2 inches of the lot line. Many homes in the immediate vicinity were observed having vehicles parked in the required front yard consequently, a front yard parking pad or garage structure is comparable to the rights and privileges enjoyed by other properties in the neighborhood, and are the minimum necessary to afford relief.

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 material detriment to the public welfare or injury to property or improvements in the zone or vicinity is likely to occur by granting the requested variance. To legalize the current parking situation would not create any change in the condition of the subject property or the vicinity in which it is located. To continue parking in the required front yard does not constitute a material detriment to the public welfare or injury to impact surrounding properties.

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; and*

Strict application of the Code would require parking only in the required rear yard or the required side yard to the southwest. The rear yard is inaccessible due to the permitted window well installed in 2002. The side yard is inaccessible for the same reason. In addition, the literal interpretation of the applicable provisions and requirements of the Land Use Code, which generally requires parking to not be located in a front yard, would cause an undue hardship and practical difficulty of

providing off-street parking in an area other than that where it has been quite comfortably located for the last 30 – 40 years.

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

The spirit and purpose of the Land Use Code provides for preservation and maintenance of the physical characteristics of single-family neighborhoods. It is the responsibility of the City to preserve and protect areas which are currently in predominantly single-family residential use. The granting of the variance will not adversely affect the physical characteristics or use of the surrounding neighborhood because it is not altering existing conditions of the subject property, which is already well integrated into the established residential character of the surrounding environment.

DECISION - VARIANCE (Based upon approved plans in the file)

The proposed variance to allow surface parking for one vehicle in the required front yard is **GRANTED**.

Signature: _____ (signature on file) Date: March 6, 2008
Marti Stave, Land Use Planner
Department of Planning and Development
Land Use Division

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