



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: 3008670
Applicant Name: Dave Sircoloumb
Address of Proposal: 1718 Ferry Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a second curb cut accessory to a single family residence.

The following approvals are required:

- **Variance** to allow a curb cut greater than 10' in width.
(SMC 23.54.030.F1.b.(1))
- **Variance** to allow two curb cuts less than 30' apart.
(SMC 23.54.030.F.1.d)

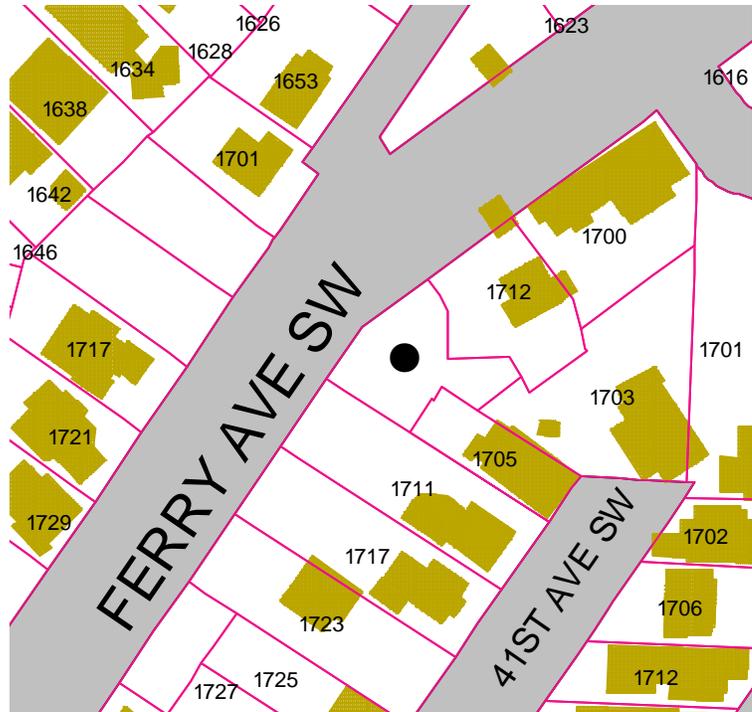
SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The approximately 5,056 square foot site is located in a single family (SF 5000) residential zone. A single family structure with attached garage is currently being constructed on the previously vacant parcel. The entire site is designated (by the City of Seattle) as steep slope and potential slide environmentally critical areas.

There is an existing easement for ingress, egress and utilities across the northeast triangular area of the parcel for the neighboring parcel to the north addressed as 1712 Ferry Ave SW.



Vicinity

The site is in the southwest area of Seattle located approximately two blocks east of California Ave SW and just south of the intersection of SW Massachusetts St and Ferry Ave SW. The property has approximately 88' of street frontage on Ferry Ave SW. The right-of-way (ROW) has not been improved along Ferry Ave SW for the entire block face in which the site is located. There is a paved roadway but no curbs or sidewalks have been installed to date. A 12.5' wide portion of the ROW was vacated along both sides of the block. The resulting 75' wide ROW is very generous for a single family zone.

Zoning in the immediate vicinity is SF 5000. There is some multifamily zoning to the west along California Ave SW. There is currently one undersized, vacant, undeveloped parcel with street frontage along Ferry Ave SW. All other parcels on the block front with property lines along Ferry Ave SW are either developed or take access from 41st Ave SW where they also have frontage. Properties along both sides of Ferry Ave SW typically have driveways wider than 10'.

Proposal Description

The proposal is to change the location of the garage access, driveway and curb cuts from the originally permitted locations in the construction permit issued for the single family structure. The garage location would shift from the north façade of the structure to the west façade, parallel to Ferry Ave SW. The proposed driveway would begin at the garage door, 4' from the front property line and would then follow the slope of the topography in the ROW culminating at the edge of the unimproved street. The width of the driveway would be 16' at the edge of the street pavement.

Public Comments

During the public comment period which ended April 23rd, 2008, the City received nine written comments in support of the project.

ANALYSIS - VARIANCES

Pursuant to SMC 23.40.020 C, variances from the provisions or requirements of this Land Use Code shall be authorized when all the facts and conditions listed below are found to exist. Analysis of the variance requested follows each statement of the required facts and conditions.

- 1. Because of the 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 the Land Use Code would deprive the property the rights and privileges enjoyed by other properties in the same zone or vicinity;***

There are several unusual conditions at 1718 Ferry Ave SW. One such condition is related to the existence of an easement across the northeast triangular area of the site that was not created by the current owner of the property. The neighbor to the north at 1712 Ferry Ave SW uses the easement area as a driveway and has installed a brick wall and extensive landscaping in the area of the driveway originally proposed as access to the subject site. The neighbor has employed legal action in order to prevent the owners of 1718 Ferry Ave SW from using the easement area across their own property to access the single family house currently under construction. Pending legal action that potentially denies the use of the existing driveway could result in a property with no permitted access. The Land Use Code allows one 10' wide curb cut per 80' of street frontage or where two curb cuts are permitted, one 20' wide curb cut is allowed. An additional curb cut is therefore not technically allowed outright because of the existing driveway that crosses the property.

Another unusual condition is the topography of the site which slopes steeply away from the ROW to the east. The house was originally designed to be as unobtrusive as possible with respect to the steep slope and potential slide conditions of the site. The structure is therefore located within 4' of the front property line along Ferry Ave SW. The original design took advantage of the existing driveway that crosses the property. Because that driveway is potentially unavailable to the applicant and because of the topographic conditions, the garage door and access must be moved from the permitted locations. The house is currently under construction so there are very few options for changing the configuration of the driveway. There is very little room to slope and transition a driveway on the property because of the close proximity of the proposed garage door to the front property line. A curb cut greater than 10' is necessary because of the unusual topographic conditions on the site.

The property has unusual conditions and a strict application of the Land Use Code would deprive the owner of the property the rights and privileges to provide access and on-site parking similar to what is allowed by other properties 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 requests for a curb cut greater than 10' and closer than 30' to the existing driveway do not go beyond the minimum necessary to afford relief. The proposal is to relocate the garage door to the west façade of the structure in order to accommodate a driveway that does not cross the existing driveway or easement area. Because of topographic conditions, the proposed location is within 4' of the front property line. This is not enough property to transition from a 10' curb cut to one large enough for access to the garage. The single-family residence was originally permitted as designed with a garage for two cars and is currently under construction. A curb cut that is 18' at the property line and 16' at the street is the minimum amount necessary to afford relief in this situation.

The proposed driveway location, which is within 30' of the existing driveway, is the minimum necessary to afford relief. The house was originally designed to utilize the existing driveway and minimize impacts to the environmentally critical areas. It is therefore located relatively close to the existing driveway. The house is currently under construction making it difficult to alter the location of the garage. The proposed location is relatively close to the previous location because of site constraints, which in turn means that the driveway is located within 30' of the previously permitted location.

Also, the change to the proposal leaves the existing driveway as access to the neighbor's residence and will not be necessary to access the subject property. It will appear to a passer-by that the proposed driveway is the only driveway that crosses the subject property. It is not uncommon for two driveways on two different properties to be located within 30' of each other. It is actually a condition that occurs along Ferry Ave SW. Therefore, allowing the location and width of the driveway will be consistent with the neighborhood character and is not 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;*

Considering the positive public comment and the fact that if granted, the variances will increase the value of the adjacent neighbor's property, the proposal and the variances will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity. Further, curb cut and driveway widths and locations are regulated by the Land Use Code to create and protect the orderliness of City streets and to ensure on-street parking is available. The unusual shape and topography of the site differs from the typical rectilinear site envisioned in the Land Use Code but those property lines are not visible to anyone who happens to pass by. The proposed driveway provides an individual means of accessing the proposed single family structure that does not appear out of character with the neighbors on the same block. Also, all other parcels on the block front with property lines along Ferry Ave SW are either developed or take access from 41st Ave SW where they also have frontage. Excepting the existing driveway over the easement, there are no other driveways in the vicinity that would prevent on-street parking on the same side of the street. Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue and unnecessary hardship or practical difficulties;*

The literal interpretation and strict application of the Land Use Code would cause undue hardship on the applicant as well as practical difficulties. The previously permitted access to the garage of the proposed single family residence over the existing access easement may be denied through litigation. The single family structure would then become non-conforming to the parking requirements of the Land Use Code and the owners would have no permitted access to their property. Allowing a second curb cut and driveway across the property would ensure proper access to the proposed garage thus satisfying a requirement of the Land Use Code for off-street parking.

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 recognizes flexibility as one of the important goals to allow the residents in single family zones maximum use and enjoyment of their homes. Granting the requested variances to allow a curb cut greater than 10' in width and to allow two curb cuts to be within 30' of each other is consistent with the spirit of the Land Use Code based on the analysis given above.

The requested variance would be consistent with the spirit and purpose of the Land Use regulations as the design is consistent with homes and properties in the area.

DECISION – VARIANCE(S):

- **Variance** to allow a curb cut greater than 10' in width.
(SMC 23.54.030.F1.b.(1))
Granted
- **Variance** to allow two curb cuts less than 30' apart.
(SMC 23.54.030.F.1.d)
Granted

CONDITIONS – VARIANCE

None

Signature: _____ (signature on file) Date: June 12th, 2008
Millie Anne VanDevender, Land Use Planner
Department of Planning and Development

MV:lc

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