



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: 3008930
Applicant Name: Cory Scherrer
Address of Proposal: 4921 SW Charlestown St

SUMMARY OF PROPOSED ACTION

Land Use Application to allow accessory parking in the front yard of a single family residence.

The following approval is required:

Variance - to allow parking in the required front yard and permit the construction of an existing, detached carport located within the front yard.
(Seattle Municipal Code 23.44.016.C2)

SEPA DETERMINATION: Exempt DNS MDNS EIS

DNS with conditions

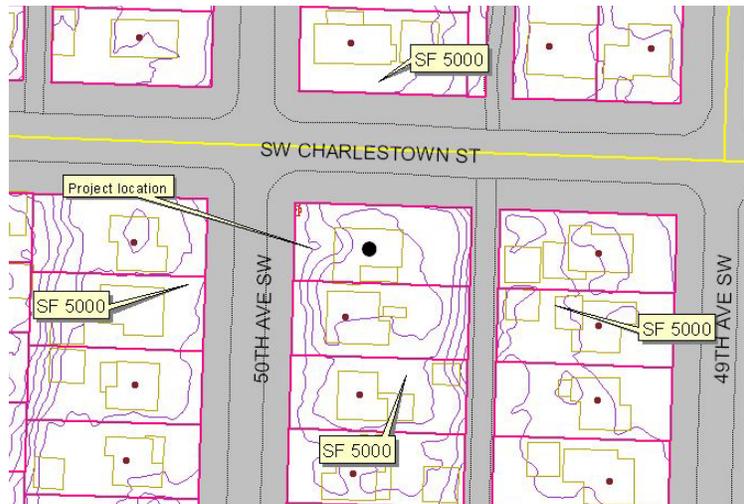
DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity Description

The site measures approximately 7,112 square feet and is zoned Single Family residential with a 5000-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 west where it fronts on 50th Avenue SW, then falls off to the east with a change in elevation of 8 to 10 feet in the last one-half to one-third of the 126.5 foot deep lot. This area has not been identified as a steep slope per the Environmentally Critical Areas Ordinance. The site is currently developed with a single-story, 1370 (approx.) square foot single family home.



The subject property is located at the southeastern intersection of 50th Avenue SW and SW Charlestown St. There is a platted and developed alley off of the east property line. There is an existing rock wall approximately 8 to 10 feet tall that provides an impediment to providing the required off-site parking within the rear yard. Access from SW Charlestown St is also not recommended because of the grade separation between the street and the property. Even if the applicant was to dig into the side of the sloping lot, site distance may be an issue since SE Charlestown St is an arterial. SMC 23.54.030.D.1.b specifically prohibits cars from backing onto arterial streets unless a safety analysis can show that it is safe to do so. A turnaround area on site would also be impractical due to the 20' distance between the house and the property line. Both streets are improved with curb, gutter, sidewalk and planting strip.

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 required on-site parking for the site, thus fulfilling current Land Use Code requirements for off-street parking. The applicant is also requesting approval for the location of a detached carport that has been constructed without building permits.

The historic parking location is a paved area approximately 13 feet by 16 feet, beginning just east of the west property line along 50th Avenue SW. The existing parking pad is in the same area, with the same dimensions. This area is surrounded by a 2 to 3 foot high rock wall. The parking is located fully within the required 20 foot front yard. The applicant presently parks one car and 2 motorcycles within the parking area.

The site plan indicates that a portion of the constructed carport could be located within the 50th Ave SW right-of-way. DPD does not regulate structures or uses within the city's rights-of-ways. This variance decision is not approving the location within the right-of-way. The applicant must discuss this issue with the Seattle Dept. of Transportation's (SDOT) Street Use Division and obtain an annually renewed Street Use Permit if SDOT finds that the eaves are located within the right-of-way.

Public Comment

Comment letters were not received during the public comment period, which ended on May 21, 2008.

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 larger than the minimum required lot size in a SF5000 zone which is not a condition created by the owner. The entire lot is elevated above the street and alley that surrounds the site. The only other parking area within the front yard on this block is the neighbor that is adjacent to the south. All other lots on this half block have their parking directly off the alley. These two lots are impacted by the elevation change between their properties and the developed alley. To deny a reasonable application to allow a surface parking space in the front yard would deprive the subject property of a right and privilege enjoyed by another property in the vicinity. This parking location is necessitated by the elevation change from the alley. It is impractical to require parking to be accessed from the alley due to the elevation difference.

Given that a legal parking space cannot be provided on-site due to the topography, 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. It also appears that the existing paved area and driveway have been in existence for several years and has not been enlarged.

A front yard parking pad with a detached carport structure is comparable to the rights and privileges enjoyed by another property in the neighborhood, and is 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 allow parking only in the required rear yard or the required side yard to the north. The rear yard is elevated 8 to 12' above the improved alley's grade. Parking in the side yard would not be desirable because of the grade separation and the fact the SW Charlestown St is an arterial. There would not be sufficient room to provide a turn around area either. To create parking in either of these two areas would remove a large portion of existing open space, and any possibility for future expansion of living area at ground level. 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 (with the exception of the detached carport construction), which is already 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 **Conditionally Granted.**

CONDITIONS

1. Provide a copy of the building permit and building inspector report approving the final inspection.

Signature: _____ (signature on file) Date: May 29, 2008

Craig Flamme, Land Use Planner
Department of Planning and Development

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