



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: 3008967
Applicant Name: Tess Wegier for Craig Watson
Address of Proposal: 1208 8th Ave. W.

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a new three story single family residence with parking for two vehicles within the structure. Project includes the demolition of the existing single family residence.

The following approval is required:

Variance – to allow up to 4 feet 7.5 inches of structure footprint to encroach into a required 5 ft. side yard (SMC 23.40.020).

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

BACKGROUND DATA

Site Description

The 2,036 sq. ft. triangular lot is located between W Lee Street to the north and W. Highland Dr to the south on 8th Ave West. The west, north and east lot lines borders Seattle Dept. of Transportation and City Parks' property. The 36 ft. high wall, behind the existing house in the right-of-way that was platted as 8th Place W. and is commonly know as Queen Anne Blvd., is a

designated Historic Landmark designed by W.B.R. Wilcox in 1906. Zoning for the site and all surrounding parcels is Single Family Residential with a 5,000 square foot minimum lot size (SF 5000). The site is mapped as an environmentally critical area, due to steep slopes, resulting from the cuts for both 8th Ave W. and Queen Anne Blvd.

The lot slopes slightly to the west and drops off at the right-of-way (8th Av. W.) on the west property line. There are trees near the lot lines, on Parks' property, to the east and north and the Parks' Department maintains a gravel drive behind the subject site (to the east) for maintenance of the retaining wall for Queen Anne Blvd. The southern property line borders on a private lot with a single family residence. The existing one story 1,170 sq. ft. structure, built in 1919, includes a basement and garage.

Development in the Vicinity

The immediate area has both single family and multi-family development, including some existing non-conforming multi-family development in the single family zone and larger conforming multifamily buildings in the nearby multifamily zone (Lowrise Duplex triplex and Lowrise L-2), to the southwest. Buildings reflect the architectural styles of the 1920's and the 1950's. The area has also seen some recent development (beginning in the 1990's). The immediate vicinity is shaped by the geography (steep hill side) and bounded by the arterial Olympic Way W. There are three different parks within 2 blocks; Kinnear Park (the largest at 600,000 sq. ft.) wraps the hillside to the south of the subject site, Marshal Park a much smaller (quarter block) park property one block directly south and a small "view" park east of QueenAnne Blvd. (which is actually part of the right-of-way).

Description of Proposal

The applicant proposes to demolish the existing structure and rebuild in a slightly larger footprint. The new, two story 3,289.6 square foot (per plans) single family residence includes an attached two car garage, replacing the existing garage. Access to the garage is off of 8th Av W. and the garage is located in the front yard per SMC 23.44.010, which allows for parking in this location when there is enough of a grade change to warrant it. Two stalls are permitted because parking is restricted on the west side of 8th Ave. W. The applicant had placed a temporary structure on the adjoining Park's property to the east and was using the area for additional off street parking. The Park's Department has asked for immediate removal of the encroachment.

As noted above, the lot is bounded by right-of-ways to the east, north and west. Work proposed will be within previously developed portions of the subject site and the applicant is proposing structure in the required 5ft. side yard along the east property line, that abuts the gravel drive in that portion of the right of way at the bottom of the retaining wall for Queen Anne Blvd. A five foot side yard is required along this eastern property line. The applicant proposes structure footprint up to a minimum of 4.5 inches from the property line at the midpoint of the 40 ft. façade and a maximum 9 inches at the northern corner (7 inches at the southern corner), or approximately 200 sq. ft. of encroachment.

Environmentally Critical Area (ECA) Regulation

Steep Slopes (SMC 23.09.180)

A review of the proposal was conducted (July 18, 2008) by the City's Geotechnical Engineer, and it was determined that the project is Exempt from the steep slope development standards because the slopes adjacent to the site were created by previous legal grading.

Landslide-prone critical areas (SMC 25.09.080)

The Applicant will be required to provide geo-technical report at the time of building permit and it will be reviewed by DPD geotechnical engineers. This is an administrative review and not subject to appeal.

Trees and Vegetation (SMC 23.44.008.I and 25.09.320.A.3.b)

A Landscaping Plan has been provided in accordance with the requirements of this section. In addition, the applicant has worked with the City of Seattle Park's Department to assure that the landscaping proposed will not negatively impact the publicly owned land to the north and east of the property. The landscaping plan will also be reviewed by the City's Geotechnical Engineers under the building permit. This was an administrative review and not subject to appeal.

Public Comment

Notice of the proposal was issued on August 14, 2008. Two comment letters were received. The concerns stated included: additional height that would obscure the wall behind the lot and/or the view from the park on Queen Anne Blvd, incompatible architectural design for the area, increased runoff from increased lot coverage, and possible speculative redevelopment.

ANALYSIS - VARIANCES

As provided in SMC 23.40.020, variances from the provisions or requirements of this 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;*

The land in the vicinity is zoned single-family residential with a 5,000 square foot minimum lot area. The subject parcel is an approximately 2,036 square foot, triangular lot with an average width of 30 ft. Allowing for the most advantages application of required yards (front off the north property line and rear off the south property line) also requires a 10 ft. side yard along 8th Ave W. Being surrounded by right-of-way on three sides precludes the use of a side yard easement which

Seattle Municipal Code allows for other single family zoned properties (SMC 23.44.014.D.2). Application of standard yard requirements would reduce the footprint to approximately 800 sq. ft. and only allow for an approximately 10 ft. structure width on the north façade. These are unusual conditions, not created by the owner that compromise development on the subject site.

- 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 applicant has proposed a new single family structure that meets all of the other development standards for the zone except for the approximately 200 sq. ft. of structure footprint in the required 5 ft. side yard along the east property line. The existing structure depth is 31 ft. and the proposed depth is 36 ft. The existing structure's footprint is 744 sq. ft. and the proposed footprint is 865 sq. ft. As noted above, if the side lot line abutted another residential lot the applicant code would allow the option of proposing a side yard easement to encroach into the side yard. In addition, a 22 ft. wide gravel area to the west of the site (owned by the City Parks' Dept.) minimizes the perception of the diminished side yard. The requested variance does not go beyond the minimum necessary or constitute a special privilege for this single family residence on this small, irregularly shaped lot.

- 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 applicant is proposing development that is consistent in height, bulk and scale with other recent development in the area, such as the single family house three lots to the south, (constructed in 1984) that employs a "modern" architecture or the new home (built in 2000), one block to the north, built to the current development standards for height, yards and lot coverage. The structure height proposed is 33 ft. to top of roof and the wall height behind the house is 36 ft., the territorial view from the park on Queen Anne Blvd. will continue to be unobstructed. The 22 ft. setback from the wall will allow for minimal restriction to the line of sight, from the north and south, for viewing the historic landmark. 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 and unnecessary hardship;*

According to the applicant, if the side yard requirements were applied to the site the average structure width would be less than 20 ft. and would require additional engineering, design and construction costs. In addition the applicant states that the resulting stairs, hallways and bedroom sizes would not be "viable" and the "skinny" appearance would be out-of-character with the area.

- 5. The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use Policies or Comprehensive Plan, as applicable.*

A housing opportunity will be provided within the City limits as a result of this action. The Single Family Policies in the Land Use Code encourage housing opportunities within the City while seeking to recognize and preserve the streetscape character of individual clusters of housing units within City. The style of the house is consistent with newer development in the area and affords more restraint in height, overall bulk and scale than would a Code-compliant new single-family structure which could be constructed on most surrounding sites.

NOTE:

Prior to Issuance of Any Construction Permits the owner and/or responsible party shall resolve the following to the satisfaction of the Seattle Park's Department:

1. Secure a Revocable Use Permit from the City of Seattle Park's Dept for construction access across Park's property.
2. Provide a copy of Park's Department approved Landscaping Plan with the construction Plan set.
3. Show tree protection for the trees adjoining the site, on Park's Department property to the north and east.
4. Work with the Park's Department to secure a permit from the Department of Transportation to restore the curb, to SDOT standards, needed to close the "curbcut" established to the north of the subject site.

DECISION - VARIANCE

The proposed variance referenced above is **CONDITIONALLY GRANTED.**

CONDITIONS OF VARIANCE APPROVAL

For the life of the project

5. A copy of the variance approval shall be attached to any construction plan set.

Signature: _____ (signature on file) Date: January 19, 2009

Justina Guyott, Land Use Planner
Department of Planning and Development

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