



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: 3009838
Applicant Name: Brad Sturman
Address of Proposal: 1137 36th Avenue

SUMMARY OF PROPOSED ACTION

Land Use Application to allow an attached 338 square foot garage to a single-family residence.

The following approval is required:

Variance - to allow an attached garage in the required rear yard and closer than 12-feet to the alley centerline. (SMC 23.44.016)

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 Descriptions

The approximately 5,000 square foot site is located in a Residential Single Family 5000 zone (SF 5000) on the west side of 36th Avenue. Although addressed on 36th Avenue, all site access is from the 12-foot alley to the west that extends between East Union Street to the north and East Spring Street to the south due to a steep embankment between 36th Avenue and the existing single-family structure's front yard. The East Union Street right of way (ROW) east of the alley and along the north side of the subject property is undeveloped due to its steep slope, but has a pedestrian stairway connecting to 36th Avenue.

The existing house was constructed in approximately in 1906. However, the house is non-conforming to the current Land Use Code by being situated in the now required 21-foot rear yard; it is 13 feet from the rear property boundary / alley pavement edge. Vehicle access to the existing basement garage is across a steep driveway from the alley through the rear yard to the back of the house.

The surrounding neighborhood lots are also comprised of single-family structures of a similar age and siting pattern. The structures along the alley to the south all have alley vehicle access a few have garages in the rear yard and close to the alley.

Proposal Description

The application seeks to allow the construction of an attached single-car garage in the rear yard and one foot from the alley pavement edge / property boundary. The approximately 12-foot wide and 25-foot long garage would be parallel to the rear wall of the existing house and extend along almost the length of the house's rear wall, ending at the required 5-foot side yard along the south property boundary. Vehicle access would be from a new driveway extending toward the north property boundary but accessing the alley south of where the alley abuts the East Union Street sidewalk. The proposed garage would cover the location of the existing sunken driveway, which would be demolished and in-filled to the surrounding grade. The garage has been designed to be architecturally compatible with the existing structure, which is a positive architectural example of the Madrona neighborhood, and visually pleasing to public view and from neighboring properties.

The Land Use Code allows garages in a required rear yard provided they do not exceed 40 percent lot coverage of this yard and are no closer than 12-feet to the alley centerline. The proposed garage would not exceed the maximum rear yard lot coverage but would be seven feet from the alley center line (1-foot from the alley pavement edge + 6-feet from the alley centerline).

Public Comments

The 14-day public comment period ended January 14, 2009. Letters and phone calls from four parties were received with the following comments and concerns:

- Service and emergency vehicles sometimes have difficulty turning into the alley and have insufficient room to maneuver in the alley. The alley is the only vehicle access to many lots along the alley, but is very narrow due to existing garages and rockeries. This proposal should not exacerbate these conditions and should only be allowed if it improves the condition, at least along the subject property alley boundary.
- The alley appears to be less than 12 feet at the project site and more like 9.5 feet. Now it is difficult for Fire and garbage trucks to pass. Do not make this situation worse.
- The house currently has a basement garage. The applicants should raise this house to make this garage usable, not build one in the rear yard.
- Nothing in the proposal should cause encroachment into the undeveloped Union Street ROW. No vehicles should be backing across this ROW, but should enter and exit solely from the alley.

ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below 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 subject property has the following unusual conditions not created by the owner or applicant: the structure, which was constructed in 1906, is located 13 feet from the alley edge / rear property line; the existing basement garage is located 4 feet below the alley grade, resulting in a 30 percent driveway slope (Land Use Code maximum driveway slope is 20 percent); the garage opening maximum vertical height is six feet from grade; the combination of this height and the sloped driveway leading to it creates an effective height clearance of less than six feet, thereby severely limiting the variety of vehicles that could utilize the garage, consequently the lot has no required on-site parking space; the lot's north side abuts the undeveloped East Union Street ROW and has approximately 10 feet of distance between this ROW / property boundary and the house porch's north wall; and the slope along the 36th Avenue frontage prohibits vehicle access to the higher elevation location of the house.

The surrounding neighborhood has many examples of similarly situated older houses, but with alley accessed garages that abut, or are within a few feet of the alley, and closer to the alley centerline than 12 feet. Based on the existing site condition, similar surrounding neighborhood site conditions and garage locations and the restricted options for garage placement elsewhere on the site, the 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.

- 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 proposed garage will accommodate one vehicle in its 12-foot exterior width (with an approximately 11 foot interior width) and be attached to the existing house to maximize the distance from the alley. The existing driveway and garage are unusable for modern vehicles. The other option for a garage is the side yard abutting East Union Street, but this location would also require a variance and, because of its proximity to the alley / sidewalk / street intersection would create a safety hazard and be visually intrusive to the sylvan character of this ROW.

As noted above in this document, many houses are similarly situated, of the same age and have garages closer to the alley centerline than allowed.

Granting the variance request based on the above facts would not go beyond the minimum necessary to afford relief or constitute a grant of special privilege relative to other properties in the vicinity and Single Family 5000 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 existing garage, although functionally unusable by all but the smallest cars, requires vehicles that could use it to back into the alley up the steep driveway. This is an unsafe situation for driver visibility. The proposed garage and driveway would require the removal of a large Laurel hedgerow, which has grown into the alley and currently constrains vehicle movement and visibility in the alley. The removal of this hedgerow would restore the alley to its paved 12 foot width (the area between the existing concrete garage on the alley's west side and the edge of the pavement on the east side). The proposed garage would be one foot from this east pavement edge, thereby effectively providing a larger alley than currently exists.

The proposed garage would be located approximately 20-feet south of the alley intersection with the East Union Street sidewalk. Vehicles would enter the proposed garage parallel to the alley from a driveway that connects to the alley and not the East Union Street ROW. A driveway extension / turnaround would be provided to assure vehicles are not required to back into the alley / street intersection, but can turn around on site and then enter the alley moving forward.

Based on the above, no material detriment or injury to the public welfare or vicinity's property or improvements are anticipated.

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;*

The strict application of the 12-foot distance for garages from an alley centerline would prevent any garage at the rear of the existing house. The remaining options for possibly location a garage would be the north side yard or the front yard; both of these options have severe limitations of practical difficulties and, in the case of a front yard garage, undue financial hardship due to the extensive excavation required. Both options would likely also require variances. Most importantly, these two possible options would have negative aesthetic impacts on the neighborhood character.

With the side and front yard options precluded for the reasons above, prohibiting the construction of the proposed garage would leave the applicant with their current basement garage. The current garage and driveway characteristics, described in Criterion 1 above, as the only option for an on-site enclosed single parking space create an undue hardship and continue a practical difficulty.

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

The Land Use Code provides for a variance process for relief from unusual conditions and situations that the rules of the Code could not anticipate. At the same time, an intent and purpose of the Code is to assure compatibility of uses within a zone and preservation of neighborhood character.

The siting and construction of the existing house in proximity to the alley occurred well before the current applicable Single Family Land Use Code development regulations. Additionally these regulations are global in perspective and sometimes, such as in this situation, do not make provision for the other unusual and constraining site conditions listed in this document. That is the reason for the variance process.

As described above, the proposed garage is in keeping with this purpose and intent of the Land Use Code by being architecturally compatible with the existing structure, and consequently the broader neighborhood context, and sited similar to many other alley access garages along the alley with within the neighborhood. The construction of the proposed garage will also remove the existing condition of reduced visibility for vehicles entering or exiting the driveway due to it exceeding the Code maximum slope.

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, therefore:

- A variance to allow an attached garage in the required rear yard and closer than 12-feet to the alley centerline is **CONDITIONALLY APPROVED**.

CONDITIONS – VARIANCE

For the Life of the Project

1. The exterior garage wall may not be closer than 1 foot to the rear property line.

Signature: (signature on file)
Art Pederson, Land Use Planner
Department of Planning and Development

Date: April 2, 2009