



City of Seattle

Department of Planning and Development

Diane Sugimura, Director

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

Application Number: 3009972
Applicant Name: Jason Grife
Address of Proposal: 836 N.E. 67th St.

SUMMARY OF PROPOSED ACTIONS

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

The following approvals are required:

Variance – to allow parking in the required front yard. Seattle Municipal Code (SMC) 23.44.016 C.

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 proposal site is zoned single family (SF 5000) with multi-family zoning adjacent to the east and across N.E. 67th St. to the south. The lot is 3,089 sq. ft. in area and 30 feet wide. The existing house on the site is placed near the front property line and there are minimal side yard distances of approximately 3 feet on the east and approaching zero on the west. The front yard setback varies from approximately 8 to 13 feet. There is no on-site vehicle parking, nor does there appear to have been any in the past. There is no alley access to the site. Parking is allowed on both sides of N.E. 67th St., leaving enough drive aisle area for two way traffic on the residential, non-arterial street. A majority of the properties on the block segment between 8th Ave. N.E. and Roosevelt Ave. N.E. have on-site parking. Several have parking in the front setback. Two have parking structures partially in the front setback.



Public Comment

DPD published public notice of the proposed development on April 22, 2010, and the associated public comment period ended on May 5th. One written comment was received. A neighbor of the proposal site immediately adjacent to the east expressed support for the proposed variance approval.

ANALYSIS - VARIANCE

Variances may be authorized only when all of the variance criteria set forth at SMC Section [23.40.020](#) and quoted below are met.

- 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 “unusual conditions” are the constraints of the site’s dimensions with regard to the existing house. The site is 30 feet wide, with existing side yards of 3 feet to the west and virtually no setback to the east. There is no alley access to the site and narrow side yards make vehicle access to the rear yard impossible.

On-site parking is a privilege enjoyed by most of the surrounding properties in the immediate neighborhood. It is generally required for new residential development. The strict application of SMC 23.44.016 C preventing location of accessory parking in the required front setback would effectively prevent the applicant from creating legal on-site parking for this property.

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;**

The applicant proposes to develop a single parking space in the front yard. One space per dwelling unit is the generally proscribed requirement for single family housing in the Seattle Land Use Code. While there are older houses in the city which do not have any off street parking and while there are some neighborhoods have a higher percentage of this condition than others, the generally accepted standard is for a single family house to have at least one on-site parking space.

While the Seattle Land Use Code generally mandates code required parking to be placed outside of the required front yard in a Single Family zone, it also allows the driveway leading to a code conforming parking space to be used for parking. It is not the case that there are few vehicles parked on driveways in single family areas. Rather it is a common occurrence to see this condition. Furthermore, in certain circumstances, such as sloping front yards, the Seattle Land Use Code does allow parking in the required front yard.

Considering the above arguments, the application meets the second variance criterion.

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;**

Replacement of a portion of a now landscaped front yard with a surface parking space is likely to result in a slight decrease in the aesthetic quality of the immediate area. A car parked in the proposed parking space would need to back either into or out of the space; a maneuver which is more dangerous, to other vehicles, bicyclists and pedestrians, than parallel parking that same vehicle along the curb. The amount of parking in the area would be expected to neither increase nor decrease where the proposed parking space created as an on-street space would be removed to provide a driveway to the single new space. In addition the creation of a driveway to an on-site space introduces a possibility of parking in such a way as to block the public sidewalk, a circumstance which was much less likely without it.

In order to avoid the prospect of vehicles larger than the proposed parking space using it, this variance should be conditioned to require vehicles parking on the subject site avoid parking in the area between the property line and the roadway pavement.

While allowing creation of the requested parking space in a front yard would be expected to have some negative impact upon the property and improvements in the zone or vicinity, it would be a minor level of detriment which is commonly endured in residential areas in order to accommodate automobiles. For this reason it would not be characterized as a material detriment but instead might be identified as a one characteristic of residential neighborhoods in this city.

Considering the above arguments, the application meets the third variance criterion.

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 literal interpretation and strict application of 23.44.016 C, restricting front yard parking, would cause undue hardship and practical difficulties for the applicant. Without the ability to park a vehicle on the proposal site the residents are forced to find an alternative parking space. That space is most likely to be found on the adjacent street. On street parking in this area is available to any registered vehicle. Parking in the area is reported to be highly utilized with low likelihood of finding any within a short distance from the subject site at certain times of the day. It is reasonable to term the lack of a single off-street parking space for a single family home “an undue hardship or practical difficulty.”

Considering the above arguments, the application meets the fourth variance criterion.

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

Single Family Land Use Policy 8, in SMC [23.12.050](#), states as follows:

Offstreet parking is mandatory, and the City shall regulate its location in order to reduce the impact created on the streetscape by the location of accessory parking structures, vehicles and curbcuts. In order to maintain an attractive environment at street level, continue the existing pattern of landscaped front yards, facilitate traffic flow and sustain on-street parking, parking in front yards is generally prohibited.

As conditioned below, the proposal does address the neighborhood’s “attractive environment at street level”, and “landscaped front yards” policy considerations. The development of a single parking space would not significantly impact traffic flow, and on-street parking is in heavy demand where available on the adjacent street. While parking in front yards is “generally prohibited”, this particular proposal includes provisions that adequately address the spirit and purpose of this policy.

Considering the above arguments, the application meets the fifth variance criterion.

DECISION - VARIANCE

The requested variance regarding front yard parking is **CONDITIONALLY APPROVED.**

CONDITIONS - VARIANCE

Prior to Issuance of Master Use Permit

1. The remaining planting strip, as well as the remaining front yard to the north of the paved pedestrian access shall be maintained with grass or other landscaping.

On-going

2. Vehicles parking on the subject site shall avoid parking in the area between the property line and the roadway pavement.
3. Parking shall be constructed with a 10-foot curb cut leading to a paved parking space measuring no more than 8'x15'.

Other Requirement

4. The owner(s) or responsible party (ies) must obtain a curb-cut permit from DPD prior to installing the paved parking space.

Signature: (signature on file)

Date: October 7, 2010

Scott Kemp, Senior Land Use Planner
Department of Planning and Development
Land Use Division