



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 Numbers: 3009973 and 3010459
Applicant Name: Jacque White
Addresses of Proposal: 4514 SW Stevens Street and 2758 46th Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use Application to adjust the boundary between three parcels of land (proposed parcel sizes are: A) 4,443 sq. ft. and B) 2,354 sq. ft.) and allow a single family residence on a sub-standard lot.

The following approvals are required:

Variance- To allow a single family structure on a sub-standard lot, Parcel “B” (Seattle Municipal Code 23.44.010).

Variance - To allow a portion of a principal structure to extend into the required front yard (Seattle Municipal Code Section 23.44.014A). *Requirement: The front side yard shall be 20 feet - Proposed: 15- foot front yard on Parcel “A.”*

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

BACKGROUND DATA

Subject Site and Vicinity

The subject property is zoned Single Family-5000 (SF-5000) and is a rectangular-shaped corner lot bounded by SW Stevens Street on the South and 46th Avenue SW to the west. The subject

property is bordered on the north and the east, across an unopened alley, by properties which are zoned Single Family 5000 (SF-5000). The zoning across 46th Avenue SW is likewise zone SF 5000. The entire general vicinity is developed predominately with one and two story, single family residences.

The legal description of the property is lots 26, 27 and 28, Block 12, Fourth Plat of West Seattle L & I Co. The lots are 120 feet deep; lots 26 and 27 are 25 feet in width; lot 28 tapers from 7.47 feet along 46th Avenue SW to 6 feet at the alley. The total site area is approximately 6,797 square feet.

Proposal Description

SMC 23.44.010 provides a minimum lot size for the zone (SF 5000) at 5,000 sq. ft. That section of the Code also provides exceptions for lots to be developed or redeveloped as separate building sites which do not meet the minimum lot area requirements, specifically the exception for lots created by subdivision, short-subdivision of lot boundary adjustment that are at least 75 percent of the required area and at least 80 percent of the mean lot area of the lots on the same block face within which the lot(s) will be located and within the same zone (Subsection 23.44.010 B1b). The applicant's property fails to meet the so-called "75/80 rule" for the parcel proposed as Parcel "B" and is seeking relief from that requirement by means of the variance process.

The proposed project includes retaining on the new parcel B that abuts the alley an existing single-story residence and moving a single-family residence, currently located at 4516 42nd Av SW, onto the new parcel A. The applicant is requesting a variance to allow one substandard parcel, of 2,354 sq. ft., which would not meet the exception of SMC 23.44.010 B1b for a lot that is at least 75 percent of the minimum required area of the zone and at least 80 percent of the mean lot area of the lots on the same block face within which the lot will be located. The existing single family structure will be allowed to remain on this Parcel "B." Parcel "A," with an area of 4,443 sq. ft., occupying the westernmost portions of the three existing lots and conforming to the provisions for the exemption allowed in SMC 23.44.010B1b, will provide a site for the vintage house that will be moved from 4516 42nd Avenue SW. The applicant is also requesting a variance to allow a portion of the house-to be- moved to project approximately five feet into front yard of Parcel A. The Code requirement for the front yard abutting 46th Avenue SW is twenty feet, or the average of the front yards on either side of the parcel.

Public Comment

A total of three comment letters were received during the official comment periods, one that ended on June 7, 2009, and the other that ended August 6, 2009. The comments were generally in favor of the proposal and of the granting of the variances to enable the existing house at the other site to be moved onto the subject site. In addition, the Master Use Permit submittal for 3009973 contained the signatures and addresses of more than 50 neighbors in the vicinity and within 300 feet of the site who indicated their support of allowing the lot boundary adjustment to accommodate the addition to the neighborhood of the house to be moved onto the site.

ANALYSIS – VARIANCE to allow single-family development on a sub-standard lot

Variations from the provisions or requirements of the 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; and*

The proposed Lot Boundary Adjustment of the subject property would create one conforming lot (Parcel “A”) and one non-conforming lot (Parcel “B”). Parcel “B” would accommodate the existing small house which would remain in its current location at the extreme eastern edge of the lot, abutting the alley. The western side of this structure, constructed in 1910, sits approximately ninety-five feet from the property line along SW 46th Avenue, an anomaly intensified by a separation of 25 feet (including a 16-foot planting strip) from the curb to the western property line along 46th Avenue SW. The lot conforming to the 75/80 rule (SMC 23.44.010 B1b), Parcel “A,” would be occupy the western portion of the subject site and accommodate an older single-family residence currently slated for demolition that would be moved to the site. The smaller of the two parcels resulting from the LBA would be larger than two existing built-out lots along SW Stevens Street within a block of the subject site. The larger of the resulting parcels (Parcel “A”) would be slightly larger than the median corner lot size for this portion of SW Stevens Street.

The subject site enjoys extra broad expanses of right-of-way along both its western and southern edges. The distance between curb and property line along 46th Avenue SW is 25 feet, and includes sidewalk and a planting strip of at least 16 feet. The distance between curb and property line along SW Stevens Street is even greater. In addition to a sidewalk there is a planting strip of approximately 20 feet in width. This unusual condition along two sides of the site, combined with the fact that the existing small structure on site is nestled up against the unimproved alley to the east and well away from 46th Avenue SW supports the applicant’s opinion that another structure can be accommodated on the site with the proposed separation between the two structures providing ample air and light and a perceptible comfortable fit within the block. The applicant has demonstrated that the newly adjusted lots, the proposed sitting of the two structures, together with the compatibility in scale, style and age of the structures would be in keeping with the prevailing urban form and architectural context of the neighborhood.

There are indications that the original platting was done in contemplation of two single family residences occupying the site. One of these indications is the curb cut on SW Stevens Street, west of the existing structure and never linked up with a driveway. Another is the presence of two water lines and water meter boxes in the right-of-way adjacent the subject property. Additionally, an examination to compare five other non-corner lots facing SW Stevens Street between 44th Avenue SW and 46th Avenue SW reveals the following: the largest such lot is 3,825 sq. ft. in area, with the average 2,892 sq. ft. and the smallest 1,554 sq. ft., or 800 sq. ft. smaller than the proposed Parcel “B.” Another lot, at 4511 SW Stevens Street, is 1960 sq. ft. in area, again smaller than the smaller lot that is part of this proposal. Two other lots in the neighborhood, one

at 4516 SW Hanford Street and another at 3056 46th Avenue SW are each only 2,850 sq. ft. in area. While out of step with those patterns of land use set as standards for new development on land zoned single-family, the applicant's proposal is in keeping with the patterns of relationships between structures and those patterns discernible in the relationships between private and public domains established in this older residential neighborhood. Given the specific congeries of existing urban forms within and surrounding the site, the proposal presents an opportunity to enhance a pattern of development that would have been possible at an earlier date and that still is compatible with the existing built environment.

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 applicant is requesting the reduction of the size of only one of the proposed parcels, Parcel "B." As noted immediately above, an examination of five other non-corner lots facing SW Stevens Street between 44th Avenue SW and 46th Avenue SW shows that the average size of those lots is 2,892 sq. ft. and the smallest, located at 4409 SW Stevens Street, is 1,554 sq. ft. in area, or 800 sq. ft. smaller than the proposed Parcel "B." Again, while out of step with those patterns of land use set as standards for new development on land zoned single-family, the applicant's proposal is in keeping with existing patterns along the same street front in the immediate vicinity and does not go beyond the minimum necessary to afford relief and does not constitute 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; and*

No detriment to the public welfare or injury to the property or improvements in the zone or vicinity is likely to occur by granting the requested variances. The proposal would allow for further development on the site that would align the mostly vacant western portion of the site with the pattern of other land uses on SW Stevens Street, 46th Avenue SW, and more widely in the neighborhood. Alternative development on site could provide for demolition of the existing house and construction of a larger house on site, out of scale with surrounding structures and architecturally out of context in terms of style. The proposal would save a 100 year old restored building on site while allowing for the salvage of an 85 year old structure from the same general West Seattle area and to relocate it in a configuration that is entirely consistent with the existing neighborhood form and context.

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 the applicable provisions or requirements of the Land Use Code would cause practical difficulties. If not allowed to adjust the lot lines of the original platted lots within the existing site, the applicant will not be able to salvage the older home in the West Seattle Junction area and transport it to this site. In all likelihood this will result in the structure at 4516 42nd Avenue SW being demolished and the resulting refuge being transported to landfill. The option of building a larger structure on site would also require that

the existing structure on site be demolished and transported to landfill. This option would consume roughly three times the materials to result in one half the residential capacity and lead to a more intangible loss of architectural and neighborhood history.

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

The purpose of the Land Use Code is to protect and promote public health, safety and the general welfare through a set of regulations and procedures for the use of land which conforms to the City's land use policies. It is the responsibility of the City to preserve and protect areas that are currently in predominantly single-family residential use. The construction as proposed is in character with the patterns of surrounding development and preserves the existing neighborhood character. The applicant's aims to expand housing opportunities by moving an older structure while at the same time respecting and maintaining the existing neighborhood pattern, form and fabric by means of a thoughtful and sensitive platting action is laudable. Traffic and other impacts are relatively minimal and consistent with infill development within established single-family neighborhoods. No adverse effects on adjacent properties in the area are anticipated and the public interest will not suffer as a result of this variance.

A specific set of circumstances –the broad planting strips adjacent the proposed lots which alters the perception of the size of the bordering lots, the existing pattern of smaller houses on undersized lots along SW Stevens Street, and the opportunity to move a structure that shares affinities of age, size, scale and architectural detailing with surrounding structures in this neighborhood recommend granting the variance to allow the boundary line adjustment that would result in a lot not meeting the required minimum area for the zone nor meeting the minimum lot size for the exception allowable under SMC 23.44.010B1b. These circumstances and considerations are specific to this site and presumably would not be applicable to another site given a different set of conditions. In granting the variance, the underlying policy of ensuring compatibility between developments in the single family zone is met.

DECISION – VARIANCE to allow a sub-standard lot

The request for a variance to allow a sub-standard lot (Seattle Municipal Code Section 23.44.010B1) is **APPROVED**.

ANALYSIS – VARIANCE to allow a portion of a single-family residence (front porch) to project into the required front yard

Variances from the provisions or requirements of the 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; and*

The subject property is not unusual in shape or size or topography. The Land Use Code would require a 20-foot front yard for Parcel "A." The house currently located at 4516 42nd Avenue SW which is proposed to be relocated to the new Parcel "A" could be located on the parcel in such a way as not to require the requested variance for a portion of the structure (front porch) to project into the required front yard. However, the predominant pattern for front yards facing 46th Avenue SW, on both the east and west sides of the street, is for houses to have their porches and porch roofs, generally rather shallow (perhaps five feet in depth), to extend into the 20-foot front yard. These circumstances of the receiver site would appear properly to be conditions of "location or surroundings, which were not created by the owner or applicant...."

Since the goal of the proposal is to locate the relocated historic house in such a way as to configure a contextual "fit" with neighborhood, and since it was common for the houses in the neighborhood of similar vintage to have their porches and porch roofs extend into the twenty-foot setback they generally maintain from the front property line, it seems appropriate to allow the front façade and front porch of the structure to be moved to Parcel "A" on this site to have the same relationship to sidewalk and street as existing houses in the neighborhood.

The strict application of the Land Use Code would in this instance deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity. It would not appear that the intention of the Code was to cause a maladroit alignment with existing older structures on the same street front. More commonly the Code intends orderly development patterns and compatibility between surrounding lots. In this instance these goals are best met by responding to development patterns already established to the north and south along 46th Avenue SW.

- 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 applicant is requesting only the *reduction* of depth of the required front yard by up to 5 feet, not the elimination of the front yard altogether.

The applicant is proposing to move an existing single family residence onto Parcel "A" which meets all other zoning requirements for the S.F. 5000 zone including front, rear, and north side yards, overall height, lot coverage, parking, etc.

The 15-foot front yard requested by this variance application is generally consistent with the prevailing pattern of structure setbacks from the front property lines for single-family structures on both sides of 46th Avenue SW

The applicant is requesting a reduction of the front yard up to five (5) feet and this does not seem inconsistent with the limitations (or advantages) placed upon other properties in the vicinity and zone. It is intended as a gesture to the neighborhood and not a request for special privilege. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute 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; and*

No detriment to the public welfare or injury to the property or improvements in the zone or vicinity is likely to occur by granting the requested variance. In addition to providing re-enforcement of an established urban residential pattern, the front yard, slightly narrowed to embrace the entry steps and porch, is perceptually buffered by the expansive planting strips that are part of the right-of-way along 46th Avenue SW.

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 subject property, following upon a successful outcome of the application for a Lot Boundary Adjustment, will have an 85 year old single-family residences relocated onto Parcel "A". The residence that the applicant is proposing to relocate will meet all other zoning parameters for the proposed parcel once relocated to its new foundation.

A review of the subject property, the proposed relocated property lines, plans showing the proposed new location of the house to be moved, as well as site plans indicating the alignment of adjacent and surrounding residences, indicate that the desire to provide a seamless fit into the neighborhood would best be realized by allowing the front porch of the moved house to project by up to five feet into the front yard.

The literal interpretation and the strict application of the applicable 20-foot front yard setback requirement would cause practical difficulties to for the full realization development of this residential parcel lot.

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

The purpose of the Land Use Code is to protect and promote public health, safety and the general welfare through a set of regulations and procedures for the use of land which conforms to the City's land use policies. It is the responsibility of the City to preserve and protect areas that are currently in predominantly single-family residential use. The construction as proposed (the relocation of an older structure onto the site) is in character with the patterns of surrounding development and preserves the existing neighborhood character. The applicant's aim to expand housing opportunities while preserving the historic character of this particular place and retaining an established urban pattern along the street is laudable. Traffic and other impacts are relatively minimal and consistent with infill development within established single-family neighborhoods. No adverse effects on adjacent properties in the area are anticipated and the public interest will not suffer as a result of this variance.

DECISION - VARIANCE to allow a portion of a single-family residence (front porch) to project into the required front yard

The request for a variance to allow a portion of a principal structure to extend into the required side yard (Seattle Municipal Code Section 23.44.014.C) is **APPROVED**.

Lot Boundary Adjustment

SMC 23.28.030 sets forth the criteria of approval for a lot boundary adjustment:

- (1) No additional lot, tract, parcel, site or division will be created by the proposed adjustment.

The site of the proposed adjustment consists of three platted lots totaling 6,797 square feet. The legal description of the property is lots 26, 27 and 28, Block 12, Fourth Plat of West Seattle L & I Co. The lots are 120 feet deep and run in the east/west direction; lots 26 and 27 are 25 feet in width; lot 28 tapers from 7.47 feet along 46th Avenue SW to 6 feet at the alley. The lot line between lots 27 and 28 will be adjusted to run in the north/south direction between the north property line of lot 26 and the south property line of lot 28, at a distance of 78 feet from the west property line of lots 26, 27 and 28. The existing single family house will remain on what will be identified as Parcel "B," measuring 41.86 feet in the east/west direction and approximately 55.98 feet in the north/south direction, totaling 2,354 square feet. Parcel "A" will measure 78 feet in the east/west direction and approximately 57.44 feet in the north/south direction totaling 4.443 square feet. The LBA meets Director's Rule 10-87, No Major Change in Platting Pattern.

- (2) No lot is created which contains insufficient area and dimensions to meet the minimum requirements of the zone.

Parcel "A" meets the following exception to Single Family lot area requirements: SMC 23.44.010B1b. Parcel "B" is approved as proposed through the Director's approval of the request for a variance to allow a sub-standard parcel (see above).

- (3) No lot is created which does not have adequate drainage, water supply, and sanitary sewage disposal, and access for vehicles, utilities, fire protection.

Referrals have been made and approvals received from DPD Drainage Review, Seattle City Light, Seattle Fire Department, and Seattle Public Utilities (see file for any specific comments).

- (4) The LBA is consistent with applicable provisions of the Land Use Code.

Zoning and Land Use Code development standards have been reviewed as have been parking, access and street improvement standards applicable to the site.

- (5) The LBA is consistent with applicable provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

The Lot Boundary Adjustment is **approved**.

CONDITIONS-VARIANCES

None.

Signature: _____ (signature on file) Date: August 13, 2009
Michael Dorcy, Senior Land Use Planner
Land Use Services

MD:bg

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