



City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

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

Application Number: 3011015
Applicant Name: Thomas Kayzer
Address of Proposal: 708—3rd Avenue W

SUMMARY OF PROPOSED ACTION

Land Use Application to allow an attached 332 sq. ft. two car garage accessory to a single family.

The following approvals are required:

Variance - To allow a portion of the principal structure (attached garage) in the required front setback. (15 feet required; 6' proposed) SMC Section 23.45.014A.1.

Variance - To allow a portion of the principal structure (attached garage) in the side setback (5' required; 0' proposed). SMC Section 23.45.014C.1.

Variance – To allow a deck over 18 inches high in the required front setback. SMC Section 23.45.014.G.5

Variance - To allow a structure to exceed lot coverage. SMC Section 23.45.010. (45% limit; 62% proposed)

Variance - To exceed limits on structure depth. (65% limit; 91% proposed) SMC Section 23.45.011.A (chart)

Variance – To not provide required sight triangle. SMC Section 23.54.030.G.

Variance – To allow a 20 foot curb cut. (10' required, 20' proposed). SMC Section 23.54.030.F.1.

Variance – To allow vehicles to back onto an arterial. SMC Section 23.54.030.D.1.b.1.

SEPA DETERMINATION:

Exempt DNS MDNS EIS

DNS with conditions

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

BACKGROUND.

Site and Vicinity Description

The subject 2046-square foot, L3 zoned site is located about 60 feet north of the intersection of West Roy Street and 3rd Avenue West, on the east side of 3rd Avenue West. It is in the Uptown Urban Center, an area developed extensively with substantial multifamily structures, though two other single family residences adjoin it to the south and southeast. The corner house (222 W. Roy Street) has no legal parking, and the other house (218 W. Roy Street) has a garage appearing from aerial photographs to be at the south (street) property line. None of the properties along 3rd Avenue West have parking at the street property line. Generally, there is extensive vegetation in front of buildings, and the streetscape feels unusually landscaped for the scale and density of development.

The subject site is developed with a single family residence. There is no curb-cut. The planting strip is developed with a number of laurels (*prunus laurelcerasus*) that have grown to the size and form of small trees.

Proposal Description

The applicant has requested variances to allow an attached two-car garage with a rooftop deck to be located 6 inches off the front (3rd Avenue West) and side (south) property lines. The garage area will be approximately 19'6" wide by 17' deep. The proposed garage would be 9'-6" high from the garage floor to the top of the roof plus 4' for a guardrail resulting in a total façade height of 13'-6" above the vehicle entrance. Due to the uphill slope of the site, the proposed garage would be partially underground as seen from the south and the north.

Public Comments

None.

ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist. Analysis for the variance requested follows each statement of required facts and conditions.

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 size of the subject site is an unusual condition for properties in the surrounding L3 zone that was not created by the owner. Small size alone does not warrant the granting of variances. Some degree of limitation on development potential must obviously be associated with size. In this case, the request is for a substantial parking structure on the smallest free-standing site in the zone. Yet as documented by the application, 45 of 96 residential units on the same block (47%) do not have off-street parking, let alone structured parking. The house to the south does not in fact have legal off-street parking. The site is located in an Urban Center, where parking is not even required. In short, the property is cannot reasonably be deemed to be deprived, by virtue of its small size, of rights and privileges enjoyed by other properties in the same zone and vicinity. Nearly half of other residential units as itemized by the applicant are similarly compromised.

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;*

Besides the subject property, there are six properties altogether located on both sides of the subject block. One of them (222 W. Roy Street) provides no parking. Four (225 and 303 W. Olympic Place, 712 and 716 3rd Avenue W.) appear to provide only surface parking. Only one (701 3rd Avenue West) provides structured parking, that being well set back from the sidewalk and screened. Based on this data, granting the requested variances to build a 2-car garage would go beyond the minimum necessary to afford relief and also constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located.

A one-car garage or surface parking space(s) might have been proposed (though these options would fail for reasons elsewhere set forth); the existence of these alternatives documents that the requested variance for lot coverage exceeds the minimum necessary to afford relief, and would constitute a grant of special privilege. It is almost certain that none of the residences in the subject block enjoy access to two parking spaces, let alone structured parking spaces.

Because the structure depth variance is required to accommodate any proposed garage structure, it too suffers for going beyond the minimum necessary to afford relief. Because the 20-foot curb cut is associated with the request for two parking spaces, it too goes beyond the minimum necessary to provide 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;*

The 13-foot height of the rooftop deck and location in the required front and side setbacks would be materially detrimental to the public welfare and injurious to the property or improvements in the zone or vicinity in which the subject property is located. The potential would be for substantially increased noise and privacy impacts on the adjacent property to the south. The inability to substantially screen the garage and the proposed rooftop, exacerbated by the 20-foot curbcut (which would eliminate considerable existing landscaping as well as landscaping potential), would create a looming and highly discordant intrusion on the otherwise open and consistently-landscaped streetscape. Discordancy of the 6-inch setback would be extreme in contrast with the heavily landscaped 14-foot setback of the structure to the north and similarly landscaped 17'6" setback of the structure to the south. These screening, looming, and discordancy impacts would obtain regardless of whether a one or two car garage was constructed.

The single family residence at 218 W. Roy Street dramatizes the lack of material detriment associated with an appropriately granted variance application vs. the material detriment that would be associated with the requested one. 218 W. Roy Street is also located in the L3 zone. It benefits from one structured off-street parking space (one-car garage) at the street property line that appears to have been constructed during the 1990s with variance approval. What differentiates this property from the subject site is that, although the garage is built to the street property line (as shown on the City's GIS maps), there still remains about 6 feet between the structure and the sidewalk. This substantial area has been lushly and vegetated to almost completely screen the garage and the deck above, including with a trees, especially as seen from the south and southwest. The garage door is only about 7 feet wide, and even that is partially obstructed/screened by approximately one foot of overgrowth of vegetation, principally on the east side. The overall effect is immensely pleasing, but cannot be duplicated at the subject site.

A further differentiating factor is that 218 W. Roy Street shares a 6-foot wide stairway with 222 W. Roy Street to its west; together with an approximately 2 foot setback from its west property line, the rooftop deck at 218 W. Roy Street stands off approximately 8 feet away from the private portion of the front yard of 222 W. Roy Street, minimizing privacy impacts on the adjacent property. In contrast, the proposed rooftop deck would be only 6 inches from the rear property line of 222 W. Roy Street. The rear yard of 222 W. Roy Street immediately below the proposed deck has been developed with a furnished patio, and an arbor (heavily overgrown with clematis armandii) seemingly situated to maximize the patio privacy. This the proposed garage would adversely impact. A one-car garage or surface parking space could be designed that would not have such impacts; however, variances to accommodate a one-car garage would fail for other reasons detailed herein.

There would likely be material detriment to public safety associated with the proposal as well. Maneuvering in the public right of way (an arterial) would be required to either get into or out of the garage. Vehicles coming south down 3rd Avenue West, which is substantially sloped in the project vicinity, might have trouble stopping for a vehicle backing into the proposed garage, especially under slick conditions. On the other hand, cars backing out of the garage would have limited visibility of the street and especially of the sidewalk due to lack of a site triangle, especially if any effective vegetative screening were provided. According to the applicant 3rd Avenue W. serves 3241 vehicles per day (1479 southbound and 1762 northbound), or

approximately 2.25 cars per minute. This is quite sufficient flow to ensure meaningful risk of accidents, with proponents backing into or out of a garage with limited visibility in the right-of-way, whether from a two-car or a one-car garage, especially given that use of the garage would likely often be at times of peak street traffic. Pedestrians would be also perambulating across the site frontage, again particularly during peak traffic hours, and they would also be at meaningful risk.

The 70-75 stopping distance for a 25-mph car (as discussed by the applicant) also seems to be well within the risk zone for accidents, given only 70 feet at most from an anomalous intersection (where W. Roy Street jogs north-to-south) to edge of the garage, and given that drivers need some time to scan two unusually-configured streets, not just attend to a very unusually-configured garage – all under varying conditions of light and weather. In short, public safety risks would be significant with any structured parking on the subject site. Surface parking would pose similar risks of backing into or out of the street, and be not much more visible from the south due to the retaining wall at 222 W. Roy Street.

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;*

Given the circumstances noted above, the literal interpretation and strict application of the provisions or requirements of this Land Use Code would not cause an undue hardship or practical difficulties. There can be no denying that it is a practical difficulty to have to hunt for on-street or other off-site parking in the project area. However, such difficulty is not “undue” in that a great many other residents (the majority?) share the same condition. What would be truly undue are the adverse impacts project development (or one-car garage or surface parking space development) would have on streetscape integrity, public safety, and (except for appropriate one-car garage development) privacy of the adjoining property.

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 component, as applicable.*

The purpose of the Land Use Code is to protect and promote public health, safety, and the general welfare through regulations and procedures for the use of land which conforms to the City’s land use policies. These regulations are designed to fulfill many purposes, including protection of neighboring properties and to ensure that new development is safe and compatible with neighborhood character. The multiplicity of variances required to permit the proposed two-car (or even one-car) garage or a surface parking space suggests a considerable degree of pressure on these purposes, specifically impinging upon streetscape integrity, public safety, and the ability of the neighboring property owner to enjoy normal privacy of their property. Granting any of the requested variances to accommodate parking on the site, especially structured parking, would be inconsistent indeed with ruling spirits and purposes. This is especially the case given the location of the subject site in the Uptown Urban Center, which is well-served by public transportation, and where the spirit and purpose of the Land Use Code is particularly well revealed by the fact that parking is not even required.

DECISION - VARIANCE

All of the requested variances necessary to allow the proposed two-car (or even a one-car) garage or surface parking are **DENIED.**

Signature: (signature on file)
Colin R. Vasquez, Senior Planner for
Department of Planning and Development

Date: January 10, 2011