



City of Seattle

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: 3011182
Applicant Name: Charlie Calvano
Addresses of Proposal: 3602 47th Av SW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow construction of a front porch within the required front yard.

The following approvals are required:

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: front porch to encroach 3.5 feet into required front yard.*

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 Spokane Street on the North and 47th Avenue SW to the west. The subject property is bordered on the south 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 zoned 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

The applicant is requesting a variance to allow a portion of the house (front porch) to project approximately three feet six inches into the required front yard. The Code requirement for the front yard abutting 47th Avenue SW is twenty feet, or the average of the front yards on either side of the parcel. The required front yard, with averaging, is 18 feet, 6 inches.

Public Comment

No comment letters were received during the official comment period that ended on May 19, 2010. A statement in favor of granting the variance, signed by several neighbors in the immediate vicinity, accompanied the other materials required at the time of the project application to the Department.

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, but there are topographical features of the site worth consideration. The principal building area of the corner lot does sit a good distance above the right-of ways of SW Spokane Street to the north and 47th Avenue SW to the west and is stabilized by retaining walls that rise inside the sidewalk on either side. A Steep Slope Environmentally Critical Area impinges on the eastern portion of the site and the 15-foot ECA buffer extends into and across a significant portion of the required rear yard. The steep slope area that runs along the entire north-south spine of the block has precluded any development of the platted alley that runs along that spine. While the existing single-family structure, built in 1951, predates any environmentally critical areas ordinances, the fact of the steep slope undoubtedly dictated a decision to move the structure that was to be built forward on the lot, away from the toe of the slope, and weighted towards the western edge of the site. The resulting original structure was located some 70 feet from the rear property line but only 18 ½ feet from the front property line.

The subject property faces onto 47th Avenue SW, which for a distance south of SW Spokane Street maintains a 70-foot right-of-way rather than the 60-foot right-of-way to the north. While the west margin of the right-of-way and street maintain continuity north and south of SW

Spokane Street, the eastern edge of the right-of-way moves some two feet toward the east. Since the street itself remains at 25-feet in width, the street-facing property lines of properties on the east side of the block between SW Spokane Street and SW Charlestown Street are aligned at approximately 40 feet from the centerline of the street and 27 ½ feet from the eastern curb. The additional distance not only provides for a greater separation between structures on the west and east side of the street but created the perception of broader front yards for those properties on the eastern half of the block.

The subject site is a corner lot that sits directly across SW Spokane Street from a large school campus and playfield serving James Madison Junior High. The open areas of schoolyard to the north and that created by the broad expanse of right-of-way between curb and property line on 47th Avenue SW create the perception of side and front yards greater in size than would be verified by actual measurement.

Additionally, the orientation of the structure built on the site, has its more public rooms and entry oriented to 47th Avenue SW, a pattern in keeping with other houses of the same vintage on the street. The location of a front entry door facing to the west means the entrance is windward of the prevailing winds in a climate that is characterized by inclemency for substantial portions of the year.

It should be noted that a porch, as platform, without the covering of a roof, could be permitted outright. Although it could be argued that the right or privilege for shelter over one's head does not necessarily extend to a right of a shelter over one's entry, 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. Most commonly the Code intends orderly development patterns and compatibility between surrounding lots in the single-family zones. It would not appear that the intention of the Code was to be less than clement when it fails to address differences or to distinguish between the condition of leeward and windward entrances to dwellings.

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 encroachment of a portion of a front porch, measuring overall 5 feet by 14 feet. This would include the areas of roof overhang. The depth of the porch at five feet would encroach 3 1/2 feet into the required front yard at a width of 14 feet. Plans submitted with the variance request show a porch structure of good design, proportionate and in scale with the rest of the house, sheltering an entry door into the family room. The proposed porch structure does not go beyond a reasonable minimum necessary to afford relief and does not appear to 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.

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. The portion of the front porch encroaching into the front yard is substantially removed from the public realm in elevation and perceptually and does not infringe on any significant or protected public views. 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;*

A site review of the subject property and both the immediate and extended vicinity, plans showing the proposed new front porch and its location, as well as site plans indicating the alignment of adjacent and surrounding residences, indicate that the proposed porch structure would provide a reasonable fit into the neighborhood and vicinity 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 front yard requirement would cause practical difficulties to for the full realization development of this residential lot. It is custom, not Code that urges a front door. While there may be other locations to place a covered entry, where placement would not require a variance from the Land Use Code, an alternative would require significant revisions to the existing floor plan, the functional layout of the domestic realm, as well as to the expectations of established custom.

- 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 addition of a 70 square-foot porch to an existing single-family structure) is in character with the patterns of surrounding development and preserves the existing neighborhood character. Any impacts resulting from this small construction project are relatively minimal and consistent with construction impacts of renovations and minor additions to existing single-family structures 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 three feet six inches into the required front yard (Seattle Municipal Code Section 23.44.014.C) is **APPROVED.**

CONDITIONS-VARIANCE

None.

Signature: _____ (signature on file) Date: July 29, 2010

MD:bg

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