



City of Seattle

Department of Planning and Development  
D. M. Sugimura, Acting Director

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

**Application Number:** 3011237  
**Applicant Name:** Cheryl Hughes  
**Address of Proposal:** 443 Halladay Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow an addition to an existing single family residence in a required rear yard.

The following approval is required:

**Variance** – to allow portion of the principal structure to extend into the required rear yard (25’ required; 22’9” proposed) SMC 23.44.014.B

**SEPA DETERMINATION:**  Exempt  DNS  EIS

DNS with conditions

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

**BACKGROUND DATA**

**Site and Vicinity**

The site is located in the eastern edge of the Queen Anne neighborhood. The lot is irregularly shaped and covers two parcels, approximately in the intersection of Halladay Street and Aurora Avenue North. The property includes a steep slope with the upper elevation to the west and the lowest elevation to the east (approximately 80’ of grade change). The total lot size is 9,899 square feet. The parcels are developed with a single family residence and a detached two car garage in the upper portion of the lot, accessed via a curb cut and easement from Halladay Street. The lot doesn’t have direct street access to Halladay Street. The lot is adjacent to an unimproved portion of an alley to the south.

The immediate surrounding area consists of single family residential development to the north, west and south, and mixed-use and commercial development to the east. The surrounding zoning consists of Single Family Residential (SF 5000) to the north, west, and south, and Commercial (C1-40 and C1-65) zoning to the east and southeast.

The steep slopes bordering the eastern portion of this site physically separate the subject property residence and surrounding residence from the commercial and mixed-use development below.



*for illustrative purposes only*

### Description of Proposal

The applicant proposes to add a partial first story and daylight basement in the required rear yard (west side of the residence) as part of a larger remodel. The existing residence is two story building with a daylight basement. A two-story portion of the structure is already located within the required rear yard (permitted with a variance under MUP #2100349 in 2001). The existing residence and garage includes approximately 3300 square feet with four bedrooms, two and a half baths, an office, living areas, and a two-car garage. The proposed addition would bring this total up to 5,630 square feet including the garage. Part of the proposed work is adjacent to the steep slope on the eastern portion of the site. This application has received an exemption from steep slope development standards (#6234102), removing the requirement for a steep slope variance. The proposed development will be reviewed by DPD Geotechnical Engineers for slope stabilization and foundation work related to landslide hazards.

Seven square feet of area is proposed in the required rear yard. The 7 square foot addition (as viewed from above) would include 14 square feet of building area. The proposed variance would allow seven square feet for a more rectangular shaped family room area at the main level, plus seven square feet for a more rectangular studio at the daylight basement level. Without the variance, both these rooms would include an angled west wall.

### Public Comment

Notice of the proposal was issued on April 29, 2010. No public comment letters were received.

### **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 an unusual lot shape, and has a restricted buildable area due to the steep slopes on the eastern portion of the lot.

The irregular shape of the lot means that the Land Use Code requires the rear yard to be measured using a 'chord,' which is a line parallel to the front property line. This restricts buildable area in the western portion of the lot (the rear yard), which is also the non-steep slope portion of the lot. The steep slope areas occupying a large eastern portion of the lot aren't buildable without a steep slope variance or exception. Nearby residences along this slope are built very close to the western property lines, in response to the steep slope areas to the east. Examples of similar conditions within two blocks of the subject property include 2562 5<sup>th</sup> Ave N, 446 Smith St, 445 Smith St, and 474 Wheeler St.

Therefore, the strict application of the Land Use Code under these conditions would prevent the enjoyment of normal land use privileges allowed in the same zone and 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;***

Plans indicate that the proposed variance for building addition is minor (seven square feet). The main floor would be reconfigured to provide a more rectangular room at the western building edge at the first floor. A second story addition is not proposed in the required rear yard. As noted in response to the previous criterion, residences constructed within required yard are common in other nearby properties adjacent to the steep slope.

The proposed addition would not go beyond the minimum necessary to afford relief. It does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and 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 proposed variance would allow a triangular extension of the first story and daylight basement of the residence into the required rear yard. The subject property is an irregular shape, with a diagonal front property line. This diagonal property line results in a diagonal rear yard, as described in the response to criterion 1.

Due to the lot's unusual shape and the method for measuring required yards per the Seattle Municipal Code, the proposed addition would be built within the required rear yard, but would only include a small portion of the first story and daylight basement.

A two-story portion of the residence is already located within the required rear yard, permitted under a variance in 2001. A first story addition located outside of the required rear yard (permitted without variances) is proposed on the northwest corner of the residence. Due to the diagonal required rear yard, the proposed addition would be irregularly shaped without the proposed variance.

Adjacent neighbors are located to the north (2' north of the north property line) and west (6.8' west of the west property line). It's possible that the seven square foot addition proposed with this variance would be visible to those adjacent neighbors. However, the addition proposed with this variance would be visually minimal, compared with the existing second story structure already located in the rear yard and the proposed addition allowed outside the required rear yard.

The granting of the variance for proposed addition is not anticipated to 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. There are also several examples of nearby single family residences that do not meet required front, side, and/or rear yards.

**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;***

Due to the unusual lot shape and resulting diagonal required rear yard, the west wall of the residence would have to be an odd angle. Strict application of the applicable provisions of the Land Use Code for the proposed building addition would cause practical difficulties, and would not reflect surrounding development in response to these difficulties.

**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, the spirit and intent of the Land Use Code and Land Use regulations is to provide development compatible with environmental constraints, land development patterns, and existing neighborhood character.

The request for a variance is due to the unusual lot shape and steep topography on a portion of the lot. This variance application seeks to provide flexibility for a minor modification to add building area in a situation constrained by platting patterns and topography.

The proposed variances for an enclosed building addition are consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable, as conditioned below.

**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, subject to the conditions listed below.

The requested variances for reduced front, rear, and side yards, and expansion of a non-conforming structure are **APPROVED**.

Signature: (signature on file) Date: July 22, 2010  
Shelley Bolser, AICP, Senior Land Use Planner  
Department of Planning and Development