



City of Seattle

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**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:** 3011423  
**Applicant Name:** Wing-Yee Leung  
**Address of Proposal:** 800 Lakeside Ave. S.

**SUMMARY OF PROPOSED ACTION**

Land use application to allow reconstruction of the roof an existing nonconforming single family residence.

Seattle Municipal Code (SMC) requires the following approvals:

**Shoreline Variance:** to allow a change to roof configuration of existing single family residence forward of the shoreline residential setback in the SF 5000/UR Shoreline zone. (Section 23.60.198, Seattle Municipal Code)

**SEPA DETERMINATION:**  Exempt  DNS  MDNS  EIS

[...] DNS with conditions

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

**BACKGROUND INFORMATION**

**Site Location and Description**

The subject site is located in Seattle's Leschi neighborhood on the western shore of Lake Washington. The property is zoned Single Family 5000 (SF 5000) and is located in the Urban Residential (UR) Shoreline environment (dry land portion). The submerged portion of this site is located in the Conservancy Recreation (CR) shoreline environment. The property is developed with a single family residence on the dry land portion. The site is bounded by the S. Dearborn

St. street-end to the north, Lakeside Ave S. to the west, Lake Washington to the east, and a single family residence to the south.

### Project Description

The applicant proposes a remodel of an existing single family residence which includes replacing the pitched roof with a flat, green roof. No increase in building footprint is proposed. The existing residence is located predominantly forward of the shoreline residential setback line. Although the roof height will decrease overall, a portion of the proposed flat roof forward of the setback will increase in height by about two feet which requires a variance from the residential setback development standard. The chimney is also proposed to increase in height by about 3 to 4 feet.

The height LIMIT in the UR environment is 30 feet with an additional five feet allowed for pitched roofs (the same as the underlying single family zone). Both the existing and proposed roof of the one-story residence will be well under that height limit (at about 13 feet in height, according to the plans).

### **PUBLIC COMMENT**

Public notice of the application was published on July 19, 2010. The required public comment period ended on August 17, 2010. One public comment was received from a neighbor expressing concerns about the project, but the neighbor later withdrew his objections.

### **ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT VARIANCE**

Section 23.60.036 of the Seattle Municipal Code provides criteria for review of a shoreline variance and reads: *In specific cases the Director with approval of DOE may authorize variances from certain requirements of this chapter if the request complies with WAC 173-27-170, as now constituted or hereafter amended.*

**WAC 173-27-170** explains the purpose and review criteria for granting a variance permit. The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

(1) Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

(2) Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

- (a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
- (b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
- (c) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
- (d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
- (e) That the variance requested is the minimum necessary to afford relief; and
- (f) That the public interest will suffer no substantial detrimental effect.

(3) Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

- (a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
- (b) That the proposal is consistent with the criteria established under subsection (2)(b) through (f) of this section; and
- (c) That the public rights of navigation and use of the shorelines will not be adversely affected.

(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

(5) Variances from the use regulations of the master program are prohibited.

Response to Variance Criteria

(1) The policy enumerated in RCW 90.58.020 provides for: “. . . management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses.” Further, the policy states: “Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.” Single family residences and their appurtenant structures are the first of several uses listed as priorities under the policy language. The proposed remodel of an existing single family residence is consistent with this policy. The proposed portion of the roof that is expanding forward of the shoreline residential setback line is the only element of the remodel that triggers the need for a shoreline variance. Denial of the variance would preclude construction of a roof utilizing green technology. Approval of the variance and construction of the green roof would enhance water quality treatment on-site and thereby protect water quality in Lake Washington. Thus, approval of the variance will advance the policies of RCW 90.58.020 of protecting shoreline resources and ecology. These improvements are long-term benefits and reflect the state's interest in shoreline protection and restoration. No substantial detrimental effect on the public interest is anticipated.

(2a-f) The project is located landward of OHW.

(2a) This criterion requires a finding that the strict application of bulk or dimensional standards in the shoreline master program precludes, or significantly interferes with, reasonable use of the property. In this case, strict application of the residential setback requirement would preclude the proposed change from a pitched roof to a flat, green roof because a small portion of the roof would increase in height (although the roof is well under the height limit and decreasing in height, overall). The proposed energy efficient update of the existing residence (which is located predominantly forward of the setback line) is reasonable use of the property.

(2b) The existing residence was originally constructed in 1955 (according to King County Assessor's Office records), well before the adoption of Seattle's Shoreline Master Program in 1972. It is located on a property with a depth of about 190 feet of dry land, however, the west half of the property is moderately steep and developed with a curved driveway to accommodate the slope. The house is located between 30 and 40 feet back from OHW, but is nonconforming with respect to the residential shoreline setback line (about 2/3 of the house is forward of the line). The existing topography and location of the house, driveway and accessory structures relative to the shoreline preclude alternative locations for expansion or remodel of the residence, and constitute a hardship related to the property and not created by the owner's actions.

(2c) The proposed remodel of the existing residence is entirely compatible with the Single Family zoning, Urban Residential shoreline environment and surrounding residential development. The proposed green roof is expected to improve stormwater retention and treatment on-site, and increase vegetation near the water, which will have a positive impact on the shoreline environment. No adverse impacts are anticipated as a result of the proposal.

(2d) The location of the subject residence relative to the setback is a result of site topography and historic development, as discussed above. Consequently, a shoreline variance is required for a remodel with no increase in footprint but with only a minor change (slight increase in height

for a portion of the roof) forward of the setback. Regarding a grant of special privilege, based on aerial photos it appears that most other single family residences on waterfront lots in the neighborhood of the subject site are more conforming with regard to the shoreline residential setback. A similar remodel of a home in conformance with the setback could be accomplished without variance approval. Granting of the variance would not create a privilege for this property not enjoyed by others in the area.

(2e) The proposed remodel of the existing residence includes no increase in building footprint and also retains the existing home as one-story. As noted above, the proposed change from a pitched roof to a flat, green roof decreases the overall height and volume of the roof structure with the exception of a portion of the roof forward of the setback which will increase in height by about two feet. The chimney is also proposed to increase in height by about 3 to 4 feet. The requested variance is the minimum necessary to accomplish the proposed remodel and replace the pitched roof with a flat, green roof.

(2f) The proposal to replace an existing pitched roof with a flat, green roof is expected to reduce excess stormwater flow into sanitary sewers and the lake during storm events. The green roof is designed to become saturated, slowing down the time it takes runoff to reach the drain or the lake. The roof may also store water, as much as 72 percent of a 1-inch rainfall in a 15 minute interval, according to information provided by the applicant. The green roof also has a filtering capacity to reduce pollutant loads. Additional rainwater water recycling methods may also be employed. The roof system proposed is comprised growing medium and drought tolerant plants such as sedum. Roof modules are generally pre-planted and require very little maintenance. In particular, the applicant notes that “we have no intention of using fertilizers or chemicals for short or long term use.” As proposed, the green roof will likely have a beneficial effect on the public interest, and no substantial detrimental effect is anticipated.

(3a-c) These criteria are not applicable because the portion of the proposed roof that will require variance approval is located landward (not waterward) of the ordinary high water mark (OHWM).

4) This criterion requires consideration of the cumulative impacts of additional requests for like actions in the area, and a finding that the granting of variances for those actions in similar circumstances, in total, would not result in substantial adverse effects to the shoreline environment. Because of the minimal impact of the proposed green roof forward of the shoreline residential setback, granting of additional requests for similar variances at similar properties on the shores of Lake Washington would not cause substantial adverse effects to the shoreline.

## **CONCLUSION**

Based on the responses above to the shoreline variance criteria per SMC 23.60.036 and WAC 173-27-170, the proposed remodel of a pitched roof to a flat, green roof forward of the residential shoreline setback is approved.

**DECISION - SHORELINE VARIANCE**

The Shoreline Variance is **GRANTED**.

**CONDITIONS – SHORELINE VARIANCE**

None.

Signature: \_\_\_\_\_ (Signature on File)  
Molly Hurley, Senior Land Use Planner  
Department of Planning and Development

Date: November 4, 2010