



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: 3012384
Applicant Name: Katherine Pelz for Chris and Cindy Potter
Address of Proposal: 926 North 81st Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a parking space for one vehicle in the required front yard of a single family residence.

The following approval is required:

Variance – to allow parking in the required front yard. SMC 23.44.016.D.2

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 west of Green Lake, in a Single Family zone (SF5000). The lot is 3,060 square feet in size, rectangular in shape, and relatively flat. Similar properties are located nearby, with overall topography dropping down to the east towards Green Lake. There are no environmentally critical areas on or adjacent to the site.

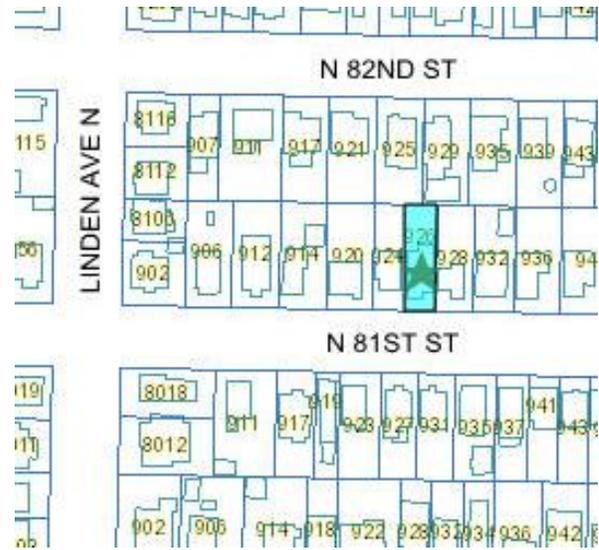
Aurora Ave N is located ½ block to the east, with commercial structures, a busy arterial, and limited pedestrian and vehicular connectivity to the east. All other nearby development includes single family residential and Single Family zoning.

The existing garage at this site is located on the basement level of the lot, accessed via a driveway from N. 81st Street. The site is not adjacent to an alley. The driveway slope is approximately 20% and the existing garage ceiling height is low. The residence is located close to the front property line. Similar conditions can be seen in other residences on this street.

Description of Proposal

The applicant proposes to fill the existing driveway to create a parking pad level with N. 81st Street, and enclose the existing garage for storage space for the residence. The existing residence is 1,271 square feet, and the remodel would add 192.5 square feet of storage area. The proposal to place the parking pad in the required front yard requires a variance from the Land Use Code.

Without the variance, the applicant would need to either raise the entire structure to create a usable garage, or they would need to remove living area on the main floor to make room for a garage.



for illustrative purposes only

Public Comment

Notice of the proposal was issued on May 26th, 2011. 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 is small (3,060 square feet), and below the minimum lot size for this area. The lot was platted prior to the Land Use Code requirements for minimum lot size. The residence on the site was also constructed in 1925, prior to Land Use Code requirements for front yards or location of parking. These conditions are legally non-conforming and were not created by the owner or applicant.

The slope of the driveway and the low ceiling height of the garage make it impossible for the owners to use the garage for parking. The location of the residence close to the property line, the fact that the site is not adjacent to an alley, and the small size of the lot make it difficult for the owners to create a usable parking space outside of the required front yard.

Nearby structures include basement garages, some with similar constraints as the owners' garage. Some nearby residences include front yard surface parking spaces with no garage access. Many neighboring properties include vehicles parked in the front yard areas.

On-street parking in this area is limited, due to the lack of alleys (curb cuts result in fewer on-street parking spaces), the lack of parking on Aurora Ave N. to the east, and people visiting the Green Lake area by car. The lack of on-street parking opportunities makes a viable off-street parking space important for residents on this street. One off-street parking space is also required by the Land Use Code for properties over 3,000 square feet in this zone.

For these reasons, 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 is minor. The applicant proposes one medium size parking space in the required front yard. As noted in response to the previous criterion, front yard parking spaces are common in other nearby properties.

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 one parking space in the required front yard. The granting of the variance for the proposed parking space 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 with parking in the required front yard.

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 small lot size, the lack of an alley, and the location of the residence close to the front property line, providing a parking stall that meets Land Use Code requirements would require a major remodel of the existing residence. 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 small lot size, the lack of an alley, and the location of the existing residence close to the front property line. This variance application seeks to provide flexibility for a minor modification to add building area in a situation constrained by platting patterns and existing conditions.

The proposed variance for a parking space in the required front yard is 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 variance for one surface parking space in the front yard is **APPROVED**.

Signature: (signature on file)
Shelley Bolser, AICP, LEED AP
Senior Land Use Planner
Department of Planning and Development

Date: July 11, 2011