



City of Seattle

Department of Planning & Development

Diane Sugimura, Director

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

Application Numbers: 3012745
Applicant Name: Mark Haizlip for Chuoc Lam
Address of Proposal: 9007 Sand Point Way Northeast

SUMMARY OF PROPOSED ACTIONS

Land Use Application to allow a 3,212 sq. ft. single family residence with parking for two vehicles located in attached garage.

The following approvals are required:

- Variance - to allow a portion of the principal structure to extend into the required front yard (20' required; 7'4" proposed) SMC 23.44.014A
Variance - to allow a portion of the principal structure to extend into the required rear yard (10' required; 5' proposed) SMC 23.44.014B
Variance - to allow porch and steps to extend into the required front yard (14' setback required; 3' proposed) SMC 23.44.014D
Variance - to allow porch and steps to be wider than allowed (6' width allowed; 7'4" proposed for porch, 14' proposed for steps) SMC 23.44.014D
Variance - to allow porch and steps to exceed allowed height (4' average allowed; 11' proposed) SMC 23.44.014D
Variance - to allow a portion of a deck greater than 18" high to extend into required front and rear yards (20' required front yard, 7' 4" proposed; 10' required rear yard, 5' proposed) SMC 23.44.014D
Variance - to allow eaves to project into front and rear yards (18" allowed; 24" into front yard proposed, 42" into rear yard proposed) SMC 23.44.014D

SEPA DETERMINATION: [X] Exempt [] DNS [] MDNS [] EIS
[] DNS with conditions
[] DNS involving non exempt grading or demolition or involving another agency with jurisdiction.

RELATED PROJECTS: This project is the third submittal of a variance application. Two previous submittals subsequently expired: #2106614: resubmittal of an expired variance application (9902077 - 1999) to establish use for future construction of a single family residence with an attached garage (expired variance decision).

Site and Vicinity Description

The proposal site is located between the Burke Gilman Trail and Sand Point Way Northeast immediately across the street from the intersection of 51st Avenue Northeast and Sand Point Way Northeast in the Morningside neighborhood of northeast Seattle. The 4,334 sq. ft. proposal site is currently vacant. The site has frontage along Sand Point Way Northeast which, at this location, is paved but does not have curbs, gutters or sidewalks on either side of the street. The proposal site is uniquely situated and configured. The longer site dimensions lie along the front and rear parcel boundaries contiguous to and parallel with Sand Point Way Northeast. These boundaries measure 120 lineal feet along the north and front parcel boundary, contiguous with Sand Point Way Northeast, and 122.85 lineal feet along the rear and south parcel boundary, parallel to Sand Point Way Northeast and contiguous to the Burke Gilman Trail. The shorter site dimensions lie along the western and eastern side parcel boundaries measuring 42.9 lineal feet and 30.3 lineal feet, respectively.

The topography of the subject property is fairly steeply sloped from south to north with an average change in elevation of ten (10) feet (see Figure 1). Given that the average depth of the lot is approximately thirty-five feet (35) feet, this change in elevation translates into an average slope of 29%. Existing vegetation on site consists of dense undergrowth and mature and young trees.

The proposal site is zoned Single Family with a minimum lot size of 5000 square feet (SF 5000, see Figure 2). SF 5000 zoning continues to the north, northwest, and southeast of the proposal site. Southwest of the proposal site, on the opposite side of the Burke Gilman Trail, SF 5000 zoning changes to a less dense Single Family 7200 (SF 7200) zone designation. The proposal site is located in an environmentally critical liquefaction zone and an environmentally critical landslide prone area as defined by Chapter 25.09 of the Seattle Municipal Code.

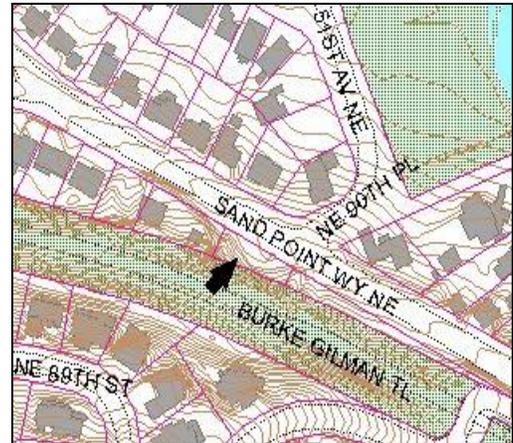


Figure 1. Local topography

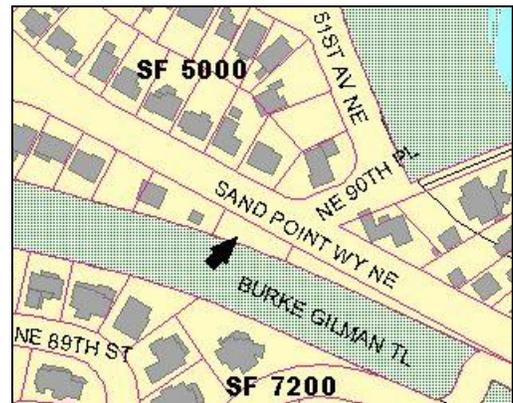


Figure 2. Zoning

Proposal

The applicant proposes to construct a single family residence with an attached garage covering approximately 1,391 square feet of the site (32% lot coverage). The length of the proposed structure would be oriented towards Sand Point Way Northeast and would contain an attached garage and three levels including a daylight basement. The structure is proposed to have a maximum width and depth of approximately 59 feet 9 inches and 22 feet, respectively. Porches, steps, decks and eaves are proposed to extend into required yards. Access to the site would be from Sand Point Way Northeast. DPD (formerly DCLU) approved a nearly identical variance application for this site in 1999, and again in 2002, but both decisions have since lapsed, thus requiring the current review. A decision was initially published on May 27, 2013 which was found to be incomplete. A revised analysis and decision is therefore the subject of this review.

Public Comment

DPD received one comment letter during the public comment period, which ended on March 14, 2013 which raised concerns related to downhill drainage impacts from the proposal site. The site serves partially as a point for stormwater discharge from the Inverness subdivision. These concerns will be addressed in the review of the building component of this application. Specifically, pursuant to the requirements of the Stormwater Ordinance a standard drainage control plan is required.

ANALYSIS - VARIANCE

Variances may be authorized only when all of the variance criteria set forth at SMC Section 23.40.020 and quoted below are met.

- 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 uniquely situated and constrained by conditions not created by the owner or applicant. Specifically, at this location Sand Point Way Northeast and the Burke Gilman Trail, running roughly parallel with each other, converge approximately five hundred (500) lineal feet southeast of the proposal site. The proposal site is located near the narrowest point of this acutely angled divergence. Consequently, the proposal site is shallow with respect to the abutting street and greenway. With few exceptions, of the lots on the same block face and within the same zone the longest lot dimension is lot depth rather than lot width. However, for the proposal site and the adjacent property to the west, the longest lot dimension is lot width rather than depth. This unique lot shape and orientation was not created by the owner. Rather, it is the result of historic platting.

Constraints to development of the proposal site are further complicated by development standards for front and rear yards in single family zones. Pursuant to Seattle Municipal Code Sections 23.44.014A, front yards depths must be the average of the yard depths of single family structures on either side or twenty feet, whichever is less. There is no residence located on the

adjacent site to the southeast and the residence located on the adjacent site to the northwest has an averaged 20 foot front yard and a non-conforming rear yard. Therefore, 20 feet would be the required front yard depth for the proposal site. Similarly, pursuant to SMC 23.44.014B, rear yards are required to be twenty five feet or, for lots having depths of less than one hundred and twenty-five (125) feet, 20% of lot depth. However, in no case can the yard be less than ten (10) feet. Because the average depth of the lot is less than forty three (43) feet the latter standard applies and the rear yard is required to be ten (10) feet. These required yards effectively narrow the depth dimension of the proposal site's buildable area to approximately eleven (11) feet at its widest point tapering to less than six (6) feet at its narrowest point.

Consequently, due to the shallow depth of the proposal site, strict application of the Land Use Code would preclude development of a habitable residential structure, thus depriving the property of rights and privileges enjoyed by other properties located in the same zone and vicinity. Similarly, strict application of the land use code would also preclude the addition porches, steps, decks and eaves which are common features of structures in the immediate neighborhood.

- 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 extent of encroachment into the required front and rear yards is commensurate with lot limitations and does not exceed the minimum necessary to afford relief. This is in part illustrated by the fact that if the lot were to be rotated ninety degrees clockwise such that the westerly parcel line was contiguous with Sand Point Way Northeast and such that in orientation the lot more closely resembled parcels further northwest along Sand Point Way Northeast, the proposed structure would be conforming with respect to front, side and rear yards. Additionally, the proposed structure depth of approximately twenty four (24) feet maintains some front and rear yard depth while allowing for reasonable dimensions for a single family structure in addition to the projection of features normal to a residence (porches, steps, decks and eaves) into the required yards. The proposed porch and steps are necessary for access to primary living spaces on the 2nd and 3rd floors of the structures are of standard width for porches and stairs. Open railings will be used to reduce the appearance of bulk.

The 3rd floor deck is situated above the master bedroom and is greater than 18' above grade. As it is of the same dimensions of the principal structure it extends into the required front yard to same extent as the structure itself (12' 8"). Outside decks are a normal addition to residential structures in the area where views of Lake Washington are afforded.

A shed roof is proposed for the structure and eaves are proposed to extend 24" into the required front yard and 42" into the required rear yard where 18" is allowed. As the principal structure already proposed to extend into the required front and rear yards, the proposed extension of eaves is no more than would be normal for a code complying structure. Eaves are a normal appurtenance to a residential structure that offer rain and sun protection.

Thus, the requested variances do not go beyond the minimum necessary to afford relief. The requested variances allow a reasonable development envelope the size of which does not constitute a grant of special privilege.

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*

The proposal site is bordered on two sides by a right of way and a park. Specifically, the proposal site is bordered on the north and south by Sand Point Way Northeast and the Burke Gilman Trail, respectively. The property to the east is owned by the City of Seattle. Thus, the only privately owned property that could be affected by the proposed variances is the parcel to the west. However, no variances are requested for the yard separating the two parcels. Because considerable variation exists in street setback patterns and because, as proposed, the single family residence will not encroach unreasonably into the required front and rear yards, granting the proposed variances will not be injurious to properties in the vicinity or materially detrimental to the public welfare nor will it limit future use of the public right-of-way or inhibit improvements to the rights-of-way in the same zone and vicinity.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship and practical difficulties; and*

As indicated in criterion #1, required yards effectively narrow the depth dimension of the proposal site's buildable area to approximately eleven (11) feet at its widest point tapering to less than six (6) feet at its narrowest point. The addition of usual and normal appurtenances such as porches, steps, decks and eaves to the structure requires additional variances because of the necessity of variances for the principal structure. Thus, strict application of applicable provisions of the Land Use Code would deprive the proposal site of adequate buildable area for a habitable structure with normal appurtenances and cause undue and unnecessary hardship

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

Setback patterns and streetscape character off of Sand Point Way Northeast vary. Aerial photographs (taken in 2007) indicate that structures within the same zone but on the north block face of Sand Point Way Northeast have front yards with depths ranging between fifteen and twenty feet. Structures within the same zone located west of the proposal site have front yards with depths averaging 20 feet. However, these properties, other than the lot directly to the west, all have lot depths that easily allow a twenty foot front yard and sufficient rear yards. The proposal site has such a shallow lot depth that the owner is not able to develop the site without a front and rear yard variance. The proposed building footprint and siting would not be out of character with the surrounding neighborhood or adversely disrupt the setback patterns. The addition of porches, steps, decks and eaves are normal features of residential structures in the same neighborhood.

In addition, no impacts to the citywide network of open space will result from granting the proposed variances. Based on plans provided, the proposed single family residence will cover approximately 32% of the lot. This lot coverage is consistent with that of existing development in the same zone and vicinity. Side yards will be conforming and any impacts on open space due to the reduced rear yard will be mitigated by the adjacency of the Burke Gilman trail.

Consequently, granting the variances will be consistent with the spirit and purpose of the Land Use Code.

DECISION - VARIANCE

- DPD **GRANTS** the requested variance to allow to allow a portion of the principal structure to extend into the required front yard (20' required; 7'4" proposed) in a single family zone.
- DPD **GRANTS** the requested variance to allow a portion of the principal structure to extend into the required rear yard (10' required; 5' proposed) in a single family zone.
- DPD **GRANTS** the requested variance to allow porch and steps to extend into the required front yard (14' setback required; 3' proposed) in a single family zone.
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- DPD **GRANTS** the requested variance to allow porch and steps to exceed allowed height (4' average allowed; 11' proposed) in a single family zone.
- DPD **GRANTS** the requested variance to allow a portion of a deck greater than 18" high to extend into required front and rear yards (20' required front yard, 7' 4" proposed; 10' required rear yard, 5' proposed) in a single family zone.
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CONDITIONS-VARIANCE

None.

Signature: _____ (signature on file) Date: August 15, 2013
Marti Stave, Senior Land Use Planner
Department of Planning & Development

MS:drm