



City of Seattle

Edward B. Murray, Mayor

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: 3013831
Applicant Name: Amhad and Cara Mohammadian
Address of Proposal: 1326 Sunset Avenue SW

SUMMARY OF PROPOSED ACTIONS

Land Use Application to allow a 149 sq. ft. addition to a single family residence.

The following approvals are required:

Variance – to allow an addition to a single family residence in a required single family front yard (15’ minimum required; between 0’-5” - 8’-0” proposed). SMC 23.44.014 A1

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

Site and Vicinity Description

The proposal site is located on Sunset Avenue SW between 45th Avenue SW and 44th Avenue SW in the West Seattle neighborhood of Seattle. The 5,821 sq. ft. proposal site is developed with an existing duplex and single family residence. The proposal site is zoned Single Family (SF5000) and is, therefore, subject to Single Family development standards. SF5000 zoning continues to the north, west, south and east of the proposal site. Directly across Sunset Avenue SW from the site the topography descends substantially to Alki Avenue SW adjacent to the Puget Sound waters.

The topography of the subject property is sloped from south to north with an average change in elevation of five (5) feet. The site is not mapped as an Environmentally Critical Area. The site contains a number of mature trees including two designated exceptional trees; a 42 inch and a 49 inch

Western Red Cedar. The two exceptional trees are located at the center of the site between the two residential structures.

Proposal

The applicant proposes to construct a one story addition, approximately 149 square feet, to the existing single family structure located in the required single family front yard.

The subject property includes two existing residential structures, a duplex and a single family residence. The existing duplex structure was constructed as a single family home in 1903 according to King County records. The structure was converted to a duplex in 1932 under permit #303452. The existing single family structure obtained a permit in 1932 to alter and repair an existing sleeping structure. Since that time, permit #6375776 was issued in 2013, to 'Establish use for the record for guest cottage to qualify as a single family dwelling, separate from the duplex on the lot, per plans and the record.' The existing single family residence is approximately 389 square feet and consists of one room contain the living space and kitchen and a separate small bath. The site also contains substantial mature vegetation including two existing exceptional trees located at the center of the site between the two residential structures.

Public Comment

DPD did not receive any comments during the public comment period, which ended on April 24, 2013.

ANALYSIS – VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of the 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. An analysis of the variance requested follows each statement of the required facts and conditions.

The City of Seattle regulates required front yards in single family zones pursuant to SMC 23.44.014 A. Single family yards are required to regulate the location of structures on a site. SMC 23.44.014 A1 states the required front yard depth shall be either the average of the front yards of the single-family structures on either side or 20 feet, whichever is less.

The subject lot proposed for development has a required front yard that is 15 feet, which is the average of structures on either side. The applicant has requested a variance to locate a portion of a single family residence in the required front yard.

- 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;*

There are a number of unusual conditions applicable to the subject property. The lot is roughly triangular shaped and four of the five lot lines abut City of Seattle rights-of-way. The lot is located

adjacent to Sunset Avenue SW along the west and north property lines and is located adjacent to an alley along the east property line. The lot shares a common lot line, with a neighboring single family residence, along the south property boundary.

Due to the unusual triangular shape of the lot the DPD Director must determine the location of the required yards; front, rear and side, based on which orientation is most conforming to development standards. The DPD Director has determined that northwestern lot line abutting Sunset Avenue SW is the front lot line. As such the existing duplex and the single family home are already nonconforming to the required yard. The existing duplex is located between 11'-2" and 13'-2" to the front property line. The existing single family residence is located between 8'-0" and 0'-5" to the front lot line. Both structures are located at an angle to the front lot line.

It should be noted that a small addition could be permitted outright. The site does contain an area for development outside all required yards which would meet single family development standards without the requested variance. However, the area allowed for the addition is located within the tree protection area for the two identified exceptional trees on site. The area of addition is located in the critical root zone established by SMC 25.11. The designated tree protection area for the two exceptional trees is identified on Sheet A1 and A3. The two exceptional trees are identified as a 42 inch and a 49 inch Western Red Cedar. In order to construct an addition to the existing single family zone, while maintaining the exceptional trees and the tree protection area, the proposed addition has been located in the front setback.

An inventory of existing residential structures in the immediate vicinity shows that every single family home in the immediate vicinity contains between 2-5 bedrooms.

Consequently, due to the unusual shape of the lot and the location of the existing exceptional trees and the location of the existing residential structures on the lot, which were not created by the owner or applicant, strict application of the Land Use Code would preclude the construction of a bedroom, thus depriving the property of rights and privileges enjoyed by other properties located 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; and*

The proposal is for a 149 square foot bedroom addition to an existing 389 square foot single family home which, as noted previously, is a normal feature of single family residences in the zone and vicinity and is, therefore, not a grant of special privilege.

The applicant has documented 15 cases in the vicinity where the existing single family residences are located in a required yard abutting a street. Many of the structures are located in the required front yard due to substantial topography given the prominent location on the bluff. The residential structures located along Sunset Avenue SW, on either side of the right-of-way, are located in the required yard abutting the street. Two residential structures to the north along Sunset Ave SW have structure in a size and location very similar to the one proposed.

Thus, the requested variance to build a modest bedroom addition does not go beyond the minimum necessary to afford relief. The requested variances allow a reasonable development envelope the size and location 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*

Because considerable variation exists in street setback patterns granting the proposed variances will not be injurious to properties in the vicinity or materially detrimental to the public welfare. The variance will not limit future use of the public right-of-way or inhibit improvements to the right-of-way.

The right-of-way landscape area is approximately six feet wide between the property line and the sidewalk and an additional 10 feet in width is provided between the sidewalk and the curb. The substantial right-of-way space provides an additional buffer and the appearance of a larger yard for pedestrian traffic along the sidewalk. Landscaping is proposed between the structure and the property line to further screen the one story addition from adjacent single family homes. Granting the variance to construct a one story bedroom addition in the required front yard 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.

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, the location of required yards on a triangular site, the location of existing exceptional trees and the location of the residential structure on site effectively preclude the construction of a 149 square foot bedroom which is a usual and normal feature of a single family residence. Thus, strict application of applicable provisions of the Land Use Code would deprive the applicant of an improvement to the site enjoyed by others 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.*

A bedroom is a normal feature of a single family residence and, indeed, is often considered desirable for new construction of most single family homes. Because of the age, location of the residence on the usually shaped subject site, a bedroom has never been provided for this single family home. There exist in the same neighborhood many examples of single family residences with structure in the required front yard.

Allowing a small bedroom addition in the required front yard would not be in opposition to the intent of the Land Use Code and would not be incompatible within the zone and vicinity in which the development is proposed. The requested variance is consistent with the spirit and purpose of the Land Use Code for the zone and area in which the proposal is located.

DECISION - VARIANCE

DPD **GRANTS** the requested variance to allow a 179 square foot addition to an existing single family residence in the required front yard (15' minimum required; between 0'-5" and 8'-0" proposed) SMC 23.44.014 A1.

CONDITIONS – VARIANCE

None.

Signature: _____ (signature on file) Date: July 24, 2014
Lindsay King, Senior Land Use Planner
Department of Planning & Development

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