



**City of Seattle**

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 Number:** 3015948  
**Applicant Name:** Gregory Bader  
**Address of Proposal:** 4517 2<sup>nd</sup> Avenue West

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a driveway for a single family residence to be less than minimum width.

The following approval is required:

**Variance** – to allow a driveway width less than the required 10-foot (Seattle Municipal Code (SMC) 23.54.030.D.1.a).

**SEPA** – Environmental Threshold Determination pursuant to SMC 25.09

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

**BACKGROUND INFORMATION**

Zoning: Single Family 5000 (SF 5000)  
Parcel Size: 4,099 square feet (sq. ft.)  
Existing Uses: Single Family Residence  
Environmental Critical Areas: None



Site Location:

The subject site is located west of Interstate 5, north of Northeast 45<sup>th</sup> Street, and in a SF 5000 zoning district. The lot is approximately 4,099 square feet, rectangular in shape, and relatively flat. Properties of similar dimension and characteristics are located nearby. There are no environmentally critical areas on or adjacent the subject site.

The existing single family residence was constructed in 1909, with conforming side yards approximately six feet on the north and nine feet, eight inches on the south. The site is not adjacent an alley. Similar conditions can be seen in other residences on this street.

Project Proposal:

The applicant proposes grading the south side of the property (approximately 78 cubic yards), installation of a retaining wall along the southerly property line, and the creation of a driveway for off street parking. Due to the location of the existing single family home on the site, the driveway is proposed to be nine feet, four inches in width. The proposal for a driveway less than the required 10 feet in width requires a variance from the Land Use Code. Without the variance, the applicant would need to either raise the entire structure, moving it to the north, or remove a portion of the structure.

Public Comment:

Notice of the proposal was issued on October 3, 2013, and closed October 16, 2013. No comment letters were received.

**ANALYSIS – VARIANCE (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:*

- 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; and*

The subject site is relatively small (approximately 4,099 square feet), and below the minimum lot size for this zone. The lot was platted in 1905, prior to the Land Use Code requirements for minimum lot size. The residence on the site was constructed in 1909, also prior to Land Use Code requirements for driveway widths and location of onsite parking. These conditions are legally nonconforming and were not created by the owner or applicant.

The proximity of the residence to the side 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 accommodate a ten foot wide driveway. Properties in the vicinity are of similar dimension, and currently enjoy driveways with widths less than the required ten feet in

width. One onsite 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; and*

Plans indicate that the proposed variance is minor. The applicant proposes a driveway width eight inches less than the required 10-feet. As noted in response to the previous criterion, reduced width driveways are common on other nearby properties.

The proposed driveway would not go beyond the minimum necessary to afford relief. It does not constitute a granting 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; and*

The variance would allow a driveway less than the required width of ten feet. The granting of the variance for the proposed driveway 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 driveways less than the required width.

- 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; and*

Due to the small lot size, lack of an alley, and the proximity of the existing single family home to the property lines, providing a driveway that meets the Land Use Code requirements would require the existing single family residence to undergo renovation and reduction, causing undue hardship and practical difficulties. Strict application of the applicable provisions of the Land Use Code for the proposed driveway would cause practical difficulties and would not reflect the 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 relief from unusual conditions and situations that the rules of the Code could not anticipate. As the same time, the spirit and intent of the Land Use Code regulations is to provide development compatible with environmental constraints, land development patterns, and existing neighborhood character.

This request for a variance is based on the small lot size, the existing location of the single family residence, its proximity to property lines, and the lack of an alley providing access to the rear of the property. This variance application seeks to allow a driveway and onsite parking without major structure modifications to the existing single family residence. Onsite parking is common for single family residences in this area, and is required by the Land Use Code development standards. The proposed variance for the reduced driveway width is consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable.

Additionally, the applicant proposes to taper the proposed retaining wall in order to avoid obstructions in the sight triangle, the vertical spaces between 32 inches and 82 inches from the ground.

**DECISION – VARIANCE**

Based on the submitted plans last updated on September 21, 2012, and the above findings and analysis all of the facts and conditions stated in the numbered criteria of SMC 23.40.020, the requested variance is GRANTED without conditions.

**CONDITIONS – VARIANCE**

None required.

Signature: \_\_\_\_\_ (signature on file) \_\_\_\_\_ Date: December 16, 2013  
Carly Guillory, Land Use Planner  
Department of Planning and Development