



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 Number: 3016494
Applicant Name: James Desarno
Address of Proposal: 710 Summit Ave E

SUMMARY OF PROPOSED ACTION

Land Use Application to allow an accessory structure (garage) in the required front setback.

The following approvals are required:

- Variance** - to allow a garage in the required front setback (SMC 23.45.518.A.)
- Variance** - to allow an unenclosed deck greater than 18-inches above existing or finished grade to project into the required front setback (SMC 23.45.518.H.4.)
- Variance** - to allow a detached garage closer than seven-feet to a lot line that abuts a street (SMC 23.45.518.J.1.c.)

DPD 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: Lowrise 3 (LR3), Capitol Hill Urban Center Village

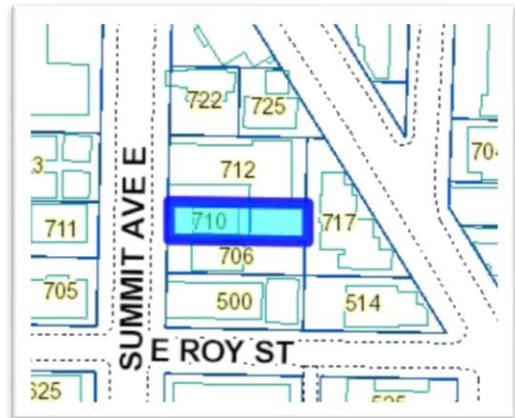
Parent Lot Size: 3,600 square feet

Existing Uses: Detached Single Family Residences

Environmental Critical Areas: None

Site Location:

The subject site is located on Summit Avenue East, between Belmont Avenue East to the north, and East Roy Street to the south. The site is within an LR3 zoning district and Capitol Hill Urban Center Village, and is comprised of two unit lots. Nearby development generally consists of detached single family structures, and multiple family structures; all within the LR3 zoning district. The subject site contains an existing single family residence built in 1904 on one unit lot, and a recently permitted single family residence on the other unit lot. The lot slopes up approximately eight feet, from west to east, away from the street. The lot has no alley access, and currently contains no parking for either house.



Project Proposal:

The applicant proposes the construction of a new detached one-car garage in the area between the existing single family structure and the street. On top of the garage, the applicant proposes a 36-inch high concrete parapet wall and wood deck. Additionally, the applicant proposes the construction of two staircases: the northerly staircase is a replacement staircase to the existing single family structure; and the new southerly staircase provides pedestrian access to the new single family structure at the rear (east) portion of the site. The new garage is proposed for the use and benefit of the new single family structure at the rear (east) portion of the site. The rooftop deck is proposed for use by the existing single family structure at the front (west) of the site.

Public Comment:

The public comment period closed January 1, 2014. Various comments were received expressing concerns about the reduction of on-street parking and altering the character of the neighborhood.

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;*

There are several unusual conditions applicable to the subject site. The subject site is comprised of two unit lots, one containing a detached single family structure constructed in 1904, and the other containing an approved permit for a new detached single family

structure. A five-foot wide pedestrian access easements abuts the southerly property line, providing access to the new single family structure at the rear (east) of the site. There is neither on-site parking nor alley access to the site. The proximity of the existing structure to the side property lines eliminates the ability of constructing on-site parking anywhere but within the required front setback without extensive renovation to the existing structure. The location of the structure relative to the property lines was not created by the current owner or applicant.

Other properties in the vicinity contain detached single family structures, and currently enjoy on-site parking within garages and rooftop decks in the front setback. While the current zoning regulations do not require on-site parking on this site, garages are customarily ancillary to detached single family structures. 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 or 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 garage is proposed to be 12-feet wide by 19.8-feet deep: able to accommodate a *large vehicle* (SMC 23.54.030.A.1.) for the single family home at the rear (east) of the site. The subject site currently contains the following existing conditions: a detached single family structure with side setbacks of approximately six-feet; and a 36-inch wide concrete staircase to the existing single family structure. For these reasons, the proposed location of the garage is the only feasible location on site without extensive renovation to the existing structure. As garages are customarily ancillary to detached single family structures, other properties in the vicinity and zone utilize on-site detached one-car garages with rooftop decks in their front setback.

The proposed garage and rooftop deck do 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 subject site is located in a neighborhood with a pattern of driveways to garages for single and multi-family structures. The proposal is for a garage and rooftop deck in the front setback. The granting of the variance for the proposed garage and rooftop deck 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. The street frontage of the subject site is 30-feet; therefore, one curb cut is permitted (SMC 23.54.030.F.1.) and does not require a variance request. There are also examples of nearby single family structures with garages in the front setback.

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 lack of alley access, the proximity of the existing single family structure to the property lines, the pedestrian access easement along the southerly property line, and that the garage is intended for use by the single family structure at the rear (east) of the site, providing a garage that meets the Land Use Code requirements would require the existing single family structure to undergo extensive renovation, causing practical difficulties.

Strict application of the applicable provisions of the Land Use Code for the proposed garage and rooftop deck 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. At 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 lack of an alley providing access to the rear of the property, and the location of the existing single family structure relative to the property lines. This variance application seeks to allow on-site parking without major structure modifications to the existing single family structure. Garages are typically ancillary to single family residences in this area.

The requested variance is consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area.

DECISION – VARIANCE

Based on the plans submitted November 25, 2013, and the above findings and analysis all of the facts and conditions stated in the numbered criteria of SMC 23.40.020, the variances requests are **GRANTED**.

CONDITIONS – VARIANCE

None.

Signature: (signature on file) Date: February 24, 2014
Carly Guillory, Land Use Planner
Department of Planning and Development