



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: 3017176
Applicant Name: John Birrer and Paul Marcus
Address of Proposal: 1215 Warren Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a 1,622 sq. ft. second story addition to an existing single family residence in an environmentally critical area.

The following approvals are required:

Variance - to allow an expansion in height of greater than 5-feet in the rear yard of an existing single-family structure that is nonconforming to development standards (Seattle Municipal Code (SMC) 23.42.112.A.)

Variance - to allow an addition to a single-family structure (already nonconforming with respect to rear yard) to extend closer than 20-feet to the rear lot line (SMC 23.44.014.D.4.)

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), Airport Height Overlay

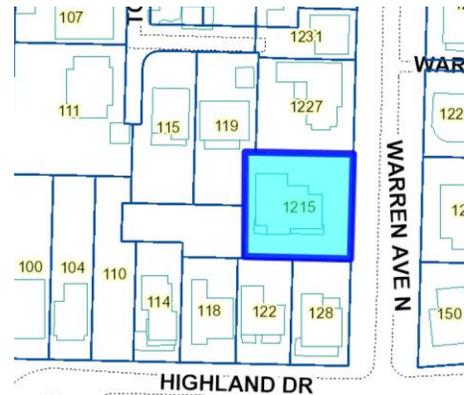
Subject Site Size: 10,000 square feet

Existing Uses: Detached Single-Family Structure

Environmental Critical Areas: Steep Slope

Site Location:

The subject site is located on Warren Avenue North between Lee Street and Highland Drive. The site is zoned SF 5000, and contains one detached single-family structure with accessory dwelling unit. The existing structure is 3,036 square feet. Existing nearby development consists of detached single-family structures on lots of similar or smaller size within the SF 5000 zoning district. The site slopes approximately 28-feet from north to south.



for illustrative purposes only

Project Proposal:

The applicant proposes the construction of a 1,622 square foot, second-floor addition to the existing single-family structure for a total structure size of 4,658 square feet. The existing structure is nonconforming to development standards in that it does not meet the rear yard requirement of 20-feet; instead the structure has a 10-foot rear yard. Two variances are required for the approval of this proposal.

The first variance request is to SMC 23.42.112.A. A principal structure that is nonconforming to development standards may not be expanded in any manner that increases the extent of the nonconformity. The applicant is proposing to expand the structure vertically within the nonconforming rear yard, thereby increasing the extent of the nonconformity; therefore, a variance to SMC 23.42.112.A. is required.

The second variance request is to SMC 23.44.014.D.4.: Certain additions may extend into a required rear yard if the existing single-family structure is already nonconforming with respect to that yard, except that in no case shall the addition be closer than 20-feet to the rear lot line. The proposed addition will increase the height of the existing wall that is 10-feet to the rear lot line, closer than the allowed 20-feet; therefore, a variance to SMC 23.44.014.D.4. is required.

Public Comment:

The public comment period closed April 2, 2014. No comments 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;*

There are several unusual conditions applicable to the subject property. These conditions include the location of the existing single-family structure relative to the rear property line, the steep slope environmentally critical area (ECA) designation of the site, and the structure itself. These conditions were not created by the owner or applicant.

The existing structure was built in 1955 at its current location, ten feet from the rear property line, and is constructed of cast-in-place concrete with no interior load bearing walls. Opportunity to construct an addition to the north or south of the structure, outside required yards, is constrained due to the existing construction of the structure. For this reason the applicant proposes a vertical extension of the existing perimeter wall to create a 1,622 square foot second floor addition. The proposal does not increase the footprint of the structure; therefore existing yards are maintained. Furthermore, the topography in the vicinity of the subject site slopes down from north to south. The subject site experiences a grade change of approximately twenty-eight feet. Due to this topography, many single-family structures in the area orient their structures to take advantage of the view to the south toward the Space Needle and Puget Sound; therefore the addition in the rear yard will assist in the enjoyment of rights and privileges enjoyed by other properties in the same vicinity. Due to the unusual conditions applicable to the subject property, which were not created by the applicant or owner, the strict application of the Land Use Code would deprive the owner(s) of the rights and privileges enjoyed by other properties in the same 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;*

The proposal takes advantage of the existing construction and integrity of the structure by vertically extending a perimeter wall to add additional square footage on the second floor. The lack of interior load bearing walls and topography of the site limit opportunity for an addition outside the rear yard. This addition will not increase the footprint of the structure; rather the height of the structure will be increased in the rear yard. For these reasons, the proposal does not go beyond the minimum necessary to afford relief. Additionally, in the vicinity, there are examples of two story single-family structures located in required yards. A special privilege would not be granted by this variance.

- 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 requested variances will allow for a vertical extension of the structure within the required rear yard. This addition does not increase the size of the building footprint; the height of the façade near this property line increases. The proposed addition will utilize the existing integrity of the structure's perimeter wall, avoiding cuts to the cast-in-place concrete wall that would be required with an addition to the north or south. For this reason, the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity. Furthermore, the issued building permit¹ for the property immediately adjacent to the west indicates a 20 foot setback from the shared property line as well as a non-disturbance area of approximately 12 feet from the north property line. Trees along the property lines further screen the addition from adjacent properties. These factors assist in lessening the impacts of the variance on adjacent property.

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;*

The literal interpretation and strict application of the applicable provisions of the code would not allow the vertical extension of the wall in the rear yard, and would instead require an addition to the north or south portions of the structure. However, due to the construction of the structure, its cast-in-place concrete and lack of interior load bearing walls, an addition at the north or south of the structure would cause undue hardship or practical difficulties. The variances will allow an addition to utilize an existing exterior wall load bearing wall. Furthermore, there are examples of single family structures in this vicinity that are nonconforming to the rear yard. Strict application of the applicable provisions of the Land Use Code for the addition 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 the variance process to allow relief from the strict application of the code in situations with unusual conditions. The spirit and intent of these regulations is to authorize development that is compatible and mindful of environmental constraints, development patterns, and existing neighborhood character. This request is the result of existing unusual conditions of the site, including the topography and location and construction type of the existing structure. Locating the addition above the existing structure, as proposed, will allow an addition without major structural modifications to the existing structure, and will result in development that is compatible with adjacent existing development. The request is consistent with the spirit of the code and regulations for the area.

¹ Building Permit No. 6317697

DECISION – VARIANCE

Based on the plans, and the above findings, and analysis all of the facts and conditions stated in the numbered criteria of SMC 23.40.020, the variance request is **GRANTED**.

CONDITIONS – VARIANCE

None.

Signature: _____ (signature on file) Date: July 17, 2014
Carly Guillory, Land Use Planner
Department of Planning and Development

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