



City of Seattle
Edward B. Murray, Mayor

Department of Construction and Inspections
Nathan Torgelson, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

Application Number: 3018390
Applicant Name: Chrystine Kim
Address of Proposal: 2302 NW 125th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to expand an existing two story garage and change the use to single family.

The following approval is required:

Variance - Land Use Application to allow a portion of a single family residence to extend into a required side yard.

BACKGROUND DATA

Site Location: 2302 NE 125th Street
Zoning: Single Family 7200
Parcel Size: 40,768 sf (0.9 ac)
Existing Use: Japanese Dojo
ECAs: Flood prone, Riparian Corridor,
Salmon Watershed



The project site consists of two structures constructed in 1939. The site is an Institutional use per the Land Use Code definitions. The main building serves as the Japanese Dojo facility. A detached garage is immediately northwest of the main building and is proposed for reconstruction as a dwelling unit. There are several Environmentally Critical Areas (ECA) including a Riparian Corridor which runs through the site northeast to southwest (Thornton Creek).

The proposal includes demolition of existing garage down to the foundation, and construction of a new 2-story dwelling unit on the existing foundation. The existing garage has a side yard of 1'-

6" and the northeast corner of the structure is located within the 50' Riparian Corridor ECA. A 10' side yard is required for institutional uses in single family zones. The proposed dwelling unit would be constructed with a west side yard of 3.' The resulting side yard would be closer to the required side yard than the existing structure, but requires a variance from the required side yard. Seattle DCI has determined that an ECA variance from the Riparian Corridor ECA development standards is not required for the proposal.

Public Comment

The public comment period ended on May 22, 2016 and no public comments were received.

ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of 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 garage and foundation relative to the side property line, the existing dojo structure immediately southeast of the garage, and the Riparian Corridor Environmentally Critical Area (ECA). These conditions were not created by the owner or applicant.

The existing garage structure was originally used as a garage for the main building and was constructed in 1939. This structure is situated 1'-6" from the west property line. The Environmentally Critical Areas located on the property constrain development on the site. The Riparian Corridor is situated to the north and east of the proposed structure. The existing dojo structure is located directly south of the existing garage. Due to the ECAs to the north and east and the existing structure to the south, the proposal requires expansion into either the ECA or side yard setback.

Due to the unusual conditions applicable to the subject property (ECA and existing structures), 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 zone and vicinity. The proposal meets this criterion.

- 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 includes reusing the foundation of the existing structure. The remodeled structure would decrease the overall size of the existing structure from 1,111 square feet to 1,004 square feet, with a 534 square foot footprint. The proposal would increase the west side yard from 1'-6" to 3', bringing the structure closer to compliance with the required 10' side setback.

Other nearby sites in the same zone, vicinity, and Riparian Corridor ECA include structures located within the required side yards. Single family structures in single family zones generally require a 5' side yard. Thornton Creek passes through several nearby sites in the SF 7200 zone, and the City's GIS mapping shows that development on many of these sites is located within the required yards in order to avoid the Riparian Corridor. Several sites also include structures in both the required yard and the Riparian Corridor ECA. The sites immediately to the east and north of the subject property have structures located within the required side yard, within the Riparian Corridor ECA, or both. This condition is common in many lots along Thornton Creek further to the northwest and southeast.

For these reasons the proposal does not go beyond the minimum necessary to afford relief or grant special privilege inconsistent with the limitations upon other properties in the vicinity and zone. The proposal meets this criterion.

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 applicant is proposing to increase the existing side yard setback from 1'-6 to 3' and change the existing garage to a dwelling unit. The proposal would provide a larger separation from the west property line and neighbor to the west, but the change of this structure from garage to dwelling unit could affect the adjacent site. However, the adjacent site also includes a religious institutional use, the structure on that site is set well back from the shared property line, and mature vegetation separates the adjacent structure from the shared property line. As such, the proposed would not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity. The proposal meets this criterion.

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 result in a very small footprint, due to the constraints of the Environmentally Critical Area to the north and east, and the existing building to the south. In order to utilize the existing foundation and not increase intrusion into the Riparian Corridor, a reduced west side yard setback is proposed. Strict application of the applicable provisions of the Land Use Code requirements for institutional side yards and avoidance of development in the Riparian Corridor would cause undue hardship and practical difficulties and would not reflect 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 with environmental constraints, development patterns, and existing neighborhood character. This request for a variance is the result of existing unusual conditions of the site, including the existence of Environmentally Critical Area and location of the existing structures on site. The variance application seeks to provide flexibility to add a dwelling unit on a site

constrained by ECA requirements and existing structure locations. The variance will allow an additional dwelling unit at the site without major intrusion into the Environmentally Critical Areas or required yards.

The proposed variances are consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable. The proposal meets this criterion.

DECISION - VARIANCE

The requested variance to allow a portion of a single family residence to extend into a required side yard is **GRANTED**.

Crystal Torres, Land Use Planner
Seattle Department of Construction and Inspections

Date: June 30, 2016

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.