



**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:** 3019617  
**Applicant Name:** Gustavo Penengo  
**Address of Proposal:** 8637 Farwell Pl SW

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a new 4,172 sq. ft. single family residence. Parking for one vehicle to be provided.

The following approvals are required:

**Variance** – to allow a portion of a single family structure to extend into the required front yard. (SMC 23.44.014)

**Variance** – to allow a garage in the required front yard. (SMC 23.44.016).

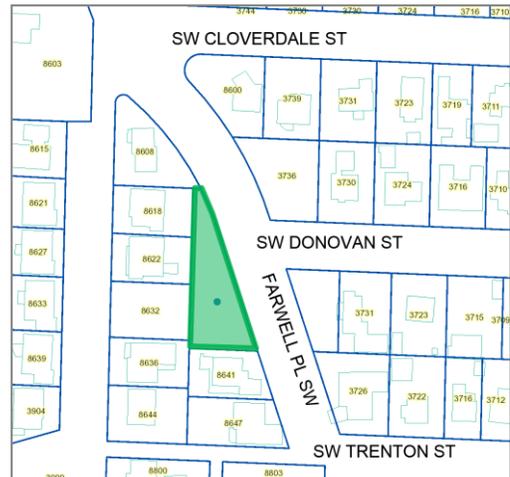
**SEPA Determination:**  Exempt  DNS  MDNS  EIS  
 DNS with conditions  
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

**BACKGROUND INFORMATION**

Site and Vicinity Description

Site Zone: SF 5000  
Nearby Zones: North: SF5000  
South: SF5000  
East: SF5000  
West: SF5000

Lot Area: 10,500 sq. ft.



The proposal site is located at 8637 Farwell Place SW in the Fauntleroy Neighborhood district of West Seattle at the end of a small cul-de-sac. The site is a triangular shaped parcel with a total land area of 10,500 square feet which is currently vacant. The site is zoned Single Family with a minimum lot size of 5000 square feet. Single Family zoning; SF 5000 extends to the north, south, east and west of the proposal site.

Located immediately to the east and north of the site is an environmentally critical steep slope area with an average slope of 40 percent, becoming less steep at the proposals site's eastern property line. The proposal site has a descending slope of between 20 and 25 percent from its eastern property line westward. The property is oriented so that the longest dimension is in the north-south direction with an approximate overall length of 200 feet with an average east-west lot depth of 49 feet. There are currently 11 trees located on the site of which two; a 19 inch Madrona and a 19 inch Willow have been identified as being Exceptional Trees and therefore required to be retained per SMC 25.11.040.

### Description of Proposal

The applicant is proposing to construct a 4,071 square foot, three level, (including day lighted basement), single family residence with an attached single-car garage. Due to the location of the Exceptional Trees as well as the parcel's fairly steep grade, the building footprint has been moved closer to the eastern property line away from the trees, to allow for greater tree protection and less ground disturbance. Parts of the residence and garage are located in the required front yard, which require variances.

The residence will be sited with the longest dimension in the north-south direction parallel to the eastern property line and Farwell Place "street". The total proposed lot coverage is targeted to be 20 percent (2,130 square feet) with a total building street frontage of 68 feet. Access to the site will be west off of Farwell Place via a concrete driveway and separate pedestrian bridge leading from the reconfigured cul-de-sac which is being reviewed concurrently through the Seattle Department of Transportation (SDOT). The proposal also includes a series of terraced retaining wall planters located on the west side of the residence, designed to contain a rain water harvesting cistern and landscaping elements.

### Public Comment

DPD received two comment letters during the public comment period, which ended on March 15, 2015. Comments related to potential downhill drainage impacts from this and other previous residential project proposals. These concerns will be addressed during the review of the building project component of this application pursuant to the requirements of the Stormwater Ordinance in which a standard drainage control plan is required.

### ANALYSIS – VARIANCE

Variances may be authorized only when all of the variance criteria set forth at SMC Section 23.40.020 and quoted below are met.

- 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;***

The subject property is uniquely constrained by conditions not created by the owner or applicant. Specifically, the proposal site has a triangular shape and limited depth in which to build, in comparison with other properties in the area. In response to the narrow lot width, the building's longest dimension is a north-south orientation. The site is further constrained by the presence of Exceptional Trees which also limits the size and placement of the building structure, resulting in locating the residence closer to the eastern property line.

Development standards SMC 23.44.014A, for front and rear yards for single family zones which states that front yard depths must be the average of the yard depths of single family structures on either side of the subject property or twenty feet, whichever is less. The required front yard at this site is 20 feet. The proposed residence is located as close as 7'6-5/8" to the front property line and the proposed garage is located as close as 3'1-1/2" to the front property line.

The site is a triangular shaped lot with an atypical orientation along Farwell Pl and shallow lot depth that was created as a result of historic platting, with the added constraints of Exceptional Trees on site. Therefore strict application of the Land Use Code would deprive the property of the rights and privileges enjoyed by other properties in the zone and vicinity.

SMC 23.44.016 allows garages in required front yards in certain circumstances. The site doesn't meet any of the requirements for allowing a garage in the front yard. The proposed garage is located in the front yard, for the reasons described above. *(Include more about the amount of area of garage in the front yard, the proposed distance from front property line to the garage, and indicate whether there are other properties nearby with garages in the required front yards)*

***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***

While the two adjacent lots located to the south have reduced front yards of 1.8 and 7.9 feet and have greater lot depths of 73 and 53 feet respectively, with their longest building dimensions in the east-west direction allowing for a larger building footprint and greater increase opportunity for building placement. The proposal site with a north-south orientation only has a lot depth of 49 feet which is further encumbered by the existence of two (2) Exceptional Trees, resulting in restricted building footprint.

A reduced front yard for the proposal site would allow the residence to be setback 7'6-5/8" from the eastern (front) property line, which will and reduce the total amount of ground disturbance in the Exceptional Tree protection areas. The proposed garage would be set back approximately 3.125 feet from the front property line. The extent of encroachment into the required front yard is commensurate to other properties in the immediate area, as described in the response to criterion 1.

Setback patterns along Farwell Place are consistent with this variance request. The two properties located to the south both have reduced front yards due to topographic constraints. Aerial photographs (taken in 2013) demonstrate that structures within the same zone have front

yards with depths ranging between one 1.6 and 7.6 feet. Other structures located within the same zone along 39<sup>th</sup> Ave SW have reduced front yards averaging 11 feet. The proposal site has a constrained building footprint due to the presents of Exceptional Trees. The proposed 3.5' front yard will aid in protecting two exceptional trees located on the proposal site, while both the side and rear side yards will remain in conformity. The proposed residential structure and garage with a reduced front yard would not be out of character with buildings within the immediate neighborhood surroundings.

Based on submitted plans, the proposed single family residence will cover approximately 20% of the lot. This lot coverage is also consistent with other development in the same zone and immediate vicinity.

Therefore, the requested variance would not go beyond the minimum necessary to afford relief while allowing for the construction of a building envelope comparable to nearby development in the vicinity and zone, and would not constitute a granting of a 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***

The applicant is requesting a variance for a reduced front yard of 3.12 feet. The required front yard is 20 feet, per SMC 23.44.014. As the residence is oriented so that the longest dimension is in a north-south direction, parallel to the eastern property line and abutting street', the amount of residential and garage floor area to be built within the required front yard would be approximately 190 square feet. As consequence, the reduced front yard allows portions of the residence and attached garage to be located closer to the street, resulting in less ground disturbance and the preservation of two Exceptional Trees.

As the two adjacent properties located to the south have been developed with reduced front yards, allowing a front yard setback for the proposal site will be commensurate with other development in the area. As proposed, the single family residence and garage will not be injurious to properties in the vicinity and zone, materially detrimental to the public welfare, nor will it limit future use of the public right-of-way or inhibit improvements to the rights-of-way in the same zone and vicinity.

**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***

The applicant is requesting a variance for a reduced front yard, as strict adherence to Land Use Code requirements would result in a small triangular building footprint. Strict adhere would result in an extremely small triangular building area with a maximum depth of 49 feet. The two adjacent residences have rectangular footprints with building depths of 92 and 67 feet respectively. Thus, strict application of the provisions in the Land Use Code would cause undue hardship and practical difficulties.

**5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use Policies or Comprehensive Plan component, as applicable.***

The Land Use Code provides for a variance process for 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 and Land Use regulations is to provide development compatible with environmental constraints, land development patterns, and existing neighborhood character.

The request for a variance is due to the triangular lot shape and the presence of two Exceptional Trees on site. This variance application seeks to provide flexibility for a minor modification to add building area in a situation constrained by platting patterns and existing conditions.

The proposed variance for a reduced front yard for the single family residence and the one-car garage in a Single Family zone is consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable.

**DECISION – VARIANCE:**

DPD **GRANTS** the requested variance to allow a portion of the single family residence and the attached garage in the required front yard in a single family zone.

**CONDITIONS OF VARIANCE APPROVAL:**

None

David L. Landry, Land Use Planner II  
Department of Planning and Development

Date: November 5, 2015

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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 DPD 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](mailto:prc@seattle.gov) or to our message line at 206-684-8467.