



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: 3019987
Applicant Name: Andrew Phillips
Address of Proposal: 5103 Woodlawn Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to allow an expansion of a non-conforming accessory structure in the required side and rear yards, and in the required separation from the principal structure.

The following approvals are required:

Variance - To allow expansion of a non-conforming structure.
(Seattle Municipal Code Section 23.44.014D.4.c)

Variance - To allow a detached accessory structures to extend into the required 5 foot separation from the principal structure.
(Seattle Municipal Code Section 23.44.014.E.2)

Variance - To allow a detached garage to extend into the required 5 foot setback from the side lot line of the adjacent key lot.
(Seattle Municipal Code Section 23.44.016D.3)

Variance - To allow a detached garage to extend within the portion of the rear yard that abuts the front yard of the adjoining lot.
(Seattle Municipal Code Section 23.44.016.D.6)

SITE AND VICINITY

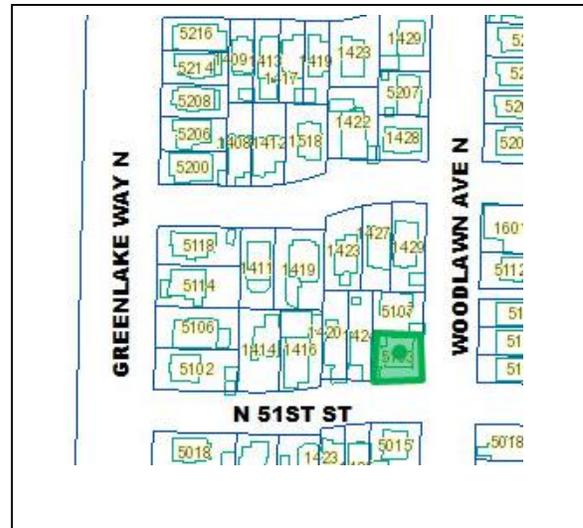
Site Zone: Single Family 5000 (SF5000)

Nearby Zones: North: SF5000
South: SF5000
West: SF5000
East: SF5000

ECAs: None

Site Size: 3.420 square feet

Public Comment



The comment period ended February 10, 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;**

The site is comprised of an existing home built in 1910 and a garage located in the required yards, similar to many of the homes in the vicinity. There is no alley adjacent to the site. The site is below the zoned lot size of 5,000 square feet and is raised several feet above the adjacent streets. The only area that is outside of the required yards and not currently covered by existing structures would be too small to accommodate a one-car garage or off-street parking space.

Expansion of the existing garage will allow for dimension which will accommodate a standard one car garage, which is a right and privilege enjoyed by other properties in the zone and vicinity. Strict application of the Land Use Code would deprive the property of a usable garage comparable to other properties within the vicinity. This criterion is met.

- 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 total lot coverage of the structure would increase by approximately 125 square feet. The proposed expansion would extend the garage area to the north and east. The additional area would allow for a standard one car garage comparable to those located in the vicinity.

The existing 167 square foot garage is 9'3" wide with a 6'7" wide garage door and a depth of 16'5". These are smaller than the standard dimensions needed to accommodate a single car inside the garage.

The applicant proposes to expand the existing garage to a total footprint of 270 square feet. The proposed garage would be 12'9-1/2" wide at the south street frontage, with a 9' wide garage door and a 10' wide driveway. The proposed garage width will be sufficient to accommodate a single car inside the garage, which is the minimum necessary to afford relief.

As documented by the Applicant, terraced garages are common in this neighborhood and the variances would not constitute a grant of special privilege. The proposed expansion would be consistent with the neighboring homes with similar site conditions. As such, this criterion is met.

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 proposed expansion is comparable to the existing garages in the vicinity. In addition, the proposed expansion would only expand the width of the garage by approximately 3 feet. The additional 3 feet would encroach further into the owner's property. The existing garage is adjacent to the neighbor's garage; both of which are constructed on the lot line. As such, the additional garage area would not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity. This criterion is met.

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 or requirements of this Land Use Code would cause an undue hardship and create practical difficulties as it would impede the applicant from utilizing the garage for parking a car. Furthermore, the Land Use Code also requires one off-street parking space for one vehicle per single family home, which the property is currently unable to accommodate. Permitting the expansion of the existing garage would allow the site to be brought into compliance with parking requirements and allow use of the garage for parking. This criterion is met.

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 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 small lot size, the lack of an alley, and the location of the existing structures on the lot. 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 variances are consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable.

DECISION - VARIANCES

The requested variances to allow expansion of a non-conforming structure, a detached accessory structure within 5' of the principal structure, and to allow a detached garage in the required side yard and rear yard are **GRANTED**.

Crystal Torres, Land Use Planner _____ Date: June 23, 2016
Seattle Department of Construction and Inspections

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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.