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: 3020968

Applicant Name: Ruth Ann Pennell

Address of Proposal: 3124 East Laurelhurst Drive Northeast

SUMMARY OF PROPOSED ACTION

Land Use Application to allow construction a garage addition to a single family residence. Existing garage to be demolished.

The project requires the following approvals:

Variance- to allow portion of the principal structure to extend into the required front yard. SMC 23.44.014.A

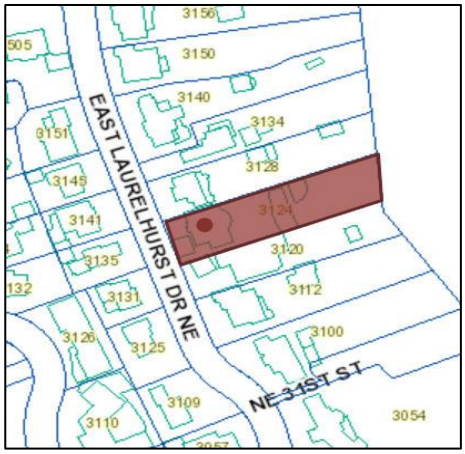
Site and Vicinity

Site Zoning: Single Family (SF 9600)

Nearby Zones: Neighborhood Commercial (NC2-40), Single Family (SF5000)

Existing Use: Single Family Residential

ECA: Steep Slope Environmentally Critical Area



Project Description:

The project site is located on a midblock-waterfront site along East Laurelhurst Drive Northeast. The site contains a 6,600 square foot home and cabana at the rear of the property. There is currently an existing detached garage located on the western portion of the lot, which encroaches into the front yard setback with an existing setback of 2-7'. The applicant proposes to demolish the existing detached garage and build a new attached garage to the existing home to allow for

direct access into the home. The proposed garage would encroach into the required setback, as such, requires a Variance.

In addition, the lot is located within the shoreline district however the limited work of the project has resulted in a Shoreline exemption granted on August 4, 2015 under A/P #6471394.

Public Comment:

The public comment period ended on August 12, 2015 and no 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 subject property is unusual in several regards.

Size, shape, and orientation. The site is located along the water and adjacent to a single public right of way, E Laurelhurst Drive Northeast, at the west edge of the site. The west property line is therefore defined as the front property line.

The existing home was built in 1901 close to the west property line, leaving little room to accommodate parking at the front of the property. Furthermore, as this is a midblock waterfront property there is no access from side streets or an alley. The existing garage was built in the 1990s under permit #9305918 and variance to allow for a reduction in the front setback from the required 20' to allow a 2-7' setback for the detached garage.

The applicant is now requesting a similar variance to allow construction of a new attached garage, which would reduce the nonconformity of the structures on this property. The proposed attached garage would provide a greater setback than currently existing (2-7') with a 10-1' proposed setback. In addition, as illustrated in Exhibit C provided with the application materials, *Examples of Neighbor Garages in Setback*, similar properties in the surrounding area also have garages, which encroach into the requires front setback. As such, due to the location of the property and existing structures on site, not created by the owner, strict application of this code provision would deprive the applicant of property rights and privileges enjoyed by comparable properties in the vicinity. Therefore, 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 existing home spans the width of the lot, eliminating driveway access to the rear of the property; making the front of the property the only viable option for locating parking on the property.

The applicant has requested the minimum variance necessary to allow for construction of an attached garage. As described by the Applicant, "the depth of the garage is minimum necessary for modern automobiles (approximately 20 feet for interior clear dimensions). The width of the garage is the same existing 2-car garage and thus would not increase any impacts."

In addition, many of the homes in the neighborhood with similar site constraints have located garages within the front setback. It is a use and scale that is consistent with new development on sites that are comparable in size, location, and zone. As such, the requested variance does not go beyond the minimum necessary to afford relief and would not be inconsistent with limitation upon other properties in the vicinity. Therefore, 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 plan would demolish the existing garage and build a new garage with a larger front setback then the existing garage; reducing the visual bulk along the street frontage. The proposed garage is similar in size to the existing detached garage, as well as, garages in the surrounding area. Many of the homes have two car garages which encroach into the front setback due to existing homes on the property and limited site access from only East Laurelhurst Drive Northeast. The proposed attached garage would bring the property further into compliance with development standards of this zone and would be compatible to the development pattern within the neighborhood, as such, granting of the requested variance would not be detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity. Therefore, 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;

As described in response to the criteria above, the literal interpretation and strict application of the Land Use Code would result in a buildable area that is more constrained than comparably sized and situated lots in the zone and vicinity. As illustrated in Exhibit C, *Examples of Neighbor Garages in Setback*, similar properties in the surrounding area also have garages, which encroach into the requires front setback. In the context of this site, DPD considers such a reduction to present hardship or practical difficulty. Therefore, 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.

In Single Family zones, the Land Use Code provides for development of single family structures, with limits on height, lot coverage, and a general siting organization that limits development at the periphery of sites. The proposed development achieves those intents. The public use and interest are served by the proposal since all applicable criteria are met and the proposed attached garage would bring the property further into compliance with the Land Use Code and regulations for the area by providing a greater front setback than the existing detached garage. Therefore, this criterion is met.

DECISION - VARIANCE

DPD **grants** the variance identified above, with no conditions.

Crystal Torres, Land Use Planner Date: December 31, 2015
Department of Planning and Development

CT:bg

Torres/3020968 Draft Decision.docx

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 or to our message line at 206-684-8467.