



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: 3022776
Applicant Name: Stephen Tapp
Address of Proposal: 932 21st Ave

SUMMARY OF PROPOSAL

Land Use Application to allow a 47 sq. ft. addition to existing single family dwelling unit.

The following approvals are required

Variance - to allow a portion of a structure to extend 4.5 feet into the required rear yard. (SMC 23.44.014B)

Variance - to allow expansion of an existing nonconforming structure. (SMC 23.44.014).

BACKGROUND

SITE AND VICINITY

Site Zone: SF 5000
Nearby Zones: North: SF5000
South: SF5000
East: SF5000
West: SF5000
Site Size: 7620 sq. ft.



Existing Conditions: The proposal site is located at 8932 21st Avenue in the Central Area neighborhood. The site is a 7,620 square foot rectangular site currently occupied by a one story single-family residential structure built in 1908. The site is zoned Single Family 5000 (SF 5000). Single Family zoning; SF 5000 extends to the north, south, east and west of the proposal site.

Proposal Description: The applicant is proposing to construct a 47 square foot addition to the east side of the existing nonconforming single-family residence. The addition is for purposes of expanding the existing kitchen eastward. The expansion will cantilever over the existing grade with no new ground disturbance. The proposed expansion will extend eastward as far as the existing deck and foundation wall located to the north, which currently encroaches into the rear yard.

PUBLIC COMMENT

The public comment period ended on January 06, 2016. Comments were received and carefully considered. Comment letter related to support of approval of the proposed variance.

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 existing residential structure was sited and built prior to the adoption of the current Land Use Code in such a way that the building currently encroaches into the rear yard. The residence is located at the eastern edge of the lot in the required rear yard, with a large set back at the western portion of the lot. An existing deck is also located at the rear of the residence, in the required rear yard. The existing floorplan includes a kitchen at the rear of the residence, in the required rear yard. The residence was constructed in 1908, prior to Land Use Code requirements for rear yards in Single Family zones.

The requested variance is to allow expansion of the kitchen in the required rear yard. Strict application of the Land Use Code requirements would not allow the minor expansion of the proposed kitchen into the rear yard due to the current building location. The proposed variance would allow a 4 foot deep kitchen and dormer expansion into the rear yard, to the edge of the existing deck foundation.

Nearby development is also located in the required rear yards, as evident from the properties immediately north and east of the site. The existing condition of the residence's location in the required rear yard and the strict application of the Land Use Code would therefore deprive the property of similar rights and privileges enjoyed by other nearby properties in the same zone and 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; and***

The applicant is seeking approval of a variance to allow the construction of a 47 square foot kitchen addition. The addition will encroach into the required rear yard setback by maximum of 4 feet. While there is area for the residence to be expanded to the west and meet development standards, an addition in this area would require reconfiguration of the entire floorplan to allow a similarly sized

addition to the kitchen. The requested variance will extend the existing residence eastward as far as the existing deck and foundation wall located to the north, which already encroaches into the rear setback. The size of the proposed addition and the additional encroachment into the required rear yard are the minimum necessary to afford relief.

As noted in response to criterion 1, other nearby properties in the zone and vicinity include development located in the required rear yards. The existing residence with the proposed addition appears to have a comparable building footprint to nearby development. Granting the variance 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 seeking approval of a variance to facilitate the construction of a 47 square foot kitchen addition. The addition will encroach into the required rear yard setback by maximum of 4 feet. The kitchen addition will be constructed with a maximum height of 14 feet, which is lower than the primary roof line height of approximately 17 feet. The proposed addition would be located at the southeast corner of the site, and would not locate the residence any closer to the residences immediately south, east, or north of the site. The proposed addition would locate the residence slightly closer to the residence to the southeast of the site. The only window on the addition would face directly east and would likely not be visible to the residence to the southeast. Mature vegetation appears to provide a visual buffer between the addition and the adjacent residences to the east and southeast. The addition should have little to no impact on adjacent properties. Therefore the granting of this variance will not be materially detrimental to public health, safety or welfare, or injurious to other properties in the 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 encroachment into the required rear yard is consistent with the existing character of the property as the deck foundation built in 1908, already encroaches into the rear yard and the proposed encroachment will not extend any further than the existing foundation wall. The literal interpretation and strict application of the applicable provisions of the Land Use Code would result in the need to reconfigure the floor plan of the existing house at tremendous effort and expense, due to the existing location in the rear yard and the existing floor plan with the kitchen at the rear of the house. Therefore, strict application of 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 current Land Use Code provides for a variance process for relief from unusual conditions and situations that the rules of the Code could not anticipate. This is applicable because the existing residence was sited and built in 1908 with portions of the structure encroaching into the rear yard, which is not allowed under current Code. This variance application seeks to provide flexibility for a minor modification to the existing kitchen area constrained as a result of the previous siting of the building. The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use Policies as the variance is seeking to continue an existing rear wall line with a modest 4 foot extension of the kitchen wall eastward.

The requested variance would be consistent with the spirit and purpose of the Land Use Code while allowing the applicant to enjoy many of the rights and privileges enjoyed by many other properties in the surrounding neighborhoods.

DECISION – VARIANCES

The variance to allow a portion of a structure to extend 4.5 feet into the required rear yard (SMC 23.44.014B) and the variance to allow expansion of an existing nonconforming structure (SMC 23.44.014) are **APPROVED**.

CONDITIONS - VARIANCE

None

David L. Landry, Land Use Planner
Seattle Department of Construction and Inspections

Date: February 4, 2016

DL:drm

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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.