



**City of Seattle**

Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
Diane M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3003285  
**Applicant Name:** Jack Boileau  
**Address of Proposal:** 1509 2<sup>nd</sup> Ave W

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to add a first, second and third story addition (totaling 770 sq.ft.) to the rear of an existing single family residence.

The following approval is required:

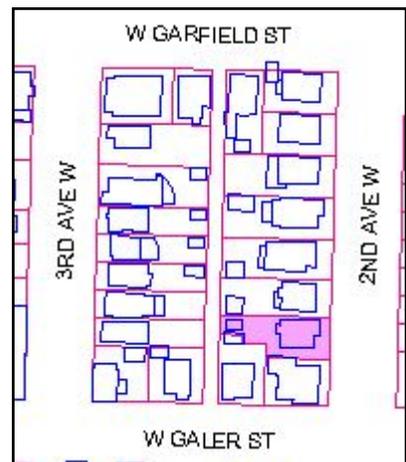
**Variance** – to allow a portion of the principal structure to extend into the required rear yard pursuant to SMC 23.44.014B.

**SEPA DETERMINATION:**       Exempt    DNS    DNS with conditions  
  
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

**BACKGROUND DATA**

Site Location and Zoning Designation

The 45 foot wide by 120.42 foot deep lot or 4,410 square foot (sq.ft.) irregular shaped lot is located northwest of the intersection of 2<sup>nd</sup> Ave W and W Galer St. Zoning overlaying the lot is a Single Family residential zone with a minimum lot size of 5,000 square feet (SF 5000) and Neighborhood Commercial 2 with a 30' height limit (NC2-30'). Properties to the north, west and east of the site are also zoned SF 5000. Adjacent properties to the south of the site are zoned NC2-30'.



Location of the existing structures<sup>1</sup>

The lot is developed with a single family structure and a detached carport. The exterior walls of the residential structure are located more than 21’ from the eastern property line, 6’ from the northern property line, 13’ from the southern property line, and varies from 17’ to 67.42’ from the western property lines.

Applicable Development Standards

Given the location of the existing residential structure and the detached garage and the application of the yard standards of SMC 23.44.014, the eastern property line is the front lot line, the western property lines are the rear lot lines and the northern and southern property lines are side lot lines. With these property lines defined the front yard is generally required to be twenty (20) feet for the front lot line, the rear yard is required to be 20% of the lot depth, and the side yards are required to be five (5) feet. The actual distances as shown on the applicant’s submitted plans indicate that the existing residential structure and abutting carport are nonconforming to the required yard standards noted above. **Table 1** below, outlines the required yards and maximum lot coverage (their conformities or non-conformities) for this proposal.

<b>TABLE 1</b>				
<b>Analysis of Required Yards and Lot Coverage</b>				
<b>Front Yard (east)</b>	<b>Rear Yard (west)</b>	<b>Side Yard (north)</b>	<b>Side Yard (south)</b>	<b>Lot Coverage</b>
<p><b>Requirement</b> is 20’ from the front lot line pursuant to SMC 23.44.014A</p>	<p><b>The requirements are:</b></p> <p>14’ or 20% of 70’ for the southern 15.02 feet of the site.</p> <p>19’ or 20% of 95’ for the northern 10’ of the southern 25.10 feet of the site.</p> <p>25’ for the northern 20.02’ of the site.</p> <p>Pursuant to SMC 23.44.014B &amp; 23.86.010C.</p>	<p><b>Requirement</b> is 5’ pursuant to SMC 23.44.014C.</p>	<p><b>Requirement</b> is 5’ pursuant to SMC 23.44.014C</p>	<p><b>Permitted</b> maximum lot coverage for principal and accessory structures is <b>1,750 sq.ft.</b> pursuant to SMC 23.44.010C.</p>

<sup>1</sup> Referring to the plans provided by the applicant.

<p><b>Existing</b> is 21' for the eastern façade for the residential structure.</p>	<p><b>The existing are:</b></p> <p>17' for the southern 2' of the western façade of the residential structure.</p> <p>43' for the northern 10' of the southern 12' of the western façade of the residential structure.</p> <p>67.42' for the northern 14' of the western façade of the residential structure.</p> <p><b>Proposed by Variance are:</b></p> <p>5' for the southern 2' of the western portion of the residential structure.</p> <p><i>Thus placing 9' of the southern 2' of the proposed addition into the required rear yard.</i></p> <p>31' for the northern 10' of the southern 12' of the western portion of the residential structure.</p> <p>55.42' for the northern 14' of the western portion of the residential structure.</p> <p>See sheet A-1 of the submitted plans for details</p>	<p><b>Existing</b> is 6' for the northern façade of the existing residential structure.</p>	<p><b>Existing</b> is 13' for the southern façade of the existing residential structure.</p>	<p><b>Existing</b> lot coverage for principal and accessory structures is approx. 1,184 sq.ft.</p> <p><b>Proposed</b> lot coverage for principal structure and attached carport is approx. 1,496 <b>sq.ft.</b> See sheet A-1 of submitted plans for details.</p>
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As illustrated above in Table 1, the proposed construction of the new three story addition onto the western portion of the existing structure reduces the rear yard area currently provided and increases the lot coverage on the lot to approximately 1,496 sq.ft. The maximum lot coverage allowed is one thousand seven hundred fifty (1,750) square feet, pursuant to SMC 23.44.010C.

Proposal

The property owner is proposing a three story addition to an existing residential structure to provide a basement storage area, 1<sup>st</sup> floor recreation area, 2<sup>nd</sup> floor bedrooms, and a 3<sup>rd</sup> floor master bedroom.

As previously indicated in Table 1, the southern 2' of the western 9' portion of the addition to the existing structure is proposed within the required 14' rear yard, based on the Code requirements of SMC 23.44.014B.

The proposed expansion of the existing structure does not comply with any of the exceptions to the standard yard requirements allowed in SMC 23.44.014.D, thus a variance is required for the proposed expansion. Specifically the variance required is to allow a portion of the principal structure to project into the required rear yard (SMC 23.44.014B).

### Public Comments

During the public comment period which ended September 14, 2005, the City received no written comments on the proposal.

### ANALYSIS – VARIANCE

Pursuant to SMC 23.40.020 C., variances from the provisions or requirements of this Land Use Code shall be authorized when all the facts and conditions listed below (in the numbered paragraphs) are found to exist. Analysis for the variance requested follows each statement of required facts and conditions.

- 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 unusual condition applicable to the subject property, not created by the owner, is the irregular western and southern property lines for the site and resulting shape. As a result, there are three defined rear yard areas for the western portion of the site. Of the three rear yard areas, the southern 15' portion of the site is problematic for the proposal.

As proposed, the addition would project a 2' wide by 9' deep area into the required rear yard, will keep the structure 5' from the southern most rear lot line and 13' from the side lot line.

The addition to the existing residential structure does change the general building envelope on the site. The width of the structure would remain the same, the depth of the structure would be increased by 12', and the scale or height of the structure would comply with the development standards for the zone.

Neighboring sites to the subject property have regular rear yard requirements.

The existing location of the residential structure and its floor plan provides limited options for additions to the site.

In this case the strict application of the Land Use Code rear yard requirements for single family zones would deprive the owner the rights and privileges enjoyed by other properties in the vicinity. The location of the house with its addition is similar to the location of other residential structures on the western block front of 2<sup>nd</sup> Av W. As a result the above variance criterion is satisfied.

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 request to allow a rear yard variance to maintain the width and increase depth of the residential structure does not go beyond the minimum necessary to afford relief. Variance relief to allow the addition provides a basement storage area, 1<sup>st</sup> floor recreation area, 2<sup>nd</sup> floor bedrooms, and a 3<sup>rd</sup> floor master bedroom and minimize potential safety risks to users and property on the site. The proposal continues the pattern in the neighborhood of single family residential construct on the western block front of 2<sup>nd</sup> Ave W. Granting the variance to allow the proposed addition within the required rear yard would 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. As a result the above variance criterion is satisfied.

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 site is located in an urban neighborhood with dwellings constructed in close proximity to one another. There is no evidence that the proposed improvement would 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. As a result the above variance criterion is satisfied.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue and unnecessary hardship;*

The Land Use Code is written to cover the vast majority of all land use and development situations. The variance provisions of the Code are available to property owner's where unique situations exist which justify a divergence from Code requirements. The western portion of the proposed addition is partially within the required rear yard, thus making it subject to the variance process. The Code provides that existing non-conformities can be expanded or extended, with the limited exceptions previously identified. The proposed construction does not fall within the allowed exceptions, thus it is the subject of this variance analysis. The proposed addition will meet all the provisions of the Land Use Code, except for its location into the required rear yard. The literal interpretation and strict application of the rear yard requirement of the Land Use Code would cause undue and unnecessary hardship by precluding the current property owner from expanding there current residential structure in a manner similar to that provided on neighboring properties; as a result the above variance criterion is satisfied.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The spirit and purpose of the Land Use Code identifies flexibility as an important directive to allow the residents of single-family residential areas maximum use and enjoyment of their homes. The Land Use Code elaborates by stating that the types of uses and activities associated with single-family residential areas shall be regulated primarily by performance standards and City ordinances protecting privacy, health, safety and the general welfare of the citizens. Given the development pattern in the neighborhood, granting the requested variance for the proposed three story addition, as shown by in the application, in the rear yard is consistent with the Land Use Code. As a result the above variance criterion is satisfied.

**DECISION – VARIANCE**

The proposed variance to allow the construction of the three story addition in the rear yard is **GRANTED.**

**CONDITIONS - VARIANCE**

None.

Signature: \_\_\_\_\_ (signature on file)  
Colin R. Vasquez, Senior Land Use Planner  
Department of Planning and Development

Date: October 17, 2005