City of Seattle

Gregory J. Nickels, 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: 2504117

Applicant Name: Hormoz Fallahi

Address of Proposal: 7362 56th Av NE

SUMMARY OF PROPOSED ACTION

Master Use Permit for the removal of an existing carport and the future construction of an expanded roof area to provide covered parking for two vehicles as a carport, with a 12'6" height that matches the height of the existing single family residence.[1]

The following approvals are required:

Variance - to expand a non-conforming structure pursuant to Seattle Municipal Code (SMC) 23.42.112A.
Variance – to allow a portion of the principal structure to extend into the required front yard pursuant to SMC 23.44.014A.
Variance – to allow a portion of the principal structure to extend into the required side yard pursuant to SMC 23.44.014B.

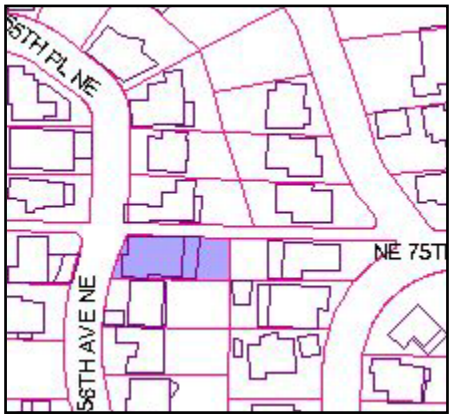
SEPA DETERMINATION: [**X**] Exempt [ ] DNS [ ] DNS with conditions

[ ] DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site Location and Zoning Designation

The 46 foot wide by 104.57 to 121.42 foot deep lot or 5,152 square foot (sq.ft.) irregular shaped lot is located at the southeast corner of the intersection of 56th Ave NE and an unimproved alley abutting the northern property line of the site.



[1] This is a more detailed description of the proposal than what was given in the Land Use Notice of August 11, 2005.

Zoning overlaying the lot is a Single Family residential zone with a minimum lot size of 5,000 square feet (SF 5,000). Properties to the north, south west and east also zoned SF 5,000.

Location of the existing structures[2]

The lot is developed with a single family structure and an abutting detached carport. The exterior walls of the residential structure are located about 43' from the eastern (rear) property line, 3'4" from the northern (side) property line, 4'4" from the southern (side) property line, and varies from 5'10" to 44'6" from the western (front) property line. The edges of the roofline of the carport appear to be located on the southern property line, and vary from 8' to 15' from the western property line.

Applicable Development Standards

Given the location of the existing residential structure and the detached carport and the application of the yard standards of SMC 23.44.014, the western property line is the front lot line, the eastern property line is the rear lot line and the northern and southern property lines are side lot lines. The front yard is generally required to be 20 feet from the front lot line, the rear yard is required to be 20 percent of the lot depth, and the side yards are required to be 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.

TABLE 1

Analysis of Required Yards and Lot Coverage

Front Yard (west)	Rear Yard (east)	Side Yard (north)	Side Yard (south)	Lot Coverage
Requirement is 20' from the front lot line pursuant to SMC 23.44.014A	**Requirement** is 20% of approx. 113' or 22.6' pursuant to SMC 23.44.014B & 23.86.010C.	**Requirement** is 0' to 5' pursuant to SMC 23.44.014C.	**Requirement** is 5' pursuant to SMC 23.44.014C	**Permitted** maximum lot coverage for principal and accessory structures is **2, 022.8 sq.ft.** pursuant to SMC 23.44.010C and D.
Existing ranges from 5' to 12' for the western façade of the residential structure (permitted pursuant to SMC 23.22.014A.) **Existing** ranges from is 8' to 15' for the western roofline edge of the detached carport. **Proposed by Variance** ranges from 8' to 18' for the western roofline edge of the attached carport. See sheet A-1 of submitted plans for details.	**Existing** is 34.6' for the eastern façade. See sheet A-1 of submitted plans for details.	**Existing** is 3'4'' for the northern façade of the residential structure (permitted pursuant to SMC 23.44.014C.)	**Existing** is more than 4'4" for the southern façade of existing residential structure (permitted pursuant to SMC 23.44.014D.3.a.). **Existing** is 0'0" for the southern roofline edge of the detached carport. **Proposed by Variance** is 2'4" for the southern roofline edge of the roofline of the attached carport. See sheet A-1 of submitted plans for details.	**Existing** lot coverage for principal and accessory structures is **2,691.25 sq.ft.** **Proposed** lot coverage for principal structure and attached carport is **2,575.25 sq.ft.** See sheet A-1of submitted plans for details.

[2] Referring to the plans provided by the applicant.

As illustrated above in Table 1, the proposed construction of the new attached carport on the southwestern portion of the site reduces the current non-conforming front and side yard conditions and decreases the lot coverage on the lot to 2,575.25 sq.ft. The maximum lot coverage allowed is 2,022.80 square feet, pursuant to SMC 23.44.010C and D[3].

Proposal

The property owner is proposing to remove an existing carport and construct an expanded roof area to provide covered parking for two vehicles as a carport, with a 12.6" height that matches the height of the existing single family residence, in the required front and side yards. The width and average depth of the carport would be 22'6" by 25.25'.

As previously indicated in the Location of the existing structures, the southwestern portion of the existing structure and detached carport is constructed within the required front and side yards; based on the location of the adjacent single family structure and the Code requirements of SMC 23.44.014A, 23.44.014B and 23.86.010, the required front yard is 20' and the required side yard is 5'.

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 front yard (SMC 23.44.014A).

Public Comments

During the extended public comment period which ended September 7, 2005, the City received one written comment opposing variance. The comment letter is available for review in the Master User Permit file at DPD's Public Resource Center.

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 in this situation is the non-conformance of the detached carport with respect to current front and side yard requirements. The existing location of the residential structure does not provide vehicle access or a parking location outside of the required front and side yards for the site.

[3] Pursuant to SMC 23.44.010D.1., the area of a lot with an abutting alley to any lot lime may be increased by one-half (1/2) the width of the abutting alley. The total lot area for any lot may not be increased by this provision by more than twenty-five (25) percent.

The topographic condition of the undeveloped alley adjacent to the northern property line limits precludes the development of the alley for vehicle access. Development in or near landslide-prone hazard areas is not preferred by the City of Seattle, as evidenced by the Development Standards of the ECA Ordinance (SMC 25.09).

The location of the house and the potential landslide-prone hazard areas are elements that were not created by the owner. Further, information provide by the applicant notes that the existing carport is unstable and unsafe for user safety, and subjects the property and vehicles to damage if the structure were to fail.

Neighboring sites have reduced front yard requirements and vehicle parking location within the front yards. (See the applicant's photograph's within the application file.)

The replacement of the existing detached carport with an attached carport does not change the number of vehicles accessing the site, or the number of vehicles that would visually appear on this portion of the site. The width and depth of the roof area would be reduced, and the scale or height of the roof area would match the height of the existing residence. Additionally, façade treatments would be added to carport façade to incorporate the expansion into the design of the residential structure.

In this case the strict application of the Land Use Code and front yard requirements for single family zones would deprive the owner the rights and privileges enjoyed by other properties in the vicinity. 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 front and side yards variances to maintain or mirror the existing roofline of the residential structure, for the area of the carport, does not go beyond the minimum necessary to afford relief. Variance relief to remove the existing detached carport and replace it with an attached carport should add structural stability to the site and minimize potential safety risks to users and property on the site. The proposal continues the pattern in the neighborhood of vehicle parking and covered or enclosed parking structures constructed in the required front yard's adjacent to 56th Ave NE. Granting the variance to allow the proposed attached carport within the required front and side yards 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 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 structure is partially within the required front and side yards, thus making it non-conforming. 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 attached carport will meet all the provisions of the Land Use Code, except for its location into the required front and side yards. The literal interpretation and strict application of the front and side yard requirements of the Land Use Code would cause undue and unnecessary hardship by precluding the current property owner from maintaining there current parking 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 providing 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 attached carport, as shown by in the application, in the front and side yards is consistent with the Land Use Code. As a result, the above variance criterion is satisfied.

DECISION – VARIANCE

The proposed variances to allow the construction of the attached carport in the front and side yard is **GRANTED.**

CONDITIONS - VARIANCE

None.

Signature: (signature on file) Date: March 2, 2006
Colin R. Vasquez, Senior Land Use Planner
Department of Planning and Development

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