



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
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CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2301354
Applicant Name: Katya Landegger
Address of Proposal: 1019 West Galer Street

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a 148 square foot (sq.ft.) deck addition (already built) to an existing single family residence.

The following approval is required:

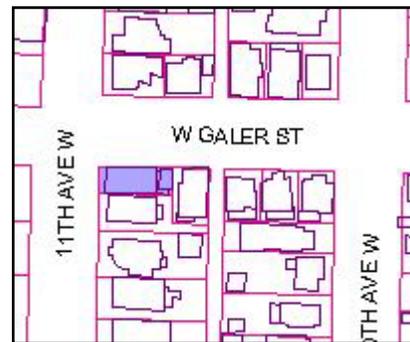
Variance - to allow a portion of the principal structure to project into the required front yard. (Seattle Municipal Code 23.44.014A)

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 30 foot wide by 80 foot deep or 2,400 square foot (sq.ft.) rectangular shaped lot is located on the southeast corner of the intersection of W Galer St and 11th Ave W, on the southwest side of Queen Anne hill. 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, east and south are also zoned SF 5,000 and the properties to the west are zoned Single Family residential with a minimum lot size of 9,600 square feet (SF 9600). The westerly SF 9600 zone, south of W Galer St and north of W Lee St, is undeveloped and owned by the Seattle Parks Department.



Location of the existing structures

The lot is developed with a single family structure and a detached garage, with a separation between the structures of approximately 6’- 10”. Between the two structures is an elevated deck. The exterior walls of the residential structure are located approximately 8’ from the west property line, 3’ from the northern property line, more than 23’ from the eastern property line and approximately 4’- 7” from the southern property line. The exterior walls of the detached garage are located approximately 63’- 4” from the west property line, 3’ from the northern property line, abutting the eastern property line and approximately 8’- 9” from the southern property line.

Applicable Development Standards

Given the location of the existing residential structure and detached garage 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. With these property lines defined the front yard is generally required to be 20’ for the front lot line, the rear yard is required to be 16’, the street side yard is required to be 10’ and the non-street yard is required to be 5’. The actual distances as shown on the applicant’s submitted plans indicate that the existing residential structure and detached garage 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 (west)</b>	<b>Rear Yard (east)</b>	<b>Side Yard (north)</b>	<b>Side Yard (south)</b>	<b>Lot Coverage</b>
<p><b>Requirement</b> is 15’ from the front lot line pursuant to SMC 23.44.014A &amp;</p>	<p><b>Requirement</b> is 20% of 80’ or 16’ pursuant to SMC 23.44.014B &amp; 23.86..010C.</p> <p>For rear yard area measuring 16’ deep by 30’ wide or 480 sq.ft.</p>	<p><b>Requirement</b> is 10’ 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> <p><b>Existing</b> lot coverage for principal and accessory structures is 1,628 sq.ft.</p> <p><b>Proposed</b> lot coverage for principal and accessory structures is <b>1746 sq.ft.</b></p> <hr/> <p><b>Garages and decks</b> shall be permitted a maximum combined</p>

				coverage of 40% of the required rear yard pursuant to SMC 23.44.014 D.6.b.  <b>Permitted is 40% of 480sq.ft. equal to 192 sq.ft.</b>
<b>Proposed by Variance</b> is 0' for the 5'10" tall uncovered deck (the top of the deck railing is 8'10" above existing grade)  <b>Existing</b> west façade for the residential structure is non-conforming at 7'6" from the front lot line.	<b>Existing</b> is 0' for 13' of the 19' eastern façade and 4'6" for 6' of the 19' eastern façade. See sheet A1.0 of submitted plans for details.	<b>Existing</b> north façade for the residential structure is non-conforming at 3' (however permitted by exception pursuant to SMC 23.44.014D.3.a.)	<b>Existing</b> is 0' for west 28'10" of the east 36' of the south lot line. For an approx. 48" tall uncovered deck on the eastern and southeastern portion of the residential structure that attaches the garage to the residence.  <b>Existing</b> south façade for the residential structure is non-conforming at 4'7" (however permitted by exception pursuant to SMC 23.44.014D.3.a.)	<b>Existing</b> for the rear yard lot coverage is <b>75%</b> of 480 sq.ft equal to <b>362.25 sq.ft.</b>  283.5 sq.ft. of existing non-conforming garage, and  78.75 sq.ft. of existing deck.

As illustrated above in Table 1, the proposed construction of the new elevated deck on the western portion of the site further reduces the front yard measurement and increases the lot coverage on the lot to 1,746 sq.ft. The maximum lot coverage allowed is 1,750 sq.ft., pursuant to SMC 23.44.010C<sup>1</sup>.

Based on paving and sidewalk plans obtained from Seattle’s Public Utilities (SPU) Information Center, W Galer Street right-of-way north of the subject lot is 77’ – 6” wide, with a pavement width of 25’. The 11<sup>th</sup> Ave W right-of-way west of the subject lot is 74’ wide, with a pavement width of 22’ – 7”. This street dead-ends 20’ south of the site. Both existing rights-of-way are classified as non-arterial streets.

Proposal

The property owner is proposing to build a 148 sq.ft. deck that is 8’ wide by 18’ – 6” deep on the western portion of an existing single family residence. The deck surface would be 5’ – 9” above the existing grade and would have a three (3) foot railing above the deck surface.

As previously indicated, the western portion of the existing structure is constructed within the required front yard; based on the location of the adjacent single family structure and the Code requirements of SMC 23.44.014A and 23.86.010B, the required front yard is 15’. The west wall of the existing structure is located approximately 8’ from the property line, thus providing a nonconforming 8’ front yard. The property owner(s) intend to legally establish a 148 sq.ft. elevated deck into the 8’ front yard to add an outdoor seat/recreational area adjacent to an interior sunroom. Further, the existing deck would encroach into the eastern margin of 11<sup>th</sup> Ave

<sup>1</sup> Corner lot area by the exception of SMC 23.44.010D1. Equals 2,400 sq.ft. plus 25% or 3,000 sq.ft.

W right-of-way by less than one (1) foot and would require a street use permit to remain in this location.

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 public comment period which ended April 2, 2003, the City received two written comments opposed to the proposed variance and eight written comments supporting the proposed variance. The comment letters are 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;*

In the process of examining the 2,400 square foot lot size against the two adjacent block fronts, it was determined that the subject site is one (1) percent smaller than the average lot size for lots on the block front for W Galer St between 10<sup>th</sup> and 11<sup>th</sup> Ave W; and fifty-four (54) percent smaller than the average lot size of lots on the eastern block front of 11<sup>th</sup> Av W between W Galer St and W Lee St. Given the application of the single family development standards to the lot that orients it to 11<sup>th</sup> Av W, the subject property should be viewed as fifty-four (54) percent smaller than the average lot sizes, thus being unusual to lot size.

An unusual condition that applies to the adjacent 11<sup>th</sup> Ave W right-of-way is that it is 74' wide, a width that is 34' in excess of the standard right-of-way width for a non-arterial street, further the 22' – 7" of pavement within the right-of-way has 17' of the pavement on the eastern half of the right-of-way and 5' – 7" of pavement on the western half of the right-of-way. There are no unusual conditions that warrant such a large right-of-way, the street provides limited vehicle access to surrounding streets and dead-ends 20' south of the subject lot.

Thus, given the small lot size, the width of the 11<sup>th</sup> Ave W right-of-way and location of the house which was not created by the applicant, the strict application of the Land Use Code would limit on-site open space. The undersized lot is deprived of the property rights and privileges enjoyed by other properties in the same zone or 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;*

The proposed elevated deck addition vertically aligns with main floor of the existing structure and does not place additional living space closer to the front property line than currently exists. The proposal continues the pattern in the neighborhood of accessory structures constructed in the required yard adjacent to 11<sup>th</sup> Ave W; predominantly due to the width of the right-of-way. While the elevated deck will add to the appearance of bulk, it is within the height limit of the zone consistent with the provision of the Land Use Code and the restrictions applicable to other houses in the surrounding neighborhood. Granting the variance to allow the proposed elevated deck within the required front 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.

- 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 two-story dwellings constructed in close proximity to one another. Additionally, the width of both rights-of-ways provides sufficient area for future street improvements, if any, without being impacted by the current proposal. 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.

- 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 owners where unique situations exist which justify a divergence from Code requirements. The westerly portion of the structure is partially within the required front yard, 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 elevated deck will meet all the provisions of the Land Use Code, except for its location into the required front yard. The literal interpretation and strict application of the front yard requirements of the Land Use Code would cause undue and unnecessary hardship by precluding the current property owner from useable outdoor space that functions with the interior layout of their dwelling in a manner similar to that allowed on neighboring properties.

- 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 provides flexibility 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 and the width of 11<sup>th</sup> Av W right-of-way, granting the requested variance for the proposed elevated deck addition, as shown by in the application, in the front yard is consistent with the Land Use Code.

**DECISION – VARIANCE**

The proposed variances to allow the construction of the elevated deck in the front yard, the legalization of an elevated ingress/egress walkway in the southern side yard and the increase rear yard lot coverage is **GRANTED**.

**CONDITIONS - VARIANCE**

None.

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

Date: September 19, 2005