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: 2500596

Applicant Name: Myron Johnson

Address of Proposal: 11252 Riviera Place NE

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of a second story addition to an existing single family residence. The existing single family residence including the basement is 1,881.6 sq. ft. The project includes the construction of a new two car garage to replace the existing carport and the remodeling of the first floor and the daylight basement.

The following approvals are required:

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

Variance - To expand a nonconforming structure (Seattle Municipal Code Section 23.42.112A).

SEPA DETERMINATION: [X] Exempt [ ] DNS [ ] MDNS [ ] EIS

[ ] DNS with conditions

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

BACKGROUND DATA

Subject Site and Vicinity

The 13,590 sq. ft. site (approximately 3,015 sq. ft. of dry land) located on the western shore of Lake Washington is zoned Single Family 5000 (SF-5000), in the Urban Residential Shoreline Environment. The subject site has frontage along Riviera Place NE and is adjacent to the Burke Gilman Trail. The lot is approximately 45 feet wide and the dry land portion above a concrete bulkhead is approximately 67-73 feet deep. The existing one-story residence built in 1948 covered approximately 1,780 square feet of the site. Vehicular access to the site is available from Riviera Place NE to an attached carport located on the northern portion of the building. Riviera Place NE is a narrow, paved, substandard right-of-way varying between approximately 10 foot and 20 feet in width. Because of the narrow width of Riviera Place NE, on street parking is very limited in the area of the property location. Development in the vicinity consists of one, two, and three story single family residences, many of which are built very close to the front property lines. The Single Family 5000 (SF-5000) zone abuts the SF-7200 zone across the Burke Gilman Trail to the west.

Proposal Description

The proposed project is for future construction of a second story addition to an existing single-family residence. The project includes remodeling of the existing single-family residence and the construction of a new attached garage and porch in the required front yard. The existing single-family residence is presently nonconforming with respect to current Land Use Code requirements for the front yard setback.

According to the plans submitted by the applicant, the carport portion of the existing principal structure is setback as close as 5.58 feet from the front property line with carport eaves as close as 1-foot to the front property line on the extreme SW corner of the lot. The portion of the wall façade of the existing principal structure is as close as 8.3 feet from the front property line. The applicant is proposing a front porch and a new garage addition to the existing structure which is already nonconforming in respect to the front yard setback. As a result, the portion of the existing principal structure with the porch addition will be as close as 6.4 feet and the portion the existing principal structure with the new garage addition will be as close as 2.8 feet from the front property line. As indicated on the plans, the applicant has applied the certain addition exception of SMC 23.44.014D3c, which states that when an addition is a front wall, the existing wall line may be continued by the addition except that in no case shall the addition be closer than 15 feet to the front property line. Based on the certain addition exception, the required front setback line would be 15 feet front the front property line. The applicant has requested for a variance to allow portion of the principal structure containing the enclosed porch and new garage additions to expand and extend in the required front yard. Portions of the proposed additions are not allowed outright as exceptions under current Land Use code because they are already nonconforming.

Public Comment

The public comment period for this project started on February 17, 2005 and ended on March 2, 2005. One phone comment was received. The respondent expressed his concern that the proposed deck addition would block his views of the lake to the northwest, thus negatively impacting his ability to enjoy views of that portion of the lake.

Additional Information

Since 1987, at least seven sites located between 11252 and 12500 Riviera Place NE have received similar variances to those being sought under this application. The lot to the north received variances under Project 9805328 to allow the structure to encroach into the front yard leaving a 0' front yard and the encroachment of the structure into the side yard leaving a .92" side yard (5' required). Another variance was granted under Project 2008543 for a structure located at 11940 Riviera Place N.E. to encroach into both the front and side yards leaving a front yard dimension of .32 to .53' (2'3" required) and a side yard between 1.63 to 2.44' (3' required).

ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below 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; and***

The limited lot depth of 67 feet of dry land and the location of the existing foundation in the required front yard are unusual conditions which were not created by the owner or applicant. Furthermore, due to the uneven shoreline edge, the amount of dry land on the subject site measures 3,015 square feet, thus leaving a far smaller buildable area than that enjoyed by the surrounding properties. The footprint of the proposed structure is 1,119.2 square feet, far less than the theoretical maximum allowed of 1,750 square feet. Neither the lot depth nor the limited dry land and the location of the existing foundation are conditions created by the owner or applicant.

The existing house is nonconforming to current land use code standards. The portion of the existing principal structure containing the wall façade is as close as 8.3 feet from the front property line and the portion of the existing principal structure containing the carport is as close as 5.7 feet to 1-foot including the eaves from the front property line. The overall footprint of the house is a pre-existing condition not created by the current owners or applicant.

Development in the immediate vicinity is characterized by residences constructed very close to or at the property edge with Riviera Place NE, many of which do not observe the front yard setbacks. In

addition, many of these residences include parking on site because in the Riviera Place Neighborhood, street parking is normally non existent. This proposal to construct a new two car garage to replace the carport will be a public benefit in as much as it will help the number of vehicles parked on the street.

Due to the lot's depth and size and existing structure orientation, a Land Use Code complying design would not allow any addition to the principal structure in the required front yard. Given the above mentioned site constraints, the request for a variance to encroach into the front yard is reasonable. Because of the unusual conditions applicable to the subject property, including lot size and location of the existing house, which are not created by the applicant, the strict application of the Land Use Code would deprive the property of the rights and privileges enjoyed by other property owners 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; and

Narrow lots characterize Riviera Place NE with limited permissible building depths due to the location of existing bulkheads and shoreline setback lines. Similar variances for front and side yards have been granted in the immediate vicinity for residences located at 12026, 12036 and 11940 Riviera Pl. NE (MUP #'s 9103738, 9805328 and 2008543 respectively). All of these projects allowed for building new residences that do not meet standards for side and/or front yards and allowed development comparable to those proposed under the current application. It is not unusual for lots along Riviera Place NE to be nonconforming with respect to one or more of the required yards.

The required front yard is 15 feet based on certain addition exception allowed under SMC 23.44.014D3c of the Seattle Land Use Code. The proposed porch and garage additions extend into the required front yard. The portion of the porch addition to the existing principal structure will be setback 6.4 feet from the front property line and the portion of principal structure containing the garage addition will setback 5.7 feet to 2.8 feet from the front property line. Such an encroachment would not be unusual along a street edge where many of the structures are built as close as one foot from the property line. As stated earlier, many of the front yards in this vicinity are less than the required minimum, thus the requested variance does not go beyond the minimum necessary to afford relief, nor is it a grant of special privilege inconsistent with the surrounding area.

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

No detriment to the public welfare or injury to the property or improvements in the zone or vicinity is likely to occur by granting the requested variances. The project uses the entire existing footprint, which has no detrimental effect on the properties in the area. In addition, retention of the existing foundation may also prevent potential erosion conditions in this environmentally sensitive area that may occur during construction, thus protecting the integrity of the adjacent properties and to Riviera Place roadway.

By providing for portion of the structure containing the garage to encroach into the front yard in order to accommodate parking, the public welfare will likely be improved by taking parking off of a narrow

undersized right-of-way, enabling the opportunity for better circulation of emergency vehicles in the immediate area. This is a public welfare benefit rather than a detriment.

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;

Homes along Riviera Pl. NE enjoy waterfront open space due to the adjacency of the lots to Lake Washington. Structures therefore are massed closer to the street rather than centered on the lot. The additional encroachment into the required front yard is minimal and consistent with the streetscape character along Riviera Pl. NE.

The literal interpretation and strict application of the applicable provisions and requirements of the Land Use Code would not reasonably allow the proposed structure the ability to provide for the required on site parking and porch. The current configuration and lack of parking in the vicinity is a practical difficulty for the property and the granting of this variance from the front yard standards would allow the applicant rights to enjoyed by other property owners in the vicinity.

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

The purpose of the Land Use Code is to protect and promote public health, safety and the general welfare through a set of regulations and procedures for the use of land, which conforms to the City's land use policies. It is the responsibility of the City to preserve and protect areas that are currently in predominantly single-family residential use. The construction as proposed is in character with the surrounding development and preserves the existing neighborhood character. No adverse effects on adjacent properties in the area are anticipated and the public interest will not suffer as a result of these variances.

DECISION - VARIANCE

The request for a variance to allow principal structure in required front yard (Seattle Municipal Code Section 23.44.014.A) is **APPROVED.**

The request for a variance to expand a nonconforming structure (Seattle Municipal Code Section 23.42.112) is **APPROVED.**

Signature: (signature on file) Date: July 21, 2005
Christopher Ndifon, Land Use Planner

CN:bg

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