



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:** 3003918  
**Applicant Name:** Joellen Winter  
**Address of Proposal:** 3254 A Portage Bay Place East

**SUMMARY OF PROPOSED ACTION**

Master Use Permit for an 81 sq. ft. extension to existing access bridge for parking accessory to single family residence.

The following approval is required:

**Variance** - to allow parking and 81 s.f. structure in a required front yard.

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

**BACKGROUND DATA**

Zoning:                      SF 5000  
Date of Site Visit:      February 2, 2006  
Uses on Site:            One existing single family residence with attached garage and four floating homes.

**Substantive Site Characteristics:**

The site is located on a corner lot on Portage Bay Place E south of the intersection with Eastlake Ave E. The existing single family house is located on a lot with four floating homes. The underlying property is commonly owned by all five homeowners. The single family house is located upland of the ordinary high water mark. The site has 90 feet of street frontage along

Portage Bay Place E, which has a 15-foot right-of-way with a paved roadway offset from the right of way. Zero to three feet of pavement is located in the right of way adjacent to this property. The remaining area of right of way is comprised of a steep bank.

The site is zoned Single Family 5000 (SF 5000) and is located in an Urban Residential shoreline environment. One single family residence is adjacent to Portage Bay Place E, upland of the ordinary high water mark. An attached garage and existing deck span the area between the paved right of way and the single family residence. Four floating homes are located on Portage Bay waterward of the ordinary high water mark. There are no parking structures or designated spaces on site for these residences.



The subject site slopes steeply from east to west and is located in Environmentally Critical Areas (ECA) for Steep Slopes and Liquefaction.

The subject property is located on one side of a block zoned SF 5000. Portage Bay is located to the north and northeast. Other properties zoned SF are located to the southeast, adjacent to Portage Bay. Properties are zoned Commercial (C1-40) to the northwest, Neighborhood Commercial (NC2-40) to the west, and Lowrise 3 (L3) to the south. Development in the area consists of single family, multi-family, floating home, and commercial development.

Public Comment:

Notice of the proposal was issued on March 2, 2006. One public comment letter was received.

**ANALYSIS - VARIANCE**

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

- 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 unusual due to topography differences and ECAs. It is also unusual in that Portage Bay Place E would normally be considered an alley, due to the width of the right of way. Since Portage Bay Place E is the only right of way accessing the property, the area adjacent to this street is designated a front yard. The reduced width of this right of way and the

topographic differences in the right of way translate to unusual parking conditions and the subsequent need to provide alternate parking solutions. Neither the nature of the topography nor the offset paving from the right of way were created by the owner/applicant. In addition, the subject property includes five single family residences with only one designated parking space, located in the garage attached to the applicant's residence. Due to the topography differences, it would be difficult to provide a parking space for each residence, as would be required under the code.

The topographic differences, the lack of level public right of way, and the narrow width of the only adjacent public right of way constrain the existing property. The strict application of the Land Use Code would deprive the property of the privileges and rights enjoyed by other property owners in the immediate vicinity who have more paved right of way and less topographic differences adjacent to their property.

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;***

Plans evidence that the proposed modification is minor. The applicant proposes to install an 81 square foot extension to the existing parking deck adjacent to the existing one-car garage. Approximately 60 square feet of this deck would be located on private property; the remainder would be located in public right of way and subject to Seattle Department of Transportation requirements. The existing stairs to access the front of the single family residence would be relocated adjacent to the proposed deck. The finished structure would be proportional in size to several nearby similar vehicular access structures located at the street front and therefore does not constitute any 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;***

The minor addition will be level with the paved area of Portage Bay Place E and would have a minimal aesthetic effect. No structures above this elevation are proposed. The proposal is not anticipated to be materially detrimental to any adjacent property or improvement.

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;***

The literal interpretation of the applicable Land Use Code provisions to this property would not allow the applicant to park in the public right of way adjacent to their residence, due to the narrow width of the right of way, the existing topography, and the lack of level right of way at Portage Bay Place E. These conditions make it infeasible to provide parking spaces for all five residences on the property. It would create an undue hardship for the owner(s) of the property due to the topographic conditions and lack of plausible alternate locations for parking on the lot.

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

The Land Use Code provides for a variance process for relief from unusual conditions and situations that the rules of the Code could not anticipate. At the same time, the spirit and intent of the Land Use Code and Land Use regulations is to provide development compatible with environmental constraints, land development patterns, and existing neighborhood character.

The siting of this structure is a response to ECA and existing public right of way conditions. This variance application seeks to provide flexibility for a minor modification in a situation constrained by steep topography and compatibility with existing nonconforming adjacent development in response to the topography and narrow, underdeveloped right of way.

The proposed additions are consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable.

**DECISION - VARIANCE**

Based on the above findings and analysis all of the facts and conditions stated in the numbered criteria of SMC 23.40.020, *Variances*, are found to exist. Each of the requested variances is **CONDITIONALLY APPROVED**, subject to the following condition:

**CONDITIONS – VARIANCE**

*Prior to Issuance of any Building Permit for the Above Described Work and For the Life of the Project:*

1. No modifications may go beyond the envelope shown on plot plan date stamped March 27, 2006 without the approval of the Land Use Planner.

Signature: (signature on file)  
Shelley Bolser, Land Use Planner  
Department of Planning and Development

Date: June 8, 2006