



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Acting Director

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

Application Number: 2409031
Applicant Name: Lisa Winterhalter for Craig Thomsen
Address of Proposal: 1512 17th Avenue East

SUMMARY OF PROPOSED ACTION

Master Use Permit for the future construction of a 570 square foot detached garage accessory to an existing single family residence. The project includes the future demolition of a garage.

The following approvals are required:

Variance – to exceed the maximum allowed rear yard coverage (40% allowed, 66.5% proposed) Section 23.44.014D6b SMC.

Variance – to exceed the maximum allowed lot coverage (35% allowed, 48% proposed) Section 23.44.010C Seattle Municipal Code (SMC).

SEPA DETERMINATION: Exempt DNS EIS

DNS with conditions

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

BACKGROUND DATA

Site

The site is located on 17th Avenue East between Garfield and Galer Streets on the northeast side of Capitol Hill. The site measures 40 by 107 feet for a total lot area of 4,280 square feet. The site is relatively flat and is developed with a structure which has been legally converted to a triplex with permits, and a 378 square foot detached two car garages.

Area Development

Lake View Cemetery and Volunteer Park are located two blocks to the west. Interlaken Park is located one lot to the east. Development in the vicinity consists of a mixture of single and multifamily structures on varying sized lots.

Description of Proposal

The applicant proposes to demolish the existing garage and construct a 570 square foot detached garage in the required rear yard. The existing garage is 378 square feet in area and covers 44 percent of the rear yard. The existing garage exceeds the maximum allowed lot coverage by 35.6 square feet. The proposed garage would be 570 square feet in area with 66.5 percent rear yard coverage.

Public Comment

One comment letter was received during the public comment period which ended May 18, 2005. Concerns were expressed about increased traffic along the easement, construction noise and traffic, demand for onstreet parking, the decrepit state of the garage, and the poor maintenance of the yard.

ANALYSIS - VARIANCE

Variances from the provisions or requirements of this Land Use Code shall be authorized when all the facts and conditions listed 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; and
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
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
4. The literal interpretation and strict application of the applicable provision or requirements of this Land Use Code would cause undue hardship or practical difficulties; and
5. The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.

The 4,280 square foot site is under the minimum 5,000 square foot lot size for this zone. Vehicle access to the rear yard is from a 15 foot wide gravel easement. The legal use of the structure is a triplex which generates a greater demand for parking than a single family residence in this SF 5000 zone. The demand for onstreet parking is greater on Capitol Hill than in other residential

areas in the City due to the density of housing and population and the proximity to major employment centers at the University of Washington and Downtown. These are unusual conditions which were not created by the owner or applicant, and 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 existing garage exceeds rear yard coverage by 35.6 square feet and the proposed garage would exceed rear yard coverage by 227.6 square feet. The existing garage covers 378 square feet (44 percent) and the proposed garage would cover 570 square feet (66.5 percent). The applicant is requesting the minimum size necessary to accommodate two cars and allow structural support of the garage wings for maneuvering room into the garage from the easement, so the variance request does not go beyond the minimum necessary to afford relief. There are three other houses on undersized lots on this block which exceed the allowed lot coverage. Approval of the variance would not constitute a grant of special privilege.

The older two car garage cannot accommodate contemporary vehicles which create demand for onstreet parking by the triplex. Replacement of the deteriorating existing garage with a new garage would reduce the demand for onstreet parking, improve the appearance of the rear yard, and create enclosed storage space to remove the clutter from the yard. Therefore, variance approval would not be materially detrimental to the public welfare or injurious to the property or improvements in the zone.

The literal interpretation and strict application of the Land Use Code would cause undue hardship because current cars could not safely maneuver from the easement into either the existing dilapidated garage or a new garage conforming to rear yard coverage. The proposed 30 foot wide garage allows for 12 foot wide garage doors so that contemporary sized vehicles can safely turn 90 degrees into the garage from the narrow easement.

The variances would be consistent with the spirit and purpose of the Land Use Code in terms of reducing parking impacts generated on residential streets by accommodating two required parking spaces in the rear yard while maintaining some useable open space in the rear yard.

Conclusion

The proposed variances meet the criteria for variance approval and are therefore approved.

DECISION - VARIANCE

The proposed variances are **GRANTED**.

Signature: _____ (signature on file) _____ Date: October 13, 2005
Malli Anderson, Land Use Planner
Department of Planning and Development