



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning & Development
D. M. Sugimura, Director

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

Application Number: 3003351
Applicant Name: Jeff Wilson
Address of Proposal: 1026 NE 61st Street

SUMMARY OF PROPOSED ACTION

Land Use Permit to raise existing structure and alter basement.

The following approvals are required:

Variance - to allow structure to extend into the required front yard
(Seattle Municipal Code 23.44.014.A).

Variance - to allow structure to extend into the required side yards
(Seattle Municipal Code 23.44.014.C).

Variance - to expand a nonconforming structure
(Seattle Municipal Code 23.44.112A).

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

BACKGROUND DATA

Site and Vicinity Description

The SF-zoned site is one block north of NE Ravenna Boulevard, one lot offset to the west of 12th Avenue NE. The lots to the west are similarly configured 4000 square feet in area, and the lots to the west are rotated 90 degrees to face 12th. Access is provided off the alley to the rear.

Proposed Action

The applicant has requested variances to allow for raising of the structure approximately 19- inches to accommodate a fully-functional basement level. The existing basement is only 2 inches shy of the code-required height of 7 feet. The existing house would be lifted straight up, with no expansions but for the additional front steps required to make the additional height to the front porch.

Public Comment

One comment letter was received regarding drainage issues.

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 existing basement height, at 6-feet 10-inches, is very close to current code requirements for basement height, especially for a house over 90 years old. Moreover, Director's Rule 3-2005 sets the lesser height of 6-feet 4 inches as the basement height requirement for homes built prior to 1979. It is difficult to regard as a hardship a situation that substantially exceeds requirements. Moreover, the lot is configured similarly to its four neighbors to the west, and according to the City's GIS maps, the four houses to the west of the subject house are situated even closer to a lot line on one side or the other. Thus, it is not possible to conclude that there is a property related hardship.

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***

Even if there were a property-related hardship, the requested variance would go well beyond the minimum necessary to afford relief and would constitute a grant of special privilege. As noted above, basement height already exceeds that required for basements in homes built prior to 1979. Even current code requirements only exceed the existing basement height by two inches. Thus, the request to raise

the house 19.25-inches seems to have a lot of “extra” built in. Ductwork and the like are proposed to be rebuilt in any case, so simply redesigning them to better fit the existing height is an option. Lowering the slab height by a couple of inches also seems feasible. And even in the event that some degree of variance relief were warranted, it would be more on the level of a few inches, not nearly two feet. In short, the proposal goes beyond the minimum necessary to afford relief.

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***

Granting the proposed variances would exacerbate light and shadow impacts on the adjacent properties, especially the one to the west, which is exceptionally close to the same side property line as well. There would also be privacy impacts as the sightlines from windows of the subject structure are substantially increased into the neighboring properties. Because the house would only be 13 feet from the front property line (required front yard, by averaging, is 18.9 feet), there would also be some increased bulk impact as viewed from the sidewalk. None of these impacts can accurately be characterized as huge, and even though they do cumulate, overall they have not been deemed “materially detrimental” or “injurious” for purposes of this analysis.

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; and***

The literal interpretation and strict application of the Land Use Code would require that the house be remodeled more conservatively. However, because the existing situation not only meets code requirements, but exceeds them, findings run strongly against determinations of either undue hardship or practical difficulty.

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

The Land Use Code sets certain minimum standards to secure the livability and, to a limited degree, the character of existing Single Family zones. It provides for relief from standards when unusual conditions compromise reasonable development. In this case, location close to lot line is characteristic; moreover, basement height – whose increase is the goal of the project – exceeds standards for basements in older homes, and nearly achieves required height under current code. It is entirely inconsistent with the spirit and purpose of the Land Use Code to grant variances to better conditions that already comport with standards. Rather, the spirit and purpose of the Land Use Code are to maintain reasonable standards, relieving them as needed only in compromised situations. No such situation obtains in the present case. Other design approaches afford adequate means for reasonable expansion of basement utility.

DECISION - VARIANCE (Based upon approved plans in the file)

1. The proposed variance to allow a structure to extend into the required front yard is **DENIED**.
2. The proposed variance to allow a structure to extend into the required side yards is **DENIED**.
3. The proposed variance to allow to expand a nonconforming structure is **DENIED**.

Signature: (Signature on file) Date: January 2, 2006
Paul Janos, Land Use Planner