



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:** 2404323  
**Applicant Name:** Lisa McNelis of McNelis Architects, for Russell Thornock and M. Kristin Michael  
**Address of Proposal:** 7717 44<sup>th</sup> Av SW

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for future construction of a detached garage for a single vehicle, totaling 228 square feet, in the front yard accessory to a single family residence.

The following approval is required:

**Variance** - To allow a garage in a required front yard (Seattle Municipal Code Section 23.44.016 C). *Requirement: Parking shall not be located in the required front yard except as provided in subsections C3, C4, C5, and C6. Proposed: Garage in required front yard not meeting the provisions of subsection C4.*

**SEPA DETERMINATION:**  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 subject property is zoned Single Family-5000 (SF-5000) and is a nearly rectangular-shaped, mid-block lot of some 9,250 square feet, bounded on the east by 44<sup>th</sup> Avenue SW and on the west by an unopened alley. The subject property is bordered on the north and the south by properties which are zoned Single Family SF-5000. The lot is located within a vicinity developed predominately with single family residences. The site is located within an environmentally critical area characterized by steep slopes in excess of 40%; the site is also mapped as within a landslide-prone area.

The legal description of the property is lot 23, block 5, Wellington Park Addition. The total lot area is approximately 9,250 square feet.

### Proposal Description

The proposed project includes demolishing an existing one-car garage which tapers from 9-foot 11-inches at the front to 7-feet at the rear and is not dimensionally large enough to accommodate a modern vehicle and to construct a new one-car garage partially within the footprint of the existing garage. The applicant is requesting a variance to expand the existing detached garage toward the front property line in order to accommodate a single vehicle. The proposed garage would be 12 feet in width and 19 feet in length. A portion (55 square feet) of the existing garage would remain at the rear of the proposed garage. The land Use Code would not allow the detached garage to extend into the required front yard (SMC 23.44.016 C).

### Public Comment

No comment letters were received during the comment period, which ended on November 24, 2004.

### Additional Information

The lot slopes downhill sharply from east to west, losing approximately 90 feet in elevation between the front and rear property lines. The existing single family residence, built in 1926, sits forward on the lot, occupying the flatter portion of the site towards 44<sup>th</sup> Avenue SW. The lot slopes sharply from the rear of the foundation single-family structure, with the unopened alley to the west lying some 80 feet below the house. The residential structure is located approximately 20 feet from the front property line and fifteen feet north of the south property line. The entry to the residence is located on the south side of the structure. The existing garage structure is approximately 20 foot in length and measures 9-feet 11-inches at the entry. At a point approximately 10-feet into the depth, the garage tapers to accommodate the house entry porch so as to be only 7-feet in width at the west end of the structure. The space between the residential porch and entry and the side lot line is not large enough to provide for a parking space 8 by 16 feet in its dimensions. The existing garage extends approximately 4 feet into the required front yard.

The applicant proposes to demolish all but 55 square feet of the existing garage and to construct a new single-car garage which would measure 12 by 19 feet. The bulk of the new garage would be located within the required front yard.

### ANALYSIS - VARIANCE

Variances from the provisions or requirements of the Land Use Code shall be authorized only when all of the following facts and conditions 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*

The lot slopes steeply from east to west. The rear portion of the subject lot along its west side is classified as an environmentally critical area, both landslide-prone and characterized by slopes in excess of 40%. The extreme slope within the rear yard of the subject lot effectively precludes any development there. The north wall of the single family residence to the south of the subject lot is built five feet from the separating property line and generally extends from the front yard to the limit of the build-able portion of the subject lot. Expanding the existing garage from its present location toward the rear of the lot would require a single-family side yard setback agreement which would not be possible because the neighboring house occupies the required 10-foot setback in that area. An Accessory Structure Agreement (Side Yard) has been signed with the adjoining neighbor for that portion of the existing garage that will remain and the western portion of the proposed garage just outside the front yard where sufficient separation between structures can be maintained.

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*

The applicant is requesting a variance to construct a garage to accommodate a single vehicle. 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. Four of the five residences directly north of the subject site have garages or carports located within five feet of the front sidewalk.

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. Despite being push forward on the lot, the proposed garage should give less of an impression of sheer bulk than some of its neighboring garages and carports, , for instance those at 7705, 7703, 7621 and 7617 44<sup>th</sup> Avenue SW, all of which are wide enough to accommodate two vehicles side by side. The proposed garage will be screened from the street by means of an operable overhead garage door.

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 proposed subject property is a platted lot and is developed with a single-family residence and detached garage. Steep topography effectively precludes the rear yard as a location for the garage. The locations of the existing residences on this lot and lot directly to the south prevent the expansion of the existing undersized garage because there is insufficient separation between the neighboring residence and the garage to provide for a side yard easement. Removal of the existing residential porch and entry at the south side of the structure to accommodate an adequate surface parking space would require a substantial alteration to the residence, to its interior walls and the accustomed uses of its interior spaces.

The literal interpretation and strict application of the provisions of the Land Use Code would not allow the garage to be located within the residence's required front yard. SMC 23.44.016 C4 allows for front yard parking when a lot has a vertical drop of 20 feet in the first sixty feet. While the subject lot does not meet the qualifications of this provision, a vertical drop of some 90 feet from the front to the rear of the lot does limit the options for parking on what otherwise is a sizeable lot. The limited interior space of the existing garage has resulted in a structure that does not meet minimal standards for a parking space. Any expansion of the existing garage so as to provide for the practicable utility of parking a modern 4-wheeled motor vehicle on site would require a further expansion of the garage into the required front yard.

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 proposed garage maintains a single-family residential scale. It presents a façade twelve feet in width on the street side and eight feet in height, extending up to twelve feet at the top of the gable. The construction as proposed is in character with the patterns of 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 this variance.

### **DECISION - VARIANCE**

The request for a variance to allow a garage to be located in the required front yard (Seattle Municipal Code Section 23.44.016 C2) is **APPROVED**.

Signature: (signature on file) Date: May 16, 2005  
Michael Dorcy, Land Use Planner