

## FINDINGS AND DECISION

### OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

DONALD W. PARDA

FILE NO. MUP-81-023(V)  
APPLICATION NO. X-81-099

from a decision of the Director  
of the Department of Construction  
and Land Use on a Master Use  
Permit application

#### Introduction

The appellant proposes to demolish an existing garage and construct a second story addition and new attached garage to an existing single family residence located at 7601 West Green Lake Drive North.

For purposes of this decision, all section numbers refer to Title 24, Seattle Municipal Code (Ordinance 86300, as amended), unless otherwise indicated.

This matter was heard before the Hearing Examiner on August 7, 1981.

After due consideration of the evidence elicited during the public hearing, the following shall constitute the findings of fact, conclusions and decision of the Hearing Examiner on this appeal.

#### Findings of Fact

1. The subject property is located in a Single Family Residence High Density (RS 5000) zone in the Green Lake neighborhood at 7601 W. Green Lake Drive N. The subject lot is a reverse corner lot which has 56.68 ft. of width fronting W. Green Lake Drive N. and 96 ft. of depth fronting on N. 76th Street.

2. The subject lot is developed with a single family residence and attached garage. The attached garage leaves an 18 ft. rear yard whereas 19.2 ft. is required. The building is nonconforming as to bulk regulations.

3. The applicant proposes to demolish the existing garage and construct a wider one which would decrease the rear yard setback to 14.5 ft. The garage would project no further into the south side street side yard, toward N. 76th Street. Appellant is proposing a garage exterior width of 14.5 ft. and interior width of 14 ft. This, the appellant testified, is the minimum size required to accommodate his six passenger automobile. Appellant proposes a garage length of 28.6 ft. Also proposed is a second story addition. One of the added second story bedrooms would be located above the garage.

4. The designated south side street side yard measurement of 24 ft. was corrected by the applicant to 20.9 ft. The minimum required side street side yard is 10 ft.

5. Green Lake is located directly across W. Green Lake Drive N. The residences along N. 76th have a line of view which cuts across appellant's south side yard to the lake. These residences also enjoy a setback pattern that would be altered by appellant's building extensions into the side street side yard.

6. The Department of Construction and Land Use granted the variance relief on the condition that the rear yard equal 18 ft. or more. The Director's decision determined that to "compensate for the loss of building space it would be possible to extend the garage further towards the south street side yard without variance."

7. With the exception of appellant's property, the residences along W. Green Lake Drive N. and N. 76th have access to their properties by a rear alley. This immediate area enjoys a mix of single and double car garages. Appellant estimated that 40 percent of the garages were single car garages.

8. Vicinity property owners do not object to the appellant's proposal.

9. The appellant's rear yard is adjacent to the neighbor's side yard.

10. With regard to the State Environmental Policy Act of 1971 (SEPA) and Ordinance 105735, as amended, the action proposed in this application has been determined by the responsible official to be categorically exempt pursuant to the provisions of WAC 197-10-170.

#### Conclusions

1. We agree with the Director that the existing placement of the garage 18 ft. from the rear property line is a hardship condition which warrants some variance relief. As well, the location of the dwelling on this reverse corner lot and its relationship to the properties along N. 76th are special property conditions. The siting of the house leaves the appellant's rear yard adjacent to a neighbor's side yard.

2. Vicinity properties enjoy alley access to their properties and some single and double car garages.

3. While as a technical matter the garage area could be increased by extending it to within 10 ft. of the side street side yard, such a proposal would interfere with the neighbor's line of view to Green Lake without any corresponding, practical benefit. In recognition of the percentage of two car garages in the area, the relief proposed does not exceed the minimum necessary for comparable development.

4. Based on the foregoing, the proposal would not conflict with the spirit of the Comprehensive Plan and Single Family Policies.

#### Decision

The decision of the Director is MODIFIED. Appellant may build within 14.5 ft. of the rear yard. The new structure may not encroach further into the south side yard.

Entered this 13<sup>th</sup> day of August, 1981.

  
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Leroy McCullough  
Hearing Examiner

#### Notice of Right to Appeal

The decision of the Hearing Examiner in this case is the final administrative determination by the City. Any further appeal must be filed with the Superior Court within 14 days of the date of this decision. Vance v. Seattle, 18 Wn.App. 418 (1977); JCR 73 (1981).