



**City of Bellevue
Department of Planning and Community Development
Development Services Division Staff Report**

Proposal Name: Rogers Lot Coverage Variance

Proposal Address: 13303 SE 57th St

Proposal Description: Application for a Land Use Code variance to exceed the 35 percent maximum lot coverage by structures in the R-3.5 zone. Variance will allow 55 percent maximum lot coverage in order to construct a 759 square foot addition to an existing home. The site contains a Type F stream critical area buffer.

File Number: 07-143790-LS

Applicant: Raymond Copes and Patricia Rogers

Decisions Included: Administrative Variance (Process II)

Planner: Christina Behar, Assistant Land Use Planner

State Environmental Policy Act
Threshold Determination: **Exempt pursuant to WAC 197-11-800(6)(b)**

Director's Decision:

Carole Vintellend for
Matthew A. Terry,
Director, Department of Planning and Community
Development

Application Date: December 13, 2007

Notice of Application: January 10, 2008

Notice of Decision: March 5, 2008

Bulletin Publication Date: March 5, 2008

Appeal Deadline: 14 days following the date of publication of the decision of the Director

For information on how to appeal a proposal, visit Development Services at City Hall or call 455-6800 (TTY (206) 462-4636). Appeal of the Decision must be made with the City Clerk by 5 PM on the date noted for appeal of the decision.

I. Project Description

The applicant is requesting a Land Use Code (LUC) variance to exceed the 35 percent maximum lot coverage by structures in the R-3.5 zone. The variance will allow 55 percent maximum lot coverage in order to construct a 759 square foot addition to an existing home. The variance will accommodate the expansion of the single family residence while allowing the least intrusion into the onsite stream critical area buffer and structure setback. The proposed addition is to be one-story and located off the front northwest corner in the shadow of the existing residence, opposite the critical area. The addition will extend out approximately 24 feet towards the front property line making it even with the existing northeast corner of the home. See Section VIII for a related Condition of Approval.

II. Site Description and Context

The site is located in the R 3.5 zoning district in the Factoria subarea. The parcel is located in a residential neighborhood surrounded by lots of similar size to the north, east, and west. Coal Creek runs approximately 35-feet behind the rear (south) property line at the bottom of a critical ravine. The top-of-bank runs parallel to the south property line encroaching slightly onto the site. Properties to the east and west also abut the top-of-bank of Coal Creek.

The parcel contains a Type F stream critical area buffer. Type F streams require a 50-foot critical area buffer on developed sites measured from the top-of-bank. The top-of-bank is likely the top-of-slope per LUC 20.50.050. The 50-foot stream critical area buffer is subtracted from the gross site area prior to calculating maximum lot coverage.

III. Community Input on the Proposal

The Notice of Application for this proposal was published in the Seattle Times and the City's Weekly Permit Bulletin on January 10, 2008. Notice of this proposal was also mailed to property owners within 500 feet of the site. One public comment was received regarding this proposal. Mr. Frank Granger, a property owner in the neighborhood, sent an email questioning why a variance was necessary for this proposal.

IV. Technical Review:

The City of Bellevue Transportation Department reviewed this variance application and has no concerns with the proposal.

V. Purpose

A variance is a mechanism by which the City may grant relief from the provisions of the Land Use Code where practical difficulty renders compliance with the provisions of that Code an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property, and where the purposes of that code and of the comprehensive plan can be fulfilled.

VI. Decision Criteria:

20.30G.140 Decision Criteria for a Variance

The Director may approve or approve with modifications an application for a Variance if all of the following criteria are met:

- A. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district of the subject property.**

Finding: Granting of the variance will not constitute a grant of special privilege inconsistent with other properties in the vicinity. The table on the next page shows the estimated average of lot coverage by structure for properties to the east and west of the project site at 56.7 percent. The request to increase lot coverage on the project site from 40.5 percent to 54.5 percent is below this average.

All of the parcels located immediately to the east and west of the subject property exceed the maximum lot coverage for the zone and are also nonconforming to Type F stream critical area buffer and structure setback requirements. The following table illustrates the estimated lot coverage for the residences directly east and west of the project site. Please note that the following calculations are based on a review of aerial photography and are approximate.

Address	Lot Area Square Footage Before Subtracting Critical Areas	Estimated Lot Area Square Footage After Subtracting Critical Area Buffer	Estimated Building Footprint of Existing Residences in Square Feet	Estimated Lot Coverage by Structure
13233	11,675	3,682	2,090	56.7%
13237	10,986	3,253	2,560	78.6%
13241	10,203	3,921	1,780	45.3%
13303	10,046	5,434	2,205	40.5%
13307	9,235	4,328	2,190	50.6%
13311	9,492	4,340	1,780	41%
13315	10,454	5,438	2,560	47%
13319	11,315	1,895	1,750	92.3%
13405	11,091	2,620	2,020	77%
13411	10,020	3,802	1,770	46.5%
13415	12,010	8,053	2,090	25.9%
13503	8,793	2,827	2,190	77.4%
13505	10,629	2,669	2,170	81.3%
13509	10,766	4,845	1,890	39%
13515	9,178	4,233	2,210	52.2%

The percent of lot coverage by structure ranges from 39-92.3 percent for an average of 56.7 percent. The applicant's request is therefore reasonable and consistent with the privileges provided other properties in the vicinity.

- B. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with the use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property.**

Finding: The variance is necessary because of the proximity of the property to Coal Creek. The majority of the parcel lies within the Type F stream 50-foot critical area buffer and 50-foot critical area structure setback. Consequently, the existing home exceeds the 35 percent maximum lot coverage allowed for this district making any first floor addition an impossibility without a variance. The properties to the north of this parcel do not abut Coal Creek making lot coverage concerns associated with the creek's buffer and setback requirements a non-issue.

Lot Coverage: Pursuant to LUC 20.20.010 maximum lot coverage is calculated after subtracting all critical areas and stream critical area buffers from gross site area. Of the 10,046 square feet of gross site area, 4,612 square feet are encumbered with Type F stream critical area buffer. The proposal to construct a 759 square foot one-story addition to the front of the home will increase lot coverage from 40.5 percent to 54.5 percent. See section VIII for related Condition of Approval.

- C. **The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and land use district in which the subject property is located.**

Finding: The addition will have a minimal impact on the scale of the existing structure, and the structure will continue to be compatible with surrounding homes. As the design of the proposed addition is on the front of the home, opposite Coal Creek, no impacts to the stream or stream critical area buffer will occur. As proposed, the granting of this variance will not affect the public welfare and is compatible with property and other improvements in the vicinity.

- D. **The variance is not inconsistent with the Comprehensive Plan.**

The site is located within the Factoria subarea of the City of Bellevue Comprehensive Plan. The Subarea Land Use Plan designation of the site is Single-Family Medium (SF-M), consistent with the R-3.5 zoning designation. The following policies apply to this proposal:

Policy LU-21: Develop land use strategies to encourage the maintenance and updating of the city's older housing stock, so that neighborhoods are well-maintained and existing housing is preserved, updated, or modified to meet the evolving needs of residents.

Policy EN-16: Facilitate the transfer of development potential away from the critical areas and the clustering of development on the least sensitive portion of a site.

Finding: The variance request will enhance the neighborhood by allowing the remodel of the existing house so that it is updated to a size and scale more in character with the surrounding homes. The location of the addition allows for improvement to the property on the least sensitive portion of the site.

VII. Conclusion and Decision:

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, and City Code and Standard compliance reviews, the Director of Planning and Community Development does hereby **APPROVE** the variance, subject to the following conditions.

VIII. Conditions of Approval

1. **VARIANCE LIMITATION:** The variance approval is limited to an increase in the maximum percentage of lot coverage for structures from 35 percent to 55 percent. All other applicable R-3.5 zoning district dimensional standards must be met.
2. **ACCESSORY DWELLING UNIT:** Applicant must submit an application for an Accessory Dwelling Unit Permit.

Authority: and Use Code 20.30G.115 & 20.20.010

Reviewer: Christina Behar, Planning and Community Development Department

IX. List of Attachments:

1. Site plan
2. Aerial Map

Attachment 2

