



**City of Bellevue
Development Services
Land Use Division Staff Report**

Proposal Name: Johnson Variance

Proposal Address: 4845 Lakehurst Lane SE

Proposal Description: Land Use Code Variance to reduce the required 20-foot front yard setback to 5 feet in the R-4 zoning district.

File Number: 08-113143-LS

Applicant: Eric Johnson

Decisions Included: Administrative Variance (Process II)

Planner: Leah Hyatt

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

Director's Decision: **Approval with conditions**
Michael A. Brennan, Director
Development Services Department

By: Carol V. Helland

Carol V. Helland, Land Use Director,

Application Date: March 25, 2008
Notice of Application Date: April 24, 2008
Notice of Decision Date: January 29, 2009
Appeal Deadline: February 12, 2009

For information on how to appeal a proposal, visit the 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 variance approval to reduce the required 20 ft. front yard setback, measured from the edge of Lakehurst Lane SE, to 5 ft. in order to build a new single family residence at 4845 Lakehurst Lane SE. The applicant has demolished the existing residence which was 2 ft. from the edge of Lakehurst Lane and is proposing to construct a new residence 5 ft. from the edge of the road. The previous residence was demolished under an approved building permit issued in 2007, however, the building permit expired in 2008 due to a lack of activity by the applicant. The property is located in the R-4 zoning district in the Factoria subarea. Access to the property is gained from Lakehurst Lane SE.

II. Site Description and Context

The rectangular property is situated between Lakehurst Lane SE and Lake Washington to the west. The site is also located within the Shoreline Overlay District which restricts development and disturbance within the 25 ft. shoreline area buffer and 25 ft. structure setback measured from the Ordinary High Water Mark (OHWM). The home that was demolished was legally non-conforming with intrusions into the front yard and shoreline structure setbacks as currently applied.



III. Community Input on the Proposal:

On May 5, 2008 the public notice for the project was published in the Seattle Times and mailed to property owners within 500 ft. of the subject site. No public comment was received.

IV. Technical Review:

Transportation: On April 2, 2008 Transportation Review indicated there were no concerns with the application and imposed no conditions.

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 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: Approval of a variance to the required front yard setback will not constitute a grant of special privilege to the applicant. Eight homes accessed off of Lakehurst Lane SE intrude into the front-yard setback with existing setbacks ranging from 1 ft. to 5 ft..

- 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 due to the configuration of the subject property and its location on Lake Washington. This property is located within the R-4 zoning district. The property is located adjacent to Lake Washington

and contains a shoreline critical area and critical area buffer and is subject to the additional setback requirements of 20.25H for shoreline critical areas.

In order to satisfy the shoreline buffers and setbacks the applicant has requested a variance to reduce the required 20 ft. setback from Lakehurst Lane SE to 5 ft. to achieve a building area consistent with similar properties in the immediate vicinity. The proposed residence will conform to side yard setbacks, shoreline setbacks, lot coverage, impervious surface and height restrictions. Approval of this variance would allow the applicant to achieve the developable area that is afforded to other similarly zoned and constrained sites in the area while keeping with the character of the residential development along Lakehurst Lane SE.

- 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 granting of a front-yard setback variance will not be materially detrimental to the public welfare or injurious to land uses within the vicinity. The proposed 5 ft. front yard setback from Lakehurst Lane SE will have less impact on the use of the road than the previous setback of 2 ft. provided by the previous structure.

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

Finding: This site is located within the Factoria subarea in the City of Bellevue Comprehensive Plan. The Comprehensive Plan designates the site as single-family high density. The zoning density of R-4 along with this designation makes this proposal consistent with the subarea policies. 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 complement the neighborhood by allowing the construction of a new house that it is to a size, scale, and character more consistent with the surrounding homes. The proposed new structure will provide a residence that is conforming to the 25 ft. shoreline buffer and associated 25 ft. structure setback from ordinary high water mark where the previous structure was non-conforming.

VI. 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 Development Services does hereby **APPROVE** the variance subject to the following conditions.

VI. Conditions of Approval:

1. The approval is limited to the front yard setback intrusion depicted on the site plan stamped January 6, 2009. The setback will be reduced to 5 ft. from the edge of Lakehurst Lane SE.

Authority: Land Use Code 20.30G.115
Reviewer: Leah Hyatt, Development Services Department

2. Overhangs cannot intrude more than 18 inches into the 5 ft. front yard setback from the edge of Lakehurst Lane SE.

Authority: Land Use Code 20.20.025.C
Reviewer: Leah Hyatt, Development Services Department

VIII List of Attachments:

1. Plans and Drawings