



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

Proposal Name: Foreman Variance

Proposal Address: 2215 Killarney Way

Proposal Description: Variance to reduce the required 30-foot front yard setback to 10 feet in the R-1.8 zoning district.

File Number: 08-126165-LS

Applicant: Nash Jones Anderson; Rick Jones

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: July 17, 2008
Notice of Application Date: September 4, 2008
Notice of Decision Date: December 11, 2008
Appeal Deadline: December 29, 2008

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 30 ft. front yard setback, measured from the edge of Killarney Way, to 10 ft. in order to build a new single family residence at 2215 Killarney Way. The applicant is proposing to demolish the existing residence which is 1-foot from the property line and construct a new residence 10 feet from the property line. The property is located in the R-1.8 zoning district on Lake Washington. Access to the property is gained via an abutting 60-foot wide unimproved right-of-way (Killarney Way) along the north side of the property that dead ends at the lake.

II. Site Description and Context

The rectangular property abuts two right-of-ways and Lake Washington. The site slopes towards Lake Washington from 100th Ave SE with areas in excess of 40%. It abuts the south side of Killarney Way (an unimproved right-of-way) down to Lake Washington. The adjacent unimproved right-of-way is 144 feet in length and serves two other properties. The site is also located within the Shoreline Overlay District which restricts development and disturbance within the 25-foot shoreline area buffer and 25-foot structure setback measured from the Ordinary High Water Mark (OHWM). The existing home is legally non-conforming with intrusions into the front and side-yard setbacks.



III. Community Input on the Proposal:

On September 4, 2008 the public notice for the project was published in the Seattle Times and mailed to property owners within 500 feet of the subject site. No public comment was received.

IV. Technical Review:

Transportation: On August 5, 2008 Transportation Review indicated there were no concerns with the application and imposed no conditions.

Parks: Parks Department was initially concerned that the new residence would encroach further in the right-of-way or maintain the existing non-conformity. After further review of the survey and proposed site plan, Parks was satisfied with the applicant's proposal to decrease the existing non-conforming setback and pull the residence further away from the right of way.

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. Two homes gain access via this section of Killarney Way. The other residence, located at 2177 Killarney Way was constructed in 2004 after receiving approval for a variance which modified the required 30-foot setback to 7 feet from the edge of Killarney Way.

- 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-1.8 zoning district. The property is located adjacent to Lake Washington and contains areas of critical slope and is subject to the additional setback requirements of 20.25H for shoreline and steep slope critical areas (the required 75-foot toe-of-slope structure setback was previously modified with a critical areas land use permit under file number 07-139581-LO).

In order to satisfy the shoreline setbacks and modified toe of slope structure setback, the applicant has requested a variance to reduce the required 30 ft. setback from Killarney Way to 10 ft to achieve a building area consistent with similar properties in the immediate vicinity . The proposed residence will conform to side yard setbacks, shoreline setback, lot coverage and height restrictions. Approval of this variance would allow the applicant to achieve the developable area that is afforded to other similarly zoned sites in the area while keeping with the character of the residential development along Killarney Way and 100th Ave 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 site is situated at the end of an unimproved right-of-way. Increasing the setback from the current 0 feet to 10 feet provides an opportunity to improve the delineation between the public right-of-way and private property for individuals wishing to use the City owned waterfront.

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

Finding: This site is located within the Southwest Bellevue Subarea in the City of Bellevue Comprehensive Plan. The Comprehensive Plan designates the site as single family, low density. The zoning density of R-1.8 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.

Policy SH-10: Encourage development to keep the water's edge free of buildings.

Finding: The variance request will complement the neighborhood by allowing the remodel of the existing house so that it is updated to a size, scale, and character more consistent with the surrounding homes. The proposal also removes the existing non-conforming structure and proposes a residence that maintains the 25-foot shoreline buffer and associated 25-foot structure setback from ordinary high water mark.

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 dated July 17, 2008. The setback will be reduced to 10 ft. from the edge of Killarney Way.

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

2. Overhangs cannot intrude more than 18 inches into the 10 ft. front yard setback from the edge of Killarney Way.

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

VIII List of Attachments:

1. Plans and Drawings