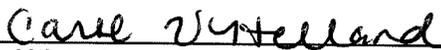




**City of Bellevue  
Development Services Department  
Land Use Division Staff Report**

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Proposal Name: Paravecchio Setback Variance  
Proposal Address: 2495 158<sup>th</sup> Pl. NE  
Proposal Description: Land Use Code Variance request to reduce a required front setback from 20-feet to 16-1/2 feet.  
File Number: 09-109949-LS  
Applicant: Gene Miller, GFM Associates  
Decisions Included: Administrative Land Use Code Variance (Process II, LUC 20.30G)  
Planner: Carol Orr, Assistant Planner  
State Environmental Policy Act Threshold Determination: **Exempt pursuant to WAC 197-11-800(6) (b)**  
Director's Decision: **Denial:**

  
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Carol V. Helland, Director  
Development Services Department

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Application Date: 4/1/2009  
Notice of Application: 6/4/2009  
Decision Publication Date: 9/10/2009  
Appeal Deadline: 9/24/2009

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For information on how to appeal a proposal, visit the Development Services Center at City Hall, 450 110<sup>th</sup> Avenue NE, or call (425) 452-6800. Appeal of the decision must be received in the City Clerk's office by 5 p.m. on the date noted for appeal of the decision.

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**I. Project Description**

The applicant is requesting approval for a Land Use Code variance to reduce a required setback from the front property line from 20 feet to 16 1/2 feet to construct an additional garage bay on a single-family residence.

**II. Site Description and Context**

The site is located at 2495 158<sup>th</sup> PI. NE in the NE Bellevue Subarea. The property is currently developed as a single family residence. The property is situated in an R-3.5 zone, which has a minimum requirement of 10,000 square feet. King County records indicate the property measures 10,663 square feet. The site measures 70.01 feet in width, and 155.03 feet in depth at the south property line. The north property line measures 139.6 feet. The site is accessed from 158<sup>th</sup> PI NE, a dead end street. The street frontage has a slight curvilinear form, over which a 10 foot sidewalk and utility easement is laid. The parcel to the west of the subject site is zoned Office, but the properties to the north, south, and east are single-family residences.

**III. Community Input on the Proposal:**

Notice of the application was published in the Seattle Times and mailed to property owners within 500 feet on June 4, 2009. At the time of writing this staff report, no public comments have been received regarding this proposal.

**IV. Technical Review:**

**Transportation:** The Transportation Department has reviewed the project and has concluded that transportation related issues would not be created as a result of the requested variance.

**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:** The proposal does not meet this requirement.

The requested variance would constitute a grant of special privilege inconsistent with the

limitation upon uses of other properties in the vicinity and land use district. The subject property is larger than the minimum required by the zone. Eighteen adjacent properties were evaluated for compliance with the front setbacks as required by the recorded plat and the dimensional requirements of the Land Use Code. All of the lots reviewed comply with the front setback requirements.

- 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 proposal does not meet this requirement.

The requested variance is not necessary because of the special circumstances relating to the size, shape, topography and surroundings of the subject property. The size of the property is 10,663 square feet. The lot is predominantly flat and has no known critical areas. The lot is predominantly rectilinear in shape, despite a small curvilinear section along the street frontage. Other sites within the neighborhood have more pronounced curvilinear street frontages and still meet the front setback. There are no special circumstances related to the location or surroundings of the property that are inconsistent with those of other property in the vicinity that would indicate it could not be used in a manner consistent with the existing zoning.

Also, the property provides alternative location to site an additional garage bay in such a manner that a variance would not be required. The City requires single family residences to provide space for a minimum of two on-site parking stalls, and this has been determined reasonable to accommodate the needs of the typical home. Although many homes have 3 or more car garages in the City, it is not an expectation or a hardship under the code. Even a "de minimus" modification in the required setbacks requires an approval through the variance process. Provided the homeowner can meet the lot coverage and impervious surfaces requirements, an additional garage bay could be added in other locations on the site that would not require modification of any required setback.

Finally, the recorded plat which created the lots specifically calls out the required setbacks. The dimensions stated on the recorded plat match the dimensional requirements found in the Land Use Code. City of Bellevue planners are required to enforce such plat conditions shown on the face of plats. This includes both those conditions that are drawn on the plat, such as building setback lines as well as those that are written conditions on the plat. In the case of this plat, Belmoor, these plat conditions are shown graphically, as well as in writing. Even if the criteria for granting a variance could be satisfied, a plat amendment would be required to remove this development restriction; and allow a deviation from the required dimensional requirements of the Land Use Code.

- 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 proposal does not meet this requirement.

The requested variance would be injurious to the properties in the vicinity of this proposal. The requested variance is located on a property that is governed by building setback lines that are drawn on the face of the Belmoor Plat. This plat condition provides an additional

level of certainty above and beyond that afforded by the Land Use Code alone. Any modification of plat conditions is required to follow the process set forth in the state platting statute, RCW 58.17.215, and requires support of at least a majority of those persons having an ownership interest in the plat. Granting the requested variance would be in violation of the plat conditions for Belmoor and injurious because property owners living in such plats rely on the additional protections that plat conditions afford. The proposed variance request is not appropriate for consideration unless and until the underlying plat has been modified pursuant to the state law process.

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

**Finding:** The site is located within the Northeast Bellevue Subarea of the City of Bellevue Comprehensive Plan. The Subarea Land Use Plan designation for 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-9: Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area.

Policy LU-19: Maintain stability and improve the vitality of residential neighborhoods through adherence to, and enforcement of, the City's Land Use regulations.

**Finding:** The variance request does not maintain a compatible design consistent with the surrounding neighborhood development. The existing residences adjacent to the subject property comply with the required front yard setback as required by the recorded plat and the Land Use Code.

**VIII. 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 the Development Services Department does hereby **DENY** the variance. Variance requests must meet all of the decision criteria per LUC 20.30G.140. The proposed variance fails to meet decision criteria A, B, C, and D as discussed above in section VI.

**List of Attachments:**

1. Site plan
2. Plat map
3. Zoning map
4. Aerial Photograph of surrounding properties

2495 158th PI NE

EHD

PO

NE 27TH PL

NE 25TH PL

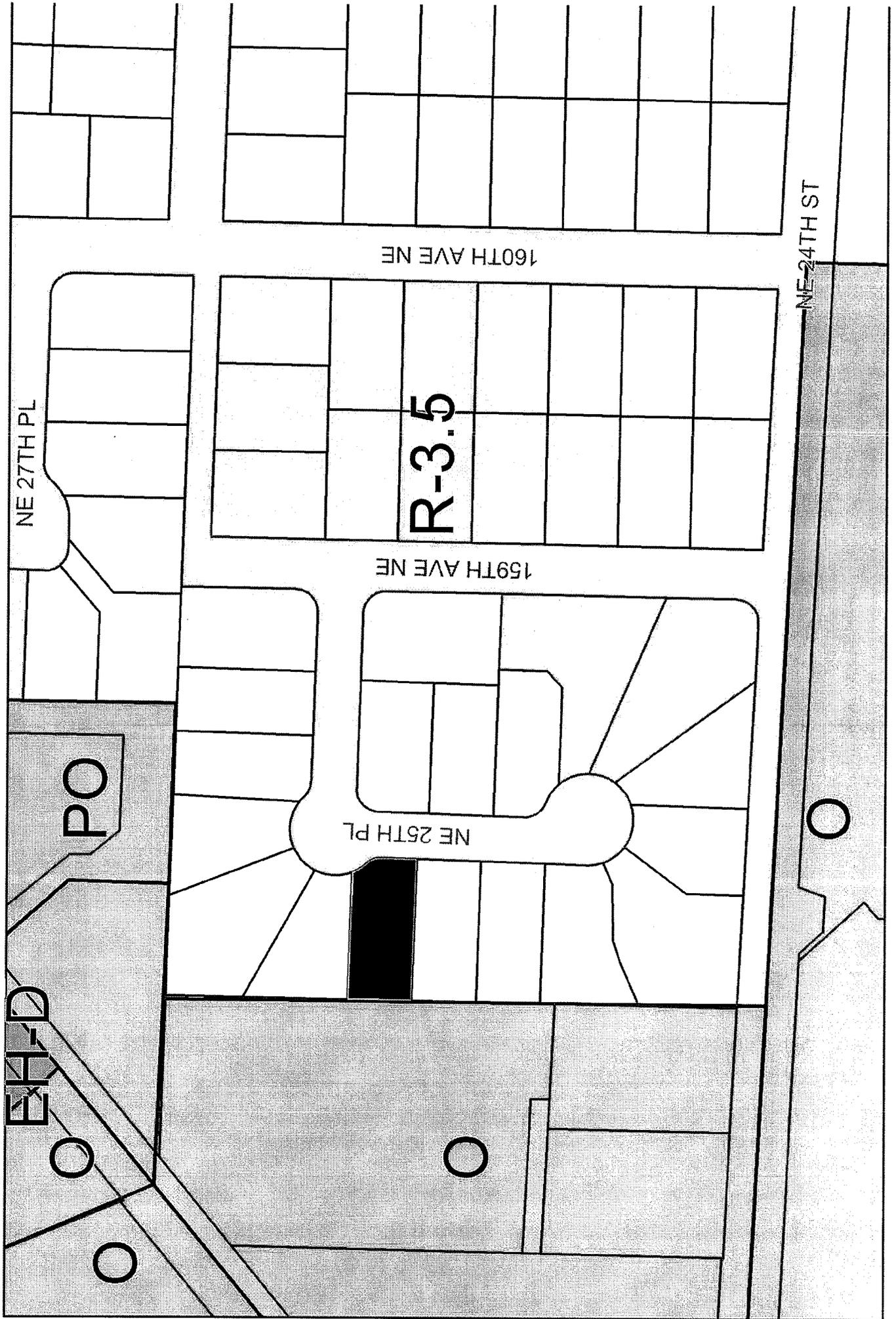
159TH AVE NE

160TH AVE NE

R-3.5

NE 24TH ST

O

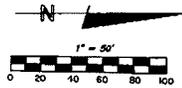


# BELMOOR

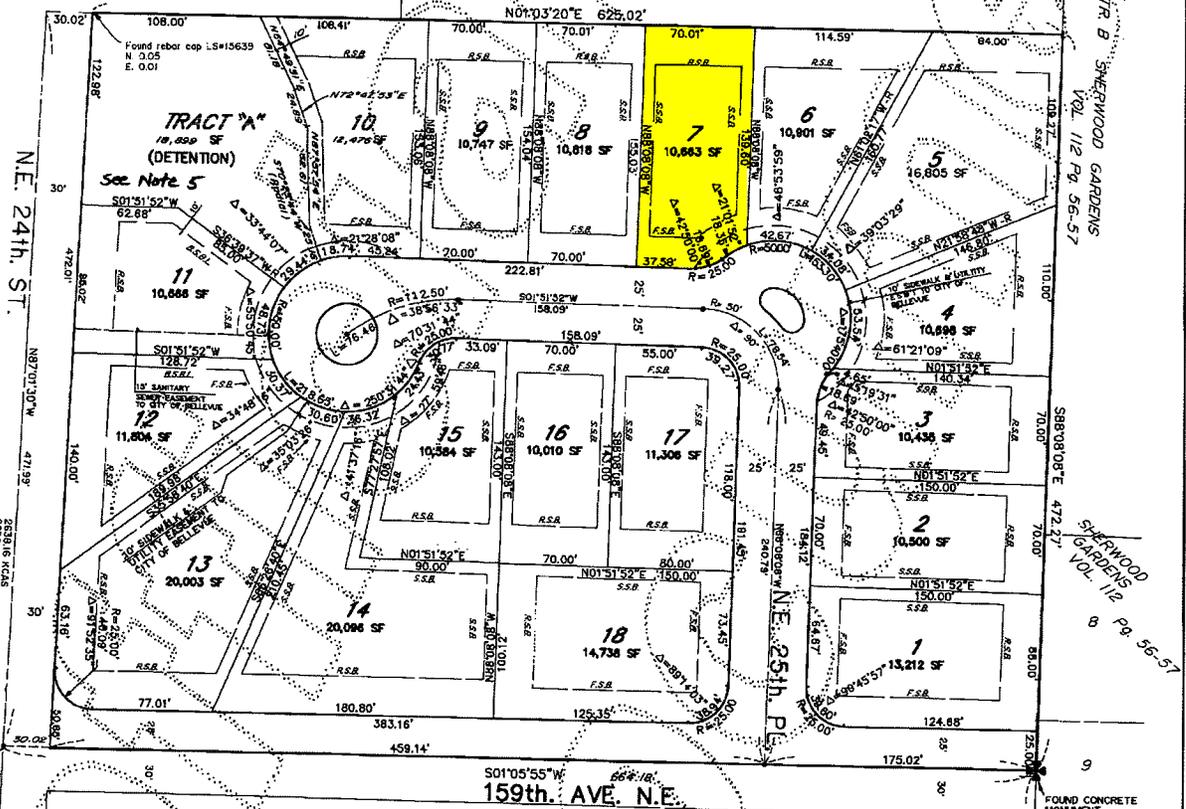
168 7

A PORTION OF S.E.¼, SECTION 23, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.  
CITY OF BELLEVUE KING COUNTY, WASHINGTON

Found conc. mon. in  
corner with brass disk  
1-8-92, 3/4 cor. 23-25-5



BELLEVUE SHORT PLAT #79-28  
LOT 1



**LEGEND**

- R.S.L. REAR SETBACK LINE = 25'
- S.S.L. SIDE SETBACK LINE = 7.5'
- F.S.L. FRONT SETBACK LINE = 20'

SET MON. IN CASE

NOTE: Instrumentation for this survey  
was a six second theodolite and an  
electronic distance measuring unit.  
Proceeding used in this survey  
were field notes, meeting or  
succeeding standards set by  
WAC 332-130-030

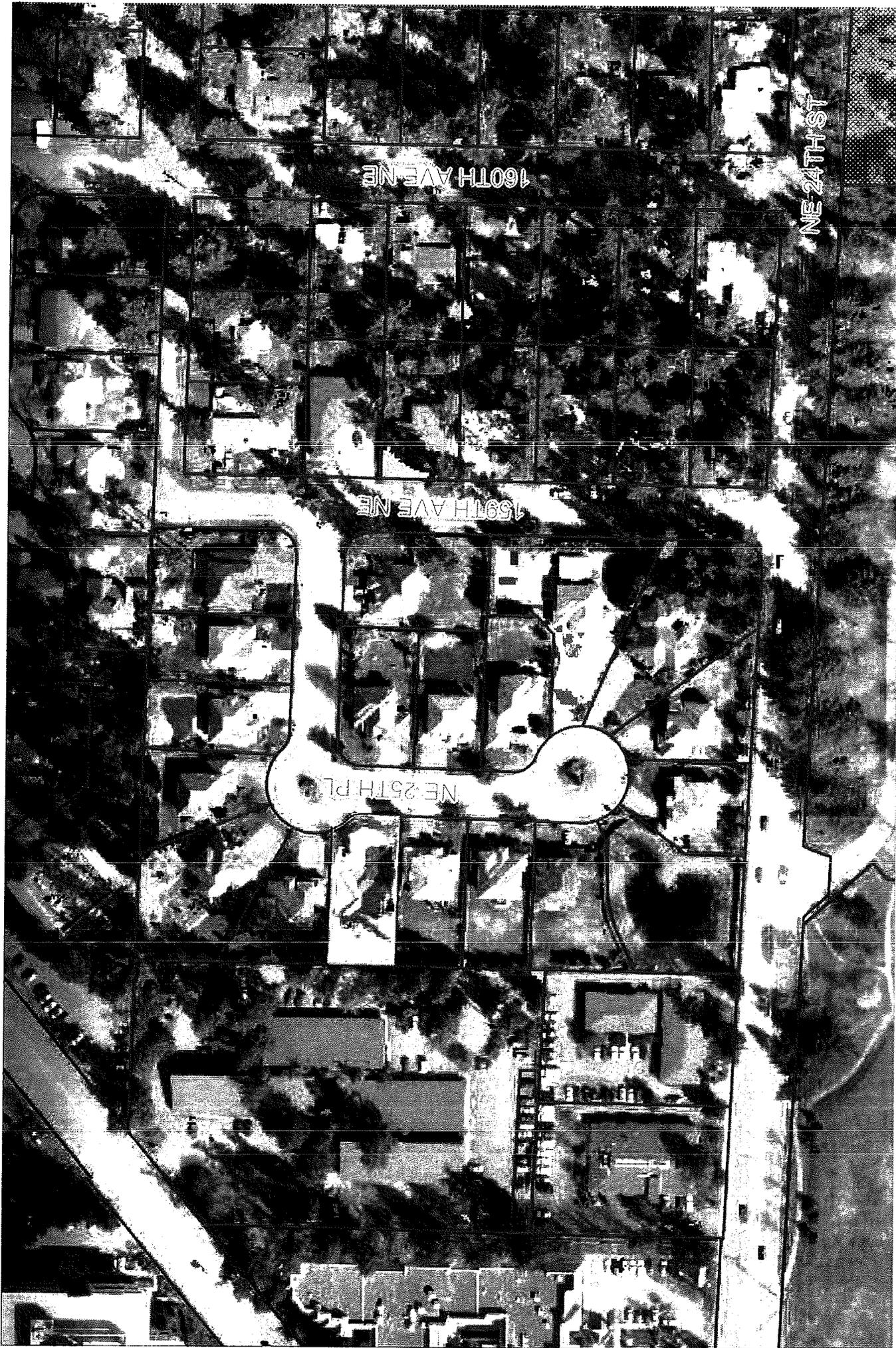


\*Basis of Bearings  
K&AS South line  
of the SE¼ 23-25-5  
being N 87°0'30"E

Found conc. mon. with  
brass disk in case  
1-8-92 15 E. COR. 23-25-5

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2495 158th Pl. NE



Paravecchio Garage Expansion  
09-109949-LS  
2495 158th Pl. NE

