



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

Proposal Name: Davies Variance

Proposal Address: 550 98th Ave SE

Proposal Description: Land Use Code Variance to reduce the required 20 foot front yard setback to 10 feet and the required 25 foot rear yard setback to 15 feet in the R-3.5 zoning district.

File Number: 13-109629-LS

Applicant: Roger Davies

Decisions Included: Administrative Variance (Process II)

Planner: Leah Chulsky

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 8, 2013
Notice of Application Date: April 4, 2013
Notice of Decision Date: May 2, 2013
Appeal Deadline: May 16, 2013

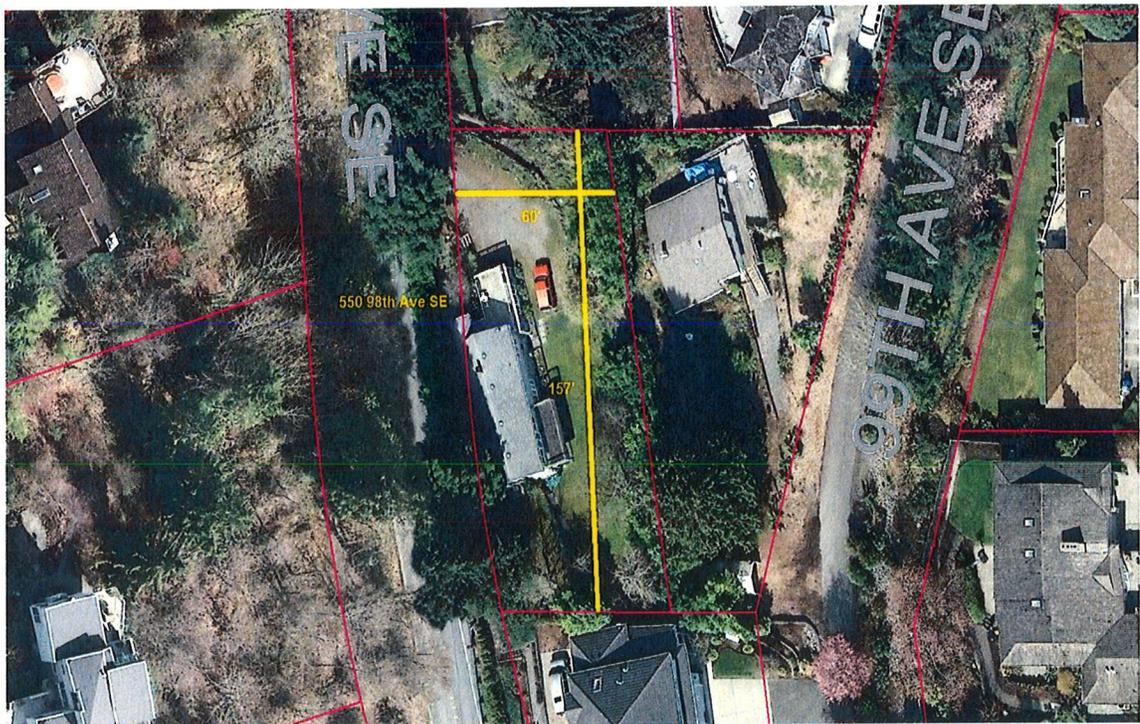
For information on how to appeal a proposal, visit the Development Services at City Hall or call 455-6800 (TTY (206) 462-4636). Appeal of the Decision must be made with the City Clerk by 5 PM on the date noted for appeal of the decision.

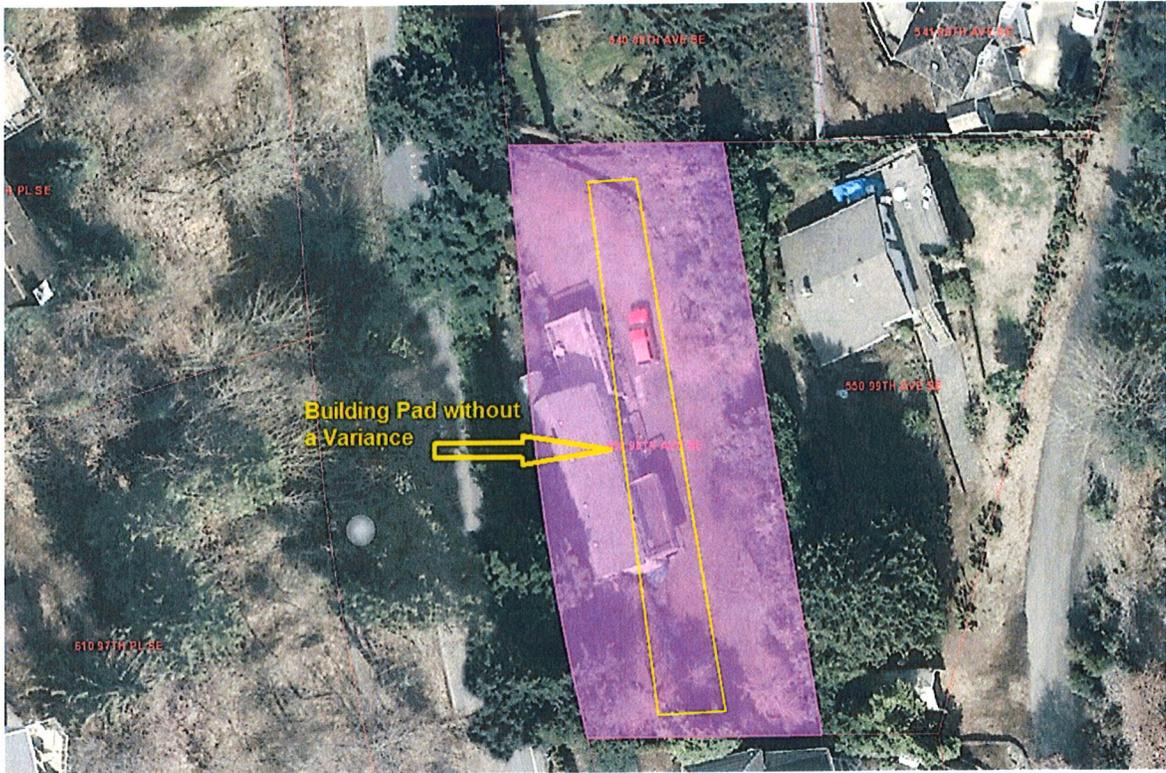
I. Project Description

The applicant is requesting a variance to modify both the front and rear yard setbacks required per Land Use Code (LUC) Section 20.20.010 for the R-3.5 zoning district to achieve a building pad consistent with those afforded to properties within the immediate vicinity. The proposed variance will reduce the front yard setback from 20 to 10 feet and the rear yard setback from 25 to 15 feet. The proposal does not include modification of any other dimensional requirements.

II. Site Description and Context

The subject property is rectangular in shape, located at 550 98th Ave SE with a zoning designation of R-3.5. The western property line is adjacent to 98th Ave SE making this property line the front yard and the eastern property line directly opposite the rear yard per LUC Section 20.20.046. The depth measured at the northern property line is 60 feet, 20 feet less than the minimum required depth within the R-3.5 zoning district. Application of required R-3.5 setbacks would result in a building pad of 142 feet in width and 15 feet in depth. A portion of the existing home on the site is currently built within City of Bellevue Right of Way.





III. Community Input on the Proposal:

On April 4, 2013, the public notice for the project was published in the Weekly Permit Bulletin and mailed to property owners within 500 feet of the subject site. No comments have been received regarding the proposed variance.

IV. Technical Review:

Transportation: On March 27, 2013 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 LUC 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: Approval of a variance to the required front and rear yard setbacks will not constitute a grant of special privilege to the applicant. The requested variance will result in a building pad which is consistent with the surrounding neighborhood. Houses in the vicinity have footprints which range in size from 2,100 square feet to 4,400 square feet with building depths ranging from 30 feet to 52 feet. The City has previously approved a variance for the neighboring property to the south (9901 SE 7th St) which was similarly constrained to reduce the front yard setback to achieve a building envelope consistent with the surrounding neighborhood (00-226743-LS).

The proposed variance will increase the potential building area outside of setbacks by an additional 15 feet for a total depth of 40 feet and 133 feet in width. The proposal does not include a modification to the maximum allowed lot coverage (35% of the total lot area) which would limit the overall footprint to no more than 3,545.50 square feet (based on the site plan dated 3/8/13) which is consistent with the footprints of neighboring structures.



- 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 and depth of the subject property. The property is rectangular in shape with its longest side abutting a public right of way. This orientation impacts the property by designating the greatest portion of property as setback area therefore extremely restricting any potential building pad. The minimum required depth within the R-3.5 zoning district is 80 feet. At 60 feet, the subject property is only 75 percent of the minimum required. Application of required setbacks would result in a potential building depth which is inconsistent with the surrounding built environment. The City has previously approved homes with building depths that range from 40 to 55 feet (00-239857-BS – 40 foot building depth, 97-7983-CSF – 55 foot building depth, 92-7115-ASF – 55 foot building depth and 91-8567-ASF – 40 foot building depth). Future development will be required to conform to side yard setbacks, lot coverage maximums, impervious surface maximums, height maximums, floor area ratio and all other applicable dimensional requirements.

Approval of this variance would allow the applicant to achieve the developable area that is afforded to other similarly zoned and sized lots in the area while keeping with the character of the residential development in the vicinity.

- C. The granting of the variance will not be materially detrimental to property or improvements in the immediate vicinity of the subject property.**

Finding: The granting of a variance to the front and rear yard setbacks will not be materially detrimental to property or improvements within the vicinity. The majority of homes within the immediate vicinity are built to a depth of 40 feet or greater with footprint of a similar size to what could potentially be built with the approved variance on the subject property. Approval of the variance will be consistent with the built environment of the land use district in which the subject property is located. Granting of a variance to reduce the setbacks to construct a new structure would have less of an impact than an addition to the existing structure along a line of non-conformity.

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

Finding: This site is located within the Southwest subarea in the City of Bellevue Comprehensive Plan. The Comprehensive Plan designates the site as single-family medium density. The zoning density of R-3.5 along with this

designation makes this proposal consistent with the subarea policies. 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-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.

Finding: The variance request will complement the neighborhood by allowing a building pad consistent with that of the built homes in the immediate vicinity.

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

Variances shall run with the land in perpetuity if recorded with King County Department of Records and Elections within 60 days following the City's final action.

VIII. Conditions of Approval:

1. The approval is limited to the front and rear yard setback intrusions depicted on the site plan 1 dated 3-8-13.

Authority: Land Use Code 20.30G.140.A.1

Reviewer: Leah Chulsky, Development Services Department

List of Attachments:

1. Plans and Drawings