



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

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Proposal Name: Hill Variance  
Proposal Address: 9625 SE Shoreland Drive  
Proposal Description: Land Use Code Variance to reduce the required 20 foot front yard setback to 13 feet in the R-3.5 zoning district.  
File Number: 14-132999-LS  
Applicant: Zack and Lauren Hill  
Decisions Included: Administrative Variance (Process II)  
Planner: Drew Folsom  
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

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Application Date: May 22, 2014  
Notice of Application Date: August 21, 2014  
Notice of Decision Date: December 11, 2014  
Appeal Deadline: December 26, 2014

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.

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**I. Project Description**

The applicant is requesting a variance to modify the required frontyard setback 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 13 feet. The proposal does not include modification of any other dimensional requirements.

**II. Site Description and Context**

The subject property is roughly rectangular in shape, located at 9625 SE Shoreland Drive with a zoning designation of R-3.5. The northern property line is adjacent SE Shoreland Drive making this property line the front yard and the southern property line directly opposite the rear yard per LUC Section 20.20.046. The depth measured at the northern property line is approximately 77 feet at its widest point and as low as 66 feet; in all areas this is 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 145 feet in width and approximately 32 to 21 feet in depth. The existing home on the site is currently built approximately 9 feet from the City of Bellevue Right of Way.



### III. Public Notice and Comment:

Application Date: May 22, 2014  
Public Notice (500 feet): August 21, 2014  
Minimum Comment Period: September 4, 2014

The Notice of Application for the project was published in the City of Bellevue Weekly Permit Bulletin on August 21, 2104 and mailed to agencies, tribes, and property owners within 500 feet of the project site. Several public comments were received and were primarily focused on views, impacts to bald eagles, sewer lines, and potential impacts to the safety of the SE Shoreland Drive. The comments are addressed below:

#### 1. Public comment regarding impacts to privacy and views:

**City's Response:** The City does not have any regulations in place restricting the location of homes based on view and privacy. The proposed development has less potential impacts on privacy and view than a possible remodel along existing lines of nonconformity.

#### 2. Public comment regarding impact to trees with bald eagle use:

**City's Response:** City staff conducted several site visits to the property and inspected all of the trees in the front yard area of the home and found no indicators of long term eagle nesting activity. In addition, the applicant does not propose removing trees within the front yard setback.

#### 3. Public comment regarding possible location of sewer lines on the property.

**City's Response:** There are no public easements or sewer lines located on the property. There are no private easements shown on the recorded Shorelands Plat for the property.

#### 4. Public comment regarding impacts to the safety of SE Shoreland Drive.

**City's Response:** The City of Bellevue Transportation Department reviewed the proposal and found that granting the variance will have no impacts to the safety of SE Shoreland Drive. The proposed house is located 4' further from the edge of the right of way than the existing home.

**IV. Technical Review:**

**Transportation:** On November 18, 2014 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 setback 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.

The City has previously approved variances for properties in the vicinity which were similarly constrained to reduce the front yard setback to achieve a building envelope consistent with the surrounding neighborhood. The properties located at 550 98<sup>th</sup> Avenue SE and 9901 SE 7<sup>th</sup> Street were granted variances (13-109629-LS and 00-226743-LS) reducing their front yard setbacks.

Several properties in the vicinity have been historically developed with intrusions into the front yard setback. The properties located at 9817 SE Shoreland Drive and 9214 SE Shoreland Place are located approximately 10 feet from front yard setbacks.

The proposed variance will result in an increasing in the potential building area outside of setbacks by an additional 7 feet for a total depth of 28-39 feet and 145 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 3708 square feet (based on the site plan dated 11/24/14) which is consistent with the footprints of other structures 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 due to the configuration and depth of the subject property. The property is roughly 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 the greatest distance of approximately 77 feet, the subject property is less than 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 variances for homes with building depths that range from 40 to 55 feet (13-134447-BS – 40ft depth, 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 threshold 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 yard setback 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 approximately 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 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 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 yard setback intrusion depicted on the site plan 1 dated 11-24-14.

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

Reviewer: Drew Folsom, Development Services Department

**List of Attachments:**

1. Plans and Drawings





BAAN  
 1000 1st Street  
 Seattle, WA 98101  
 Tel: 206.461.1000  
 Fax: 206.461.1001  
 www.baan.com

Scale: As noted  
 Date: JUL 24, 2014  
 Project: [REDACTED]  
 Sheet Name:

NO VERTICAL DIMENSIONS

**REVISIONS**

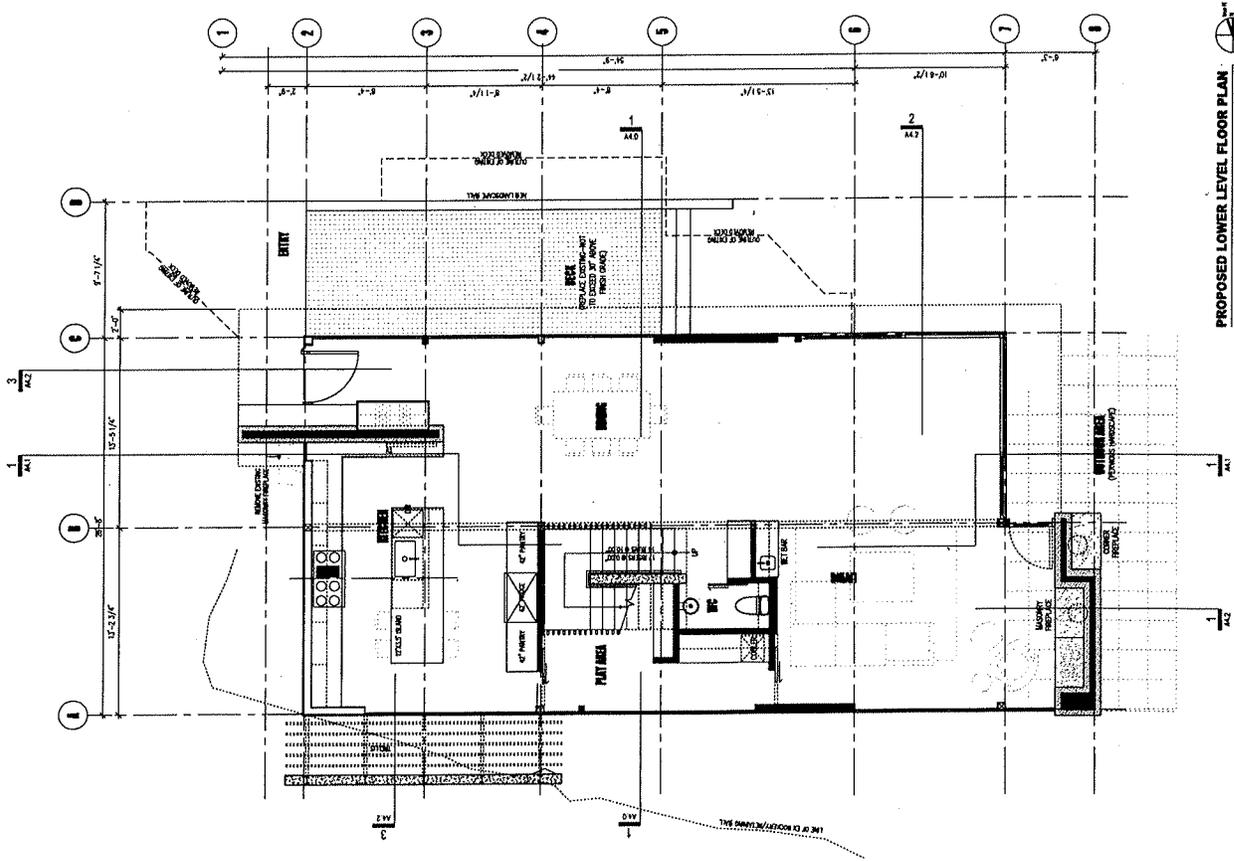
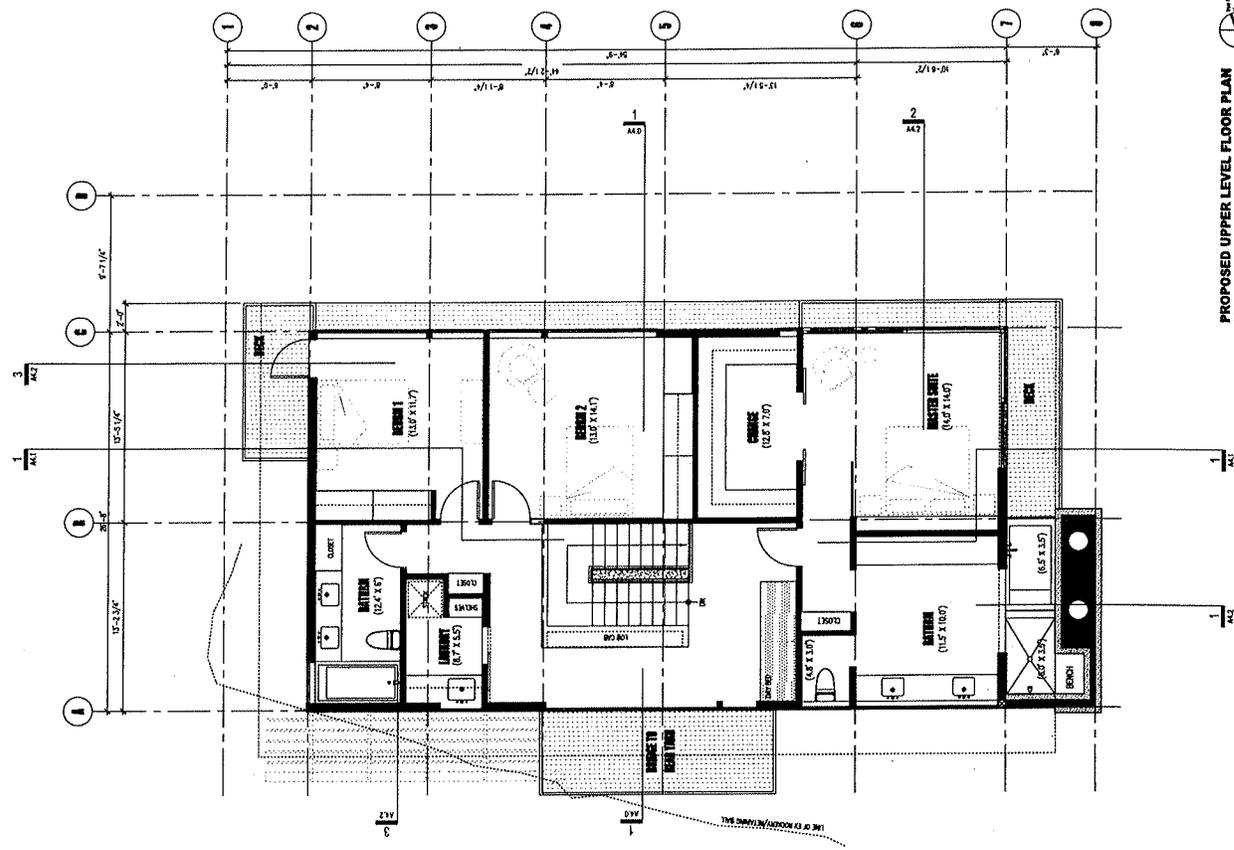
NO. 15.00000.000  
 REVISED, WORKSHEET 0000

VARIANCE APPLICATION  
 DOCUMENTS

Sheet Title:  
**PROPOSED FLOOR PLANS**

Sheet No.:

**A2.1**





1211 Cherry Hill Road  
 Suite 1000  
 Philadelphia, PA 19104  
 Tel: 215-381-1000  
 Fax: 215-381-1001  
 www.baan.com

Scale: As noted  
 Date: JULY 24, 2014  
 Drawn: [Name]  
 Title: [Name]

DO NOT SCALE DIMENSIONS

**BILL RESIDENCE**

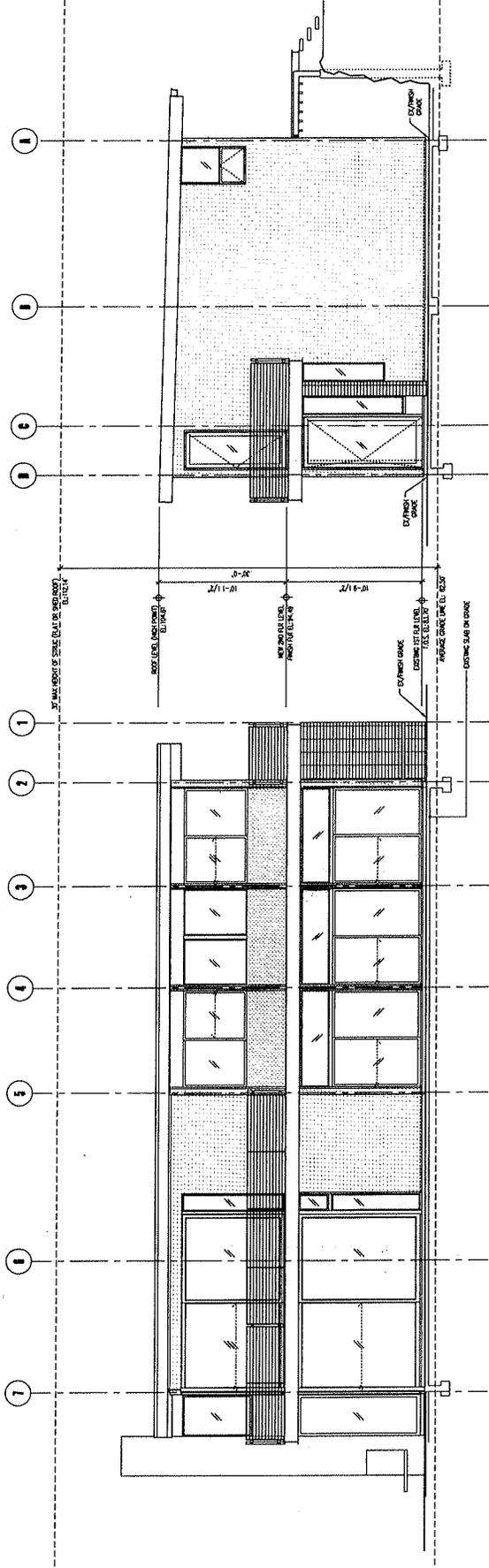
NO. 57 CHOCOLATE BRICK  
 RESIDENT, WASHINGTON TOWN

VARIANCE APPLICATION  
 DOCUMENTS

Sheet Title:  
 EXTERIOR ELEVATIONS

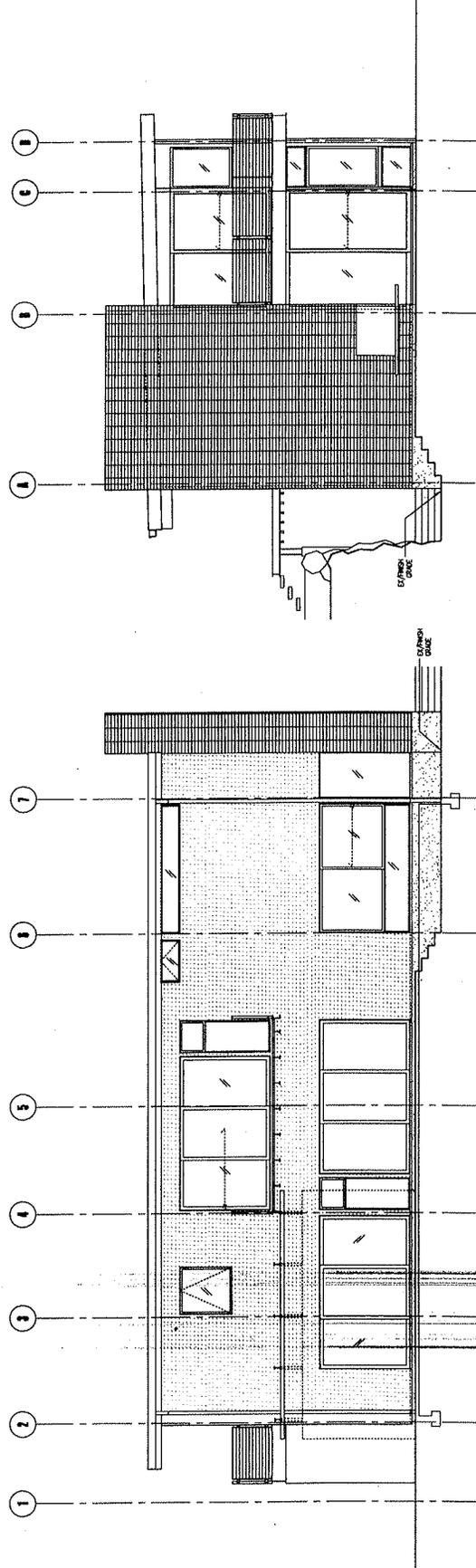
Sheet No.:

**A3.0**



**NORTH ELEVATION**  
 SCALE: 1/8" = 1'-0"

**EAST ELEVATION**  
 SCALE: 1/8" = 1'-0"



**SOUTH ELEVATION**  
 SCALE: 1/8" = 1'-0"

**WEST ELEVATION**  
 SCALE: 1/8" = 1'-0"