

FINDINGS AND DECISION  
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

LARRY KNUTSEN

FILE NO. X-81-028  
H.E. NO. MUP-81-004(v)

from a determination of the Director  
of the Department of Construction and  
Land Use on a Master Use Permit  
application

Introduction

Appellant, Larry Knutsen, appeals a condition of approval imposed by the Director of the Department of Construction and Land Use (Director) on a variance from the side yard requirement for property at 4773 Beach Drive S.W.

Appellant was represented by Brian Lawler of Short and Cressman and the Director was represented by Pam McCotter. Robert R. Johnson and Dorothy Johnson, interested persons, were represented by Thomas S. Wampold of Bovy, Wampold and Munro.

This matter was heard before the Hearing Examiner on July 7, 1981.

After due consideration of the evidence presented by the Director, the applicant, and interested persons, the following findings of fact and conclusions shall constitute the decision of the Hearing Examiner on this appeal.

Findings of Fact

1. Appellant applied for a Master Use Permit with variances from side and front yard requirements for 4773 Beach Drive S.W. The Director granted the variances on the condition that "(t)he northern wall of the proposed carport must be relocated to at least 3 ft. from the northern property line." Appellant appeals this condition.

2. The property is a lot on Puget Sound with 56.9 ft. frontage on Beach Drive S.W. It is in a Single Family Residence High Density (RS 5000) zone. A single family residence is located on the lot providing side yards of 6 ft. 4 in. and 16 ft. 11 in. and a front yard varying from 11 ft. 4 in. to 27 ft. 7 in. because the house is not set parallel to the street. A carport has been added to the northern side of the house and extends at least to the northerly property line and to 2.4 ft. from the front property line.

3. Section 24.20.090, Seattle Municipal Code, requires a minimum side yard of 5 ft. and a front yard of 20 ft.

4. The Director found that all the criteria of Section 24.74.030A for variance relief were met except for subsection 4, which reads "authorization of such variance will not adversely affect the comprehensive plan of Seattle." Single Family Residential Areas Policies, Bulk and Siting: Implementation Guideline 1 was cited which maintains the 5 ft. side yard setback standard except for the modification of an existing residence where, in certain circumstances, the setback may be 3 ft.

5. The carport is 16 ft. 11 in. wide and 28.8 ft. long. Two cars can be parked side by side as constructed. A 3 ft. reduction would allow width for only one car. The length is sufficient for two small cars.

6. Beach Drive S.W., in the immediate area, accommodates residents' on-street parking needs but not always conveniently. Parking demand is heaviest on the weekends. Most of the street in front of the subject property is utilized as a bus stop and driveway.

7. Within a four block strip along Beach Drive, including the 4500, 4600, 4700 and 4800 blocks, 36 percent of the residences have single car garages, 36 percent have double car garages and 18 percent have none.

8. Examples of two and three car garages closer than 3 ft. to the side lot lines cited by appellant were 9 to 20 blocks away from the subject site.

9. Variances for garages in required yards have been granted and denied along Beach Drive.

10. Beach Drive is used for walking, jogging and biking and provides scenic vistas for those users. The carport intrudes on the view at that point.

### Conclusions

1. While an unconditioned variance to eliminate any side yard setback would conflict with the Single Family Residential Areas Policies, it is recognized that the development standards included in those Policies will be incorporated into a new zoning code and at that time variance from their strict application may be obtained when appropriate. Unconditioned variance is not appropriate in this case in that the conditions for variance are not all present.

2. The record reflects more lots with single car garages or without garage than area lots with double car garages. The requirement that appellant reduce the carport width which will accommodate only one vehicle does not, therefore, deprive the property of rights enjoyed by the predominance of properties in the area. The bus stop does add to potential inconvenience in that on-street parking may have to be sought across the street; however, inconvenience is not sufficient cause for variance relief.

3. The 3 ft. setback requirement would not strictly conform with the standards set forth in the Policies which allow the extension of a wall 60 percent of which is already in a required side yard so long as a 3 ft. setback is maintained. The condition, therefore, being less than could have been imposed, is reasonable.

### Decision

The decision of the Director of the Department of Construction and Land Use is AFFIRMED.

Entered this 21st day of July, 1981.

  
M. Margaret Klockars  
Deputy Hearing Examiner

### Notice of Right to Appeal

The decision of the Hearing Examiner in this case is the final administrative determination by the City. Any further appeal must be filed with the Superior Court within 14 days of the date of this decision. Vance v. Seattle, 18 Wn.App. 418 (1977); JCR 73 (1981).