



Planning & Development Services Dept.

17544 Midvale Avenue North
Shoreline, WA 98133-4921
(206) 801-2500 ♦ Fax (206) 546-8761

ADMINISTRATIVE ORDER# 301924
SITE – SPECIFIC DETERMINATION

CODE SECTION: 20.50.040 Setbacks – Designation and measurement

I. ISSUE:

Request for front yard designation and application of aggregate setbacks to the property located at 140 N 203rd Street (PN 2644900151) in Shoreline. Current minimum setbacks cannot be met by existing improvements on the site. Reasonable relief from standard setbacks is requested to facilitate permitting of work without a permit on site given the irregular interior geometry of the lot without necessitating reconstruction of the existing residence.

Applicant is requesting that the south property line segment (15' length) adjacent to the City Right-of-Way be designated as the front property line on this interior, irregularly shaped lot per SMC 20.50.040(A). Additionally, the applicant is requesting that optional aggregate setbacks be applied to this parcel.

Applicant is also requesting review of the existing non-conforming hardscape and planned corrections. No code interpretation is required to address this question, so it will be left for review under the required building permits.

II. FINDINGS:

Property Information-

- The original house was constructed in 1967.
- Parcel 2644900151 was created by King County Short Plat #8428, which is not readily available for review.
- The lot is 7,449 square feet and conforms to the minimum size standard for the R-6 zone. The property is a panhandle lot off of N 203rd Street and the driveway serves only this residence.
- Multiple remodels and additions have been made to the residence since it was originally constructed and many prior to City incorporation.

- There is no record of permits issued by King County and the ownership has changed.
- An investigation inspection was completed April 1, 2013, to evaluate work that may have been performed without permits. Permits are required for identified work without a permit.
- The evaluation of property records and the onsite conditions during the investigation inspection identified that the existing residence and accessory building encroach into required minimum setbacks. Compliance with current minimum setbacks is not feasible without complete rebuild or extensive remodel of the existing residence. Replacement of the detached garage structure is planned with permits to meet minimum 5-foot setback requirement.
- The property does not qualify for a variance under section 20.30.310.

SMC 20.50.040 (A) states that *“Front yard setback on irregular lots or on interior lots fronting on a dead-end private access road shall be designated by the Director.”*

The first consideration for front designation is usually where the driveway enters the property, but typically the front designation is applied to the longest property line parallel to the Right-of-Way on interior pan handle shaped lots so the setbacks apply to the buildable portion of the parcel.

Existing garage, built without a permit, is currently located approximately three feet from the longest (55.01-foot) south property line parallel to the Right-of-Way which would normally be designated as the front property line on a parcel of this configuration. Compliance with the standard 20-foot front yard setback from this property line would preclude legal placement of a detached garage on this property.

Designation of the shorter (15-foot) south property line as the front would allow the 55.01-foot south property line to be designated as a side property line with the minimum 5-foot setback applied per 20.50.080(B).

SMC 20.50.040(F) allows aggregate setbacks to be applied for lots with unusual geometry and flag lots with undesignated setbacks – both of which are true for this lot. This option may be applied if the minimum criteria for setbacks are met and the City determines that a public benefit is gained by relaxing any setback standard.

As proposed the site would meet the standards for aggregate setbacks, if the existing garage structure, built without benefit of a permit, is modified or rebuilt so it is located at least five feet from the 55.01- south property line.

- A survey was submitted to demonstrate the existing setback dimensions (attached).
- Existing setbacks are as follows:
 - West property line (side A) – 6.1 feet
 - North property line (rear) – 8.7 feet
 - East property line (side B) – 7.1 feet

South property line (side-other) – 3.1 feet
East property line (side-other) – NA, along driveway only
South property line (front) – 95.8 feet

- Proposed setbacks (with proposed building corrections):
 - West property line (side A) – 6.1 feet (carport eave correction)
 - North property line (rear) – 8.7 feet
 - East property line (side B) – 7.1 feet
 - South property line (side-other) – 5.0 feet (w/garage relocation and shed removal)
 - East property line (side-other) – 5.0 feet, along driveway only
 - South property line (front) – 28.1 feet

Total minimum setbacks of proposed front yard, rear yard, and sides A&B as required per 20.50.080(B) is 50 feet. Other side setbacks would meet minimum 5-foot setback requirement. No eaves would project into minimum 5-foot setbacks with changes proposed to garage and carport previously built without a permit.

See attached site plan for illustration of setback details.

III. CONCLUSIONS

1. A front yard must be designated to determine the respective setbacks (front, side, and rear).
2. The lot is an interior flag lot with unusual geometry. Only the driveway panhandle fronts on the public Right-of-Way.
3. Eave encroachment of carport to west and garage to south is illegal, non-conforming and are proposed for correction to comply with the allowable projections into setbacks provisions under SMC 20.50.040(I).
4. Compliance with the front yard setback, even if aggregate setbacks are applied would preclude legal construction of a detached garage on this parcel.
5. Compliance with optional aggregate setbacks does require remodel or replacement of the detached garage, unless a zoning variance was obtained. The parcel does not qualify for a zoning variance.
6. Compliance with the minimum 5-foot setback requires modification to the existing carport eave and substantial remodel/replacement of the detached garage structure.
7. Requiring conformance of the existing residence with standard yard side and rear yard setback setbacks would necessitate removal of substantial portions of the existing residence.
8. Property owner purchased the property from the previous owner with no knowledge of the illegal construction. No public benefit would be gained by requiring removal of substantial portions of the existing residence in addition to the garage modifications already planned.

IV. DECISION:

1. The front property line for parcel 2644900151 at 140 N 203rd Street in Shoreline is designated as the 15-foot south property line.
2. The proposed setbacks as shown on the site plan meet the criteria under 20.50.040(F) so optional aggregate setbacks will be allowed as proposed if the modifications to the carport eave and existing garage are completed.
3. The appropriate permits and inspections must be obtained.
4. Compliance with the zoning standards for hardscape area and building coverage, in addition to other applicable code requirements, must be demonstrated through the building permit application process.



Director's Signature

5-13-14

Date

Juniper Nammi

Prepared by

1/13/2014

Date

Record of Survey (R2)
 Vol. 181/Pgs. 123-124
 Tax Parcel No. 2644400010

Record of Survey (R2)
 Vol. 181/Pgs. 123-124
 Tax Parcel No. 2644400015

Record of Survey (R1)
 Vol. 212/Pgs. 256-257
 Tax Parcel No. 2644400156

N. 203rd Street

Front Pl
 N88°41'42" W
 15.00'

28.1' Front Yrd

N0°07'46"E 42.70'

East - Other Side, 5' min

N0°07'46"E 174.21'

Rear Yrd, 8.7'

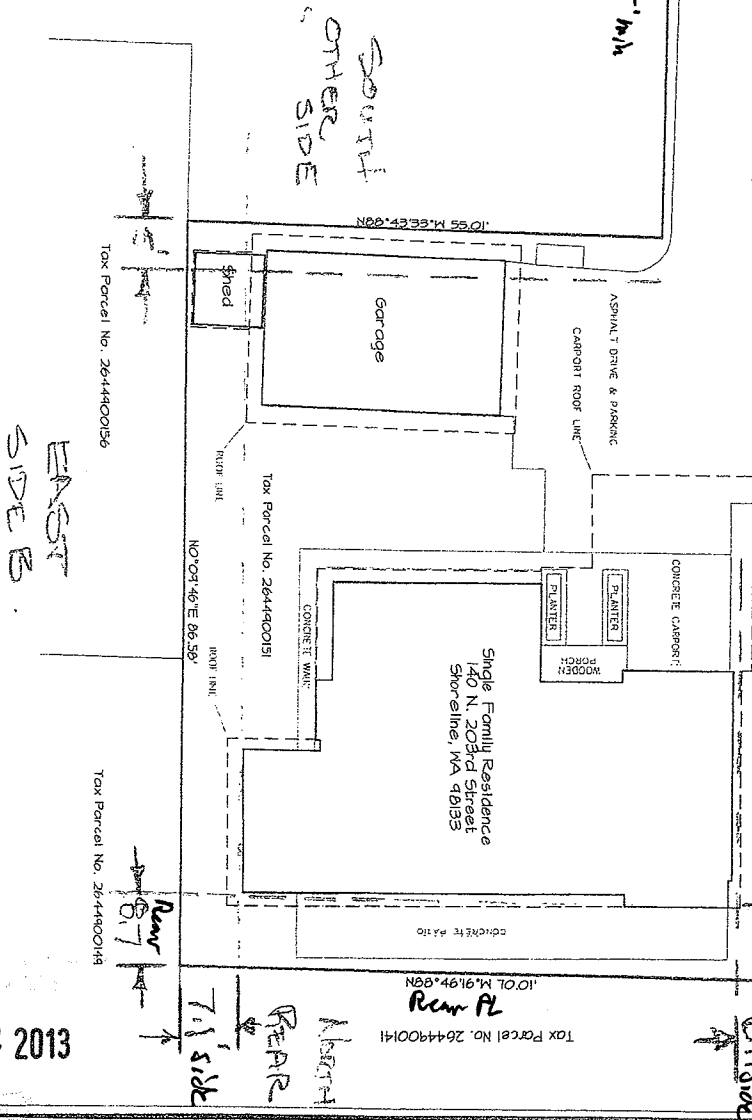
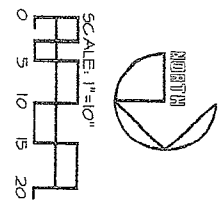
6.1 Side

STREET BREAK DOWNS

FRONT	20'0"	28.1'
REAR	15'0"	8.7'
SIDE A	5'0"	6.1'
SIDE B	10'0"	7.1'
TOTAL	50'0"	50'0"
OTHER SIDE	5'0"	5'0"

Tax Parcel No. 2644400155

Record of Survey (R1)
 Vol. 212/Pgs. 256-257



SURVEY OF

Tax Parcel No. 2644400151

The West 70 feet of the South half of Lot 3, Also West 50 feet of Lot 4, EXCEPT the South 21 feet of the East 55 feet thereof. ALSO the West 15 feet of Lot 5 Block 3 FREEMONT AVENUE TRACTS, NO. 2, according to the plat thereof recorded in Volume 40 of Plats, Page 18, Records of King County, Washington. (containing 7,444 Sq. Ft.)

NOTE

The lot configuration shown was compiled using references R1 and R2, the commission of boundary and verification of corners set during the commission of boundary survey. No independent boundary survey of this parcel was conducted.

REFERENCES

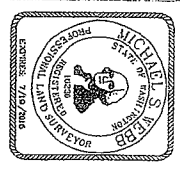
R1 - Record of Survey - Vol. 212/Pgs. 256-257
 R2 - Record of Survey - Vol. 181/Pgs. 123-124

AREAS

Total Lot Area = 7,444 Sq. Ft.
 Improvements Area = 5,204 Sq. Ft. (69.78%)

NOV 22 2013

LOT COVERAGE SURVEY
 for
GARY DORCAS



302 Buck Loop Road
 Sequim, Washington 98282
 Phone: (360) 681-4856

DATE	AUG. 30, 2013	JOB NO.	2013-038
SCALE	1" = 10'	PAGE	1 of 1
DRN. BY	MSM		
CHKD. BY	MSM		

NE 1/4 NE 1/4 SEC. 1, T. 26N, R. 3E, M. 1.

726103

