



CITY OF BLACK DIAMOND

October 8, 2015

CITY OF BLACK DIAMOND STAFF REPORT ELLIOTT GARAGE VARIANCE FILE NO.: PLN15-0023

I. APPLICATION INFORMATION

Applicant/Owner: Brian Elliott
30465 227th PI SE
Black Diamond WA 98010

Project Name: Elliott Garage Variance

Project Description: Request for the following variances on a 0.40 acre (17,576 square feet) site which contains a single family dwelling:

1. **Size:** The construction of a 1,440 square foot accessory building that is larger than the ground floor area of the 1,300 square foot primary dwelling unit;
2. **Height:** The construction of a 24' 9" (24 feet 9 inches) accessory building that is taller than the height of the 13' 1" (13 feet 1 inches) primary dwelling unit;

Location: 30465 227th PI SE, within the NE ¼ of Section 9, Township 21 North, Range 6 East, W.M., King County, WA

Parcel Number: 4392200290

Zoning: R4, Single Family Residential

Comprehensive Plan: Low Density Residential

II. FINDINGS

1. The applicant is pursuing a 140 square foot size variance for a proposed 1,440 square foot detached garage.
 - a. Black Diamond Municipal Code Section 18.50.030(B)(4) states that no accessory building shall be larger than the ground floor area of the primary dwelling unit on any lot; provided that this limitation shall not apply to lots greater than thirty-five thousand square feet in size.
 - b. The size of the existing primary dwelling unit on the lot, a single family dwelling, is 1,300 square feet.

2. The applicant is pursuing an 11' 8" height variance for a proposed 24' 9" tall detached garage.
 - a. Black Diamond Municipal Code Section 18.30.040(A)(9)(b) states that the maximum building height for an accessory building shall be no greater than the height of the primary dwelling unit or twenty-six feet, whichever is less.
 - b. The height of the existing primary dwelling unit on the lot is 13' 1" (13 feet 1 inch).
3. According to the applicant, the request is for the purpose of providing a secure, enclosed structure for storing personal vehicles and items on the property.
4. The 0.40 acre (17,576 square feet) property is located on 227th PI SE, in the northwest section of the city near the southwestern portion of Lake Sawyer. The lot size and layout is typical of other residential parcels in the area.
5. The zoning designation of the property is R4 Single Family Residential, which allows accessory buildings as a permitted use per BDMC 18.30.020(B)(1).
 - a. The maximum building coverage in the R4 zoning district is 30%, per BDMC 18.30.040(A)(8). The existing primary dwelling unit size of 1,300 square feet and the proposed accessory structure of 1,440 square feet would create a total of 16% building coverage on the property.
6. The Comprehensive Plan designation of the site is Low Density Residential (LDR).
7. A Variance is a Type 3-Quasi-judicial type decision per BDMC 18.08.060; Type 3 decisions are made by the Hearing Examiner.
8. The Variance is exempt from SEPA per WAC 197-11-800(6)(e).
9. The Variance application (Attachment 1) was submitted on May 20, 2015, resubmitted with an updated project scope and narrative on August 12, 2015, revised with an updated site plan on August 31, 2015, and determined to be complete for processing on September 10, 2015.
10. Staff conducted a site visit to verify site conditions on June 11, 2015.
11. A combined Notice of Application and Public Hearing (Attachment 2) was issued on September 24, 2015 and provided the required 14-day comment period, pursuant to BDMC 18.08.120(B)(7). No comment letters were received by the City during the comment period.
12. A combined Notice of Application and Public Hearing was mailed to all property owners within 300 feet of the perimeter of the affected parcel on September 23, 2015, pursuant to BDMC 18.08.120(C)(1).
13. A combined Notice of Application and Public Hearing was advertised in the City's official newspaper, which is designated as the Voice of the Valley per BDMC 1.20.010, on September 29 and October 6 of 2015, pursuant to BDMC 18.08.120(C)(2). The Voice of the Valley is published weekly on Tuesdays, making the September 29th edition the first available time for publication.
14. A Notice Board containing project information and removable copies of the combined Notice of Application and Public Hearing was posted on the project site, 30465 227th PI SE, on September 29, 2015, pursuant to BDMC 18.08.120(C)(3).
15. A combined Notice of Application and Public Hearing was published on the Public Notices section of the City's website on September 24, 2015, pursuant to BDMC 18.08.120(C)(4).

III. APPLICABLE PLANS, CODES AND STANDARDS

1. Black Diamond Municipal Code Chapter 18.08, Administration: Procedures, Notice, and Appeals
2. Black Diamond Municipal Code Chapter 18.12, Decision Criteria for Permits

3. Black Diamond Municipal Code Chapter 18.30, Single-Family Residential Districts – R4 and R6
4. Black Diamond Municipal Code Chapter 18.50, Accessory Uses and Structures
5. Washington Administrative Code Chapter 197-11-800, Categorical Exemptions (SEPA)

IV. ANALYSIS

This section of the report analyzes the proposal in light of the various standards contained in adopted plans, codes and regulations.

BDMC Chapter 18.12 provides review criteria for certain permits:

18.12.030 Variances.

B. Criteria. The city will consider the following criteria in reviewing applications for variances, and may only approve an application if the applicant demonstrates that all of the criteria are met:

1. Granting of the proposed variance would not allow a use which is not classified as a permitted, accessory, or conditionally permitted use in the applicable zoning district;

The variance request relates to a permitted accessory use in the R4-Single Family Residential zoning district. Granting of the proposed variance would not allow a use which is not classified as a permitted, accessory, or conditionally permitted use in the applicable zoning district.

2. The variance is necessary because of special circumstances relating to the unique size, shape, topography, location or surroundings of the subject property;

The subject property is 0.40 acres and is surrounded by residential lots of similar size and layout. The applicant's existing primary dwelling unit is reflective of the original character of homes around Lake Sawyer, which were primarily small lake cottages. As Black Diamond has developed over time, the size of homes in the Lake Sawyer area has been replaced by larger permanent homes for City residents. Reflective of the changing housing sizes in the area, the size of primary dwelling units in the vicinity of the subject parcel range from 1,250 to 3,000 square feet. The property owner would be permitted to build a larger accessory building without a variance if the existing primary dwelling unit was larger. In the case of the applicant, the existing home is 1,300 square feet, which would limit an accessory building to the same size based on the zoning code (without a variance). Additionally, the existing home is 13' 1" (13 feet 1 inch), which would limit an accessory building to the same height based on the zoning code (without a variance).

3. The need for the variance and the special circumstances applicable to the subject property are not the result of deliberate actions of the applicant or property owner;

The property owner cannot construct an accessory building that meets their storage needs without a variance due to the size and height of the existing home. The owner purchased the home years ago, and could not have anticipated a circumstance in which an accessory building serving their needs could only be constructed if substantial additions to the home were constructed. The need for the variance and the special circumstances applicable to the subject property are not the result of deliberate actions of the property owner.

4. Strict enforcement of the requirements of this title creates an unnecessary hardship to the property owner or would deprive the property owner of the rights commonly enjoyed by others in the same area;

Surrounding homes in the area have both single and two-story accessory buildings of similar size and massing as the one proposed by the applicant. The average size of primary dwelling units on adjacent properties is approximately 1,640 square feet. Based on the size of homes in the immediate vicinity of the subject parcel, a 1,440 square foot detached accessory building would typically be permitted. Strict enforcement of the requirements of this title would deprive the property owner of the rights commonly enjoyed by others in the same area.

The owner is seeking to build a detached garage that does not exceed the maximum height limit for the R4 zone, which is 26' (26 feet) for accessory buildings. A variance is needed because the existing home is 13' 1" (13 feet 1 inch) in height. If the existing home was taller, then the applicant could build the proposed accessory building without a variance. It would be an unnecessary hardship to require the construction of a taller home in order to be able to construct a useable accessory building. Strict enforcement of the requirements of this title creates an unnecessary hardship to the property owner.

5. The variance does not create health or safety problems, will not be injurious to the public welfare, and does not grant a special privilege to the property owners;

The detached garage requires review and approval of a building permit to ensure it is constructed to the standards set forth by adopted codes. Accessory buildings are typical in single family neighborhoods, including the owner's. The height and size of the accessory building are not out of scale with the character of the surrounding neighborhood, as similarly sized accessory structures are located on properties adjacent to the east and across 227th Pl SE to the west. Similar variances have been approved for accessory buildings that exceed the allowable height and size based on the existing primary dwelling unit, the most recent being the Rosenfeld Variance (PLN14-0009) which requested a variance to allow the construction of a 26' (26 foot) accessory building when the primary dwelling unit was a height of 14' (14 feet). The variance does not create health or safety problems, will not be injurious to the public welfare, and does not grant a special privilege to the property owner.

6. The variance from height or size requirements does not infringe upon or interfere with the requirements of any easement or covenant; and

There is no evidence that the variance from height requirements would infringe or interfere with the requirements of any easement or covenant. There have been no public comments received to the contrary.

7. The variance is the minimum necessary to grant relief to the applicant.

The variance request is the minimum necessary to create an adequately sized accessory structure that provides a safe, enclosed, and accessible area to store personal property and vehicles. The variance provides a 10% increase in size relative to the code and the height variance is within the maximum allowable height of 26' (26 feet) for accessory structures in residential zones, pursuant to BDMC 18.50.020(C)(1). The height variance is the minimum necessary, as an accessory building of lower height would be not able to store the desired vehicles and equipment. The applicant outlines in the variance narrative that the proposed height is the minimum necessary due to the requirements of an overhead door to safely fit a recreational vehicle.

V. CONCLUSIONS

1. The proposed variance satisfies the criteria of BDMC Section 18.12.030.B (Variances).

VI. STAFF RECOMMENDATION

The variances requested are not excessive, and are within the size and scale of the surrounding neighborhood. Granting of the variances would allow the applicant to construct an accessory structure that is appropriately sized for safely storing vehicles and large items.

Staff recommends this variance (PLN15-0023) be approved.

VII. ATTACHMENTS

Attachment 1	Variance Application, dated 05/20/2015
Attachment 2	Variance Narrative Resubmittal, dated 08/12/2015
Attachment 2	Notice of Application and Public Hearing, dated 09/24/2015
Attachment 3	Aerial Photo
Attachment 4	Site Plan, dated 08/31/2015

Staff reserves the right to respond to matters raised subsequent to the writing of this report.