

Variance Statement
Christian Detached Garage/Accessory Dwelling Unit
March 20, 2007

INTRODUCTION:

Existing Conditions

Dale and Lisa Christian are homeowners of the property located at 437 5th Ave. West in Kirkland. Their property falls within Kirkland's WD II Zone and under the State's Shoreline Management Act, as it lies on the eastern shore of Lake Washington. This property contains a fairly new single family residence completed in 2004 (permit #BLD02-00574) and a recently completed 4-car parking area with shoring wall (permit #BLD06-00304). The property is 58.4 feet wide (north to south) by approximately 220 feet long (east to west), with an overall lot area of roughly 12,848 SF. Waverly Way abuts the property to the east, and Lake Washington to the west. Directly to the south is an existing single-family residence with detached Garage/ADU. Directly to the north is the unimproved street end of 5th Street West.

Due to the unique topography of this site, the Christians' property requires access via a 20-foot wide private ingress/egress easement road known as 5th Avenue West, which runs continuous through the center of their property. This access easement also has a 10'-0" wide required yard setback off each side, for a total width of 40'-0". Further westward on this property lies the City's sanitary sewer main within a 20'-0" wide easement, also running north-south across the entire lot. Additional restrictions placed on this property include a second 20'-0" wide required front yard building setback off the unimproved street-end of 5th Street West (running the entire depth of the lot), and a High Water Line setback off Lake Washington equaling 15% of lot depth (33'-0" setback for this property). There is also an existing steep hillside located just east of the paved 5th Ave. West access easement, which slopes sharply upwards to Waverly Way. There is approximately 48 vertical feet in rise from the east edge of 5th Ave. West pavement to the top of the steep hillside portion.

Just east of 5th Ave. W. is a recently completed parking area cut into this hillside. A steel pile shoring wall retains the hillside behind this parking area, with the wall extending vertically to a height of roughly 36'-0". In recent years, the City has also begun requiring that property owners along 5th Ave. West who submit for building permits grant the City a Native Growth Protection Easement (NGPE) along a portion of each property's steep hillside before final inspection sign-off. These NGPE's run the entire width of a property between their required north and south side yards, and do not allow for any disturbance of existing vegetation or construction or improvements of any sort within that designated easement area.

Additionally, there are State Shoreline Master Program (SMP) yard setbacks also limiting development on this property, including a 20'-0" front yard setback off unimproved 5th Street West and a 5'-0" setback in each direction off 5th Ave. West.

As briefly described above, this site's unique physical features, numerous easements, and required yard setbacks greatly restrict size and location of any structure built on the property. The sum of all these encumbrances leave a buildable area which is much smaller in comparison to that allowed on a similarly sized lot having to conform with

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only standard front, side, and rear yard setbacks. The existing main residence was placed on the portion of the lot between the sanitary sewer easement and the required yard setback off 5th Ave. West. This location offers the property's only viable building pad on which to construct a single family residence of any reasonable size and configuration. In fact, in order to construct a home which met the Christians' modest requirements, they had to apply for and received a variance to reduce both the City's and State SMP's 20'-0" front yard setback from unimproved 5th Street West down to 5'-0", under approved Variance #IIA-SV-01-74.

As briefly noted, construction was recently completed on a 4-car guest parking area with shoring wall, located immediately adjacent to the east edge of the 5th Ave. W. easement, extending into the steep hillside. This parking area runs nearly full width across the lot, held off 5'-0" from the north and south property lines. This parking area was constructed in order to provide much needed on-site parking for visiting family and guests. Due to the steep hillside, family and guests cannot directly access the Christians' home from the adjacent public right-of-way (Waverly Way). Additionally, there is no parallel parking along the west side of Waverly Way in front of these properties, further reducing the amount of available parking for these homeowners and their guests. As a result, almost all homeowners along 5th Ave. W. have at some point developed multi-car parking areas on their own properties in order to provide parking for themselves and their guests. Neighbors typically share parking spaces with other neighbors when having large gatherings, so that guests do not have to walk several blocks from street parking on Waverly Way to reach their destination.

The majority of these multi-car parking areas along 5th Ave. West have developed into carports and/or garages, and more recently in conjunction with detached accessory dwelling units. Similar structures can also be found in the immediate neighborhood along the north end of another private access easement, Lake Avenue West. Due to these private access easements bisecting the properties within this neighborhood, along with the steep terrain of the adjacent hillside, most of these detached accessory structures have been built along the eastern edge of their respective easement, often within the City's required 10'-0" yard setback and the State's 5'-0" yard setback off these access easements. In several cases, these structures extend almost fully or indeed fully into these required setbacks, right up to the east edge of pavement, and in some cases right to the edge of easement. Some have upper floors and/or eave overhangs which protrude beyond the edge of pavement and into the easement itself.

Additionally, within this WD II Zone, there are a number of properties that abut an unimproved street-end, as the Christians' property does. These street-ends extend fully to the waterfront, crossing the steep hillside that runs continuously along this area of the City. Due to this hillside feature, these street-ends have remained unimproved. Per the SMP and the Kirkland Zoning Code, properties abutting a street-end are considered corner lots and require a 20'-0" setback from both Waverly Way and from the adjacent unimproved street-end. On all six properties bordering these unimproved street-ends, development has reduced the required yard setback from the unimproved street-end to something less than the required 20'-0", with many reduced to 5'-0".

Proposed Project:

Dale and Lisa Christian propose constructing a detached 2-car Garage with accessory dwelling unit (ADU) on their property. This structure would be located fully within the existing 4-car parking area along the east edge of 5th Ave. West (see attached Site Plan). This proposal will maintain the four parking spaces provided under the previously issued Parking Area building permit. Two of these parking spaces would become housed within the proposed garage structure as shown on the attached Main Level Plan. The other two spaces would remain as exterior parking, becoming semi-covered by the ADU Level above them. This exterior parking area would also incorporate a new enclosed exterior storage shed and screened mechanical area. The proposed 2-car Garage has been designed to meet the minimal spatial requirements necessary to house two full-size vehicles with pedestrian circulation space around them. This space also includes a small area to house mechanical equipment for the proposed ADU above.

The proposed ADU portion will be constructed above the parking area, as seen on the attached Upper Level Plan. Access to the ADU is from an exterior stairway located along the northwest corner of the building. The ADU itself contains an open multi-purpose space with cooking facilities, a guest bedroom, and three-quarter bathroom. There is also a waterproof deck on this level, built above the front portion of the Garage.

Due to special circumstances and pre-existing improvements on their property, the Christians are limited to constructing their proposed Garage/ADU within some of the aforementioned required yards, thus requiring approval through the City and State's variance process. As detailed herein, this variance request is based on sound logical analysis of the Kirkland Zoning Code and the Shoreline Master Program, the precedent of earlier approved variances for this purpose within the City, and the location of similar existing structures within this immediate neighborhood.

Reasons for Variance Request:

Dale and Lisa Christian request a variance to the following zoning regulations in order to build their proposed detached Garage/ADU: 1) Locating a structure within Kirkland's 10'-0" Required Yard off 5th Ave. West private access easement; 2) Locating a structure within the State SMP's 5'-0" Required Yard off 5th Ave. West private access easement; and 3) Locating a structure within Kirkland's and the State SMP's 20'-0" Required Front Yard off the unimproved street-end of 5th Street West.

- 1) **Locating a structure within Kirkland's 10'-0" required Yard off 5th Ave. West.** As designed, the northwest corner of the Garage Level would extend roughly 8'-9" into this required yard. Since the proposed building does not sit parallel with this easement, the southwest corner of the Garage sits roughly 7'-6" into this required yard. At the northwest corner of the Garage is an exterior stair leading to the ADU level above. This stair would extend fully into this required yard. However, it is important to note that the actual pavement does not follow the east edge of the recorded easement all along 5th Ave. West. This stair would terminate roughly 7½" short of the east edge of the pavement. Additionally, at the section where this stair is to be located, the paved travel lane is approximately 21'-6" wide, or 18" wider than the required 20'-0" width. That would place the bottom of stair outside of the required 20'-0" wide travel lane by some 2'-1½". There is also an existing ecology block retaining wall just north of the proposed stair, a portion of which extends more than 1'-0" further westward into the easement than the stair. Furthermore, an existing street light pole and power transformer located just north of the Christians' property line (see attached Site Plan) are situated further westward into the access easement than the proposed stair; the worst being the light pole which sits roughly 3'-0" further westward into the easement than this stair. Lastly, the existing fire hydrant and protective bollards located at the south end of the Christians' property have been approved by the City to be relocated just to the north of the Christians' property, within the unimproved street-end of 5th Street West (see attached Site Plan). With required clearances around the existing ecology block wall, this relocated hydrant and bollards will also be located further westward than the proposed ADU stair. As such, the stair location as proposed would not impede the actual travel lane along 5th Ave. West at all.

The Christians are sensitive to the impact of this proposed structure along 5th Ave. West, and as such propose a long narrow floor plan for the ADU Level (see attached Upper Level Plan). Doing so allows this Level, except for the roof deck over the Garage, to sit almost completely outside of 5th Ave. West's required 10'-0" yard. At worst case, the west exterior wall near the ADU Entry extends roughly 6" into this required yard. The ADU level will have a 4'-0" roof overhang along the west wall, which, at worst case being the northwest corner, extends roughly 5'-0" into this required yard. Again, since the building does not sit parallel with the recorded access easement, this roof overhang will project roughly 2'-6" into the required yard at the southwest corner of the ADU. However, the Christians are proposing a flat roof here to minimize its' impact on the neighborhood. Additionally, The Christians propose built-in planters

at each end of the Deck over the Garage to help soften the impact of the Garage and to incorporate landscaping into the design of the structure itself.

- 2) **Locating a structure within the State SMP's 5'-0" Required Yard off 5th Ave. West private access easement:** Per previous variance submittals for structures along 5th Ave. West, Kirkland's Planning Department has referenced their adoption of the State's Shoreline Master Program into Title 24 of Kirkland's Municipal Code (KMC). Specific to development along 5th Ave. West, Planners have noted that per Section 24.05.145.d.1.D of the KMC, there is a Shoreline required yard of 5'-0" to each side of this access easement. Therefore, the Christians are also requesting a variance to this required yard. At worst case, the northwest corner of the Garage Level would extend roughly 3'-9" into this required yard. Since the proposed building does not sit parallel to this easement, the southwest corner of the Garage sits roughly 2'-6" into this required yard. Additionally, the exterior stair leading to the ADU above would extend fully into this required yard. However, as noted in item #1 above, this stair would not extend into the actual 20'-0" wide paved travel lane of 5th Ave. West, and not as far into the access easement as other approved improvements presently do.

The purposeful intent to step the ADU level away from 5th Ave. West allows both the ADU and its roof overhang to remain completely outside of this SMP required yard. Only a portion of the uncovered roof deck over the Garage at this level extends into this required yard, to the same extent that the Garage itself does, as described above. The guardrail for this roof deck will have a solid wall guardrail for half its height, becoming open metal cable railing at the upper half to visually lessen the impact of the deck within the setback. It should be noted that this roof deck will have much less visual impact than a pitched roof structure covering the Garage would have.

- 3) **Locating a structure within the State SMP's and Kirkland's 20'-0" required Front Yard off unimproved 5th Street West:** The Christians' property borders Waverly Way to the east and the unimproved street-end of 5th Street West to the north, making it a corner lot per Kirkland's Zoning Code. As noted above, the Christians applied for and received a variance to reduce the second required Front Yard off unimproved 5th Street West from 20'-0" down to 5'-0" for their main residence. They are now requesting the same variance for their proposed detached Garage/ADU structure. As shown, the structure sits 5'-0" off the north property line, or 15'-0" into this second required Front Yard, just as the existing main residence does. Unlike the main residence however, the majority of this proposed Garage/ADU would sit below existing grade and behind the existing shoring wall within this required setback, as seen from the north property line (see attached Exhibit D North Elevation drawing). It also should be noted here that the three street-ends located within this neighborhood of the City, 5th Street W. being one of them, can never be developed for vehicular use due to the steep terrain of the hillside on which these street-ends are located.

ANALYSIS:

Historical and Current Purposes of Building Setbacks:

Historically, required yards, or building setbacks were developed in the United States primarily for two reasons: 1) To control the spread of fire in closely spaced combustible buildings; and 2) To protect property values.

In the late 19th century, setbacks in general were championed by insurance companies to lessen their losses due to fire. Major fires in this country's great cities prompted this move. Later, this aspect of the setback was seen as a life-safety issue as well as a property protection issue. Today, yard setbacks around buildings minimize risk to adjoining facilities due to fire or other major events, as well as allowing emergency personnel full access to all sides of the structure and occupants a reasonable means of egress.

A trend that also developed in the late 19th century was the establishment of residential setbacks for the purpose of protecting property values. Setbacks, in conjunction with minimum lot size requirements and maximum lot coverage regulations inherently stratified social classes by restricting who could build due to the cost of land, protecting the value of properties.

From a practical standpoint, required yard setbacks in residential neighborhoods began to establish a pattern of development, as landowners built up to their required setbacks. This is particularly common practice in suburban areas and areas of limited lot size or buildable area. The uniformity establishes a common thread for the neighborhood. As will be demonstrated here, this common thread or pattern along 5th Avenue West is for structures to be built within 5-feet of the side yard property lines.

It should also be noted in this section that the City now requires the ADU portions of all accessory structures to be built along 5th Ave. W. to have an automatic fire sprinkler system. That requirement will be a condition of any eventual Building Permit required for construction of this proposed ADU. Additionally, the garage portion of this structure is currently proposed with solid concrete walls on all sides.

Corner Lots in WD II Zones and Yard Setback Precedents:

A study of the City of Kirkland Zoning Map, adopted 12-18-97, reveals that there are three street-end right-of-ways within the City's WD II zones. They are 5th Street West, 4th Street West, and 2nd Street West. 5th Street West and 4th Street West occur along 5th Avenue West, and 2nd Street West occurs on Lake Avenue West. As noted, the Christians' property abuts the unimproved street-end of 5th Street West to the north and Waverly Way to the east.

Section 30.25.010 of the Kirkland Zoning Code (KZC) addresses required yards for detached dwelling units in WD-II zones. Required yard setbacks are very specific in this zone, relating to particular property lines (north, south, high water, & front). The WD II Zone, which went into effect in 1973, has the following required yards: Front (abutting a right-of-way) - 20'; North Side - 5' with a sun angle setback from the north property line; South Side - 5'; High Water Line (Rear) - an average string-line between adjoining property dwelling units or the greater of 15' or 15% of the lot depth; Ingress/egress easement - 10'. On corner lots, both yards abutting a right-of-way are required front yards, the setback to be determined on a case-by-case basis using the RS zone as a guideline. Per Section 30.25.010(4), "If either the north property line or the south property line yard is also the front yard of the subject property, it will be regulated as a front yard." As the Christians' property line fronting 5th Street West is their north property line, this north property line shall be regulated as a front yard. Thus, the Christians' lot is a corner lot, with the required yards fronting both Waverly Way and 5th Street W. regulated as "front" yards.

For Corner lots, KZC Section 30.25.010(6) allows one of the two required front yards to be "...reduced to the average of the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced." The Christians have selected Waverly Way as the front yard for their property and choose to reduce the required yard off 5th Street W.

Typically, as described in Section 30.25.010(6), the front yard along 5th Street W. would be determined by a string-line average between the two adjoining properties. However, in the Christian's case, there is no adjoining property to the west of their lot on 5th Street West. Therefore, a string-line average cannot be applied.

Section 30.25.010(4) states that: "The dimensions of any required yard, other than specifically listed, will be determined on a case-by-case basis. The City will use the setback for this use in RS zones as a guide". Section 15.10.010(3) addresses corner lots in a RS zone. This section has identical language to Section 30.25.010(6), requiring that one front yard setback be reduced by a string-line method. Obviously, the RS zone regulations offer no guidance in this matter. Additional study of the RS regulation shows further lack in similarity of required yard

regulations between the RS and WD II zones. The RS zone has no required yard regulation specific to north and south property lines. In the WD II zone, these property lines are to each have a minimum required yard of 5 feet. The RS zone only regulates side property lines, with each side yard being a minimum of 5 feet, but both must equal at least 15 feet. As the RS zone offers no further guidance in determining reduction to the required yard setback for the Christians' property, it is reasonable to use the City's regulations for the most closely comparable residential zone as a guide.

The most comparable zone to the WD II zone in the City is the RSX zone (Section 17.10.010). The RSX zone was established in 1988 to address the preexisting conditions and pattern of development in single-family residential areas annexed by the City. Like preexisting development patterns along 5th Avenue West, many of the homes in these annexed areas were built with 5-foot side yards.

It should be noted that the only residential zone in existence when the WD II zone was established was the RS zone. Due to the similarity of the existing patterns of development in the WD II and RSX zones, it is not unreasonable to assume that if the RSX zone had been in existence before the WD II zone, the RSX zone would have been used as a guide rather than the RS zone. The only major difference between the WD II and RSX zones is that properties within RSX zones do not abut Lake Washington. Thus, the RSX zone does not require a sun-angle setback along the north (side yard) property line yard setback as the WD-II zone does. According to City records, when established in 1973, the intent of the sun-angle setback in a WD-II zone was to: "(a) Permit sun-light during the year to enter habitable rooms in adjacent structures, and, (b) Allow openness between buildings for maximizing visual access to the water." (i.e. visual access to the water from the public right-of-way). As the overall intent of the WD I and the WD II zones were to protect, enhance and encourage visual and physical access by the public to Lake Washington, it is safe to assume that allowing visual access to the water was the primary intent of the sun-angle setback requirement. As such, a sun-angle setback providing visual access to the Lake is not required or applicable in the RSX zone. All other conditions regarding the front and side yard setbacks are the same in these two zones. Therefore, it is reasonable to investigate how the front yards of corner lot conditions are established in a RSX zone, and use those regulations as a guideline when considering the Christians' request.

Corner lots in RSX zones are regulated per Section 17.10.010(3), which states: "On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement". Using this regulation as a guide, it is reasonable to allow the Christians a 5-foot yard setback from the unimproved 5th Street West street-end, as they propose here. As demonstrated below, the rationale of using corner lot setback requirements based on the RSX zone for properties bordering street-ends in WD II zones seems to be the case with past approved developments.

There are a total of six corner lot conditions in WD II zones. Historically, none of the yard setbacks from these street-end right-of-ways have been the required 20' front yard setbacks, as the Code would imply. The greatest setback is approximately 8 feet, while the typical setback is 5 feet. Of the six affected properties, five have residences built 5 feet or less from the right-of-way property line. (See the following Table and Exhibit A)

The approximate setbacks are as follows: At 2nd Street W., the house to the south (295 Lake Ave. W.) is built approximately 5 feet from the right-of-way property line, while the house to the north (299 Lake Ave. W.) is also built approximately 5 feet from the right-of-way property line. Abutting 4th Street W., the house to the north (400 5th Ave. W.) is built approximately 8 feet from the right-of-way property line, while the house to the south (411 Lake Ave. W.) is built approximately 5 feet from the right-of-way property line. At 5th Street W., the house to the north (501 5th Ave. W.) of the right-of-way is constructed approximately 2 feet from the property line. The house to the south of 5th Street W, the Christians' current residence (437 5th Ave. W.), is constructed 5 feet from the property line adjacent to 5th Street W.

<i>Address</i>	<i>Year Built</i>	<i>Year Renovated</i>	<i>Approximate Current Setback from the Right-Of-Way</i>	<i>Does the structure encroach 15' or more into the 20' setback?</i>
295 Lake Ave. West	1939	1977	5'	Yes
299 Lake Ave. West	1998	NA	5'	Yes
400 5 th Ave. West	1930	2000	8'	No
411 Lake Ave. West	1940	1996	5'	Yes
437 5 th Ave. West	2004	NA	5'	Yes
501 5 th Ave. West	1931	1993	2'	Yes

To summarize the table, five of the six properties are developed with a setback of 5-feet or less from their adjacent street-end right-of-way.

All six of these properties have received building permits for new single-family residence construction or complete renovations. Two permits have been for new construction, and four have been for complete renovations since the WD-II zone was established in 1973.

Our research indicates that only two setback variances were requested. In 1993, the Edwards (Owners of 411 Lake Ave. W.) submitted an SMP and Zoning variance request to construct a carport, which may later be converted to a garage or living space, 15' into the 20' front yard setback." This variance was processed under File No. IIA-SV-93-59. This variance was approved and a subsequent building permit was issued by the City in 1996 to convert this attached carport into living space. The second approved variance to construct a detached dwelling unit within a corner lot's second 20'-0" required yard setback is for the Christians' own residence. Under Variance # IIA-SV-01-74, both the State and City approved construction for their home to extend 15'-0" into the 20'-0" wide setback off the 5th Street W. street-end.

Additionally, it is important to note that in 1999 the detached ADU at 400 5th Ave. W. was permitted for a major renovation and addition. According to the approved building permit-plans, the addition was extended to within 13.5 feet of the 4th Street W. right-of-way property line. Furthermore, the permit plans indicate a 5-foot setback from this right-of-way, which is the standard north/south property line yard setback in this zone. Also, a variance was sought and granted for this ADU structure due to a zero-lot-line wall configuration along its' north property line and for a 6-inch setback from 5th Ave. W. The record of this variance does not indicate any discussion of, or restriction on, the ADU addition's encroachment into 20'-0" setback from the 4th Street W. right-of-way.

The 1993 and 2001 approvals of both the Edwards and Christian variances establishes a fair and reasonable precedent for approval of this variance request. It clearly shows that no special privilege would be granted the Christians and that their proposed development is consistent with neighboring land uses and zoning. Furthermore, it reinforces this neighborhood's pre-existing pattern of development and maintains the contextual fabric, as most of the existing homes here were built prior to 1942, when Kirkland's first zoning Code went into effect. The existing prevailing pattern of development along 5th Avenue West is that structures have been constructed to within 5 feet of the side property lines (north and south property lines). It would create an undue burden on the Christians to require anything more than a 5-foot setback from 5th Street W.

Land Use Precedents for Reduced Yard Setbacks from Private Access Easements in WD II Zones:

This variance request to locate the Christians' accessory structure within the required SMP and City setbacks from the 5th Ave. W. access easement is necessary due to special circumstances regarding the topography and location of pre-existing improvements on this site. As noted above, there are numerous yard setbacks and easements severely limiting the usability and development of the Christians' property. Additionally, the existence of the very steep hillside along the property and its' location on the property further decrease what can reasonably be constructed.

Therefore, it would be impractical and create undo hardship for the Christians if they were required to construct their proposed structure completely outside of the City and State's required yard setbacks off 5th Ave. W. Past approvals of similar structures built within the City and State easements off 5th Ave. W. and Lake Ave. W. point to the fact that the City realizes the tremendous cost burden placed on these homeowners if they were required to construct such buildings completely outside these setbacks.

Granting a variance for building this Garage/ADU within a portion of the private access easement setback would not be granting special privilege to this property. Rather, granting this variance would be consistent with the general rights allowed within the Kirkland Zoning Code, with existing development in this zone, and with both City and State past approvals of similar development in this neighborhood. All along 5th Ave. W. and Lake Ave. W., there are numerous examples of similarly located buildings constructed within their respective access easement building setbacks. Some were built prior to the Zoning Code and some have been built since adoption of the Code. Those built since adoption of the Code have received variances to do so. Those projects which received variance approval by the City include the following:

<i>Address</i>	<i>Variance #</i>	<i>Encroachment into 10'-0" City Setback</i>	<i>Encroachment into 5'-0" SMP Setback</i>
400 5 th Ave. W.	ZON99-00016	9'-6"	4'-6"
407 5 th Ave. W.	ZON99-00016	9'-0"+	4'-0"+
431 5 th Ave. W.	ZON91-00004	9'-0"	4'-0"
435 5 th Ave. W.	ZON98-00019	9'-6"	4'-6"
515 5 th Ave. W.	ZON06-00002	5'-0"	NA
511 5 th Ave. W.	ZON01-00028	*	*
539 5 th Ave. W.	ZON96-00012 APL96-00012	10'-0"	5'-0"

* Specific encroachment information unavailable from City Archives at time of this submittal.

As this table shows, most of these variances were approved with their proposed building encroaching to almost the full extent of the easement setback. Some of these approved structures, 407 5th Ave. W. for example, also have upper floors and/or roof overhangs which extend further into the easement setback than the distances noted above, and in some cases into the easement itself (See Exhibit B photos for reference). Exhibit B photos also show existing accessory structures which pre-date the WD II Zone, many of which are built well within both the City and State required setbacks from 5th Ave. W. As noted, the Christians have made thoughtful effort to reduce the impact of their project within this setback by stepping the building back from the setback at the ADU level. Again, the ADU level of the Christians' proposal is completely outside of the State's required setback and sits just 6" into the City's required setback.

Scale and Massing Comparison of the Christians' Proposal with Existing Development on 5th Ave. W.:

It is the Christians' intent to construct a modestly scaled detached accessory structure on their property that is in keeping with the general size, scope and massing typically found within their neighborhood. The Christians' neighborhood has been in transition over the past fifteen years or so from original homes, mostly built within the first half of the 20th Century, to that of major renovations or to new, much larger scaled homes meeting the needs of families today. As described earlier, almost all of these properties have additional guest parking spaces and/or a detached accessory structure located along the easterly edge of their private access easement. In many cases, these accessory structures include an ADU located above a Garage level. Often these ADU's are two level or lofted spaces which have significant visual impact in this neighborhood (See Exhibit C photos for reference). Due to the visual impact of some of these existing accessory structures, the Christians elected to keep their ADU portion to

one level, stepping it back away from 5th Ave. W. as much as reasonably possible. Their desire to further limit this structure's impact has resulted in proposing a flat roof over the ADU, which keeps the height of the building well below the City's maximum allowed height limit. The result of this effort is a structure that would be far less of a visual impact from the immediate neighborhood, shoreline and Lake Washington itself, than a two-story or lofted ADU volume would be. The Christians also propose to incorporate built-in raised planter areas on the structure itself to soften its' façade along 5th Ave. W.

To further demonstrate that the Christians' proposal is both reasonable and in keeping with the existing pattern of development within their unique neighborhood, the table below provides information regarding size and scale of other newer developments along 5th Ave. W. for comparison. The Christians' current home consists of 3,506 square feet (SF) of living space on two floors, with an attached two-car garage. The proposed ADU would add an additional 692 SF of living space to their property, for a total living space of 4,198 SF. There are currently four existing parking spaces located along the eastern edge of 5th Ave. W. The proposed accessory structure will replace two of these existing exterior parking spaces with a 2-car garage. The remaining two existing exterior parking spaces will remain. For comparison, the table below shows the size and scale of other relatively new developments on properties along 5th Ave. W.

<i>Address</i>	<i>Main Residence</i>	<i>ADU</i>	<i>Garage Parking</i>	<i>Open Parking or Carport Parking</i>
400 5 th Ave. W.	3,260 SF	740 SF	3 Spaces	4 Spaces
407 5 th Ave. W.	5,020 SF	800 SF	4 Spaces	NA
435 5 th Ave. W.	2,440 SF	450 SF	4 Spaces	3 Spaces
505 5 th Ave. W.	5,350 SF	NA	2 Spaces	5 Spaces
509 5 th Ave. W.	4,605 SF	NA	NA	5 Spaces
535 5 th Ave. W.	3,230 SF	320 SF	4 Spaces	1 Space
537 5 th Ave. W.	2,950 SF	1193 SF	5 Spaces	1 Space
539 5 th Ave. W.	3,600 SF	NA	2 Spaces	4 Spaces
545 5 th Ave. W.	5,310 SF	NA	2 Spaces	1 Space

As you can see from the data presented above and from the photos in Exhibit C, the Christians' scope of development on their property, including the proposed garage/ADU, is well within the existing scale of development along 5th Ave. W. Further, it is also typical of development here that residences extend across their full lot width within 5' feet of north and south property lines. The Christian's proposal simply would continue that pattern of development within the area.

CONCLUSION:

The Christians propose to build a detached Garage/ADU into the State's and City's 20-foot setback along the undeveloped right-of-way of 5th Street West and into the State's and City's 5-foot or 10-foot (respectively) setback along the private access easement of 5th Avenue West. This proposed encroachment does not minimize the intent of building setbacks nor does it place adjoining properties at risk. Through statement of fact and sound assessment of the Kirkland Zoning Code and Shoreline Management Program requirements, it is clear that the Christians' request is both fair and the minimum necessary to seek relief from these setback requirements.

Logical examination of how the KZC addresses corner lot setbacks in other residential zones within the City establishes just rationale for the Christians' request. A 5-foot setback is the standard required side-yard in this zone. Applying the corner lot yard criteria from the RSX zone as previously discussed (5-foot setback) is a sound

interpretation of the Code. A 5-foot setback allows for egress and adequate access to all sides of the building for emergency personnel as well as adequate separation of structures within the neighborhood to minimize damage to adjoining buildings during catastrophic events.

The Christians' proposed setbacks are also in keeping with the commonly established neighborhood pattern of development. The fact that the vast majority of the existing homes and accessory structures built adjacent to street-end right-of-ways and to private access easements in this neighborhood are constructed within their required setbacks has been documented in this proposal. Nearly all primary residences along 5th Avenue West are built up to the 5-foot north property line setback. As previously noted here, the Christians' own primary residence received State and City variance approval to encroach 15'-0" into the 20-foot yard setback from 5th Street W. Their current proposal has much less visual impact than the primary residence had, and is located further away from the Lake Washington Shoreline by some 111 feet.

The natural topography, configuration of pre-existing improvements, and zoning encumbrances placed on this property limit the buildable area to a small percentage of the lot in comparison to that allowed on a typical lot in the City having only front, side and rear yard setback requirements. Denying the Christians this variance request would further reduce the already limited use of their property and not allow them to develop it in a manner consistent with that of their neighbors.

Thus, the Christians' proposed project meets the City's and State's general intent regarding yard setbacks and past approvals for similar development. Furthermore, this project has been designed to integrate with and be sensitive to the neighborhood context and pattern of development. It is in keeping with the general size, height, scale and massing of similar development within this zone. Based on the information outlined in this variance request, it is both fair and reasonable to grant the Christians approval for their request, without modification or adjustment to the proposed design.

RESPONSES TO CITY OF KIRKLAND'S VARIANCE CRITERIA:

The following are responses to the three criteria for granting a variance, per the City of Kirkland Zoning Code, Chapter 120.20:

- 1. "The Variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City in part of as a whole"*

If approved as proposed, this variance would not be materially detrimental to the Christians' property or to other improvements in the area or to the City in general. The proposed building adds no increased impervious surface coverage to the property, does not add any additional parking spaces beyond those already permitted by the City, and does not eliminate any existing trees or vegetation from the site. This proposal provides for enclosure of 2 existing open parking stalls, along with living quarters for visiting family and friends, both of which are beneficial to the subject property. The enclosed parking also adds security, which is beneficial to the property, the neighborhood, and City in general. The architectural forms of the proposed structure add character to what is currently a monotonous impervious parking strip with daunting shoring wall, running nearly the full width of this property. Therefore, the structure will enhance views of this property from adjoining properties. Providing enclosed parking, storage and trash receptacle screening further enhances views of this property from the neighborhood. From land, other than for the few citizens who share the private 5th Ave. W. access easement, this proposed structure will not be visible at all. The fact that the ADU is contained to a single floor level, and well under the maximum allowed height for an accessory structure on this property, minimizes its' visual impact within the neighborhood itself and to the public at large viewing this area of shoreline from Lake Washington.

In general, the accessory structures along 5th Ave. W. and Lake Street W. private access easements add a unique quality to this neighborhood, contributing to the diversity of the City as a whole. The scale of this specific project is thoughtful and in keeping with the scale and permitted development of similar existing structures along these two access easements. As documented here, all existing single-family homes on corner lots within the WD-II Zone encroach into the City's and State's 20'-0" second front yard setback to their respective street-end; most encroaching 15'-0" or more. Nearly every existing home and accessory structure along 5th Ave. West is built to their respective 5-foot yard setback along the north and/or south property lines. The Christians' own residence received variance approval from both the City and the State, under Variance # IIA-SV-01-74, to extend that structure 15'-0" into the 20'-0" wide setback to 5th Street W. Allowing this proposed structure to do the same will not be any more detrimental to the property or to the area than the main residence. In fact, this proposal will have much less impact upon the neighborhood than the approved main residence, since it will be tucked deeply into the hillside making it much less visible. Furthermore, there is no adjoining private property directly north of the Christians'. The adjoining property is a 60'-0" wide unimproved street-end of 5th Street W. This undeveloped street-end will always provide 70'-0" minimum of buffer width between this proposed structure and any possible similar structure on the next adjoining private property north of 5th Street W (assuming 5'-0" minimum setbacks).

Most of the existing accessory structures along 5th Ave. West have also been built within the City's 10-foot yard setback and the State's 5-foot yard setback from this private access easement. As documented above, many of these structures extend close to or right up to the easement, with some having upper floors or roof overhangs protruding into the easement itself. Again, the Christians' proposal would be in keeping with the existing pattern of development within this neighborhood, while being less of an impact than many that exist today.

2. *"The Variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of a pre-existing improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed"*

This variance is necessary due to the special circumstances and conditions caused by this property's specific site topography and location of pre-existing improvements upon the property. As previously noted, there are numerous encumbrances restricting development on this property which do not occur on other properties in general within the City. These encumbrances include the 20'-0" wide 5th Ave. West access easement with 10'-0" wide required yard setbacks to each side, the 20'-0" wide sanitary sewer easement, the 33'-0" wide high water line setback off Lake Washington, the additional 20'-0" wide front yard setback off unimproved 5th Street West, along with the steep hillside that divides this lot in two geographically. Because the City requires a Native Growth Protection Easement (NGPE) for the entire property width between the top of steep slope to the front yard setback off Waverly Way, with no development allowed within the NGPE, the net buildable area on this property is even further restricted. Therefore, the remaining area on which to build the Christians' main residence was very limited, and resulted in a modest-sized home in relationship to the overall lot area. Had the Christians' property been located elsewhere in the City, a 58.4' by 220' lot (12,848 SF), with standard City front, rear, and side yard setbacks would produce a building pad approximately 48.4' by 190' (nearly 9,200 SF). With all of the easements and setbacks applied to the Christians' property, the largest building pad size on which to construct their primary residence was roughly 48.4' by 78' (3,775 SF). This building pad factors in the approved variance to build the main residence 15'-0' into the 20'-0" yard setback off 5th Street W. That works out to be just over 29% of the overall lot area. As such, this accessory structure as proposed is necessary to give the Christians some additional space for their family and guests, which could not be incorporated into the main residence on its' limited building pad.

As described earlier, the topography of this property greatly restricts what can be developed and its' location. This is brought about by the very steep hillside, located just east of the 5th Ave. West easement and extending eastward towards Waverly Way. In the area of the Christians' proposed Garage/ADU, and continuing up this hillside, the grade changes from about Elevation 30.0' along the east edge of pavement on 5th Ave. W. to Elevation 78.0' at the

top of the steep slope portion. This rise occurs over a horizontal distance of roughly 50'-0", which works out to be a 96% slope. Due to the close proximity of this steep hillside to the east edge of 5th Ave. West and Lake St. West access easements, nearly every existing accessory structure located eastward of its respective access easement has been constructed within the City's and State's required setback from such easement. Building such structures completely beyond these required setbacks would incur enormous financial burden for these property owners as a result of costly engineering and construction techniques necessary for excavating so deeply into the hillside. As constructed, professional fees and construction costs for the Christians' recently completed shoring wall were very expensive. At the time, the scenario to move this wall far enough into the hillside so that the currently proposed Garage/ADU could be located completely outside of the 5th Ave. W. required setbacks was investigated, but the cost was found to be prohibitive for the Christians. As constructed, the shoring wall rises upwards of 36'-0" above finished grade along 5th Ave. West, with its' concrete encased steel piles extending as much as 23'-0" below grade. The shoring wall would have had to move almost 9'-0" further back into the hillside, which would have increased the length of shoring walls along the north and south property lines by the same distance. This would have added 18'-0" of length to the overall shoring wall and increased its height by another 9'-0" across the back, making it 45'-0" high at its tallest section. Additional diagonal tiebacks would have been required to secure the taller wall into the hillside, and tiebacks would likely have been required for the return walls along the north and south property lines. This would have required easement rights from the City and neighbor to the south, which would have been both expensive and time-consuming, assuming they would even have been granted. Liability also dictated the eventual location of the shoring wall since deeper excavation into the hillside and/or installing tiebacks into the neighbor's hillside could likely have triggered a slide event along this neighboring hillside to the south, possibly endangering their retaining wall/parking area and existing ADU. Lastly, moving the existing shoring wall and proposed ADU beyond the 5th Ave. W. required setbacks would have resulted in the property being over the City's maximum allowable impervious surface coverage.

Therefore, this variance request for locating a portion of the proposed structure within the City's and State's required yard off 5th Ave. W. is the direct result of special circumstances particular to the Christians' property, and out of their own control.

3. *"The Variance will not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this Code allows to other property in the same area and zone as the subject property"*

Approving this variance does not constitute a grant of special privilege to the Christian property, but rather would be consistent with the general rights allowed within the Kirkland Zoning Code and with past and current variance approvals and permitted construction developments within the same area and zone. As outlined in this request, there is a strong and consistent pattern of development established in this neighborhood with detached accessory structures being built into their required setback off 5th Ave. West and Lake St. West. Also, every residence built on a designated corner property along 5th Ave. W. and Lake Street W. extends into the required 20'-0" setback off their respective street-end right-of-way. Within the City of Kirkland in general, granting variances for building encroachment into required yard setbacks is not uncommon when lot size, shape, topography, or location of preexisting improvements on the property dictates.

Thus, approving this variance as proposed would be consistent with existing development within this neighborhood, area, zone and City as a whole, and does not constitute a grant of special privilege. This variance request has pointed out numerous examples of similarly approved variances all along 5th Avenue West and Lake Avenue West, and specifically for properties in this zone which border unimproved street-ends. The Christians are making a thoughtful effort to reduce the impact of their project within these various yard setbacks by stepping the building back away from 5th Ave. W. at the ADU level and proposing a flat roof profile to reduce overall height, while creating an exciting architectural form for the neighborhood. As also noted above, the ADU level is completely outside of the State SMP's setback to 5th Ave. West and nearly outside of the City's setback to 5th Ave.

West. Lastly, the proposed Garage/ADU is designed to meet all other zoning requirements placed on this property (see Project Data provided in Exhibit D). Approval of this variance request as proposed simply allows the Christians to develop their property in a manner consistent with past approvals for similar variance requests and allowing for continuation of the well established pattern of development and streetscape language along 5th Ave W. and Lake Street W.

RESPONSES TO SHORELINE MASTER PROGRAM VARIANCE CRITERIA:

The following are responses to the State's criteria for granting a variance, per the Washington Administrative Code (WAC), Section 173-27-170:

a. "That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property"

Adhering to the Shoreline Master Program's (SMP) full 5'-0" yard setback off 5th Ave. W. and 20'-0" yard setback off unimproved 5th Street W. street-end would significantly interfere with the Christians' reasonable use of their property, in terms of costs and construction means necessary to build completely outside of this setback. This point can be verified by the fact that so many other developments along 5th Ave. W. and Lake Street W. in Kirkland have requested and received variances to these same setback requirements. Approving this variance allows the Christians to more reasonably construct their proposed Garage/ADU without resorting to extraordinary measures, just as many other area property owners have been able to do.

b. "That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicants own actions"

As outlined in response to the City of Kirkland's Variance Criteria Item #2, there are numerous limitations placed on this specific property, including zoning setbacks, utility and access easements, and natural topography, which when combined greatly limit the use of this site. These limitations are neither deed restrictions nor conditions brought about by the Christians' own actions.

c. "That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment"

This proposed design is compatible with similarly approved developments and uses within this area of Kirkland, and as allowed under the Shoreline Master Program, adopted by the City of Kirkland under the Kirkland Municipal Code (KMC) Title 24. Other such approvals have been documented within this request.

This proposal would also have negligible impact on the shoreline environment, as previously documented in the Environmental Impact Statement (EIS) submitted with the existing shoring wall permit (Kirkland SEPA Case # SEP06-00009). That EIS took into account the shoring wall as well as this future accessory structure (see Exhibit F for a copy of that EIS). Eric Shields, Director of Kirkland's Department of Planning and Community Development, reviewed that EIS and issued a "Determination of Nonsignificance" (DNS) on May 8, 2006 for both the shoring wall and future accessory structure (see copy of DNS in Exhibit F). Further, Tony Leavitt, Planner for the City of Kirkland, determined at this proposed project's Pre-Submittal Conference (PRE06-00134), that the environmental impact from this project would be so minimal that no further SEPA review would be required. Additionally, this proposal does not remove any trees or vegetation of any kind from the site. As such, Tony

Leavitt noted during the Pre-Submittal Conference that the State's Bald Eagle Management Plan, typically required for development on this property, would not be required.

This project would add no additional square footage of impervious surface coverage to this property from the amount already permitted by the City for the recently completed shoring wall and parking area. As such, there will be no increase to the amount of surface drainage currently being discharged into Lake Washington. All existing site drainage (and all drainage for the proposed building) is tight-lined to a floatable materials separator catch-basin prior to discharging through an existing bulkhead into Lake Washington. It should also be stressed that both SMP setbacks that the Christians are seeking variance for are not waterfront setbacks from the Lake. The proposed structure is about 146 feet landward of the Lake Washington shoreline on this property, placed roughly 111'-0" further away from the shoreline than the existing primary residence, which previously received variance approval from both City and State to build 15'-0" feet into the 20'-0" setback from 5th Street W.

d. "That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area"

As previously pointed out in the response to Kirkland's Variance Criteria Item #3, approving this variance request would not be granting the Christians special privilege, as there are many previously approved variances for similar projects encroaching into SMP setbacks. In some cases, encroachments further into the 5'-0" setback to 5th Ave. W. have been approved. Again, only the garage level of the Christians' proposal encroaches into this 5th Ave. W. SMP setback. Building encroachments as far or further into the six street-end properties along 5th Ave W. and Lake Street W. have also been approved, as noted here. The Christians themselves requested and received variance approval by the State and City of Kirkland for construction of their main residence to be built 15'-0" into this 20'-0" required setback under Variance # IIA-SV-01-74. As demonstrated above, it is the standard pattern of development for corner lots within this area of the City of Kirkland to have one of the front yard setbacks reduced from 20'-0" to 5'-0. As documented above, this is certainly the case with all identified residences built adjacent to street-end right-of-ways. It is also standard pattern of development along 5th Ave. W. that most buildings are constructed up to their 5'-0" north property line setback.

e. "That the variance requested is the minimum necessary to afford relief"

As indicated on the attached drawings (see Exhibit D), and as explained in Kirkland's Variance Criteria '2' above, this variance request is the minimum necessary to afford relief. The Christians' thoughtful design to minimize the impact of this accessory structure on their neighborhood, results in only requiring a setback variance from 5th Ave. W. for the Garage portion. The Garage has been designed to minimal space requirements for housing two full-size vehicles, with limited circulation space around them. As such, at worst case, the southwest corner of the Garage would extend 3'-9" into the SMP's required 5'-0" setback. This encroachment continually lessens across the front face of the building, becoming 2'-6" at the southwest corner of the Garage. The ADU portion of the proposed structure is well under the City's maximum allowed floor area for such a structure on this property, as is the entire accessory structure (including garage square footage). As documented above, the size, scale, and mass of overall development on the Christians' property is well within the standard range of size, scale and mass of existing development within this neighborhood.

f. "That the public interest will suffer no substantial detrimental effect"

The public interest will suffer no detrimental effect by approving this variance. As noted in Variance Criteria 'c' above, the City has determined that this development will not require any further Environmental Impact Statement for its' development, and no Bald Eagle Management Plan will be required.

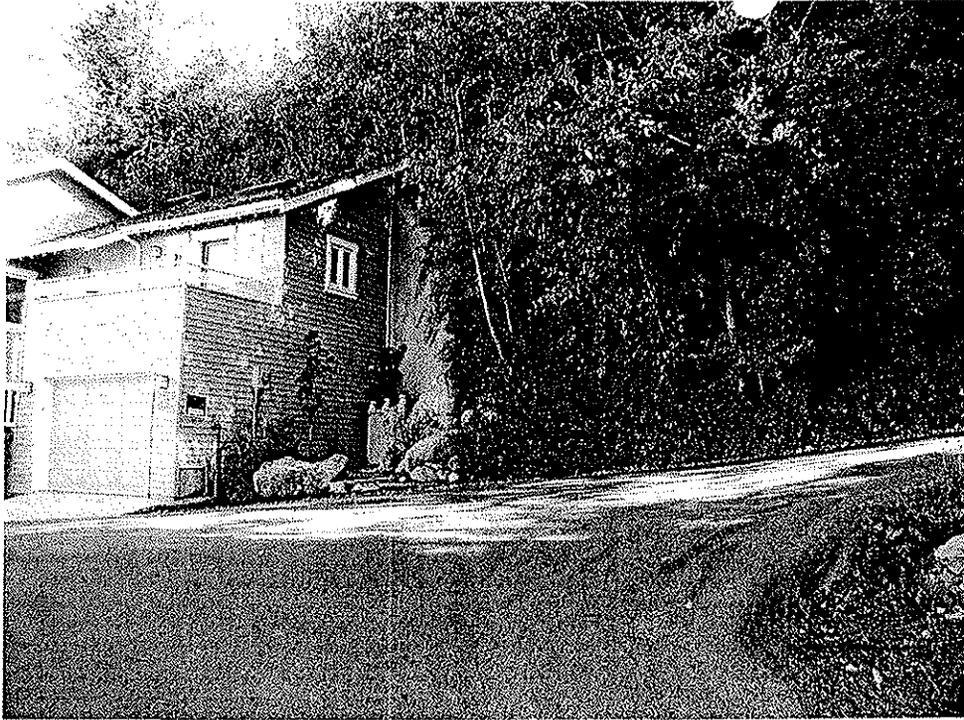
Also, as documented within this request, the location and scale of the proposed building are in keeping with past approved development activities within the same neighborhood and area of the City of Kirkland. The proposal's impact upon general public interest would be minor at most, as this structure would not even be visible from the adjoining public right-of-way (Waverly Way). Therefore, this structure would not impede any views towards Lake Washington from this public right-of-way. The Christians' existing home sits waterward of this proposed building and has much more visual impact from Lake Washington than this structure would. In fact, only the uppermost portion of this building would be visible from the Lake itself, with most being blocked from view by the existing home. Of the building portion that would be visible from the lake, the vast majority of that sits outside of the 20'-0" required SMP setback to unimproved 5th Street W. The same visible portion sits completely outside of the 5'-0" required SPM setback to 5th Ave. W. Furthermore, the portion proposed to extend 15'-0" into the 20'-0" required yard setback off unimproved 5th Street W. will almost entirely be below existing grade along the North property line, with all of it remaining behind the previously approved and constructed shoring wall.

As noted above, the Christians have made a purposeful attempt to minimize the impact of this building. By proposing a flat roof, the top of this roof would be just over 6'-0" above the top of their existing home's roof, which is far less than the maximum 15'-0" difference allowed under Kirkland Zoning. In addition, the thoughtful modulation of this proposed building form and use of various exterior finish materials add architectural character to enhance this neighborhood streetscape. Architectural character is completely void with regards to the parking area and shoring wall that currently exists in this location. The proposed garage would screen 2 automobiles otherwise completely visible from along 5th Ave. W., while the exterior 2-car parking area would also be partially screened by the building. Proposed above-grade planter areas further enhance the quality of this proposed development.

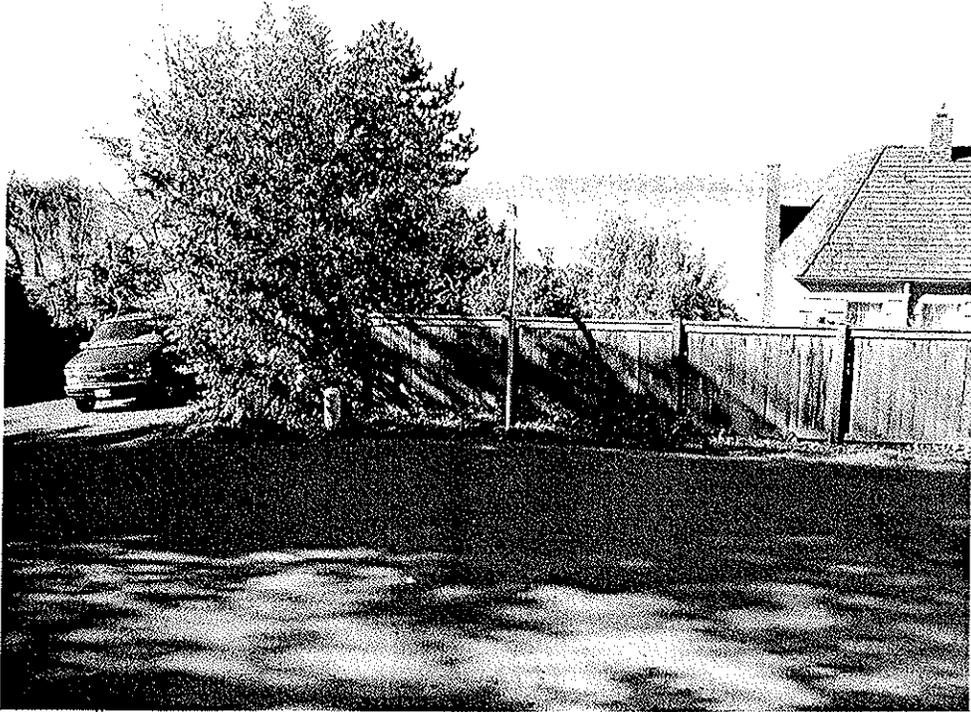
Existing neighborhood structures encroaching into street-end Right-of-Way setbacks

CHRISTIAN ACCESSORY STRUCTURE VARIANCE

EXHIBIT 'A'



400A 5th Avenue West – property north of 4th St. West R.O.W.
ADU addition approximately 13.5' from R.O.W. property line (looking east)



400 5th Avenue West- property north of 4th Street West R.O.W. (looking west)
Existing residence approximately 8' from R.O.W. property line



411 Lake Avenue West – property south of 4th St. West R.O.W. (looking west)
Existing residence approximately 5' from R.O.W. property line



437 5th Avenue West – property south of 5th St. West R.O.W. (looking west)
Existing residence 5' from R.O.W. property line

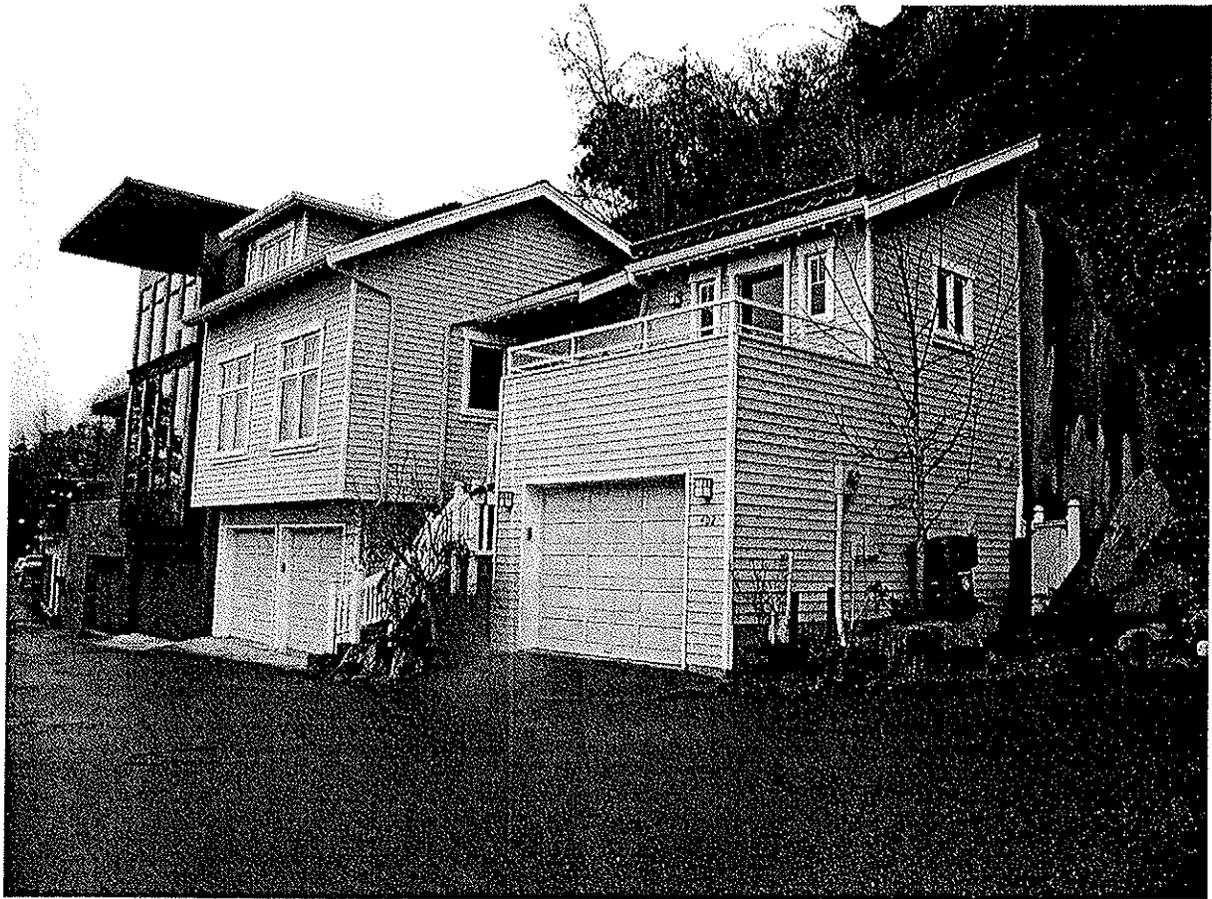


501 5th Avenue West – property north of 5th St. West R.O.W. (looking west)
Existing residence approximately 2' from R.O.W. property line.

Existing neighborhood structures encroaching into private access easement setbacks

CHRISTIAN ACCESSORY STRUCTURE VARIANCE

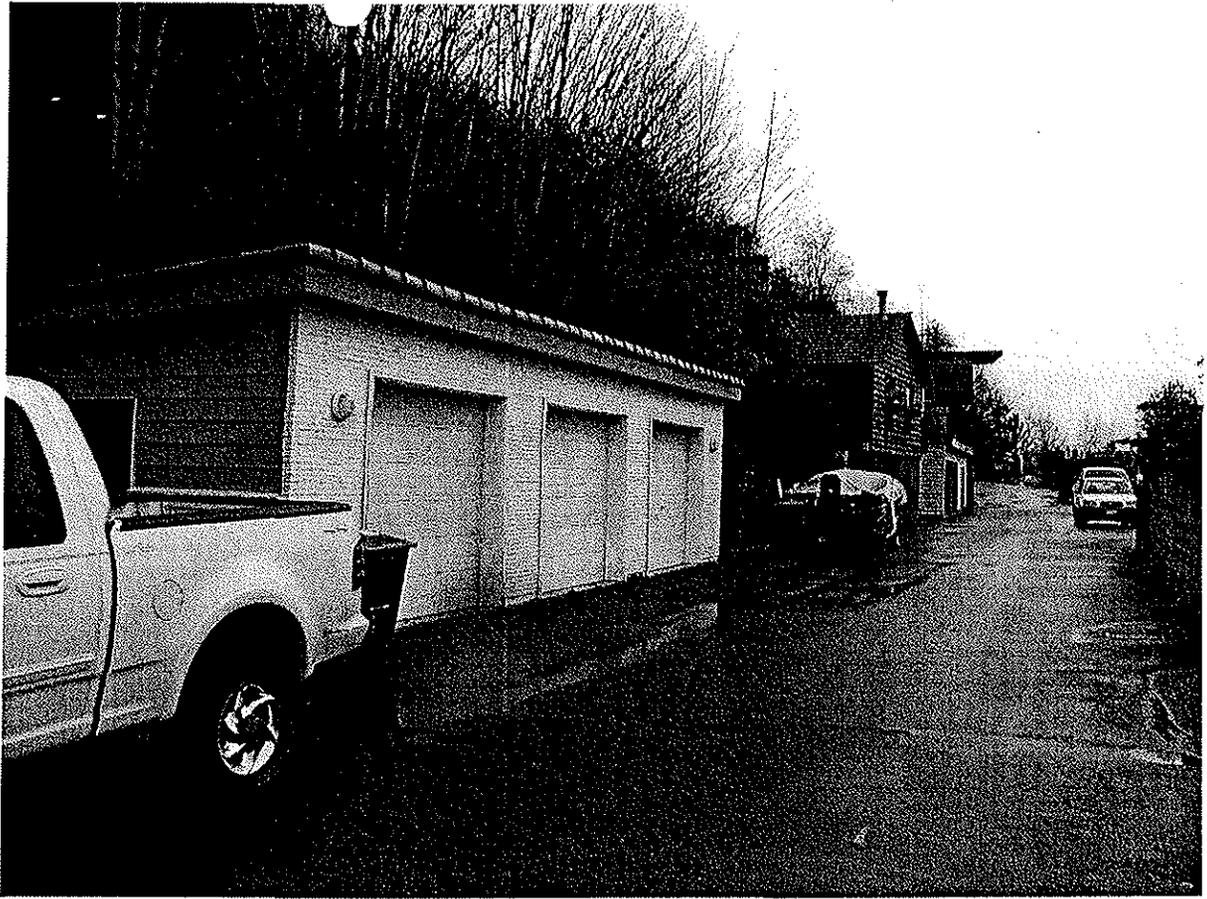
EXHIBIT 'B'



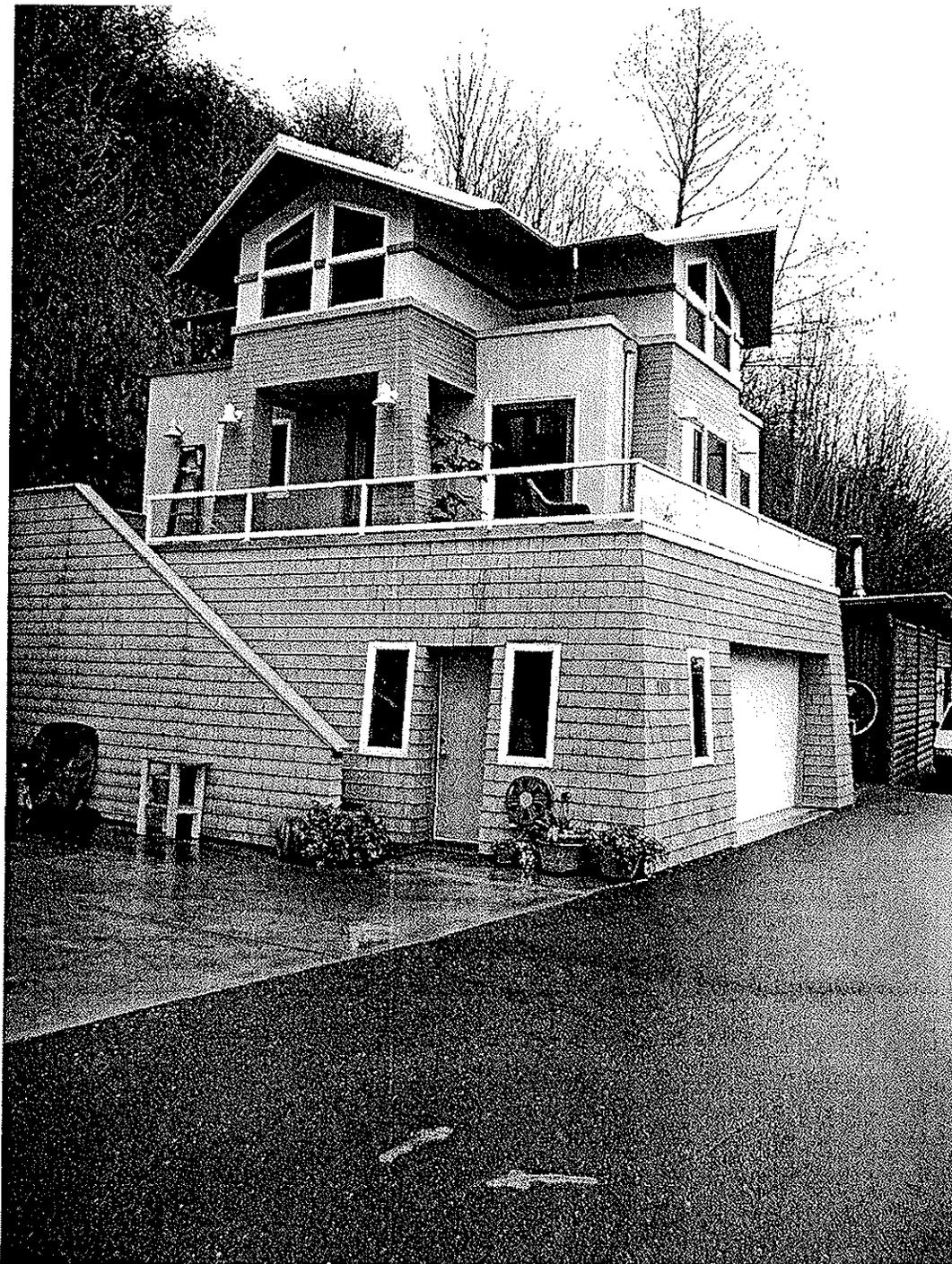
400 5th Avenue West—ADU along east edge of easement (looking northwest)
Existing structure approximately 9' - 6" into easement setback at grade



407 5th Avenue West—ADU along east edge of easement (looking northwest)
Existing structure approximately 9'-0" into easement setback at grade



431 5th Avenue West—Accessory Structure along east edge of easement (looking southeast)
Existing structure approximately 9'-0" into easement setback



435 5th Avenue West—Accessory Structure along east edge of easement (looking southeast)
Existing structure approximately 9'-6" into easement setback



Looking north along 5th Avenue West from 400 5th Avenue West



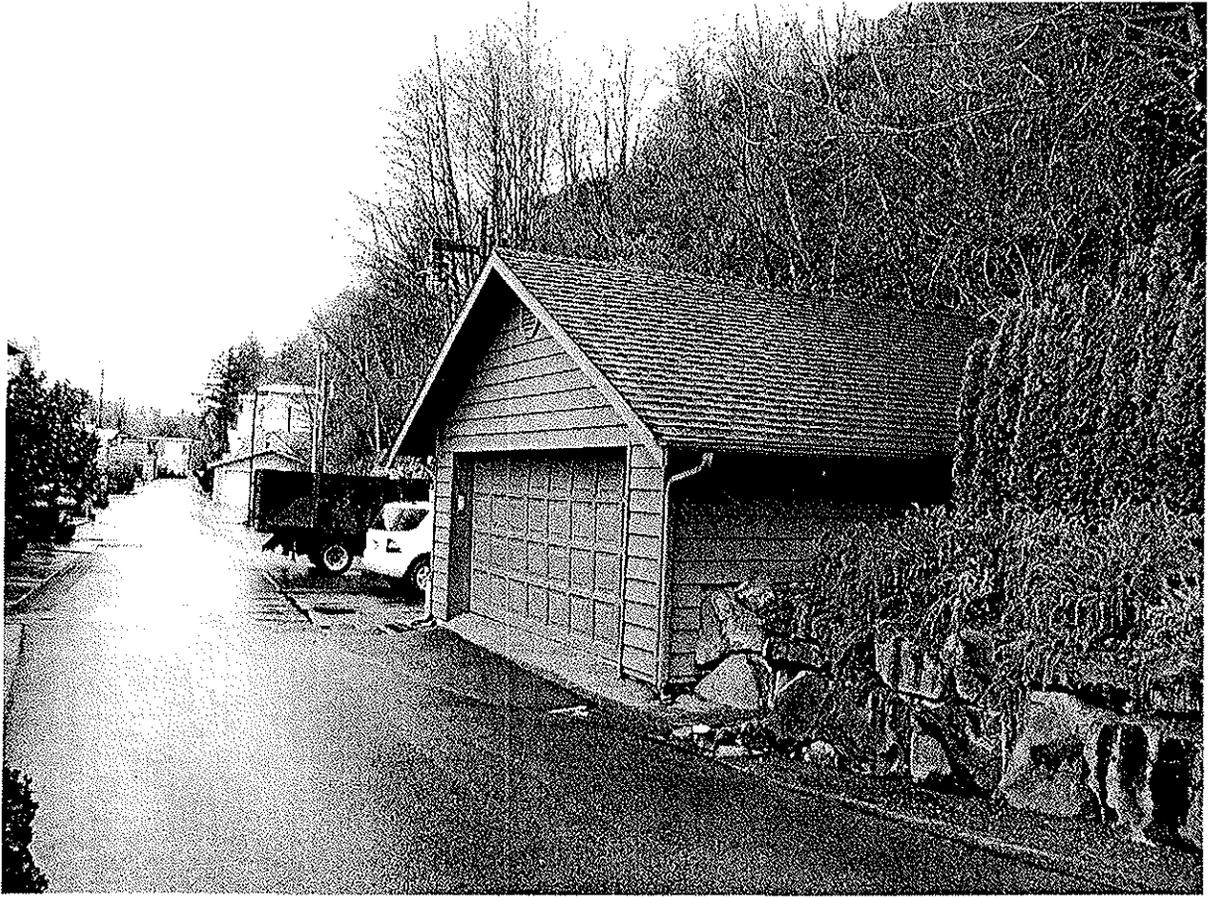
Looking north along 5th Avenue West from 407 5th Avenue West



Looking north along 5th Avenue West from 409 5th Avenue West



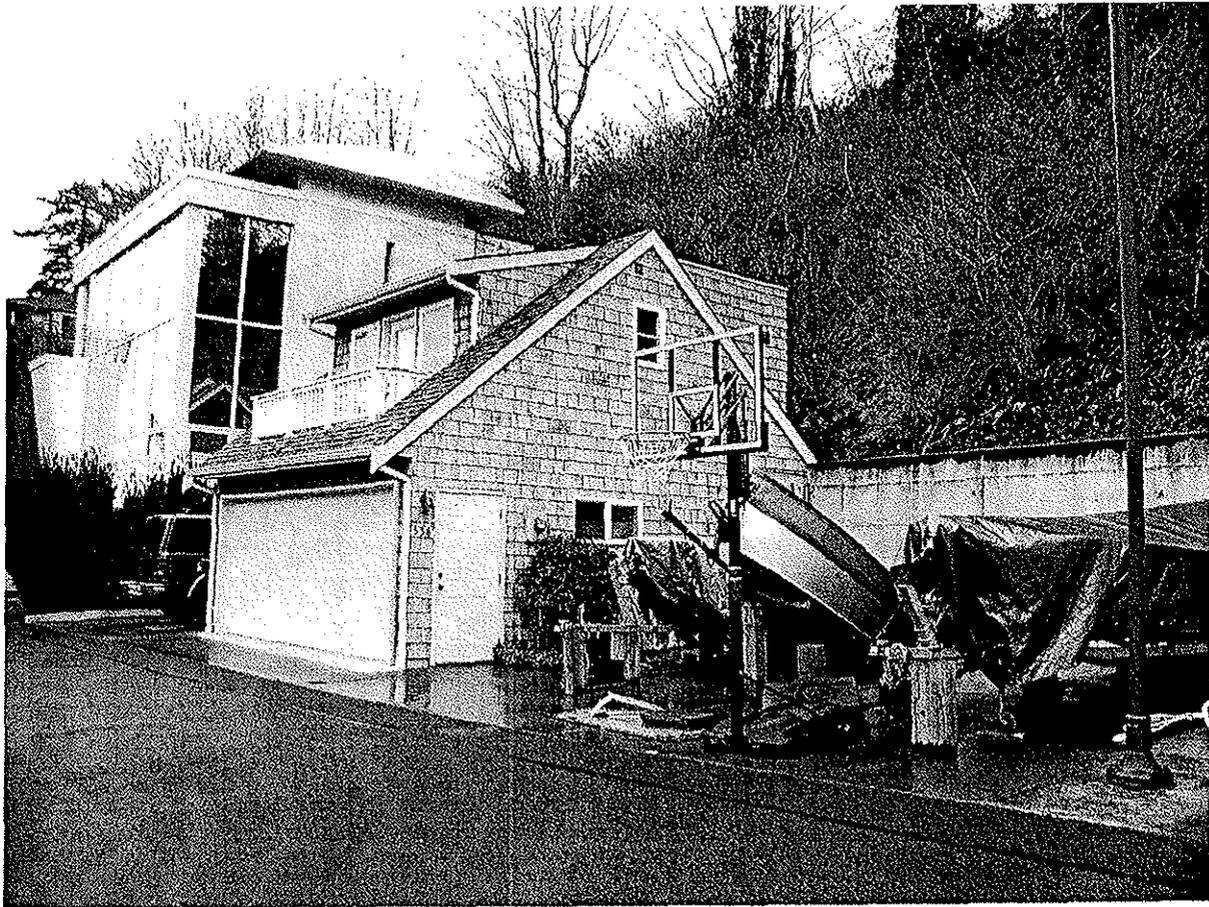
Looking north along 5th Avenue West from 433 5th Avenue West



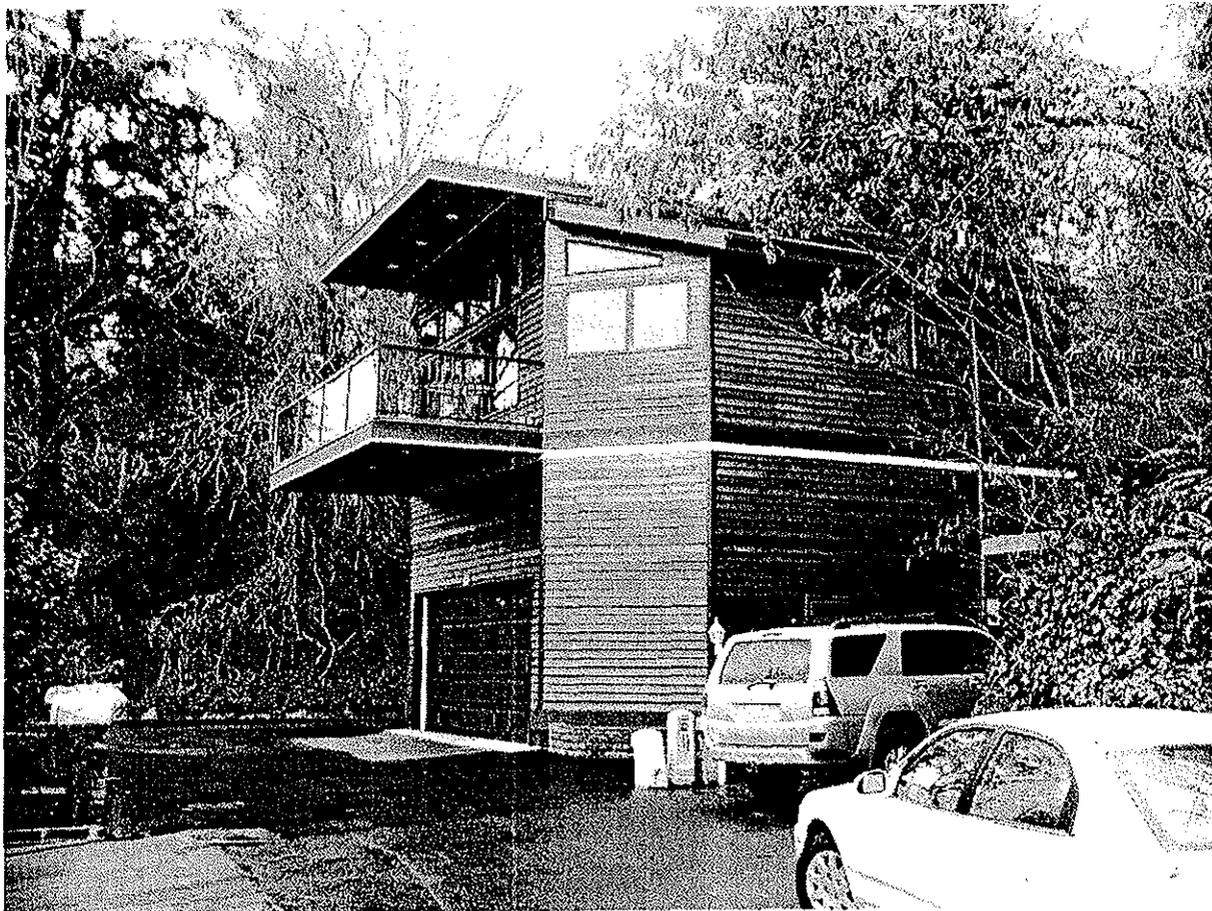
Looking north along 5th Avenue West from 501 5th Avenue West



Looking north along 5th Avenue West from 511 5th Avenue West



Looking north along 5th Avenue West from 515 5th Avenue West



Looking north to end of 5th Avenue West from 555 5th Avenue West

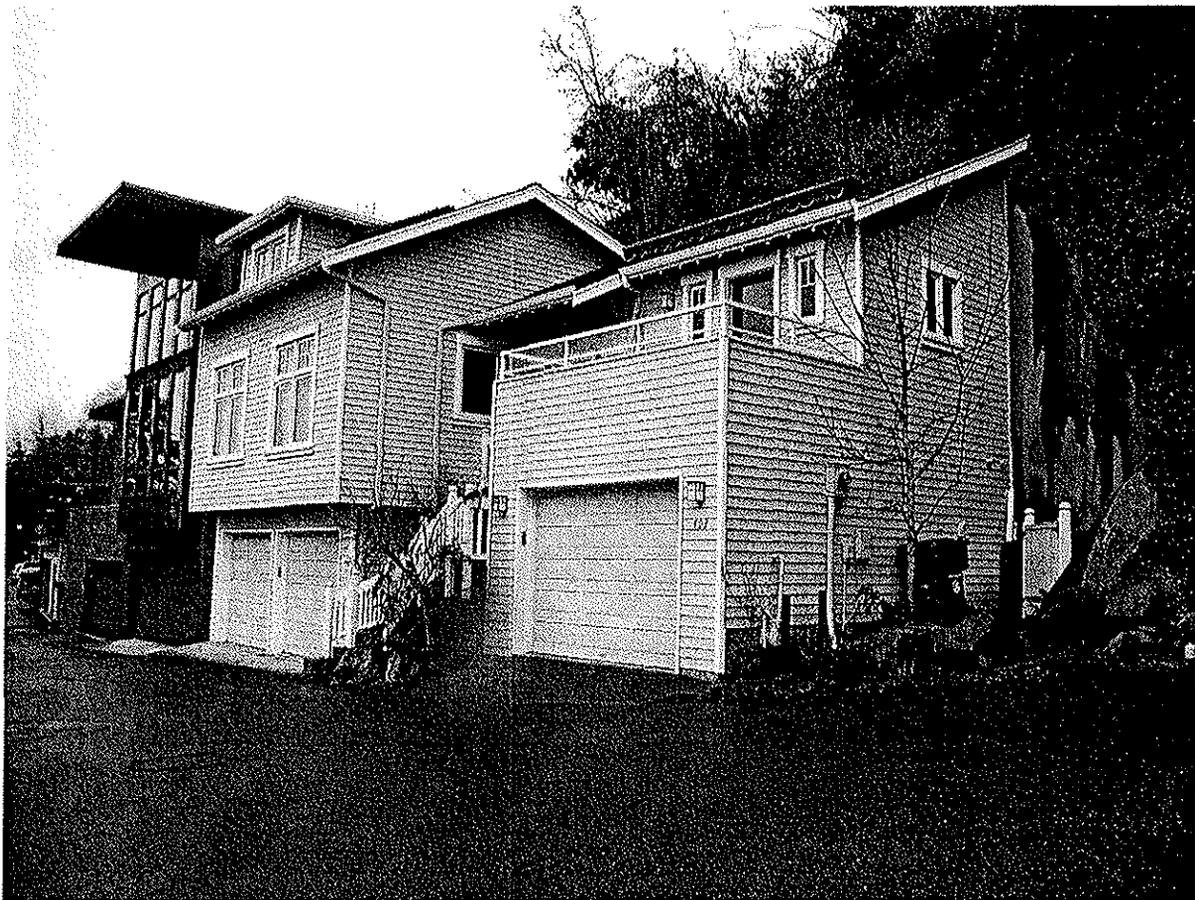
Existing neighborhood developments of similar or greater size and scale than the Christians' proposed project

CHRISTIAN ACCESSORY STRUCTURE VARIANCE

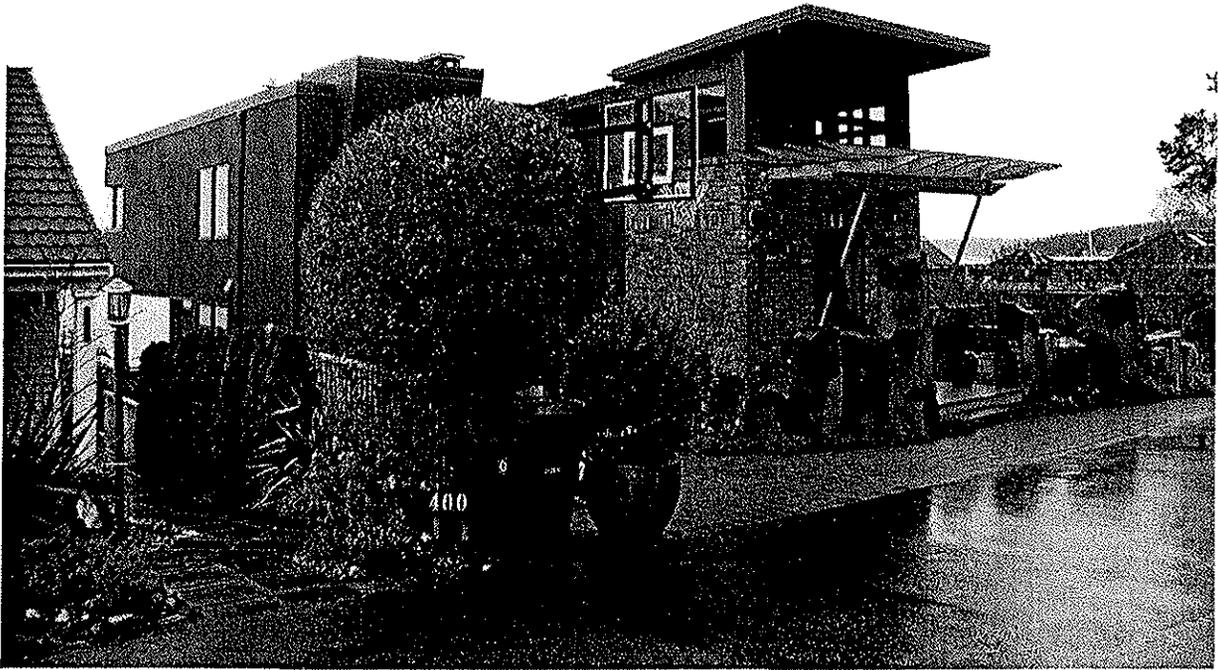
EXHIBIT 'C'



400 5th Avenue West—main residence from 5th Avenue West looking northwest



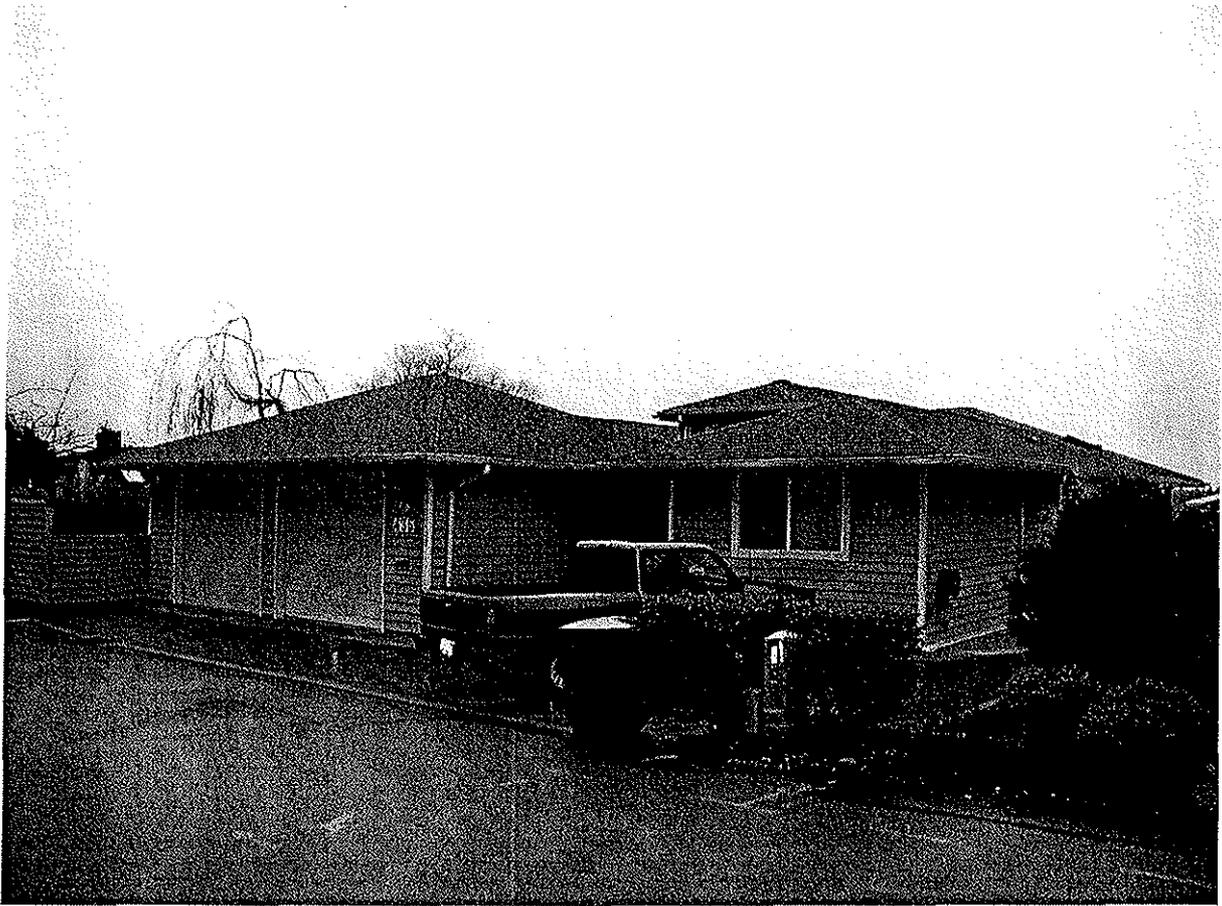
400 5th Avenue West—ADU from 5th Avenue West looking northeast



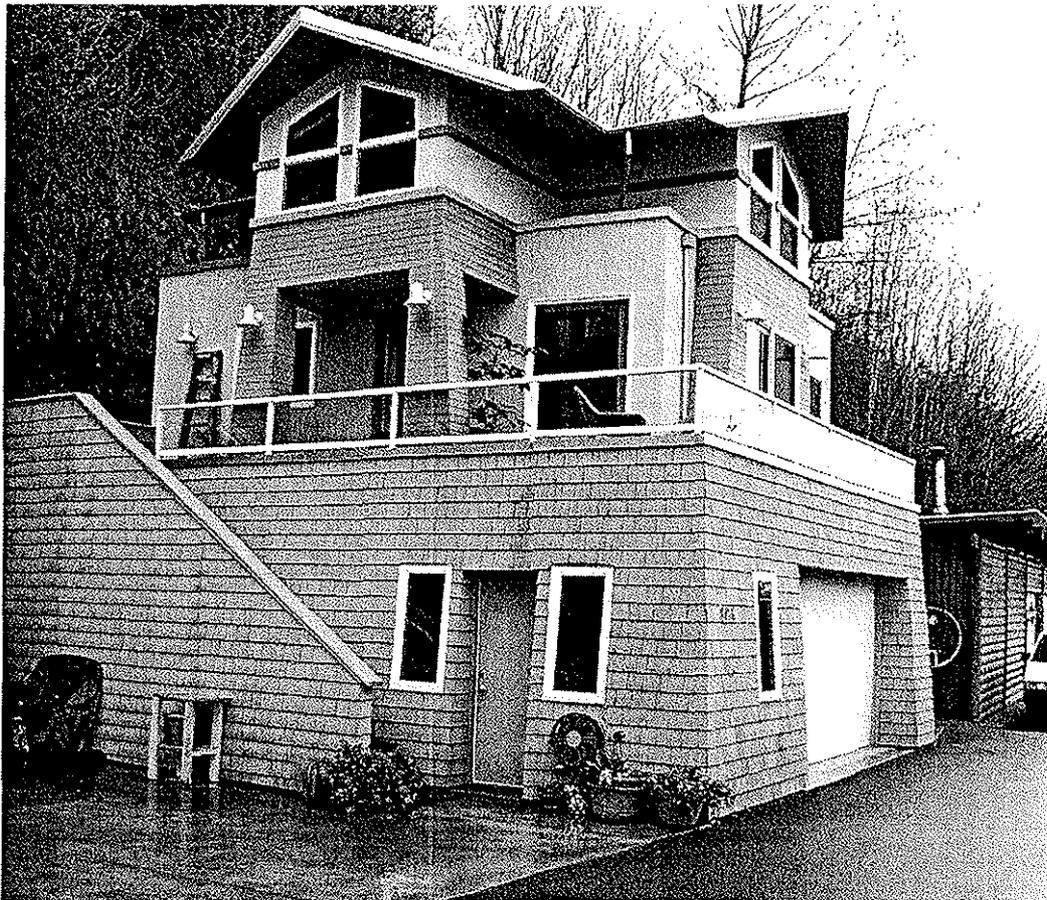
407 5th Avenue West—main residence from 5th Avenue West looking northwest



407 5th Avenue West—ADU from 5th Avenue West looking southeast



435 5th Avenue West—main residence from 5th Avenue West looking southwest



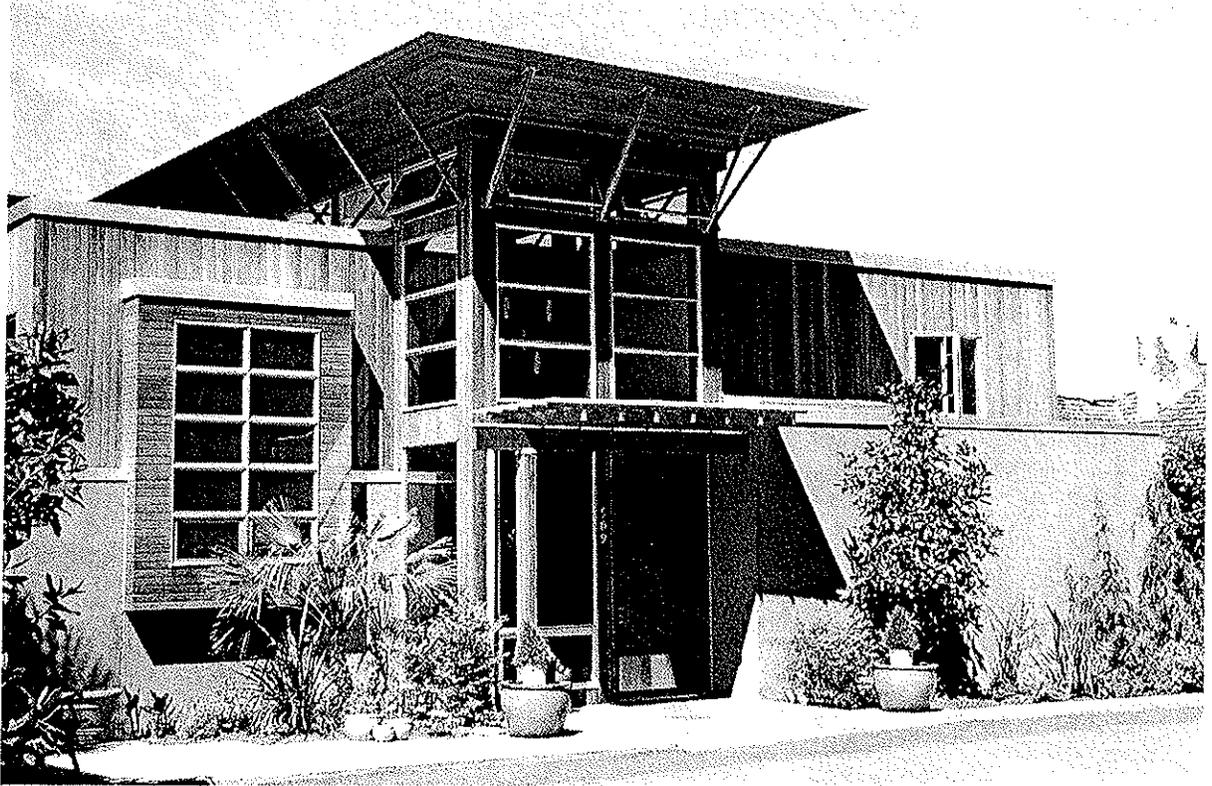
435 5th Avenue West—ADU from 5th Avenue West looking southeast



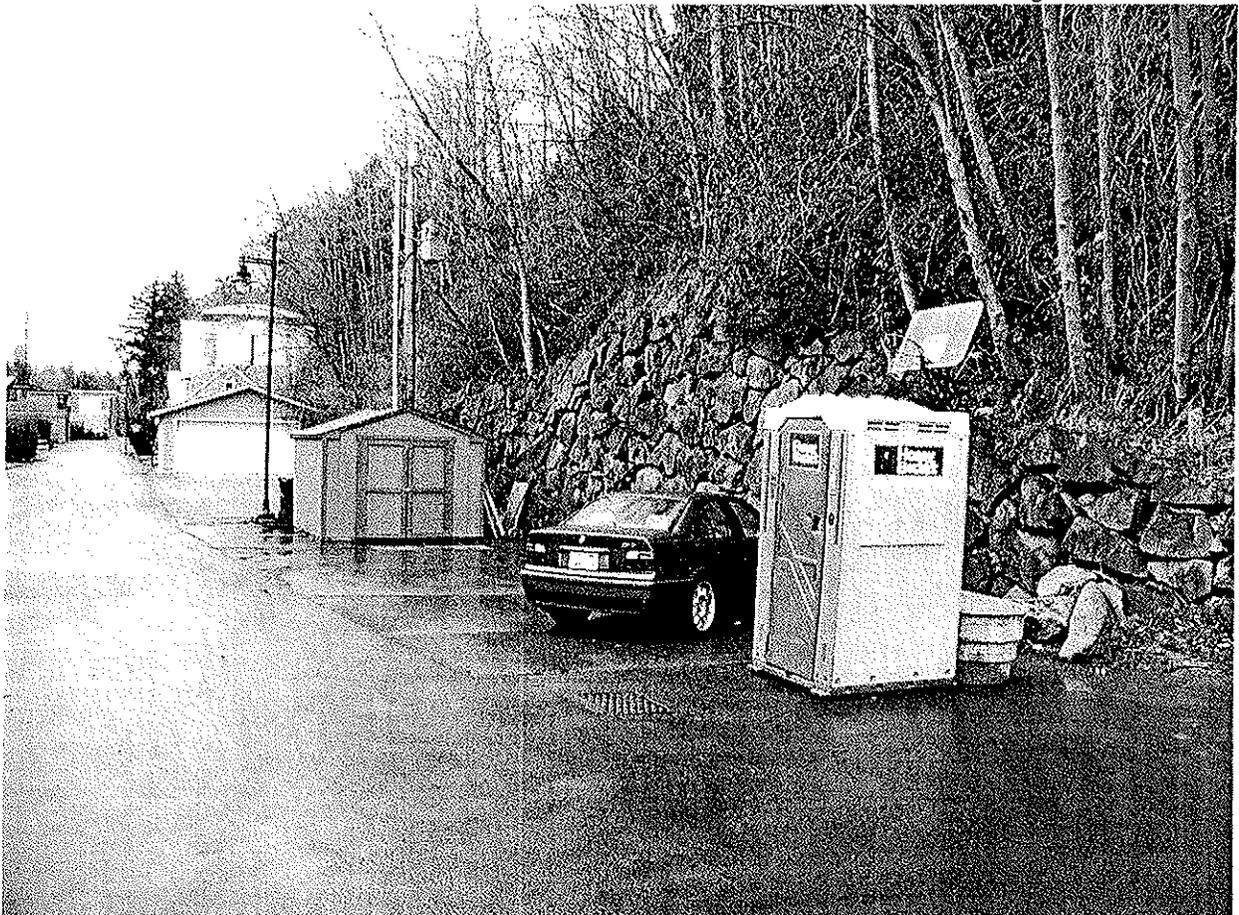
505 5th Avenue West—main residence from 5th Avenue West looking northwest



505 5th Avenue West—parking area from 5th Avenue West looking northeast



509 5th Avenue West—main residence from 5th Avenue West looking northwest



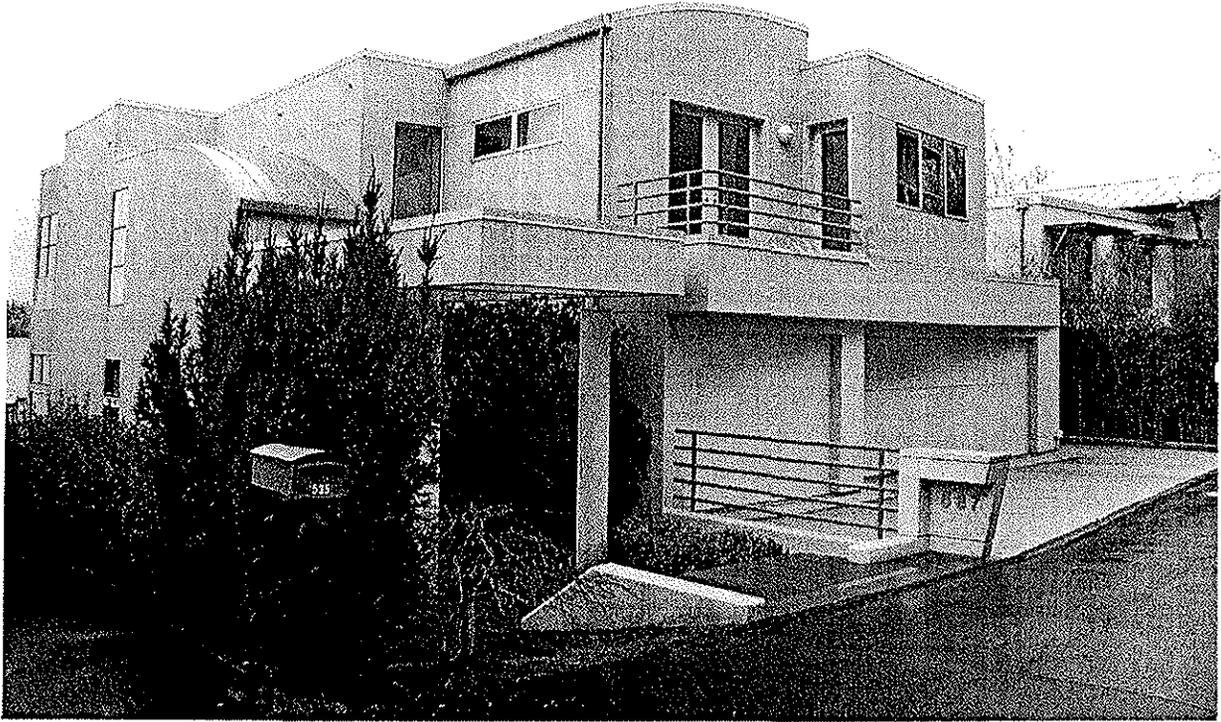
509 5th Avenue West—parking area from 5th Avenue West looking northeast



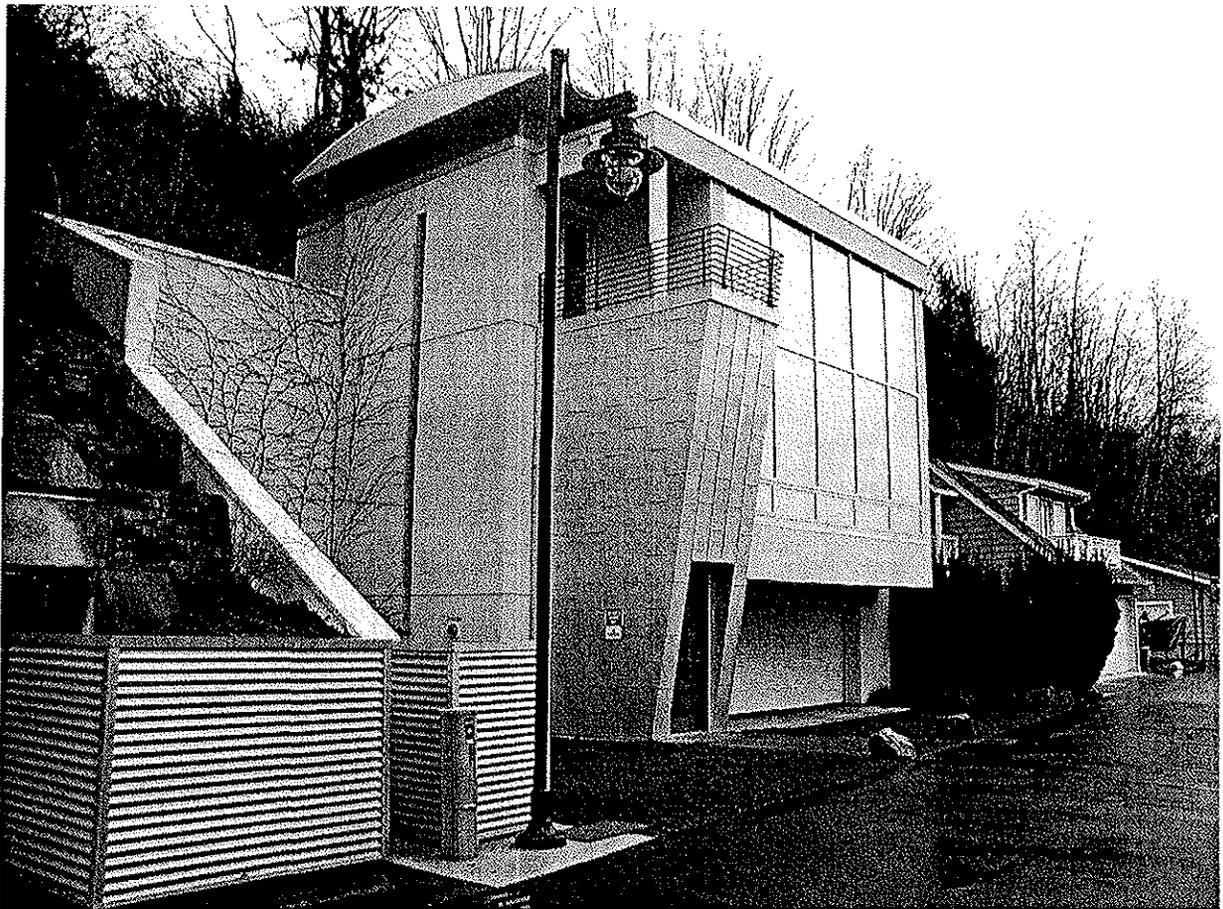
535 5th Avenue West—main residence from 5th Avenue West looking northwest



535 5th Avenue West—ADU from 5th Avenue West looking northeast



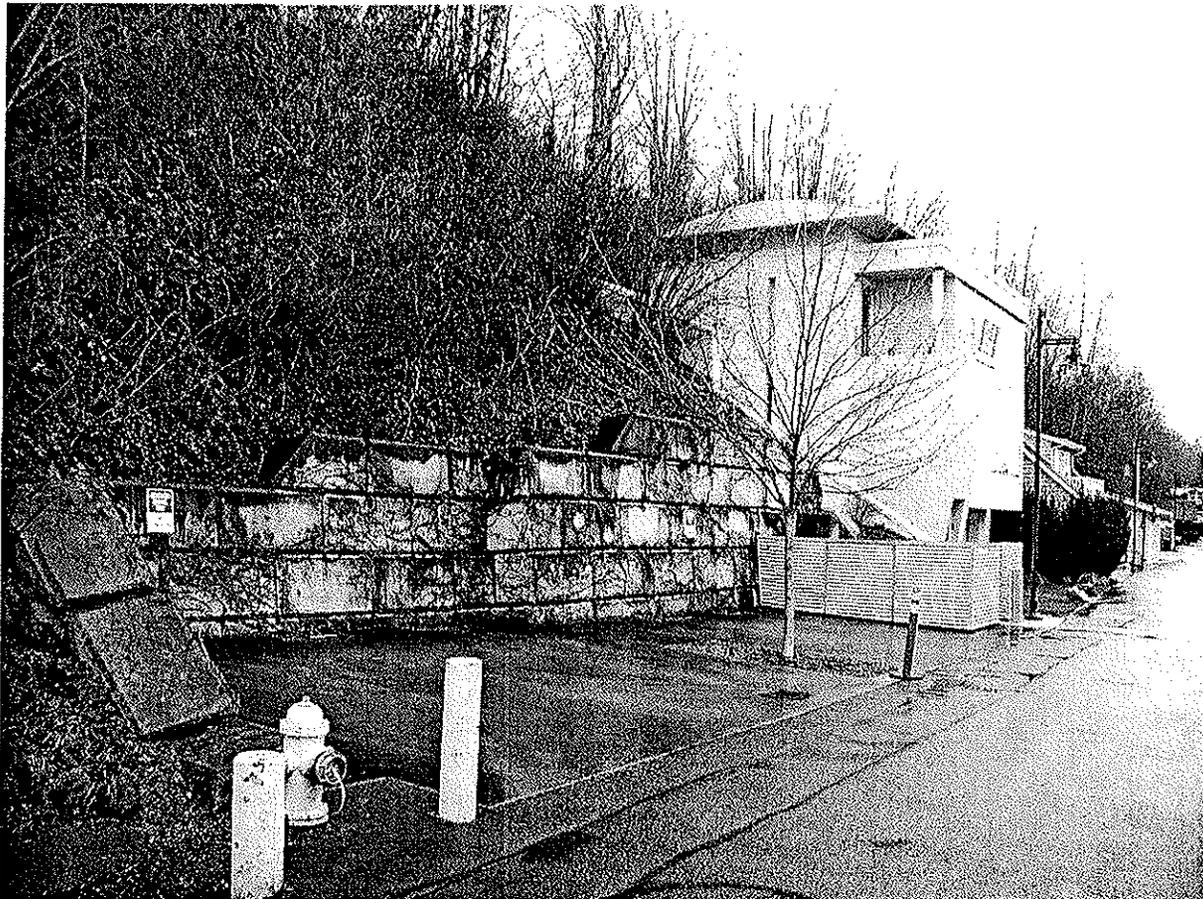
537 5th Avenue West—main residence from 5th Avenue West looking northwest



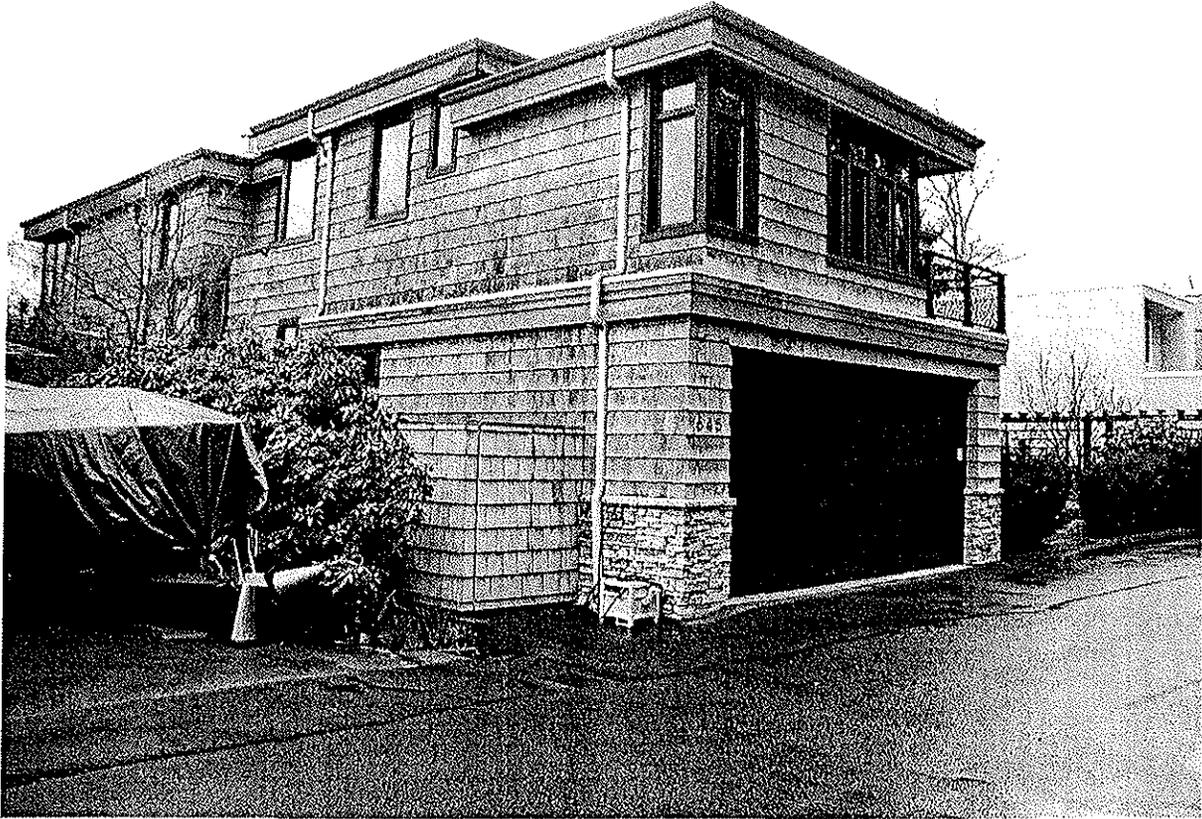
537 5th Avenue West—accessory structure from 5th Avenue West looking southeast



539 5th Avenue West—main residence from 5th Avenue West looking northwest



539 5th Avenue West—parking area from 5th Avenue West looking southeast



545 5th Avenue West—main residence from 5th Avenue West looking northwest



545 5th Avenue West—main residence from 5th Avenue West looking southwest

Vicinity map
Drawings of proposed accessory structure
Project data

CHRISTIAN ACCESSORY STRUCTURE VARIANCE

EXHIBIT 'D'

VICINITY MAP

SITE



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PROJECT DATA

OWNER: Dale and Lisa Christian
437 5th Ave. West
Kirkland, WA 98033

ARCHITECT: Thielsen Architects
720 Market Street, Suite C
Kirkland, WA 98033
(425) 828-0333; fax (425) 828-9376
Contact: Matt Mengert

PROJECT ADDRESS: 437 5th Ave. West
Kirkland, WA 98033

ZONING: WD II

OCCUPANCY: R-3 (Single Family Residence)

CONSTRUCTION TYPE: V-N, 13D Fire sprinkler system at ADU portion

TAX NUMBER: 124810-0065

LEGAL DESCRIPTION: Lot 1, Block 169, Burke & Farrar's Kirkland Addition to the City of Seattle, Division #37, According to the unrecorded plat thereof.

REQUIRED PARKING: 3 spaces

PARKING PROVIDED: 6 existing spaces

FIRE HYDRANT LOCATION: East of 5th Avenue West at south property line

GROSS FLOOR AREA SUMMARY (GFA):

Maximum allowable GFA for accessory structures
1200 sf + 10% of lot area over 7,200 sf
Actual lot area = 12,848.4 sf
 $12,848.4 - 7,200 = 5,648.4 \text{ sf} \times 10\% = 565 \text{ sf}$
Maximum allowable GFA = 1200 + 565 = 1,765 sf
Maximum allowable GFA for Accessory Dwelling Units: 800 sf

Actual GFA:

Garage	599 sf
Parking Area	435 sf (includes west overhang above ADU level)
<u>ADU</u>	<u>692 sf</u>
Total GFA	1,726 sf (1,726 sf < 1765 sf allowable)

Note: no GFA requirement for main residence in WD II Zone.

Covered Deck Area = 157 sf < 200 sf allowable

ALLOWABLE LOT COVERAGE:

50% (Impervious Surfaces)

Lot Area: 12,848.4 sf
Allowable Coverage: $12,848.4 \text{ sf} \times .5 = 6424.2 \text{ sf}$

Actual Lot Coverage:	Existing vehicular easement	1,241 sf
	Existing main residence, driveway, walks & patios	3,824 sf*
	Existing parking area	328 sf
	<u>Proposed accessory structure</u>	<u>1,995 sf</u>
	Total Impervious Surface	6,388 sf

Actual Lot Coverage of 6388 sf < Allowable Lot Coverage of 6,424.2 sf

*10' - 0" width of existing house driveway not included in lot coverage per KZC Section 115.90.2 Exception C.

AVERAGE BUILDING ELEVATION/BUILDING HEIGHT:

Wall	Midpoint Elev.	Wall Length	Total
A	34.0'	24.0'	816.0'
B	33.0'	3.0'	99.0'
C	28.83'	3.2'	92.3'
D	45.0'	27.5'	1,237.5'
E	58.0'	48.4'	2,807.2'
F	38.0'	7.0'	266.0'
G	36.0'	1.5'	54.0'
H	35.0'	4.5'	157.5'
I	34.0'	1.5'	51.0'
J	33.0'	5.0'	165.0'
K	34.0'	21.2'	720.8'
L	36.0'	8.0'	288.0'
Totals		154.8'	6,754.3'

Average Building Elevation: = $6754.3' / 154.8' = 43.6'$

Allowable Building Height:

25' above average building elevations = 68.6'

or 15' maximum above primary residence roof ridge, whichever is less:

Primary residence ridge = $47.9' + 15' = 62.9'$

Actual Building Height = 54.2' < Allowable Building Height of 62.9'

FLOOR ELEVATIONS:

Main Floor (Garage) 29.0'
Upper Floor (ADU) 41.5'