



JOHNS MONROE MITSUNAGA  
PLLC

RECEIVED  
OCT 27 2006

Robert D. Johns Michael P. Monroe Darrell S. Mitsunaga Duana T. Koloušková  
PLANNING DEPARTMENT  
BY \_\_\_\_\_ PM

Ms. Stacy Clauson, Planner  
Planning and Community Development  
City of Kirkland  
123 Fifth Avenue  
Kirkland, WA 98033

October 26, 2006

Re: Request for Variance  
Stephanus Residence, 4611 Lake Washington Blvd. (additional garage parking)

Dear Ms. Clauson:

As you are aware, this office represents Mr. John Stephanus with respect to his variance application to construct a garage addition to his legally established duplex. Thank you again for your time in working with our team on this project in advance of formal application submittal.

This letter accompanies our application for variance from the City's required North property line setbacks to allow for a stacked expansion of the existing garage for the duplex. Our review of the site's physical constraints and surrounding existing neighborhoods reveals the following: (a) the size of this stacked garage is the minimum necessary space to accommodate one to two resident vehicles, (b) the stacked garage is reasonably located, and (c) a variance from the City requirements regarding the north yard setback is both necessary and appropriate.

The variance we propose is set forth in detail on the plans submitted with this variance ("variance plans"). In short, the additional garage space on the upper floor would allow for a total of two average size or sport utility vehicles, i.e. standard passenger vehicles. See, variance plans, Sheet A3. The additional garage space on the lower floor would allow garage space for one passenger vehicle. See, variance plans, Sheet A3.

This variance would ensure safety and functionality for the duplex, preserve the integrity of the existing neighborhood, and avoid any significant impact to adjacent properties and the neighborhood in general, while providing the existing duplex with much-needed appropriate enclosed parking.

ATTACHMENT 12-A  
ZONING CODE 30/51207-0004

*A. Background information and basis for variance request.*

Mr. Stephanus purchased this property and has legally established it as duplex: Mr. Stephanus resides in the upper unit. Each of the two units has its own separate outside entrance and garage. However, the garage for each unit is either so small as to reasonably accommodate only one standard-size passenger vehicle (upper/ street level garage) or involves excessively intricate turning/driving movements to utilize the garage at all (lower/first floor garage).

The majority of homes in the neighborhood have a garage or enclosed area that accommodates two to three standard passenger vehicles per dwelling unit. This variance request would simply allow Mr. Stephanus' duplex to have the same minimum reasonable and useable garage area to park one to two vehicles for each unit. The variance is necessary for each unit in the legally established duplex to have adequate and useable garage parking.

When Mr. Stephanus began the process of designing adequate garage space, the plans originally necessitated four variances from regulations related to pedestrian easement setbacks, view corridors (which would have required a variance from both zoning and shoreline regulations), and the north property-line yard/setback. Mr. Stephanus worked closely with his architect over a period of months, including numerous site visits to physically measure the minimum necessary area to add a single enclosed parking space for a total of two spaces for the upper unit, and a single enclosed additional parking space for a total of one to two spaces for the lower unit.

In addition, Mr. Stephanus reviewed with his architect the viability and utility of constructing the upper garage without a wall separation between the existing garage area and the addition. However, it was clear that removing the wall separation would only remove a matter of inches from the needed variance area, a physically and aesthetically insignificant difference. Removing that wall separation would result in significant expense and additional engineering without obviating the need for variance: the variance request would not change in any significant manner at all were this wall eliminated.

Finally, as the plans reflect, the proposed garage addition is a stacked, two-story addition, that minimizes the incursion into the yard area. However, the stacked nature of the garage would be hidden from Lake Washington Boulevard. The lower garage would be at ground floor, i.e. basement level, and the upper garage would actually be a few feet lower than street level because of the site's topography. *See*, variance plans, Sheet A7.

*B. Setback Requirement and Criteria for Variance Approval.*

The Kirkland Zoning Code (“KZC”) imposes a North Property Line required yard area, i.e. setback, that is the greater of (a) fifteen feet (15’) or (b) 1-1/2 times the height of the primary structure above average building elevation minus ten feet (10’). *KZC §30.35.020*. For this duplex, the required yard area, i.e. setback from the property line, is thirty-four feet and six inches (34’, 6”). This setback is more than double the minimum setback of fifteen feet.

I previously discussed with you the question of whether a variance is necessary at all for the addition of garage space for passenger vehicle parking (as opposed to utility or boat storage, for example). City Code permits outright the use of these yard areas for driveways and parking areas. *KZC §115.115*. You reviewed this issue and determined that, despite the foregoing language, a variance application is necessary for this proposed addition. We are submitting this variance in compliance with your determination. However, we submit this variance ‘under protest’, as is necessary in order to preserve this issue.

Assuming a variance is necessary, the variance criteria are found in *KZC §120.20* and are as follows:

1. The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City as a whole; and
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 preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed; and
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 zoned as the subject property.

*C. The Proposed Variance Complies with the City Code Variance Criteria.*

*i. Special circumstances.*

Generally, a variance is appropriate where special circumstances exist and the variance will not be materially detrimental to the public welfare and surrounding community. In this situation, special circumstances exist because the existing duplex has inadequate

garage, i.e. enclosed, space for the residents' passenger vehicles. The proposed garage addition would allow for a total of two standard passenger or sport utility vehicles to be parked in an enclosed space for the upper unit; and allow for one to two standard passenger or sport utility vehicles to be parked in the lower unit, depending upon the driving/turning movements that the vehicle can accomplish. *See*, Sheets A2 and A3.

Currently, the garage for the upper unit can only accommodate one standard vehicle. *See*, Sheet A3. The garage for the lower unit can also fit one vehicle depending on the turning radius/ability of such vehicle. *See*, Sheet A2.

The maximum benefit of this variance will be to allow two cars in the upper unit and a maximum of two cars for the lower unit, but more likely a single car, eliminating the driving/turning movement problems.

Finally, the existing lot dimensions and duplex make it impossible for garage space to be accommodated anywhere else on the property or in any other more efficient manner. Said differently, the proposed garage addition is located on the only area of the property that allows for a logical location and sufficient area for an enclosed parking space. The topography and dimensions of the lot create a special circumstance: the lot is narrow and slopes downhill toward the lake. As a result, the only feasible location for enclosed parking is in the proposed area. The proposed garage addition would be located on what is really a side-yard, not a front or rear yard. In addition, the proposed garage addition would be contained within an existing retaining wall area. *See*, Sheet A1.

Because the lot is narrow, the original residence was constructed higher than it might otherwise have been. The height of the house directly affected the size of the north yard/setback. *KZC §30.35.020*. However, the addition itself would be one story lower than the existing roof line: the proposed addition is only one story above ground level, versus the two above-ground stories of the existing duplex. *See*, Sheet A7. Therefore, the incursion of a basement and one story stacked garage has far less visual and light impact and would be consistent with the resulting narrower, but still quite large (21'), yard/setback area.

*ii. Not materially detrimental.*

The variance will not be materially detrimental to the property, the surrounding area, or the City as a whole. Even with the addition, the exterior wall of the garage will be set back from the property line by twenty-one feet (21').

Further, the proposed garage addition would be located within an area that is currently already enclosed by a retaining wall resulting from the topography of the site. *See*, Sheet A1. The garage addition would be constructed *inside* of that retaining wall. The proposal to stack the garage addition is, simply, the most efficient manner of providing the parking spaces.

Visually and aesthetically, the proposed addition will not be materially detrimental to either the existing structure/property to the north or to any passers-by on Lake Washington Boulevard.

From the boulevard, the garage addition would appear to be a single story, twelve-foot (12') wide garage. *See*, Sheet A7. The addition would not encroach into the pedestrian easement or setback or the view corridor. In addition, even with the addition, the street-facing façade would not be dominated by the garage in any different manner than a common single family residence or duplex. *See*, Sheet A6.

From the north, the roof-line of the proposed garage addition would be lower than the existing roof-line and would not be any closer to the property line than the existing retaining wall.

Finally, the proposal is consistent with other existing homes and duplexes in the area. We have provided photos of various other existing homes and duplexes with the same or more enclosed parking area per unit, located in some circumstances much closer to a property line than is proposed in this case.

*iii. Will not constitute a grant of special privilege.*

Many, if not most, other single family and duplex homes in the area have garage/enclosed parking for at least two standard passenger vehicles per unit. This variance would simply allow each unit in this duplex to have a minimum reasonable area of enclosed parking for each unit without making any significant alterations to the existing site (again, the addition would be contained within the bounds of the existing retaining wall).

Without this variance, Mr. Stephanus suffers a hardship as to adequate and reasonable enclosed parking for his personal home and for the second, downstairs unit.

In conclusion, a variance is necessary in order to allow for adequate and reasonable enclosed parking for each of the two legally established duplex units. The garage addition has been designed by an experience architect in a manner that would flow with

Ms. Stacy Clauson  
October 26, 2006  
Page 6

the existing house design and minimize/eliminate any negative visual or aesthetic impacts on the surrounding area. Overall, the variance would be a net benefit to the property and a small but positive aesthetic addition to the City.

Based on the foregoing, we respectfully request the City to approve this variance request and allow the garage addition.

Sincerely,



Duana T. Koloušková

*Direct Tel: (425) 467-9966*

*Email: kolouskova@jmmlaw.com*

cc: John Stephanus  
Mark Travers, Travers Architects

*1950-1 Variance request letter 10-24-06*



JOHNS MONROE MITSUNAGA  
P L L C

✦ Robert D. Johns ✦ ✦ Michael P. Monroe ✦ ✦ Darrell S. Mitsunaga ✦ ✦ Duana T. Koloušková ✦

Ms. Stacy Clauson, Planner  
Planning and Community Development  
City of Kirkland  
123 Fifth Avenue  
Kirkland, WA 98033

August 10, 2007

Re: Stephanus Variance Application  
4611 Lake Washington Blvd.

Dear Ms. Clauson:

Thank you for meeting with me last week to discuss the alternative site plan we submitted and the anticipated timeline for moving this application to hearing. As part of that meeting, you were interested in any further comments we might have related to the application, in particular with respect to policies contained in the City's Comprehensive Plan.

While the Comprehensive Plan (the "Plan") does not directly provide development regulations for site specific proposals, the Plan does provide some information on the City's general concerns and priorities for the area. The Plan discusses the Lakeview Neighborhood in some detail, and provides that medium density development south of NE 59<sup>th</sup> Street should be reviewed with certain considerations in mind. We note that the Plan expressly determines that medium density development is appropriate for the area in which the property is located. *Plan*, page XV.A-6. Discussed below are the policies we have identified as relevant and supportive of this variance.

Medium density development should not significantly increase traffic volumes on streets with predominantly single -family development. *Plan*, page XV.A-4, (2). In addition, parking for medium density development should be visually screened from adjacent properties and should not be located within the front yard. *Plan*, page XV.A-4 (5). Preferred methods to buffer parking are landscaping and locating parking below the structure. *Id.*

The proposed variance under either proposed plan is supportive of these policies. First, the addition of truly useable enclosed parking will make long term consistent use of the

Stacy Clauson  
August 10, 2007  
Page 2

duplex much more viable. In this way, the duplex accomplishes true medium density development without adding another access cut or more traffic than already permitted to Lake Washington Boulevard. In no circumstance will the variance result in any additional traffic, let alone significant traffic, to streets fronted predominantly by single-family development.

Second, the additional of useable enclosed parking promotes the policy of visually screening parking from adjacent properties. While both plans screen parking appropriately and remove regular parking from the driveway area in the front of the duplex, the alternative site plan also promotes parking for the duplex below the structure. Again, with either site plan, adequate enclosed parking would be provided, eliminating unscreened parking in the front driveway.

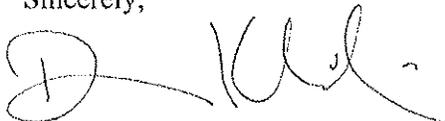
Finally, we would note that this project does not alter or affect the existing duplex consistency with policies (1), (3), or (4).

In addition, we would note that the variance complies with the City's Design Principle prioritizing location of parking in enclosed areas to the side and rear of structures away from the street. *Plan*, page C-6.

Apart from the foregoing, you also had questions related to plan elevations and notes. Our architect, Mark Travers, has provided revised elevations to you directly. In addition, the note "landscaping to be removed" is deleted. Mr. Stephanus never intended for this landscaping to be removed; the note was simply an editing error.

Thank you for your review of this application. Please feel free to contact me with any other information you may need during your review.

Sincerely,



Duana T. Koloušková  
*Direct Tel: (425) 467-9966*  
*Email: kolouskova@jmmlaw.com*

Cc: John Stephanus  
Mark Travers  
*1950-1 ltr to Clauson 8-10-07*

**JOHNS MONROE MITSUNAGA**  
P.L.L.C.