

Summary of Past Variances to North Required Yard

1. In 1977, a variance was approved for a new single family residence along 4541 Lake Washington Blvd (File No. V-77-71). At the time of consideration of the variance, the site was located in the WD I zone, which has the same north required yard provisions as the WD III zone. As part of this approval, the north property line reduced from 27.5 to 10 feet. The subject property was 50 feet in width.
2. In 1988, a variance was approved for a new single family residence at 4625 Lake Washington Blvd (File No. IIA-SV-88-114). The site is located in the WD III zone. As part of this approval, the north required yard was reduced from 20 to 15 feet. The subject property was 50 feet in width.
3. In 1996, a variance was approved for a new single family residence at 6027 Lake Washington Blvd (File No. SV-IIA-96-18). The site was located in the WD I zone, which has the same north required yard provisions as the WD III zone. As part of this approval, the north property line reduced from 35 to 15 feet. Other variances were also approved. The subject property was 50 feet in width and the approved variance allowed the building width to be 30 feet. Key factors that were considered as part of the variance review included the narrowness of the lot, the lack of direct impact to properties across street, which were at a higher elevation, and the existing mass and bulk of development in the surrounding area, which included an overwater structure to north and the Foghorn restaurant to the south).
4. In 1998, a variance was approved for construction of a new triplex at 4605 Lake Washington Blvd (File No. SV-IIA-98-60). The site is located in the WD III zone. As part of this approval, the north required yard was reduced from 35 to 12 feet. Other variances were also approved. The subject property was 50 feet in width and the approved variance allowed the building width to be 32 feet. Key factors that were considered as part of the variance review included narrowness of the lot, steep grade, and location of shared driveway. This approved project has never been constructed.
5. In 1999, a variance was approved for construction of an addition to a single family residence at 4809 Lake Washington Blvd (File No. IIA-99-20). The site is located in the WD III zone. As part of this approval, the north property line was reduced from 29 to 5 feet to allow for modifications to the existing development. Other variances were also approved. The property was 50 feet in width. Key factors that were considered as part of the variance review included narrowness of the lot, location of existing improvements, and removal of other improvements on the site which impacted views and natural light.

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24.05.150 Use regulations—Attached and stacked dwelling units.

(a) General. This section contains regulations pertinent to the development and use of attached and stacked dwelling units. These regulations are founded on the goals and policies established in Part II of this chapter. Please see the chart contained in Section 24.05.110 of this chapter to determine in which shoreline environments attached and stacked dwelling units are permitted.

(b) Permitted Use.

(1) The principal use permitted under this section is as dwelling units that are physically connected or attached to each other.

(2) In addition to the principal use listed above, accessory uses, developments and activities normally associated with residential development and use are also permitted. This chapter contains specific regulations on bulkheads and other shoreline protective structures, moorage facilities, and other uses, developments and activities which may be conducted accessory to the principal use.

(c) Lot Size.

(1) The minimum lot sizes established below are based on the entire area of the subject project landward of the high waterline, not just the portion of the subject property within the jurisdiction of the Shoreline Management Act and this chapter.

(2) Minimum lot size in the Urban Mixed Use 1 Shoreline Environment is seven thousand two hundred square feet of lot area landward of the high waterline, with at least one thousand eight hundred square feet of lot area landward of the high waterline per dwelling unit.

(3) Minimum lot size in the Urban Mixed Use 2 Shoreline Environment is seven thousand two hundred square feet of lot area landward of the high waterline, with at least three thousand six hundred square feet of lot area landward of the high waterline per dwelling unit.

(4) Minimum lot size in the Conservancy 2 Shoreline Environment is thirty-five thousand square feet of lot area landward of the high waterline, with at least thirty-five thousand square feet of lot area landward of the high waterline per dwelling unit.

(5) The minimum lot size for this use in all other shoreline environments where stacked and attached dwelling units are permitted is three thousand six hundred square feet of lot area landward of the high waterline with at least three thousand six hundred square feet of lot area landward of the high waterline per dwelling unit.

(d) Required Yards — Over Water Structures Prohibited. The regulations of this subsection establish the required yards for all buildings and other major structures associated with this use. No building or other major structure may be located within the following required yards:

(1) The required yards in the Urban Mixed Use 1 Shoreline Environment are as follows:

(A) The front property line yard is zero; provided, however, that any portion of a structure that exceeds a height of thirty feet above average grade level must be set back from the front property line one foot for each five feet that portion exceeds thirty feet in height above average grade level.

(B) The high waterline yard is the greater of fifteen feet or fifteen percent of the average parcel depth; provided, however, balconies at least fifteen feet above finished grade may extend up to four feet into the high waterline yard.

(C) The minimum dimension of any required yard other than as listed above is zero.

(2) In the Conservancy 2 Shoreline Environment the required yards are as follows:

(A) The front yard is twenty feet.

(B) The side yard is five feet, but two yards must equal at least fifteen feet.

(C) The rear yard is ten feet.

(D) The high waterline is one hundred feet from Lake Washington, and fifty feet from the canal.

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(3) In all other shoreline environments where stacked and attached dwelling units are permitted, the required yards are as follows:

(A) The front yard for properties lying waterward of Lake Washington Boulevard, Lake Street South, 98th Avenue Northeast, or Juanita Drive is thirty feet; provided, however, that this distance may be reduced one foot for each one foot of this yard that is developed as a public use area if:

(i) Any portion of a structure that is within thirty feet of the front property line is set back from the front property line by a distance greater than or equal to the height of that portion of the structure above the front property line;

(ii) Substantially the entire width of this yard (from north to south property lines) is developed as a public use area; and

(iii) The design of the public use area is specifically approved by the city.

(B) The front yard for properties east of Lake Washington Boulevard, Lake Street South, or 98th Avenue NE is twenty feet.

(C) The high waterline yard is the greater of fifteen feet or fifteen percent of the average parcel depth.

(D) The minimum dimension of any required yard other than as listed above is five feet.

(4) No structure regulated under this section may be located waterward of the high waterline. This chapter contains regulations on bulkheads and other shoreline protective structures, moorage facilities and other components which may be accessory to this use located waterward of the high waterline. In addition, floating homes are not permitted, nor may boats or other water craft be used as dwelling units.

(e) Minimum View Corridor Required. For properties lying waterward of Lake Washington Boulevard, Lake Street South, 98th Avenue NE, or Juanita Drive, a minimum view corridor of thirty percent of the average parcel width must be maintained. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from these rights-of-way to and beyond Lake Washington.

(f) Height.

(1) In the Urban Mixed Use 1 Shoreline Environment, structures may not exceed forty-one feet in height above average grade level.

(2) In the Conservancy 2 Shoreline Environment, structures may not exceed twenty-five feet above average grade level, except that the height of a structure may extend up to sixty feet above average grade if the structure does not exceed a plane that starts 3.5 feet above the outside westbound lane of SR-520 and ends at the high waterline of Lake Washington, excluding the canal, and, pursuant to RCW 90.58.320, an overriding public interest will be served.

(3) In all other shoreline environments where stacked and attached dwelling units are permitted, structures may not exceed thirty feet in height above average grade level; provided, however, the height of a structure may be increased to thirty-five feet above average grade level if the increase does not impair the views of the lake from properties east of Lake Street South and Lake Washington Boulevard. The height of a structure which is part of a mixed use development in the Urban Mixed Use 2 Environment shall be subject to the requirements of Section 24.05.205(e). (Ord. 3153 § 1 (part), 1989; Ord. 2938 § 1 (part), 1986)

Shoreline Master Program Compliance – Kirkland Municipal Code Section 24.05.110 and 24.05.150(Attached and Stacked Dwelling Units)

UR 2Standards	Allowed/Required	Proposed
Use	Attached and Stacked Dwelling Units	Requires Substantial Development Permit review
Process	Process I, Chapter 145 KZC	Pursuant to KZC 145.10 and KMC 24.06.040(b)(1), if the use or activity that requires approval through Process I is part of a proposal that requires additional approval through Process IIA, the entire proposal is reviewed using Process IIA. Proposal is being reviewed through Process IIA.
Lot Size	Three thousand six hundred square feet of lot area landward of the high waterline with at least three thousand six hundred square feet of lot area landward of the high waterline per dwelling unit.	Subject property contains 12,635 square feet landward of the ordinary high water mark, with over 6,300 square feet per dwelling unit.
Over Water Structures Prohibited	Attached or stacked dwelling units not permitted to be located waterward of the high water line	No portion of the attached or stacked dwelling units are proposed waterward of the high waterline
Front Yard	30 feet	30'9"
High Waterline Required Yard	The greater of: 15 feet or 15% of the average parcel depth	15% of average parcel depth, which equals approximately 19 feet, is the greater setback. The building is setback more than 122 feet the ordinary high watermark.
Any Other Required Yard	5 feet	The building is setback more than 5 feet from the north and west property lines. The building is also setback 5 feet from the edge of the access easement crossing the property, as well as five from the edge of the public pedestrian walkway easement established on the property.
Minimum View Corridor	A minimum view corridor of thirty percent of the average parcel width must be maintained. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure	The average parcel width is approximately 63 feet. Although the major portion of the property is 100 feet wide, the property contains a narrower stem that connects to the shoreline, reducing the average parcel width. Based on this average parcel width, the view corridor would be approximately 18.9 feet. The proposed additions would not be located

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	the view from these rights-of-way to and beyond Lake Washington.	within the view corridor.
Building Height	Structures may not exceed thirty feet in height above average grade level; provided, however, the height of a structure may be increased to thirty-five feet above average grade level if the increase does not impair the views of the lake from properties east of Lake Street South and Lake Washington Boulevard.	Proposal shows height of less than 30 feet above ABE.

