

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.

Below is a screenshot of the subject property taken off of King County's Parcel Viewer with the subject property highlighted in yellow. As you can see, the property is triangular shaped, unlike any other parcel in the vicinity. In addition, there is a significant amount of unpaved right-of-way between the northern boundary of the subject property and the paved portion of Kirkland Way. In addition to that, the property borders 9<sup>th</sup> St. to the Southeast, however there is no development across 9<sup>th</sup> St. from the subject property – rather, it is the right of way for the Cross Kirkland Corridor Trail, in close proximity to one of the trail's Primary Trailheads, which appears in the lower left corner of the screenshot:



We believe that the Kirkland Way Setback Variance more than satisfies the criteria of KMC 120.20:

The Variance shall not be Materially Detrimental (KMC 120.20(1)): Within this area, Mr. Smith's arborist Favero Greenforest has identified nine regulated trees that will remain untouched. In addition, the project's landscaping plan proposes three black maples in the area between the right of way and the property, nine 2-gallon golden prince euonymus and nine 1-gallon heptata faaseni catmint plantings, with heavenly blue and fescue ground cover in this area. A fence will also be constructed on the boundary. In combination, this will represent an improvement of the streetscape versus what exists today, the only distinction being that the structure is ten feet closer to the property boundary. However, that will be more than offset by the plantings and the fence.

The Variance is Necessary because of Special Circumstances (KMC 120.20(2)): As can clearly be seen, this property is unlike any other in the vicinity due to its triangular shape, which operates to pinch the eastern portion of the property artificially. In addition, the triangular shape of the property means that it has two front property lines as defined in the Kirkland Municipal Code. If the property were square or rectangular in shape, the structure could easily be set back further from Kirkland Way, however the presence and orientation of 9<sup>th</sup> St. makes this impossible. The variance is therefore necessary because of special circumstances related to the triangular shape of the property.

The Variance will not constitute a grant of special privilege (KMC 120.20(3)): Because of the property's unique shape in comparison to the other properties in the vicinity, it is impossible to consider the Kirkland Way setback variance to be a grant of a special privilege inconsistent with the general rights that this code allows to other property in the same area. We would note that similar variances were granted to the Market Street Dental Clinic on January 30, 2020, under VAR18-0070.

**The Driveway Modification:** We also respectfully request a driveway modification as shown in the project drawings under Kirkland Zoning Code Section 115.115.5(A)(3), which states as follows:

The Planning Official may approve a modification to the driveway and/or setback requirements in subsection (5)(a)(1) of this section if:

- a) The Public Works Department requires an on-site vehicular turnaround adjacent to the driveway, which must be the minimum necessary dimension as determined by the Public Works Department; or