

A. ADMINISTRATIVE REPORT & DECISION

DECISION: APPROVED APPROVED SUBJECT TO CONDITIONS DENIED

REPORT DATE: July 20, 2017

Project Name: Burnett Ave Corner Lot Variance

Owner: Marta Bloss; 3302 Burnett Ave N, Renton, WA 98056

Applicant/Contact: Tatiana Gershanovich, Sound Housing; 800 5th Ave Suite 101-500, Seattle, WA 98104

File Number: LUA17-000357, V-A

Project Manager: Angelea Weihs, Associate Planner

Project Summary: The applicant is requesting approval of a corner lot width variance for an existing underlying parcel (APN 3342102005) located at 3302 Burnett Ave N, in order to segregate two underlying parcels (nos. 3342102005 and 3342102010) into two legal lots. The two parcels are within the Residential – 8 (R-8) Zone and are 5,102 square feet (APN 3342102005) and 5,608 square feet (APN 3342102010). In 1948, a single family home was built over the shared lot line, resulting in a lot combination. Per Code Interpretation CI-116, amendments have been made to allow for the segregation of lots where structures had been constructed over the lot line, provided that the underlying lots comply with the minimum lot size, width, and depth requirements at the time of segregation, and the structure over the lot line has been removed. The underlying parcel number 3342102005 does not comply with the required minimum corner lot width of 60 feet. The existing lot width is 50 feet, rather than the required 60 feet; therefore, the applicant is requesting approval of a 50 foot corner lot width variance from RMC 4-2-110A, where a 60 foot corner lot width is required, so that the parcel will comply with current development standards and the two lots can be segregated in compliance with the new code interpretation. The existing single family home is proposed for removal. No critical areas are mapped on the project site.

Project Location: 3302 Burnett Ave N

Site Area: 5,102 SF



Project Location Map

B. EXHIBITS:

- Exhibit 1: Staff Report
- Exhibit 2: Site Plan
- Exhibit 3: Project Narrative
- Exhibit 4: Variance Justification
- Exhibit 5: Neighborhood Detail Map
- Exhibit 6: Advisory Notes

C. GENERAL INFORMATION:

- 1. **Owner(s) of Record:** Marta Bloss
3302 Burnett Ave N
Renton, WA 98056
- 2. **Zoning Classification:** Residential – 8 (R-8)
- 3. **Comprehensive Plan Land Use Designation:** Residential Medium Density
- 4. **Existing Site Use:** Single Family Residence
- 5. **Critical Areas:** No critical areas are mapped on site.
- 6. **Neighborhood Characteristics:**
 - a. **North:** Single Family, Residential – 8 (R-8)
 - b. **East:** Single Family, Residential – 8 (R-8)
 - c. **South:** Single Family, Residential – 8 (R-8)
 - d. **West:** Single Family, Residential – 8 (R-8)
- 6. **Site Area:** 5,102 SF

D. HISTORICAL/BACKGROUND:

<u>Action</u>	<u>Land Use File No.</u>	<u>Ordinance No.</u>	<u>Date</u>
Comprehensive Plan	N/A	5758	06/22/2015
Zoning	N/A	5758	06/22/2015
Annexation	N/A	2531	12/31/1969

E. PUBLIC SERVICES:

- 1. **Existing Utilities:** Water and sewer service is provided by the City of Renton. There is an existing 8-inch water main in N 33rd Place and an existing 8-inch water main in Burnett Ave N. There is an existing 8-inch sewer main at 33rd Place.

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2. **Streets:** Existing access for both the underlying lots is via a residential driveway from N 33rd Place, which is a public street.
3. **Fire Protection:** Renton Fire Authority

F. APPLICABLE SECTIONS OF THE RENTON MUNICIPAL CODE:

1. **Chapter 2 Land Use Districts**
 - a. Section 4-2-020: Purpose and Intent of Zoning Districts
 - b. Section 4-2-070: Zoning Use Table
 - c. Section 4-2-110A: Development Standards for Residential Zoning Designations (Primary and Attached Accessory Structures)
2. **Chapter 4 Property Development Standards**
3. **Chapter 6 Streets and Utility Standards**
 - a. Section 4-6-060: Street Standards
4. **Chapter 9 Permits - Specific**
 - a. Section 4-9-250: Variances, Waivers, Modifications, And Alternates
5. **Chapter 11 Definitions**

G. APPLICABLE SECTIONS OF THE COMPREHENSIVE PLAN:

1. Land Use Element

H. FINDINGS OF FACT (FOF):

1. The Planning Division of the City of Renton accepted the above master application for review on June 5th, 2017, and determined the application complete on June 9th, 2017. The project complies with the 120-day review period.
2. The project site is located at 3302 Burnett Ave N.
3. The underlying lots were legally created in 1904 within King County's Jurisdiction before the area was annexed into City of Renton via Ordinance #2531 on December 31, 1969. In 1948, a single family home was built over the shared lot line, resulting in a lot combination.
4. The project site is currently developed with an existing, single family home proposed for removal.
5. Access to both lots is proposed via a new alley to the south of the lots.
6. The property is located within the Residential Medium Density Comprehensive Plan land use designation.
7. The site is located within the Residential – 8 (R-8) zoning classification.
8. Notice of the requested variance was mailed to surrounding property owners and posted in the vicinity of the property. No public comments or agency comments were received.
9. Representatives from various city departments have reviewed the application materials to identify and address issues raised by the proposed development. These comments are contained in the official file, and the essence of the comments has been incorporated into the appropriate sections of this report and the Departmental Recommendation at the end of this report.
10. **Comprehensive Plan Compliance:** The site is designated Medium Density (MD) on the City's Comprehensive Plan Map. The purpose of the MD designation is to allow a variety of single-family and

multi-family development types, with continuity created through the application of design guidelines, the organization of roadways, sidewalks, public spaces, and the placement of community gathering places and civic amenities. The proposal is compliant with the following Comprehensive Plan Goals and Policies if all conditions of approval are met:

Compliance	Comprehensive Plan Analysis
✓	Policy L-3: Encourage infill development of single-family units as a means to meet growth targets and provide new housing.
✓	Goal L-H: Plan for high-quality residential growth that supports transit by providing urban densities, promotes efficient land utilization, promotes good health and physical activity, builds social connections, and creates stable neighborhoods by incorporating both built amenities and natural features.
✓	Goal L-I: Utilize multiple strategies to accommodate residential growth, including: <ul style="list-style-type: none"> • Development of new single-family neighborhoods on large tracts of land outside the City Center, • Development of new multi-family and mixed-use in the City Center and in the Residential High Density and Commercial Mixed Use designations, and • Infill development on vacant and underutilized land in established neighborhoods and multi-family areas.
✓	Policy L-49: Address privacy and quality of life for existing residents by considering scale and context in infill project design.

11. **Variance Analysis:** The applicant is requesting approval of a 50 foot corner lot width variance from RMC 4-2-110A, where a 60 foot corner lot width is required, so that the parcel will comply with current development standards and the two lots can be segregated in compliance with Code Interpretation CI-116. The proposal is compliant with the following variance criteria, pursuant to RMC 4-9-250. Therefore, staff recommends approval of the requested Variance.

Compliance	Variance Criteria and Analysis
✓	<p>That the applicant suffers practical difficulties and unnecessary hardship and the variance is necessary because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings of the subject property, and the strict application of the Zoning Code is found to deprive subject property owner of rights and privileges enjoyed by other property owners in the vicinity and under identical zone classification.</p> <p><u>Staff Comment:</u></p> <p><i>The City of Renton currently has several R-8 zoned lots, under common ownership, throughout the City where structures have been constructed over lot lines. Structures are not permitted to be constructed over a lot line and any structure constructed over a lot line would not comply with the setback requirements of the zone. In addition, the construction of a structure over a lot line results in the lot functioning as a single lot or one lot as opposed to two. The property located at 3302 Burnett Ave N has two underlying parcels (nos. 3342102005 and 3342102010). In 1948, a single family home was built over the shared lot line, resulting in a lot combination. Pursuant to Code Interpretation CI-116 allows for the segregation of lots where structures have</i></p>

	<p><i>been constructed over the lot line, provided that the underlying lots comply with the minimum lot size, width, and depth requirements of the zone. Underlying parcel number 3342102005 does not comply with the required minimum corner lot width of 60 feet, but does comply with the other development standards of the zone. The applicant is requesting a corner lot width variance for the 50 foot wide underlying parcel so that the parcel will comply with development standards and the two lots can be segregated in compliance with the new code interpretation. Several corner lots within two blocks of this project are approximately 50 feet in width, and are below the minimum corner lot width requirement of the zone, including: 901 N 33rd ST, 1215 N 33rd PL, 3303 Park Ave N, 3310 Burnett Ave N, 1228 N 32nd ST, 1213 N 35th ST, and 900 N 34th ST.</i></p> <p><i>Staff has reviewed the variance request and concludes that, while the size, shape, topography, location and surroundings of the subject property do not prevent the strict application of the Code, special circumstances exist on the project site, which prevent the applicant from enjoying the same rights and privileges enjoyed by other property owners in the vicinity. Both underlying lots (nos. 3342102005 and 3342102010) meet the lot size and density requirement for the R-8 zone, and exceed lot depth requirements. The underlying lots could be segregated and developed if the underlying corner lot complied with the minimum corner lot width requirements of the zone. Therefore, the strict application of the code prevents the applicant from developing on an otherwise buildable underlying lot which was legally created in 1904 within King County Jurisdiction, and which is comparable in size and dimension to other corner lots in the Kenneydale community.</i></p>
<p>✓</p>	<p>That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated.</p> <p><u>Staff Comment:</u></p> <p><i>The applicant contends that the proposed variance to the corner lot width requirements would not be materially detrimental to the public welfare or injurious to the properties in the vicinity. If the variance is granted, additional new single family residence can be erected which will benefit the city and the local community by providing off-site improvements that will create better accessibility and curb appeal. In addition, segregation of these underlying lots will encourage infill development of single-family units as a means to meet growth targets and provide new housing.</i></p> <p><i>Staff concurs with the applicant that the proposal would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone. Development of this site will create more opportunities for new housing and public right-of-way improvements. Furthermore, there are numerous homes in the neighborhood located at corners that have been constructed on 50 ft. wide lots.</i></p>
<p>✓</p>	<p>That approval shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is situated.</p> <p><u>Staff Comment:</u></p>

	<p><i>As previously discussed above, the applicant contends that the proposed variance from RMC 4-2-110A to the corner lot width requirements would not be a special privilege inconsistent with other properties in the vicinity, as other developed corner lots in the vicinity of the project site have similar lot sizes and dimensions. These underlying lots and the surrounding lots in the neighborhood were legally created in 1904 within King County Jurisdiction, before the area was annexed into the City of Renton via Ordinance #2531 on December 31, 1969. Many other existing corner lots in the area were created per the applicable King County Zoning and are also considered to be nonconforming in regards to lot width requirements.</i></p> <p><i>Staff concurs that the requested variance would not be a special privilege inconsistent with other properties in the vicinity, as the current lot dimensions are consistent with the surrounding neighborhood. Based on the analysis provided above under a. and b., staff believes that approval of a reduced corner lot width to 50 feet would not constitute a grant of special privilege inconsistent with the limitation upon use of other properties in the vicinity.</i></p>
<p>Compliant if condition of approval is met</p>	<p>That approval is a minimum variance that will accomplish the desired purpose.</p> <p><u>Staff Comment:</u></p> <p><i>The applicant contends that the requested corner lot width variance is the minimum needed to accomplish the desired purpose. Approval of this variance would allow the owners to segregate the property into two legal lots for the future construction of two single family homes, provided the existing single family home over the shared property line is demolished. Staff recommends as a condition of approval that the existing single family home be removed in order to be consistent with the definitions of "lot, legal" and "lot combination" per Code Interpretation CI-116.</i></p> <p><i>Staff have reviewed the request and agrees that the corner lot width variance from RMC 4-2-110A is the minimum variance necessary to allow for the segregation of the underlying lots following demolition of the existing single family home. Therefore, staff supports the variance from RMC 4-2-110A for a 50 foot corner lot width for the subject site in the R-8 zone.</i></p>

I. CONCLUSIONS:

1. The subject site is located at 3302 Burnett Ave N. The site is within the Residential – 8 (R-8) zoning classification.
2. The applicant is requesting approval of a 50 foot corner lot width variance from RMC 4-2-110A, where a 60 foot corner lot width is required, so that the parcel would comply with current development standards and the two lots can be segregated in compliance with Code Interpretation CI-116.
3. The analysis of the proposal was evaluated according to variance criteria and is found in the body of the Staff Report. The project would comply with all four variance criteria.

J. DECISION:

The Burnett Ave Corner Lot Variance, File No. LUA17-000357, as depicted in Exhibit 2, is therefore approved and is subject to the following condition:

1. *A demolition permit shall be applied for and final inspection completed for the existing single family home, and the applicant shall request and receive legal lot determination from the city, prior to variance expiration.*

DATE OF DECISION ON LAND USE ACTION:

SIGNATURE:



Jennifer Henning, Planning Director

7-20-17
Date

TRANSMITTED this 20th day of July, 2017 to the Owner/Applicant/Contact:

Owner:

Marta Bloss
3302 Burnett Ave N
Renton, WA 98056

Applicant/Contact:

Tatiana Gershanovich, Sound Housing
800 5th Ave Suite 101-500
Seattle, WA 98104

TRANSMITTED this 20th day of July, 2017 to the Parties of Record:

Milutin Marich

1910 Canyon Close Rd
Pasadena, CA 91107

Feui Saeteurn

PO BOX 78508
Seattle, WA 98178

TRANSMITTED this 20th day of July, 2017 to the following:

Chip Vincent, CED Administrator
Brienne Bannwarth, Development Engineering Manager
Lillian Watson, Property Services
Vanessa Dolbee, Current Planning Manager
Clark Close, Senior Planner
Fire Marshal

K. LAND USE ACTION APPEALS, REQUEST FOR RECONSIDERATION, & EXPIRATION:

The administrative land use decision will become final if the decision is not appealed within 14 days of the decision date.

APPEAL: This administrative land use decision will become final if not appealed in writing to the Hearing Examiner on or before 5:00 PM on August 3, 2017. An appeal of the decision must be filed within the 14-day appeal period (RCW 43.21.C.075(3); WAC 197-11-680), together with the required fee to the Hearing Examiner, City of Renton, 1055 South Grady Way, Renton, WA 98057. RMC 4-8-110.B governs appeals to the

Hearing Examiner and additional information regarding the appeal process may be obtained from the City Clerk's Office, (425) 430-6510.

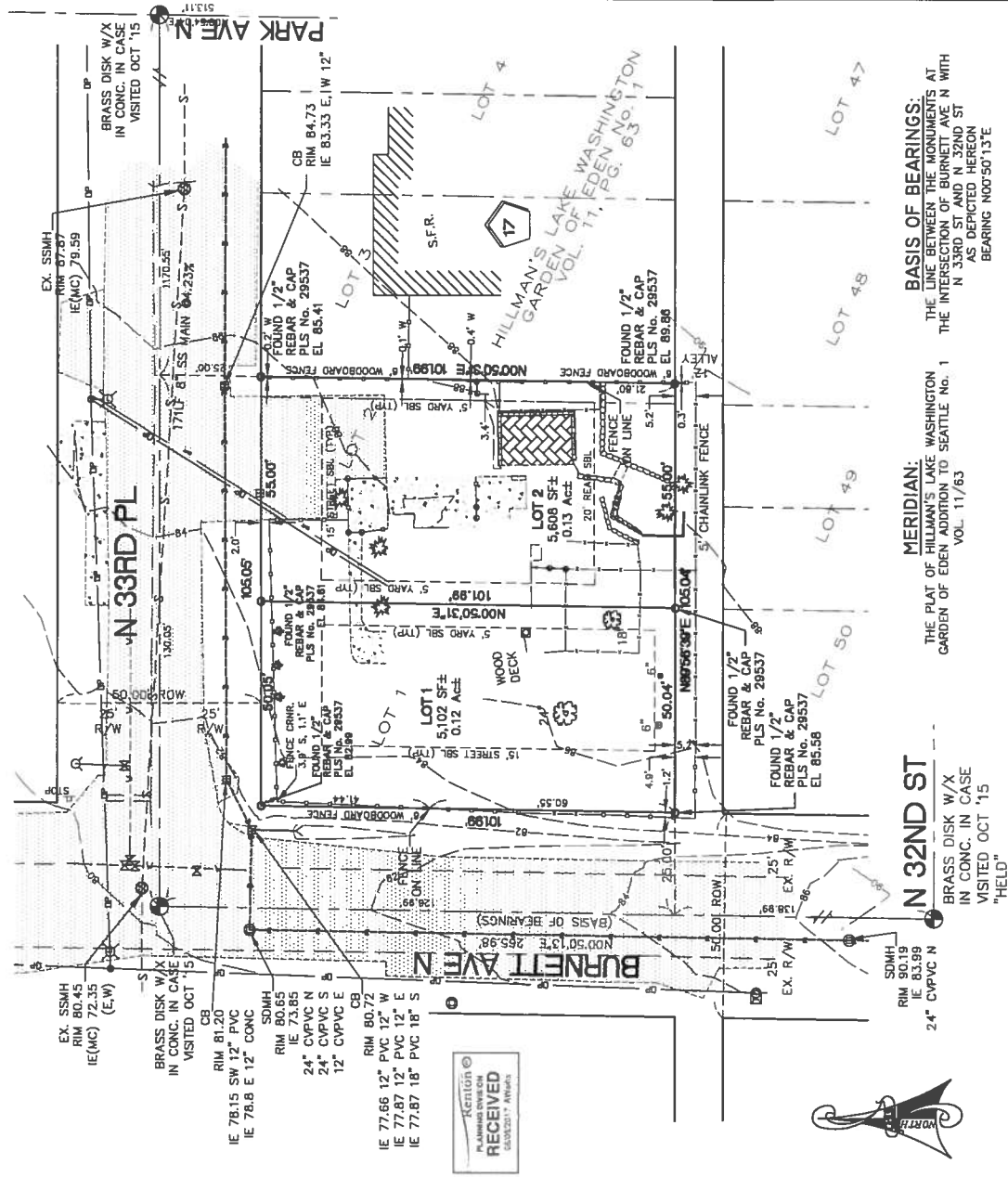
EXPIRATION: The Variance decision will expire two (2) years from the date of decision. A single one (1) year extension may be requested pursuant to RMC 4-9-250.

RECONSIDERATION: Within 14 days of the decision date, any party may request that the decision be reopened by the approval body. The approval body may modify his decision if material evidence not readily discoverable prior to the original decision is found or if he finds there was misrepresentation of fact. After review of the reconsideration request, if the approval body finds sufficient evidence to amend the original decision, there will be no further extension of the appeal period. Any person wishing to take further action must file a formal appeal within the 14-day appeal time frame.

THE APPEARANCE OF FAIRNESS DOCTRINE: Provides that no ex parte (private one-on-one) communications may occur concerning the land use decision. The Doctrine applies not only to the initial decision, but to Appeals to the Hearing Examiner as well. All communications after the decision/approval date must be made in writing through the Hearing Examiner. All communications are public record and this permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence in writing. Any violation of this doctrine could result in the invalidation of the appeal by the Court.

LEGEND

- SANITARY SEWER MANHOLE
- UNDERGROUND SEWER MAIN
- STORM DRAIN MANHOLE
- STORM DRAIN CATCH BASIN
- UNDERGROUND STORM MAIN
- EX. CULVERT
- FIRE HYDRANT
- WATER METER
- WATER VALVE
- GAS METER
- GAS VALVE
- POWER METER
- POWER JUNCTION BOX
- CABLE TV RISER
- UTILITY POLE ANCHOR
- UTILITY POLE
- UTILITY POLE AND TRANSFORMER
- DROP LINE AND TRANSFORMER
- POWER POLE WITH DROP
- POWER POLE WITH DROP & LIGHT
- OVERHEAD POWER
- EXISTING SIGN
- TELEPHONE RISER
- MAIL BOX
- GATE POLE
- CHAIN LINK FENCE (CLF)
- WOOD BOARD FENCE (WDF)
- WOOD RETAINING WALL
- ROCKERY
- PAVEMENT
- GRAVEL
- CONCRETE
- DECIDUOUS TREE
- SHRUBS



GEODETIC SURVEYING SERVICES
 P.O. BOX 133
 MUKILTID, WA 98275-0133
 PHONE: (425) 299-1739

SITE ADDRESS:
 5908 BURNETT AVE N
 RENTON WA 98066

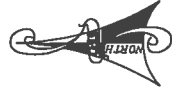
SOUND HOUSING
 800 6th Ave Suite 101-800
 Seattle WA 98104
 Ph: (425) 518 8978

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EXHIBIT 2

MERIDIAN:
 THE PLAT OF HILLMAN'S LAKE, WASHINGTON
 GARDEN OF EDEN ADDITION TO SEATTLE No. 1
 VOL. 11/63

BASIS OF BEARINGS:
 THE LINE BETWEEN THE MONUMENTS AT
 THE INTERSECTION OF BURNETT AVE N WITH
 N 33RD ST AND N 32ND ST
 AS DEPICTED HERON
 BEARING N00°50'13"E





Project Narrative

Project Name: Burnett Ave Corner Lot Variance

Project Size and location: 5,102 sq ft lot, Tax parcel 3342102005, located at the southeast corner of the intersection of Burnett Avenue North and North 33rd Place

Land Use Permits Required - Variance, Building Permit

Zoning Designation of the Site and Adjacent Properties - Residential-8 (R-8) Zone; nearby properties are also zoned R-8

Current Use of the Site - One 2,100 sq ft SFR is partially located on this site

Special Site Features - None

Soil Type and Drainage Conditions - Indianola Loamy Sand InC per the NRCS Web Soil Survey. The site currently drains to the piped storm drainage system in Burnett Avenue North and will continue to do so.

Proposed Use of the Property and Scope of Proposed Development – Establish this lot as a buildable lot. The existing house will be demolished.

Access - Access will be from the alley on the south side of the lot.

Proposed Off-Site Improvements – None

Total Estimated Construction Cost - \$0

Estimated Quantities and Type of Materials Involved - None

Number, Type and Size of Trees to be Removed – None

Any land to be dedicated to the City - None

Any proposed job shack, sales trailer or model homes - None

Any Proposed Modifications Being Requested – Variance for minimum lot width is being requested.

The City of Renton currently has several lots, under common ownership, throughout the City where structures have been constructed over lot lines. Structures are not permitted to be constructed over lot line and any structure constructed over a lot line would not comply with setback requirements. In addition, the construction of a structure over a lot line results in lots functioning as a single lot or one lot as opposed to two or more underlying lots.

The property located at 3302 Burnett Ave N has two underlying parcels (nos. 3342102005 and 3342102010). In 1948, a single family home was built over the shared lot line, resulting in a lot combination.

Per a recent Code Interpretation CI-116, amendments have been made to allow for the segregation of lots where structures had been constructed over the lot line, provided that the underlying lots comply with the minimum lot size, width, and depth requirements at the time of segregation. The underlying parcel number 3342102005 does not comply with the required minimum corner lot width of 60 feet. The existing lot width is 50 feet, rather than the required 60 feet; therefore, the applicant is requesting a corner lot width variance so that the parcel will comply with development standards and the two lots can be segregated in compliance with the new code interpretation.



Variance Request Justification

Project Name: Burnett Ave Corner Lot Variance

The City of Renton currently has several lots, under common ownership, throughout the City where structures have been constructed over lot lines. Structures are not permitted to be constructed over lot line and any structure constructed over a lot line would not comply with setback requirements. In addition, the construction of a structure over a lot line results in lots functioning as a single lot or one lot as opposed to two or more underlying lots.

The property located at 3302 Burnett Ave N has two underlying parcels (nos. 3342102005 and 3342102010). In 1948, a single family home was built over the shared lot line, resulting in a lot combination.

Per a recent Code Interpretation CI-116, amendments have been made to allow for the segregation of lots where structures had been constructed over the lot line, provided that the underlying lots comply with the minimum lot size, width, and depth requirements at the time of segregation. The underlying parcel number 3342102005 does not comply with the required minimum corner lot width of 60 feet. The existing lot width is 50 feet, rather than the required 60 feet; therefore, the applicant is requesting a corner lot width variance so that the parcel will comply with development standards and the two lots can be segregated in compliance with the new code interpretation.

If granted, the variance won't be materially detrimental to the public welfare or injurious to the properties in the vicinity. If the variance is granted, additional new single family residence can be erected which will benefit the city and the local community by increasing assessed values of the surrounding properties, increasing the number of tax payers as well as providing off-site improvements that will create better accessibility and curb appeal. This lot is also substantially in conformance with the intent of the zoning.

Approval of the variance won't impact the other property owners and will not set a precedent for unusual treatment.

The approval of the minimum lot width variance is the minimum variance that will allow to segregate two lots in compliance with the new code interpretation.

Neighborhood Map

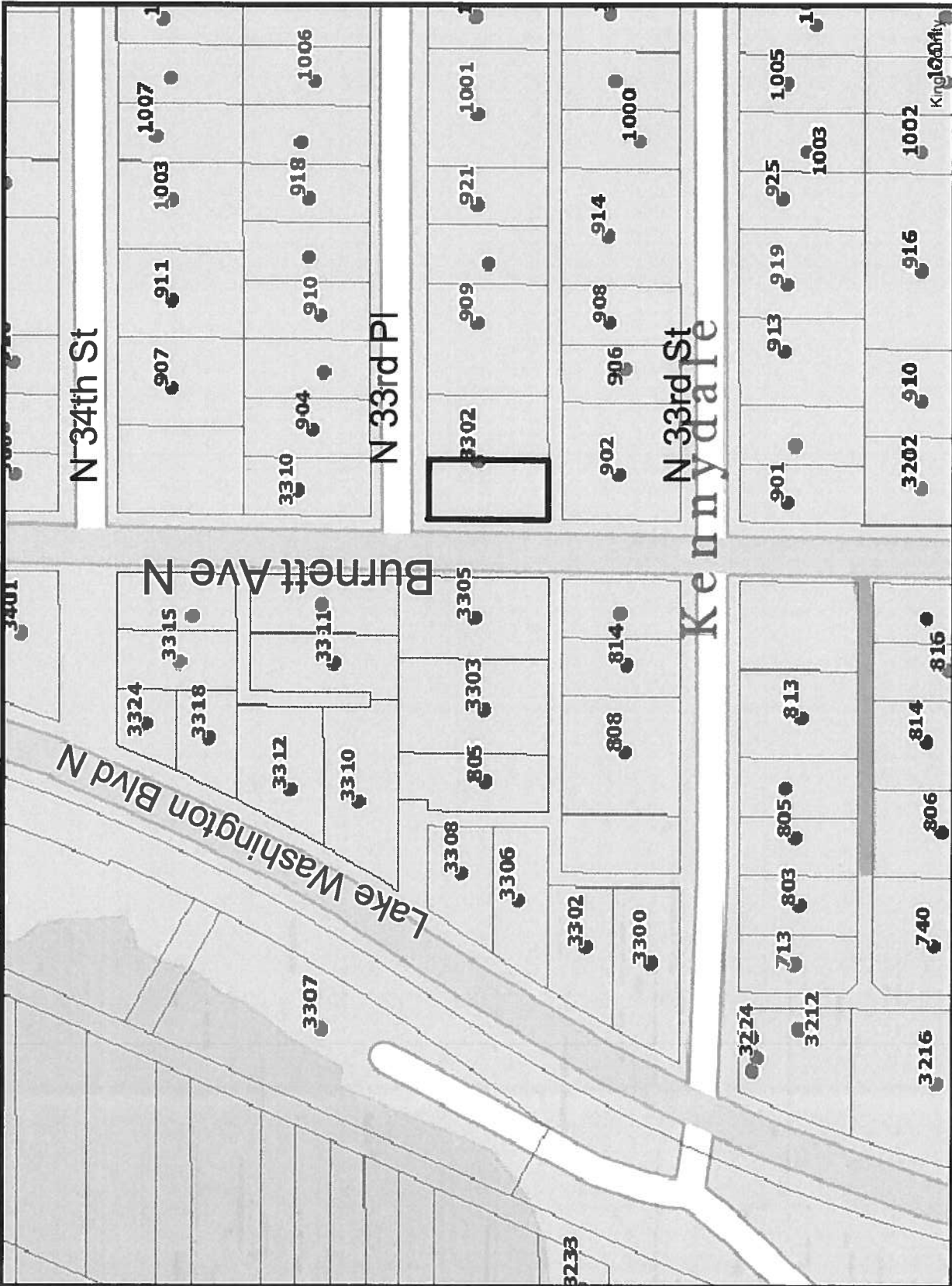
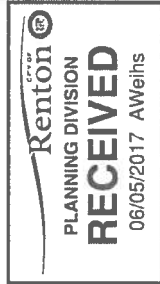
Legend



Parcels



Scale : 1" = 100'



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Notes:

Date: 12/14/2016



BURNETT AVE CORNER LOT VARIANCE_RED LINES_V1

PARKS IMPACT FEE PER ORDINANCE 5824 APPLIES (1)

ATCH BASIN
STORM MAIN

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Status:
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Author: lbetlach
Date: 6/16/2017 9:44:14 AM
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PARKS IMPACT FEE PER ORDINANCE 5824
APPLIES

EXHIBIT 6

Conditions for Plan LUA17-000357

Not Satisfied

ENG - Engineering Condition

A drainage report complying with the current Renton Surface Water Manual (RSWM) will be required. Based on the City's flow control map, the site falls within the Peak Rate Flow Control Standard area matching Existing Site Conditions. Refer to Figure 1.1.2.A – Flow chart to determine the type of drainage review required in the RSWM. System Development Fees for surface water will be assessed at building permit issuance.

Comments:

System Development Fees for the new water service will be assessed at building permit issuance.

Comments:

Right-of-way dedication and street frontage improvements will be required and will be assessed as part of the single family building permits.

Comments:

The existing brick/concrete sewer stub serving the existing home must be replaced with PVC from the 8-inch main sewer located at N 33RD Place as part of the building construction. A separate cut and cap permit will be required with the demolition of the existing home. A new PVC sewer stub from 8-inch sewer main at N 33RD Place will be required for each new lot. Separate side sewer permits will be required for each new home. System Development Fees for the new sewer service will be assessed at building permit issuance.

Comments: