

R.W. THORPE & ASSOCIATES, INC.

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❖ Planning | Landscape Architecture | Project Management | Environmental | Economics ❖

PRINCIPALS:

Robert W. Thorpe, AICP, President

ASSOCIATES:

Lee A. Michaelis, AICP, Senior Associate

Lindsay Diallo, RLA, Associate

Stephen Speidel, ASLA

April 21, 2015

Tony Leavitt, Associate Planner
Planning & Community Development
City of Kirkland
123 5th Ave.
Kirkland, WA 98033

**RE: Barto Residence Front Yard Setback Variance
4617 Lake Washington Boulevard NE (VAR13-00426)**

Dear Mr. Leavitt:

R.W. Thorpe & Associates, Inc. has been retained by Mr. Mike Barto to provide this land use analysis to support an application to obtain a variance to facilitate the construction of a replacement single-family residence on real property commonly known as 4617 Lake Washington Boulevard in the City of Kirkland, also known as King County Tax Parcel No. 4104500050 ("Property"). The requested variance would reduce the front yard setback for the replacement residence from the required 30 feet to 7 feet. *See* KZC 20.30.070. Based upon our analysis of the Property and others in the immediate vicinity, it is our conclusion that the Property is burdened by special circumstances related to shape, size, and location that merit the approval of the variance. It is also our opinion that the requested variance will not be detrimental to other properties or improvements in the area and does not constitute a special privilege. The conclusions are based upon unique circumstances of the Property and the variance criteria analysis described below.

The Property is located within the Water District III zone. The Property consists of approximately 2,224 square feet as shown on the Topographic & Boundary Survey and the Proposed Variance Site Plan, attached hereto as Exhibits A and B, respectively. As depicted, the Property is roughly square, with the east and west boundaries consisting of approximately 48.8 feet and the north and south boundary lines consisting of 42.7 feet and 48.5 feet, respectively. The minimum lot size for the WD-III zoning district is 3,600 square feet for a detached dwelling unit. *See* KZC 20.30.070. The Property is a legally nonconforming lot with regard to minimum lot size requirements.

The Property is currently improved with a dilapidated, detached single-family residence containing a footprint of approximately 904 square feet. According to King County records, the existing residence was originally constructed in 1940. As such, the existing residence has met or exceeded its expected lifetime, and a new residence constructed with modern building techniques, practices, materials, and amenities is desired. The proposal is to demolish the existing single-family residence and construct a new residence with a building footprint of approximately 648 square feet—a substantially

smaller footprint than the existing residence. At its closest point, the existing residence is located 2.9 feet from the front property line and does not meet the front yard setback requirement. The WD-III zoning district requires that new buildings be located a minimum of 30 feet from the front property line. *See* KZC 20.30.070. In order to construct a single-family residence with even a minimally reasonable size and functionality, any new residence on the Property will require a variance from the front yard setback. To approve a variance the City must find that the application meets the variance criteria. The following is our response to the criteria.

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 or as a whole” KZC 120.20.1

The variance will not be materially detrimental to the property or improvements in the area. *See* KZC 120.20.1. Each of the lots in the immediate vicinity of the Property are residential properties within the same WD-III zoning district; single-family residences to the north, northwest, west, and southwest, and a duplex to the south. The proposed single-family residence on the Property is an outright permitted use within the WD-III zoning district, regardless of whether the variance is approved. *See* KZC 20.20.070.

The proposed residence has been situated on the Property to ensure compliance with the three remaining setback requirements along the common property lines with the three adjacent residential properties. Specifically, the rear setback will be 10 feet as required by KZC 20.30.070. The north sideyard setback will be 5 feet as required by KZC 20.30.070. The south sideyard setback will actually be 17.1 feet, far in excess of the minimum 5 feet as required by KZC 20.30.070. In short, the rear and sideyard setbacks will meet and/or exceed applicable setbacks, fully ensuring that the adjoining residential properties are not adversely impacted by the location of the replacement residence. Moreover, it is noteworthy that this proposal represents a significant improvement over existing conditions. Since 1940, the south portion of the existing residence has actually been constructed over the property line by nearly 2 feet, and the north side of the residence has been located within 3.6 feet of the north property line. Additionally, even though the variance application seeks to reduce the front yard setback to 7 feet, this represents a significant improvement over existing conditions, in which the residence is located 2.9 feet from the front property line. Similarly, the existing residence has a footprint of approximately 904 square feet, whereas the footprint of the proposed residence will only be 648 square feet. Clearly, granting the variance will not be detrimental to the property or improvements in the vicinity.

The proposed residence will also be constructed landward of the immediate adjacent residential structures, thereby preserving any views that may be enjoyed by those properties. A title review of the Property confirms that it is not benefitted by an appurtenant easement for access. As such, by necessity, the proposed residence will take its access directly from Lake Washington Boulevard and will eliminate any concern for potential access conflicts with the adjacent property owners.

On the east side, where the variance to reduce the front yard setback has been requested, the property abuts Lake Washington Boulevard. Based on measurements taken on the King County Interactive Mapping website, the nearest structure to the east property line of the subject property is approximately 108 feet. This separation, which is more far in excess of the distance that is required within the WD-III zone, will assist in minimizing any perceived impacts that may be created by the proposed residence. In addition to the distance between the Property and the single-family residence to the east, there is an elevation change of approximately 20 feet. This elevation change results in the

proposed residence being approximately 20 feet lower; reducing visual impacts to views to and from Lake Washington Boulevard.

Improvements in the area include all public utilities, a pedestrian sidewalk and bicycle lane. Reducing the front setback from 30 feet will have no impact on these improvements. All utilities, including electrical power are underground. The bicycle lane is on the east side of Lake Washington Boulevard furthest away from the proposed residence. The pedestrian sidewalk adjacent to the front yard setback is located approximately 9 feet away from the proposed residence. The proposed residence has been designed to have an on-site turnaround for vehicles, which will avoid situations in which vehicles are backed onto Lake Washington Boulevard and avoids concerns regarding using any portion of the public sidewalk for such maneuvers. No additional impacts will be created beyond what exists now inasmuch as the existing residence is located in close proximity to the sidewalk.

Finally, as indicated, the Property is currently improved with a dilapidated, detached single-family residence and has been used for residential purposes since 1940. As such, the proposed residence will be similar in use and density to the existing structure, thereby insuring that there are no new impacts to public services.

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” KZC 120.20.2**

The requested variance to reduce the front yard setback is a result of the size, shape, and location of the Property. As stated above, the Property is approximately 48.5 feet deep along the south property line and approximately 42.7 feet deep along the north property line; resulting in a special circumstance related to the size of any potential building envelope as a result of the required setbacks. Strict compliance with the 30-foot front yard setback and the 10-foot rear yard setback, would result in a building envelope of approximately 5.6 feet in depth measured from the midpoint of the front property line, perpendicular to the rear lot line. For obvious reasons, this area is not adequate for a reasonable use within the WD-III zone.

In addition to the size of the Property, the square shape results in a special circumstance requiring the granting of a variance to accommodate a reasonable use. In general, lots within the immediate vicinity of this Property are rectangular in shape, rather than square. Properties, residential properties more so than commercial properties, are generally created in a rectangular shape to accommodate the larger front and rear yard setbacks that are typical of residential zones. This is the case in the WD-III zoning district, where the combined front and rear setbacks total 40 feet, versus the total 10 feet for the side yard setbacks. The special circumstance relating to the shape of the Property prohibits it from complying with the larger front yard setback.

Lastly, the Property is also located within 200 feet of Lake Washington, subjecting it to the City's Shoreline Master Program (SMP). The Property is within the Residential Medium/High Density shoreline environment designation, which requires that a view corridor, measuring 30 percent of the average parcel width, be provided. The average parcel width of the Property is approximately 48.7 feet, requiring a view corridor of 14.6 feet which is shown on the proposed Variance Site Plan as the proposed setback

from the south property line. Because of the location of the Property, additional land area is required for a public view corridor resulting in a reduced area for the private residence.

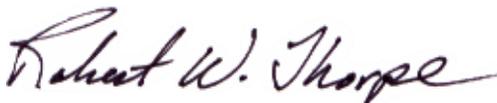
3. **“The variance will not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this code allows to other property in the same area and zone as the subject property.” KZC 120.20.3**

If approved, the requested variance will allow for the construction of a detached single-family residence, which is an outright permitted use within the WD-III zoning district. See KZC 20.20.070. The proposed single-family residential use is consistent and compatible with surrounding uses, all of which are residential in nature. Denying the variance would more than likely eliminate any reasonable use identified as a permitted use in KZC 20.20 Permitted Uses. The only uses identified in the permitted use table that could be accomplished on the Property would be a public park or public utility—uses that would undoubtedly draw even greater consternation from adjoining landowners than the continuation of the residential use that has characterized the property for the last 75 years. All other uses permitted within the same zone would not be capable of construction within the allowable 5.6 feet of buildable area described above.

We respectfully request that you take these findings into consideration when you make a recommendation on the variance application. If you have any questions or require additional information, please feel free to contact Robert W. Thorpe, AICP or Lee A. Michaelis, AICP of this office at rwta@rwta.com or 206.624.6239. Our professional credentials as expert witnesses in land use matters can be found on our website at www.rwta.com.

Sincerely,

R.W. Thorpe & Associates, Inc



Robert W. Thorpe, AICP
President/Principal



Lee A. Michaelis, AICP
Planning Director/Senior Associate

Attachment A – Topographic & Boundary Survey

Attachment B – Variance Site Plan

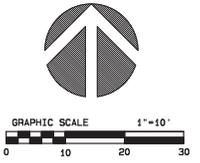
Attachment C – Site Photos

Exhibit A

TOPOGRAPHIC & BOUNDARY SURVEY

LEGAL DESCRIPTION

THAT PORTION OF GOVERNMENT LOT 3 IN SECTION 17, TOWNSHIP 25 NORTH RANGE 9 EAST, N.M., DESCRIBED AS FOLLOWS:
 BEGINNING ON THE WEST LINE OF NORTHEAST LAKE WASHINGTON BOULEVARD AT THE POINT OF INTERSECTION WITH A LINE DRAWN PARALLEL TO AND 451.27 FEET SOUTHERLY FROM MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID LOT 3; RUNNING THENCE SOUTH 89°10'00" WEST ALONG SAID PARALLEL LINE, 42.72 FEET;
 THENCE SOUTH 01°47'55" WEST 48.78 FEET TO INTERSECT A LINE DRAWN PARALLEL TO AND 500 FEET SOUTHERLY FROM MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID LOT 3;
 THENCE ALONG SAID PARALLEL LINE THE NORTH 89°10'00" EAST 48.54 FEET, MORE OR LESS TO THE WEST LINE OF SAID BOULEVARD;
 THENCE NORTH 85°33'30" WEST, ALONG SAID WEST LINE 48.86 FEET TO THE POINT OF BEGINNING;
 TOGETHER WITH A NON EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE EASTERLY 42.72 FEET OF THE SOUTHERLY 2 FEET OF THE FOLLOWING DESCRIBED TRACT:
 THAT PORTION OF THE SOUTHERLY 81.27 FEET OF THE NORTHERLY 451.27 FEET OF SAID GOVERNMENT LOT 3 LYING WESTERLY OF NORTHEAST LAKE WASHINGTON BOULEVARD;
 SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.



BEARING MERIDIAN

A BEARING OF N04°33'36" W BETWEEN TWO FOUND MONUMENTS, PER RECORD OF SURVEY AS RECORDED IN BOOK 119 OF SURVEYS, PAGE 258, RECORDS OF KING COUNTY, WA.

VERTICAL DATUM

CITY OF KIRKLAND BENCH MARK NO. 14
 FOUND CONCRETE MONUMENT WITH 1/4" IRON ROD, 1/2" HIGH, LOCATED 108TH AVE NE NE 60TH ST.
 ELEVATION = 268.78'

SURVEYOR'S NOTES

- 1) THE TOPOGRAPHIC SURVEY SHOWN HEREON WAS PERFORMED IN MARCH OF 2012. THE FIELD DATA WAS COLLECTED AND RECORDED ON MAGNETIC MEDIA THROUGH AN ELECTRONIC TOTAL STATION. THE DATA FILE IS ARCHIVED ON DISK OR CD. WRITTEN FIELD NOTES MAY NOT EXIST. CONTOURS ARE SHOWN FOR CONVENIENCE ONLY. REDUCTION SHOULD RELY ON SPOT ELEVATIONS.
- 2) SUBJECT PROPERTY TAX PARCEL NO. 4104900045.
- 3) SUBJECT PROPERTY AREA PER THIS SURVEY IS 2.24 AC. (92,471 S.F.).

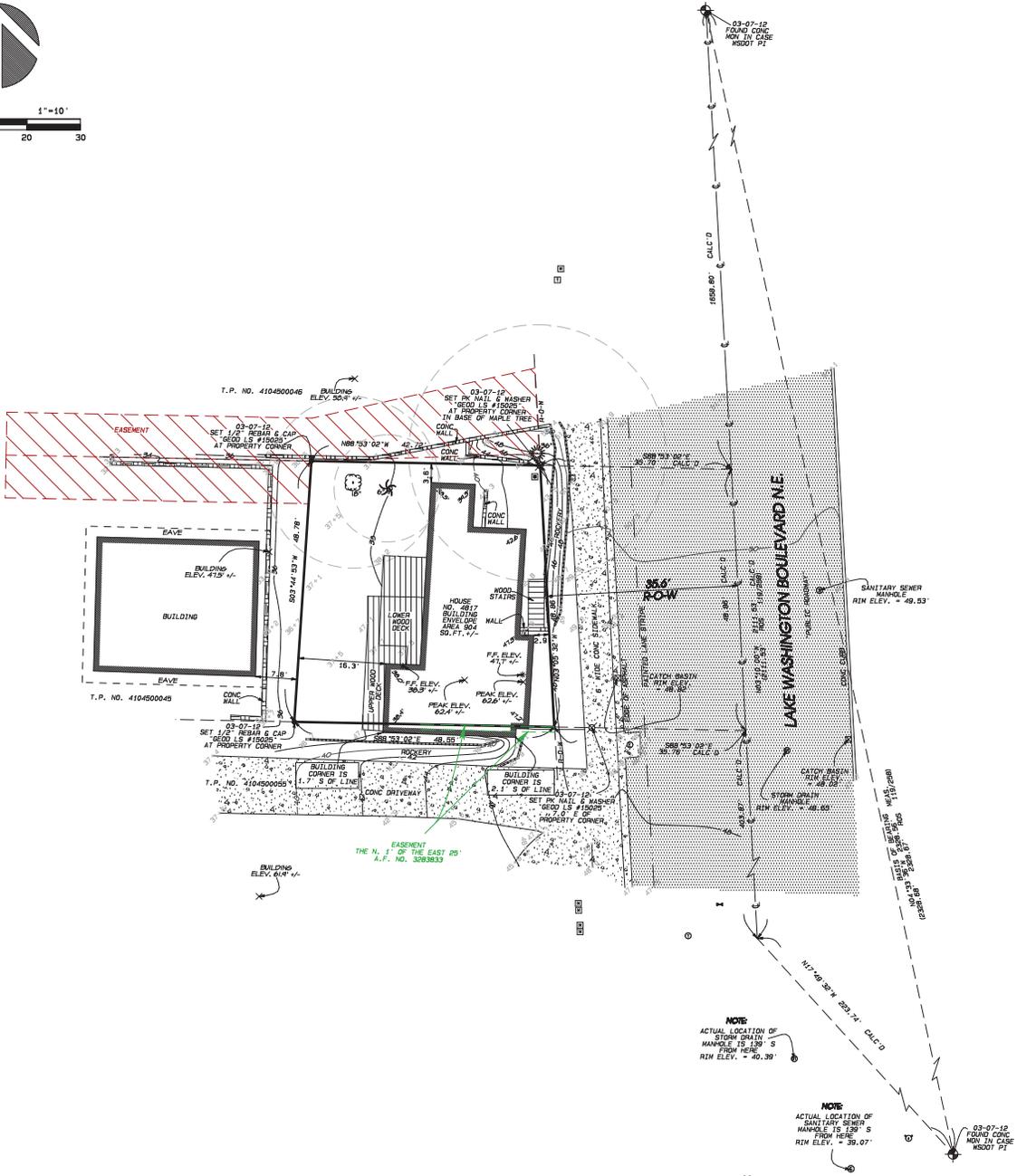
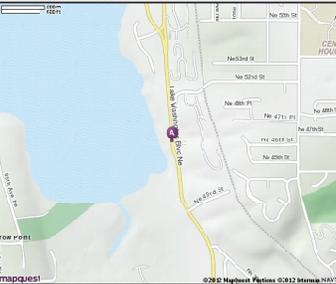
METHOD OF SURVEY

INSTRUMENTATION FOR THIS SURVEY WAS A LEICA ELECTRONIC DISTANCE MEASURING UNIT. PROCEDURES USED IN THIS SURVEY WERE DIRECT AND REVERSE ANGLES. NO CORRECTION NECESSARY. MEETS KING COUNTY AND STATE STANDARDS SET BY IAC 332-130-080.

LEGEND

- ◆ FOUND MONUMENT AS NOTED
 - ⊙ SET PK NAIL AS NOTED
 - ⊙ SET REBAR & CAP AS NOTED
 - ⊙ CATCH BASIN
 - ⊙ SANITARY SEWER MANHOLE
 - ⊙ FINISHED FLOOR ELEVATION
 - ⊙ ELECTRIC METER
 - ⊙ SPOT ELEVATION
 - ⊙ WATER METER
 - ⊙ "PURPOSE UNKNOWN"
 - ⊙ FIRE HYDRANT
 - ⊙ STORM DRAIN MANHOLE
 - ⊙ WATER VALVE
 - ⊙ ELECTRIC VALVE
 - ⊙ TELEPHONE RISER
 - ⊙ TELEPHONE MANHOLE
 - ⊙ CABLE RISER
 - ▨ ADHULT SURFACE
 - ▨ RET. WALL
 - ▨ CONC SURFACE
 - ▨ STAIRS
 - ▨ DECK
- T.P. NO. TAX PARCEL NUMBER
 D.W. APRON DRIVEWAY ACCESS
 CONC CONCRETE
 R-O-W RIGHT-OF-WAY
 () RECORD AS NOTED
 PAINTED LINE STRIPE BUILDING LINE
 BUILDING LINE CENTER LINE OF ROAD
 ROCKERY
 EAVES
 CHERRY TREE (NOT SHOWN TO SCALE) TRUNK DIA SHOWN IN INCHES
 PINE TREE (NOT SHOWN TO SCALE) TRUNK DIA SHOWN IN INCHES
 MAPLE TREE (NOT SHOWN TO SCALE) TRUNK DIA SHOWN IN INCHES

VICINITY MAP N.T.S.



TOPOGRAPHIC & BOUNDARY SURVEY
 CITY OF KIRKLAND, KING COUNTY, WA.
 NW 1/4 OF THE SW 1/4 OF SEC. 17, TWP. 25N., RGE. 9E., N.M.
BARTO RESIDENCE
 4817 LAKE WASHINGTON BOULEVARD N.E.
 KIRKLAND, WA. 98033



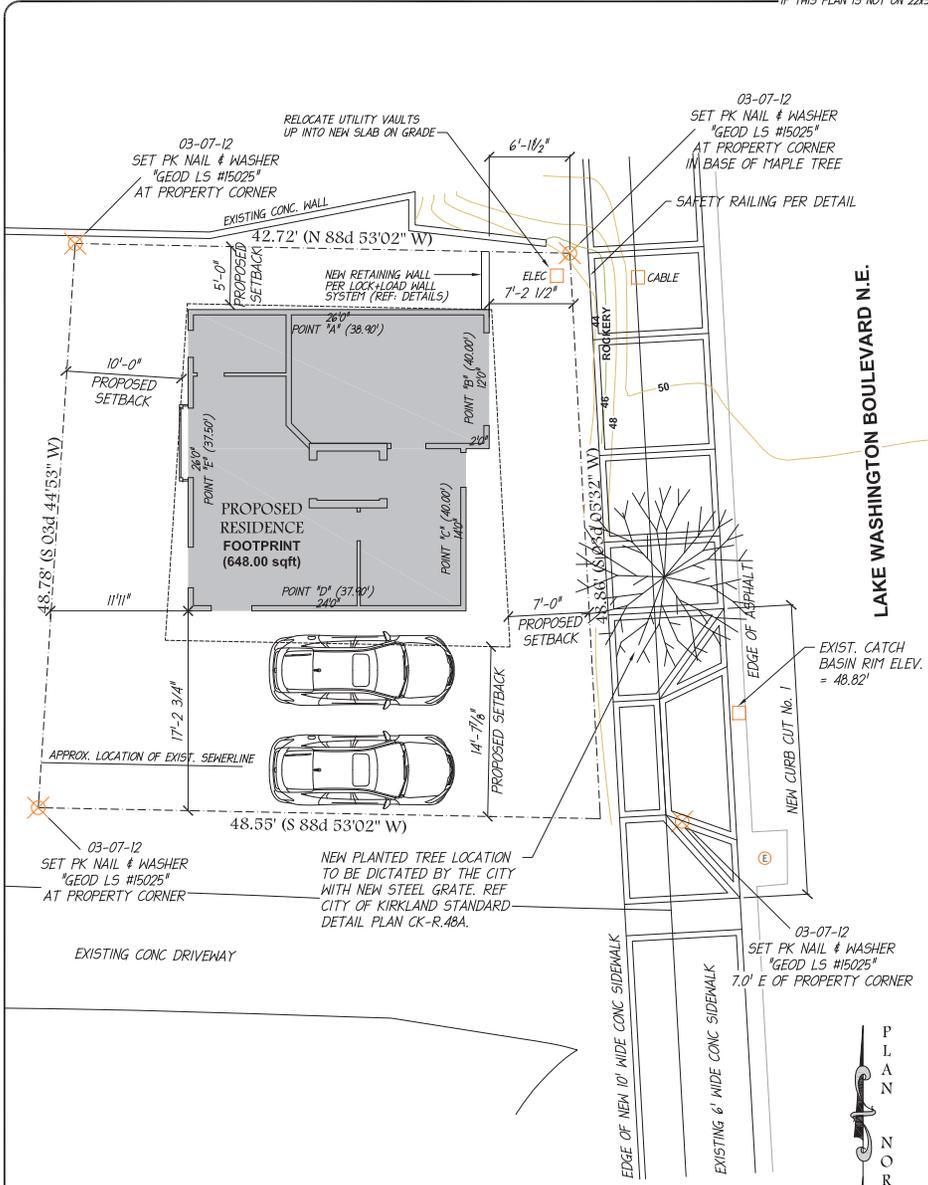
GeoDimensions
 GEODIMENSIONS, INC., 10801 NORTH STREET, SUITE 101, BELLEVUE, WA 98008
 Phone: 425.453.4833 Email: info@geodimensions.com Website: www.geodimensions.com

JOB NUMBER:	12062
DATE:	03/09/2012
DRAFTED BY:	Y. L. J.
CHECKED BY:	E. J. G.
SCALE:	1" = 10'
REVISION HISTORY:	
SHEET NUMBER:	1 OF 1

measure success

Exhibit B

IF THIS PLAN IS NOT ON 22x34 PAPER, IT HAS BEEN SCALED ACCORDINGLY

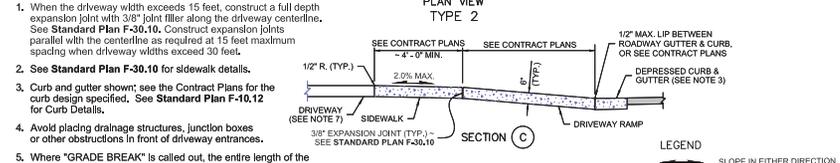
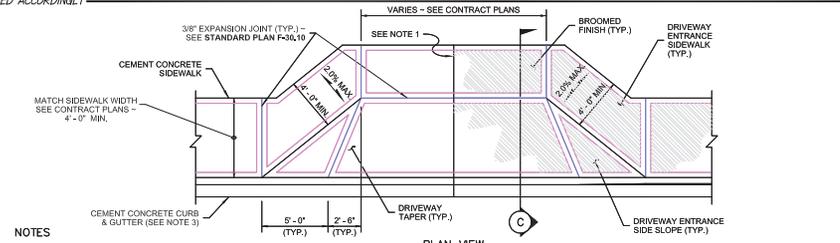


LAKE WASHINGTON BOULEVARD N.E.

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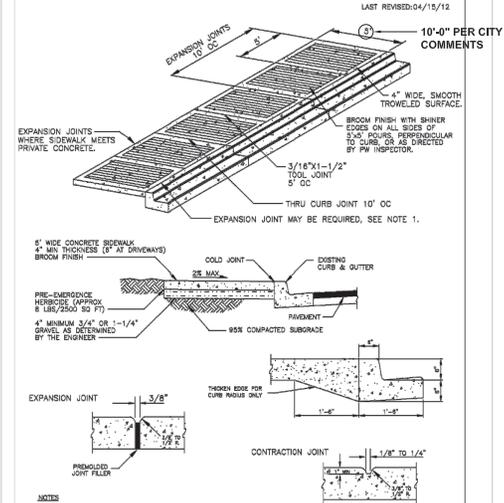
PROPOSED SITE PLAN WITH REVISED REQUIRED SETBACK(S)
SETBACKS AS SHOWN ESTABLISHED BY CITY OF KIRKLAND PUBLIC WORKS DEPARTMENT

SCALE: 3/16"=1'-0"



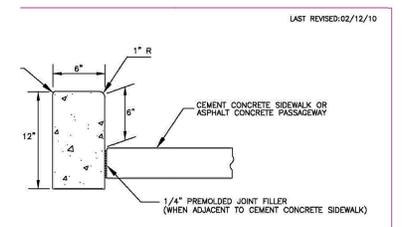
TYPICAL CURB CUT DETAIL

REFERENCE W.S.D.O.T. STANDARD PLAN F-80.10-S2, TYPE 2

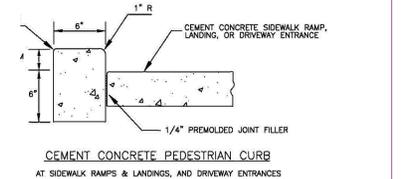


- NOTES**
1. SIDEWALK AND CURB & GUTTER CANNOT BE POURED MONOLITHICALLY. EXPANSION JOINT WILL BE REQUIRED WHEN CONCRETE SIDEWALK IS SURROUNDED BY OTHER HARD SURFACES (E.G. DRIVEWAYS OR AS DIRECTED BY PW INSPECTOR).
 2. CONCRETE SHALL BE CEMENT CONCRETE CLASS 4000 PSI MINIMUM WITH AIR ENTRAINMENT. NO COLOR OR TINT SHALL BE ADDED.
 3. FORMS SHALL BE SET TRUE TO LINE AND GRADE AND SHALL BE STEEL UNLESS OTHERWISE APPROVED BY INSPECTOR.
 4. SIDEWALK SHALL NOT BE POURED IN THE RAIN. SEE POLICY R-8, PLACING CONCRETE OR ASPHALT IN ADVERSE WEATHER CONDITIONS.

CITY OF KIRKLAND
PLAN NO. CK-R.23
SIDEWALK SECTION



CEMENT CONCRETE PEDESTRIAN CURB



CEMENT CONCRETE PEDESTRIAN CURB AT SIDEWALK RAMP & LANDINGS, AND DRIVEWAY ENTRANCES

CITY OF KIRKLAND
PLAN NO. CK-R.17A
CEMENT CONCRETE PEDESTRIAN CURB

Nully CAD
3400 19th Ave SE
Everett, WA 98201
Ph: 360.836.3271 Fax: 360.836.5177

HomeStyling DESIGN
1700 Harrison Ave. N., Suite 300
Everett, WA 98201
Ph: 425.259.1234 Fax: 425.259.1234

UBuildIt
1700 Harrison Ave. N., Suite 300
Everett, WA 98201
Ph: 425.259.1234 Fax: 425.259.1234

Michael Barto Residence
4617 Lake Washington Boulevard N.E.
Kirkland, Washington 98033

Plan Title
Proposed Variance Site Plan
Date
06/12/2014

Plan Revisions
01 09/06/2014
02 02/17/2015
03 04/26/2015

Sheet
A-0a

DO NOT SCALE THIS DRAWING

Exhibit C



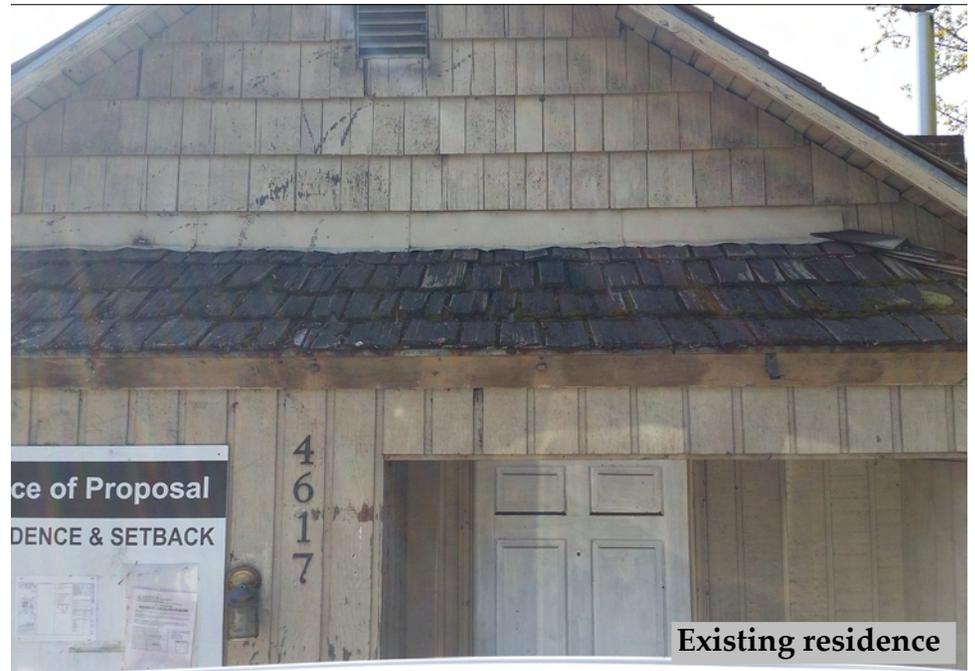
Frontage improvements looking north



View of Lake Washington from adjacent property to the south



View of Lake Washington over existing residence



Existing residence



Single family residences across Lake Washington Blvd. NE



Single family residences across Lake Washington Blvd. NE



Frontage improvements looking south



Single family residences across Lake Washington Blvd. NE