City of Bellevue
Development Services Department
Land Use Staff Report

Proposal Name:	Jabooda Height Variance
Proposal Address:	13979 SE 1st St
Proposal Description:	Land Use Code Variance to exceed the maximum height limit for a nonconforming lot.
File Number:	15-129940-LS
Applicant:	Scott McMillen, Architectural Innovations
Decisions Included:	Variance from the Land Use Code (Process II. 20.30G)
Planner:	Drew Folsom, Land Use Planner
State Environmental Policy Act Threshold Determination:	Categorically Exempt by WAC 197-11-800(1)
Director's Decision:	Approval with Conditions Michael A. Brennan, Director Development Services Department

By: Kevin M. Bonnell for
Carol V. Helland, Land Use Director

Application Date:	December 17, 2015
Complete Application Date:	January 28, 2016
Notice of Application Date:	February 11, 2016
Decision Publication Date:	August 4, 2016
Appeal Deadline:	August 18, (14-days from date of publication)

For information on how to appeal a project proposal, visit the Permit Center at City Hall or call 425-452-6800. Appeal of the decision must be received in the City's Clerk's Office by 5 PM on the date noted for appeal of the decision.

CONTENTS

I. Proposal Description ..... Pg 3

II. Site Description, Zoning & Land Use Context ..... Pg 4-6

III. Consistency with Land Use Code Requirements ..... Pg 6

IV. Public Notice & Comment ..... Pg 6-7

V. Summary of Technical Review ..... Pg 7

VI. State Environmental Policy Act ..... Pg 7

VII. Decision Criteria ..... Pg 7-9

VIII. Conclusion and Decision ..... Pg 9

IX. Conditions of Approval ..... Pg 9

Attachments

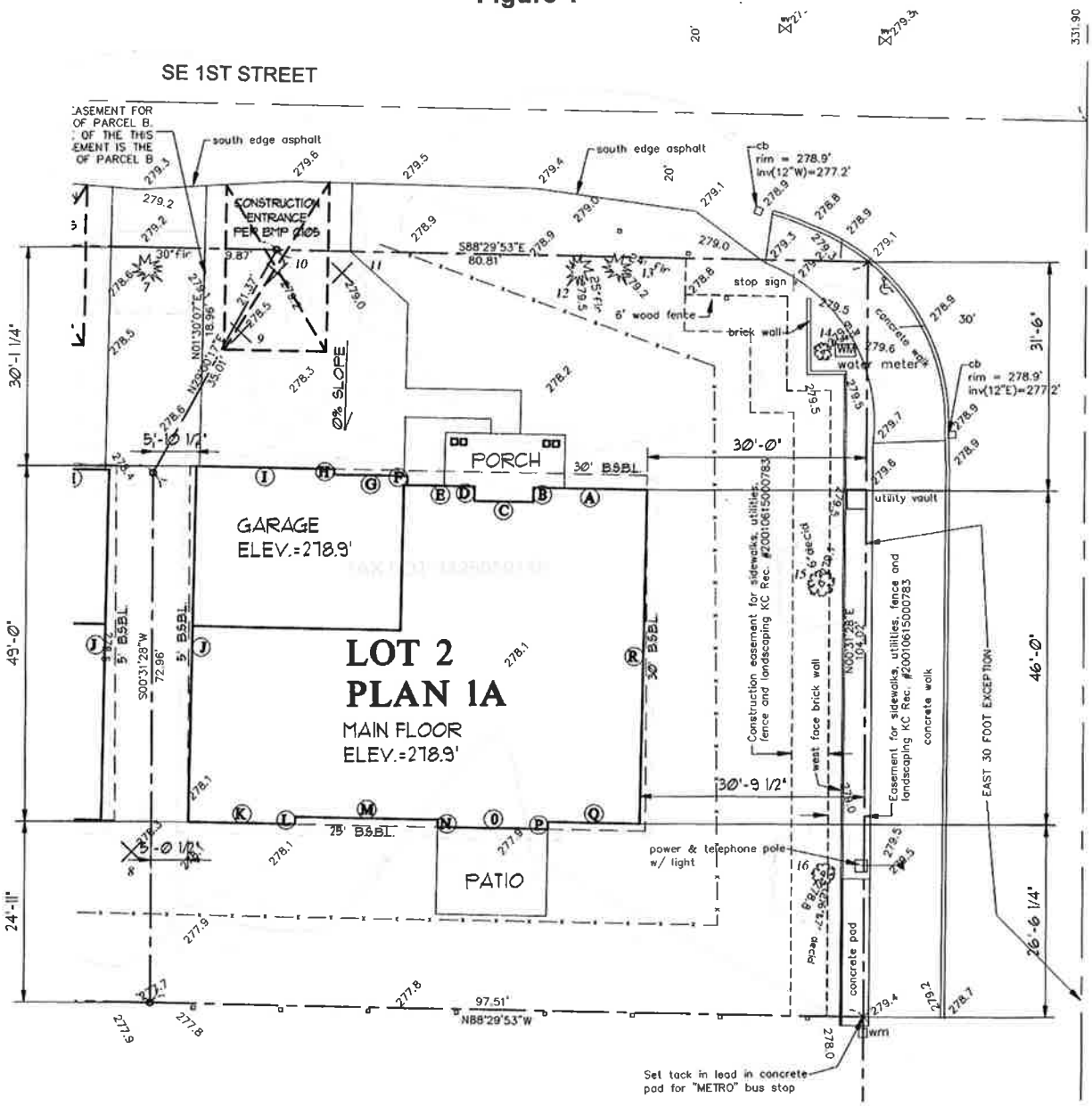
1. Vicinity Map – Enclosed
2. Site Plan – Enclosed
3. Elevations Plan – Enclosed
4. Existing Development Examples - Enclosed
5. Public Comments and Correspondence – In File

I. Proposal Description and Reason for Requests

A. Proposal Description

The applicant requests a Variance from the Land Use Code to increase the allowed maximum building height from 22.5 feet to 26.6 feet on a lot nonconforming to the minimum lot area in order to construct a new home. See figure 1 for the proposed site plan and Attachment 2.

Figure 1

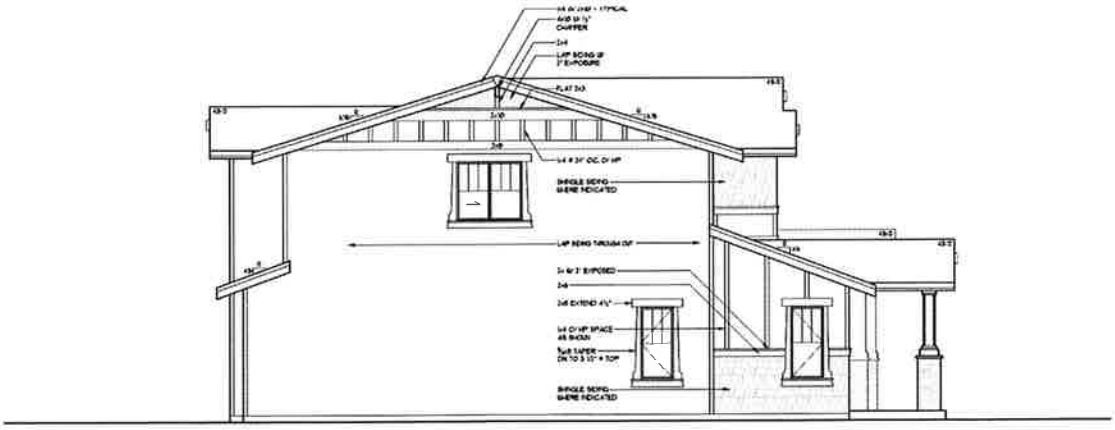


B. Reason for Request

The property has less than 70 percent of the required minimum lot area in the R-1.8 zone making the property nonconforming to lot area. Structures on this nonconforming property are limited in height per LUC 20.20.070 which establishes building height based on available buildable area. The resulting allowed building height is approximately 22.5 feet, whereas a property conforming to the minimum R-1.8 lot area is allowed a building height of 35 feet for a pitched roof structure. LUC 20.20.070 was amended in 2011 by Ordinance 5991 to give nonconforming properties the potential to request relief from the height limitation through a variance application process. This variance requests additional height in order to construct a two-story house as shown on the elevations in figure 2 below (see also Attachment 3).

Figure 2

FRONT ELEVATION



SIDE ELEVATION

II. Site Description, Zoning, and Land Use

A. Site Description

The project site is a corner lot located at 13979 SE 1st Street in the East Bellevue Subarea. The site is adjacent to single family zoned property to the west, north, and south. Sammamish High School is located to the east across 140th Ave SE. The property obtains vehicle access from SE 1st Street which is to the north. The site contains several significant trees along the north and east property boundaries; the remaining vegetation is mowed lawn. The topography of the site is flat. The site is currently undeveloped as shown in figure 3 below.

Figure 3

B. Zoning

The property is zoned R-1.8, single-family residential zoning district that allows single family homes and associated improvements. See figure 4 below.

Figure 4

C. Land Use Context

The property is located in the Southeast Bellevue Subarea of the City and has a Comprehensive Plan land use designation of SF-L (Single Family Low Density). Construction of a home and improvements is consistent with this land use.

III. Consistency with Land Use Code Requirements:

A. Zoning District Dimensional Requirements LUC 20.20.010:

The proposal is in conformance with the general dimensional requirements of the R-1.8 zone as outlined on the submitted site plan, with the exception of the existing lot area and proposed building height.

The minimum lot size required in the R-1.8 zone is 20,000 square feet. The project site has a lot area of approximately 9,881 square feet. Nonconforming properties with less than 70 percent of the minimum lot area are subject to LUC 20.20.070 which establishes the allowed building height based on the amount of buildable area, outside of setbacks. The allowed building height is calculated as follows from LUC 20.20.070:

Building Height = 2 x C x H

C = The ratio of potentially buildable area (lot area less the area of the lot's minimum setback requirements) to total lot area.

H = The general building height requirement otherwise applicable to the lot.

The property has 3185 square feet of buildable area that is outside of required setbacks. The height otherwise allowed in the R-1.8 zone is 35 feet. As a result, the allowed height is 2 x (3185 / 9881) x 35' which equals 22.5 feet and is the maximum height allowed without a variance. The requested variance proposes to increase the allowed height from 22.5 feet to 26.6 feet (26 feet 7 inches) in order to construct the proposed house.

IV. Public Notice and Comment

Application Date:	December 17, 2015
Public Notice (500 feet):	February 11, 2016
Minimum Comment Period:	February 25, 2016

The Notice of Application for this project was published in the City of Bellevue weekly permit bulletin and Seattle Times on February 11, 2016. It was mailed to property owners within 500 feet of the project site.

Comments were received from one neighbor regarding tree retention. The comments expressed the desire to have the evergreen trees bordering SE 1st street to be removed due to shade and maintenance concerns.

City Response: Tree retention will be reviewed under the associated single family building permit (number 15-125986-BS) and must comply with land use code 20.20.900 (Tree retention). As proposed the applicant will be retaining several trees in the north of the property. The proposal complies with LUC 20.20.900.

V. Summary of Technical Reviews

A. Transportation Review

The Transportation Department indicated there were no concerns with the proposed variance and imposed no conditions.

VI. State Environmental Policy Act (SEPA)

Construction of a new single-family residence and the associated improvements are exempt from SEPA in WAC 197-11-800 and no work is proposed within a critical area.

VII. Decision Criteria

A. LUC 20.30G.140. A Variance from the Land Use Code – Decision Criteria – General

The Director may approve, or approve with modifications an application for a variance from the provisions of the Land Use Code if:

1. **The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district of the subject property.**
   Finding: Approval of a variance to the height limitations of nonconforming lots is consistent with the redevelopment of existing properties in the vicinity. The homes on properties in the vicinity of the site have multiple floors and provide context for this request to build a two story house. The applicant supplied several examples of homes in the vicinity with heights equal to or greater than 26.6 which are included as attachment 4. The proposed variance does not grant a special privilege to the subject site that not enjoyed by properties in the vicinity.

2. **The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property.**
   Finding: The variance is necessary due to the configuration and size of the subject property. The subject lot has less than 70 percent of the required lot area for the R-

1.8 zone. The lot is 9,881 square feet which is 10,119 square feet smaller than the minimum lot size for the R-1.8 zone.

The proposal is located on a corner lot and required to comply with two 30' front yard setbacks along the street frontages. The presence of two front yard setbacks further constricts the height and amount of buildable area on the site. The proposed building height of 26.6 at the highest peak from average existing grade will achieve a building height and floor area consistent with new development in the immediate vicinity. The proposed residence will be required to conform to all other dimensional standards such as setbacks, lot coverage, impervious surface, floor area ratio, and greenscape requirements.

This variance is necessary for the nonconforming property to enjoy a similar house height and floor area that are available to other properties in the neighborhood and found elsewhere in the City of Bellevue. Granting additional height to this home does not change or make the lot area more nonconforming.

3. **The granting of the variance will not be materially detrimental to property or improvements in the immediate vicinity of the subject property.**
   Finding: The proposal is not detrimental to the property or improvements in the vicinity of the property. The house complies with all required setbacks from the R-1.8 zone. The proposed height is consistent with the heights of newer homes in the neighborhood.

4. **The variance is not inconsistent with the Comprehensive Plan.**
   Finding: The variance is not inconsistent with the Comprehensive Plan. The site is located in the Southeast Bellevue subarea and has a Single-Family Low Density Comprehensive Plan land use designation. The proposed home is consistent with the low density use intended. The following policies are applicable to this proposal:

   POLICY LU-11: Maintain stability and improve the vitality of residential neighborhoods through adherence to, and enforcement of, the City's codes.

   POLICY LU-29: Help communities to maintain their local, distinctive neighborhood character, while recognizing that some neighborhoods may evolve.

   POLICY S-SE-2. Enhance or improve the existing residential character through landscaping, building orientation, and building design for all new development and physical improvements.

   The proposal is an allowed use in the R-1.8 zone and complies with the zoning standards in the area which are the only limitations on design of single family homes. The variance request will complement the neighborhood by allowing the construction

of a new house that is compatible in size, scale, and character with the surrounding redevelopment. The application shall record the variance with the King County Department of Records within 60 days from the date of variance approval. (See Section IX for condition of approval).

VIII. Conclusion and Decision

After conducting the various administrative reviews associated with this proposal, including Land Use Code consistency, City Code and Standard compliance reviews, the Director of the Development Services Department does hereby **approve with conditions** the Variance from the Land Use Code for the proposed house to have a height of 26.6 feet measured from average existing grade to the highest peak.

Approval of this Variance does not constitute a permit for construction. A building permit is required and all plans are subject to review for compliance with applicable City of Bellevue codes and standards.

IX. Conditions of Approval

The following conditions are imposed under the Bellevue City Code authority referenced:

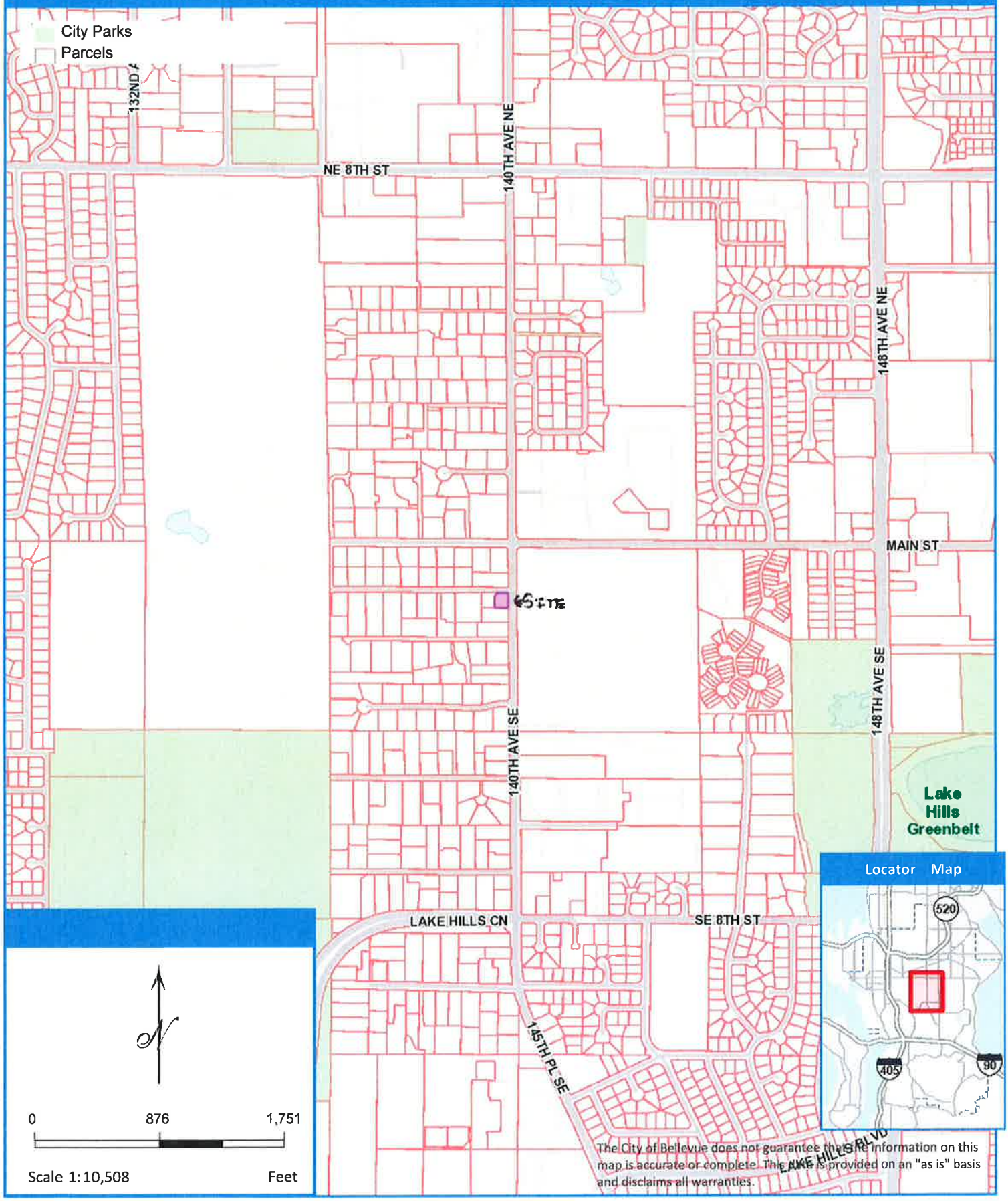
1. **Height:** The proposal is limited to a maximum height of 26.6 feet measured from average existing grade to the highest peak as shown on the exterior elevations sheet A-7 dated December 15, 2015.

   Authority: Land Use Code 20.30G.140.A.1
   Reviewer: Drew Folsom, Development Services Department

2. **Variance Recorded:** The approved variance shall be recorded with the King County Department of Records within 60 days from the date of variance approval. The document shall be submitted for Land Use review prior to recording and a copy of the recorded variance provided prior to building permit issuance.

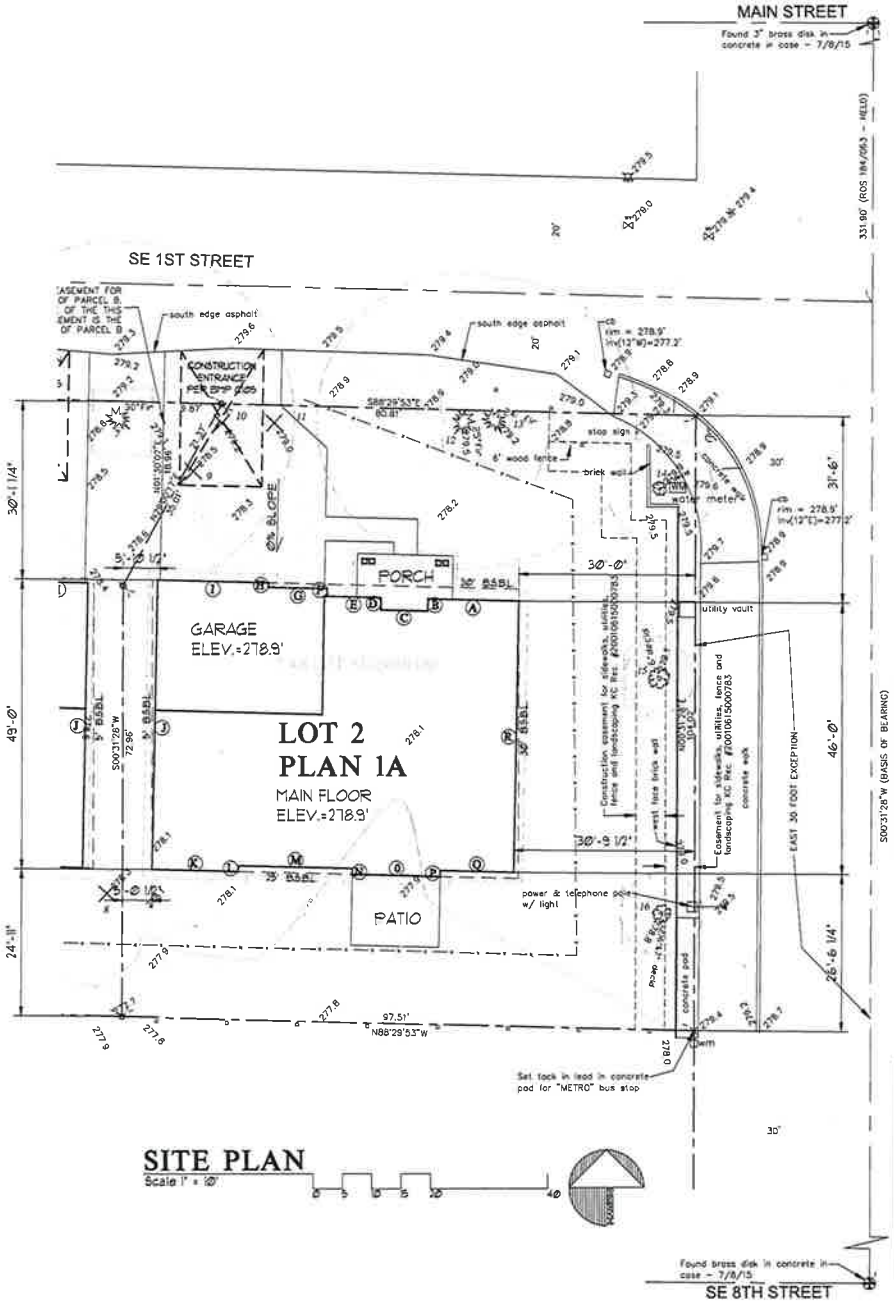
   Authority: Land Use Code 20.40.500
   Reviewer: Drew Folsom, Development Services Department

13979 SE 1st St Vicinity Map



The City of Bellevue does not guarantee that the information on this map is accurate or complete. This data is provided on an "as is" basis and disclaims all warranties.

Map Generated on: 08/02/2016



SITE INFO

STREET ADDRESS:
105 140th Ave SE, BELLEVUE, WA

PARCEL #:
3425059039

LEGAL DESCRIPTION:
THE NORTH 124 FEET OF THE EAST 130 FEET OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 25 NORTH, RANGE 5 EAST, W.M.; EXCEPT THE NORTH 20 FEET CONVEYED TO KING COUNTY FOR ROAD BY DEED RECORDED UNDER AUDITOR'S FILE NO. 3025890 AND EXCEPT THE EAST 30 FEET THEREOF FOR ROAD.

SITE NOTES

EROSION CONTROL NOTES:
COVER TEMP DIRT PILES WITH PLASTIC BMP C123
COVER GRADED AREAS AFTER BACKFILL WITH MULCH BMPC121 PROVIDE CONCRETE WASTE AREA PER BMP C151

BMP NOTES:
COVER DIRT PILES BMPC123
MULCH AFTER GRADING BMPC121

LEGEND

- DESIGNATES TREE FENCE LOCATION PER ESHP T101 (TYPICAL)
- DESIGNATES SILT FENCE EROSION CONTROL PER ESHP C233 (TYPICAL)
- DESIGNATES WATER
- DESIGNATES SEWER
- DESIGNATES STORM
- DESIGNATES DRIPLINE

TREE IDENTIFICATION

TREE/SPECIES		SIZE (DBH)	RETAINED
8.	APPLE	(6"&11")	NO
10.	FIR	30"	NO
11.	FIR	25"	NO
12.	FIR	25"	YES
13.	FIR	24"	YES
14.	DECIDUOUS	9"	YES
15.	DECIDUOUS	(6")	YES
16.	DECIDUOUS	(6"&7")	YES
TOTAL DBH =		124"	
TOTAL RETAINED = 58" / 46.7%			

SEE ADDITIONAL STORM & UTILITY PLAN

VICINITY MAP

ZONING

ZONING: R-12

SINGLE FAMILY RESIDENTIAL SETBACKS
FRONT YARD - 20'-0"
REAR YARD - 25'-0"
SIDE YARD - 5'-0" MIN. 15'-0" COMBINED IF 2

HEIGHT LIMIT
35' ABOVE AVERAGE EXISTING GRADE TO THE RIDGE
PER 30.36.070 LOT AREA OF 9,861 SF & BUILDABLE AREA OF 3,861 SF
3 x 35 x 12' = 31.7'
ALLOWABLE HEIGHT INCREASED TO 36.6' THROUGH VARIANCE

FAR
50% MAX. OF NET LOT AREA

LOT STRUCTURE COVERAGE
35% MAX. OF NET LOT AREA

MAXIMUM IMPERVIOUS SURFACE
50% MAX. OF NET LOT AREA

MINIMUM GREENSCAPE % OF FRONT YARD
50% MAX. OF FRONT YARD

SITE CALCULATIONS

LOT AREA
9,861 SF GROSS LOT AREA

FAR CALCULATION
9,861 SF GROSS LOT AREA
x .50%
4,930 SF ALLOWABLE FAR

2,300 SF MAIN FLOOR
620 SF GARAGE
2,034 SF UPPER FLOOR
4,954 SF/49.9% TOTAL SQUARE FAR

LOT COVERAGE STRUCTURE CALCULATION
9,861 SF GROSS LOT AREA
x .35%
3,451 SF ALLOWABLE LOT STRUCTURE COVERAGE

2,811 SF HOUSE/ROOF FOOTPRINT (EXCLUDING EAVES)
30.4% TOTAL LOT COVERAGE

IMPERVIOUS SURFACE CALCULATION
9,861 SF GROSS LOT AREA
x .50%
4,931 SF ALLOWABLE LOT SURFACE COVERAGE

2,363 SF HOUSE/ROOF FOOTPRINT (INCLUDING EAVES)
693 SF DRIVEWAY (EXCLUDING PORTION U/ EAVES)
326 SF FRONT WALK & PATIO (EXCLUDING PORTION U/ EAVES)
3,382 SF / 43.5% TOTAL IMPERVIOUS SURFACE

MINIMUM GREENSCAPE % OF FRONT YARD
2,666 SF FRONT YARD AREA
x .35%
1,133 SF MINIMUM GREENSCAPE

2,666 SF FRONT YARD AREA
-726 SF DRIVEWAY
-58 SF WALK AND PORCH
1,882 SF / 66.8% TOTAL GREENSCAPE

HEIGHT CALCULATION

City of Bellevue Average Grade Calculation

A=	278.1	F=	278.2	K=	278.1	P=	277.9
B=	283.1	G=	278.2	L=	278.1	Q=	278.1
C=	278.1	H=	278.1	M=	278	R=	278.5
D=	278.1	I=	278.3	N=	278		
E=	278.1	J=	278.4	O=	277.9		

Total = 5015.5

5015.5 ÷ 18 = 278.64 ABE = 278.84

Date	By	Description
6/8/16	JM	PERMIT SET

Jabooda Homes Inc.
Plan 1A
Lot 2
105 140th Ave SE Kirkland WA

ARCHITECTURAL INNOVATIONS, P.S.
Forward Thinking Design Solutions For Your Environment
14411 SE 16th St.
Bellevue, WA 98007
1-800-888-4517
www.architecturalinnovations.com

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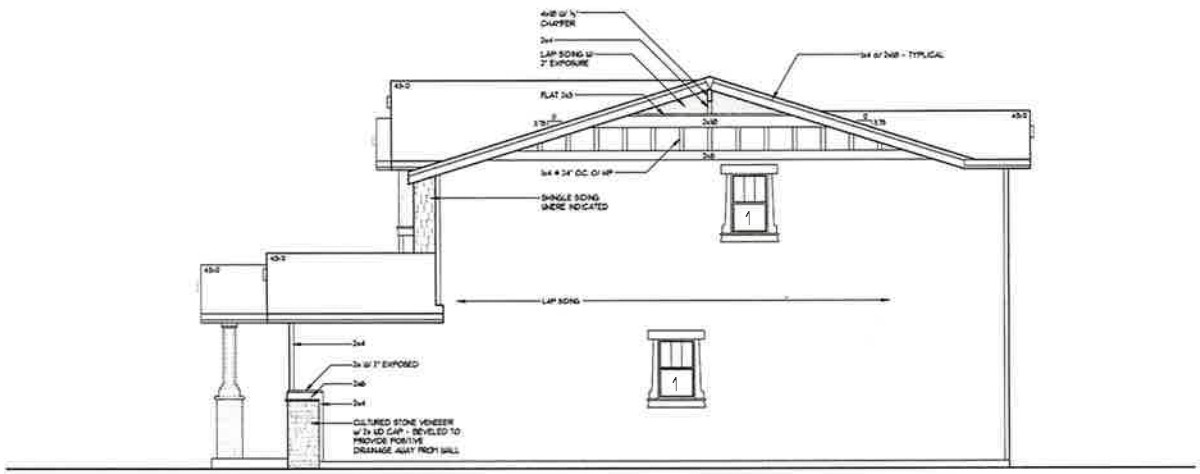
TITLE
JOB NO. 16-
STARTING NO. 1

SHEET
A1.1

REAR ELEVATION



SIDE ELEVATION

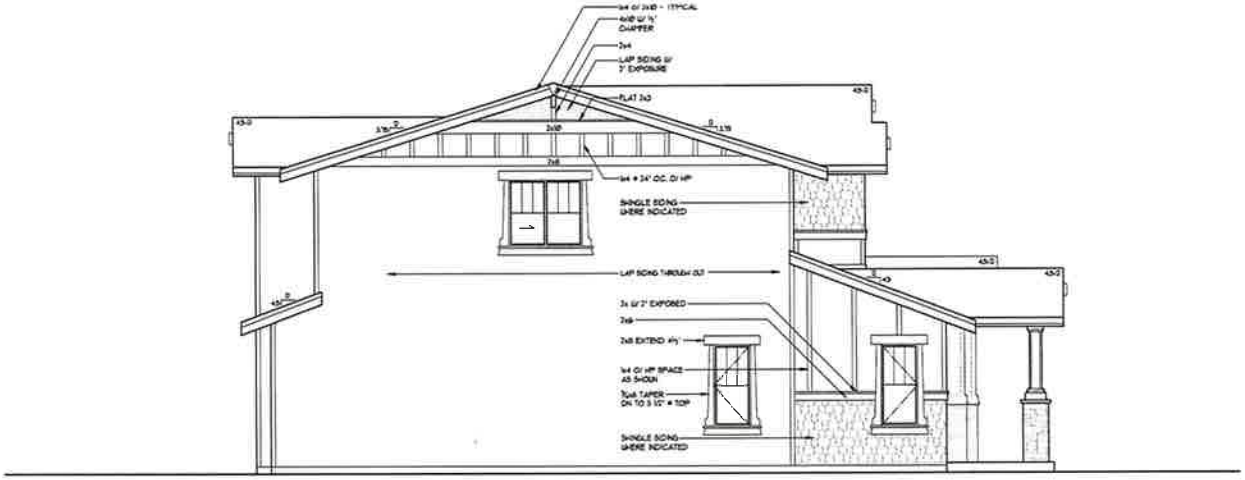
Jabooda Homes Inc.
Plan 1A
Lot 2
105 140th Ave SE Bellevue, WA 98005

ARCHITECTURAL INNOVATIONS, P.S.

TITLE

SHEET
A8

FRONT ELEVATION



SIDE ELEVATION

Jabooda Homes Inc.

Plan 1A

Lot 2

105 140th Ave SE Bellevue, WA 98005

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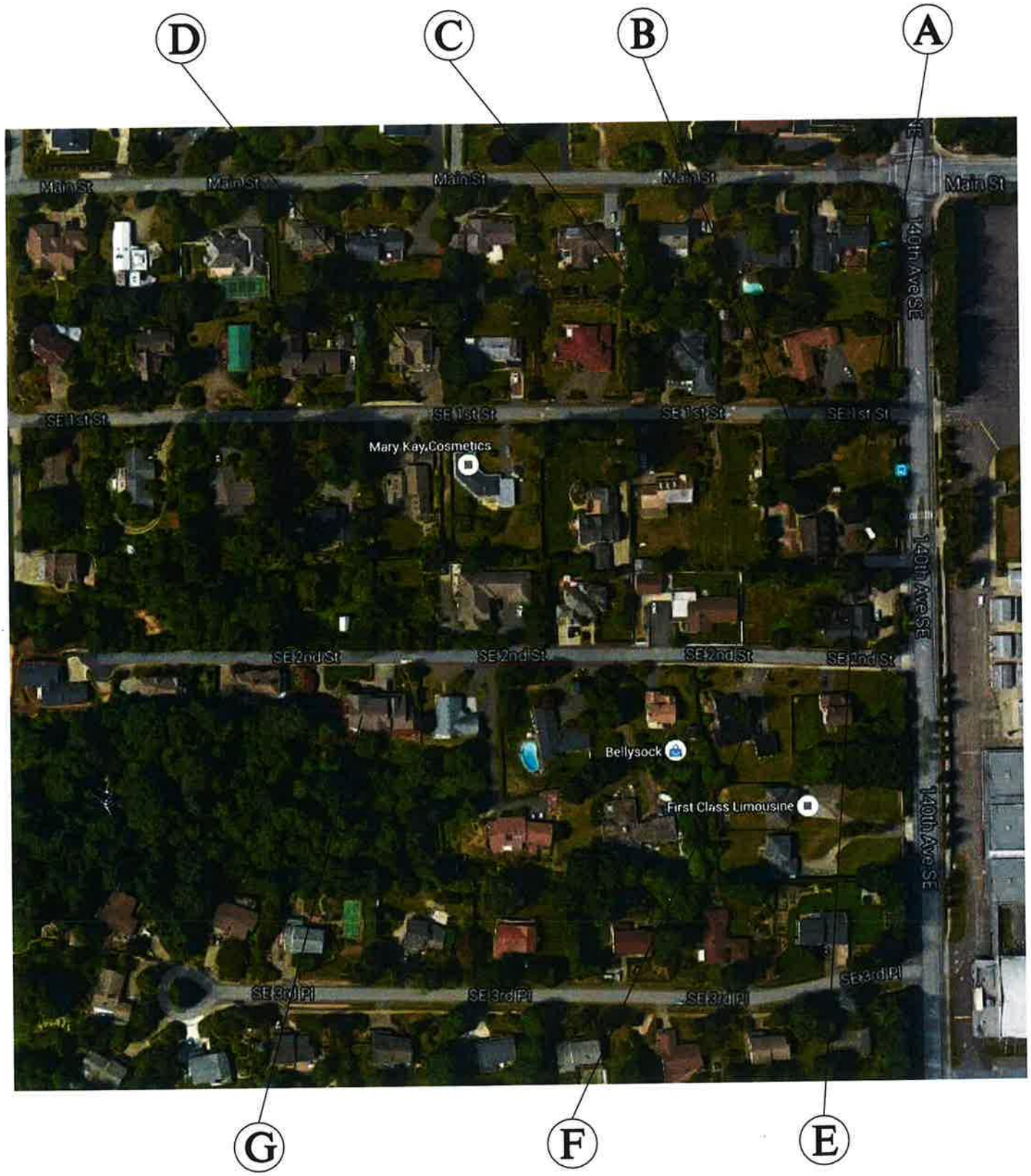
Date	By	Description
5/6/06	SM	PERMIT SET

TITLE

JOB NO.: UNITAS
STARTING NO.: UNITAS

SHEET

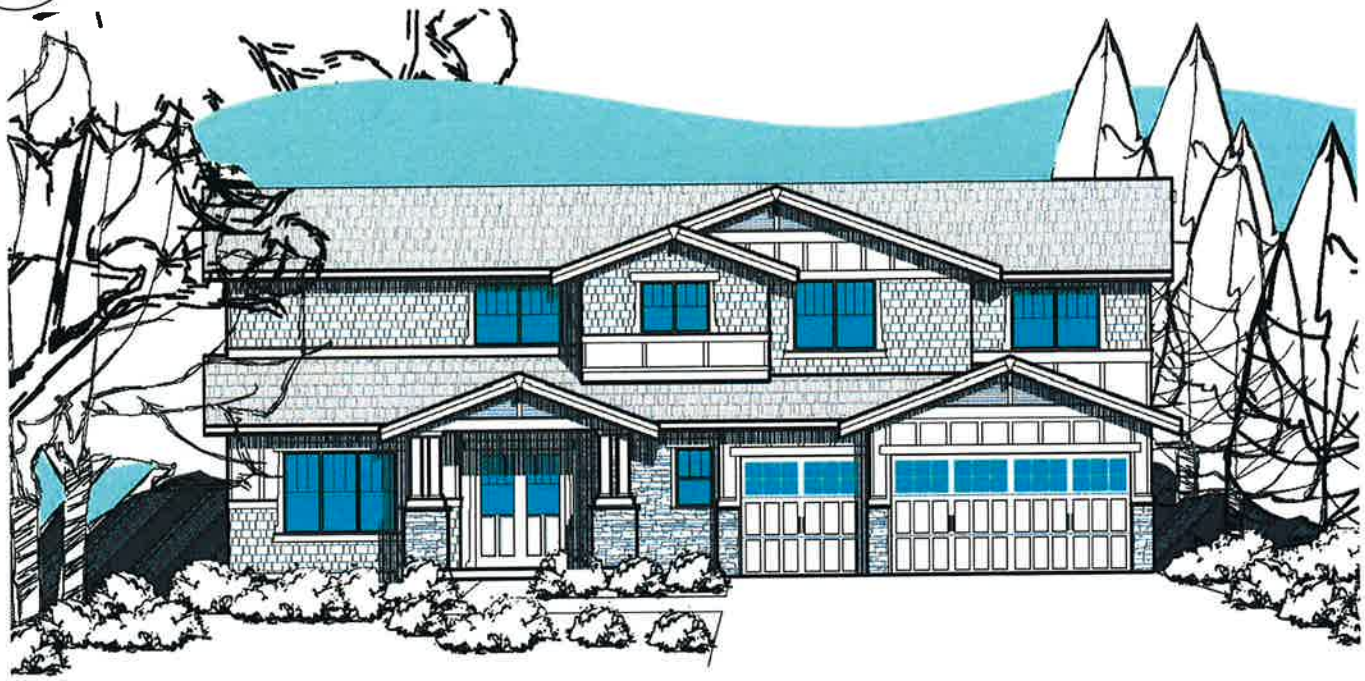
A7

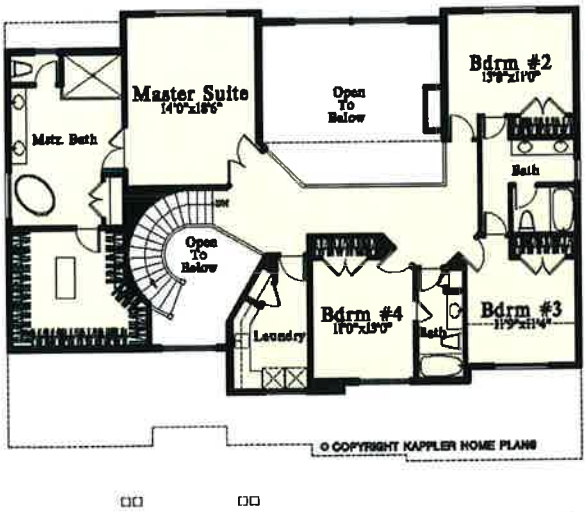


NEIGHBORHOOD MAP

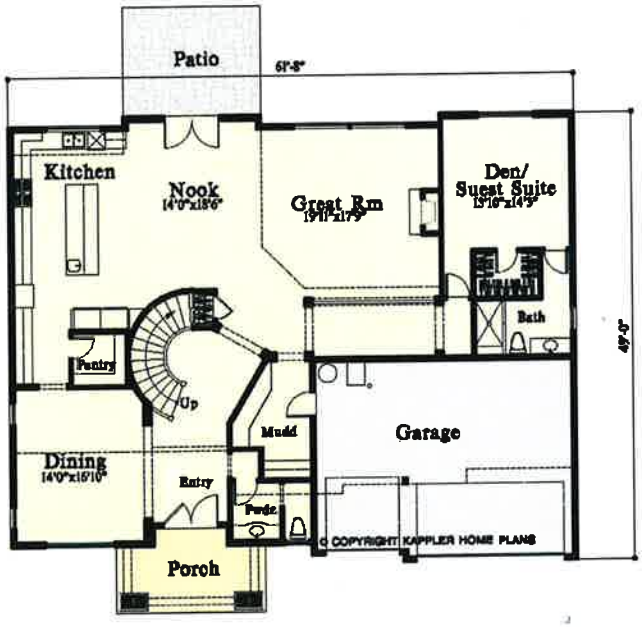
NOT TO SCALE

A SUBJECT PROPERTY





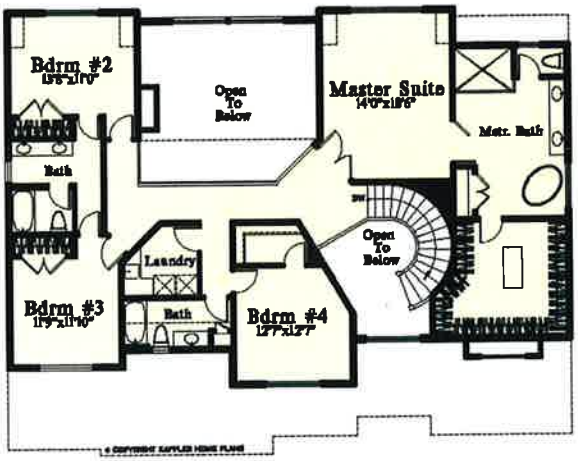
UPPER FLOOR PLAN



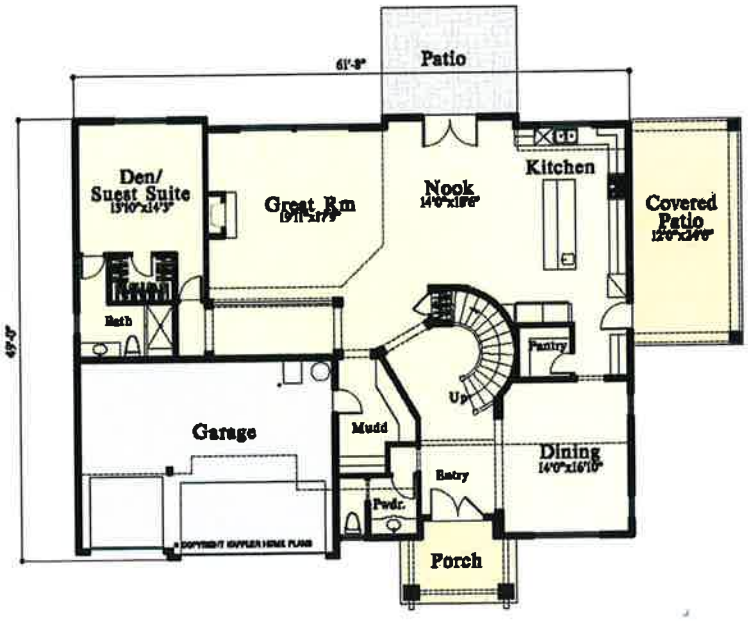
MAIN FLOOR PLAN

PROPOSED HOME FOR
105 140th Ave SE/13979 SE 1st ST.

B



UPPER FLOOR PLAN



MAIN FLOOR PLAN

PROPOSED HOME FOR 13841 SE 1st ST.

C

EXISTING RESIDENCE
13824 SE 1st ST.

D

EXISTING RESIDENCE
13654 SE 1st ST.

E

EXISTING RESIDENCE
189 140th Ave SE

F

EXISTING RESIDENCE
13959 SE 2nd ST

G

EXISTING RESIDENCE
13773 SE 2nd ST