



TOWN OF BEAUX ARTS VILLAGE

BOARD OF ADJUSTMENT

MINUTES

October 6, 2004

Hauck

PRESENT: Acting Board Chairman Steve Hauck, Boardmembers Steve Matsudaira, Kevin Peterson, and Kathryn Murray.

GUESTS: Town Planner Mona Green; Applicants Richard and Deborah Stratton, Architect Lisa Lindburg.

DEPUTY TOWN CLERK: Betsy Donworth

Acting Board Chairman Steve Hauck called the meeting to order.

MINUTES: The Board agreed to defer approval of the minutes from the June 2, 2004 meeting and the September 28, 2004 meeting until the following month when more Board members will be present.

PUBLIC HEARING ON VARIANCE NO. 04-3 – Richard and Deborah Stratton, 2716 106th Place SE, Beaux Arts, WA.

Acting Board Chairman Steve Hauck opened the public hearing.

Applicants Richard and Deborah Stratton are requesting a variance (relief from Section 8B of the Town of Beaux Arts Village Zoning Code Ordinance (No. 289) in order to enclose approximately 100 square feet of existing covered walkway that encroaches 5 feet into the side (north) setback and to enclose approximately 40 square feet of a storage area on the lower level, intruding 2.5 feet into the side (north) setback. Section 17 of the Ordinance allows the Board of Adjustment to vary the provision of Section 8 provided that the board finds that all five variance criteria are met.

Acting Chairman Hauck asked the Boardmembers present if they had participated in any ex parte conversation regarding this application. No Boardmember has had any ex parte conversations.

One letter from Sylvia Hobbs and Robin Stefan was entered into the record asking that the Board deny the Stratton variance. Acting Chairman Hauck asked if any Boardmember had a conflict of interest in hearing the variance. No conflict of interest was noted. There were no challenges from the applicant or public as to appearance of fairness of any Boardmember to hear the variance.

Staff Report: Planner Green stated that Richard and Deborah Stratton intend to remodel their recently-purchased residence. The house is currently non-conforming on the lot because it intrudes approximately 5' into the required 10' side (north) setback area. By their architect's calculation, the 3,539 square foot house is within the allowable GFAR (34.1%) for the lot.

The front door of the house is located at the rear of the building. To access the front door, one must walk through a storage/garage area, along an elevated walkway that runs the entire depth of the house, and around to the rear. The walkway is currently covered with a continuation of the roof overhang. The outer side of the walkway has a short wall. Photographs A-1 and A-2 of the applicant's submittal illustrate the current entryway.

In order to move the entryway closer to the street side of the house, the applicants would like to enclose a portion of the walkway and move the front door approximately midway down the length of the existing walkway. The project would convert existing exterior space into interior space. It should be noted that the covered walkway has been accounted for in the current gross floor area calculations. Enclosing the space will not increase GFAR, will not change the lot coverage, nor will it alter the building footprint.

The second component of this project involves enclosing an existing storage area that is currently partially enclosed with lattice-type fencing and a half-wall. Photographs B-1 and B-2 of the applicant's submittal illustrate the current storage area. The storage area is at ground-level, beneath the covered walkway. Like the walkway, it is already accounted for in the GFAR calculations, and its enclosure will not result in a change to lot coverage or building footprint.

The Board of Adjustment may grant a setback variance from Section 8.B of Zoning Code Ordinance provided the Board finds that all five of the variance criteria listed in Section 17 of the Ordinance have been met. Planner Green concluded the following:

1. The variance will not constitute a grant of special privilege inconsistent with the limitations upon used of other properties in the town.
Applicants satisfy this criterion for the variance request. Remodeling of a residence is not a grant of special privilege.
2. The granting of the variance will not be materially detrimental to the public welfare or injurious to other properties or improvements in the Town. It will be consistent with the Town's Comprehensive Plan.
Applicants satisfy this criterion. The project subject to this variance request will not be detrimental to the public. It will alleviate an awkward entryway, providing safer access to the house, and it will completely screen an outdoor storage area.
3. The variance is necessary because of special circumstances relating to the size, shape, topography, location, surroundings, and special features of the subject property.
Applicants satisfy this criterion. Applicants wish to retain the architectural integrity of the house, designed in 1962, while at the same time updating the entryway and creating

additional interior space. The project will not require an increase in lot coverage, GFAR, or building footprint. Because the walkway and storage already exist, enclosing them should not have an impact on the north property owner.

4. The need for a variance has not arisen from actions previously taken by the applicant (owner).

Applicants satisfy this criterion. The Stratton's purchased the house, in its current configuration, on May 7, 2004. They have not contributed to the home's non-conforming status.

5. It is the minimum necessary to permit the owner reasonable use of the property.

Applicants satisfy this criterion. Applicants have attempted to correct an awkward entryway and outdoor storage condition with the least impact possible.

Planners Green's conclusion is that applicants satisfy the five variance criteria. She advised that should the Board grant Variance 04-03, a condition could be imposed to require that the existing vegetative buffer remain within the north setback area.

APPLICANT PRESENTATION:

Lisa Lindburg, Lindburg Architects, gave a description of the applicants proposed project. She explained that the applicant's residence was in conformance with existing side setbacks (5 feet) when it was built by the owner/architect in 1962; however, today, the north side of the structure is nonconforming to revised side setback requirements (ten feet). She stated that the applicants are planning a remodel to satisfy three main objectives: 1) to reconfigure an awkward floor plan to better accommodate the needs of a contemporary family and visiting relatives and friends, 2) to maximize the existing space within the confines of the existing roofline so as to minimize any impact to the neighbors and the environment while also maintaining the architectural integrity of the design, and 3) to eliminate a hidden, unsafe entry and create a visible hierarchy for the new entry.

She explained why the proposed project satisfies the five variance criteria.

Criterion 1: The variance does not constitute a grant of special privilege because the proposal does not change the existing building setbacks, the proposed enclosure of the covered walkway is within the existing structure's footprint and is already included in the approved gross floor area ration, the lot coverage is not changed, a height change is not being proposed, and there is no additional impervious surface area added to the lot.

Criterion 2: The variance will not be materially detrimental to the public welfare or injurious to other properties or improvements within the town. The proposed improvements will not adversely affect or encroach upon the neighbors' properties.

Criterion 3: The variance is necessary because of the unique architectural features of the existing house, the steep slope, the location, and natural surroundings.

Criterion 4: The need for a variance has not arisen from actions previously taken by the current owner. The owners only recently purchased the property and have not yet occupied the house.

Criterion 5: The proposed variance would be the minimum necessary to allow the owners to make the entry to the residence safe and more accessible while also helping make the main floor living area more functional for the needs of a contemporary family with visiting disabled parents. The total square footage of the proposed variance on both floors is only 200 SF. Currently, this home has no bathroom or guestroom on the main floor.

She added that the owners believe that the variance is reasonable use of the property and in keeping with the general level of use of similar properties in town because it stays within the existing roofline, the existing footprint, is not expanding the existing nonconformity, and constitutes reasonable use of the existing residence.

PUBLIC TESTIMONY:

There were no members of the public present at the hearing.

Acting Board Chairman Steve Hauck closed the public hearing.

Hearing no further discussion from the Board, Acting Chairman Hauck asked the Board members present to vote on the variance:

1. The variance will not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the Town

The Board is unanimous that Criterion 1 is satisfied.

2. The granting of the variance will not be materially detrimental to the public welfare or injurious to other properties or improvements in the Town. It will be consistent with the Town's Comprehensive Plan.

The Board is unanimous that Criterion 2 is satisfied.

3. The variance is necessary because of special circumstances relating to the size, shape, topography, location, and special features of the subject property.

The Board is unanimous that Criterion 3 is satisfied.

4. The need for a variance has not arisen from actions previously taken by the applicant (owner).

The Board is unanimous that Criterion 4 is satisfied.

5. It is the minimum necessary to permit the owner reasonable use of the property.

The Board is unanimous that Criterion 5 is satisfied.

Variance No. 04-3 satisfies all) of the variance criteria.

DECISION: MOTION: Based on the foregoing findings and conclusions Variance No. 04-3 satisfies the 5 variance criteria and is hereby granted, conditioned upon the existing vegetation buffer remaining on the north side of the property.

The Board approved the motion to adjourn the meeting.

Respectfully submitted,

Betsy Donworth
Deputy Town Clerk