

9. The project is parcel 138435, a small residential lot zoned LAMIRD Type 1 in the Hyak Estates neighborhood at Snoqualmie Pass. The parcel is 0.17 acres and is located off of Snoqualmie Drive with 25 ft of County right of way between the front property line and the edge of pavement. The zoning requires a 25 ft front yard setback but due to the steep topography within the 25 ft of county right of way, we are requesting a front yard setback of 0' to allow for the construction of a 16 ft tall retaining wall to support an adequate amount of level and safe parking in the winter as well as a covered walkway to facilitate site access (see exhibit A and D). The proposed single family residence will still adhere to the 25 ft front yard setback to ensure that the project requests the minimum deviation from the standards necessary to accommodate the use. The current 25 ft front yard setback in conjunction with the 25 ft county right of way to the pavement edge prevents us from being able to meet all of the access, driveway, and parking requirements which places an undue burden on us and thus prevents us from exercising our significant property right to construct a single family residence similar to that of other property owners in the neighborhood. Furthermore, when the front yard setback was recently changed from 15 ft to 25 ft and the rear was changed from 25 ft to 15ft to facilitate snow removal, we lost 5 ft of buildable area to the rear because of an existing 20 ft sewer easement that has caused undue harm from the reduction of buildable area.

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- A. The project site features unique and unusual features that prevents us from being able to meet the site access requirements given the current front yard setback. Extremely steep topography off the edge of the pavement at a 1H:1V slope and a 20 ft drop within the 25 ft county right of way prohibits us from being able to meet all of the site access requirements without the use of a retaining structure. These unique circumstances do not seem to apply to the nearby houses which do not have front yard setbacks and are only 25 ft from the edge of pavement. In addition, many of the other nearby homes have retaining structures and parking within the county right of way. The combination of the unusually large county right of way between the edge of pavement and the front property line in addition to the steep topography make this site inaccessible without the use of a retaining structure within the front yard to deal with the grade change.
- B. A variance to the front yard setback requirement is necessary for residential use of this property because without the use of a retaining structure it is not possible to meet all of the county's access, driveway, and parking requirements. We have done additional studies showing that a driveway at the maximum allowable grade of 16% would exceed the 2H:1V side slope requirements as well as the 1.5H:1V slope that our Geotech recommended with quarry spall to meet WSDOT standards (see exhibit B). A 40 ft long driveway at 16% grade would also be dangerously steep in the winter, require 1600 cubic yards of fill (160 dump trucks) and require a 21 ft tall retaining wall that according to our geotech engineer is structurally unfeasible (see exhibit D). Even at a 20% grade,

which exceeds the maximum allowable driveway grade and would be unsafe and unusable during the peak winter months when we would be having our friends and family over, it would require 1,305 cubic yards of fill, have side slopes exceeding 2H:1V and require a 19 ft tall retaining wall which is structurally unfeasible (see exhibit C and D). The proposed variance would allow for the access, driveway, and parking requirements to be met in a consistent manner to the other nearby lots on Snoqualmie Drive and allow for single family residential development that is consistent with others in the neighborhood while meeting the zoning's intent. The current front yard setback places an undue burden on us and if the variance is not granted, would prevent our substantial property right to build a single family residence. Without this front yard setback zoning variance to allow for a retaining structure we would not be able to meet the access, driveway, and parking requirements necessary to build a single family residence and would suffer undue hardship from purchasing an unbuildable lot that we would have to sell at a substantial loss. A retaining structure is necessary for meeting the access requirements required for a residential house and would provide a large number of parking spaces that are at a gradual grade making them safe to use in the winter and ensuring that no cars would be in the street hindering snow removal.

- C. The authorization of this front yard variance would not be materially detrimental to the public welfare or in any way injurious to property in the area. In fact, the authorization of the front yard setback would provide numerous safe and easily accessible parking spaces in the winter that if unused could be utilized by other neighbors who lack accessible parking in the winter. This could help reduce the amount of cars parked in the street and help facilitate snow removal. This front yard setback variance would also be more consistent with the driveways and accesses of the nearby properties which were grandfathered in and do not have front yard setbacks. Furthermore, the authorization of the front yard setback variance would not be injurious to properties in the area because the proposed single family residence would still adhere to the existing setbacks. The two neighboring properties on each side are currently vacant but having this variance granted and being able to provide access could prove that their lots are feasible as well and could materially increase the value of their property. In their current state they appear to be too steep and without any precedence for how to provide access on such a steep lot they may detract buyers. However, if we were unable to get the variance granted, the amount of fill needed to construct a driveway at 16% grade to provide parking past the 25 ft right of way and the 25 ft front yard setback would be in excess of 1,600 cubic yards and potentially pose a hazard due to the steep slopes, long term erosion and settling. The zoning variance would allow us to access the site and provide the greatest amount of level and safe parking spaces with the least amount of site impact from fill and a retaining wall.
- D. The granting of the front yard setback variance will not adversely affect the realization of the comprehensive development plan because the current properties in the vicinity do

not have a front yard setback and are 25 ft from the edge of pavement. This variance would allow for the retaining wall, parking, and covered walkway to be 25 ft from the edge of pavement and make the project's access consistent with the nearby properties but because we are only requesting the minimum deviation from the standards the proposed single family residence would still meet the 25 ft front yard setback requirements and be consistent with the comprehensive development plan. The variance request is merely to provide site access and does not change any of the setbacks, height, location, and scale of the proposed single family residence. The granting of the variance would also provide more level and accessible parking spaces in the winter than a 40 ft long driveway at a steep 16% grade and would eliminate any situations where parked cars could inhibit snow removal.