

Pemsel Front Yard Setback Zoning Variance Parcel 458435

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The project is parcel 458435, 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 17 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 unusually steep topography within the 17 ft of county right of way, we are requesting a front yard setback of 0 ft to allow for the construction of a 16 ft tall precast concrete block retaining wall to support a safe and level driveway as well as to allow the proposed single family residence to have a garage on the top level to meet the zoning requirements for providing parking. Little to no grade variation from the road to the garage is critical in this construction. I suffered a brain aneurysm in 1999 and it has left me with compromised motor function on my left side and has had a considerable negative impact on my overall balance. I often wear a prosthesis to help with walking on level ground. Unfortunately it has an opposite effect when trying to walk down a slope. It is important that we consider my physical situation in the future and plan for it now. In short, a level entry into the structure is one of the most important requirements for me to justify the continuation of this project. The proposed single family residence would be consistent with other properties along Snoqualmie drive which have been both grandfathered in or granted front yard setback variances to allow for access despite the steep topography off the pavement edge. This front yard setback variance request is the minimum deviation from the standards necessary to accommodate the use of the property and without it the site is not accessible. The current 25 ft front yard setback in conjunction with the 17 ft county right of way to the pavement edge prevents us from being able to meet all of the access, driveway, and parking requirements due to the unusual and steep topography, thus preventing us from exercising our significant property right to construct a single family residence similar to that of other property owners in the neighborhood.

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- A. The project site features unique and unusual features that prevent us from being able to meet the site access requirements given the zoning codes current front yard setback requirement of 25 ft. Extremely steep topography off the edge of the pavement at a 1.25H:1V slope and a 14 ft drop within the 17 ft county right of way prohibits us from

being able to meet all of the site access requirements without the use of both a retaining structure and having the garage closer to the front property line. These unique circumstances do not seem to apply to other nearby houses which were grandfathered in and built closer to the road or which were required to have a zoning variance granted as well. In addition, many of the other nearby homes have retaining structures and parking within the county right of way such as parcel 438435 (2 lots South) which was recently granted a front yard setback variance and allowed to build a retaining wall 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 of 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. A 42 ft long driveway at 16% grade would also be dangerously steep in the winter, require approximately 1500 cubic yards of fill (150 dump trucks) and require a 20 ft tall retaining wall that according to our geotech engineer is structurally unfeasible. Even at a 20% grade, which exceeds the maximum allowable driveway slope and would be unsafe and unusable during the peak winter months it would require 1,150 cubic yards of fill, have side slopes exceeding 2H:1V and require a 18 ft tall retaining wall which is still structurally unfeasible due to the back span for geogrid reinforcement fabric. The proposed variance would allow for the access, driveway, and parking requirements to be met in a similar fashion 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 zonings 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 and the garage closer to the pavement edge 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 and garage closer to the edge of pavement is necessary for meeting the access requirements required for a residential house and would provide a large number of parking spaces at a flat and even surface making them safe to use in the winter and ensuring that no cars would be in the street hindering snow removal. Being able to also have a garage with a low slope roof designed to hold the snow rather than an outdoor parking pad also allows us to store the cars out of the county right of way and reduce the amount of snow that needs to be snowblown or shoveled around them reducing the amount of space needed for snow storage.

- 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 as well as provide a garage to safely store the vehicles and snowblower, shovels, ice melt, etc. during the winter months that are critical for safely accessing a site. This variance would also help reduce the amount of snow that would need to be removed from a potentially otherwise longer driveway and create more additional space for snow storage from the county snow plows. Allowing a retaining wall in the county right of way to support the flat and level driveway would also increase the volume and space available for snow storage from the county plows as opposed to having imported fill off the sides of the driveway sloping at only a 2H:1V slope. This front yard setback variance would also be more consistent with that of nearby properties which were grandfathered in and built closer to the road or which had a front yard setback zoning variance granted as well and retaining walls in the right of way for parking in the case of parcel 438435. The two immediately 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 17 ft right of way and the 25 ft front yard setback would be an excessive amount of fill and potentially pose a hazard due to the steep slopes, long term erosion and settling. The zoning variance would allow us to safely access the site and provide the greatest amount of level and flat parking spaces with the least amount of site impact from fill and retaining walls while providing more volume of space for snow storage for the county plows.
- 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 sited typically 25 ft or less from the edge of pavement rather than from the front property line. This variance would allow for the retaining wall and garage to be closer to 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 primary residence would still meet the overall intent of a structure being located 25 ft back from a roadway and be consistent with the comprehensive development plan. The variance request is merely to provide site access and does not change any of the side or rear setbacks, height, 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 42 ft long driveway at a steep 16% grade and would eliminate any situations where parked cars could inhibit snow removal.