

**DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT  
TO CITY OF LAKE FOREST PARK HEARING EXAMINER**

---

The following review by the City of Lake Forest Park Planning Department is based on information contained in the application and supplemental correspondence, information in the file, comments and letters received on-site investigation, applicable scientific reports, applicable codes, development standards, adopted plans, and other information on file with the City.

**SUMMARY INFORMATION**

<b>City File No:</b>	2015-VAR-0002
<b>Hearing Date:</b>	Tuesday, April 3, 2018; 10:30 am
<b>Requested Action:</b>	Request for a variance from required side yard setbacks, LFPMC 18.22.060(B), to construct an addition to the existing second floor of a non-conforming single-family house.
<b>Applicant:</b>	Francesco Crocenzi 16524 Shore Drive NE Lake Forest Park, WA 98155
<b>Site Location:</b>	16524 Shore Drive NE, Lake Forest Park, WA 98155 Tax Parcel No. 773850-0775
<b>Comprehensive Plan Designation:</b>	Single-Family Residential, High (Exhibit 3)
<b>Zoning Classification:</b>	RS-7,200 Single-Family Residential, High. (Exhibit 4)

**APPLICABLE CODES AND REGULATIONS FOR THE BEGIS VARIANCE**

(This list may not be completely exhaustive.)

Lake Forest Park Municipal Code Sections Directly Applicable to the Proposal:

1. **LFPMC 18.22.060 (B)** – Requires minimum combined setback of 15 feet from the side property lines.
2. **LFPMC 18.66.050 (B)** – Requires enlargement to existing non-conforming structures to conform to zoning regulations.
3. **LFPMC 18.70.010** – Establishes the decision criteria for a variance.
4. **LFPMC 16.26.030** – Establishes the authority of the Hearing Examiner to issue quasi-judicial decisions for variance applications (Type I application).
5. **LFPMC 16.26.110 (D)** – Establishes the decision of the Hearing Examiner on a Type I application as the final decision of the city.
6. **LFPMC 16.26.040, .050, .080, .090, .100, and .110(C)** – Establishes the process and public notification requirements associated with Type I applications.

**BACKGROUND INFORMATION:****Description of the proposal:**

Francesco Crocenzi originally filed an application for a variance on October 1, 2015. The applicant rescinded his proposal prior to the established hearing date and committed to revising the proposal. The current proposal was filed on January 23, 2018 and requests a variance to the side yard setbacks in order to construct a second story addition to an existing non-conforming residence (Exhibits 2, 5, 6, and 7). The residence is non-conforming because the existing structure encroaches within both front-yard and side-yard building setbacks.

The applicant proposes to add to the existing 1,520 square-foot second story of this house. The existing second story area shares a rear wall with the first story, and does not extend to the front wall of the first story. The first floor of the house equals approximately 2,120 square feet, inclusive of a 340 square-foot garage. The garage projects beyond the front wall façade and encroaches 4.4 feet within the 20-foot front-yard building setback with a roofline that spans across an open entryway. The applicant does not propose to build above that part of the garage and entryway that encroaches into the front-yard setback.

Instead, the applicant proposes to build above the existing first floor, for the full house width of 44.9 feet to span the approximate 13 feet between the current extent of the second floor and the current first-story front façade of the home. The second floor area proposed to be constructed equals approximately 584 square feet, inclusive of 71.5 square feet within the side-yard setback.

**Site Characteristics:**

The subject property is situated northwest to southeast from Shore Drive NE to Lake Washington. The upland area of the property as submitted for this proposal shows it to be 7,135 square feet in area, 55 feet in width, and varying depth which averages 130 feet deep from the front lot line to the lakeshore, northeast to southwest. Within application materials, the applicant refers to the front of the house, facing Shore Drive NE as “West,” and refers to the rear of the house, facing Lake Washington, as “East” (Exhibit 6).

The existing building was built in 1951, prior to City annexation in 1994 and is situated on the lot similarly to other neighboring lakefront homes. The Farley residence to the northeast was also built in 1951. To the southwest, the Alston-Glover residence was constructed in 1934. It appears that the original Sheridan Beach subdivision included eight lots along Shore Drive NE, each with 60 foot width (lots 25-32, see Exhibit 7.4). Over time, the original lots were compressed, expanded, or subsumed. Boundary line adjustments made to the original plat resulted in lot 30, the subject property, with the narrowest lot of the eight in this area along Shore Drive NE.

The site is currently developed with a 3,300 square-foot single-family residence, with a 300 square-foot unfinished basement. The 340 square foot attached garage was originally constructed as a carport and was enclosed in 2007. The site is relatively flat, with a slight slope from the highest point in the northeast corner and the lowest, at the lake shore. The elevation drop across the property is less than 10 feet.

All portions of this proposal are outside of required shoreline setbacks. For this lot, the required standard setback from the shoreline is 50 feet.

**Adjacent Land Use Characteristics:**

The subject property is located at 16524 Shore Drive NE in a neighborhood that is bordered to the southeast by Lake Washington and by single family residence to the northwest. Shore Drive NE intersects with Beach Drive NE 150 feet west of the subject property and the Burke Gilman Trail lies west of the intersection.

Many of the nearby lakefront properties along Shore Drive NE have non-conforming side-yard setbacks, regardless of the depth of lots. Properties in the vicinity are similarly developed with a mix of old and new single-family residences.

**Project Review Timeline and SEPA:**

The current submitted application with the revised proposal was determined to be complete on February 6, 2018 in accordance with 16.26.040 (B) (1).

Notice of Application was combined with a SEPA determination of exemption, which was published, posted, and mailed on March 12, 2018 (Exhibit 8). The notice included a 14-day comment period. The City determined that the proposal is exempt under the State Environmental Policy Act (SEPA) per WAC 197-11-800(6) (b). A statement of exemption from SEPA was issued on March 6, 2018 (Exhibit 9).

Notice of Hearing was published, posted, and mailed on March 22, 2018 (Exhibit 8).

**CRITERIA ANALYSIS**

The following is excerpted from the Lake Forest Park Municipal Code. The applicant has the burden of meeting all the criteria for an approval.

*A variance is the means by which an adjustment is made in the application of the specific regulations of this title to a particular piece of property. Variances shall be granted only in cases where the particular property, because of special circumstances applicable to the property, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and where the variance will remedy the disparity in privilege, or to accommodate a solar energy system. Before a variance shall be granted, the following requirements shall be met:*

1. *The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located; and*
2. *That such 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 zone in which the subject property is located; and*
3. *Granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and*
4. *There are special circumstances applicable to a particular lot or tract, such as size, shape, topography, surroundings, trees, ground cover or other physical conditions,*

*installation of a solar energy system or the location or orientation of a building for purposes of gaining or providing solar access; and*

5. *The granting of the variance will not alter the character of the land, nor impair the appropriate use or development of adjacent property; and*
6. *The granting of the variance will not conflict with the general purposes and objectives of the comprehensive plan and other requirements of this title; and*
7. *In determining whether to approve an application for a variance, the hearing examiner shall consider the applicant's record regarding meeting the terms, conditions and limitations of other permits previously issued including building permits, conditional uses or variances; and*
8. *All variances shall meet any other terms, conditions or limitations of the Lake Forest Park Municipal Code, if any, applicable to the specific action including LFPMC Title 16, Environmental Protection; Title 17, Subdivisions; and Title 18, Zoning.*

**Criterion 1: *The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located.***

This is not a use-variance request and approval for this variance will not create a use different from those in the neighborhood. This is a single-family property surrounded by other single-family properties. Therefore, this variance request does not seek special privilege inconsistent with the limitation upon uses of other properties in the vicinity and none in which the property on behalf of which the application was filed is located (Exhibit 2).

This criterion is met.

**Criterion 2: *That such 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 zone in which the subject property is located.***

Because of special circumstances relating to the size, location, and surroundings of the property, this variance is necessary in order to construct a home that is equivalent to existing lakefront homes in RS 7.2 zoned sections of the city.

The setbacks established for this existing home when it was constructed 67 years ago follow a pattern similar to properties to the northeast along Shore Drive NE, as demonstrated by the applicant in Exhibit 7.1. Further, the applicant contends that the substandard width and size of the subject lot minimizes alternative design options for meeting the needs of the homeowners (Exhibits 2.7 & 7.2).

Lastly, the applicant argues that the variance is necessary in order that the privilege available to surrounding properties be afforded to their site: The ability to construct additional floors up to the maximum allowable building height limit (Exhibits 2.7 & 7.3-7.5).

This criterion is met.

**Criterion 3: *Granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.***

The additions will not be materially detrimental to the public welfare or injurious to the property and will maintain the same general appearance as the other residences along Shore Drive NE. The applicant asserts that this proposal will “not intensify the home’s impact on the property or shoreline, as no additional impervious area is proposed.” (Exhibit 2.7) The drawings submitted demonstrate that the proposal will add bulk to a section of the second floor of the house within the side-yard setback (Exhibit 7).

This criterion is met.

**Criterion 4: *There are special circumstances applicable to a particular lot or tract, such as size, shape, topography, surroundings, trees, ground-cover or other physical conditions, installation of a solar energy system or the location or orientation of a building for purposes of gaining or providing solar access.***

No solar energy system is proposed for this lot.

This criterion is met.

**Criterion 5: *The granting of the variance will not alter the character of the land, nor impair the appropriate use or development of adjacent property.***

The proposal is generally similar in character to other houses in the surrounding area. There is no indication that the proposed house would impair the use or development of adjacent properties. The applicant contends that no additional lot coverage is proposed with this project, therefore, it would “not alter the potential for development on neighboring lots, nor does it increase the [existing] encroachment into any setbacks or adjacent properties.” (Exhibit 2.7)

This criterion is met.

**Criterion 6: *The granting of the variance will not conflict with the general purposes and objectives of the comprehensive plan and other requirements of this title.***

Policy LU 2.10 of the City of Lake Forest Park Comprehensive Plan states that “[a]ll structures located in areas having amenities of view and water access should be sited and designed as to preserve these amenities for adjoining properties.” That portion of the proposed addition which relies on variance approval is located in front of existing structure, on top of an existing floor. The proposal does not appear to be in conflict with the general purposes and objectives of the Comprehensive Plan.

This criterion is met.

**Criterion 7: *In determining whether to approve an application for a variance, the hearing examiner shall consider the applicant’s record regarding meeting the terms, conditions and limitations of other permits previously issued including building permits, conditional uses or variances.***

According to the information on file with the City of Lake Forest Park, the Applicant has recently submitted and received approval for a Substantial Shoreline Exemption permit (2017-SSD-0003) to repair an existing bulkhead. The Applicant appears to be meeting the terms, conditions, and limitations of such permits.

This criterion is met.

***Criterion 8: All variances shall meet any other terms, conditions or limitations of the Lake Forest Park Municipal Code, if any, applicable to the specific action including LFPMC Title 16, Environmental Protection; Title 17, Subdivisions; and Title 18, Zoning.***

The applicant will be required to comply with all of the terms and regulations of the LFPMC, except as allowed by this variance. The Applicant has been made aware that according to LFPMC 18.66.050 (D) that the Planning and Building Department assumes that a proposal for this scale of addition will improve the improvements of the property by at least 50% of the fair market value, therefore, the entire building must be renovated to meet applicable building codes. It is the property owners' responsibility to demonstrate otherwise.

This criterion is met.

#### **PUBLIC COMMENT**

At the time of preparation for the staff report, the City has not received any comments.

#### **DISCUSSION AND RECOMMENDATION**

The City Planning Department concludes that the proposed application is consistent with the criteria for a variance as proposed. This variance does not constitute a special privilege inconsistent with lots in surrounding areas because surrounding lots also have the same constraints and several have been the subject of similar variance requests.

The Planning Department recommends the conditional approval of the request for variance, 2015-VAR-0002, as depicted in Exhibit 6 for the above described reasons with the following conditions:

1. All plans comply with the City's adopted standards for development and construction, including, storm water mitigation, erosion control, zoning, and building.
2. The Permittee must assume that the fair market value for this improvement will exceed 50% of current improvement value, thus, the entire structure must meet all applicable building codes or demonstrate otherwise with an existing and projected appraisal performed by a certified appraiser.
3. The Permittee must apply for and receive Right-of-Way permits for all oversized vehicles that must remain parked on the public street.
4. The Permittee must apply for and receive all necessary permits from the Department of Planning and Building prior to commencing work on the addition.

Submitted: \_\_\_\_\_ Date: \_\_\_\_\_

Andrea Flower,  
Principal Planner

For information about this proposal or questions about this staff report, please Andrea Flower at Lake Forest Park City Hall, 17425 Ballinger Way NE, (206) 957-2832 or e-mail [aflower@cityoflfp.com](mailto:aflower@cityoflfp.com).

**Parties of Record (prior design):**

Barbara Sharkey  
16525 Shore Drive NE  
Lake Forest Park, WA 98155

Jerald E. Farley  
16526 Shore Drive NE 98155  
Lake Forest Park, WA 98155