



CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

Project Number: 3038863-LU
Applicant Name: Mike Rayburn
Address of Proposal: 8620 28th Avenue NW

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a single family residence. Parking for 1 vehicle proposed.

The following approvals are required:

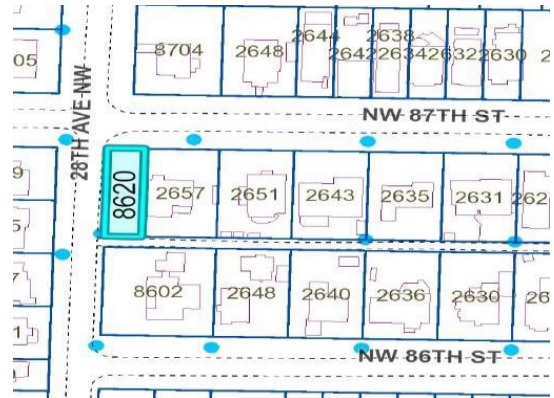
Special Exception - to allow development of a qualified lot less than 3,200 sq. ft. in area in a Single Family zone (SMC 23.44.010.B.3).

SITE AND VICINITY

Site Zone: Neighborhood Residential 2 (NR2)
Zoning Pattern: Nearby properties are zoned NR2.
Site Size: approximately 2,941 square feet

Public Comment

The public comment period ended on January 17, 2022. Comments were received and carefully considered to the extent that they raised issues within the scope of this review. These areas of public comment related to development and privacy.



The top of this image is north. This map is for illustrative purposes only. In the event of omissions, errors or differences, the documents in Seattle DCI's files will control.

Comments outside of the scope of this Special Exception analysis were also received. Commentors questioned the width of the abutting right of way, which was the subject of a right of way planning process in King County prior to annexation by the City. Detailed comments were provided that questioned whether this property meets the exception to minimum lot size provided in SMC 23.44.010.

The record shows that the subject lot was a separate building site in the public records of the County or City prior to July 24, 1957. While it appears there was a clear intent dating back to 1918 for the County to widen 28th Avenue NW, there is no indication in the record that any portion of this lot was ultimately condemned nor any indication that ownership of any portion of the lot was transferred to either the County or City. The lot of record conforms to the original plat and survey provided by the applicant. Based on this research, the lot is a separate legal lot under the applicable standards of SMC 23.44.010.

### **ANALYSIS - SPECIAL EXCEPTION**

The Land Use Code provides a Special exception review process for lots less than 3,200 square feet in area. A special exception Type II review as provided for in Section 23.76.004 is required for separate development of any lot with an area less than 3,200 square feet that qualifies for any lot area exception in subsection 23.44.010.B.1. The special exception application shall be subject to the following provisions:

- a. The depth of any structure on the lot shall not exceed two times the width of the lot. If a side yard easement is provided according to subsection 23.44.014.C.3, the portion of the easement within 5 feet of the structure on the lot qualifying under this subsection 23.44.010.B.3 may be treated as a part of that lot solely for the purpose of determining the lot width for purposes of complying with this subsection 23.44.010.B.3.a.*
- b. Windows in a proposed principal structure facing an existing abutting lot that is developed with a house shall be placed in manner that takes into consideration the interior privacy in abutting houses, provided that this subsection 23.44.010.B.3.b shall not prohibit placing a window in any room of the proposed house.*
- c. In approving a special exception review, additional conditions may be imposed that address window placement to address interior privacy of existing abutting houses.*

The depth of the structure and yards comply with SMC 23.44.010.B.3.a. The applicant provided elevation drawings in the plan set for the proposed residence. Based on review of those elevations, including the east elevation showing no windows are proposed on the side of the house adjacent to the property located at 2657 NW 87th Street, it has been determined that windows in the proposed structure have been placed in a manner that takes into consideration the interior privacy in abutting houses. This proposal is not expected to have a significant impact on the interior privacy of existing abutting houses and therefore no additional conditions are warranted. The proposal has been reviewed and complies with provisions regulating review for lots under 3,200 square feet under SMC 23.44.010.B.3.

### **DECISION – SPECIAL EXCEPTION**

The special exception is **GRANTED**.

### **CONDITIONS OF APPROVAL – SPECIAL EXCEPTION**

None.

Michael Houston, AICP, Senior Land Use Planner  
Seattle Department of Construction and Inspections

Date: September 22, 2022