



Short Subdivision Preliminary Approval

File Number(s): SUB22-0004, VAR22-0008

Project Name: Cage Short Plat

Project Address: 2630 South 146th Street; **Parcel Number:** 212304-9095

Project Description: Short subdivision of a 22,662 square foot parcel into three parcels, and a variance request to reduce the 5-foot setback from the access easement to 4.6 feet.

Applicant: Kenneth Cage; 755 Oakhurst Drive; Pacific, WA 98047; 206-272-0865

Agent/contact: Same as Applicant

Staff Contact: Dennis Hartwick, *Senior Planner*, Department of Community and Economic Development; 4800 South 188th Street, SeaTac, WA 98188; dhartwick@seatacwa.gov; 206-973-4837

Decision: Approved with conditions

I. Background

A. Site and Neighborhood

1. Site Description

The site is located on South 146th Street approximately 1,000 feet east of 24th Avenue South. It is 22,662 square feet in size, relatively flat, and is currently developed with a detached dwelling unit.

2. Land Use

The land use for the site and adjacent properties are as follows:

- a. Site: Detached dwelling unit
- b. North: Detached dwelling unit
- c. South: Detached dwelling unit
- d. East: Detached dwelling unit
- e. West: Detached dwelling unit, religious use facility

3. Zoning

- a. Site: UL-7,200 (Urban Low Density Residential)
- b. North: UL-7,200
- c. South: UL-7,200
- d. East: UL-7,200
- e. West: UL-7,200

4. Comprehensive Plan Designations

- a. Site: Residential Low Density
- b. North: Residential Low Density
- c. South: Residential Low Density
- d. East: Residential Low Density

- e. West: Residential Low Density
- 5. Utilities, Services
The utilities and services for the site are as follows:
 - a. Water District: King County Water District #125
 - b. Sewer District: Valley View Sewer District
 - c. School District: Highline School District
 - d. Fire District: Puget Sound Regional Fire Authority

B. Project Timeline

- 1. Short Subdivision
 - a. Application (Exhibit A) submitted: 01/28/2022
 - b. Determination of Completeness (DOC) (Exhibit H) issued: 02/01/2022
 - c. Notice of Application (NOA) (Exhibit I) issued: 02/15/2022
- 2. Variance
 - a. Application (Exhibit B) submitted: 08/25/2022
 - b. Determination of Completeness (DOC) (Exhibit J) issued: 09/22/2022
 - c. Notice of Application (NOA) (Exhibit K) issued: 10/17/2022

C. SEPA Review

The proposal is exempt from the State Environmental Policy Act.

II. Findings

A. SeaTac Comprehensive Plan and Policies

Residential Land Use, Goal 2.3: Achieve a mix of housing types while maintaining healthy residential neighborhoods and guiding new housing development into appropriate areas.

Policy 2.3A: Stabilize and protect existing single family residential neighborhoods by maintaining a designated Residential Low Density (Single Family) area.

The property is designated Urban Low Density Residential. The proposed development of the property, Detached Dwelling Unit, is consistent with this designation.

B. Subdivision and Zoning Code

City staff analyzed the proposal for compliance with the applicable standards of the subdivision and zoning codes. As demonstrated below, the proposal complies with the applicable regulations.

1. Land Use

The proposed use for the property – Detached Dwelling Unit – is permitted in the UL-7,200 zone.

2. Dimensional Standards

Standard	Lot 1	Lot 2	Lot 3
Lot area, minimum: 7,200 square feet	7,931 square feet	7,493 square feet	7,238 square feet
Setbacks			
Front, minimum: 20 feet	42.83 feet	N/A (vacant)	N/A (vacant)
Rear, minimum: 15 feet	20 feet	N/A (vacant)	N/A (vacant)
Side, minimum: 5 feet	24.6 feet (west), 7.9 feet (east)	N/A (vacant)	N/A (vacant)
Access easement: 5 feet	4.6 feet (variance)	N/A (vacant)	N/A (vacant)
Building lot coverage, maximum: 35%	17.3%	N/A (vacant)	N/A (vacant)
Lot width, minimum: 50 feet	76.71 feet	73.83 feet	70.94 feet

3. Significant Trees

SMC 15.445.440 requires each lot in a subdivision to have two significant trees, one significant tree and two new trees, or four new trees. The proposed lots do not have any significant trees. Therefore, four new trees shall be planted on each lot prior to the final inspection of a dwelling unit on the lot.

C. **Washington State Plats, Subdivisions, and Dedications**

City staff analyzed the proposal for compliance with RCW 58.17.110, Approval or disapproval of subdivision and dedication — Factors to be considered — Conditions for approval — Finding — Release from damages, listed below, and determined that it complies.

“(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication.”

D. **Public Services**

1. Sewage Disposal

A Certificate of Sewer Availability from Valley View Sewer District dated 04/13/2021 indicates the district's capability to serve the proposed development (See Exhibit C).

2. Water Supply

A Certificate of Water Availability from King County District 125 dated 04/13/2021 indicates the district's capability to serve the proposed development. (See Exhibit D)

3. School Facilities

The development is located within the Highline School District. Local schools have adequate capacity to serve the number of students expected to be reside within future homes.

4. Sidewalks

South 146th Street does not currently have sidewalks. Infrastructure improvements may be constructed in the future by way of frontage improvement requirements.

E. **Variance Request**

The Applicant requested a variance to reduce the required 5-foot setback from the access easement to 4.6 feet because of an irregular lot shape and the location of the existing residence on Lot 1.

A variance is a request for an exception to the development standards of the code because of special circumstances (i.e., size, shape, topography of lot) when the strict application of the code deprives such property of privileges enjoyed by other similar properties. A variance may be granted when a hardship is proven. A variance cannot be used for relief from types of uses permitted within zone classifications.

Per SMC 15.115.010, the applicant must show that the proposed development issue requiring a variance meets all of the following criteria for approval:

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.

Applicant's Response: This variance is of common type consistent with such zoning in the vicinity in which I am applying.

Staff Response: The requested variance would allow the Applicant to fully realize the development potential of the property in a manner that is consistent with the properties in the vicinity and in the same zone. **The criterion has been met.**

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.

Applicant's Response: This variance is necessary in order to complete the access easement road set back that leads to the proposed lots in the rear of the house. The variance is of 20% of the allowed set back needed in the amount of 6 inches.

Staff Response: The variance request is the result of an irregular lot shape. The Applicant purchased the property in April 2021 and constructed an addition to the existing house prior to surveying the property for the short subdivision. The Applicant assumed the property was a rectangle and was not aware that the western property line angles slightly to the east (approximately 1 degree). The addition to the west side of the house was constructed perpendicular to the southern property line, with a 25.1-foot setback from the western property line at the addition's southernmost point. Because of the angled western property line, the northernmost point of the addition only has a 24.6-foot setback from the western property line. With a 20-foot access easement running parallel to the western property line, this results in a 4.6-foot setback from the access easement. **The criterion has been met.**

3. That the 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.

Applicant's Response: By granting this variance it 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 located.

Staff Response: Staff concurs. Reducing the 5-foot setback from the access easement by 6 inches will not be detrimental to the subject property or surrounding properties. **The criterion has been met.**

4. That the special circumstances necessitating the variance have not resulted from any action of the applicant.

Applicant's Response: The special circumstances have not been created as a result from any special actions.

Staff Response: The variance request is the result of an irregular lot shape. The Applicant purchased the property in April 2021 and constructed an addition to the existing house prior to surveying the property for the short subdivision. The Applicant assumed the property was a rectangle and was not aware that the western property line angles slightly to the east (approximately 1 degree). The addition to the west side of the house was constructed perpendicular to the southern property line, with a 25.1-foot setback from the western property line at the addition's southernmost point. Because of the angled western property line, the northernmost point of the addition only has a 24.6-foot setback from the western property line. With a 20-foot access easement running parallel to the western property line, this results in a 4.6-foot setback from the access easement. **This criterion has been met.**

5. That the requested variance will not create a use not generally permitted within the zone in which the subject property is located.

Applicant's Response: This variance request will not create a use not generally permitted within the zone in which the subject property is located.

Staff Response: Staff concurs. The variance enables the Applicant to develop the property into a short subdivision, which is permitted in the UL-7,200 zone. **The criterion has been met.**

6. The variance does not reasonably involve a life/safety issue nor does it reasonably involve damage to or loss of property of any person or entity.

Applicant's Response: This variance does not reasonably involve a life/safety issue nor does it reasonably involve damage to or loss of property of any person or entity.

Staff Response: Staff concurs. The 6-inch encroachment into the 5-foot setback from the access easement will not adversely affect responses from emergency services nor will it cause damage to or loss of property. **The criterion has been met.**

7. The person or entity requesting the requirements change shall agree to waive all rights to pursue a variance or other process to seek an alternative to the requirements of the City Code; provided, that if no change in the requirements of the City Code is granted to such person or entity, the

person or entity would be entitled to pursue a variance or other available procedure in the normal course.

Applicant's Response: If the variance is approved, the applicant waives all rights to pursue a variance or other process to seek an alternative to the requirements of City Code.

Staff Response: **The criterion has been met.**

III. Public Comments

The NOAs for the Preliminary Short Subdivision and Variance were published in the Seattle Times on February 15, 2022, and October 17, 2022, respectively. The NOAs were also posted on the site and mailed to property owners within 300 feet of the site. No public comments were received.

IV. Conclusion

The City of SeaTac has completed review of this short subdivision per RCW 58.17.060, RCW 58.17.110, and the review criteria of SMC 14.17 and SMC 14.18. The short subdivision will comply with the goals and objectives of the City of SeaTac Comprehensive Plan and will comply with the requirements of the Subdivision, Zoning, and other official development controls, provided compliance with the following codes and conditions, and required improvements are completed to City standards.

V. Decision

The Preliminary Short Subdivision SUB22-0004 and the Administrative Variance VAR22-0008 are hereby approved with conditions. You, or parties of record, may appeal this "Notice of Decision" (NOD) within fourteen (14) days from this date to the City of SeaTac Hearing Examiner. All appeals must be received by the SeaTac City Clerk no later than **5:00 p.m., Friday, January 20, 2023**. There is a filing fee to appeal this action. Please check with City Staff for more information.

VI. Conditions

The approval is subject to the following conditions:

A. Planning Division

1. Site development shall substantially conform to the approved plans.
2. At least two significant trees shall be saved on each lot. If this cannot be accomplished, two new trees meeting the requirements of SMC 15.445.400(B) shall be planted for each significant tree that is required. New trees shall be planted prior to final inspection of a dwelling unit on the lot.
3. The Preliminary Short Subdivision approval shall expire on **Monday, January 05, 2026**, per SMC 14.18.080.
4. Lot addresses shall be included on the final short subdivision map as follows:
 - a. Lot 1: 2648 South 146th Street
 - b. Lot 2: 2644 South 146th Street
 - c. Lot 3: 2640 South 146th Street

B. Engineering Division

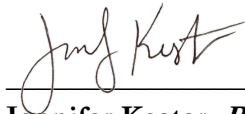
1. Traffic impact fees imposed pursuant to SMC 11.15.040 will be assessed as part of the process for future building permits.
2. ROW permit application will be required for any work that needs to be performed within the City's Right-of-Way.
3. STE, and ROW permit applications (Engineering Plans, Drainage Reports, Bond Quantity Worksheet, etc.) are required to be submitted prior to applying for Final Short Plat.

4. All construction activities must meet the minimum requirements of the King County Surface Water Design Manual (KCSWDM), and the King County Road Design and construction Standards (KCRDCS), latest editions.
5. If required, All Traffic Control Plans (TCP) must meet the minimum requirements of the Manual on Uniform Traffic Control Devices (MUTCD), latest edition.

VII. Exhibits

- A. Application – Preliminary Short Subdivision
- B. Application – Variance
- C. Sewer Availability Certificate
- D. Water Availability Certificate
- E. Vicinity Map
- F. Aerial Photo
- G. Short Subdivision Map
- H. Determination of Completeness (DOC) for Short Subdivision
- I. Notice of Application (NOA) for Short Subdivision
- J. DOC for Variance
- K. NOA for Variance

Approved by:



Jennifer Kester, *Planning Manager*

01/06/2023

Date

* Please note that affected property owners may request a change in valuation for property tax purposes not withstanding any program of revaluation.