

## **114 NE Upper Basso Circle**

### **Narrative Discussing How the Proposal Meets the 5 Criteria Listed Below**

*A Variance is an authorization from the Board of Adjustment to a property owner to depart from the literal requirements of the provisions of SMC 17-Zoning or SMC 16.02-Short Plat & Short Subdivisions because the strict enforcement of their provisions would cause the owner undue hardship in view of the facts and conditions applying to the specific parcel of property. A Variance will be granted by the Board of Adjustment when it finds that:*

*1. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located*

**Numerous properties in the Chinidere neighborhood have driveways wider than 20 feet. Several examples are: 243 NE Hemmingway Drive, 240 NE Lower Basso Circle, 211 NE Lower Basso Circle. At this time, there are no other dwellings on NE Upper Basso Circle.**

*2. The strict application of the land use regulation is found to deprive the subject property of rights and privileges enjoyed by other property in the vicinity and under identical zoning district classifications, because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings*

**The topography on the S side of NE Upper Basso Circle is a steep slope which required a considerable amount of engineering, especially with regard to the driveway.**

**If a 3 ft. 3 in. wide North-South section of the concrete driveway is removed and replaced with gravel, the stormwater management system could not be relied upon to function as designed. The resulting driveway would be unlike any other driveway that we have observed in the neighborhood, and the alteration could introduce devastating seepage and leakage issues. The structural integrity of the driveway, foundation and structures down the hill from it could be negatively impacted. If the driveway sloped away from the house, other options may be available that are not possible for 114 NE Basso Circle.**

*3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which the subject property is located*

**The additional 3 ft. 3 in. width will have no appreciable negative impact to the public welfare or the other properties in the neighborhood.**

*4. The granting of the variance will not be detrimental to the purposes of the land use regulatory code from which the variance is requested, and will not conflict with the goals and policies of the comprehensive plan*

**The driveway is designed to enable proper stormwater management, driver and pedestrian safety and retaining wall functionality. The current width will have no appreciable negative impact on land use and will not conflict with the goals and policies of the comprehensive plan.**

*5. The hardship creating the need for a variance is not self-imposed and that the variance requested is the minimum variance which will alleviate the hardship*

**The front elevation includes a covered front porch and a 24 ft. wide 2 car 2 door garage. As can be seen in the floor plan, the overall width of the garage from wall to wall is 24 ft. 6 in. (See Photo Attachments).**

**Due to the shape of the lot and challenges around its steep slope, Builder and Engineers recommended an Ultrablock retaining wall system on the W side of the driveway and a high quality type of fill material to form the base for the pouring of the driveway. The driveway slopes slightly downhill from the sidewalk to the house; it includes a cross-driveway drain that connects to the stormwater system through a drain adjacent to the two steps connecting the driveway to the front door. Due to the topography and shape of the lot, a 20 ft. wide driveway is unworkable. The recommended minimum width is about 23 ft. 3 in.**

**When the Builder first submitted Site Plan 1 at a scale of 1 in.= 20 ft., the City asked the Builder to add a notation indicating the planned driveway width. The Builder annotated Site Plan 1 on June 9 for a 20' wide driveway, considering it to be an initial estimate.**

**After deciding to reverse the orientation of the house to a mirror image to better suit the lot, on June 12, the Builder uploaded a revised CAD Site Plan (Site Plan 2) to CloudPermit. Site Plans 1 and 2 are produced using a CAD system that best prints/displays the scale of 1 inch = 20 feet using the 11 x 17 paper size.**

**On revised Site Plan 2, printed or viewed in the 11" x 17" format and size, the driveway illustrated measures 1 and 3/16th in. (1.1875 in, or 23 feet 9 inches).**

**Builder informed Owners in late June that the City and the County had confirmed that Site Plan 2 had been accepted.**

**Until Dec 1, when the Driveway Inspection results we posted, there had been no discussions with the Owners about the driveway width measurement. The discussions between the Owners and Builder about the driveway have focused on topography, grade, retaining wall planning, storm water management and driver/pedestrian safety.**

**Owners relied on Builder to schedule construction and inspections. Inspections have proceeded smoothly and in a timely way. On Nov 19, the Builder contacted the City and requested a driveway staking inspection. But, the Builder did not wait long enough to hear back from the City about a date for the inspection before allowing the driveway to be poured. Additionally, we have now surmised that since June, City was likely operating on the assumption as noted on Site Plan 1 of a 20' wide driveway. We deeply regret the missed step of confirming that the City engineer had been made aware of the determination that a 20 ft. wide driveway was unworkable.**

**Therefore, we are respectfully requesting approval of this variance application, so that our driveway can remain in place as built.**

**Thank you for your thoughtful consideration.**