



**PLANNING SERVICES**  
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**Planning Services Director's  
Findings of Fact, Conclusions, and Conditions of Approval**

In the matter of a request for relief from the requirements of Spokane Municipal Code (SMC) §17C.110-3 related to the application of attached housing minimum lot width in the Residential Two-Family zone to allow for the construction four attached single family units, each on their own parcel at the properties located at 324/328 E 10<sup>th</sup> Ave:

**Applicant:** Sukhi Dakha  
**Owner:** Group Zone 5, LLC  
**Parcel Numbers:** 35203.2403 and 35203.2402

**Findings of Fact:**

- A. The applicant is seeking to subdivide two existing parcels in the Residential Two Family (RTF) zone into four parcels to build four attached single family homes. Currently, the parcel addressed as 324 E 10<sup>th</sup>, contains an existing duplex, built in 1892. The other parcel, addressed as 328 E 10<sup>th</sup>, is vacant. The applicant intends to demolish all existing structures on the site. The subject parcels are 6,000 square feet each, for a total of 12,000 square feet of land area, and each satisfy the minimum lot standards for that zoning designation, as provided for in Table 17C.110-3 of SMC §17C.110.200.
- B. Table 17C.110-3 states that attached houses in the RTF zone are required to have a minimum lot area of 1,600 square feet and a minimum lot width of 36 feet or 16 feet with alley parking and no street curb cut. The subject parcels are on a block that was platted without an alley. The applicant is requesting to subdivide the subject parcels into three lots narrower than 36 feet with no curb cuts and one larger lot at least 36 feet wide with one street curb cut on the easternmost side of the site. The applicant's intention is to provide a shared driveway for all four lots to access rear garage parking.
- C. The applicant is interested in creating four fee simple lots to be sold individually, rather than building four attached units on one parcel and creating a condo association. Therefore, the applicant is requesting a director's interpretation that the proposed subdivision meets the intent of the code section referenced above, by limiting the street curb cuts to one.
- D. As per SMC §17C.110.208.A, the lot dimensional standards ensure that:

*Each lot has enough room for a reasonably-sized house and garage; each lot has adequate access for utilities and services; lots are an appropriate size and shape so that development on each lot can be oriented toward the street as much as possible; multi-dwelling zones can be developed to full potential; housing goals for the City are met, and [development avoids] having the garage door as the dominant feature of the front of a house on narrow lots.*

- E. SMC §17A.050.030 provides for "flexibility, adaptability, and reasonableness in the application and administration of this title where special conditions exist and the strict application of the standard or

procedure would not serve a public purpose". It specifically grants the following authority to the Planning Services Director:

*"In the event the strict application of a development standard or procedural requirement of this title would result in unforeseen consequences or an excessive burden given the nature of the proposed development, the planning services director is authorized to make a minor adjustment in the standard or procedure, upon making a written finding that no person of average sensibilities would be negatively impacted by an adjustment, and that the adjustment would be consistent with the spirit and intent of this title and the comprehensive plan."*

F. The proposal is consistent with and implements the following provisions of the City of Spokane's Comprehensive Plan:

- LU 5.5 Compatible Development: *Ensure that infill and redevelopment projects are well-designed and compatible with surrounding uses and building types.*

Discussion: This block is a varying mix of lot sizes, but just two lots to the west – on the corner of Rockwood Blvd and 10<sup>th</sup> Ave – a very similar development was recently built with narrow lots fronting 10<sup>th</sup> Ave and one shared driveway access off of Rockwood, which mimics an alley. This development limits curb cuts, allowing for increased front yard permeable surface and decreased potential traffic concerns near a dangerous intersection. This infill proposal would provide a very similar built environment, again limiting the number of access points on an atypical right-of-way, one that contains a large rock wall separating east and west travel lanes. The block is a mix of single family and duplex uses, but skews more to the single family. This development would produce four new single family homes to be purchased, which provides for home ownership opportunities in an infill setting. Currently, the two parcels, which are in common ownership, are accessed by one existing driveway on the easternmost portion of the eastern lot. The proposal includes a single driveway in the same location, to be accessed by all four lots, maintaining consistency with the current use of the property.

- H1.15 Performance Standards: *Create a flexible project review process that allows for the use of alternative standards, but only if their use results in a project that is equal or superior to using existing standards.*

Discussion: Providing flexibility in the implementation of this code section allows for home ownership opportunities in an infill location. Additionally, limiting the street curb cut to one rather than the two or more that could be achieved in the lots' current configuration, limits the potential traffic concerns on an atypical right-of-way. Strict application of the code section, which would limit further subdivision of the lots, does not work to achieve the City's stated goals of promoting infill development. No other standards or regulations would require flexibility in order to achieve this 4-lot subdivision, and it is believed that that through this flexibility, a superior project could be achieved allowing the applicant to develop the property in a manner that is consistent with the character of the surrounding neighborhood. It is believed that no person of average sensibilities would be negatively impacted by the adjustment.

#### Conclusions:

- A. The Planning Director finds that the granting of a minor adjustment in the application of the code achieves a valid public purpose in allowing flexibility and promoting infill development, while maintaining compatibility of the surrounding character.

- B. The effect of the minor adjustment has been duly considered by the Planning Services Director and found to be in conformance with spirit and intent of the goals and policies of the City's Comprehensive Plan.
- C. By conditioning the approval of this minor adjustment, as detailed herein, the Planning Director finds the minor adjustment to be consistent with the spirit and intent of the City's development code, and equally protective of life safety.
- D. The impact and magnitude of the requested adjustment to the minimum lot size for the proposed 4-lot subdivision is substantially less than the potential impact of two or more driveways on to 10<sup>th</sup> Ave in this location. The Planning Director finds that no person of average sensibilities would be impacted by the proposed adjustment.

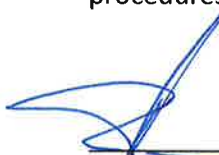
**Conditions of Approval:**

The approval of this minor adjustment of the standards established in (SMC) §17C.110-3 related to the side yard setback for the subject property is conditioned on the following:

1. Three of the four proposed lots are allowed to be as narrow as 16 feet wide with no street curb cut access, while the fourth lot may be as narrow as 36 feet wide with one street curb cut to be shared by all four lots for rear garage parking.
2. As a part of the required short plat to subdivide the parcels, the three new lots proposed to be less than 36 feet wide will require a deed restriction prohibiting the inclusion of street curb cuts which provide front loaded driveways.
3. All four new parcels will require a shared access agreement to utilize the one allowable street curb cut on the lot that is wider than 36 feet. That agreement language can be accommodated on the required short plat.
4. This adjustment shall be applicable only to the subject property for the four attached single family homes proposed. The applicant shall develop the site in substantial conformance to the site plan as proposed. This adjustment shall not be construed to allow a more intensive use of the property than that proposed.

**Appeal:**

This decision may be appealed to the Hearing Examiner by any aggrieved party, pursuant to the appeal procedures detailed in SMC §17G.060.210 within 14 calendar days of the date of the decision.



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**Heather Trautman, Director  
Office of Neighborhood and Planning Services  
City of Spokane**

September 17, 2019  
**Date**