

2024

Medina-1 Residence

Non administrative variance

January 11, 2024, REV #1 - April 2, 2024, REV #2 – April 29, 2024

*E.1. Nonadministrative variances may be granted where the application of a dimensional standard would result in an unusual or unreasonable hardship due to physical characteristics of the site.*

The site contains a very steep slope and limited building area due to many large trees (a physical characteristic). This steep slope and the location of the trees result in a limitation on the size of flat, usable surfaces. This application seeks relief from MMC 16.22.040, Section C-1, which allows an exception for uncovered decks where “no part of the structure exceeds 30 inches in height above the existing or finished grade, whichever grade is lower”

*F. Criteria for Approval. The decision authority may approve a nonadministrative variance only if the following criteria are satisfied:*

*1. The variance does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and*

The building permit for the house included a deck in the same location as is being requested in this variance application. During construction the roots on the adjacent trees we discovered to be higher than anticipated. At the advice of our arborist the elevation of the deck was raised to avoid impacting the Giant Sequoia on the north edge of the property. Once the deck was raised only the eastern portion of the deck was within the allowable height in the setback, because of the sloping site the western portion of the deck would rise above the allowable height. This request is being made to allow for an increased height allowance for a deck within the north property setback. This is necessary to steeply sloping side and the large trees that are being preserved on the property. If the lot topography was less steep, and there weren't large trees the height variance would not be required. Granting this variance would not provide special privilege.

*2. The 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*

The property is steep, relatively narrow and includes a prominent tree (oldest tree in Medina) located in the middle. These factors necessitated locating the house at the lower portion of the site. To build a usable deck on grade with the finish floor, and avoid damaging the roots of another large tree in the setback (Giant Sequoia), the proposed deck ranges from 10" (which is required to protect the tree roots), to 60" above existing grade (due to the slope of the site). The total allowable size of a flat deck surface that avoids the

tree roots and complies with the 30" maximum height is 12'-6" x 13'-0", which is not large enough to accommodate a dining table of a reasonable size to suit the intended use as an outdoor dining area while still serving as a walkway to access the adjacent outdoor spaces. The deck cannot go down further in elevation without removing the Giant Sequoia, increasing exposure to the neighbor on the north property line. This special topographic circumstance limits the "rights and privileges permitted by other properties in the vicinity and zone" that enjoy a flatter lot and fewer significant trees.

*3. The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant; and*

Due to the steepness of the site and the elevation of the tree roots, it is not possible to locate a deck large enough for practical use that does not exceed the height limitation of 30" inside the setback.

*4. 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; and*

The proposed deck is located at the very bottom of the steep slope and will be almost completely hidden by vegetation, a fence along the property line and existing trees, negating any obstruction of view or impact to adjacent neighbors.

*5. The variance is the minimum necessary to provide reasonable relief.*

The deck complies with the 30" maximum height requirement for the eastern 50% of the deck. Due to the sloping topography the deck exceeds 30" for the western 50%. The intended use of the proposed deck is for outside dining and entertainment. If the deck was stepped to follow the sloping grade it would not be usable for the intended use.