

FINDINGS AND RECOMMENDATION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

JOHN PRUITT

FILE NO. CC-81-015
C.F. NO. 3290953

for a council conditional use pursuant to the provisions of Title 24, Seattle Municipal Code, (Zoning Ordinance 86300, as amended)

Introduction

John Pruitt, applicant, by Evvian Willis, his agent, applied for council conditional use approval to establish a second dwelling unit on property at 4505 Rainier Avenue South in a General Commercial zone.

No correspondence or testimony in opposition was entered in the record.

For purposes of this decision, all section numbers refer to the Seattle Municipal Code, Title 24 (Ordinance 86300, as amended) unless otherwise indicated.

The Director's report, submitted by the Department of Construction and Land Use (DCLU), recommended that the application be granted.

This matter was heard before the Hearing Examiner on November 18, 1981.

After due consideration of the evidence presented by the applicant, the information provided by the Director's report, all evidence elicited during the public hearing, the following findings of fact and conclusions shall constitute the recommendation of the Hearing Examiner on this application.

Findings of Fact

1. The subject property is a lot measuring 40 by 101.47 ft. with frontage on Rainier Avenue South abutting upon an alley in the rear. The lot is located in a General Commercial (CG) zone and is just north of the Columbia City Landmark Distoric district. Development on the lot is a single family residence.

2. The area contains a number of vacant lots and developed lots with vacant buildings. In the subject block on the west side of Rainier Avenue are located both occupied and vacant houses and occupied and vacant businesses. The site is flanked by a vacant one-story storefront building on one side and a vacant residence on the other. Directly across Rainier from the site is the Rainier Playfield and Recreation Center. Across the intersection to the northeast is a service station and other small businesses. To the north on the same side of Rainier as the subject site are a number of occupied residences. The zone does contain a mix of commercial and residential development.

3. The applicant desires to convert the single family house to a duplex by adding a dormer on the second floor and installing a new kitchen and bath. Work had begun when it was discovered that council conditional use is required by Section 24.52.100.

4. The lot is sufficiently large for two units using RM 800 standards but the overall bulk of the building will remain unchanged except for the dormer addition.

5. A Single Family Residence High Density (RS 5000) zone adjoins the property to the west across the alley.

6. With regard to the State Environmental Policy Act of 1971 (SEPA) and Ordinance 105735, as amended, Chapter 25.04, Seattle Municipal Code, the action proposed in this subject application has been determined by the responsible official to be categorically exempt pursuant to the provisions of WAC 19710170.

Conclusions

1. A dwelling unit may be authorized in a CG zone when the requirements of Section 24.52.100 are met. Other uses or conditions in the immediate area may not create a nuisance or adversely affect the desirability of the area for living purposes, the residential uses may not usurp land needed or better suited for commercial use because of special attributes and the structural bulk of the residential use may not adversely affect any development and may not exceed the RM 800 bulk limits. The proposed use meets those conditions. There are other residential uses in the area which appear to be unaffected by the existing zoning and uses, the area has no special attributes for commercial usage but even if there were there is sufficient vacant property that could be used and the bulk is in keeping with the other structures in the area and does not exceed RM 800 limitations.

2. The establishment of the second unit within the structure appears to be consistent with the spirit and purpose of the ordinance and will not adversely affect the surrounding area or the public welfare.

Recommendation

For each of the above reasons, the Council should GRANT conditional use to permit the establishment of a second dwelling unit.

Entered this 24th day of November, 1981.

M. Margaret Klockars
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Deputy Hearing Examiner

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

Pursuant to 24.72.090, Seattle Municipal Code, as amended, (Section 27.51 of the Zoning Ordinance 86300, as amended) any party affected by a recommendation of the Hearing Examiner may submit a petition in writing to the City Council requesting further consideration. The petition must be submitted within fourteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Urban Development and Housing Committee, Municipal Building, Seattle, Washington 98104.

The petition should state clearly and concisely the reason(s) why further consideration is necessary, and should refer specifically to any errors alleged to exist in the Hearing Examiner's Findings and Conclusions. The City Council's consideration of the petition will be based upon the record of the Hearing Examiner's hearing, and new exhibits or other evidence in support of the petition should not be submitted. In its discretion the Council may allow oral or written arguments based on the record when it considers the petition.