

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

In the Matter of the Petition of
~~FRANK~~
~~ERIC~~ PRIEN, AGENT FOR DWIGHT C. PICKETT

FILE NO. CC-81-007
C.F. NO. 290837

for an amendment to the Official
Zoning Map pursuant to Title 24,
Seattle Municipal Code (Ordinance
86300, as amended)

Recommendation: The petition should be DENIED.

Introduction

The petitioner seeks the reclassification of an interior parcel of property located approximately 133 ft. east of Greenwood Avenue North and about 95 ft. north of N. 138th Street from Single Family Residence Medium Density to Duplex Residence Medium Density.

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

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

This matter was heard before the Hearing Examiner on December 9, 1981.

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

Findings of Fact

1. The subject property is an interior parcel located in the Single Family Residence Medium Density (RS 7200) zone near N. 138th and Greenwood Avenue N. The legal description is

Parcels A and B of Short Plat 78-178 recorded in the King County Records under Rec. #781102-0765, more fully described as the north 192 ft. of Lot 5, Block 4 of Jos A. Allen's Addition to Plat Thereof, recorded in Volume 38 of plats, page 17, records of King County, Washington.

2. Each lot measures approximately 75 ft. by 96 ft. and is undeveloped.

3. The properties fronting along Greenwood Avenue N. to the subject property's west are zoned RD 7200 (Duplex Residence Medium Density) and developed with triplexes. The north and south adjacent properties are zoned RS 7200 and are developed with single family residences. The east adjacent property is also zoned RS 7200 but is vacant.

4. Access to the subject interior parcel is via an easement from the west, i.e., through the RD 7200 zoned properties.

5. According to petitioner a rezone to RD 7200 would allow two new duplexes on the subject lots which would be compatible with surrounding structures. Petitioner was of the view that the entire strip along Greenwood was developed, with the

exception of the subject lots, under RD 7200 zoning. Further, the petitioner testified, the parcels would be difficult to sell under single family restrictions; access is through the duplex residence medium density zone and not through the single family zone. If access were available through the single family zone petitioner stated, the rezone request probably would not be necessary.

6. With regard to the action proposed in this application, a declaration of non-significance (DNS) has been prepared by the responsible official pursuant to the State Environmental Policy Act of 1971 (SEPA) and Ordinance 105735, as amended, Chapter 25.04 Seattle Municipal Code, and is part of the record.

Conclusions

1. The rezone petition should be denied. Granting the petition would amount to an aberration in the established zoning pattern of the vicinity. Properties fronting the arterial, Greenwood Avenue N., are zoned at a higher density than those properties away from the arterial, such as the petitioner's property. Development and zoning north and south of the subject property is single family. Although the east adjacent property is undeveloped, it is also zoned single family.

2. Concerning the access easement, the easement is through a higher density to a lower density; the reverse would be more inappropriate.

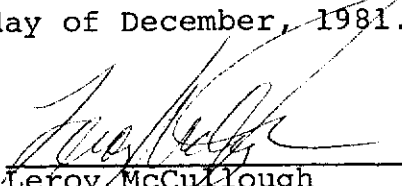
3. Authorizing the rezone would be contrary to the spirit of the Single Family Area Policies in that the policy intent is to "preserve and protect" areas currently in predominantly single family use including some vacant land. Resolution 25968, p.1. Concerning the Multi-Family Policies, the petitioner has not demonstrated that the area is inappropriate for single family use, easement access notwithstanding. Resolution 26579, p.2.

Recommendation

For each of the above reasons, the recommendation of the Hearing Examiner to the City Council is as follows:

That the petition be DENIED.

Entered this 22nd day of December, 1981.



Leroy McCullough
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.