

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

In the Matter of the Appeal of

SALMON BAY INVESTMENTS

FILE NO. H-81-011

from a decision of the Director of the Department of Construction and Land Use pursuant to Title 22, Subtitle II, Seattle Municipal Code (Housing Code, Ordinance 106319)

Introduction

Appellant, Salmon Bay Investments, appeals the order of the Director of the Department of Construction and Land Use (Director) to "repair, alter or improve...or vacate and close" the building at 4205-21st Avenue West.

The appellant exercised its right to appeal pursuant to Section 22.206.230, Seattle Municipal Code (Section 4.23, Ordinance 106319).

This matter was heard before the Hearing Examiner on December 23, 1981.

Parties to the proceedings were: appellant, represented by Gerald M. Oaksmith, Jr., and the Director, represented by W.M. Woodward.

After due consideration of the evidence elicited during the public hearing, the following findings of fact and conclusions shall constitute the decision of the Hearing Examiner on this appeal.

Findings of Fact

1. The Director and appellant agree that the structure, a one-family dwelling at 4205-21st Avenue West, is unfit for human habitation in its current condition.

2. The Director found that the estimated cost of repairs would not exceed 50 percent of the market value of the building in a repaired condition. He, therefore, issued his order to take steps necessary to make the building fit for human habitation or vacate and close the building.

3. The inspector estimated that the cost of repairs required to satisfy the order would be \$2,380.

4. Additional problems which would require repair to conform to the Housing Code were pointed out at hearing which would add to the inspector's estimated cost.

5. The Director used a value of \$15,904 for the house. That figure was obtained by using the residential cost handbook to determine replacement value and then reduce it for depreciation. The Director also looked at the King County Assessor's value of improvements which is \$20,600.

6. Appellant presented an M.A.I. appraisal of the property which is located in an IG (General Industrial) zone. The appraiser found the house added no value to the property. A realtor also appraised the property and agreed that the value of the house is zero.

Conclusions


1. Section 22.208.020 provides that a building found unfit for human habitation or other use shall be ordered repaired or closed if the estimated cost of repairs will not exceed 50 percent of the market value of the building in repaired condition, otherwise it is to be ordered repaired or demolished.

2. Appellant's evidence as to the absence of value of the house, because of the nature of the evidence, site specific and by an M.A.I. appraiser, must be given greater weight than the estimate by the Director. That evidence overcomes the presumption of correctness given the Director's order. The Director's estimated cost of repairs would, therefore, exceed 50 percent of the value of the structure. That portion of the Director's determination should be reversed and the order modified accordingly.

Decision

The matter is REMANDED to the Director for modification of the order consistent with this decision.

Entered this 8th day of January, 1982.


M. Margaret Blockars
Deputy Hearing Examiner