

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

LONG PAINTING COMPANY/SHAWNEE
PAINTING AND SANDBLASTING COMPANY

FILE NO. S-76-010

from a ruling of the Superintendent
of Buildings

The appeal is GRANTED and the Findings and Decision
of the Superintendent of Buildings are reversed.

Introduction

The appellant exercised their right to appeal pursuant
to Section 25.40, Ordinance 86300, as amended by Ordinance
104795.

This matter was heard before the Hearing Examiner on
April 8, 1976.

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 Superintendent of Buildings, (hereinafter, the
Superintendent) on February 27, 1976 issued a decision which
determined that a sandblasting operation as currently conducted
at 8025 10th Avenue South constitutes a principal use and
must meet the locational requirements for such use. This
decision was published on March 5, 1976. The appellant
filed a timely appeal pursuant to Section 25.40, Ordinance
86300, as amended by Ordinance 104795.

2. The subject property is located in a General
Industrial (IG) zone and covers an area of 19,500 square
feet. The property is developed with a warehouse, sandblast
shed, covered storage area, and an office building. The
property is leased and utilized by the Long Painting Company
and the Shawnee Painting and Sandblasting Company.

3. Abutting the south margin of the subject property
is property which is zoned Duplex Residence High Density (RD
5000) and developed with single-family residences.

4. The sandblasting shed on the subject property is
located approximately 56 feet from the abutting RD 5000
zoned property. If the sandblasting is the principal use on
this lot it must be located 200 feet from the RD 5000 zoned
property, pursuant to Sections 26.40.020(a) and 26.38.050,
Seattle Code. If the sandblasting is an accessory use on
the property, no setback is required by Section 26.40.050,
Seattle Code.

5. In an IG zone sandblasting is permitted, pursuant
to Section 26.40.020(a), as a principal use under the same
restrictions as in a Manufacturing (M) zone. An accessory
use is permitted outright in an IG zone if it is customarily
incidental to a permitted principal use, pursuant to Section
26.40.040, Seattle Code.

6. The appellant first located structures on the subject property in 1968 by constructing a combination office/warehouse building, pursuant to building-use permit no. 530030. This structure covered an area of 3,760 square feet. Three subsequent permits were issued in 1971 concerning the installation of storage tanks, a sign, and sprinklers on the property.

7. A building-use permit was issued in 1972 (no. 544986) which related to the alteration of and addition to the existing structure and the alteration of an existing residence so that it could be used for office space. The permit also related to the construction of a foundation for a dust collector in accordance with the approved plan which accompanied the permit. The "occupant load" provision on the face of the permit acknowledged that four persons would be involved in the manufacturing use on the property.

8. The approved plans which accompanied permit no. 544986 indicate that a dust collector, sandblast shed, and paint spraying room were being established within the additions and alterations that were being constructed pursuant to the aforementioned permit. Page three (3) of the plans (appellant's exhibit #2) is entitled "sand blasting shed for Long Painting Company" and includes a site plan which designates the uses being established on the property. This page further details the footings for the dust collector. Page four (4) displays in detail the alterations to the warehouse which include the establishment of a preparation room and paint spraying room.

9. Several subsequent building-use permits were issued to the appellant from 1973 through 1975 which pertained to the construction of a roof which connected the various structures into one building and several other structural additions. No change in the existing uses on the property occurred during this period.

10. The appellant's operation on the subject property since 1972 has consisted of cleaning, preparing, and painting various articles. The individual uses on the property which are included in this process have included since 1972 office space, drafting space, sandblasting, storage, a preparation booth, and a painting booth.

11. The area of the subject property which is designated for the aforementioned specific uses is as follows: storage and warehouse space-3,800 square feet; office space-2,000 square feet; spray painting booths-1,100 square feet; and sandblasting and compressor-900 square feet.

12. "Principal use" is defined, pursuant to Section 26.06.220, Seattle Code as follows: "The principal use conducted on the lot...."

13. "Accessory use" is defined, pursuant to Section 26.06.220, Seattle Code, as follows:

A use or structure incidental to a permitted principal use, provided that such use or structure shall be located on the same lot as the principal use or structure, except when permitted elsewhere as specifically set forth in this title.

Conclusions

1. The Superintendent issued a building-use permit in 1972 (no. 544986) which approved the following individual uses on the subject property: office, warehouse, sandblasting,

paint spraying, and the use of a dust collector. The building department actually knew, or should have known, from the information provided on the permit and the accompanying plans what construction and uses were intended to take place on the subject property. The Superintendent approved such construction and uses and issued a building-use permit to that effect.

2. There is no evidence of probative value to indicate that the appellant misled the building department or withheld relevant information in seeking and being granted the 1972 permit. The intended uses and construction are clearly indicated on the permit and approved plans. Further, there is no discrepancy or inconsistency between the permit and plans.

3. The sandblasting or blast cleaning use is not the principal use on the subject lot, but is rather one of several steps in a fabrication process. The principal use consequently is fabricating or manufacturing in the broad sense, or more precisely a reworking of various items. This type of use is permitted outright in an IG zone. The area of the subject property which is attributable to the sandblast operation is a further indication that it is not the primary use, but is rather one of several and does not dominate over the others.

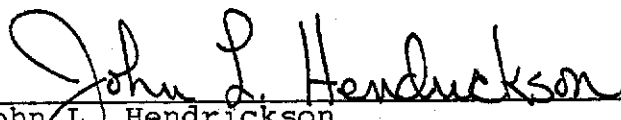
4. The sandblasting operation does not have to be setback in accordance with the requirements for a principal use but need only comply with the setback specifications for an accessory use in an IG zone.

5. Pursuant to the procedural requirements of the State Environmental Policy Act of 1971 (SEPA) (RCW 43.21C), the action proposed in this application is not considered a major action having significant environmental impact.

Decision

The appeal is GRANTED and the Findings and Decision of the Superintendent of Buildings are reversed.

Entered this 16th day of April,
1976.


John L. Hendrickson
Deputy Hearing Examiner