

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

ROBERT J. RIDLEY

FILE NO. MUP-84-003(P,W)
APPLICATION NO. 83-563

from a decision of the Director
of the Department of Construction
and Land Use on a master use
permit application

Introduction

Appellant, Robert J. Ridley, appeals the decision of the Director, Department of Construction and Land Use, on a master use permit application for a proposal to subdivide property at 3502 and 3504 South Holly Street into six parcels.

The appellant exercised his right to appeal pursuant to the Master Use Permit Ordinance, Chapter 23.76, Seattle Municipal Code.

This matter was heard before the Hearing Examiner on February 17, 1984.

Parties to the proceedings were: Robert J. Ridley, appellant, the Director by Kermit Robinson, land use specialist, and the applicant by Johnny Mae Davis, land owner.

For purposes of this decision, all section numbers refer to the Seattle Municipal Code unless otherwise indicated.

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

Findings of Fact

1. A master use permit application for a short plat was filed by Serafin G. Tamayo, agent for Johnny Mae Davis, to divide two lots at 3502-3504 South Holly Street into six parcels. The Director issued a declaration of non-significance pursuant to Chapter 25.04 and SEPA and approved the short plat subject to certain conditions. Appellant filed a timely appeal. At hearing Mr. Ridley clarified that his objection was to the short plat component of the Director's decision.

2. The property which is the subject of the application comprises two lots covering approximately 42,500 sq. ft.

3. The subject property is in an area zoned SF 5000. The original platting of the area provided for .5 acre lots, approximately 21,000 sq. ft. Some of those large lots remain, others have been subdivided. Seattle Housing Authority's Holly Park project is across the street from the subject property.

4. The proposed division would create six lots, two with frontage on Holly and four with access to the street via an easement roadway approximately 200 ft. long centrally located on the site. One single family residence could be built on each of the proposed lots.

5. Appellant, who owns adjoining property, objects to the potential density and closeness of any houses constructed. He purchased his property because of the low density in the

area, the seclusion and the vegetation. He asks for a condition reducing the number of lots to be created.

6. The two lots could be divided into eight lots and the minimum size for the SF 5000 zone designation.

7. The Director found that the cul-de-sac proposed for the end of the easement roadway does not meet Engineering Department standards and imposed conditions to ensure that it will. Certain other conditions were imposed to ensure adequate access for utilities, vehicles and fire protection.

8. The Director found that with certain improvements, which he included in conditions, the proposal provides for adequate drainage, water supply and sanitary sewer.

9. The Director found that the division of this land would serve the public use and interests in that housing opportunities in the City would be created without increasing density to the maximum permitted in the zone.

10. No significant adverse impacts on the environment are likely to occur as a result of the proposed subdivision.

Conclusions

1. The Director's decision on a master use permit application is to be accorded substantial weight. Section 23.76.36(B)(7). The burden is on the appellant to overcome that weight by showing the decision is clearly erroneous. Brown v. Tacoma, 30 Wn.App. 762, 637 P.2d 1005 (1981).

2. Appellant urges that it was error for the Director to fail to limit the number of new parcels to fewer than the six proposed. The Director's decision is supported by the absence of adverse environmental impacts, presence of similar-sized lots, conformance with Land Use Code provisions and furtherance of the goal of creating new housing opportunities in the City. Appellant's feeling about potential change immediately next door is understandable but does not amount to a showing of clear error.

3. Giving the Director's decision substantial weight, as required, the decision must be affirmed.

Decision

The decision of the Director on this master use permit application is Affirmed.

Entered this 2nd day of March, 1984.

M. Margaret Klockars
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Deputy Hearing Examiner

Concerning Further Review

The decision of the Hearing Examiner in this case is the final administrative determination by the City. Any request for court review must be filed with the Superior Court pursuant to Chapter 7.16, RCW, within 14 days of the date of this decision. Section 23.76.36(B)(11). Should such request be filed, instructions for preparation of a verbatim transcript are available at the Office of Hearing Examiner. The appellant must initially bear the cost of the transcript but will be reimbursed by the City if the appellant is successful in court.