

## FINDINGS AND DECISION

### OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

A.J. WRIGHT for SHIAO-YEN WU

FILE NO. MUP-81-019(V)  
APPLICATION NO. X-81-073

from a decision of the Director  
of the Department of Construction  
and Land Use on a Master Use Permit  
application

#### Introduction

Appellant seeks to legalize the conversion of a single family garage to living space at 7323-18th Avenue N.E.

The appellant exercised his right to appeal pursuant to the Master Use Permit Appeal Ordinance, Chapter 24.84, Seattle Municipal Code.

The parties to the proceeding were: Appellant by A.J. Wright, the Department of Construction and Land Use (DCLU) by Nanette Mozeika.

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

The matter was heard before the Hearing Examiner on July 29, 1981. The record was left open for additional appellant comments to August 12, 1981, and for responses to August 17, 1981, when the record was closed.

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. The subject property is located in a Single Family Residence High Density (RS 5000) zone at 7323-18th Avenue N.E. The 3,820 sq. ft. area lot is developed with a dwelling constructed as a single family residence and attached garage. The residence provides an 18 ft. front yard, a 39 ft. rear yard and north and south side yards of approximately 5 ft.

2. Applicant-appellant purchased the subject property in approximately 1979. By this time the garage had been converted to a bedroom. The driveway leading to this basement garage, now bedroom, is relatively short and steep with a gradient of approximately 22 percent. DCLU denied the variance requested to waive the required one off-street parking space required by Title 24, Seattle Municipal Code.

3. Approximately eight basement garages are located within the subject block with houses fronting on 18th Avenue N.E. None have been the subjects of variance requests to waive off-street parking. A variance request to waive required parking was denied for 6515-20th N.E. in case X-77-308.

4. The applicant's representative urged that the subject property was purchased in good faith; that the variance would not significantly affect the neighborhood; that no physical change would result from the variance relief requested; that at least one neighbor to the south has a garage that is not used for parking, and that it would be a financial hardship to reconvert the living area to garage space with attendant loss of rent.

5. Community sentiment was generally against the variance. Cited were concerns with the adverse impacts on the single family quality of the neighborhood; the premium of on-street parking on the subject narrow street; precedent; and the violation of the Single Family Policies.

6. One neighbor testified that on the average there were seven to nine cars between the subject property and its south adjacent neighbor. Neighborhood testimony also revealed that on some past occasions the sidewalk in front of the subject property had been blocked by an automobile belonging to a resident of the subject dwelling.

7. The subject dwelling currently has five bedrooms. The appellant's representative was of the view that removal of the garage as a bedroom would not necessarily change the number of cars at the residence since the same number of people could live there. That representative also denied that the subject dwelling was solely responsible for any on-street parking congestion.

8. With regard to the State Environmental Policy Act of 1971 (SEPA) and Ordinance 105735, as amended, the action proposed in this appeal has been determined by the responsible official to be categorically exempt pursuant to the provisions of WAC 197-10-170.

### Conclusions

1. Other block properties have basement garages. There have been no variances to waive the required off-street parking such that the garages could be legally converted to sleeping areas. An application for variance to waive required off-street parking at 6515-20th N.E. was denied. Under the circumstances, authorizing the requested variance relief would constitute a grant of special privilege to the applicant inconsistent with the limitations upon other properties in the subject zone and vicinity in contravention of Section 24.74.030, Seattle Municipal Code.

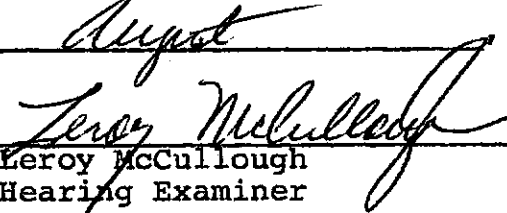
2. The variance would also prove materially detrimental to the public welfare in that precedent would be established for the conversion-legalization of other basement garages leading to a potential greater demand for on-street parking which is described as already at a premium. In addition, the Single Family Residential Areas Policies, modifying the Seattle Comprehensive Plan, require the availability of off-street parking.

3. The conversion was not the applicant's project; no physical alteration is anticipated; as well there is no alternative location on the lot to satisfy the parking. These could be considered as unique conditions not created by the owner or applicant. However, the variance criteria must be read in the conjunctive and the variance is accordingly denied. Section 24.74.030.

### Decision

The decision of the Director of the Department of Construction and Land Use is AFFIRMED.

Entered this 21st day of August 1981.

  
Leroy McCullough  
Hearing Examiner

### Notice of Right to Appeal

The decision of the Hearing Examiner in this case is the final administrative determination by the City. Any further appeal must be filed with the Superior Court within 14 days of the date of this decision. Vance v. Seattle, 18 Wn.App. 418 (1977); JCR 73 (1981).