

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

DAVID A. OHMAN AND SU PHILLIPS

FILE NO. MUP-82-006(V)

APPLICATION NO. 81337-0470

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

Introduction

Appellants, David Ohman and Su Phillips, appeal the decision of the Director of the Department of Construction and Land Use (Director) to partially grant and conditionally grant variances for property at 1547 N.W. 62nd Street.

Appellants exercised their right to appeal pursuant to the Master Use Permit Ordinance, Chapter 24.84, Seattle Municipal Code.

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

This matter was heard before the Hearing Examiner on February 17, 1982.

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. Appellants applied for a master use permit to construct a carport and storage building. The Director determined that variances for lot coverage, lot coverage in the rear yard and setback from the centerline of the alley were needed. He decided to grant variances for lot coverage to allow 1750 sq.ft. and 610 sq.ft. in the rear yard provided a small shed be removed and for the setback with the condition that the carport be set back 6 ft. from the rear property line. Appellants appealed the decisions.

2. The subject property is a 50 by 95 ft. lot in a Single Family Residence High Density (RS 5000) zone. It was developed with a single family residence, garage or carport and small storage shed. The shed has been removed and a carport/storage addition to the former garage begun.

3. Lot coverage is limited to 35% by Section 24.26.100. Appellants propose 39.23%. The improvements, before the proposed addition and removal of the storage shed, totalled 34% coverage.

4. Rear yard lot coverage is limited to 40%. The existing coverage was 39.7% and the proposed would be 55.5%.

5. Section 24.62.080 requires that a garage, carport or other permitted accessory building with an entrance facing the alley must be set back at least 12 ft. from the

centerline of the alley. The alley serving the subject site is 10 ft. wide where most are 12-16 ft. wide. The appellants propose to place the 25 ft. deep building on the rear property line providing only a 5 ft. setback from the centerline.

6. The minimum depth necessary for a carport is 20 ft.

7. Parking in the area is typically provided in garages located in rear yards, many built on property lines. The Director's decision found the appearance of nonconformity as to lot coverage at several other lots. Variances have been granted for other undersized lots in the area.

8. The grade of the lot requires steps down into the carport which interfere with the parking stall. The stairs extend 32 in. into the carport.

Conclusions

1. The small lot size, narrow alley and existing development are, as determined by the Director, special conditions of the property which create hardship. Some variance from the setback requirement for the carport would be necessary to allow the minimum-sized carport. The Director had determined, without knowledge of the steps, that a variance for a 6 ft. setback from the rear property line for the carport would be the minimum necessary. After reviewing the situation with the steps he determined the minimum to be a 3 ft. 3 in. setback.

2. As to lot coverage for the lot and rear yard the Director found it appropriate to allow up to 1750 sq.ft. of coverage, the amount a 5000 sq.ft. lot could have. Subtracting the existing house from that left 610 sq.ft. for the rear yard. Variance to approximately that extent would not exceed the minimum necessary for relief. With the removal of the portion of the carport too close to the lot line and removal of the shed the lot coverage would approximate 1750 sq.ft. Variance for this would not confer special privilege.


3. No material detriment or injury to nearby properties is foreseen.

4. The variances would not conflict with the land use policies.

Decision

The Director's decision is AFFIRMED with the modification of condition No. 1 to set the carport back 3 ft. 3 in. from the south property line instead of 6 ft.

Entered this 1st day of March, 1982.


M. Margaret Klockars
Deputy 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). Should an appeal 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.