

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

ROBERT O. BARKES, ET AL.
JIM COOMBES

FILE NO. MUP-81-101(P)
FILE NO. MUP-81-102(V)
APPLICATION NO. 81233-0285

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

Introduction

The appellants seek the denial of a conditional grant of a short subdivision to create two lots from one and grants of three variances for property located at 7035 Beach Drive S.W.

The appellants exercised their rights to appeal pursuant to the Master Use Permit Ordinance, Chapter 24.84, Seattle Municipal Code.

Parties to the proceedings were: appellant Jim Coombes, pro se; appellant Robert O. Barkes, pro se; applicant Ralph V. Heino, pro se; the Department of Construction and Land Use (DCLU) by Diane Althaus.

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 January 26, 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. The subject property is a narrow 40 ft. lot which extends from Beach Drive more than 245 ft. beyond the beach and into the waters of Puget Sound.
2. The proposed subdivision pursuant to Section 24.98.080, Seattle Municipal Code, would divide this lot in two leaving a fourplex on Parcel A and a single family residence on Parcel B.
3. The fourplex is nonconforming as this is a RD 5000 zone.
4. The proposed lots area measure: Parcel A (fourplex) 5,824 sq. ft. and Parcel B (single family residence) at 10,000 sq. ft.
5. No increase in density or enlargement of the exterior of either structure is sought. However, several variances are sought to meet the current dimensions and current density.
6. Section 24.14.020, Seattle Municipal Code, does not permit a lot containing a building nonconforming as to bulk and use to be reduced without meeting the variance requirements. Parcel A contains the nonconforming fourplex which requires variance approval to permit this proposed lot reduction.

7. The MultiFamily Policies designate this area Low Rise I which would make the fourplex conforming.

8. The fourplex exceeds the maximum allowed lot coverage on Parcel A prescribed by Section 24.26.100, Seattle Municipal Code.

9. The easement road which provides access is 13 ft. 5 in. in width. Section 24.08.130"L", Seattle Municipal Code, requires a minimum of 20 ft. This present access road cannot be widened because of the narrow lot.

10. The Fire Department recommended approval upon its review of this application.

11. There is no increase of density proposed by the short plat or the variances; the existing density remains.

12. The applicant plans a parking area between the structures to lessen the present parking shortage in the neighborhood and screening to improve the relation to neighbors.

13. With regard to the State Environmental Policy Act of 1971 (SEPA) and Ordinance 105735, as amended, Chapter 25.04, Seattle Municipal Code, the action proposed in this subject application has been determined by the responsible official to be categorically exempt pursuant to the provisions of the WAC 197-10-170.

Conclusions

1. The proposed short plat would divide this oversized lot into two which conform to its multifamily Low Rise I designation, with a fourplex on one and a single family residence on the other.

2. The easement road, although nonconforming, is adequate to provide access to fire and utility vehicles.

3. A separate water meter and main was provided by the applicant to meet requirements for the short plat.

4. There is no increase in density and this division will permit each lot with its existing structure to be sold separately.

5. The uniqueness of the platting in this area has created hardships for owners in meeting the Code's requirements without variances.

6. Since no enlargement or increased density is sought, the variances do not go beyond the minimum necessary to provide relief. Other similar variances have been granted in the neighborhood so no special privilege is conveyed.

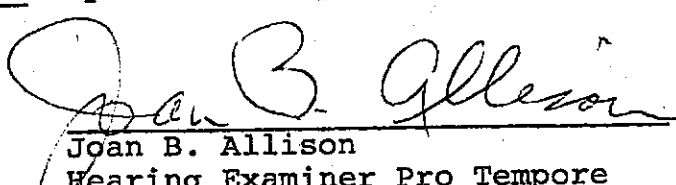
7. Similarly, the lack of increased density or adding on avoids any detriment or injury to others in the neighborhood.

8. The variances do not adversely affect the Comprehensive Plan and are consistent with the MultiFamily Policies.

Decision

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

Entered this 9th day of February, 1982.


Joan B. Allison
Hearing Examiner Pro Tempore

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.