

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

OLAV N. RUUD

Application No. X-81-022
File No. MUP-81-005(v)

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

Introduction

Appellant, Olav N. Ruud, appeals the decision of the Director of the Department of Construction and Land Use (CLU) to conditionally grant the variance component of a Master Use Permit application for property at 2513-12th Avenue West.

A hearing on the matter was held for July 9, 1981. Anne-Lise Ruud and William F. Espey appeared for appellant. CLU was represented by Carol Proud.

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

After due consideration of the Director's decision, and all 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 at 2513-12th Avenue West. The 4,000 sq. ft. lot is zoned Single Family Residence High Density (RS 5000) and is developed with a single family residence and a carport. The lot slopes westerly at a grade of approximately 30 percent.

2. The carport is in the required front yard, 2 ft. 4 in. from the front lot line whereas a 22 ft. 10 in. setback is required. Total lot coverage is currently 39.6 percent whereas the maximum amount is 35 percent.

3. Appellant applied for variances from the minimum front yard and maximum lot coverage requirements for the already built carport. The subject carport is 13 ft. 7 in. wide and 13 ft. 6 in. long. Section 24.64.030 of the Seattle Municipal Code requires that such a structure be at least 19 ft. long. The residence adjacent to the north of the subject dwelling and carport has a 24 ft. 6 in. setback. Some other properties along the west side of 12th Avenue West do provide off-street parking similar to that proposed by the appellant.

4. Section 24.64.120, Seattle Municipal Code, requires a minimum of one off-street parking space per single family dwelling.

5. The Director of the Department of Construction and Land Use granted the front yard and lot coverage variances with the stipulation that the carport be located at least 3 ft. from the side lot line to comply with the Building Code and further that the carport comply with the provisions for minimum dimensions specified in Section 24.64.030 of the Seattle Municipal Code.

6. The appellant took issue with the conditions imposed by the Director's decision. In addition to stating that the vicinity has many carports and garages less than 3 ft. from the property line, appellant explained that the location of the carport resulted from consideration of a large fir tree south of the existing carport that has a 7 ft. trunk circumference. Some of the garages and carports referred to by appellant are older and terraced.

7. In its present form the carport offers parking for two cars. The CLU analyst countered that the structure could provide the 3 ft. side yard setback and still accommodate one car, which would constitute the minimum necessary for relief.

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

Conclusions

1. Due to appellant's undersized lot, the topography thereof, and the location of the dwelling on the lot, unique property conditions are presented which support some variance relief. Other than that proposed, no alternative location is possible for providing the needed off-street parking facility.

2. The existing carport, however, does not comply with the Building Code or the section of the Seattle Municipal Code pertaining to required dimensions. Modifying the carport so that it would accommodate one car, and also comply with the Building Code requirements would provide off-street parking without exceeding the minimum necessary for relief. It would not constitute a grant of special privilege in that other properties in the area provide similar parking. Some of the parking facilities built on the lot line are preexisting and/or terraced.

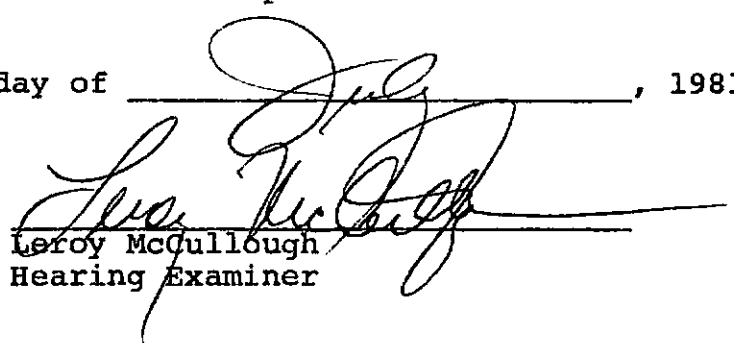
3. No material detriment is foreseen as a result of the conditioned approval of the variances.

4. Authorization of the variances will not adversely affect the spirit of the Comprehensive Plan. Per the Single Family Residential Areas Policies, modifying the Comprehensive Plan, front yard parking is generally prohibited; however, off-street parking is stated as mandatory. The Policies further provide that the general 5 ft. side yard minimum requirement may be excepted under certain circumstances. In addition, some administrative relief is anticipated from the Code implementation of the Policies.

Decision

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

Entered this 23rd day of July, 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).