

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

C. W. BASCOM

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

FILE NO. MUP-81-016(V, P)
APPLICATION NOS. X-80-585
SP-80-187

Introduction

The appellant proposes to subdivide a parcel into two lots. Attendant variance relief is also requested. The Department of Construction and Land Use (DCLU) denied the application.

The appellant exercised his right to appeal pursuant to the Short Subdivision Ordinance, Chapter 24.98, Seattle Municipal Code, and pursuant to the Master Use Permit Ordinance, Chapter 24.84, Seattle Municipal Code.

Parties to the proceedings were: Appellant, pro se and the Department of Construction and Land Use by Cliff Portman.

This matter was heard before the Hearing Examiner on July 24, 1981.

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. Appellant seeks to subdivide a parcel into two lots. The present addresses are 503 and 509-511 E. Thomas Streets. Appellant is also seeking variance relief. DCLU denied the requests and the applicant appealed.
2. The subject property is located in a Multiple Residence High Density (RMH 350) Zone. The minimum lot area for this zone is 4,000 sq. ft.
3. A 20 unit building is located at the corner of E. Thomas Street and Summit Avenue at the 503 E. Thomas address. To its east and adjacent to an alley is a duplex addressed 509-511 E. Thomas. Both structures are older and were built prior to 1931.
4. Appellant proposes to legally separate the two properties. The twenty unit building would be located on Parcel A, which would provide a lot area of 4,980 sq. ft. With corner lot bonus, the maximum number of units allowed on this lot is 17. Parcel A would present a 5 ft. side yard where a minimum of 8 ft. is required. In addition, lot coverage would be 56 percent, exceeding the maximum permitted by 6 percent.
5. The existing duplex would be located on Parcel B. That parcel's lot area would be 2,220 sq. ft. Also proposed is a 5 ft. side yard where a 6 ft. minimum is required. Proposed lot coverage would exceed the 50 percent allowed by 4 percent.
6. Appellant proposes no new development, but merely the legal separation of the lot.

7. The subject area is primarily developed with multiunit structures, older apartment buildings and some single family residences that have been converted. Appellant presented evidence of other area properties with 55-85 percent lot coverage and with side yards less than proposed. Appellant's Exhibit 1. However, while conversion and alterations have resulted from lot size variances, no lot size variances to create a substandard lot have been authorized for the vicinity.

8. If appellant were able to subdivide the properties as proposed, one of the properties could be sold to facilitate the improvement of the other.

9. 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. The criteria for short subdivision approval is found in Seattle Municipal Code, Section 24.98.080. The proposed lots should conform to the Comprehensive Plan and Zoning Ordinance provisions; should be served with adequate means of access for vehicles, utilities, and other services; and the public use and interests should be served by permitting the proposed division of land.


2. By the action proposed by appellant, precedent would be established for creating a substandard lot that would conflict with the Comprehensive Plan and Zoning Ordinance. This would not serve the public use and interest, although it is recognized that some public benefit could be derived by the maintenance and improvement of the housing units.

3. Similarly, the lot size variance would constitute a grant of special privilege to the appellant. No other substandard lots have been created by variance relief. Development restrictions would be necessarily imposed on this 2,220 sq. ft. area lot located in an area where 4,000 sq. ft. is the minimum required. The variance relief is requested pursuant to the appellant's wish to subdivide the property. The variance criteria have not been met. Section 24.74.030, Seattle Municipal Code.

Decision

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

Entered this 7th 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).