

FINDINGS AND RECOMMENDATION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

RICH SETTE

APPLICATION NO. 8503218
C.F. NO. 294142

for a council conditional use pursuant
to the provisions of Title 23, Seattle
Municipal Code (Zoning Ordinance 86300,
as amended)

Recommendation: The application should be conditionally
granted.

Introduction

Applicant proposes to construct an additional dwelling unit on
property zoned General Commercial (CG) and addressed as 9036 13th
Avenue Northwest.

No correspondence or testimony in opposition was entered into
the record.

For purposes of this recommendation, all section numbers refer
to the Seattle Municipal Code, Title 23, as amended (Ordinance
86300, as amended), unless otherwise indicated.

The Director's report, submitted by the Department of
Construction and Land Use (DCLU), recommended that the application
be conditionally granted.

This matter was heard before the Hearing Examiner on September
9, 1985. Applicant appeared pro se and by his architect Rick
Anderson. Lloyd Skinner appeared on behalf of the DCLU Director.

After due consideration of the evidence presented by the
applicant, the information provided by the Director's report, and
all evidence elicited during the public hearing, the following shall
constitute the findings of fact, conclusions and recommendation of
the Hearing Examiner on this application.

Findings of Fact

1. Applicant proposes to construct an additional dwelling unit
to the single family dwelling addressed as 9036 13th Avenue N.W. As
the subject site is located within the General Commercial (CG) zone,
council conditional use approval is required.

2. The subject site is located on the east side of 13th Avenue
N.W. and is approximately four lots south of N.W. 92nd Street. The
13th Avenue-N.W. 92nd Street intersection is traversed diagonally by
Holman Road N.W.

3. The subject site is presently developed with a single
family dwelling which offers a 27 ft. front setback to the 13th
Avenue right-of-way. An existing detached garage structure is
located at the opposite (east) end of the 40 ft. by 136 ft. rectan-
gular lot and rests within 3 ft. of the rear lot line.

4. Applicant's plan is to demolish a section of the accessory
structure nearest the single family dwelling but leave standing a 12
ft. by 20 ft. portion. The residential addition will then be con-
structed between the 12 ft. by 20 ft. portion and the existing single
family structure.

5. The proposed 21 ft. wide by 47 ft. long addition would be
22 ft. 6 inches in height and would be within 15 ft. of the
remaining accessory structure and within 32 ft. of the west (rear)
property line.

6. The proposal will increase the residential floor area from 780 sq. ft. to 1,208 sq. ft.

7. The proposed lot coverage of 36.9 percent will be less than the 40 percent maximum permitted. Side yard setbacks will meet or exceed the minimum required.

8. The subject lot and the south adjacent lot currently share a driveway. Applicant has agreed to a DCLU recommendation that an easement from the south adjacent lot be secured for the applicant's parking access and turnaround. Applicant is proposing two on-site parking spaces.

9. The segment of 13th Avenue near the subject site is primarily residential. Uses immediately adjacent to the subject site are residential. A 40-plus unit is several lots north, to 92nd. Its traffic feeds principally north to Holman Road or to N.W. 92nd Street. The commercial development along the Holman Road segment consists principally of low scale auto-oriented businesses.

10. The site is near no rail or water accessways.

11. No letters opposing the project were submitted for the record. The Water Department indicates on the Availability Certificate of record that water service and fire hydrant access are available and recommends approval of the application.

12. With regard to the State Environmental Policy Act of 1971 (SEPA) and Chapter 25.05, 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 WAC Chapter 197-11.

Conclusions

1. The Hearing Examiner has jurisdiction of these proceedings pursuant to Chapter 23.80, Seattle Municipal Code, reference Seattle Municipal Code Chapter 24.52, CG zone.

2. Presently, dwelling units are permitted in the General Commercial Zone subject to specific conditions of Section 24.52.100(A). As those conditions are satisfied by this proposal, the Hearing Examiner recommends granting of the application subject to the DCLU recommended condition related to easement access.

3. The uses near the subject site are principally low density residential. The larger scale residential use, on 92nd, feeds into 92nd Street and Holman Road, and not to 13th Avenue. The business development that is nearby is on Holman Road, several lots to the north, and is of relatively low intensity. Therefore, the immediate environment of the proposal site will not "create a nuisance or adversely affect the desirability of the area for living purposes". Seattle Municipal Code Section 24.52.100(A)(1).

4. The proposed residential development is located near no rail or water access line. Such "established" commercial development that exists is along Holman Road. Thus, this proposed use will not "usurp land which is needed for and better suited to commercial usage...." Seattle Municipal Code Section 24.52.100(A)(2).

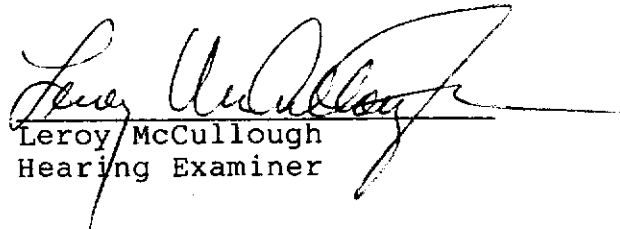
5. The proposed bulk will be reasonably compatible with immediately adjacent and other vicinity uses. Height, yard setback and other bulk requirements will be met by the proposal. The structural bulk incident to the subject residential use will therefore not "adversely affect surrounding development". Seattle Municipal Code Section 24.52.100(A)(3). Further, as reported by DCLU, the Mayor's recommendation of C1-40 designation would permit residential development in the zone without Council approval.

6. The record shows that the proposed use will be neither detrimental nor injurious to the public welfare or to the vicinity property.

Recommendation

For the foregoing reasons, the Hearing Examiner recommends that the proposed action be GRANTED on the condition that an easement be provided, before final plat approval, sufficient to satisfy minimum Zoning Code requirements for access and turnaround area.

Entered this 16th day of September, 1985.


Leroy McCullough
Hearing Examiner

NOTICE OF RIGHT TO PETITION
FOR FURTHER CONSIDERATION

Pursuant to 23.80.10, Seattle Municipal Code, as amended, any person substantially affected by a recommendation of the Hearing Examiner may submit a petition in writing to the City Council requesting further consideration. The petition must be submitted within fourteen days after the date of mailing the recommendation of the Hearing Examiner and addressed to: City Council, Land Use Committee, Municipal Building, Seattle, Washington 98104.

The petition should state clearly and concisely the reason(s) why further consideration is necessary, and should refer specifically to any errors alleged to exist in the Hearing Examiner's Findings and Conclusions. The City Council's consideration of the petition will be based upon the record of the Hearing Examiner's hearing, and new exhibits or other evidence in support of the petition should not be submitted. In its discretion, the Council may allow oral or written arguments based on the record when it considers the petition.