

FINDINGS AND RECOMMENDATION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Application of

GARY TABASINSKE

APPLICATION NO. 8504041
C.F. NO. 294204

for a council conditional use
and variance pursuant to the
provisions of Titles 23 and 24,
Seattle Municipal Code

Introduction

Applicant proposes to construct a duplex on property formerly zoned General Commercial (CG), addressed as 3307 Eastlake Avenue East, and located in the Urban Stable shoreline environment. Variance and council conditional use approval are required.

Testimony in opposition was entered into the record from an adjacent property owner.

For purposes of this recommendation, all section numbers refer to Seattle Municipal Code Titles 23 or 24, 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 July 14, 1986. Clay Leming appeared on behalf of the DCLU Director. Applicant did not appear.

After due consideration of the information provided by the Director's report, of all evidence elicited during the public hearing, and of other information of public record, and subsequent to a visual inspection of the subject site and vicinity, the following shall constitute the findings of fact, conclusions and order of the Hearing Examiner on this application.

Findings of Fact

1. The subject property is a waterfront parcel west of the University Bridge and approximately 110 ft. north of Fuhrman Avenue East. The site address is 3307 Eastlake Avenue East. The legal description of record is incorporated herein by reference.

2. The subject site and the three residential structures nearby are served by an existing 12 ft. wide easement that leads suddenly from Fuhman near its intersection with Eastlake Avenue. The easement is surfaced. The easement's legal description is of record and also is incorporated herein by reference.

3. From south, where the lot abuts the easement, to north where the lot extends into Portage Bay, the lot fans out in width from 23.01 ft. to 41.86 ft. Lot depth is from 99.38 to 114.53 ft.

4. Within the 200 ft. shoreline jurisdiction boundary, the property is classified as Urban Stable (US).

5. The existing dryland portion of the lot is vacant. Proceeding northerly on the site is a 360 ft. dwelling located over water and on pilings. North of the dwelling is a floating home, part of which extends south into the subject property.

6. Applicant proposes to demolish the over-water dwelling and construct on the dryland portion of the site a duplex which would be placed some 15 ft. from the south (front) lot line. Two on-site parking spaces are proposed for the 3-story structure. Proposed elevations are as follows: south - 25 ft. 6 in. (to roof peak); north, east, west - 32 ft.

7. At the time of application the site was zoned General Commercial (CG).

8. Applicant is therefore requesting council conditional use approval to allow residential development in the subject zone and variance relief to allow development even though the access easement's width is less than the minimum required and no turnaround is provided. DCLU recommended approval of the variance and the conditional use.

9. The parcel west of the subject site is developed with a multi-family structure. The plans of record show that two parking spaces separate the easement and that structure and that five parking spaces are directly across the easement from this west adjacent lot.

10. Francoise Delehanty and Robert T. Quinney own the lot east adjacent to the subject property. Their lot is developed with a one-story with basement single family structure that has one parking space directly north of the easement.

11. There is another multi-family structure east adjacent to the Delehanty-Quinney property which the plans show as having four parking spaces north of the easement.

12. Parking is also available at an upper elevation lot north of Fuhrman Avenue.

13. The application of record indicates that the proposal would not adversely affect the "extremely small" traffic on the access road. Ms. Delehanty testified that existing utility poles coupled with the narrow, angled easement makes backing and other easement access problematic, even for her small sports car. In Delehanty's opinion, applicant's single unit development (with attendant reduction in parking and traffic) would be more acceptable. Delehanty also opined that the proposed bulk would overshadow her essentially one-story structure. See Finding 6, above.

14. The photos of record show that some autos have parked along the north side of the easement and at the west end of the easement.

15. The DCLU analyst reported no Seattle Fire Department or Seattle Engineering Department review or approval of the access plan.

16. Seattle Municipal Code Section 23.54.010(B)(2) requires that easements serving between 2 and 5 dwelling units should be at least 20 ft. wide and have a surfaced roadway of at least 16 ft. A turnaround shall also be required "unless the easement extends from street to street."

17. The DCLU analyst projected that the west adjacent parking area could be used for emergency or other vehicle turnaround. However, this projection was based only on the absence of any stated comment or objection from the person assumed by the analyst to be the owner of the west adjacent lot.

18. DCLU's assertion that applicant is unable to acquire additional property with which to widen the easement was undisputed and is adopted as a finding.

19. Other vicinity development, north of the Fuhrman-Eastlake intersection, includes a small park and a vacant parcel. South of the subject intersection and upland from the subject property are properties oriented to Eastlake and developed with a variety of residential and business uses.

Conclusions

1. The Hearing Examiner has jurisdiction of this matter pursuant to Titles 23 and 24, Seattle Municipal Code.

2. For variance relief, applicant must show an unusual property-related condition which deprives applicant of comparable development privileges. The variance must neither be materially detrimental to the public welfare nor injurious to other zone or vicinity properties. Seattle Municipal Code Section 23.40.20.

3. The impact of requested variance relief cannot be determined from the existing record. Because the easement is somewhat abbreviated and there is parking along the easement, specific Seattle Engineering and Fire Departments review and input are vital. This matter is therefore returned to DCLU. DCLU shall solicit comments from the Seattle Engineering and Fire Departments on the proposal and include them with the supplemental recommendation to the Hearing Examiner.

4. In addition to the foregoing, the supplemental DCLU report and recommendation shall include the following specifics:

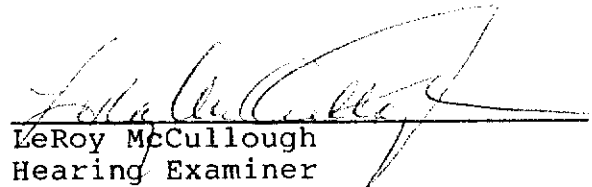
1. current zoning of the site
2. impact of the current zoning relative to the subject application
3. any current citations to council conditional use criteria

5. DCLU should submit a copy of the supplemental report to the applicant and to witness Delehanty. The Hearing Examiner will allow 10 calendar days for applicant or Delehanty to reply in writing to the Hearing Examiner. Within 15 days of the reply deadline, the Hearing Examiner will issue a recommendation to the Council with copies mailed or delivered to parties, witnesses and correspondents. Saturdays, Sundays and holidays are excluded in the calendar count.

Order

This matter is hereby returned to the Department of Construction and Land Use for action in accord with Conclusions 3-5, above.

Entered this 24th day of July, 1986.


LeRoy McCullough
Hearing Examiner