

## FINDINGS AND DECISION

### OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

ORLANDO THOMAS

FILE NO. MUP-81-056(P)  
APPLICATION NO. 81181-0159

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

#### Introduction

Appellant, Orlando Thomas, appealed a Department of Construction and Land Use (DCLU) decision to approve a short subdivision application of Peter G. Severson for property located at 12051-4th Avenue Northwest.

The appellant exercised his right to appeal pursuant to the master use permit ordinance, Chapter 24.84, Seattle Municipal Code.

Parties to the proceedings were as follows: appellant, pro se; applicant by Jon A. Iverson, attorney at law; the Director by Carol Proud.

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

The matter was heard before the Hearing Examiner on October 2, 1981.

After due consideration of the evidence elicited during the public hearing and as a result of the personal inspection of the subject property and surrounding area by the Hearing Examiner, 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 in a Single Family Residence Medium Density (RS 7200) zone at 12051-4th Avenue N.W. The property is a corner lot with approximately 128.24 ft. of frontage north along N.W. 122nd Street and approximately 120.70 ft. of frontage on 4th Avenue N.W. to the property's east.

2. The site is currently developed with a single family residence, detached garage and a passway connecting the two. There is approximately 14 ft. between the north facade of the existing house and the north lot line. Applicant purchased the subject property with this circa 25 year old dwelling approximately 1979. West adjacent to the subject site is a 16 ft. wide alley. The property continues a slight decline west so that some visibility of dwellings located west is extant. The south adjacent dwelling is roughly 60 ft. south of Parcel B's south property line.

3. The applicant proposes to divide the subject site into two lots, Parcels A and B. The existing dwelling would be located on the northernmost Parcel A and would have a lot width to 4th Avenue of roughly 70.70 ft. Remaining would be approximately 8 ft. between the southern facade of the dwelling and the new south property line.

4. Parcel B would offer 50 ft. of width/street frontage along 4th Avenue N.W. Approximately 87.5 ft. west of the front property line the proposed lot line would jog north for roughly 20 ft. then proceed west for the remaining 40.76 ft., resulting in a Parcel B rear lot width of 70.03 ft. and a rear lot width of proposed Parcel A of 50.70 ft. Parcels A and B would have areas of 8,253 sq. ft. and 7,227 sq. ft., respectively. New single family residential construction is contemplated for Parcel B.

5. Appellant did not contest the DCLU assessment that the proposed lots conformed to the Comprehensive Plan and zoning ordinance provisions or that the proposed lots were provided with adequate means of access for vehicles, utilities, fire protection, water supply and means of sanitary sewerage disposal. The finding of the Hearing Examiner is in accord with the Director. Per the Seattle Engineering Department, no storm sewer system is available.

6. Opponents presented a two page petition to the Director of Construction and Land Use stating their objections to the proposal. Among other things, concerns were expressed with precedent; the apprehension that the value and quality of homes would deteriorate, that development as proposed would spoil the beauty and character of the area; that other lots have greater frontage and lot areas than proposed by applicant; that the existing development on site is compatible with the development pattern of the vicinity; and that due to the topography the contemplated development would result in an additional house's view of the properties west of the subject site. It was also conjectured that any development on Lot B would, by virtue of side yard setback provisions, have limited width development potential so that the dwelling would probably be a two story dwelling, again negatively affecting the character and quality of the neighborhood.

7. The majority of the lots in the area are rectangular in shape and are 7,200 sq. ft. or more in area. Some lots along 4th Avenue N.W. have frontage approximating the current frontage of the nonsubdivided site; others in the area have front lot line widths of approximately 50 ft. and are similar in dimension and area. Lots along the west side of 4th Avenue are generally larger than the 7,200 sq. ft. area minimum for the zone.

8. 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 WAC 197-10-170.

#### Conclusions

1. Pursuant to the provisions of Section 24.98.080, criteria for approval of a Short Plat are as follows:

- 1) The proposed lots should conform to the Comprehensive Plan and provisions of the Zoning Ordinance.
- 2) The proposed lots should be served with adequate means of access for vehicles, utilities, fire protection, drainage, water supply and means of sanitary sewerage disposal.
- 3) The public use and interest should be served by permitting the proposed division of land.

2. DCLU concluded that the proposal complied with the requirements of the short subdivision ordinance and approved the application on the condition that prior to the recording of the plat the applicant (1) submit final recording papers and, (2) remove the existing garage and covered passway on Parcel B and establish one minimum off-street parking space (on Parcel B) which would meet zoning ordinance requirement.

3. The proposed lots at a minimum of 7,200 sq. ft. and contemplated for single family residential use conform to the Comprehensive Plan and Zoning Ordinance provisions of the City of Seattle.

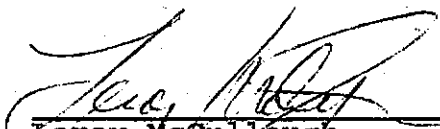
4. The proposed lots are served with adequate means of access for vehicles, utilities, fire protection, water supply and means of sanitary sewerage disposal. To the extent that no storm sewer system is available, any development on Parcel B will be required to provide on site storm water retention in compliance with the Seattle Drainage Ordinance.

5. The more difficult issue is whether the public use and interest will be served by permitting the proposed division of land which will herald the addition of another single family dwelling in the vicinity. The area does boast of lots similar in frontage and area to the undivided lot. However, the vicinity also has lots of the size and dimension proposed by applicant. The south adjacent dwelling to proposed Parcel B is approximately 60 ft. south of proposed Parcel B's south property line. The public interest is served by the addition of residential units to the housing stock of the City of Seattle. And, the decision of the Director in these cases is to be given substantial weight. Section 24.84.170. In view of the above, the decision of the Director is affirmed. The application is for development not inconsistent or incompatible with vicinity development.

#### Decision

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

Entered this 16th day of October, 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). 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.

BEFORE THE HEARING EXAMINER

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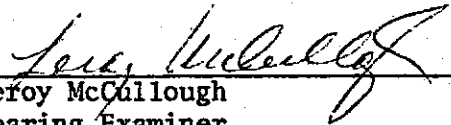
from a decision of the Director of the  
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It appearing that a clerical error was made in Conclusion No. 2 of the Findings and Decision issued in this cause October 16, 1981, the Hearing Examiner hereby corrects that portion to read as follows:

DCLU concluded that the proposal complied with the requirements of the short subdivision ordinance and approved the application on the condition that prior to the recording of the plat the applicant (1) submit final recording papers and, (2) remove the existing garage and covered passway on Parcel B and establish one minimum off-street parking space (on Parcel A) which would meet zoning ordinance requirements.

This order shall become a part of the decision entered in this matter and is effective nunc pro tunc.

Entered this 23rd day of October, 1981.

  
Leroy McCullough  
Hearing Examiner  
400 Yesler Building, 5th Floor  
Seattle, Washington 98104  
Telephone: 625-4197