

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

In the Matter of the Appeal of

FREDERICK D. HOLL

FILE NO. MUP-81-083(V)
APPLICATION NO. 81251-0314

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

Introduction

The project applicant appealed the Department of Construction and Land Use denial of variances requested in order to remodel an existing building which would change the use of the first floor from office to residential, thereby establishing a triplex at 1900-02 East Madison Street.

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: appellant, pro se; the Department of Construction and Land Use (DCLU) by Diane Althaus.

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

This matter was heard before the Hearing Examiner on December 29, 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. The subject property is located in an E. Madison linear Community Business (BC) zone at 1900-02 E. Madison Street. The lot is a corner site with frontage of approximately 69.3 ft. along west adjacent 19th Avenue E.

2. The subject 1,089.16 sq. ft. lot has a triangular shape. The lot is developed with an older building that has been declared unfit for human habitation by the Director of DCLU. According to applicant, however, the building is structurally sound and the applicant has undertaken efforts to take advantage of available "residential restorative" (as opposed to mixed use) financing. The ultimate goal is to convert the current first floor from office to residential use such that the building will be a triplex. The existing structure is built to the lot line, providing no front, rear or side yard setbacks. No change is proposed to the current setbacks.

3. No similar variances have been reported in the vicinity for this zone.

4. The applicant appealed the denial of the requested variances to allow for the expansion of a building nonconforming as to bulk; to allow for a triplex on a lot of less than the minimum required lot area; and to allow for the conversion of a building to accommodate an increased number of dwelling units without providing the minimum required side and rear yards and

exceeding the maximum permitted lot coverage. The minimum required lot area in the BC zone for residential use is 4,000 sq. ft.; for multiple dwellings the minimum lot area per dwelling unit is 800 sq. ft. and the maximum lot coverage is 40 percent. For conversion of a residential structure into a triplex in a "B" zone no single side yard may be less than 3 ft., the total side yards may not be less than 8 ft. and the rear yard may not be less than 15 ft.

5. 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

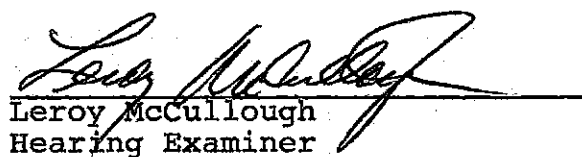
1. The Director's decision is affirmed. While the lot size, shape and location are rather unique, they have not been presented as depriving the applicant of development privileges enjoyed by others in the same zone or vicinity. No similar variances have been recorded in the subject area. The request for variance is based, in part, on the applicant's belief that residential rehabilitation financing, as opposed to mixed use financing, is more available. This is a personal circumstance and not a real property condition as per Section 24.74.030.

2. In addition, the degree of variance relief sought would operate precedentially against the public welfare. As noted by DCLU, the 1,089.16 sq. ft. lot would supply only 27 percent of the 4,000 sq. ft. minimum lot area requirement. Development of the lot as proposed by the applicant would yield a dwelling unit average of 363 sq. ft. per unit as opposed to the minimum required 800 sq. ft. area. No yard setbacks are proposed.

Decision

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

Entered this 11th day of January, 1982.


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.