

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

HUBER K. and GEORGIA M. GRIMM

FILE NO. MUP-81-084(V)

APPLICATION NO. 81236-0289

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 conditions imposed in the grant of a variance to construct a garage/deck addition to an existing single family residence at 1407 E. Boston Street.

The appellants exercised their right to appeal pursuant to the Master Use Permit Ordinance, Chapter 24.84, Seattle Municipal Code.

Parties to the proceedings were: appellants by Douglas Zuberbuhler, Zuberbuhler Associates Architects; the Director of the Department of Construction and Land Use (DCLU) by Cliff Portman.

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 30, 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 triangularly-shaped site is located in the Single Family Residence High Density (RS 5000) zone at 1407 East Boston Street. This 9,108.8 sq. ft. area lot is developed with a fairly large single family residence with approximately 4,500 sq. ft. of area. The property slopes to the north, in the direction of E. Boston Street. Fourteenth Avenue East is west adjacent to the subject site. A 14 ft. wide alley is adjacent to the southeast portion of the site.

2. A rockery of varying heights is located along the property's E. Boston Street frontage and in some instances is 14 ft. high. Also from E. Boston is the entryway to an existing underground two car garage which is used only for storage due to the busy traffic volume and diminished visibility along E. Boston.

3. The applicant accordingly proposes to construct a garage with a deck on roof, with entrance from the 14 ft. wide alley. The minimum setback for the rear yard is 10 ft., less than the minimum required rear yard. Section 24.20.090. The proposed addition would measure 21 ft. by 28 ft. and would be within the 12 ft. setback of the alley.

4. According to their representative the applicants' family has four cars and a boat. With the project as proposed the garage would accommodate two cars and a boat which would leave only two cars for on-street parking on 14th Avenue. This would be consistent with the neighbors' standing desire to increase the amount of available on-street parking. Further, the applicants' representative continued, the proposed garage would not be inconsistent with the scale of the existing residence.

5. DCLU approved the variance request on the conditions that the existing garage not be used for parking automobiles; that the project be subject to Engineering Department approval as far as the location of the garage; and that the proposed garage be no larger than 19 ft. by 24 ft. The maximum garage dimension imposed by DCLU was based on the standard zoning code dimension of parking spaces with added-to allowances for space for car openings. The DCLU witness testified that 19 ft. by 24 ft. is the typical dimension for a two car garage and is a dimension that other people in the vicinity enjoy.

6. 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.

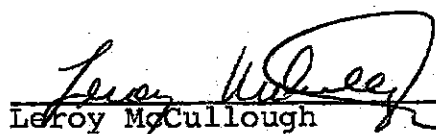
Conclusions

1. The location of the existing site along busy E. Boston Street with the limited visibility thereof are real property conditions which justify some relief from the strict provisions of the zoning ordinance. The relief requested by the applicants, however, does exceed the minimum necessary to afford relief and would constitute a grant of special privilege in contravention of the provisions of the code. Section 24.74.030. The applicants' number of cars and other items desired for covering are items of personal circumstances not cognizable under the variance analysis. The conditions imposed by DCLU relating to the dimensions of the garage as well as the other conditions are reasonable and are affirmed.

Decision

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

Entered this 4th 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.