

## FINDINGS AND DECISION

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

In the Matter of the Appeal of

ARCADIAN COURT CONDOMINIUMS

FILE NO. MUP-81-100(V)

APPLICATION NO. 81288-0397

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

#### Introduction

The applicant filed an appeal from a Department of Construction and Land Use decision to deny requested variances necessary in order to construct an arbor entryway addition to an existing apartment building located at 511 E. Roy Street.

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

Parties to the proceedings were: appellant-applicant by Dennis Salvon, owner-occupant, and Terry Record, architect; the Director of the Department of Construction and Land Use (DCLU) by Amy South and 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 January 29, 1982.

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 what is described as an RMH/BN (Multiple Residence High Density/Neighborhood Business) zone at 511 E. Roy Street. The lot is a corner lot with west frontage on Summit Avenue E. and north frontage on E. Roy Street. East frontage is to a 16 ft. wide alley.

2. The subject lot is developed with a 60 unit, four story condominium constructed in the late 1970's. The present condominium ownership is pursuing a physical improvement package for the structure, which includes replaced carpeting, improvements to the center court yard and an improvement to the entrance, located adjacent to the alleyway. To assist in more rapid identification of the formal entry, the applicant is proposing an arbor walkway along the east (alley) side of the building. This would also serve to enhance the appearance of the building.

3. Three variances are requested for the project: to provide less than the minimum required front yard (proposed is 3 ft.), Section 24.32.120; to provide less than the required minimum side yard (minimum proposed 0 ft.), Section 24.32.120/24.62.130(B)(C); to exceed the 50 percent permitted maximum lot coverage (56.73 percent is proposed), Section 24.32.130.

4. Applicant asserted that the west slope of the property and the street required that the pedestrian entrance to the building be from the east side, where the central courtyard is clearly visible. The courtyard, aesthetically displeasing to the applicant, is built over underground parking facilities. The sustaining pressure per square foot is, according to applicant's architect, insufficient to sustain the weight of trees or other such items. Accordingly, trellis and light vegetation items in false bottom containers are proposed to improve the appearance of the central courtyard. This design would be consistent with the requested addition for the east side of the building.

5. One resident-owner submitted a letter in support. A second resident-owner submitted a letter in opposition to the requested variance relief. One comment letter of general approval was received.

### Conclusions

1. In order for variance relief to be granted, unique real property conditions must be shown which, in the absence of variance relief, would deny the applicant comparable development privileges. Section 24.74.030.

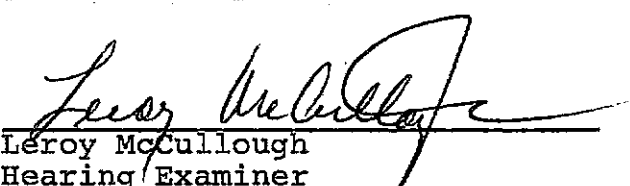
2. The real property condition suggested by the applicant is the topography which resulted in the location of the entryway along the east side of the building by the alley. This requires, according to applicant, enhancing the beauty of the east side of the building and increasing the visibility of the condominium entryway.

3. However, it does not appear that the unique property condition alleged in any way deprives the applicant of rights and privileges enjoyed by others in the same zone or vicinity as is required for variance relief pursuant to the Seattle Municipal Code, notwithstanding the need for improved aesthetics. The issue of whether proposed lattice work should or should not be included in the particular lot coverage computation is a matter of interpretation which is not the subject of this appeal. Although the circumstances described were not caused by this applicant, all four of the variance criteria must be met in order for relief to issue. Accordingly, the variance request is denied.

### Decision

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

Entered this 8th day of February, 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.