

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

In the Matter of the Appeal of

VERONICA WEIKEL ROOD

FILE NO. MUP-82-072 (P)  
APPLICATION NO. 82-0377

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

INTRODUCTION

This appeal concerns the conditions relating to easement access for property at 5515-25 Wallingford Avenue North required as part of the decision rendered by the Director of the Department of Construction and Land Use when approving the short platting of two existing lots into four parcels.

The appellant exercised her right to appeal pursuant to the Master Use Permit Ordinance, Chapter 23.76 Seattle Municipal Code.

Parties to the proceedings were: Veronica Weikel Rood, appellant, Jim Harvey, realtor, Marie Moscano, owner and applicant, and Arthur Ward, Department of Construction and Land Use.

For purposes of this decision, all section numbers refer to the Seattle Municipal Code, Title 23 (Ordinance 86300, as amended) unless otherwise indicated.

This matter was heard before the Hearing Examiner on November 9, 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 appellant lives adjacent to the subject property to the north and shares a common driveway.

2. The Director's approval of a short plat opening up a back lot requiring street access cited Seattle Municipal Code Chapter 23.44.08.D.4.f as requiring an easement of certain specifications. However, the correct Seattle Municipal Code Chapter is 23.54.20 Easements

"Where a lot does not abut a surfaced or platted alley, or a street, access to parking shall be provided to a street by an easement meeting the following criteria:

A. . . .

2. Serving at least two but fewer than five single family structures:

a. Easement width - sixteen feet.

b. . . .

c. Surface - the easement shall provide a surfaced roadway to a minimum width of sixteen feet."

3. There is currently a 10' width common driveway between the appellant's lot to the north and the subject property with the appellant owning 5.22' and the subject property 4.78'.

4. There would be no room to enlarge the easement to 16' on the subject property, but the appellant wishes to minimize the surfaced area and retain as much grass as possible. This would require taking contribution of 3' from each property to enlarge the common easement to the minimum sixteen feet.

5. The area is an older single family neighborhood.

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 condition to "Provide a 16 foot wide access/utility on the north side of Parcel A; convey the use of this access easement to the property to the north" should also require the permit holder to do so using the minimal amount of surfacing: no more than 16'. The appellant's wishes to do this by 3' from each property provides the minimal surface.

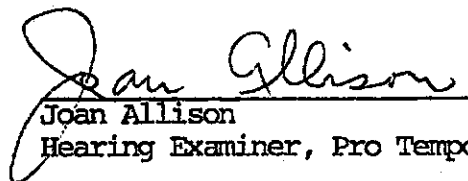
2. The "surfaced" roadway should be something in keeping with the older neighborhood, such as washed concrete, so said surface shall be a mutually agreeable substance.

3. The applicant shall provide detailed plans of the whole roadway with retention of as much grass as possible beyond the 16' required surface.

#### DECISION

The Director's conditional grant is affirmed with the additional condition that the surfaced easement be the required 16' and no more; and that the additional 3' be conveyed as an easement from the owner of platted lots six and seven to the abutting property to the north.

Entered this 24<sup>th</sup> day of November, 1982.

  
Joan Allison  
Hearing Examiner, Pro Tempore

#### 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.