

## FINDINGS AND DECISION

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

In the Matter of the Appeal of

JENNIE G. MECUM

FILE NO. MUP-82-075(P)  
APPLICATION NO. 82-0415

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

#### Introduction

Appellant, Jennie G. Mecum, appeals from conditions imposed by the Director of Construction and Land Use (Director) on his approval of a short subdivision of property at 6514-18th Avenue Southwest.

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: appellant, assisted by Manuel Nogales and Gloria Miller, and the Director represented by Rosemary Horwood.

This matter was heard before the Hearing Examiner on November 19, 1982, and March 24, 1983.

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. Appellant applied for a master use permit to short plat a lot at 6514-18th Avenue South. The Director granted the application, the approval subject to a series of conditions. Appellant appealed the conditions.

2. Appellant initially applied to divide the lot into three parcels. Appellant's house is situated on what would be Parcel A, fronting on 18th Avenue S.W., which lot would be 7,368 sq. ft.; Parcel B would be an interior lot of 8,058 sq. ft.; and Parcel C would front on unimproved 17th Avenue S.W. and be 5,526 sq. ft. An easement across A would serve B and extend to serve C across B.

3. The property is zoned SF 5000. This zoning generally requires lots to be at least 5,000 sq. ft. in area.

4. The Director's decision required reconfiguring B and C to give both frontage on 17th S.W. and removing the easement, improvement of 17th Avenue S.W. and installation of watermain and fire hydrants.

5. Appellant maintains the cost of complying with the conditions is prohibitive. Further, she has no expectation that Parcel C would be developed in the foreseeable future.

6. The easement for access to Parcel C could not be developed to meet Fire Department and Water Department specifications so without improvement of 17th Avenue, that parcel would not have adequate fire protection or water service.

7. In light of the fire and water problems and prohibitive cost of improving 17th Avenue, appellant orally amended her application at hearing to request division into two lots, Parcel A as

proposed, and Parcel B which would comprise both parcels B and C initially proposed. The 12 ft. wide easement over A would provide access for B.

8. The Water and Fire Departments found a 12 ft. wide access road acceptable for the second lot.

9. The Director concurred to the amendment proposed by letter.

#### Conclusions

1. The division, as amended, meets the requirements of Section 24.98.080, Seattle Municipal Code, for short plat approval in that it conforms to applicable Land Use Policies and Code provisions, would have adequate access for vehicles, utilities and fire protection, have adequate drainage with the condition imposed by the Director, water and sewage disposal and the public interest would be served by provisions for more housing.

2. As the Director has agreed that approval of the amended application is appropriate, his earlier decision should be modified.

#### Decision

The decision of the Director is modified to approve division of the property into two lots subject to the following conditions:


##### Conditions of Approval Prior to Recording

Final recording forms and fee must be submitted and approved.

##### Condition of Approval After Recording

If on-site development must provide a storm water control facility in accordance with Chapter 22.800, Seattle Municipal Code, maintenance of this facility will be the responsibility of the owner(s) of said property.

Entered this 4th day of April, 1983.

  
M. Margaret Klockars  
Deputy 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.