

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

GORDON LOGAN by
BOB FADDEN, AGENT

FILE NO. MUP-82-076 (V)
APPLICATION NO. 82-0213

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

Introduction

Appellant appeals the decision of the Director of the Department of Construction and Land Use (Director) to impose a condition on a variance for property at 2015 East Lynn Street limiting the area to 480 square feet.

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

Parties to the proceedings were: Appellant, by himself and through his agent, Bob Fadden, and the Director, represented by Kermit Robinson.

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 10, 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. Appellant applied for a master use permit to remove a one and one-half car garage and deck and construct a two car garage with deck. The Director determined that a variance to exceed maximum lot coverage would be required and granted the variance with conditions.
2. Appellant appealed the condition that "any addition built shall not exceed 480 square feet (a 20 by 24 garage)".
3. Section 23.44.08 B permits lot coverage of 35 per cent or 1750 square feet, whichever is greater. The existing house covers 1700 square feet which is just over 35 per cent of the 4800 square foot lot. The existing garage and deck bring coverage to some 2250 square feet or 46.9 per cent. The proposed addition would slightly reduce lot coverage.
4. No record exists of a construction permit for the deck proposed to be removed. It was added before appellant's ownership of the property.
5. The site is located in a SF5000 zone in Montlake where on-street parking is at a premium, especially on University of Washington football game days.
6. The 20 by 28 foot dimensions of the proposed addition, which are larger than the 20 by 24 feet which would provide sufficient space for two cars, are planned to make best recreational use of the rear yard by the deck over the garage. A four foot reduction would leave a larger side yard space which is unusable because it is dark and damp as it is low and shaded by the neighbor's foliage.
7. The Director concluded that the variance is warranted but that it exceeded that necessary to allow the parking of two cars.
8. Many houses in the area have the same floor area but cover less of their lots. Many exceed 35 per cent, however, and numerous variances have been granted for garages.

Conclusions

1. Without variance the appellant would be denied a development right (double garage) enjoyed by others in the vicinity because of the size of his lot and the one story design and the size of his house.
2. No material detriment or injury from the variance is reasonably foreseeable.
3. The variance would not confer special privilege since others have been granted in the area.
4. If the need for secure parking were the only consideration, the amount of variance requested would be excessive. The unusable nature of the yard, however, makes the additional four feet a necessary part of the variance.
5. The variance would not conflict with the spirit and purpose of the Land Use Code given these conditions.

Decision

The variance is granted with the following conditions:

1. No wall, rail or screen of the addition located in the rear yard shall exceed 12 feet above the existing grade of the lot. Taller walls resulting from driveway excavation will be allowed.
2. Fences or walls extending from the addition shall not exceed six feet in height.

Entered this 27th day of December, 1982

M. Margaret Klockars
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Deputy Hearing Examiner

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.