

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

In the Matter of the Appeal of

JEAN VIERECK

FILE NO. MUP-83-024(W)
APPLICATION NO. 83-072

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

Introduction

The appellant seeks review of the Director's declaration of nonsignificance in connection with the construction of an eight unit apartment at 1615-43rd Avenue East.

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: Jean Viereck, appellant; Diane Althaus, environmental specialist representing the Director Department of Construction and Land Use (DCLU); and J. Richard Aramburu, attorney at law, representing the applicant Hugh Ainslie.

This matter was heard before the Hearing Examiner on May 23, 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. An environmental review was made by DCLU to consider anticipated impacts upon the neighborhood of this proposed construction of an eight unit condominium at 1615-43rd Avenue East.
2. The subject property is zoned L3.
3. Side yard requirements are a minimum of 3 ft. and the applicant's proposed structure has a minimum 3 ft. side yard for a section along the north, but towards the rear the north side yard is 9 ft. 6 in., so that the average side yard setback exceeds 6 ft.
4. The appellant acknowledges the proposed structure meets the code requirements of a minimum 3 ft. side yards, but asserts a fire danger posed by such a side yard.
5. The applicant's construction utilizes one hour fire resistant walls the entire length where the minimum 3 ft. side yard is located. There are no windows in this section, nor any outdoor decks.


Conclusions

1. The Director's decision is accorded substantial weight and the burden of establishing the contrary shall be upon the appealing party pursuant to Section 25.04.200.C.
2. The Director has adequately considered the public services (fire), transportation and other environmental impacts of this proposed construction and correctly concluded their nonsignificance.

Decision

The decision of the Director is AFFIRMED.

Entered this 31st day of May, 1983.



Joan B. 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.