

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

In the Matter of the Appeal of ;

BENN MARTIN

FILE NO. MUP-83-030(V)
APPLICATION NO. 83-133

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

Introduction

Appellant, Benn Martin, appeals a decision of the Director, Department of Construction and Land Use, to deny a variance to exceed permitted height for an accessory garage for property at 10700 Marine View Drive S.W.

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

This matter was heard before the Hearing Examiner on June 30, 1983.

Parties to the proceedings were: appellant and the Director, represented by Diane Althaus, environmental specialist.

For purposes of this decision, all section numbers refer to the Seattle Municipal Code unless otherwise indicated.

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 add a second story over an existing detached garage. The Director determined that the height proposed would require a variance and denied the variance. Appellant filed this appeal.

2. The subject property comprises a 9,000 sq. ft. lot in an SF 7200 zone developed with a single family house and detached garage in the rear. The design of the house provides for little storage. There is no attic. The existing garage is 9 ft. high.

3. Appellant proposes to add a second story to the garage for storage. The resulting height would be 18 ft.

4. Section 23.44.40.F sets a maximum height of 12 ft. for an accessory building.

5. The addition would be visible only from one neighboring house to the rear. It would not block any views, which are to the west. Light and air at the neighboring properties would not be affected.

6. A ground level addition to the garage would cost from half again to twice as much to construct because of drainage problems which would be encountered due to the drainage pattern and topography of the lot. The space necessary for turning vehicles around at the garage would be impaired forcing backing the vehicle to the street, some 100 ft.

7. Neighbors testified that their newer homes provide adequate storage space in the form of attics, basements, closets.

8. The appellant also urges recognition of the aesthetic values of his house and landscaping which would be impaired for him by a ground level expansion of the garage.

Conclusions

1. The existing development, which appellant did not create, is unusual in the area in that it has almost no provisions for storage where other properties do. The drainage situation and driveway location are also property conditions which make adding the storage at ground level infeasible.

2. The height variance of 6 ft. appears to be the minimum necessary for relief.

3. As the addition would not be visible from the street or from any property but one and would not affect that property's view, light or air, the variance would not be materially detrimental to the public welfare nor injurious to any other property.


4. If the height limit were strictly applied the appellant would be forced to pay up to double for the storage and back his car 100 ft. to the street or do without adequate storage. Both options would cause undue and unnecessary hardship.

5. The variance would not be inconsistent with the Single Family Residential Areas Policies which do not address the height of accessory buildings. The variance provision allows the height limit in the code to be relaxed when the criteria are met. Since those conditions have been met the variance will not conflict.

Decision

The requested variance is GRANTED.

Entered this 11th day of July, 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.