

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

WILLIAM C. HALLIN

File No. S-78-020

from a ruling of the Superintendent
of Buildings

The appeal is remanded for determination of the effect
of the addition, without decks, on water views.

Introduction

The appellant, William C. Hallin, filed an appeal from
an interpretation by the Superintendent of Buildings relating
to property at 4815 Beach Drive S.W.

The appellant exercised his right to appeal pursuant to
Section 25.40, Ordinance 86300, as amended by Ordinance
104795.

Parties to the proceeding were the appellant by his
attorney, Robert Lee Ager and the Superintendent by Joyce C.
Kling, zoning administrator.

This matter was heard before the Hearing Examiner on
October 4, 1978.

After due consideration of the evidence elicited during
the public hearing, the following findings of fact and
conclusions shall constitute the decision of the Hearing
Examiner on this appeal.

Findings of Fact

1. The appellant proposes to remodel and construct an
addition to the shoreline side of a single family residence
at 4815 Beach Drive S.W. The property is within the Shoreline
District in the Urban Residential (UR) environment. The existing
residence is set back 43 ft. 10 in. from the bulkhead at
the northerly corner of the structure and 25 ft. from the bulkhead
at the southerly corner. The bulkhead in front of the subject
property is situated farther to the west than the bulkheads in
front of the adjacent properties. At its closest the house on
the lot to the north is set back 17 ft. 8 in. from the bulkhead.
The house to the south is set back 10 ft. 3 in. at its closest
point. The house on the subject property sits farther to the west
than the house to either side.

2. The proposed addition would extend the west wall of
the structure up from its present height approximately one story.
Plans for decks have been dropped so no point of the building
would extend further to the west than the existing building. The
increase in bulk at the second floor (above what appears to be a
daylight basement and first floor) level would not block
any water view from houses to either side. It would eliminate
some sky view for houses immediately adjacent. The possibility
exists that view of the water from some point or points to the
northeast or southeast at an elevation somewhat above this area could
be obstructed by this addition. The Superintendent did not
have the opportunity to make that determination because prior to
the hearing the decks, which would have extended beyond the
existing west line, and would have caused view blockage, were
a part of the plans.

3. Section 21A.35(c) provides that "(r)esidential structures shall not be located closer to the shoreline than adjacent structures." The Superintendent published a ruling on March 1, 1977, Number 7-77, to deal with situations such as this, inter alia, where the shoreline is uneven and the strict application of Section 21A.35(c) is either impractical or does not accomplish the intent of the provision. That ruling would allow the Superintendent to exercise reasonable discretion in the regulation of setbacks for single family residences in such situations.

4. The Superintendent determined that the plans submitted by the appellant did not conform with Section 21A.35(c) as applied in conjunction with Ruling 7-77. That interpretation was published August 30, 1978. The instant appeal was filed September 6, 1978.

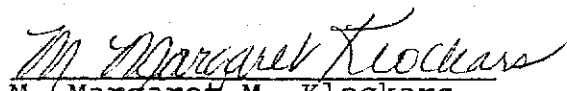
Conclusions

1. The irregular shoreline creates a situation where the application of Section 21A.35(c) will not necessarily assure the protection of water views. The use of Ruling 7-77 is a reasonable attempt to accomplish that purpose and was properly used to prevent the view blockage that would occur as a result of the decks which would extend closer to the shoreline. Denying the appellant the right to expand upward but not closer to the shoreline, with the 35 ft. height limit, would be unreasonable and should not be applied if no water view blockage would occur. Since the Superintendent's interpretation was the result of the application of Ruling 7-77 to plans with the deck, the matter should be remanded for his determination as to whether the addition would now materially block waterviews.

Decision

The appeal is remanded for determination of the effect of the addition, without decks, on water views.

Entered this 16th day of October 1978.


M. Margaret M. Klockars
Deputy Hearing Examiner

Notice of Appeal

The decision of the Hearing Examiner in this case is the final administrative determination and any further appeal must be made to the courts.