

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

In the Matter of the Appeal of

LESSIE F. LARIS

FILE NO. S-80-039

from a determination of the
Director of the Department
of Construction and Land Use

The appeal is DENIED and the Decision of the Director
of the Department of Construction and Land Use is
AFFIRMED.

Introduction

Lessie F. Laris, appellant, appeals the decision of the Director of the Department of Construction and Land Use to issue a use permit for a single family residence at 2347 - 23rd Avenue South with access via an alley.

The appellant exercised her right to appeal pursuant to Section 25.40 of the Zoning Ordinance (86300, as amended).

Parties to the proceeding were: Lessie F. Laris, appellant, assisted by Lester Laris; the Director of the Department of Construction and Land Use represented by Leigh Ann Collins, Zoning Research Aide; the applicant, Wynn Kampe.

This matter was heard before the Hearing Examiner on August 19, 1980.

For purposes of this decision, all section numbers, unless otherwise indicated, refer to the Zoning Ordinance (86300, as amended).

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 Director of the Department of Construction and Land Use (Director) issued a use permit to allow the construction of a single family residence at 2347 - 23rd Avenue South with vehicular access from the abutting alley rather than the street.

2. Appellant filed an appeal contending that other lots similarly situated had been required to provide street access, that drainage will be a problem for neighbors, that access will not meet Zoning Ordinance requirements, that the alley should be paved, and that parking in the alley will create problems.

3. In 1979, the Superintendent of Buildings promulgated Superintendent's Ruling No. 21-79 which interpreted various sections of the ordinance (3.13, 3.20, 3.02, 23) to permit sole vehicular access via an alley improved according to Engineering Department standards, where street frontage or easement meeting Zoning Ordinance requirements exists.

4. The subject lot has 50 ft. of frontage on 23rd Avenue South, which street is improved for automotive travel.

5. The alley right-of-way is 16 ft. wide.

6. The subject lot is elevated at least 10 ft. above the property to the north (Alexander's).

7. The applicant will provide a catch basin to channel water to the front, away from the Alexander property.

8. The alley has been used as secondary access to other lots. Appellant and Mr. Laris have gravelled it to maintain secondary access.

9. The ordinance requires a minimum width of 10 ft. for an alley.

10. Alley width of greater than 14 ft. could require cutting the slope.

11. The Engineering Department will require that the alley from Bayview to the crest of the hill, the sloping area, be asphalt paved and that the remainder be gravelled to make it functional and that a turnaround be provided. The Engineering Department representative and applicant agreed that distances on the application for street use permit are incorrect and must be corrected before the permit is issued.

12. The Engineering Department requirements for the alley must be met on final inspection, prior to the issuance of a Certificate of Occupancy. After that, the City would act only if the alley were unsafe for travel.

13. The structure on the subject lot is required to be set back at least 25 ft. from the alley.

14. Parking is not permitted in an alley for more than 30 minutes.

Conclusions

1. The Director must issue a use permit if the plans filed conform to the requirements of the applicable ordinances, according to Section 25.2. The plans provide for the required frontage on a street (Section 3.13), off-street parking (Section 23.3) and setback.

2. The Superintendent's Ruling which permits sole vehicular access via an alley was not shown to be in error by the appellant. She showed, instead, that street access would be more desirable. The ordinance does not allow the Director to require the more desirable alternative where the plans otherwise meet the minimum requirements of the pertinent ordinances.

Decision

The appeal is DENIED and the Decision of the Director of the Department of Construction and Land Use is AFFIRMED.

Entered this 27th day of August 1980.

M. Margaret Klockars
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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 appeal to the Superior Court should be filed within 20 days of the date of this decision. Vance v. Seattle, 18 Wn.App. 418 (1977).