

## FINDINGS AND DECISION

### OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

RAY LEVINE

FILE NO. S-80-055

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

#### Introduction

Appellant, Ray Levine, appeals an interpretation by the Director of the Department of Construction and Land Use (Director) of the Zoning Ordinance as applied to property at 5301-26th Avenue South.

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

Parties to the proceeding were: Appellant and the Director, represented by Joyce C. Kling, Manager, Land Use Support Services.

This matter was heard before the Hearing Examiner on January 7, 1981.

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. Appellant was invited by King County to bid on property located at 5301-25th Avenue South.
2. The subject property is zoned Single Family Residence High Density (RS 5000) and contains 1,615.77 sq. ft.
3. Appellant inquired of the Department of Construction and Land Use personnel about the potential use of the property for a garage and understood that the garage use would be permitted.
4. Appellant purchased the subject property.
5. Appellant owns property and resides at 5306-26th Avenue South, across the street from the subject property.
6. The Director issued an interpretation, at the appellant's request, which determined that the property may not be developed with a garage accessory to a single family residence on a separate lot.
7. Appellant urges that the interpretation be reversed since the effect of the decision is to make the property worthless to him. No error in the facts the Director relied upon or in the conclusions was alleged.

### Conclusions

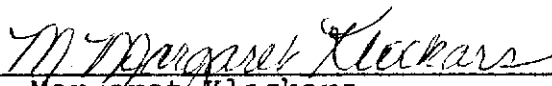
1. Section 25.44 provides that the determination appealed from is to be considered prima facie correct and the burden of proving the contrary is on the appellant.

2. The Director is correct that the appellant's hardship cannot be addressed through the interpretation of the Ordinance. Appellant has not proven error so the determination must stand.

### Decision

The decision by the Director of the Department of Construction and Land Use is affirmed.

Entered this 26<sup>th</sup> day of January, 1981.

  
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. After 5 days from the date of this decision, a permit may be issued unless a party of record files with the Director of the Department of Construction and Land Use a written notice of intent to seek judicial review of the City's action. 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).