

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

STEPHAN S. QUERIN, Ph.D.

FILE NO. MUP-81-001

of a decision by the Director of
Construction and Land Use on a
Master Use Permit

Introduction

Appellant, Stephan S. Querin, Ph.D., appeals the decision of the Director of the Department of Construction and Land Use to deny the variance component of a master use permit application for property at 11734-5th N.E.

A hearing on the appeal was scheduled for June 19, 1981. The appellant did not appear.

After due consideration of the appeal letter, application, decision, plot plan and letters and photos from interested persons, the following findings of fact and conclusions shall constitute the decision of the Hearing Examiner on this appeal.

Findings of Fact

1. The subject property is a lot with an area of 9,200 sq. ft. at 11734-5th Avenue N.E. The lot is developed with a residence with attached garage and a shed. The site is located in a Single Family Residence Medium Density (RS 7200) zone.
2. The owner of the property applied for a variance from the side yard requirement of Section 24.18.090, Seattle Municipal Code, for the approximately 8 by 30 ft. shed which already has been constructed 4 ft. from the property line. The code requires a 5 ft. side yard.
3. On neighboring property owner indicated by letter that he has no objection to the placement of the structure. The owners of another neighboring property do object.
4. Appellant urges economic hardship, since the structure has already been constructed, neighbor relationships and the small degree of the violation (in terms of percentage of the lot area) as bases for the variance.
5. No unique physical condition is evident from the record.
6. The Director of the Department of Construction and Land Use denied the application.

Conclusion

1. Appellant has failed to show a unique property condition because of which the 5 ft. requirement would deny the subject property rights enjoyed by other properties in the area. The property condition which warrants variance relief may not be created by the applicant. That unique condition is prerequisite to variance relief. Section 24.74.030, Seattle Municipal Code. Therefore, the decision must be affirmed.

Decision

The determination of the Director of the Department of Construction and Land Use to deny the variance is AFFIRMED.

Entered this 23rd day of June, 1981.

M. Margaret Klockars
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).