

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

In the Matter of the Appeal of

R. SCOTT CAMERON

039
FILE NO. MUP-81-029(V)
APPLICATION NO. 81121-0006

from a decision of the Director
of the Department of Construction
and Land Use on a Master Use
Permit application

Introduction

This appellant seeks to overturn denial of his application for a variance to permit less than the minimum required front yard to accommodate a deck he has constructed in his front yard.

The appellant exercised his right to appeal pursuant to the Master Use Permit Ordinance, Chapter 24.84, Seattle Municipal Code.

Parties to the proceeding were: R. Scott Cameron, appellant, and Cliff Portman representing the Director of the Department of Construction and Land Use.

This matter was heard before the Hearing Examiner on September 11, 1981.

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. The subject property is located at 1227 N.E. 98th Street in a single family residence high density (RS 5000) zone.
2. Section 8.53 of the Zoning Code requires a minimum front yard of 20 ft. Section 24.20.090, Seattle Municipal Code.
3. The construction of the deck leaves only a 14 ft. front yard.
4. The lot is narrow and deep with approximate measurements of 40 ft. by 127 ft.
5. The front yard is elevated from the street approximately 5 ft. and bulkheads line the driveway in the front yard to a height of 5 ft. 10 in.
6. The deck has been constructed over the bulkheads at approximately a 7 ft. elevation from the street.
7. There is a back yard in excess of 60 ft., but access is somewhat difficult and the present doors do not open into the back yard.
8. The neighbors expressed support for this appellant through signing a petition, and the Department reported no opposition to this construction.

9. With regard to the State Environmental Policy Act of 1971 (SEPA) and Ordinance 105735, as amended, the action proposed in this application has been determined by the responsible official to be categorically exempt pursuant to the provisions of WAC 197-10-170.

Conclusions

1. No unique condition was demonstrated which created a hardship to this appellant in reasonable use of his land without variance.

2. No other intrusions into front yards in the neighborhood were demonstrated, so a special privilege might result from a grant here.

3. There would be detriment to the public welfare by way of precedent if this variance were granted without the requisite property condition causing hardship. The appellant did considerably consult his close neighbors and no opposition was expressed indicating material detriment from this specific condition.

4. This variance would not affect the Comprehensive Plan.

Decision

For these reasons the denial by the Director is AFFIRMED and the variance is DENIED.

Entered this 25th day of September, 1981.


Joan B. Allison

Hearing Examiner Pro Tempore

Notice of Right to Appeal

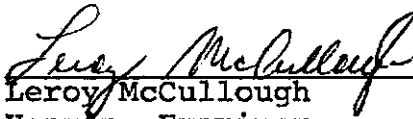
The decision of the Hearing Examiner in this case is the final administrative determination by the City. Any further appeal must be filed with the Superior Court within 14 days of the date of this decision. Vance v. Seattle, 18 Wn.App. 418 (1977); JCR 73 (1981).

APPOINTMENT OF HEARING EXAMINER PRO TEMPORE

September 11, 1981

I, Leroy McCullough, Hearing Examiner for the City of Seattle, pursuant to Section 10 of Ordinance 102228, as amended by Ordinance 106477, due to the unavailability of a hearing examiner, appoint Joan B. Allison a hearing examiner pro tempore for purposes of hearing and deciding the following case: MUP-81-039(V), Appeal of R. Scott Cameron.

Entered this 21st day of August, 1981


Leroy McCullough
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