

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

Frederick & Nelson

FILE NO. MUP-83-032

from a decision of the Director
of the Department of Construction
and Land Use on a master use
permit application

APPLICATION NO. 83-231

Appellant, Frederick & Nelson, appealed the decision of the Director, Department of Construction and Land Use, to conditionally grant a street use permit to Norman and Sylvia Lipkin, dba Croissant Chalet, for a sidewalk cafe at 521 Olive Way.

The hearing on the matter was scheduled for July 28, 1983. The applicants, Norman and Sylvia Lipkin, were represented by Chi-Dooh Li, Estep & Li, attorneys at law. The Director was represented by Greg Borba. Appellant did not appear.


As the record contains no evidence supporting appellant's contention of error, and Section 23.76.36B(7) provides that substantial weight be given the decision of the Director, the appeal should be dismissed by default and the decision affirmed.

Appellant, by Maynard L. Nell, Assistant Manager/Operations, filed a request August 1, 1983, to reopen the record. That request is denied for failure to show good cause.

Decision

The Director's decision to conditionally grant the street use permit is affirmed.

Entered this 12th day of August, 1983.


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). Should an appeal be filed, instructions for preparation of a verbatim transcript are available at the Office of Hearing Examiner. The appellant must initially bear the cost of the transcript but will be reimbursed by the City if the appellant is successful in court.