

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

In the Matter of the Petition of

JACK LYNCH

FILE NO. CC-84-024
C.F. NO. 293716

for a council conditional use
pursuant to the provisions of
Title 23, Seattle Municipal Code,
(Zoning Ordinance 86300, as amended)

Introduction

The applicant, Jack Lynch as agent for Bryce and Carolee Martin and Jay and Suzanne Wakefield, is requesting Council Conditional Use to allow the establishment of two dwelling units in a CG zone at 3304 Fuhrman Avenue East.

No correspondence or testimony in opposition was entered in the record.

For purposes of this recommendation, all section numbers refer to the Seattle Municipal Code, Title 23.

The Director's report, submitted by the Department of Construction and Land Use (DCLU), recommended that the application be granted.

This matter was heard before the Hearing Examiner on February 21, 1985.

After due consideration of the evidence presented by applicant, the information provided by the Director's report and all evidence elicited during the public hearing, the following shall constitute the findings of fact, conclusions and decision of the Hearing Examiner on this recommendation.

Findings of Fact

1. The subject property is a waterfront lot located on the south side of the Lake Washington Ship Canal just west of the University Bridge.

2. The lot is developed with a two story building and boat moorage. Two dwelling units occupy the upper story of the building. The lower story has been used as storage for canoes and a workshop.

3. The site is in a General Commercial (CG) zone and the Urban-Residential (UR) and Conservancy-Natural (CN) shoreline environments. There is a petition before the City Council at this time to reclassify the CN portion to Conservancy-Management (CM) and the UR portion to Urban-Stable (US).

4. Dwelling units are permitted in CG zones by Council Conditional Use. The two existing units were approved by the Council in 1975, along with yard variances. The owners propose to convert the lower floor to dwelling units so have applied for the Council's authorization.

5. The property slopes markedly down to the water. It is accessed by a steep driveway from Fuhrman Avenue East.

6. Four parking spaces are provided on the lot.

7. Though the CG zone extends to the west, east and south, all surrounding development is residential.

8. There are no railroad lines or commercial docking facilities for large boats near the site. Access for vehicles is not suited to commercial use.

9. The property is not required to provide regulated public access to the shoreline because it is less than 100 ft. wide. Further, since only interior construction would be involved, no shoreline permit would be required.

10. If the shorelines are reclassified, a shoreline conditional use permit would be required to establish dwelling units in the US environment.

11. The height of the existing building is less than 25 ft. above average grade.

Conclusions

1. Sections 24.52.100, 24.72.160 and 24.74.010 are the provisions pertinent to this application. Section 24.52.100 sets forth conditions to be met in addition to the more general requirements that the use not be detrimental to the public welfare or injurious to property and that its authorization be consistent with the spirit and purpose of the zoning regulations subtitle of the Seattle Municipal Code. The additional conditions are:

1. When nearby or associated uses and other conditions in the immediate environs are not of the type to create a nuisance or adversely affect the desirability for living purposes.

2. When residential development will not usurp land which is needed for and better suited to commercial usage by virtue of special attributes such as railroad access and proximity of established commercial development.

3. When structural bulk incident to residential use will not adversely affect surrounding development; provided that in no event may RM 800 zone bulk regulations be exceeded;...


2. All the conditions of Section 24.52.100 are met in this case. Nearby uses are residential, the site is not suited for commercial use and the bulk of the structure will not change and is in scale with surrounding development.

3. The general conditional use criteria are satisfied as well. The addition of two dwelling units on this site would not be detrimental to the public welfare but actually would be a benefit in the addition of housing opportunities; no injury to other properties is reasonably foreseen; and the authorization would be consistent with the spirit and purpose of the zoning regulations where all specific requirements are met. Therefore, the request should be granted.

Recommendation

The City Council should grant the requested Council Conditional Use.

Entered this 6th day of March, 1985.


M. Margaret Klockars
Deputy Hearing Examiner

Notice of Right to Petition
For Further Consideration

Pursuant to Section 23.80.10.E, Seattle Municipal Code, any person substantially affected by or interested in this recommendation may submit a petition in writing to the City Council requesting further consideration. The petition must be filed with the Council within fourteen days of the date of this recommendation and should be addressed to the City Council, Land Use Committee, Municipal Building, Seattle, Washington, 98104.

The petition should clearly identify specific objections to this recommendation and the relief sought; however, the petitioner should not include any additional evidence or exhibits as the Council's consideration will be based upon the record of the Hearing Examiner's hearing. If the Council determines that a factual error exists in the record or that important information is missing, the Council may have the record supplemented pursuant to Section 23.80.10.E.3 or 23.80.10.E.4. At its public meeting the Council may allow oral or written arguments based on the record.