

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

In the Matter of the Appeal of

KENNETH P. GRONVOLD

FILE NO. H-81-003

from a decision of the Director of the  
Department of Construction and Land Use  
pursuant to the Housing Code, Ordinance  
106319

Introduction

Kenneth P. Gronvold, appellant, appeals from the order of the Director of the Department of Construction and Land Use (Director) concerning a building at 6216-24th Avenue N.W.

The appellant exercised his right to appeal pursuant to Section 22.206.230, Seattle Municipal Code (Section 4.23, Ordinance 106319).

Parties to the proceeding were: Appellant and the Director represented by Clifford Hester, Manager, Citizens Complaint Section, Housing and Zoning Enforcement Division, Department of Construction and Land Use.

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. The subject property is a building located at 6216-24th Avenue N.W. The building has been converted from a single family home, bakery and office to a five unit apartment house with the former bakery now a warehouse.
2. A complaint was made by the Director regarding hazardous conditions in the building and an order issued March 4, 1981. The order found the building unfit for human habitation, that the cost of repairs would not exceed fifty percent of the market value of the repaired building and listed the conditions that required correction.
3. Appellant agrees that the building is unfit for habitation but appeals the determination that the costs of repairs would not exceed 50 percent of the value.
4. The value of the building in repaired condition would be \$17,239.
5. The Director estimates that the cost of repairs would total \$5,337. Repair of the north side steps and porch, required by the order, was not included in the estimate. The Director's representative had not prepared the estimate and did not know, in some cases, what work was to be covered by the estimate.
6. The appellant provided actual estimates or bids by suppliers or contractors. Some include improvements or repairs not required by the order of the Director and in some instances the examiner was unable to isolate the costs of required repairs.
7. The appellant has been a building contractor for 30 years. In that work he regularly makes estimates of the costs involved in order to prepare bids. He is, therefore, regarded by the Hearing Examiner as an expert in estimating costs but with an interest in the outcome of the case.

8. The costs supported by the best evidence in the record are as follows:

Replacing windows, sashes, framing, sills	3780.57
Repairing or replacing north side steps	300.
Repairing or replacing front porch	1,000.
Replacement of exterior siding	270.
Repair of fire damaged interior walls, ceiling and door	425.
Replacement of basement door	70.
Extermination of rats	150.
Retopping of chimneys	300.
Adding stair-rail	20.
Removal of debris	300.
Plumbing	300.
Rewiring	2,707.
TOTAL	\$ 9,622.57

9. Evidence regarding the Director's estimate for roof repair was not regarded sufficient to support the challenged estimate and the Director's witness did not know whether it covered one or more holes so no figure has been included but it is recognized that it will cost at least \$89.

10. No evidence regarding the cost of kitchen cabinets, repair of the parapet, flooring, leaking ceiling, replacement of fire damaged doors or installation of exhaust fans was found in the Director's estimate.

11. A reasonable estimate of the cost of repairs required by the order of the Director is over \$9,600 and greater than 50 percent of the market value of the building in a repaired condition.

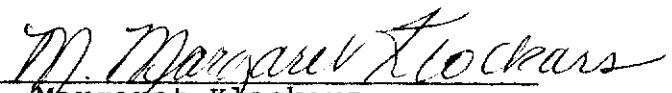
#### Conclusion

1. The Director's determination is deemed prima facie correct. Section 22.206.230. The appellant must then overcome that presumption with evidence of error. In this case, appellant has shown that the Director's cost estimate did not include several items, that, in some instances, the actual cost of repair would far exceed the estimates given, that many other estimates were low and the Director offered no rebuttal evidence to that expert opinion, and that the total costs known would exceed 50 percent. Therefore, the appellant has met his burden and the Director's determination must be modified to order repair or demolition under Section 22.208.020.

#### Decision

The matter is remanded for modification of the order to require that the building be repaired or demolished.

Entered this 19th day of May, 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. 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).