

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

In the Matter of the Appeal of

WALLINGFORD COMMUNITY COUNCIL

FILE NO. S-79-002

from a ruling of the Superintendent  
of Buildings

The appeal is DENIED and the Findings and  
Decision of the Superintendent of Buildings  
are affirmed.

Introduction

The appellant, the Wallingford Community Council, filed an appeal from an interpretation of the Zoning Ordinance issued by the Superintendent of Buildings relating to property at 3727 Sunnyside Avenue North.

The appellant exercised its right to appeal pursuant to Section 25.40, Ordinance 86300, as amended by Ordinance 104795.

This matter was heard before the Hearing Examiner on February 15, 1979.

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 Wallingford Community Council requested of the Superintendent an interpretation of the Zoning Ordinance as it applied to property at 3727 Sunnyside Avenue North.

2. The Superintendent issued a written interpretation on January 12, 1979. The interpretation dealt with numerous bulk provisions regarding the property and cited a requirement for several bulk variances.

3. The applicant was constructing a second story addition to the existing dwelling and altering the first floor and basement. Building permits had been issued prior to the request for the interpretation.

4. The appellant filed a timely appeal on January 29, 1979. The only issue regarding the written interpretation that was challenged in this appeal relates to whether or not a use permit is required to construct additions to a single family residence. Although extensive additions and remodeling have taken place at the residence, the use of the building remains single family.

5. Section 25.2 of the Zoning Ordinance provides as follows: "It shall be unlawful for an owner to permit the establishment or change of use of any structures, buildings, or premises, or any part thereof, until a use permit shall have been issued by the Superintendent."

### Conclusions

1. The critical language in Section 25.2 relates to the establishment or change of use. Additions to or remodeling of a structure that is already classified as a single family residence does not result in a change of use. The use has already been established. This is the plain meaning of the ordinance.

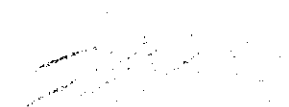
2. Section 25.2 of the Zoning Ordinance established appeal rights for the issuance of use permits. The legislation was clear in that it did not establish an appeal right for building permits and therefore excluded from appeal a large number of minor remodeling and additions to buildings that had established uses and where no change of use was proposed. This was a policy decision made by the City Council. Obviously, there are some types of projects that are not subject to appeal under this provision, but this was a policy decision made by the Council. To expand the appeal right under the interpretation proposed by the appellant would mean essentially that all permits, both building and use, would be subject to appeal, which would result in a substantial broadening of the number of appeals and the requirements of publication.

3. The record in this case shows that there is some need on behalf of the Building Department to clarify its procedure for publishing use permits and the forms that distinguish between building and use permits. It is unfortunate that this procedure causes confusion among residents of a community, but it appears that the Building Department is taking steps to clarify this procedure. If community groups, such as the appellant, feel that the appeal right is too narrow then the alternative is to request an amendment to the ordinance which would clearly set out a much broader appeal right of all building and use permits.

### Decision

The appeal is DENIED and the Findings and Decision of the Superintendent of Buildings are affirmed.

Entered this 20th day of February, 1979.

  
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William N. Snell  
Hearing Examiner

### Notice of Appeal

The decision of the Hearing Examiner in this case is the final administrative determination and any further appeal must be made to the courts.