

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

In the Matter of the Appeal of

PEOPLES NATIONAL BANK

FILE NO. 8-80-019

from a determination of the
Superintendent of Buildings

Introduction

The appellant, Peoples National Bank, filed an appeal of an interpretation by the Superintendent of Buildings regarding a drive-in banking facility at 4200 S.W. Edmunds Street.

The appellant exercised its right to appeal pursuant to Section 25.40 of the Zoning Ordinance (86300, as amended).

Parties to the proceeding were: Appellants, represented by Martin T. Drowder, attorney at law, Karr, Tuttle, Koch, Campbell, Mawer and Morrow, P.S.; and the Superintendent of Buildings represented by Greg Borba, Program Director.

This matter was heard before the Hearing Examiner on April 30, 1980.

For purposes of this decision, all section numbers, unless otherwise indicated, refer to the Zoning Ordinance (86300, as amended).

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. A fully chartered branch bank with three drive-through lanes is located at 4200 S.W. Edmunds Street, the subject site. The applicant proposes to add a fourth drive-through lane and kiosk to handle peak hour traffic which has caused on-street congestion. The bank expects to provide better service to its customers but does not anticipate any immediate increase in number of customers.

2. The Superintendent of Buildings determined that the drive-in facility with four lanes would not be incidental to the principal use and therefore would not be permitted as an accessory use. Notice of that interpretation was published March 27, 1980. Appellant filed its appeal April 10, 1980.

3. The subject property is in a Community Business (BC) Zone. Drive-through lanes as accessory uses customarily incidental to a principal use permitted outright are permitted outright in the Intermediate Business (BI) and more intensive zones.

4. At the subject branch, only deposits, check cashing and some loan payment transactions occur at the drive-up windows. In the building all banking functions are provided including teller windows for paying and receiving, time certificates of deposit, new accounts, safe deposit boxes, customer services representative, night depositories, etc. The building houses the bookkeeping function for this and a nearby branch. Ten full-time employees are involved in the functions housed in the building and two in the drive-up functions. One may be added with the addition of the fourth lane.

5. The ratio of inside to drive-up transactions is approximately 60 percent to 40 percent. Of the total daily dollar receipts, 85 percent is received in the building as opposed to the drive-up windows.

6. The total area of the lot occupied by the branch is 13,800 sq. ft. The building is 2,544 sq. ft. in area. The canopy covering the drive-up kiosks and kiosk extensions beyond the canopy cover slightly over 650 sq. ft. The remainder of the site is devoted to parking area and traffic lanes for the drive-through facility and parking.

7. The data provided at hearing were not all available to the Superintendent of Buildings when his ruling was made. To avoid delay, the parties agreed to have a decision by the hearing examiner rather than having the matter remanded for consideration of the new evidence.

Conclusions

1. "Accessory use" is defined in Section 3.22 as an incidental use to a permitted principal use on the same lot.

2. According to Webster's New International Dictionary, Second Addition, the term "incidental" means something dependent upon or subordinate to something else of greater or principal importance.

3. The evidence before the hearing examiner, not all of which was available to the Superintendent, shows clearly that the drive-up facility is and would remain, with the added lane, subordinate to and dependent upon the principal use, therefore meeting the definition of accessory use.

Decision

The appeal is GRANTED and the determination of the Superintendent of Buildings are REVERSED.

Entered this 9th day of May 1980.

M. Margaret Klockars
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 appeal to the Superior Court should be filed within 20 days of the date of this decision. Vance v. Seattle, 18 Wn.App. 418 (1977).