

Reference #: 3030857-LU

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Status: Pending Acceptance
Type: Land Use Appeal
Contact Method: Email Attachment

Appeal Details

Address: 2637 NW 59th St
Decision Elements: Special Exception;

Interest: The decision significantly reduces immediate local availability of parking adversely affecting my own existing access to local community infrastructure. The exceptions listed directly increase local traffic congestion and decrease quality of life of the neighborhood.

Objections: The decision improperly applies SMC 25.11.070.A.3.b to provide a reduction in the parking quantity required without meeting the conditions of the listed clause. The decision also overreaches beyond the limits of the exception in SMC 25.11.070.A.3.b by waiving the requirement of Section 23.54.015 outright which is not within the scope of SMC 25.11.070.A.3.b. Per SMC 25.11.070.A.3.b, the exception, as written, implies that a project exists prior to the granting of the exception. As stated the project as proposed never attempted, provided for, or demonstrated capabilities to meet the requirements of parking quantity required by Section 23.54.015 even had the presence of the exceptional tree been absent. As no project that could demonstrate meeting requirements specified in Section 23.54.015 was submitted or considered prior to granting of the exception, the exception listed in SMC 25.11.070.A.3.b cannot be applied. In addition, SMC 25.11.070.A.3.b states the exception may permit a "reduction in the parking quantity required". SMC 25.11.070.A.3.b does not state that the requirement of Section 23.54.015 can be eliminated, waived, or ignored. Per the wording in the decision that the "applicant has reduced the required off street parking spaces to zero", the decision eliminates the requirement of Section 23.54.015 outright instead of permitting a reduction of the requirement. The elimination of the requirement of Section 23.54.015 outright far exceeds the bounds of the exception in SMC 25.11.070.A.3 as stated.

Desired Relief: I would urge the examiner to modify conditions of the construction such that any of the following conditions be met prior to approval: a) Production of a plan for this project that can meet the requirements of Section 23.54.015 but for the presence of the tree protection area; b) Reduction of the number of units approved for the project such that a plan can be provided that will at a minimum meet the requirements of Section 23.54.015 in some quantifiable fashion while retaining the presence of the tree protection area. If these modified conditions cannot be met the decision should be reversed until such time as a project can be proposed that meets such conditions

Contacts

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Uploaded Material

No documents available.
