

## LAND USE/SEPA DECISION APPEAL FORM

*It is not required that this form be used to file an appeal. However, whether you use the form or not, please make sure that your appeal includes all the information/responses requested in this form. An appeal, along with any required filing fee, must be received by the Office of Hearing Examiner, not later than 5:00 p.m. on the last day of the appeal period or it cannot be considered. Delivery of appeals filed by any form of USPS mail service may be delayed by several days. Allow extra time if mailing an appeal.*

### APPELLANT INFORMATION (Person or group making appeal)

1. **Appellant:**

If several individuals are appealing together, list the additional names and addresses on a separate sheet and identify a representative in #2 below. If an organization is appealing, indicate group's name and mailing address here and identify a representative in #2 below.

Name Michael Schmautz

Address 3518 Fremont Ave N, Ste 250, Seattle, WA 98103

Phone: Work: 5098633146

Home: \_\_\_\_\_

Fax: \_\_\_\_\_ Email Address: michael.schmautz@gmail.com

*In what format do you wish to receive documents from the Office of Hearing Examiner?*

Check One:  U.S. Mail  Fax  Email Attachment

2. **Authorized Representative:**

Name of representative if different from the appellant indicated above. Groups and organizations must designate one person as their representative/contact person.

Name R. Shawn Griggs, Attorney at Law

Address 1818 Westlake Avenue North, Suite 404  
Seattle, WA 98109

Phone: Work: (206) 745-3805

Home: \_\_\_\_\_

Fax: (206) 745-3806 Email Address: shawn@griggs-law.com

*In what format do you wish to receive documents from the Office of Hearing Examiner?*

Check One:  U.S. Mail  Fax  Email Attachment

### DECISION BEING APPEALED

1. **Decision appealed** (Indicate MUP #, Interpretation #, etc.): FOWR application #3023142
2. **Property address** of decision being appealed: 1818 Westlake Ave N, Seattle, WA 98103
3. **Elements of decision being appealed.** Check one or more as appropriate:

|   |   |
|---|---|
| <input type="checkbox"/> Adequacy of conditions   | <input type="checkbox"/> Variance                           |
| <input type="checkbox"/> Design Review and Departure  | <input type="checkbox"/> Adequacy of EIS                    |
| <input type="checkbox"/> Conditional Use  | <input type="checkbox"/> Interpretation (See SMC 23.88.020) |
| <input type="checkbox"/> EIS not required   | <input type="checkbox"/> Short Plat                         |
| <input type="checkbox"/> Major Institution Master Plan  | <input type="checkbox"/> Rezone                             |
| <input checked="" type="checkbox"/> Other (specify: <u>Denial of floating on-water residence verification per SMC 23.60A.203 (D) (4).</u> ) |   |

(over)

## APPEAL INFORMATION

Answer each question as completely and specifically as you can. Attach separate sheets if needed and refer to questions by number.

1. What is your interest in this decision? (State how you are affected by it)

Appellant is the owner of the structure in question and the applicant for floating on-water residence status per SMC §23.60A.203.

2. What are your objections to the decision? (List and describe what you believe to be the errors, omissions, or other problems with this decision.)

DCI determined that the structure in question is a "conventional recreational vessel" and is therefore ineligible for verification as a floating on-water residence. This determination is incorrect for at least two reasons: (a) the structure in question lacks the requisite elements of a "vessel", as required by SMC § 23.60A.942, and therefore cannot be classified as a conventional recreational vessel as contemplated by SMC § 23.60A.214(B); and (b) the determination incorrectly concludes that a vessels -- as provided for in SMC § 23.60A.214(B) cannot be classified as floating on-water residences per SMC § 23.60A.203, both in contravention of the SMC and RCW § 90.58.270(6)(b).

3. What relief do you want? (Specify what you want the Examiner to do: reverse the decision, modify conditions, etc.)

I would like the decision reversed and the Floating on Water Residence verification application approved.

Signature



Date

9/2/2016

### Deliver or mail appeal and appeal fee to:

**MAILING ADDRESS:** City of Seattle  
Office of Hearing Examiner  
P.O. Box 94729  
Seattle, WA 98124-4729

**PHYSICAL ADDRESS:** SEATTLE MUNICIPAL TOWER  
700 5<sup>th</sup> Avenue, Suite 4000  
40<sup>th</sup> Floor  
Seattle, WA 98104

*Note: Appeal fees may also be paid by credit or debit card over the phone (Visa or MasterCard only).*

Phone: (206) 684-0521

Fax: (206) 684-0536

[www.seattle.gov/examiner](http://www.seattle.gov/examiner)



## City of Seattle

Edward B. Murray, Mayor

**Department of Construction and Inspections**  
Nathan Torgelson, Director

August 5, 2016

Michael Schmautz  
3518 Fremont Ave N Ste. 250  
Seattle, WA 98103

Dear Mr. Schmautz:

Per your request the City of Seattle has re-reviewed your application, #3023142, to verify a "floating on-water residence" located at 1818 Westlake Ave N, Slip E3.

Per our email on January 12, 2016, our department is unable to approve your application because what you own is considered a "conventional recreational vessel" (SMC 23.60A.214) and is not a "floating on-water residence" (SMC 23.60A.203). Removal or otherwise disabling the propulsion mechanisms of a conventional recreational vessel does not qualify it for verification as a floating on-water residence.

If you would like to dispute the Director's denial of verification as a "floating on-water residence", you may appeal the Director's determination to the hearing examiner, in conformance with the hearing examiner rules, within 30 days of date of this letter.

If you have further questions, please contact the City of Seattle shoreline compliance analyst:

Megan Mueller  
Shoreline Compliance Analyst  
(206) 684-0616  
Megan.Mueller@seattle.gov