

## FINDINGS AND DECISION

### OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

ERNST O. JENSEN

FILE NO. H-86-008

from a decision of the Director of the Department of Construction and Land Use pursuant to Title 22, Subtitle II, Seattle Municipal Code (Housing Code, Ordinance 106319)

#### Introduction

Appellant contests a DCLU Order of the Director concerning property known as 1722 East Thomas.

The appellant exercised the right to appeal pursuant to Chapter 22.206, Seattle Municipal Code.

Parties to the proceedings were appellant, pro se, and the DCLU Director by Sandy Watson, code compliance coordinator. Willie Wilson, housing and zoning inspector, was the DCLU witness.

After due consideration of the evidence elicited during the public hearing, the following shall constitute the findings of fact, conclusions and decision of the Hearing Examiner on this appeal.

#### Findings of Fact

1. Appellant has owned the subject property, addressed as 1722 East Thomas, for approximately 10 years. The legal description appearing in the Order of the Director is incorporated herein by reference.

2. In 1984, DCLU notified appellant of certain housing code violations, including missing siding. Appellant apparently requested and received an extension of the date for compliance. However, the work was not done within the extended compliance period.

3. By Notice of Violation dated May 5, 1986, DCLU advised appellant that violations related to inadequate maintenance and an inadequate electrical system had been observed. The June 2, 1986, Order of the Director sustained the Notice of Violation. As of this hearing date, violations had been corrected excepting "missing and loose exterior wall covering around building."

4. Appellant agrees that the building exterior is in need of repair. However, a July 5, 1986, compliance date was given in the May 5, 1986, Notice of Violation, and appellant requests a year in which to complete the work.

5. Appellant testified that a neighboring automobile is parked within immediate distance of the building to be repaired, and that the car owner's intransigence makes it difficult to repair the (north) side of the building without risking damage to said vehicle. Without this complication, appellant continued, it would take 2 weeks per side to re-stucco the building.

#### Conclusions

1. The Hearing Examiner has jurisdiction of this matter pursuant to Chapter 22.206, Seattle Municipal Code.

2. Seattle Municipal Code Section 22.206.230(B) requires that the Hearing Examiner decision be made "upon the same basis" as required of the DCLU Director. The DCLU Order "shall be deemed prima facie correct."

3. Seattle Municipal Code Section 22.206.080 requires that every exterior wall be "reasonably weathertight...damp-free...and ...kept in a sound condition and repair."

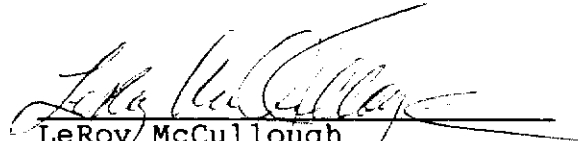
4. The evidence of record shows that the exterior walls of the subject structure do not comport with the requirements of Seattle Municipal Code Section 22.206.080.

5. In 1984, appellant was notified by DCLU that inadequacy of the siding/wall covering was in issue. He met neither the regular nor extended deadline for repair. A May 5, 1986, Notice of Violation apprised appellant that the inadequacy of wall coverings was at issue. The record provides the Hearing Examiner with a woefully inadequate basis to reverse the DCLU Director's Order or to extend or modify the time for compliance. The Order is therefore affirmed.

Decision

The Order of the DCLU Director is AFFIRMED.

Entered this 23rd day of July, 1986.

  
LeRoy McCullough  
Hearing Examiner

Concerning Further Review

The decision of the Hearing Examiner in this case is the final administrative determination by the City, and is not subject to reconsideration except to correct errors on the ground of fraud, mistake, or irregularity in vital matters. Any request for judicial review must be filed with the Superior Court pursuant to Chapter 7.16, RCW, within fourteen days of the date of this decision. Should such request be filed, instructions for preparation of a verbatim transcript are available at the Office of Hearing Examiner. The appellant must initially bear the cost of the transcript but will be reimbursed by the City if the appellant is successful in court. Instructions for preparation of the transcript are available from the Office of Hearing Examiner, 400 Yesler Building, Seattle, Washington 98104.