

Staff Report
Appeal of Building Permit Denial
City Of Sultan Building Department vs. Dave Huber
Date of Report June 6, 2003
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The City Of Sultan received a letter from Mr. Christopher J. Knapp, Attorney for Mr. David Huber Appealing the Building Departments Permit Denial on Mr. Huber property.

The Title on the cover sheet states:

Appeal of Building Permit Denial/Tax #00586300301301

Statement of Events:

Mr. Huber and I discussed a proposed single-family residential building on the above-referenced tax parcel. Mr. Huber submitted documentation that included a partial copy of the tax parcel map, a vicinity map, and a statutory warranty deed. Using this information, I researched the codes on July 8, 2002, and sent Mr. Huber a letter stating I would deny a building permit for this parcel. On June 25, 2002 the City received a letter from Huber Development and Real Estate stating in part the property has "lot status" and as a legal lot the City Of Sultan cannot deny them a building permit. On August 21, 2002 we received a letter from Mr. Huber regarding Lot Status, a reply to our letter dated July 8, 2002. On April 16, 2003, the City received a building permit application, two sets of building plans, and three sets of the site plans along with payment of the plan check fee. On May 16, 2003, the Building Department sent a letter to the Applicant denying the permit.

Timeliness of Appeal:

The May 16, 2003 the permit was denied.

The Appeal and appropriate fees where paid on May 30th, 2003.

Staff Position

The question is not whether the lot is or is not a legal lot. The facts are the parcel does not have a legal access and therefore a building permit should not be issued.

Analysis

By definition, SMC 16.150.120.20 a “Building Lot” means land occupied or to be occupied by a building and its accessory buildings, or by a dwelling unit grouping and its accessory buildings, together with such open spaces as are required under the provisions of this code, having not less than the minimum area and width required by this code for a lot in the district in which such land is situated, and having its **principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of this code to be adequate as a condition of the issuance of a development permit for a building on such land.**

SMC 16.150.010 “Alley” means any public thoroughfare for the use of pedestrians and/or vehicles, which affords only a secondary means of access to abutting property.

Per SMC 16.24.020 2 - Where documentation is not available concerning standards in effect at the time of initial development, the following procedure shall be used. All developed lots or parcels that abut the property proposed for development shall be considered in determining the average standards for development.

The City Of Sultan expects the evidence at the Hearing to show the following:

1. The parcel does not have a principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of this code to be adequate as a condition of the issuance of a development permit for a building on such land.
2. The proposed development does not meet the standards of the abutting properties.
3. The parcel has only a secondary means of access.

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Conclusion and Recommendation

The present parcels apparently were created by a deed executed in 1959. The City has provisions to address substandard lots and infill development. Despite these provisions, a lot today in Sultan to obtain a building permit must have access either by abutting on a public street, or by having a private access easement. The subject parcels neither adjoin a public street nor take access from a private access easement. Their only access is a narrow public alley. Use of such an alley for a primary access is not consistent with the standards of the adjoining properties. Accordingly the decision to deny a building permit should be affirmed.

Craig Bruner
City Of Sultan