



**City of Seattle**  
Edward B. Murray, Mayor

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

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

**Application Number:** 3022324  
**Applicant Name:** Tom Wolken  
**Address of Proposal:** 4520 Martin Luther King Jr. Way South

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 28 ft. high ball field net on an existing fence at the Rainier Vista Boys and Girls Club.

The following approval is required:

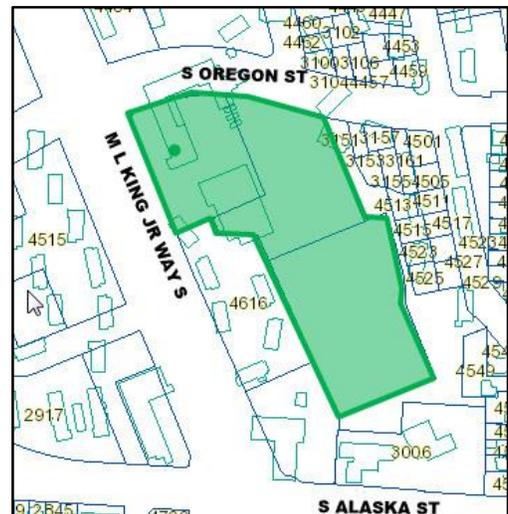
**Variance** - to allow a 28 ft. high ball field net on an existing fence at the Rainier Vista Boys and Girls club. (Seattle Municipal Code Section 23.45.518.J (7)).

**BACKGROUND**

**Site Location:** 4520 Martin Luther King Jr South  
**Zoning:** Lowrise 3-Residential Commercial (LR3-RC); Lowrise 3 (LR3); Lowrise 2 (LR2)  
**Parcel Size:** 42,018 sq. ft. (0.96 acres)  
**Existing Use:** Boys and Girls Club

**Vicinity**

The subject site is bounded by S Oregon Street to the north, ML King Junior Way S to the west, South Alaska Street to the south, and Renton Avenue South to the east within the Beacon Hill neighborhood. The site extends across multiple zoning districts including Lowrise (LR3 and LR2) and Lowrise Residential Commercial (LR3-RC).



The subject property is owned by the Seattle Housing Authority and is part of the overall redevelopment of the Rainier Vista community. The ballfield is part of the existing Boys and Girls club which received an Administrative Conditional Use, along with a Variance and SEPA approvals in 2007 under MUP 3006707.

### **PROPOSAL DESCRIPTION**

The request is for a Variance to allow a fence greater than 6 feet within the required setback. The Applicant is proposing to install 20-foot high netting above the existing 8-foot fence in order to create a continuous barrier, which will increase safety and minimize stray baseballs. The plans submitted to Seattle DCI indicate the added fence would prevent sports balls from leaving the playfield and hitting homes located to the east, parking to the north, apartments to the west, and the pedestrian pathway around the perimeter of the field.

### **PUBLIC COMMENTS**

The comment period ended February 10, 2016. One comment letter was received requesting to be made a party of record.

### **ANALYSIS - VARIANCE**

Variances from the provisions or requirements of the Land Use Code shall be authorized only when all of the following facts and conditions are found to exist:

1. ***Because of unusual conditions applicable to the subject property including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and***

The location of the playfield adjacent parking structures and pedestrian pathways creates the need for an additional barrier to prevent sports balls from exiting the playfield. The existing 8-foot high fence does not provide a sufficient barrier to protect adjacent sites and pedestrian areas. As stated above, this site was redeveloped as part the Rainer Vista Community, owned then by the Seattle Housing Authority, and the existing condition was not created by the owner or applicant. Strict application of this Land Use Code would limit the use of this community asset. Therefore, the unique surrounding conditions of this redevelopment area create a situation in which the additional height is appropriate. The proposal meets this criterion.

2. ***The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and***

The applicant proposes to install a 20-foot high baseball net on an existing 8-foot fence surrounding 3 sides of the existing playfield, for a total height of 28 feet. The proposed height of the fence is typical of baseball fields and is the minimum needed to provide relief. The community center and playfield were constructed as part of the overall redevelopment of this area and is a unique use in this zone and vicinity. Granting the additional fence height serves to maintain compatibility within this redeveloped area and is the minimum needed to maintain

safety for this unique use that is adjacent to residential and pedestrian areas. The proposal meets this criterion.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and*

The proposed fence would increase the safety of pedestrians and minimize damage to adjacent homes, and cars using the parking spaces in the lot to the north. The proposal would not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity. The proposal meets this criterion.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties; and*

The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship on the use of the field and to surrounding residents, drivers, and pedestrians. Without the additional fence around the perimeter baseballs would continue to impact adjacent homes, pedestrians, and parking lot. The proposal meets this criterion.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The purpose of the Land Use Code is to protect and promote public health, safety and the general welfare through a set of regulations and procedures for the use of land. The Variance process allows for adjustment to Land Use Code requirements in unique and unusual situations such as the subject property and proposal. The variance request appears to be consistent with the spirit and purpose of the Land Use Code. The proposal meets this criterion.

## **DECISION – VARIANCE**

**The Variance application is GRANTED.**

## **CONDITIONS**

None.

Crystal Torres, Land Use Planner  
Seattle Department of Construction and Inspections

Date: May 16, 2016

CT:drm

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**IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered “approved for issuance”. (If your decision is appealed, your permit will be considered “approved for issuance” on the fourth day following the City Hearing Examiner’s decision.) Projects requiring a Council land use action shall be considered “approved for issuance” following the Council’s decision.

The “approved for issuance” date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.