



## **ADMINISTRATIVE ORDER #301278**

### **INTERPRETATION OF DEVELOPMENT CODE**

#### **CODE SECTION: 20.40.120 Residential types uses.**

Request is for interpretation of whether a conditional use permit is required when a short plat creates a new lot where an existing single family detached residence is located in a multi-family zone. The subject property is located at 17405 Ashworth Avenue North.

#### **FINDINGS:**

- An apartment building was built on the same lot as an existing single family detached residence, sometime in the 1940's. The property was later converted to condominiums, and includes the single family residence as one of the units.
- The owner of the house now wishes to subdivide the property into two lots and remove the new lot from the condominium.
- The subject property lies within the Residential-24 Units Per Acre (R-24) Zone. Shoreline Municipal Code (SMC) Section 20.40.120, a table of residential type uses, requires a conditional use permit to locate a single family detached residence in a R-24 Zone.
- The single-family detached residence is a legally non-conforming use.
- An expansion of a legally non-conforming use requires a conditional use permit (SMC 20.30.280D). The homeowner does not propose to expand the existing non-conforming use, only to change the type of ownership.

#### **DECISION:**

The single family residence has existed for more than 50 years. The homeowner did not create the non-conformance through deliberate action and an expansion of the use is not proposed. Therefore, a conditional use permit is not required in order to subdivide the property.

*original signed by Tim Stewart 02/02/05*

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Director's Signature

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Date