

1 **OFFICE OF THE HEARING EXAMINER**
2 **CITY OF TACOMA**

3 **BRUCE AND CONNIE MCLANE,**

HEX2022-003
(LU22-0018)

4
5 **Appellants,**

FINDING OF FACTS,
CONCLUSIONS OF LAW
AND DECISION

6 **v.**

7 **CITY OF TACOMA,** a Washington
8 Municipal corporation, through its
9 Planning and Development
10 Services,

Respondent.

11 **THIS MATTER** came on for hearing before the undersigned Hearing Examiner for
12 the City of Tacoma, Washington, on May 12, 2022.¹ Associate Planner Kristina Haycock
13 appeared for Respondent City of Tacoma (the “City”), Planning and Development Services
14 (separately “PDS”). Appellants Bruce and Connie McLane (“Appellants” or the “McLanes”)
15 appeared at hearing *pro se* and both testified. At the conclusion of the hearing, the record was
16 held open until the close of business on May 17, 2022, to allow both parties to submit
17 additional information that was requested by the Hearing Examiner.

18 From the evidence in the hearing record, the Hearing Examiner makes the following:

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¹ The hearing was conducted in-person in the City Council Chambers of the Tacoma Municipal Building. No-cost, remote access to attend the hearing over Zoom was also available.

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND DECISION

1 **FINDINGS OF FACT**

2 1. The Appellants currently reside within the Tacoma city limits at 8024 South K
3 Street, Tacoma, WA 98408 (the "Subject Property"). The total area of the Subject Property is
4 approximately 6,750 square feet. The McLanes have resided at the Subject Property since
5 1977.² The Subject Property, its layout, and some of the improvements currently present
6 thereon, are the subject of this appeal through a variance requested, and then decided under
7 City land use permit number LU22-0018 (the "Variance Decision"). The improvements in
8 question are two carports (a singlewide and a doublewide) and a shed located in the front yard
9 area of the Subject Property (collectively the "Improvements"). The single-family residence on
10 the Subject Property is approximately 932 square feet in area (the "House").³ *McLane*
11 *Testimony, Haycock Testimony; Ex. A-2, Ex. A-3, Ex. A-4, Exs. A-6~A-9, Ex. R-1, Ex. R-2.*

12 2. The Subject Property does not have access of any kind to the rear, there being no
13 alleyway or street frontage at the back. Side setbacks on the Subject Property are not
14 sufficiently wide for vehicle parking or constructing structures therefor, nor do they appear
15 sufficient for vehicle passage, particularly given the location of certain trees. As a result, the
16 City found, and the Examiner agrees, that the front yard of the Subject Property is the only
17 location available for vehicular parking. *McLane Testimony, Haycock Testimony;*
18 *Ex. A-2, Exs. A-6~A-9, Ex. R-1, Ex. R-2.*

19 3. The McLanes applied to the City for a variance after the City brought a code
20 enforcement action against them because the City determined that the Improvements, in their
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² Neither party presented any evidence establishing when the House was first built.

³ Citations to "*McLane Testimony*" are to the combined testimony of the Appellants. Without intending any disrespect, the McLane's testimony was presented somewhat in team fashion, and therefore the Examiner found no meaningful distinction to be made by citing specifically to Connie or Bruce separately.

1 current locations and configurations, constituted violations of various provisions of the Tacoma
2 Municipal Code (the “TMC”). There was no evidence that this code enforcement action was
3 complaint-based other than the fact that most City code enforcement actions are of that type.
4 The requested variance was seen as a possible resolution to the compliance situation with the
5 Improvements. The McLanes sought approval to keep the Improvements in their current
6 locations and configurations through the Variance. The City sent out the proper notices to the
7 denizens in the area surrounding the Subject Property, but no comments were received
8 addressing the requested variance. *McLane Testimony, Haycock Testimony; Ex. A-1, Ex. A-3,*
9 *Ex. A-4, Ex. R-1.*

10 4. In its testimony, and in the Variance Decision, the City characterized the variance
11 as a “locational variance.” The shed has been in its current location since at least 1990, after
12 being purchased from a neighbor and relocated to its current position on the Subject Property.
13 No definitive evidence was offered establishing when the carports first came to be placed on
14 the Subject Property.⁴ The McLanes testified that they had obtained bids for relocating the
15 Improvements to the back yard and that they were quoted a figure of approximately \$2,000 per
16 building. *McLane Testimony; Ex. R-1.*

17 5. The PDS Director granted the variance, in part, and denied it in greater part, with
18 conditions attaching to the approval.⁵ *See the Variance Decision, Ex. R-1.* The Variance
19 Decision allowed the doublewide carport to remain in the front yard of the Subject Property,

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21 ⁴ The McLanes did make a reference to “it being this way for two years,” may have meant having the shed and
both carports present in the front yard.

⁵ The Variance Decision itself purports to have granted the variance request, but with conditions. This is somewhat
misleading because the request to have the shed and the single carport remain in their current locations was clearly
denied. Re-characterizing these denials as conditions does not change the fact that the McLanes’ requested
variance in regard to these two structures was denied. Haycock represented that a quirk of the City’s software is
responsible for characterizing the denied parts of the McLanes’ variance as conditions rather than denials.

**FINDINGS OF FACT,
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1 provided that it be moved approximately nine feet farther back from the South K Street / lot
2 line demarcation in order to comply with the setback requirement found at TMC
3 13.06.020.G.7.⁶ *Id.*, *Haycock Testimony*.

4 6. The City’s rationale for this partial grant of variance was that “Current zoning
5 requires two parking stalls for a single-family home,” and allowing the doublewide carport to
6 remain in the front yard makes the Subject Property more compliant with this parking
7 availability zoning requirement because it has no attached garage. *Haycock Testimony; Ex. R-1*.

8 7. As already alluded to, all other requests to vary from the TMC were denied, with
9 the Variance Decision requiring removal of the shed and the singlewide carport, or relocation
10 of the same to the rear yard of the Subject Property (and potential reductions in lot
11 coverage/square footage). This more general denial was based on TMC 13.06.020.G.6’s
12 requirement that “Detached accessory buildings shall be located behind the front wall line of
13 the main building on a lot, and shall not be located in the required side yard setback area of the
14 main building.” *Id.*

15 8. The City pointed to the square footage of the Improvements as another reason for
16 denying the other aspects of the McLanes’ variance request. The total square footage of the
17 Improvements—estimated from aerial photos—comes to approximately 839 square feet, with
18 an individual breakdown as follows:

- 19 - doublewide carport = approximately 378 square feet,
- 20 - singlewide carport = approximately 252 square feet,
- 21 - shed = approximately 209 square feet.

⁶ The Variance Decision simply cites to TMC 13.06.020 without a precise subsection reference for the requirement.

1 TMC 13.06.020.G.1 limits the total square footage of “accessory buildings” on lots such as the
2 Subject Property (less than 10,000 sq. ft. in area) to no more than 85% of the square footage of
3 the main building footprint, which again is approximately 932—on the small side for a single-
4 family residential home.⁷ Eighty-five percent of 932 results in 792 square feet of coverage
5 allowed on the Subject Property for accessory buildings. The current coverage of the
6 Improvements, as estimated by the City from aerial photos (839 sq. ft.) exceeds the TMC
7 allowance by 47 square feet. *Id.*, *Ex. A-2*, *Exs. A-6~A-9*, *Ex. R-2*.

8 9. By the time the hearing was convened, Appellants had abandoned their request for
9 the singlewide carport to remain in the front yard, and had resolved to either remove it from the
10 Subject Property or relocate it to the rear yard.⁸ The McLanes maintain their request to have the
11 doublewide carport and shed remain where they are in the front yard. They testified that the
12 shed is hard to distinguish from the House without closer inspection than what appears from
13 the street. *McLane Testimony*.

14 10. The properties in the vicinity of the Subject Property are developed with single-
15 family dwellings on parcels that exceed lot area minimum requirements. All properties have
16 driveways from the front and some homes have been renovated to add a garage on the front.
17 There is one home directly across the street from the Subject Property that has a front-access
18 garage that is located in the rear yard. *Ex. R-1*.

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21 ⁷ A quick survey of statistics available on the internet shows that the average size for a single family residence in
the U.S. is around 2,000 square feet, with the average in Tacoma being slightly less at around 1,600 square feet.
See e.g., <https://www.statista.com/statistics/456925/median-size-of-single-family-home-usa/> (average figure used
despite what the URL might otherwise indicate), [https://www.movoto.com/guide/tacoma-wa/tacoma-real-estate-
market-trends/](https://www.movoto.com/guide/tacoma-wa/tacoma-real-estate-market-trends/).

⁸ *See also email from the McLanes dated Monday April 25, 2022*, stating “The one car carport will be moved to
the backyard.” This was confirmed during the hearing.

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1 11. Post hearing, in answer to a request from the Examiner, the City indicated that
2 there is no fire separation requirement for a set amount of distance between the House on the
3 Subject Property and an accessory building such as the shed, provided that both structures are
4 on the same lot, which they are. *Email from Haycock dated Thursday, May 12, 2022 4:02 PM.*

5 12. Also post hearing, in answer to a request from the Examiner, the McLanes
6 provided measurements for existing and estimated distances between the shed and the House.
7 These measurements indicated that a range of 3.5 feet to 8 feet of in-between space would still
8 remain between the shed and relevant points of the House if the shed and doublewide carport
9 were moved back (westward) in tandem from the street in order to comply with the TMC
10 13.06.020.G.7 setback requirement. *Email from McLanes dated Monday, May 16, 2022 4:48
11 PM.*

12 13. Any Conclusion of Law below which may be more properly deemed or
13 considered a Finding of Fact, is hereby adopted as such.

14 Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

15 **CONCLUSIONS OF LAW**

16 1. The Hearing Examiner has jurisdiction to hear appeals of decisions from the PDS
17 Director pursuant to Tacoma Municipal Code (again, the "TMC") sections 1.23.050.B.2,
18 13.05.090.H and 13.05.100.C.

19 2. TMC Section 13.06.020 allows for single-family detached dwellings and
20 accessory buildings within the R-2 Single-family Dwelling District, but also sets forth required
21 standards, and places restrictions thereon, as referenced above. *FoF 5, 7 and 8.*⁹

9 The abbreviation "FoF" stands for Finding(s) of Fact and refers to that section of this decision.

1 3. TMC 13.05.010.B governs the City’s consideration of variance applications. The
2 request here dealt with the “building location” and “lot coverage” of the Improvements which
3 are accessory buildings. *TMC 13.05.010.B.2.a.(1)*. As such, the criteria of TMC
4 13.05.010.B.2.a.(2)(a)~(f) are applicable. These criteria are now examined in order.

5 4. **TMC 13.05.010.B.2.a.(2)(a)** provides the following:

6 The restrictive effect of the specific zoning regulation construed literally as to the
7 specific property is unreasonable due to unique conditions relating to the specific
8 property, and which do not result from the actions of the applicant, such as: parcel
9 size; parcel shape; topography; location; documentation of a public action, such as
a street widening; proximity to a critical area; location of an easement; or
character of surrounding uses.

10 Here, the parcel size, and the size and location of the House all contribute to restricting the
11 ability to park and to have reasonable storage uses on the Subject Property without having to
12 give up other reasonable uses, such as the McLanes’ back yard garden. In the Variance
13 Decision, the PDS Director concluded as follows regarding this criterion:

14 The existing location of the home on the site is a unique condition. The home is
15 set back approximately 60 feet from the South K Street property line and is less
16 than ten feet from either side property line. There is no alley on this block. These
17 circumstances prevent vehicle access to the rear of the lot meaning parking must
18 be provided in the front of the home. Zoning requires two parking stalls. These
circumstances render strict application of the code unreasonable. Covered parking
is not necessary but it [sic] typical for the neighborhood and the region due to the
weather, making it a reasonable request. Strict application of the code would
prohibit detached garages or carports, absent an approved variance.

19 The Subject Property suffers the misfortune of appearing to comply with minimum lot size
20 requirements in effect in 2022, but with a small house that was built decades before, without
21 more modern storage and parking amenities, in a location on the lot that hampers reasonable

1 uses in these two ways. PDS acknowledged the parking limitation, but the lack of secured
2 storage of the type usually enjoyed in an enclosed garage (without the shed) was not
3 recognized. Appellants have no apparent fault in the limited situation / hardship of the Subject
4 Property beyond having purchased it in this condition.

5 In its analysis of this criterion and the partial grant of variance, PDS seems to become
6 singularly focused on attempting to bring the Subject Property into closer compliance with the
7 TMC's parking requirements. Bringing a property into facial compliance¹⁰ is not a criterion for
8 approving a variance. Compliance and variance are opposite numbers, in fact. If the grant of a
9 variance happens to bring a property more into compliance with the TMC, that is great, but
10 again, it is neither a criterion for granting a variance, nor is it otherwise required. Variances are
11 the authorization to not comply. At the same time, an approved variance is not supposed to go
12 further in varying from the TMC than is necessary to provide relief from the hardship present,
13 as will be discussed next.

14 Here, in addition to the front yard parking situation, the McLanes also do not have the
15 type of secure storage that an attached, enclosed garage provides without the shed. The shed
16 and the doublewide carport appear to be used somewhat in tandem. The Subject Property could
17 be brought closer into facial compliance with TMC 13.06.020.G.6's requirement that
18 "Detached accessory buildings shall be located behind the front wall line of the main building
19 on a lot, and shall not be located in the required side yard setback area of the main building,"
20 by denying this aspect of the variance and requiring the shed be moved to the backyard. This is
21 only accomplished by severing the carport and the shed's tandem existence and at a cost of

¹⁰ In other words complying with applicable TMC provisions on their face without the benefit of a variance.

1 around \$2,000 which may be more than the shed is worth to replace. Again, bringing the
2 Subject Property closer into facial compliance with the TMC is not an approval criterion in
3 assessing whether an applicant qualifies for a variance. The Subject Property does not have
4 covered parking or the type of secured storage that typically accompanies a garage in
5 proximity to its parking without the doublewide carport and the shed together. Continuing to
6 use them together in the front yard, rather than severing them by moving the shed to the back
7 yard displacing other current positive uses of that part of the Subject Property. Keeping them
8 together becomes all the more reasonable if they both are moved back¹¹ as the City required, in
9 order to not be in violation of / have to vary from TMC 13.06.020.G.7 by being too close to the
10 street.¹²

11 Ultimately, the Examiner agrees with the Variance Decision that “parking must [and
12 can only] be provided in the front of the home.” The Examiner also agrees that “Covered
13 parking is not necessary but [is] typical for the neighborhood and the region due to the
14 weather, making it a reasonable request.” In addition the Examiner concludes that it is also
15 reasonable to couple some secured storage with the parking approved in the Variance decision
16 as would be typically had in an enclosed garage. The shed can stay in the front yard, provided
17 conditions set forth in the Variance Decision (i.e., the carport moved back nine feet which
18 requires the shed moving westward that same amount) and below at Conclusion of Law 10 are
19 met.

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¹¹ Something the McLanes agreed to do at the hearing.

¹² The Examiner is aware that requiring the garage and shed to comply with TMC 13.06.020.G.7’s setback requirement may appear to fall into the category that the Examiner just criticized of analyzing whether greater facial compliance is achieved in the variance process. That may be so, but the McLanes agreed to move the current configuration back and if that achieves greater compliance lessening the need for greater variance, that is a bonus.

**FINDINGS OF FACT,
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1 5. **TMC 13.05.010.B.2.a.(2)(b)** provides the following:

2 The requested variance does not go beyond the minimum necessary to afford
3 relief from the specific hardship affecting the site.

4 The Variance Decision concluded as follows regarding this criterion:

5 The requested variance exceeds the minimum necessary to afford relief. As noted
6 in finding 19, the parking requirement is two parking stalls. The Director would
7 concur that covered parking to meet code minimums is reasonable as a minimum.
8 Because of this, the variance will allow a carport that covers the required two
9 parking stalls, provided it meets all other requirements for accessory structures
10 listed in findings 14, 16, and 17. Any additional structures in the front yard must
11 be removed from the site or moved to the rear yard.

12 Here again, PDS focused on the TMC's two parking stalls per single-family home requirement,
13 and PDS interprets allowing a variance that will meet this requirement as the minimum
14 necessary to afford relief. Storage availability and proximity to parking are also hardships here
15 that are compounded by the potential loss of garden use in the back yard. Allowing the second
16 carport to remain in the front yard *would go beyond* the minimum necessary to afford relief
17 from the specific hardship, but that part of the original variance request is no longer at issue.

18 In addition, the McLanes presented no evidentiary support for needing to maintain all
19 three accessory buildings at their current level of lot coverage as the minimum necessary to
20 afford relief from the specific hardship. To the contrary, they presented various scenarios under
21 which they could reduce the square footage to comply with the allowed 85% limit. To that end,
22 in order to reduce lot coverage to 85% without altering the shed in a way that would change its
23 current matching aesthetic with the House, the McLanes should reduce the square footage of
24 the singlewide carport by the current coverage of 47 square feet once it is relocated to the back

1 yard.¹³ This reduction will result in the dissipation of another variance aspect (exceeding lot
2 coverage limits) while still allowing reasonable use of this constrained property.

3 6. **TMC 13.05.010.B.2.a.(2)(c)** provides the following:

4 The grant of the variance would allow a reasonable use of the property and/or
5 allow a more environmentally sensitive site and structure design to be achieved
6 than would otherwise be permitted by strict application of the regulation, but
7 would not constitute a grant of special privilege not enjoyed by other properties in
8 the area.

9 The Variance Decision concluded as follows regarding this criterion:

10 The grant of the variance will allow a reasonable use and will not be a grant of
11 special privilege. As stated above, strict application of the code requirements
12 would prohibit a detached garage, absent an approved variance. It is reasonable
13 for a residential use on this site to include a detached garage. The structure must
14 meet all other requirements including maximum allowed square footage and a
15 maximum allowable height of 15 feet. As other homes in the area do not have an
16 alley to allow rear access, and if other sites presented similar circumstances, they
17 would be afforded similar relief, it will not be a grant of special privilege.

18 The Examiner agrees with PDS analysis above with the addition that the shed can
19 remain in the front yard in order to provide secured storage in tandem with the doublewide
20 carport after moving both nine feet westward. As just stated above, allowing for the parking
21 area that the doublewide carport provides, together with associated secure storage, is a
reasonable use of the property and helps to preserve positive established uses in the back yard.

Allowing more covered storage through an additional accessory building in the front yard,
beyond the shed and doublewide carport, would exceed the minimum necessary to afford

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¹³ If for whatever reason the McLanes elect to remove the singlewide carport rather than relocate it, this would also achieve the necessary reduction in lot coverage.

1 relief.¹⁴

2 7. **TMC 13.05.010.B.2.a.(2)(d)** provides the following:

3 The grant of the variance will not be materially detrimental or contrary to the
4 Comprehensive Plan and will not adversely affect the character of the
neighborhood and the rights of neighboring property owners.

5 The Variance Decision concluded as follows regarding this criterion:

6 Detached garages are an allowed accessory use to single-family homes in the “R-
7 2” district. While the proposed garage will not be located behind the front wall of
the main dwelling, it will be located in the only location possible. In addition, the
8 proposal of a two-car carport, which is limited in height to 15 feet, is less
impactful to neighbors than the existing number of carports. Therefore, the
9 location of the structure, as proposed, would not be contrary to the
Comprehensive Plan and would not adversely affect the character of the
neighborhood or the rights of the neighboring property owners.

10 The Examiner agrees with PDS’ analysis and conclusion. The shed remaining in the front yard,
11 after being moved back, will not alter the above if the shed meets the additional conditions set
12 forth below.

13 8. **TMC 13.05.010.B.2.a.(2)(e)** provides the following:

14 The grant of the variance will not cause a substantial detrimental effect to the
15 public interest.

16 The Variance Decision concluded as follows regarding this criterion:

17 The proposal is consistent with the Comprehensive Plan and will not have a
18 detrimental effect on neighboring properties. Therefore, it will not cause a
substantial detrimental effect to the public interest.

19 It is not entirely clear whether the City’s reference to “the proposal” means the McLanes’
20 original application to have all the Improvements sanctioned as they currently sit, or whether

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¹⁴ It should be noted here that, at the hearing, the McLanes indicated that the singlewide carport was used essentially as a maintenance shop / work area as well as for the storage of yard maintenance equipment. This type of use, especially when performed in an unenclosed structure, is more appropriate for the back yard of a residence in any event.

1 the City meant to reference its approach of only allowing the doublewide carport to remain in
2 the front yard if moved back to comply with the setback requirement. Either way, the
3 Examiner agrees that there does not seem to be any particular problem with the Comprehensive
4 Plan, which is the City’s omnibus land use policy statement that purports to account for and to
5 protect the public interest, presented by this request for variance, especially now that the
6 McLanes are no longer seeking to keep the singlewide carport in the front yard, as that aspect
7 of the original application does exceed the minimum necessary to afford relief. *TMC*
8 *13.05.010.B.2.a.(2)(b), Conclusion of Law 5.* With only one carport remaining in the front
9 yard, and the shed positioned behind it, after being moved back to comply with TMC
10 13.06.020.G.7, and further complying with the conditions set forth below, this criterion appears
11 to be satisfied.

12 9. **TMC 13.05.010.B.2.a.(2)(f)** provides that “Standardized corporate design and/or
13 increased development costs are not cause for variance.” Neither corporate design nor
14 increased development costs appear to have been referenced at any stage of the permitting
15 process or the appeal as justification for the McLanes’ requested variance. This criterion—or
16 prohibition really—is a non-factor in this decision.

17 10. TMC 13.05.010.B.2.a.(2) provides that:

18 In granting a variance, the Director or Hearing Examiner may attach thereto such
19 conditions regarding the location, character and other features of the proposed
20 structure as may be deemed necessary to ensure consistency with the intent of the
21 Code and Comprehensive Plan and to ensure that the use of the site will be as
compatible as practicable with the existing development on the site and
surrounding uses.

1 Under the authority just recited, the Examiner imposes the following conditions on the
2 approved aspects of the variance i.e., allowing the doublewide carport and shed to remain in
3 the front yard, but moved back nine feet:

4 (a) the shed will be kept intact as presently constructed, with the roof and porch,
5 making it appear aesthetically more as a part of the House,

6 (b) the shed will be maintained with siding, paint and roofing materials that match
7 the House,

8 (c) in moving the doublewide carport and shed nine feet westward to comply with
9 setback requirements, the Appellants shall minimize any tree cutting to the
10 maximum extent reasonably practicable, and

11 (d) if the singlewide carport is relocated to the back yard, its lot coverage / square
12 footage shall be reduced by 47 square feet and its relocation shall be made with
13 all reasonable efforts to reduce or eliminate the need for any tree cutting on the
14 Subject Property.

15 11. Any Finding of Fact, which may be more properly deemed or considered a
16 Conclusion of Law, is hereby adopted as such.

17 **DECISION**

18 The Variance Decision's requirement to remove or relocate the singlewide carport
19 remains unaltered by this Decision on Appeal. In the event the Appellants elect to relocate it,
20 the conditions set forth in Conclusion of Law 10 must be met.

21 The Variance Decision's requirement that the doublewide carport be moved nine feet
farther back from South K Street also remains unaltered by this Decision on Appeal. Inasmuch
as the Appellants' request to modify the Variance Decision to allow the shed to remain in the
front yard is GRANTED, the shed must also be moved nine feet westward to remain behind the

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doublewide carport.

The conditions set forth in Conclusion of Law 10, must also be met as a conditions of this modified, additional variance approval.

SO ORDERED this 20th day of May, 2022.



JEFF H. CAPELL, Hearing Examiner

1 **NOTICE**

2 **RECONSIDERATION/APPEAL OF EXAMINER'S DECISION**

3 **RECONSIDERATION TO THE OFFICE OF THE HEARING EXAMINER:**

4 Any aggrieved person or entity having standing under the ordinance governing the matter, or
5 as otherwise provided by law, may file a motion with the Office of the Hearing Examiner
6 requesting reconsideration of a decision or recommendation entered by the Examiner. A
7 motion for reconsideration must be in writing and must set forth the alleged errors of
8 procedure, fact, or law and must be filed in the Office of the Hearing Examiner within 14
9 calendar days of the issuance of the Examiner's decision/recommendation, not counting the
10 day of issuance of the decision/recommendation. If the last day for filing the motion for
11 reconsideration falls on a weekend day or a holiday, the last day for filing shall be the next
12 working day. The requirements set forth herein regarding the time limits for filing of
13 motions for reconsideration and contents of such motions are jurisdictional. Accordingly,
14 motions for reconsideration that are not timely filed with the Office of the Hearing Examiner
15 or do not set forth the alleged errors shall be dismissed by the Examiner. It shall be within
16 the sole discretion of the Examiner to determine whether an opportunity shall be given to
17 other parties for response to a motion for reconsideration. The Examiner, after a review of
18 the matter, shall take such further action as he/she deems appropriate, which may include the
19 issuance of a revised decision/recommendation. (*Tacoma Municipal Code 1.23.140*)

20 **NOTICE**

21 **APPEAL TO SUPERIOR COURT OF EXAMINER'S DECISION:**

Pursuant to the Official Code of the City of Tacoma, Section 1.23.160, the Hearing Examiner's
decision may be appealable to the Superior Court for the State of Washington. Any court action
to set aside, enjoin, review, or otherwise challenge the decision of the Hearing Examiner will
likely need to be commenced within 21 days of the entering of the decision by the Examiner,
unless otherwise provided by statute.