



CITY OF MERCER ISLAND

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July 31, 2018

Davinder Sawhney
6121 84th Ave SE
Mercer Island, WA 98040
Via email

Re: Land Use Approval Letter for a Reasonable Accommodation Request
Expanded driveway, walkways, and patio located at 6121 84th Ave SE Mercer Island, WA 98040;
Parcel ID: 192280-0340

Dear Davinder Sawhney,

The City has completed review of the Reasonable Accommodation request received Wednesday July 11, 2018. The request is for reasonable accommodation for the applicant/homeowner's daughter with Spina Bifida to have access to the entry and backyard. The proposal includes expanding the driveway. The proposal also includes the addition of a walkway around each side of the house for access to and from the backyard to the front yard as well as a paved area in the backyard for playing with siblings and friends. The driveway is proposed to be made of permeable pavers.

Following review of the application, City staff has determined that the request is approved and follows the Mercer Island City Code (MICC), specifically MICC 19.01.030. The approval is of the revised site plan and planting plan received 7-26-2018. Refer to Attachments B and C. The City's first review letter requested two items: 1) the driveway design to be changed and 2) a planting plan. Please refer to Attachment D for the City's first review letter. Below is an analysis of how the proposal complies with MICC 19.01.030.

MICC 19.01.030 (B) Procedure.

1. An applicant for reasonable accommodation must provide verifiable documentation of handicap or disability eligibility to the code official and describe the need for and proposed accommodation.

The applicant provided verifiable documentation, please refer to Attachment A. Staff finds this procedure has been met.

2. The code official shall determine what adverse land use impacts, including cumulative impacts, if any, would result from granting the proposed accommodation. This determination

shall take into account the size, shape and location of the dwelling unit and lot; the traffic and parking conditions on adjoining and neighboring streets; vehicle usage to be expected from the residents, staff and visitors; and any other circumstances determined to be relevant.

The applicant has provided a planting plan with native species to mitigate the impacts from the additional lot coverage and hardscape. The vegetation acts as a natural buffer. Please refer to Attachment B for the planting plan. In addition, there is an existing backyard fence that provides ample screening. Please refer to Attachment C for photographs of the existing fence. Staff finds this procedure has been met.

3. The applicant's need for accommodation shall be considered in light of the anticipated land use impacts, and conditions may be imposed in order to make the accommodation reasonable in light of those impacts.

As stated in the applicant's narrative the additional hardscape and lot coverage is for vehicle access to the ramp and front door as well as for his to daughter to have access to the backyard and be able to play in the backyard. Please refer to Attachment A project narrative. Staff finds this procedure has been met as the request is a reasonable accommodation.

4. A grant of reasonable accommodation permits a dwelling to be inhabited only according to the terms and conditions of the applicant's proposal and the code official's decision. If it is determined that the accommodation has become unreasonable because circumstances have changed or adverse land use impacts have occurred that were not anticipated, the code official shall rescind or modify the decision to grant reasonable accommodation.

If circumstances have changed or there are adverse land use impacts that were unanticipated then the Code Official shall rescind or modify the decision. Staff finds this procedure is met.

5. The code official shall act promptly on the request for accommodation and shall not charge any fee for responding to a request for accommodation.

Staff reviewed and responded efficiently to the greatest extent reasonably possible. No fees were charged for this request. Staff finds this procedure has been met.

6. Nothing herein shall prevent the code official from granting reasonable accommodation to the full extent required by federal or state law.

The Reasonable Accommodation request has been granted, Staff finds this procedure has been met.

7. The code official's decision shall constitute final action by the city on a request for accommodation, and review of the decision will be available only in superior court. Any appeal must be filed not more than 21 days after the issuance of the code official's decision.

The decision is appealable to the Supreme Court and the appeal must be filed within 21 days after the issuance of this approval. Staff finds this procedure has been met.

Based on measurements from our GIS, the approximate square footage of the existing conditions are as follow:

- Total Existing Lot Coverage = 4,742 sf
 - a. Roof including eaves= 3,715 sf
 - b. Driveway = 1,027sf
- Total Existing Hardscape = 181 sf
 - a. Back yard walkway = 90sf
 - b. Front yard walkway = 91sf

The numbers the applicant has provided:

- Proposed driveway = 1698sf (~671sf more lot coverage than what is existing)
- Proposed walkways and backyard patio = 135+406+1330+135 = 2006 sf* (~1825sf more hardscape than what is existing) *does not include roof overhangs

Maximum allowed under MICC 19.02.020(F)(3) and MICC 19.02.020(F)(3)(e)(ii)(a) allowed adjustments (house being one story with a wheelchair accessible entry path):

- Maximum allowed lot coverage = 45% = 4436.1sf
 - Proposed total lot coverage = ~5413sf
 - Proposal is over by ~976.9 sf
- Maximum allowed hardscape = 9% = 887.22 sf
 - Proposed hardscape total = ~2,006 sf
 - Proposal is over by ~1118.78 sf

The following is approved for your reasonable accommodation request:

1. The addition of 977sf lot coverage for the driveway constructed of permeable pavers or another type of hard surface.
2. The addition of 1,119sf hardscape for the side pathways and backyard patio/play area.
3. The applicant shall obtain any necessary tree, stormwater, and any other required permits prior to any work commencing. A Right of Way (ROW) permit will most likely be required for proposed the driveway to the street and any other activity in the ROW.

Please reach out to Ruji Ding to learn more about the process and what is required for stormwater and ROW review. She can be reached at ruji.ding@mercergov.org or 206-275-7703.

This decision is appealable to the Superior Court, and the appeal must be filed not ore than 21 days after the issuance of the Code Official's (delegated to the Assistant Planner) decision.

Sincerely,

Lauren Anderson
Assistant Planner
City of Mercer Island's Development Services Group
Lauren.anderson@mercergov.org
206-275-7704

Enclosed:

Attachment A: First Submittal Documents (7-11-2018)

Attachment B: Revised Plan Set and Planting Plan (7-26-2018)

Attachment C: Photos of the Existing Fence (7-31-2018)

Attachment D: City's First Review Letter (7-23-2018)