

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercergov.org



CITY USE ONLY

PROJECT#

APPEAL#

FEE

Date Received:

APPEAL

Received By:

Name Barcelo Homes, Inc., Premium Homes of Mercer Island, and Bogdan and Nadia Maksimchuk, c/o Dianne K. Conway

Address Gordon Thomas Honeywell LLP, 1201 Pacific Ave., Suite 2100, Tacoma, WA 98402

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What is the decision that you are appealing? Include any applicable project file number.

Notice of Violation & Civil Penalties re 7216 93rd Ave. SE, Mercer Island, WA 98040 (the "Property")

Code Enforcement Case #CE20-0057

What are your reasons for appealing this decision?

(You must indicate specifically that there were substantial errors, the decision is unsupported by the facts presented, the decision is in conflict with the standards for review of the action or there were irregularities in the procedure. Attachments or supporting information may be included.)

The City is improperly assigning responsibility to each of the alleged violations against four different "responsible parties."

The only "responsible party" affiliated with the Property is the owner, Premium Homes of Mercer Island, LLC.

The City is improperly seeking to increase the penalties for the alleged violations based on unrelated prior violations issued to different parties. None of the alleged "responsible persons" removed or otherwise tampered with any signage posted by the City.

Indeed, the signage remains on the property, though it was blown over at some point due to wind or other unknown cause.

No "responsible party" brought debris or fill to the Property after posting of the Notice of Violation.

Debris piles, which have since been removed with the City's permission, were not within dripline of trees.

What is the outcome or changes in the decision that you are seeking?

Dismissal of the Notice of Violation and Penalties

Signature: /s/ Dianne K. Conway

Date: 02/23/2021