

PUBLIC NOTICE OF OPEN RECORD HEARING



NOTICE IS HEREBY GIVEN that the City of Mercer Island Hearing Examiner will conduct an Open Record Public Hearing regarding final design review for the project described below:

File Nos.: CAO15-001 and VAR18-002

Description of Request: The Applicant has revised the reasonable use exception (CAO15-001) and has applied for a zoning variance (VAR18-002), to construct a proposed house and associated improvements at 5637 East Mercer Way. The proposed house and improvements will be located within regulated wetland, and wetland and watercourse buffer areas, which is the basis for the reasonable use exception application. The proposed house is located within a required setback from an easement to reduce impacts to critical areas, which is the basis for the proposed zoning variance.

Applicant : Bill Summers for MI Treehouse, LLC

Location of Property: 5637 East Mercer Way, Mercer Island WA 98040;
Identified by King County Assessor tax parcel number 1924059312

SEPA Compliance: A SEPA Mitigated Determination of Non Significance (MDNS) was issued on January 13, 2020; no appeal of the MDNS has been filed.

Public Comments: Only those persons who submitted written comments within the comment period or those who testify at the future open record public hearing will become parties of record and receive the subsequent Notice of Decision on these actions. Only parties of record will have the right to file an appeal action.

Time, Date and Location of Open Record Public Hearing: Pursuant to MICC 19.15.010(E), applications for reasonable use exceptions are required to be processed as Discretionary Actions, with the Hearing Examiner as the decision authority. The public hearing is scheduled for **March 19, 2020** at the Mercer Island City Hall Council Chambers, located at 9611 SE 36th Street, beginning at **1:00 PM**. The afternoon of **March 20, 2020** is also reserved should additional time be required to complete the public hearing.

Applicable Development Regulations: Pursuant to MICC 19.15.010(E), applications for Reasonable Use Exceptions (RUE) and Zoning Variances are Type IV decisions, with the Hearing Examiner as the decision authority. Any alteration of a critical area or buffer shall meet the requirements of Chapter 19.07 MICC. Criteria for RUEs are detailed in [MICC 19.07.140](#). Dimensional standards, including setbacks from easements, for residential lots are established in Chapter 19.02 MICC. Criteria for Variances are detailed in [MICC 19.06.110\(B\)](#).

Other Associated Permits: SEP15-001

Project Documents: Please follow this file path to access the associated documents for this project:
[https://mieplan.mercergov.org/public/CAO15-001 SEP15-001 VAR18-002/](https://mieplan.mercergov.org/public/CAO15-001_SEP15-001_VAR18-002/)

Appeal Rights:

DISCLAIMER: This information is provided as a courtesy. It is the ultimate responsibility of the appellant to comply with all legal requirements for the filing of an appeal.

Parties of record have the right to appeal certain permit and land use decisions. In some cases, other affected parties also have appeal rights. Depending on the type of decision, the appeal may be heard by a City Hearing Examiner, Commission, Board, or City Council, or outside the City to the State Shoreline Hearings Board, the State Growth Management Hearings Board, or King County Superior Court. For a comprehensive list of actions and the applicable entity who will hear the appeal, see MICC 19.15.

If you desire to file an appeal of a decision that is appealable to the City, you must submit the appropriate form and file it with the City Clerk within the time stated in the Notice of Decision. Forms are available from the Community Planning and Development department. Upon receipt of a timely complete appeal application and appeal fee, an appeal hearing will be scheduled.

To reverse, modify or remand a decision, the appeal hearing body must find that there has been substantial error; the proceedings were materially affected by irregularities in procedure; the decision was unsupported by material and substantial evidence in view of the entire record; or the decision is in conflict with the City's applicable decision criteria.

Application Process Information:

Date of Reasonable Use Application: January 15, 2015

Date of Zoning Variance Application: May 8, 2018

Date of Reasonable Use Exception Complete Application: March 30, 2015

Date of Zoning Variance Complete Application: May 21, 2018

Bulletin Notice: August 26, 2019

Date Mailed: August 26, 2019

Date Posted on Site: August 26, 2019

Comment Period Ends: 5:00PM on September 25, 2019

Date of Notice of Public Hearing: February 18, 2020

Public Hearing Date: March 19, 2020

The project is available for review at the City of Mercer Island, Community Planning and Development, 9611 SE 36th Street, Mercer Island, Washington.

Evan Maxim, Director
Community Planning and Development
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040
(206) 275-7732
Evan.maxim@mercergov.org