

EXHIBIT F

CITY OF MERCER ISLAND
DEVELOPMENT SERVICES GROUP
 9611 SE 36TH STREET | MERCER ISLAND, WA 98040
 PHONE: 206.275.7605 | www.mercer.gov.org



CITY USE ONLY		
PERMIT #	RECEIPT #	FEE

Date Received: _____

DEVELOPMENT APPLICATION Received By: _____

STREET ADDRESS/LOCATION 5637 East Mercer Way		ZONE R-15	
COUNTY ASSESSOR PARCEL #'S 1924059312		PARCEL SIZE (SQ. FT.) 37,554 sq. ft.	
PROPERTY OWNER (required) MI Treehouse, LLC	ADDRESS (required) P.O. Box 261, Medina, WA 98039	CELL/OFFICE (required) (425) 454-3775 E-MAIL (required) bill@summersdevelopment.com	
PROJECT CONTACT NAME Bill Summers	ADDRESS P.O. Box 261, Medina, WA 98039	CELL/OFFICE (425) 454-3775 E-MAIL bill@summerdevelopment.com	
TENANT NAME N/A	ADDRESS N/A	CELL PHONE N/A E-MAIL N/A	

DECLARATION: I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

[Handwritten Signature]
 SIGNATURE

May 7, 2018
 DATE

PROPOSED APPLICATION(S) AND CLEAR DESCRIPTION OF PROPOSAL (PLEASE USE ADDITIONAL PAPER IF NEEDED):
 See attachment.

ATTACH RESPONSE TO DECISION CRITERIA IF APPLICABLE
CHECK TYPE OF LAND USE APPROVAL REQUESTED:

APPEALS	DEVIATIONS	WIRELESS COMMUNICATIONS FACILITIES
<input type="checkbox"/> Building (+cost of file preparation)	<input type="checkbox"/> Changes to Antenna requirements	<input type="checkbox"/> Wireless Communications Facilities-6409 Exemption
<input type="checkbox"/> Code Interpretation	<input type="checkbox"/> Changes to Open Space	<input type="checkbox"/> New Wireless Communications Facility
<input type="checkbox"/> Land use (+cost of verbatim transcript)	<input type="checkbox"/> Critical Areas Setback	VARIANCES (Plus Hearing Examiner Fee)
<input type="checkbox"/> Right-of-Way Use	<input type="checkbox"/> Wet Season Construction Moratorium	<input type="checkbox"/> Type 1**
CRITICAL AREAS	ENVIRONMENTAL REVIEW (SEPA)	<input checked="" type="checkbox"/> Type 2***
<input type="checkbox"/> Determination	<input type="checkbox"/> Checklist: Single Family Residential Use	OTHER LAND USE
<input type="checkbox"/> Reasonable Use Exception	<input type="checkbox"/> Checklist: Non-Single Family Residential Use	<input type="checkbox"/> Accessory Dwelling Unit
DESIGN REVIEW	<input type="checkbox"/> Environmental Impact Statement	<input type="checkbox"/> Code Interpretation Request
<input type="checkbox"/> Administrative Review	SHORELINE MANAGEMENT	<input type="checkbox"/> Comprehensive Plan Amendment (CPA)
<input type="checkbox"/> Design Review- Major	<input type="checkbox"/> Exemption	<input type="checkbox"/> Conditional Use (CUP)
<input type="checkbox"/> Design Review - Minor	<input type="checkbox"/> Semi-Private Recreation Tract (modification)	<input type="checkbox"/> Lot Line Revision/ Lot Consolidation
<input type="checkbox"/> Design Review - Study Session	<input type="checkbox"/> Semi-Private Recreation Tract (new)	<input type="checkbox"/> Noise Exception
SUBDIVISION SHORT PLAT	<input type="checkbox"/> Substantial Dev. Permit	<input type="checkbox"/> Reclassification of Property (Rezoning)
<input type="checkbox"/> Short Plat	SUBDIVISION LONG PLAT	<input type="checkbox"/> ROW Encroachment Agreement (requires separate ROW Use Permit)
<input type="checkbox"/> Short Plat Amendment	<input type="checkbox"/> Long Plat	<input type="checkbox"/> Zoning Code Text Amendment
<input type="checkbox"/> Deviation of Acreage Limitation	<input type="checkbox"/> Subdivision Alteration to Existing Plat	
<input type="checkbox"/> Final Short Plat Approval	<input type="checkbox"/> Final Subdivision Review	

**Includes all variances of any type or purpose in all zones other than single family residential zone: B,C-O,PBZ,MF-2,MF2L,MF-2L, MF-3,TC,P)
 ***Includes all variances of any type or purpose in single family residential zone: R-8.4, R-9.6, R-12, R-15)

RESPONSES TO CRITERIA FOR APPROVAL OF ZONING REQUEST

A variance is being requested from the following code section: MICC 19.02.020.H(1)

A. Unnecessary hardship.

The site is located on East Mercer Way, at SE 56th Street. See Survey in RUE CAO 15-001 project file.

There is an existing access-utility easement at the southwest corner of the property that provides access and utilities to the property as well as to the property directly south, 5645 East Mercer Way. There is a driveway in the easement paved with asphaltic paving, approximately 600 square feet in area that connects the street to the residence to the south.

The site contains a small perennial stream, Stream “A”, that flows easterly. This small channel has been mapped by the City as a Type 2 watercourse.

The site contains two steep slope areas, one at the northwest corner and one along the south property line.

Other portions of the site have been classified as a Type 3 wetland.

In this light, it is necessary for the owner to apply for a Reasonable Use Exception (“RUE”) pursuant to MICC 19.07.030.B((3)). The owner has done so. The owner’s RUE application has been given the project identification RUE CAO 15-001. Pertinent documents are available in the City files.

One of the requirements of the RUE provisions of the Code is that the applicant demonstrate that alteration of critical areas, in order to allow a reasonable use for a single-family home, will “be the minimum necessary to allow for a reasonable use of the property.”

The owner has provided two site plans that will allow for a reasonable use of the property. One site plan places the proposed residence five feet distant from the existing access-utility easement on the site, as required by MICC 19.02.020.H(1). However, in order to “minimize” impacts on the Type 3 wetland on the property, the owner proposes that the City grant a variance to allow the proposed residence to be placed even closer than five feet from the existing access-utility easement. The second site plan, therefore, places the proposed residence at a distance that is approximately 18 inches from the easement. In the event that the Hearing Examiner determines that the variance should not

be granted, then the first site plan will be that which most “minimizes” impacts to the wetland.

The granting of the variance is necessary to prevent creating an unnecessary hardship because in order to construct a single-family home on the property it is necessary to minimize alteration of the critical area. Relocating the proposed single-family home closer than five feet to the utility easement will contribute to minimizing alteration of the critical area.

B. Minimum necessary to afford relief:

If the variance is granted, the approximate 18 inches shown on the second site plan from the easement results in the minimum impact on the critical area; if the hearing examiner determines the variance should not be granted, then 5 feet from the easement is the minimum impact.

C. No use variance is being requested.

D. Special circumstances:

See response to Criterion A.

E. Not materially detrimental to public welfare or injurious to property or improvements in the area:

The proposed 3-foot variance from the 5-foot easement buffer requirement will be imperceptible to any of the neighboring homes. The homeowner to the south of the site, the beneficiary of the access easement, has no objection to the granting of the variance.

F. Will not alter character of neighborhood nor impair use or development of adjacent property:

See response to Criterion E.

G. Explain how the variance is consistent with the policies and provisions of the Comprehensive Plan and the Development Code:

By allowing the application of the reasonable use exception in the Land Use Code to minimize the impact on the wetland located on the site, the granting of the variance will further Comprehensive Plan Policies that encourage the protection of environmentally sensitive areas and lands. Land Use Issues (1) and (4); Land Use Policies 15.2 and 18.

By the granting of the variance, the Land Use Code reasonable use exception criteria that require minimizing the alteration of critical areas when allowing a reasonable use exception will be furthered. MICC 19.07.030.B(3).

H. Hardship is not self-created:

The hardship is due to the critical areas located on the property. The property owner had no role in the creation of those critical areas.

I. Institutions: Not applicable.