CITY OF MERCER ISLAND
PUBLIC NOTICE
APPEALS

Notice is hereby given of two PUBLIC HEARINGS before the Mercer Island City Council, Monday, July 10, 1978, beginning at 7:45 p.m. at the School Administration Building, 4160 86th Ave. S.E., to consider an APPEAL of Hearing Examiner actions on the requests outlined below:

APPLICANT:	CLIFFORD ERICKSON
LOCATION:	4879 Forest Avenue S.E.
REQUEST:	To construct a pier within 50 feet of adjacent docks

APPLICANT:	JOHN GREGORY/DENNIS ALKIRE
LOCATION:	2704 - 63rd Ave. S.E.
REQUEST:	Variances of 2400 sq. ft. and 2,456 sq. ft., respectively, to create 2 lots in an R-8.4 Zone

Information pertaining to these matters is on file with the Department of Community Development, 3505 88th Ave. S.E. Phone 232-6400.

Jack Bunnell
City Clerk

PUBLISHED IN THE MERCER ISLAND REPORTER JUNE 29, 1978.

CITY OF MERCER ISLAND
PUBLIC NOTICE
APPEALS

Notice is hereby given of two PUBLIC HEARINGS before the Mercer Island City Council, Monday, July 10, 17 1978, beginning at 7:45 p.m. at the School Administration Building, 4160 88th Ave. S.E., to consider an APPEAL of Hearing Examiner actions on the requests outlined below:

APPLICANT: CLIFFORD ERICKSON, LOCATION: 4879 Forest Avenue S.E., REQUEST: To construct a pier within 50 feet of adjacent docks.

APPLICANT: JOHN GREGORY AND DENNIS ALKIRE, LOCATION: 2704 63rd Ave. S.E., REQUEST: Variances of 2400 sq. ft. and 2,456 sq. ft., respectively to create 2 lots in an R-8.4 Zone.

Information pertaining to these matters is on file with the Department of Community Development, 3505 88th Ave. S.E. Phone 232-2400.

Jack Bunnell
City Clerk

PUBLISHED June 29, 1978 IN THE MERCER ISLAND REPORTER.

No. _____

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON }
COUNTY OF KING } SS.

Myrna Wolfe, being first duly sworn,

on oath states that: she

is the Legal Clerk (or) one of the publishers of MERCER ISLAND REPORTER, a weekly newspaper.

Said newspaper is a legal newspaper of general circulation and is now and has been for more than six months prior to the date of first publication hereinafter referred to, published in the English language continuously as a weekly newspaper in King County, Washington.

Said MERCER ISLAND REPORTER was, on the 3rd day of November, 1954, approved as a legal newspaper by order of the Superior Court of King County, Washington, and such approval has not been revoked.

The annexed is a true copy of a Notice of Public Hearing on appeal. Applicant John Gregory

as it was published in regular issues (and not in supplement form) of said newspaper once each week for a period of One (1) day

consecutive weeks, commencing on the 29th

day of June, 19 78 and ending

on the 29th day of June, 19 78,

both dates inclusive, and said newspaper was regularly distributed during all of such period.

The full amount of the fee charged for the foregoing publication is the sum of $ 10.40, which amount has been paid in full, at the rate of $ 2.60 per column inch.

Myrna Wolfe

Subscribed and sworn to before me this

29th day of June, 19 78.

Pamela K Driscoll

Notary Public in and for the State of Washington.
Resident at Snoqualmie, Washington.

BA 1

CITY OF MERCER ISLAND, WASHINGTON

DEPARTMENT OF COMMUNITY DEVELOPMENT
July 11, 1978

Mr. Dennis J. Alkire
926 12th East
Seattle, Washington 98102

Dear Mr. Alkire:

This letter is to formally advise you that your appeal of the Hearing Examiner's decision on your variance request was upheld by the Council on July 10, 1978. You may proceed with the obtainment of a building permit.

Sincerely,

Gerald M. Bacon,
Director

cc: John M. Gregory
6347 Sand Point Way NE
Seattle, Washington 98115

3505 88th Avenue S.E. • Mercer Island, Washington 98040 • (206) 232-6400

CITY OF MERCER ISLAND, WASHINGTON

DEPARTMENT OF COMMUNITY DEVELOPMENT
July 3, 1978

Dear Property Owner:

An appeal of the Hearing Examiner denial of the variance requested by the Messrs. John Gregory and Dennis Alkire, 2708 and 2704 63rd Avenue SE, will be considered by the Mercer Island City Council at a Public Hearing at their regularly scheduled meeting on Monday, July 10, 1978. The City Council meeting will be held beginning at 7:45 p.m. in the Conference Room of the School Administration Building, 4160 86th Ave. SE.

If you have any questions concerning this matter prior to the meeting, please direct them to the Department of Community Development.

Sincerely yours,

Inez Potwin

Inez Potwin,
Planning Technician

3505 88th Avenue S.E. • Mercer Island, Washington 98040 • (206) 232-6400

Appeal Mailing List · Gregory - Albire Variance

Mr. John H. Gregory, 6347 - Sand Point Way N.E., Seattle 98115

Mr. Dennis J. Albire, 926 - 12th Avenue East, Seattle 98102

Mrs. Florence Henhouse, 6311 S.E. 27th St.

Mr. T.M. Motter, 2447 - 64th Ave. S.E.

Mr. Jeff C. Ottesen, General Delivery, Soldotna, Alaska 99669

Mrs. Jennifer Chaney, 6314 S.E. 27th St.

Mr. Steven S. Morgan, 2707 - 64th Ave. S.E.

Mr. and Mrs. George Raymond, 2462 - 63rd S.E.

Mr. Omer Mithun, Mithun and Associates, 2000 - 112th Ave. N.E., Bellevue 98004

Mr. William Bastida, 4215 West Mercer Way

BUSINESS OF THE CITY COUNCIL
City of Mercer Island

VARIANCE APPEAL - ALKIRE	BILL NO. 621
	DEPT OF ORIGIN Com. Dev.
	DATE SUBMITTED July 5, 1978
	FOR AGENDA OF July 10, 1978
PROCEEDING:	CLASS: Minute Order
HEAR AND DECIDE ON APPEAL OF HEARING EXAMINER DECISION - ALKIRE/GREGORY VARIANCE	EXHIBITS: Hearing Examiner Documents Hearing Guideline
	CLEARANCE: City Attorney
	APPROVED BY CITY MANAGER FOR SUBMITTAL:

EXPENDITURE REQUIRED: $ N/A	AMOUNT BUDGETED: $ N/A	APPROPRIATION REQUIRED: $ N/A

SUMMARY STATEMENT

On June 13, 1978, the Hearing Examiner rendered a decision to deny a variance request by Dennis Alkire and John Gregory. The specifics as to the nature and location of the variance are set forth in the attached exhibits. This matter comes to the City Council in the form of an appeal; thus you are reviewing a decision, not a recommendation. However, the Council may affirm, modify, or disaffirm the Examiner's decision. To aide the Council in its deliberation of Examiner appeals, the City Attorney has prepared some suggested guidelines for reviewing these matters.

RECOMMENDED ACTION

Director, Community Development:

1. That the decision of the Examiner be affirmed, thus denying the appeal.

2. That the decision of the Hearing Examiner be disaffirmed, thus upholding the appeal.

3. Continue.

WILLIAM A. MORROW
3011 61ST AVENUE S. E.
MERCER ISLAND, WASHINGTON 98040
MAILING ADDRESS - P. O. BOX 323
PHONE - 206 232 0172

July 8, 1978

Mrs. Marguerite Sutherland
Acting Mayor
City Hall
Mercer Island, Washington 98040

Dear Mrs. Sutherland:

Interested as we are in the interests of Mercer Island and having been a home owner and resident of the Island for more than 52 years, we would like to put in a word of support for the petition of Mr. and Mrs. D. J. Alkire to be allowed by the city to tear down their very small home at 2704 63rd Ave. S. E. and to replace it with a new home of about the same size but having two stories. We understand that the size of their property is very slightly less than 6000 square feet.

We have seen the property in question and are convinced that the new home could not impair anybody's view. Their present house is in very poor condition and we believe the Alkires when they say that the foundations are approaching a condition of uselessness. We understand that Mr. Alkire is an architect and we're convinced that their proposed small new home would benefit the neighborhood and do no harm to anyone.

I might mention that Mrs. Morrow and I have only met the Alkires two or three times, we have no interest of any kind in their property. Our home is about four blocks from theirs. We just believe that their request is very reasonable, that their request should be granted for which reasons we signed their petition.

Sincerely,

W. A. Morrow

W. A. Morrow

RECEIVED
JUL 10 1978
CITY OF MERCER ISLAND

[illegible]

[illegible]
Mayor
City Hall
[illegible]

Dear Mr. [illegible]:

[illegible]

[illegible]

We have been the property in question and are convinced that [illegible] Their [illegible] is in very good condition and we believe [illegible] they [illegible] the Foundations are [illegible] condition of [illegible]. We [illegible] [illegible] in [illegible] and [illegible] there [illegible] [illegible] home would benefit the neighborhood and [illegible] [illegible].

[illegible]

[illegible]

Job No. 78-149

Survey for Dennis Aikire

Address 926 - 13th Ave. E., Seattle, Washington 98102

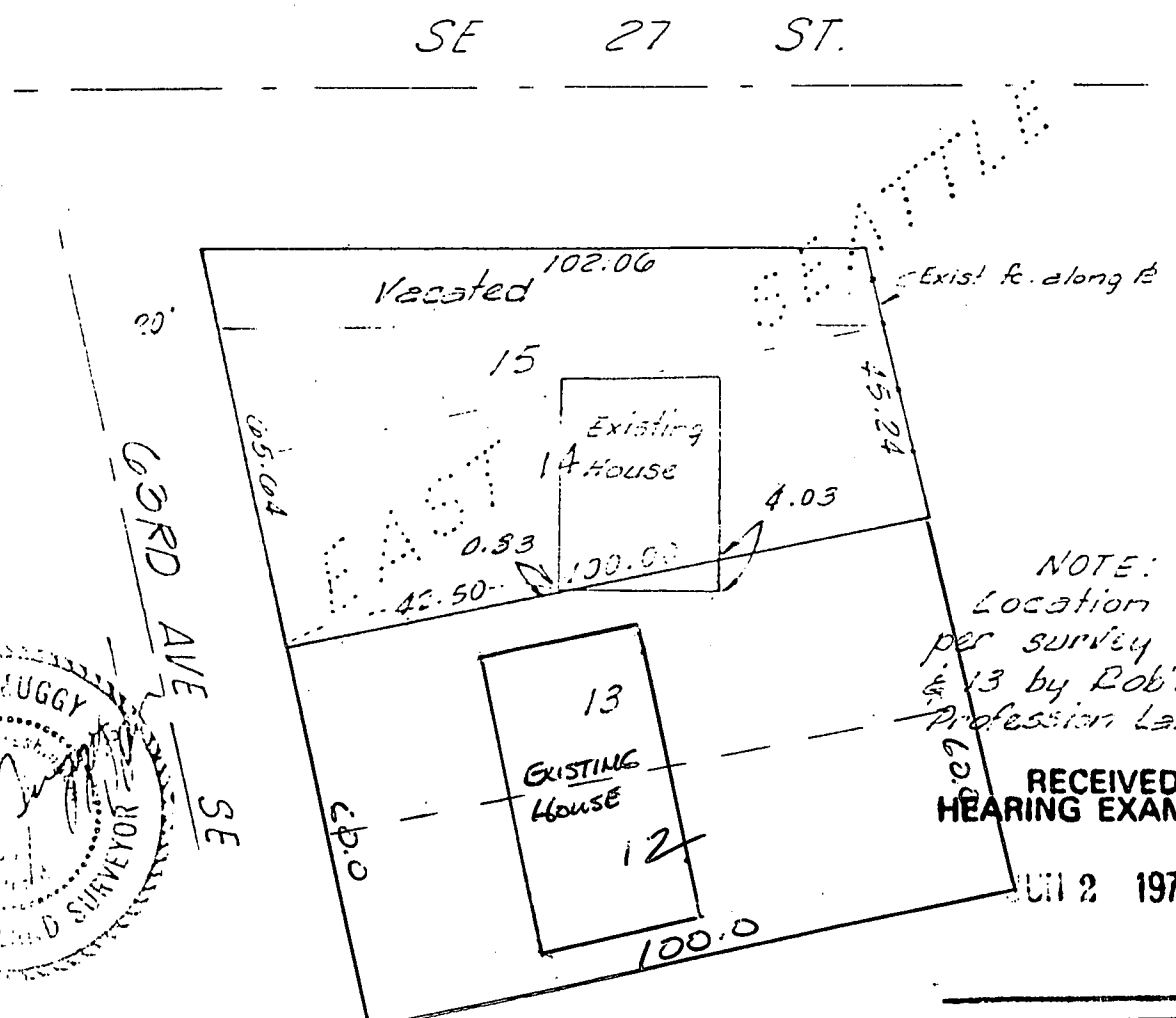
Legal Description: Lots 14 & 15, and a portion of vacated street adjoining, Block 21, East Seattle, according to plat recorded in Volume 3 of Plats, page 23, records of King County, Washington.

Area - 5544.07 ±' or .127 Ac.

NOTE: Boundary as shown computed from Record of Survey Receiving No. 770909901.

N

SCALE: 1" = 50'



NOTE: Location of house per survey of lots 1 & 13 by Robt. W. Jon Professional Land Surveyor

RECEIVED
HEARING EXAMINER
JUN 2 1978

Field

Office TC

Checked

Property Corners

Date April 21, 1978

TRIAD ASSOCIATES

846-108th Ave. NE Bellevue, Wa. 454-0711

Revised 6/1/78 - bdry. change

30 Furze Platt Road
Maidenhead, Berks.
England.

June 28, 1978

Mr. Jack Bunnell
City Clerk for City of Mercer Island
3505 - 88th Avenue S.E.
Mercer Island, Wa. 98040

Dear Mr. Bunnell:

I am writing to let you know I will be unable to be present at the City Council hearing regarding our appeal of our recent zoning variance to be held on Monday, July 10, 1978.

I have written to Mr. Dennis Alkire and asked him to represent us both. Also others will be present including our attorney who will represent us both.

Yours very truly,

John N. Gregory

John N. Gregory

Dennis James Alkire
926 [illegible]th Avenue East
Seattle, Wash. 98102
329-2605

cc C.D.

June 20, 1978

Mr. Jack Bunnell
City Clerk
City of Mercer Island
3505 88th Avenue Southeast
Mercer Island, Washington 98040

RE: Appeal to the City Council for Gregory/Alkire lot size variance, denied by the Hearing Examiner for the City of Mercer Island on 13th of June, 1978.

Dear Mr. Bunnell:

Aggrieved by the decision of the Hearing Examiner, the applicants respectfully submit this written appeal to the City Council.

The subject property is in East Seattle, 2704 & 2708 63rd Avenue Southeast. The north lot has had a house on it for over fifty years, and the south lot has a house on it which was built in 1958. These two lots were "grandfathered" into the city,(as separate legal non-conforming lots.) when it was incorporated in 1960.

Variance denial is based on ownership; that under single ownership two lots ceased to exist. The applicants believe that the historical and current use of this property as two separate lots each with a house on it is the essential fact, and should be allowed to continue under separate ownership.

The applicants do not feel that "continuation of the status quo" as permitted by the Hearing Examiner (Findings of Fact, No. 6), is in the best interests of the applicants or of the community. The "status quo" would not allow replacement of an old dwelling with a new home. The Hearing Examiner notes that the new home would be "...beneficial to the surrounding area", but that density standards should be more important than the fact of two homes on two lots. The Hearing Examiner states incorrectly in Findings of Fact, No. 7, that the Comprehensive Plan states density in this area is two or four families per acre. The correct density in R-8 4 Zone is four or more families per acre.

The applicants have the support of many in the community, and will submit a petition of support to the City Council.

This appeal is signed by Mr. Alkire. Mr. Gregory is on holiday; he supports this appeal and the City Clerk will receive a letter from him prior to the Council meeting stating his concurrence.

We request that this appeal be heard as soon as possible.

Sincerely,

Denis James Alkire

Mr. Denis James Alkire

No. _____

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON }
COUNTY OF KING } SS.

Myrna Wolfe, being first duly sworn,

on oath states that: she

is the Legal Clerk (or) one of the publishers of MERCER ISLAND REPORTER, a weekly newspaper.

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Said MERCER ISLAND REPORTER was, on the 3rd day of November, 1954, approved as a legal newspaper by order of the Superior Court of King County, Washington, and such approval has not been revoked.

The annexed is a true copy of a Public Notice of hearing on Zoning Variances

as it was published in regular issues (and not in supplement form) of said newspaper once each week for a period of One (1) day consecutive weeks, commencing on the 11th day of May, 1978, and ending on the 11th day of May, 1978, both dates inclusive, and said newspaper was regularly distributed during all of such period.

The full amount of the fee charged for the foregoing publication is the sum of $ 7.80, which amount has been paid in full, at the rate of $ 2.60 per column inch.

Myrna Wolfe

Subscribed and sworn to before me this 11th day of May, 1978.

Pamela K Driscoll

Notary Public in and for the State of Washington.
Resident at Snoqualmie, Washington.

PUBLIC NOTICE

CITY OF MERCER ISLAND
PUBLIC NOTICE
HEARING EXAMINER
Zoning Variances

Notice is hereby given of a Public Hearing before the Mercer Island Hearing Examiner, May 26, 1978, beginning at 1:30 p.m. at the Public Safety Building Conference Room, 3505 88th Avenue S.E., which will include applications by:

John Gregory/Dennis Alkire, 2704 - 63rd Avenue S.E.; Request variances of 2,400 sq. ft. and 3,075 sq. ft., respectively, to create two lots in an R-8.4 Zone.

Information pertaining to these applications is on file with the Department of Community Development, 3505 88th Avenue S.E. Phone 232-6400.

Jack Bunnell
City Clerk

PUBLISHED May 11, 1978 IN THE MERCER ISLAND REPORTER.

BA 1

FINDINGS AND DECISION

OF THE HEARING EXAMINER FOR THE CITY OF MERCER ISLAND

In the Matter of the Application of

John Gregory/Dennis Alkire

for lot area variances

Decision: The application is DENIED.

INTRODUCTION

The applicant, John Gregory/Dennis Alkire, filed an application for variances with regard to property located at 2704 and 2708 - 63rd Avenue S.E. The applicant proposes to divide a parcel into two lots without providing the minimum required lot area.

The Department of Community Development recommends that the application be denied.

This matter was heard before the Hearing Examiner on May 26, 1978.

After due consideration of the evidence presented by the applicant, all evidence elicited during the public hearing, and as a result of the personal inspection of the subject property and surrounding area by the Hearing Examiner, the following findings of fact and conclusions shall constitute the decision of the Hearing Examiner on this application.

FINDINGS OF FACT

1. The applicant proposes to divide a parcel into two lots with resulting lot sizes of 5,544 square feet for the northerly lot and 6,000 square feet for the southerly lot. This proposal is in variance with Section 4.04, Mercer Island Zoning Code, in that a minimum area of 8,400 square feet is required for each lot due to the fact that the property is zoned R-8.4. Consequently, the applicant requests variance relief from the aforementioned provision and has the burden of establishing that the application satisfies the requirements of Section 18.02, Mercer Island Zoning Code.

2. The subject property contains an area of 11,544 square feet and has no topographical characteristics which are relevant to the proposed lot size variances. Each of the lots is developed with a single-family residence which has existed on the site since prior to 1960. The subject property is situated on the southeast corner of the intersection of 63rd Avenue S.E. and S.E. 27th Street.

3. Although the area surrounding the subject property is zoned R-8.4, the area is characterized by the existence of numerous substandard lots with regard to size. Several lots are actually smaller than the proposed northerly lot, but a vast majority exceed the size of either of the proposed lots. The average lot in the area is approximately 6,800 square feet so that both of the proposed lots would be out of character with the average lot for this area.

4. Similar variance requests in the area have been previously approved, but no variance has been granted which allowed a lot of less than 6,000 square feet. In the past 10 years all similar variance approvals in the vicinity have been for lots exceeding 7,500 square feet. The most recent request included a lot having less than 7,500 square feet in area and was consequently denied.

5. The applicant intends to remove the existing deteriorating residence on the northerly lot and replace it with a newly constructed residence that would be more in character with other residences in the vicinity. The proposal does not include any alteration of the existing structure on the southerly lot.

6. Denial of the requested variances would permit the continuation of the status quo in that the two residences would be permitted to continue in existence. However, the proposed removal of the northerly residence and construction of a new home would not be permitted since there would not be two legal lots to support the two residences.

7. The requested variances and proposed redevelopment of the northerly lot is inconsistent with the density limitations of the Mercer Island Comprehensive Plan. The Comprehensive Plan restricts density to two to four families per acre.

CONCLUSIONS

1. The applicant has not presented any evidence of special circumstances or conditions relating to the physical properties of the subject site. The fact that the entire parcel is somewhat larger than the 8,400 square foot minimum limitation of this zoning classification, or the fact that each of the proposed lots is unusually small in size, are not pertinent special circumstances. The total area of the parcel does not significantly exceed the minimum 8,400 square foot limitation and is not close to being of a sufficient area to be divided into two conforming lots.

2. The historical aspects of the development of this parcel and the fact that it was for a period under single ownership is a unique situation, but is not a special circumstance pertaining to the subject property as contemplated in the variance criteria of the Mercer Island Zoning Code. Consequently, while the situation is unusual the relevant characteristics of the site itself are not unusual and, therefore, the proposal does not merit approval.

3. The intended removal of the northerly residence and its replacement by a newly constructed residence would be an improvement that would be potentially beneficial to the surrounding area. However, such action would add vitality to the nonconforming situation and would cause a continuation of a density that is in nonconformance with current standards. Consequently, the approval of the requested variances would be detrimental to the public welfare and would adversely affect other property in the vicinity.

4. Approval of the requested variances would be out of character with the surrounding lot sizes and would be inconsistent with the density limitations of the Comprehensive Plan. Variance approval in this instance would further be inconsistent with established precedent in the immediate vicinity.

5. With regard to the State Environmental Policy Act of 1971 (SEPA), the action proposed in this application is categorically exempt pursuant to the provisions of WAC 197-10-170.

DECISION

The application is DENIED.

Entered this 13th day of June, 1978, pursuant to the authority granted under Resolution 742.

John L. Hendrickson
John L. Hendrickson
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

Pursuant to Section 6, Resolution 742, any person who is aggrieved by the decision of the Hearing Examiner may submit a written appeal to the City Council by filing the appeal with the City Clerk within ten (10) calendar days of the date of the Examiner's written decision. Appeals should be addressed to: City Clerk, 3505 - 88th Avenue S.E., Mercer Island, Washington 98040.

CITY OF MERCER ISLAND
HEARING EXAMINER

PUBLIC HEARING

May 26, 1978 (1:30 p. m.)
Public Safety Building Conference Room
3505 88th Avenue S. E.

AGENDA

PUBLIC HEARING:

- JOHN GREGORY/DENNIS ALKIRE
  2704 AND 2708 63RD AVENUE S. E.
  LOT SIZE VARIANCE -
  STAFF REPORT, VICINITY MAP, PLOT
  PLAN ENCLOSED.

ADJOURNMENT.

CITY OF MERCER ISLAND
HEARING EXAMINER

STAFF REPORT

APPLICANT:	JOHN GREGORY/DENNIS ALKIRE
LOCATION:	2704 - 63RD AVENUE S. E.
ZONING:	R-8.4 (8,400 SQ. FT. MINIMUM LOT SIZE)
APPLICABLE SECTION OF CODES:	ZONING CODE (ORDINANCE NO. 15), SECTIONS 4.04, 16.03(1), AND 18.02
HEARING DATE:	MAY 26, 1978
EXHIBITS:	STAFF REPORT, VICINITY MAP, PLOT PLAN, ORIGINAL SECTION 18.02 OF ZONING CODE IN EFFECT PRIOR TO JANUARY, 1974
RESPONSIBLE STAFF:	GLENN CARR, CODE OFFICIAL INEZ POTWIN, PLANNING TECHNICIAN
REQUEST:	REQUEST TWO VARIANCES OF 2,400 SQ. FT. AND ~~3,075~~ 2856 SQ. FT., RESPECTIVELY, TO CREATE TWO LOTS IN AN R-8.4 ZONE.

STAFF SUMMARY:

1. Subject property is an 11,~~325~~ 544 sq. ft. lot on which two dwellings have existed since 1958. It is comprised of Lots 12, 13, 14, and 15, Block 21, East Seattle Addition. The request is to create one 5,~~325~~ 544 sq. ft. lot (Lots 14 and 15, and portion of vacated street) and one 6,000 sq. ft. lot (Lots 12 and 13).

2. The proposed northerly lot of ~~5,325~~ 5,544 sq. ft. contains an existing cottage constructed prior to 1925. This cottage has been used as a rental property in recent years but now is in a dilapidated condition and unoccupied.

3. The proposed, 6,000 sq. ft. southerly lot contains an occupied rental dwelling constructed in 1958 by the present owner for rental purposes.

4. Mr. Gregory sold the proposed northerly lot to Mr. Alkire in January, 1978. The principals state they did not know the Zoning Code requirements at that time and were unaware of the illegality of the sale.

5. Mr. Alkire has planned to demolish the existing dilapidated cottage on the northerly proposed lot this summer and replace it with a new dwelling for himself and his family.

6. The applicants state that the proposed lot division, while it would not conform to existing lot size requirements, would conform to the existing neighborhood. Of 91 lots in a 5-1/2 block area surrounding the subject property, 68 (or 75 percent) are smaller than the 8,400 sq. ft. minimum lot

size required in this residential zone, with 23 (25 percent) being 8,400 sq. ft. or larger. Lot sizes in this 5-1/2 block area range from 2,800 sq. ft. to 15,000 sq. ft., with the average of the 91 lots being 6,815 sq. ft. A total of 33 lots are 6,000 sq. ft. in size (a carryover of King County Zone R-6 which existed prior to city incorporation and adoption of the Mercer Island Zoning Code in 1960, at which time this area was zoned R-8.4).

Of the 91 lots in this 5-1/2 block area, 11 lots are smaller than the proposed 5,325 sq. ft. northerly lot. The sizes of these non-conforming lots are as follows: 4,500 sq. ft. (1); 3,400 sq. ft. (3); 3,000 sq. ft. (6); 2,800 sq. ft. (1). Of the 91 lots under discussion, 79 are larger than the proposed 5,325 sq. ft. lot.

7. In Block 21, East Seattle, the block in which the subject property is located, approximate lot areas are as follows: 12,000 sq. ft. (1); 9,000 sq. ft. (2); 8,000 sq. ft. (3); 6,000 sq. ft. (5); 3,400 sq. ft. (1).

   In Block 20, East Seattle, the block to the west of the subject property, between S. E. 27th Street and S. E. 28th Street, and between 62nd Avenue S. E. and 63rd Avenue S. E., approximate lot sizes are as follows: 11,000 sq. ft. (1); 9,000 sq. ft. (6); 6,000 sq. ft. (3); 4,800 sq. ft. (1); 4,200 sq. ft. (1); 3,000 sq. ft. (2).

   In the block to the north of subject property, between S. E. 24th Street and S. E. 27th Street and between 63rd Avenue S. E. and 64th Avenue S. E., approximate lot sizes are as follows: 12,000 sq. ft. (1); 7,500 sq. ft. (2); 6,600 sq. ft. (3); 6,000 sq. ft. (14); 3,400 sq. ft. (1); 3,000 sq. ft.(1).

8. A. Since 1960, the City of Mercer Island has approved five and denied one lot-size variance requests in the vicinity of the subject request. These were as follows:

   1. January, 1962: Bert Robinson, 2469 63rd Avenue S. E.
      Created three building sites of 6,150 sq. ft., 6,150 sq. ft., and 8,200 sq. ft., respectively. Approved.

   2. March, 1964: Virginia Younger, east side of 63rd Avenue S., E., approximately 240 feet south of S. E. 24th Street.
      Created two building sites of 6,000 sq. ft. and 12,000 sq. ft., respectively. Approved.

   3. December, 1968: H. Norman Hyatt, south end of S. E. 24th Street, between 61st Avenue S. E. and 62nd Avenue S. E.
      Created two 6,000 sq. ft. building lots. Approved.

   4. November, 1975: William Kelso, Lots 1-5, Block 18, East Seattle (next to multiple family dwellings).
      Created two 7,500 sq. ft. lots. Approved.

5. March, 1976: Donovan Williams, Lots 20, 21, 22, 23, and 24, Block 15, East Seattle.
   Created two 7,500 sq. ft. lots. Approved.

6. April, 1977: Gary McCormick, West Mercer Way between S. E. 28th Street and S. E. 30th Street.
   Proposed creating two lots, 7,500 sq. ft. and 7,125 sq. ft., respectively. Denied.

B. The first three lot-size variance requests described above were approved prior to January, 1974, the date of adoption of Ordinance No. 346 which sets forth the current required showings for variance approval as listed in Section 18.02 of the Zoning Code (Ordinance No. 15). These three earlier variances were approved on a different set of criteria from those now existing. (See attached copy of Section 18.02 of the Zoning Code which was in effect prior to January, 1974.)

C. The two latter approved lot-size variances listed above created four 7,500 sq. ft. lots, two of them adjacent to a multi-family zone (an apartment and a duplex).

9. No lot smaller in size than 6,000 sq. ft. has ever been created by means of the variance process since the City of Mercer Island Zoning Code was adopted in 1960.

STAFF RECOMMENDATION:

1. <u>Special circumstances</u>:

   There are no special circumstances pertaining to the physical conditions of subject lot.

2. <u>Not materially detrimental to public welfare or injurious to property in vicinity</u>:

   Variance approval would not be detrimental to the public welfare or injurious to property in the vicinity.

3. <u>Not alter character of the neighborhood nor impair use of adjacent property</u>:

   Variance approval would not alter neighborhood character nor impair use of adjacent property.

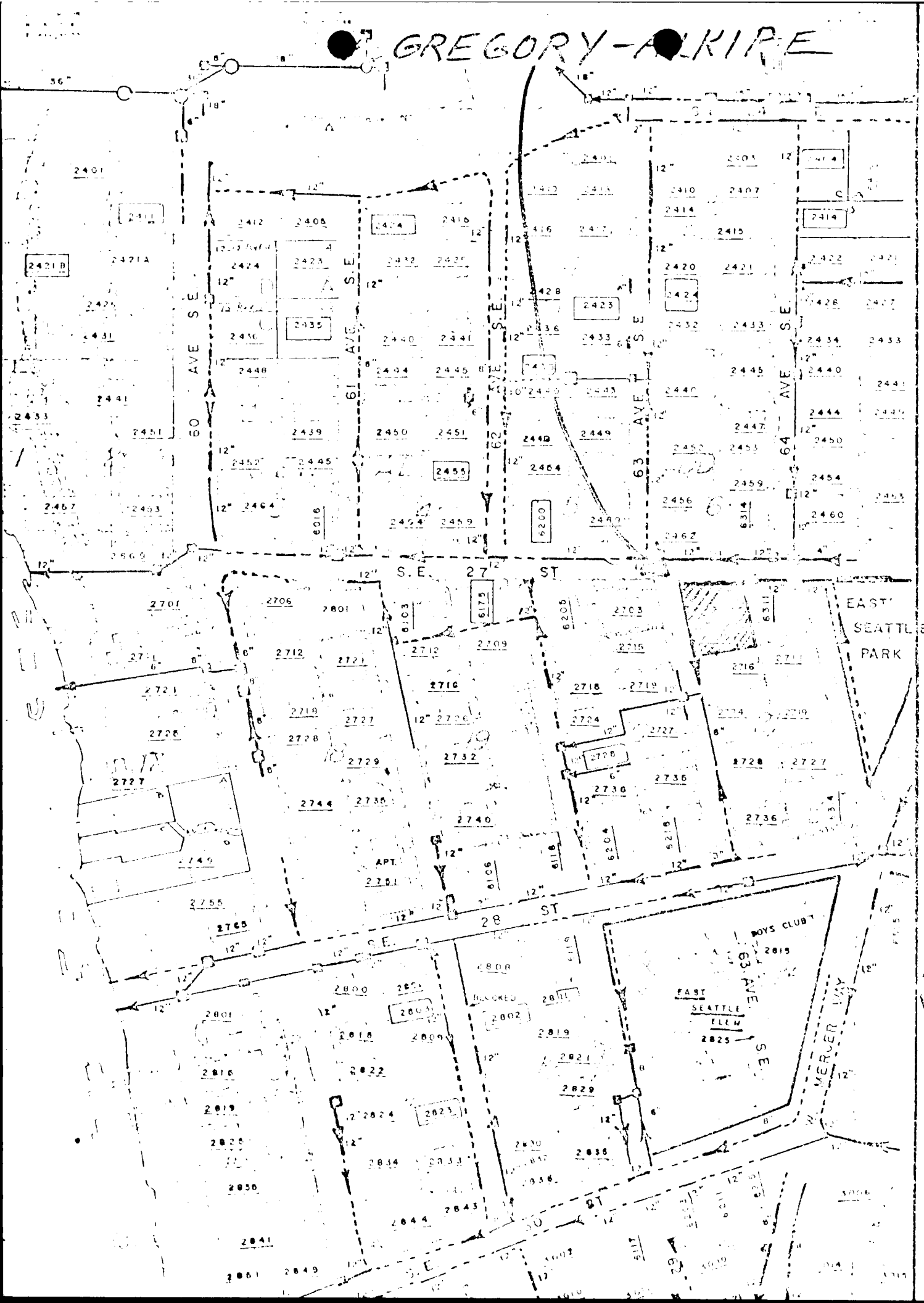
4. <u>Not conflict with general purposes and objectives of the Comprehensive Plan</u>:

   Staff believes that approval of this request to create one 5,~~325~~ 544 sq. ft., and one 6,000 sq. ft., lot would conflict with the general purposes and objectives of the Mercer Island Comprehensive Plan. The intent of the upzoning of the

area from the pre-1960 King County R-6 zoning to Mercer Island R-8.4 zoning was that the smaller size properties would eventually exhaust their life span, being replaced in the future as dwellings deteriorated by lots of sizes more in line with the Plan's density provisions. In effect, this is what has occurred in the subject proposed 5,~~325~~544 sq. ft. lot, where a cottage built prior to 1925 is now in a dilapidated and unusable condition. Thus, inasmuch as the cottage has surpassed its apparent natural life span, and is suitable only for demolition, the creation of two lots on this property would increase the density of the area in view of the provisions of the Comprehensive Plan.

On the basis of the above, staff recommends denial of this variance application.

GREGORY-ALKIRE



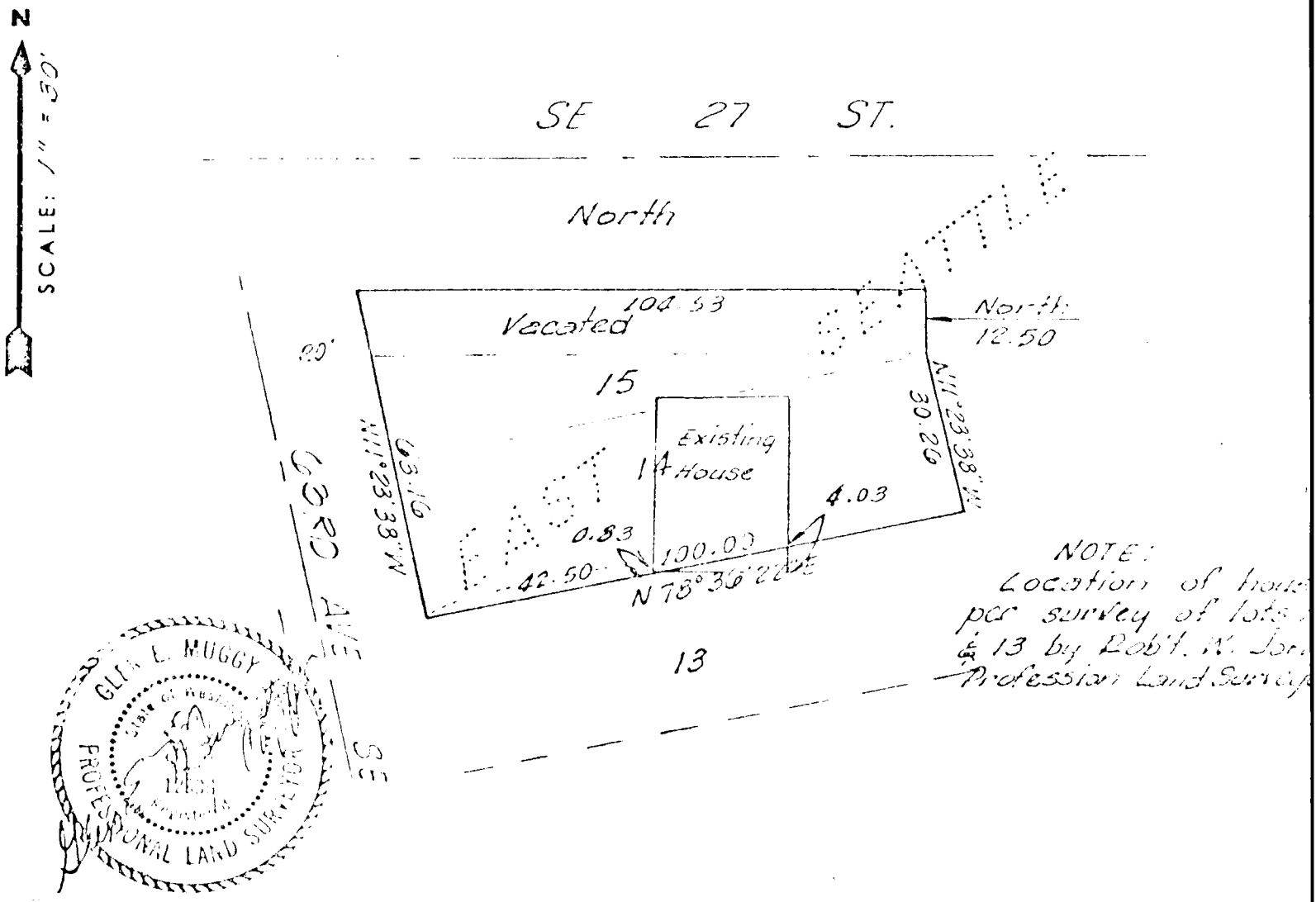
Job No. 78-149

Survey for Dennis Alkire

Address 926 - 12th Ave. E., Seattle, Washington 98102

Legal Description: Lots 14 & 15, and a portion of vacated street adjoining, Block 21, East Seattle, according to plat recorded in Volume 3 of Plats, page 23, records of King County, Washington.

Area - 5324.496 $\square'$ or .122 Ac.



Field

Office TC

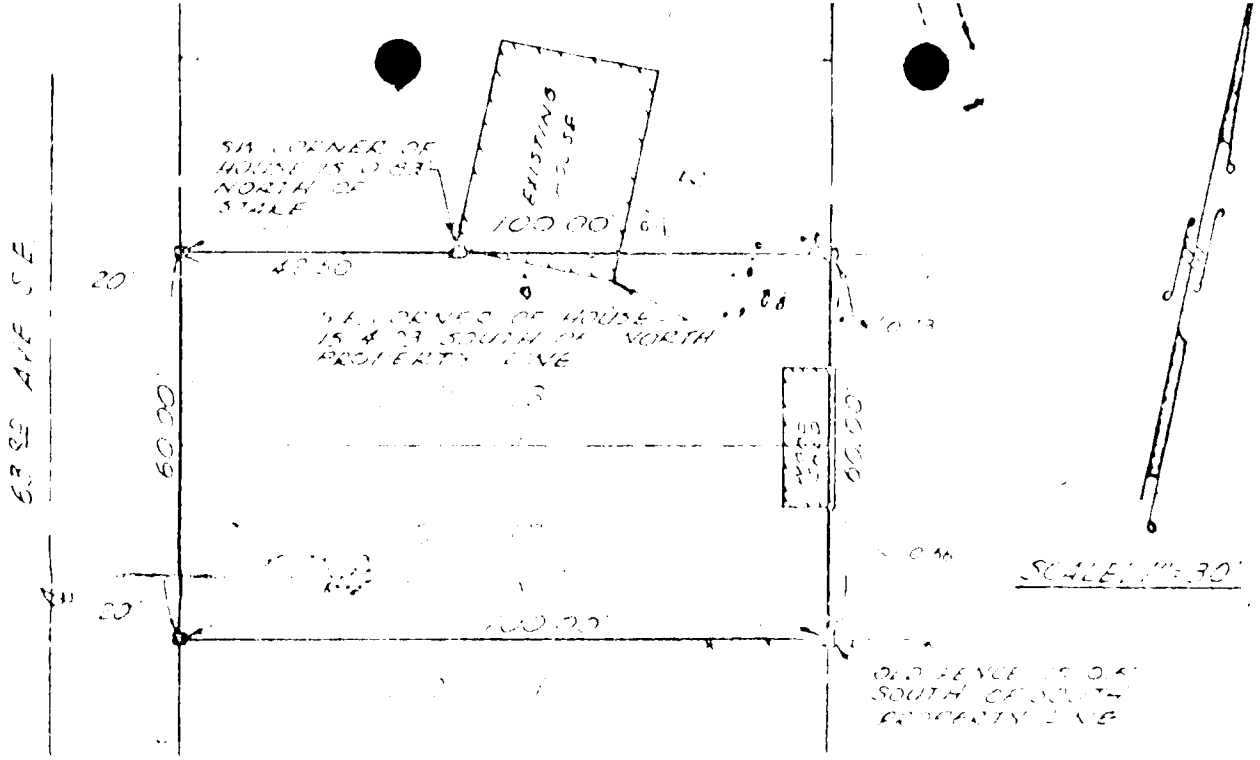
Checked

Property Corners

Date April 21, 1978

TRIAD ASSOCIATES

846-108th Ave. NE Bellevue, Wa. 454-0711



■ - DENOTES STAKE SET

I certify that this survey of Lots 12 and 13, Block 21, East Seattle is correct according to plat thereof recorded in Volume 3 of Plats, page 22, records of King County, Washington and that there are no encroachments except as shown on above sketch.

Job #1152
FB 124-A, page 39
1/20/58

ROBERT W. JONES
STATE OF WASHINGTON
REGISTERED
Professional Engineer & Land Surveyor

ROBERT W. JONES
PROFESSIONAL ENGINEER
& LAND SURVEYOR
232-5282

CITY OF MERCER ISLAND
Department of Community Development

B-1

APPLICATION FOR VARIANCE

(Note to Applicant: Before preparing the application, please read information and instructions on Page 4.)

Name of Applicant: Alkire / Gregory

Mailing Address: 926 12 th. Ave. E. Seattle, WA. 98102

Phone: work 454-3344 home 329-2605 Date of Filing: 24 April 1978

TO THE HEARING EXAMINER:

The undersigned applicants (~~is~~/are) the owners of the property described as follows:

Alkire: Lots 14 and 15, and a portion of vacated street adjoining, Block 21, East Seattle, Gregory: Lots 12 and 13, Block 21, East Seattle. Both properties according to plat recorded in Volume 3 of Plats, pages 22 and 23, King Co. WA.

(Give legal description, including lot, block, tract, etc.)

The property for which this application is made is located at: (Give street address, if any, or location by reference to streets, alleys, property lines, etc.)

The north-west corner of Block 21, East Seattle, bounded on the west by 63rd Ave. S.E., and on the north by ~~XXXXX~~ S.E. 27th. Addresses are 2704 (Alkire) and 2708 (Gregory) 63rd Ave. S.E..

Above-described property was acquired by applicant on the _____ day of _____, 19__. The present zoning of subject property is: R-8.4.

See attached description of acquisition.

REQUEST: Applicants request a variance on the above-described property for the following reasons. State exactly what is intended to be done on, or with, the property which does not conform to existing zoning regulations. State precisely what adjustment is sought.

The applicants request a variance on the area of the owned property, confirming the existance of each being a legal lot. It is the intention of Mr. Alkire to replace the old house on his lot with a new single-family personal home. Mr. Gregory"s house and lot will not change.

NOTE TO APPLICANT: The Hearing Examiner is required by law to make written findings of fact from the showing applicant makes, from testimony or evidence, and from information contained on this form that, beyond reasonable doubt, the below enumerated conditions apply to the subject property. State in detail in what respects the facts pertaining to the property or its intended use meet these required showings. (Use additional sheets, if necessary.)

1. That because of the conditions recited below, there are special circumstances applicable to the particular lot or tract, such as size, shape, topography, location or surroundings, trees or ground cover or other physical conditions:

The subject properties are part of the early King County plat and conform with this plat. Seperate dwellings have occupied each lot since before 1959.

2. The granting of the variance will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property:

The neighborhood character reflects the early plat. The variance permits continued use of the lots consistant with the surrounding properties.

3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated for the following reasons:

The variance will allow for improvement of property which benefits the community.

4. The granting of the variance will not conflict with the general purposes and objectives of the comprehensive general plan for the following reasons:

All elements of the comprenhisive plan are satisfied. Land use and density remain unchanged. The request is consistant with lot sizes in the area.

5. Can subject property not be reasonably used under the provisions of the zoning ordinance? If your answer is "no," explain why:

No. The origional platted lots do not conform with the current lot size requirements, but do conform to the existing neighborhood. By recognising two separate legal lots the variance will permit the replacement of a single-family residence which will improve the appearance for the neighborhood.

A F F I D A V I T

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

John N. Gregory & Dennis J. Alkire, being duly sworn, depose and say__ that we are the owners of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are, in all respects, true and correct to the best of our knowledge and belief.

John N. Gregory
(Owner) ~~[illegible]~~ 6347 - SAND PT. WAY NE, SEATTLE 98115

Dennis James Alkire
(Owner) 926 12th Ave E Seattle 98102

Mr. Gregory / Mr. Alkire work
522-2468 / 454-3344
(Telephone)

(Mailing Address)

Subscribed and sworn to before me this 24th day of April, 1978.

Edith C Berry
Notary Public

****

C E R T I F I C A T I O N

This is to certify that the foregoing application has been inspected by me and found to be thorough and complete in every particular and to conform to the rules and regulations of the Hearing Examiner governing the filing of such application.

By: [illegible]
Staff for the Hearing Examiner

ATTACHMENT TO APPLICATION FOR VARIANCE

ALKIRE / GREGORY

Description of acquisition

Mr. Gregory's mother owned both lots from 1925. The house on the north lot existed at that time. Mr. Gregory and his sister co-owned the lots from 1949. In 1958 Mr. Gregory bought his sisters share of the south lot and built a house that same year. In 1964 he bought his sisters share of the north lot. Mr. Alkire bought the north lot in 1976.

Excerpt from Mercer Island Zoning Code
Ordinance No. 15 which was in effect
until January 17, 1974.

SECTION 18. VARIANCES.

18.01 AUTHORITY TO GRANT VARIANCE:

The City Council, on the recommendation of the Planning Commission, shall have the authority to grant a variance from the provisions of this Ordinance when the conditions set forth in sub-section 18.02 herein have been found to exist.

18.02 REQUIRED SHOWING FOR VARIANCE.

Before any variance may be granted, it shall be shown:

(a) That there are special circumstances applicable to the particular lot or tract, such as shape, topography, location or surroundings, that do not apply generally to other property in the same vicinity and zone;

(b) That such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by or available to other property in the same vicinity and zone but which because of special circumstances is denied to the particular lot or tract;

(c) That the granting of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity of the particular lot or tract;

(d) That the granting of such variance will not adversely affect the comprehensive plan.

Sumbitted to the

HEARING EXAMINER

for the City of Mercer Island

By the Applicants for Variance

John Gregory / Dennis Alkire

May 26, 1978

The location of the subject property is 2704 - 63rd Avenue Southeast, Mercer Island (Alkire), and 2708 - 63rd Avenue Southeast, Mercer Island (Gregory).

The property is an area origionally comprised of two legal lots platted by King County. Each lot has a dwelling on it which has existed since before 1960. Each lot has had separate ownership until 1964 when Mr. Gregory bought the north lot. He has owned the south lot since 1958. Mr. Gregory sold the north lot to the Alkires in 1976 (1), and they occupied the house after the purchase.

The Alkires plan to replace the dwelling on their property with a new home for the family. Before beginning, and during the preparation of the plans and specifications, Mr. Alkire spoke with city officials several times. No question of past ownership of the lot was raised.

On April 13, 1978 when Mr. Alkire went to the City offices to apply for a permit (2) which was issued, the subject of past ownership by an adjacent property owner was bought up by a member of the planning staff. The next week, Mr. Gregory and Mr. Alkire met with a member of the planning staff. It was decided that a variance would be required. At this point in time, plans and specifications are complete, a contract has been signed for construction, and financing arranged. (3).

1. See attached Exhibit No. 1 - Copy of Warranty Fulfillment Deed
2. City of Mercer Island Building-Use Permit No. B-007-78, issued April 13, 1978.
3. See attached Exhibit No. 2 - Copy of Loan Commitment

The applicants for the variance, Mr. Alkire and Mr. Gregory, present the required showing for Variance [1]

The variance requested may be granted, as all of the following circumstances shall be found to apply:

(a) The special circumstances* pertaining to the physical condition of the subject property are, that is comprised of two pre-existing (legal non-conforming) lots,[2] consistent in size with other lots in the neighborhood, [3] and that each lot has a dwelling on it, which came into existence before September, 1960.

(b) Variance approval would not be detrimental to the public welfare nor injurious to property in the vicinity.

(c) Variance approval would not alter neighborhood character nor impair use of adjacent property.

(d) Variance approval does not conflict with the general purposes and objectives of the Comprehensive Plan.** Approval allows continuation of the historical and current pattern of land use of the property as two separate single-family lots. Single-family is the most appropriate use. As part of the origional King County plat, these lots are consistent in size with the neighborhood and with the Comprehensive Plan which allows four or more families per acre in an R. 8.4 Zone.[4] Because each lot presently has a dwell-on it, density is not increased. All other elements of the plan remain unchanged.

1. Mercer Island Zoning Code, 18.02 (a) (b) (c) (d) p.48
   * 18.02 (a) states that size is a special circumstance.
2. Mercer Island Zoning Code, 16.03, (1) p.44 (copy attached)
3. See Exhibit No. 3 - Attached copy of vicinity map. Also see staff summary, items 6 and 7.

**. The Plan states that "-----it will be the policy to protect and encourage the development of several types of residential areas in varying population densities."

4. Mercer Island Comprehensive Plan map. (copy attached)

On the basis of the preceeding, the applicants request that the variance be granted.

Granting the variance confirms that the two properties are separate legal lots. It assures the ongoing uses of the two lots, each with a home and a family, with no change in density. Each lot will continue to exist as a separate titled property, with no change in any lot line or legal description. Variance approval will allow in the improvement of property by permitting the replacement of an old house with a new home, which will benefit the neighborhood and the city.

This document is respectfully submitted to the Hearing Examiner for the City of Mercer Island.

Prepared and signed by the applicants:

John Gregory

Mr. John Gregory

26 May 1978

Date

Dennis Alkire

Mr. Dennis Alkire

SAFECO

WARRANTY
FULFILLMENT
DEED

SAFECO TITLE INSURANCE COMPANY
Exhibit No. 1

THIS SPACE RESERVED FOR RECORDER'S USE

1978 FEB 6 30

DIRECTOR
RECORDS & ELECTIONS
KING COUNTY, WASHINGTON

780206013 0

Filed for Record at Request of
AFTER RECORDING MAIL TO

NAME Mr. Dennis Alkire
ADDRESS 926 12th Ave. East
CITY AND STATE Seattle, Wash. 98102

THE GRANTOR JOHN N. GREGORY and ELEANOR B. GREGORY, his wife

for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION

in hand paid, conveys and warrants to DENNIS JAMES ALKIRE and AIDA ALKIRE, his wife, also known as AIDA M. ALKIRE

the following described real estate, situated in the County of KING, State of Washington:

Lots 14 and 15, and a portion of vacated Street adjoining, Block 21, East Seattle, according to plat recorded in Volume 3 of Plats, page 23, in King County, Washington

278-31-1 Glen

This deed is given in fulfillment of that certain real estate contract between the parties hereto, dated October 1, 19 76, and conditioned for the conveyance of the above described property, and the covenants of warranty herein contained shall not apply to any title, interest or encumbrance arising by, through or under the purchaser in said contract, and shall not apply to any taxes, assessments or other charges levied, assessed or becoming due subsequent to the date of said contract.

Dated October 1, 19 76

John N. Gregory (Individual)

Eleanor B. Gregory (Individual)

By _____ (President)

By _____ (Secretary)

STATE OF WASHINGTON
COUNTY OF KING } ss.

On this day personally appeared before me John N. Gregory & Eleanor B. Gregory to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 1st day of October, 19 76

Notary Public in and for the State of Washington, residing at Seattle

SALES TAX EXCISE TAX NO. 373782
DIVISION
DEPUTY

STATE OF WASHINGTON
COUNTY OF } ss.

On this 31st day of January, 19 77 before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared John N. Gregory and Eleanor B. Gregory, to me known to be the _____ President and _____ Secretary, respectively, of the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that _____ authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

Notary Public in and for the State of Washington, residing at Seattle

Exhibit No. 2

CITIZENS

FEDERAL SAVINGS & LOAN ASSOCIATION

320 - 108th N.E. | P.O. BOX 1848, BELLEVUE, WA. 98004 | 447-6466

May 18, 1978

Mr. and Mrs. Dennis Alkire
926-12th Avenue East
Seattle, WA 98102

Dear Mr. and Mrs. Alkire:

This letter will serve as our 45 day commitment to extend a loan to you under the following terms and conditions:

Property: 2704-63rd Avenue SE Mercer Island, WA 98040
Loan Amount: $45,000.00
Interest Rate: 9½% Terms: 29 years
Loan Fee: 2½%
PRE-AUTHORIZED PAYMENT PROGRAM REQUIRED ON ALL LOANS

SUBJECT TO: 1. House must be completed per plans and specifications.
2. Existing structure must be removed at borrower's own expense prior to new construction.

Our Federal Reserve Regulation Z is also enclosed. Please, sign, date, and return this disclosure for our file.

If you wish to proceed with this transaction, please sign the enclosed copy of this letter and return it to this office. Upon receipt, we will order title insurance and proceed with closing.

This loan must be closed no later than July 2, 1978. Our Deed of Trust must be of record by that date and insurable as a first lien against the subject property, or the loan application must be submitted to our loan committee as a new application. This commitment and all previous commitments, implied or written, become void on the above date.

Sincerely,

Michele M. Oosterink

MICHELE M. OOSTERINK
Loan Officer

ENCLOSURES

ACCEPTED THIS 19 DAY OF May, 1978.

BY: Dennis James Alkire Jan M. Alkire

SECTION 17. PREVIOUS USE AND OCCUPANCY PERMITS.

Where prior to May 25, 1959, special authority was granted for the establishment or conducting of a particular use on a partiular site and for a specified period of time or as set forth in an action then titled Use and Occupancy, such previous permits are by this Section declared to be continued as a conditional use permit without specified time limit provided that if the particular use as is not otherwise permitted in the zone in which it is located, such established use and improvements incident thereto shall be considered under the terms of this Ordinance as a non-conforming use.

Ord. # 346 SECTION 18. VARIANCES.

18.01 AUTHORITY TO GRANT VARIANCE:

The Planning Commission shall have the authority to grant a variance from the provisions of this Ordinance when the conditions set forth in Sub-Section 18.02 have been found to exist. The action of the Planning Commission in granting or denying a variance shall be final and conclusive unless an appeal is filed in accordance with the provisions of Section 21 of this Ordinance.

18.02 REQUIRED SHOWING FOR VARIANCE:

Before any variance may be granted, all the following circumstances shall be found to apply:

(a) That there are special circumstances applicable to the particular lot or tract, such as size, shape, topograhy, location or surroundings, trees or ground cover or other physical conditions;

(b) The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated;

(c) The granting of the variance will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property; and

(d) The granting of the variance will not conflict with the general purposes and objectives of the Comprehensive Plan.

16.03 BUILDING SITE REQUIREMENTS:

Ord. # 46

1. Any lot may be used for a building site, regardless of area, subject to the other restrictions governing the zone in which it is located, if it came into existence before September 28, 1960.

2. The minimum lot frontage of irregularly shaped lots shall be measured at the front building line. No building will be permitted on a lot without frontage (a) on a public right-of-way or (b) on a private street or easement-of-way established by deeds of record and approved by the Planning Commission as substantially complying with the standards established for public streets.

Ord. # 219

3. The determination whether a lot complies with the building site area requirements shall exclude the shorelands part of any such lot and/or any part of such lot which is part of a public or private street or is subject to an easement for use of motor vehicles.

Ord. # 60

4. In subdivisions officially approved by the Planning Commission after April 9, 1972, under the provisions of Section 5, (8), Optional Standards for Development of Two Acres or More, City of Mercer Island Ordinance No. 59, the area of each lot shall be as approved by the Planning Commission but the average lot area shall not be less than 75 percent of the minimum lot area requirements of the use zone in which the subdivision is located, as set forth in Sections 4.04, 5.04, 6.04, 7.04, 8.04, 9.04 of this Ordinance No. 15.

16.04 YARD REQUIREMENTS:

1. Highway Border Districts are hereby established and shall be a part of this Ordinance as each of such districts and maps are developed and approved by the City Council following a recommendation of the Planning Commission and the front, side and rear yard regulations shown on such maps shall supersede the yard requirements contained in other provisions of the Ordinance.

2. Where official highway maps show the future width greater than the dedicated width, then the front yard shall be measured from the margin of the future highway width.

3. Porches, terraces, chimney and fireplace extensions and outside stairways--unroofed, unenclosed, above

Exhibit No. 3

Map of neighborhood surrounding subject property.

Base map: photocopy of King County Assessor Map

Scale: 1'= 100'

Legend:

Subject Property:

Lots with area less than 8400 S.F.:

City Owned:

Comment: Within a 300' radius of subject property there are 44 lots. 33 lots (75%) have an area less than 8400 S.F. 11 lots (25%) are 8400 S.F. or more.


(STREET)
(STREET)
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148330
7-13
4
1167 800AC
S.E.
(AVE)
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64TH AVE ST
BLINN
28TH ST
(AVE)
S.E.
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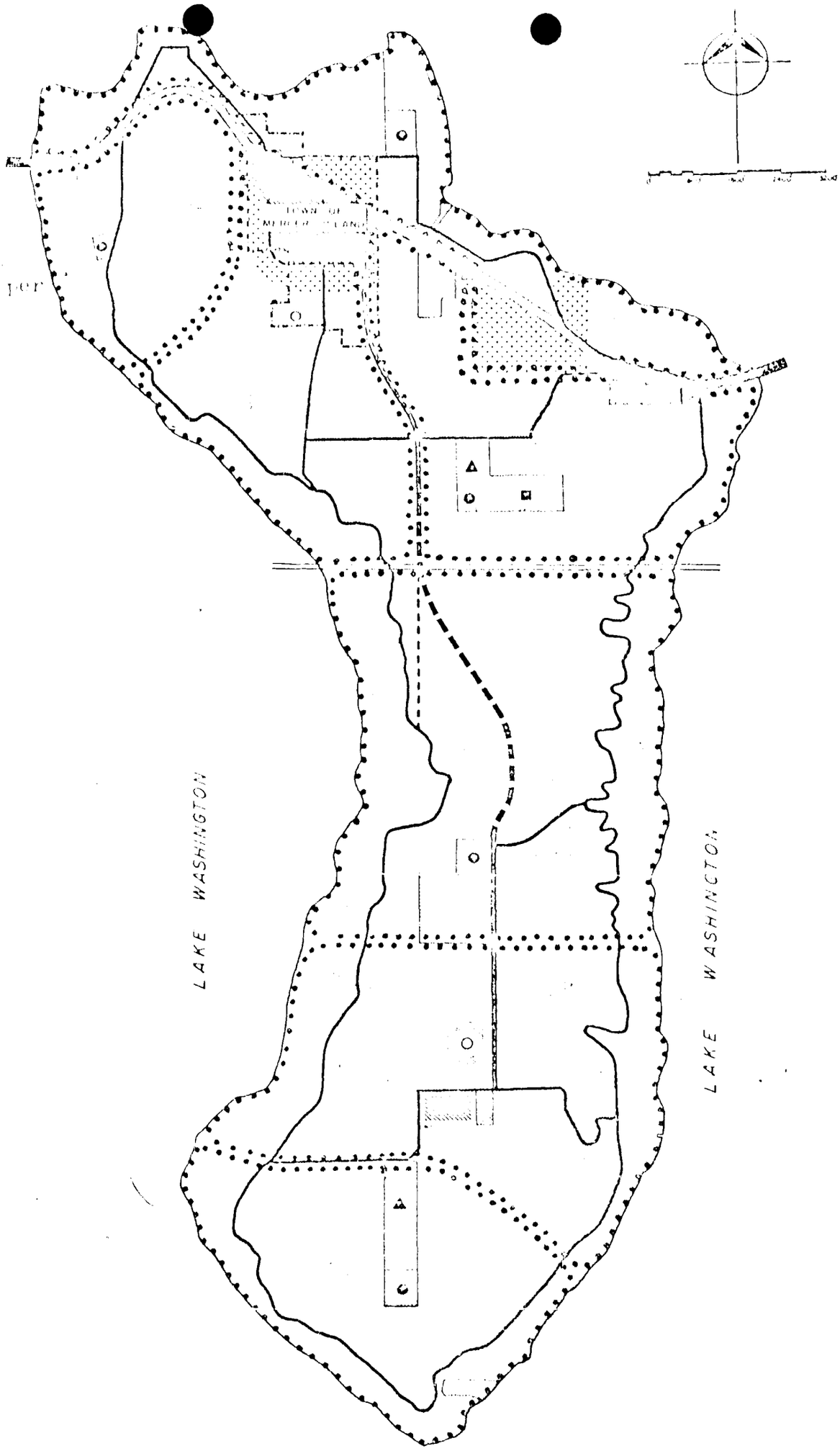
3244 AC
3-22
63RD



CITY OF MERCER ISLAND COMPREHENSIVE PLAN

RESIDENTIAL
TWO FAMILIES PER ACRE
THREE " " "
XXX FOUR OR MORE " " "
MULTI-FAM
BUSINESS & COMMERCIAL
RETAIL BUSINESS
PLANNED BUSINESS CENTER WITH PARK BUFFER

COMMERCIAL OFFICES

SCHOOLS
EXISTING PROPOSED
SR HIGH
JR HIGH
ELEMENTARY

PARKS
EXISTING PROPOSED

ROADS
EXISTING PROPOSED
FREEWAY OR MAJOR HWY
SECONDARY ARTERIAL ST.
MINOR ARTERIAL ST.

COMMUNITY BOUNDARY
NEIGHBORHOOD BOUNDARY

MERCER ISLAND CITY PLANNING COMMISSION

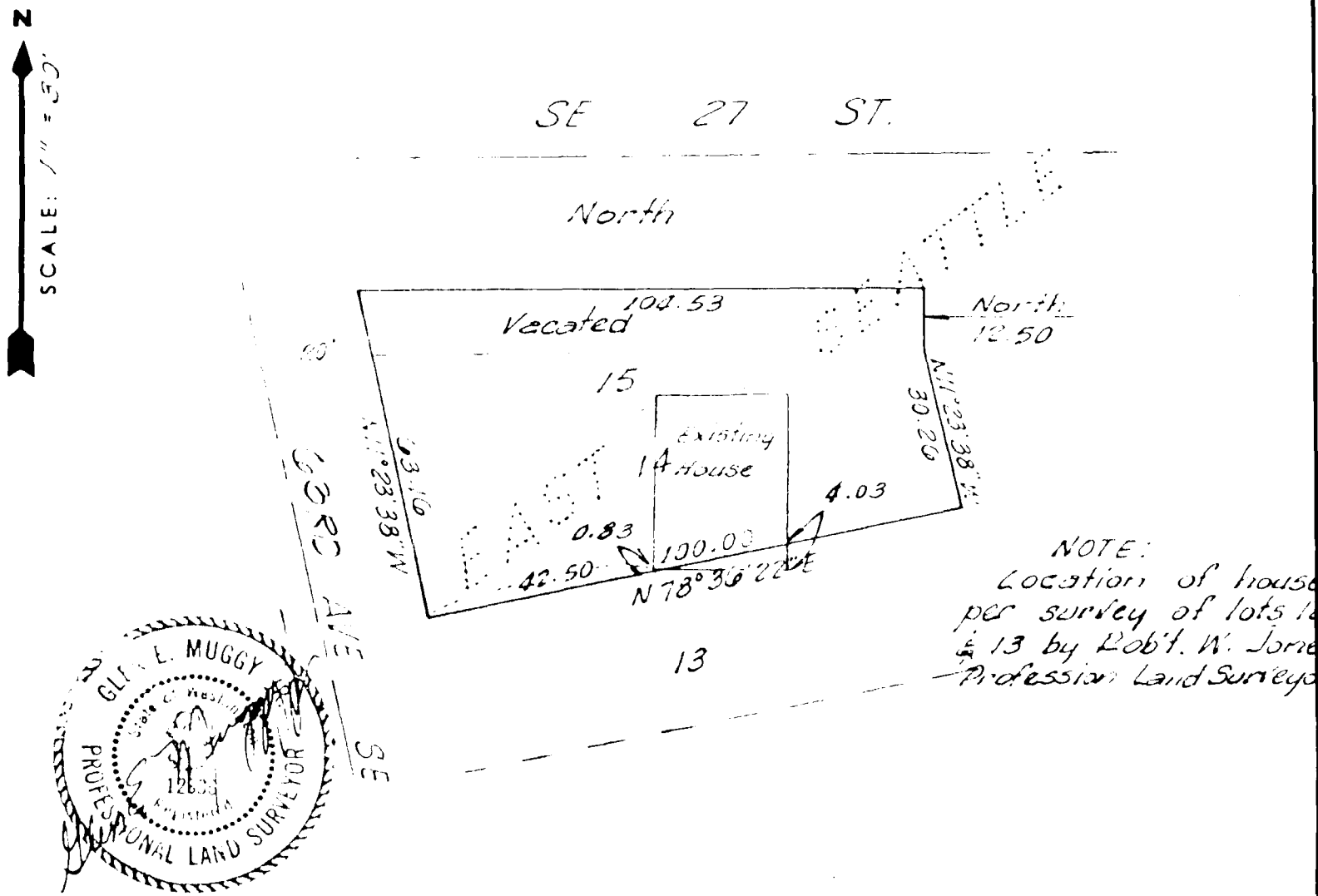
Job No. 78-149

Survey for Dennis Alkire

Address 926 - 12th Ave. E., Seattle, Washington 98102

Legal Description: Lots 14 & 15, and a portion of vacated street adjoining. Block 21, East Seattle, according to plat recorded in Volume 3 of Plats, page 23, records of King County, Washington

Area - 5324.496 $^{\square}$' or .122 Ac.



Field

Office TC

Checked

Property Corners

Date April 21, 1978

TRIAD ASSOCIATES

846-108th Ave. NE Bellevue, Wa. 454-0711

■ - DENOTES STAKE SET

I certify that [illegible] survey of Lots [illegible], [illegible], East Seattle is correct according to plat thereof recorded in Volume [illegible] of Plats, page [illegible], records [illegible], Washington and [illegible] encroachments [illegible] shown on above sketch.

Job #1152
FB 124-A, page 39
1/20/58

ROBERT W. JONES
STATE OF WASHINGTON
REGISTERED
PROFESSIONAL ENGINEER & LAND SURVEYOR

ROBERT W. JONES
PROFESSIONAL ENGINEER
& LAND SURVEYOR
232-5282

CITY OF MERCER ISLAND
HEARING EXAMINER

PUBLIC HEARING

May 26, 1978 (1:30 p. m.)
Public Safety Building Conference Room
3505 88th Avenue S. E.

AGENDA

PUBLIC HEARING:

- JOHN GREGORY/DENNIS ALKIRE
  2704 AND 2708 63RD AVENUE S. E.
  LOT SIZE VARIANCE -
  STAFF REPORT, VICINITY MAP, PLOT
  PLAN ENCLOSED.

ADJOURNMENT.

CITY OF MERCER ISLAND
HEARING EXAMINER

STAFF REPORT

APPLICANT:	JOHN GREGORY/DENNIS ALKIRE
LOCATION:	2704 - 63RD AVENUE S. E.
ZONING:	R-8.4 (8,400 SQ. FT. MINIMUM LOT SIZE)
APPLICABLE SECTION OF CODES:	ZONING CODE (ORDINANCE NO. 15), SECTIONS 4.04, 16.03(1), AND 18.02
HEARING DATE:	MAY 26, 1978
EXHIBITS:	STAFF REPORT, VICINITY MAP, PLOT PLAN, ORIGINAL SECTION 18.02 OF ZONING CODE IN EFFECT PRIOR TO JANUARY, 1974
RESPONSIBLE STAFF:	GLENN CARR, CODE OFFICIAL INEZ POTWIN, PLANNING TECHNICIAN
REQUEST:	REQUEST TWO VARIANCES OF 2,400 SQ. FT. AND 3,075 SQ. FT., RESPECTIVELY, TO CREATE TWO LOTS IN AN R-8.4 ZONE.

STAFF SUMMARY:

1. Subject property is an 11,325 sq. ft. lot on which two dwellings have existed since 1958. It is comprised of Lots 12, 13, 14. and 15, Block 21, East Seattle Addition. The request is to create one 5,325 sq. ft. lot (Lots 14 and 15, and portion of vacated street) and one 6,000 sq. ft. lot (Lots 12 and 13).

2. The proposed northerly lot of 5,325 sq. ft. contains an existing cottage constructed prior to 1925. This cottage has been used as a rental property in recent years but now is in a dilapidated condition and unoccupied.

3. The proposed, 6,000 sq. ft. southerly lot contains an occupied rental dwelling constructed in 1958 by the present owner for rental purposes.

4. Mr. Gregory sold the proposed northerly lot to Mr. Alkire in January, 1978. The principals state they did not know the Zoning Code requirements at that time and were unaware of the illegality of the sale.

5. Mr. Alkire has planned to demolish the existing dilapidated cottage on the northerly proposed lot this summer and replace it with a new dwelling for himself and his family.

6. The applicants state that the proposed lot division, while it would not conform to existing lot size requirements, would conform to the existing neighborhood. Of 91 lots in a 5-1/2 block area surrounding the subject property, 68 (or 75 percent) are smaller than the 8,400 sq. ft. minimum lot

size required in this residential zone, with 23 (25 percent) being 8,400 sq. ft. or larger. Lot sizes in this 5-1/2 block area range from 2,800 sq. ft. to 15,000 sq. ft., with the average of the 91 lots being 6,815 sq. ft. A total of 33 lots are 6,000 sq. ft. in size (a carryover of King County Zone R-6 which existed prior to city incorporation and adoption of the Mercer Island Zoning Code in 1960, at which time this area was zoned R-8.4).

Of the 91 lots in this 5-1/2 block area, 11 lots are smaller than the proposed 5,325 sq. ft. northerly lot. The sizes of these non-conforming lots are as follows: 4,500 sq. ft. (1); 3,400 sq. ft. (3); 3,000 sq. ft. (6); 2,800 sq. ft. (1). Of the 91 lots under discussion, 79 are larger than the proposed 5,325 sq. ft. lot.

7. In Block 21, East Seattle, the block in which the subject property is located, approximate lot areas are as follows: 12,000 sq. ft. (1); 9,000 sq. ft. (2); 8,000 sq. ft. (3); 6,000 sq. ft. (5); 3,400 sq. ft. (1).

   In Block 20, East Seattle, the block to the west of the subject property, between S. E. 27th Street and S. E. 28th Street, and between 62nd Avenue S. E. and 63rd Avenue S. E., approximate lot sizes are as follows: 11,000 sq. ft. (1); 9,000 sq. ft. (6); 6,000 sq. ft. (3); 4,800 sq. ft. (1); 4,200 sq. ft. (1); 3,000 sq. ft. (2).

   In the block to the north of subject property, between S. E. 24th Street and S. E. 27th Street and between 63rd Avenue S. E. and 64th Avenue S. E., approximate lot sizes are as follows: 12,000 sq. ft. (1); 7,500 sq. ft. (2); 6,600 sq. ft. (3); 6,000 sq. ft. (14); 3,400 sq. ft. (1); 3,000 sq. ft.(1).

8. A. Since 1960, the City of Mercer Island has approved five and denied one lot-size variance requests in the vicinity of the subject request. These were as follows:

   1. January, 1962: Bert Robinson, 2469 63rd Avenue S. E.
      Created three building sites of 6,150 sq. ft., 6,150 sq. ft., and 8,200 sq. ft., respectively. Approved.

   2. March, 1964: Virginia Younger, east side of 63rd Avenue S., E., approximately 240 feet south of S. E. 24th Street.
      Created two building sites of 6,000 sq. ft. and 12,000 sq. ft., respectively. Approved.

   3. December, 1968: H. Norman Hyatt, south end of S. E. 24th Street, between 61st Avenue S. E. and 62nd Avenue S. E.
      Created two 6,000 sq. ft. building lots. Approved.

   4. November, 1975: William Kelso, Lots 1-5, Block 18, East Seattle (next to multiple family dwellings).
      Created two 7,500 sq. ft. lots. Approved.

5. March, 1976: Donovan Williams, Lots 20, 21, 22, 23, and 24, Block 15, East Seattle.
   Created two 7,500 sq. ft. lots. Approved.

6. April, 1977: Gary McCormick, West Mercer Way between S. E. 28th Street and S. E. 30th Street.
   Proposed creating two lots, 7,500 sq. ft. and 7,125 sq. ft., respectively. Denied.

B. The first three lot-size variance requests described above were approved prior to January, 1974, the date of adoption of Ordinance No. 346 which sets forth the current required showings for variance approval as listed in Section 18.02 of the Zoning Code (Ordinance No. 15). These three earlier variances were approved on a different set of criteria from those now existing. (See attached copy of Section 18.02 of the Zoning Code which was in effect prior to January, 1974.)

C. The two latter approved lot-size variances listed above created four 7,500 sq. ft. lots, two of them adjacent to a multi-family zone (an apartment and a duplex).

9. No lot smaller in size than 6,000 sq. ft. has ever been created by means of the variance process since the City of Mercer Island Zoning Code was adopted in 1960.

STAFF RECOMMENDATION:

1. <u>Special circumstances:</u>

   There are no special circumstances pertaining to the physical conditions of subject lot.

2. <u>Not materially detrimental to public welfare or injurious to property in vicinity:</u>

   Variance approval would not be detrimental to the public welfare or injurious to property in the vicinity.

3. <u>Not alter character of the neighborhood nor impair use of adjacent property:</u>

   Variance approval would not alter neighborhood character nor impair use of adjacent property.

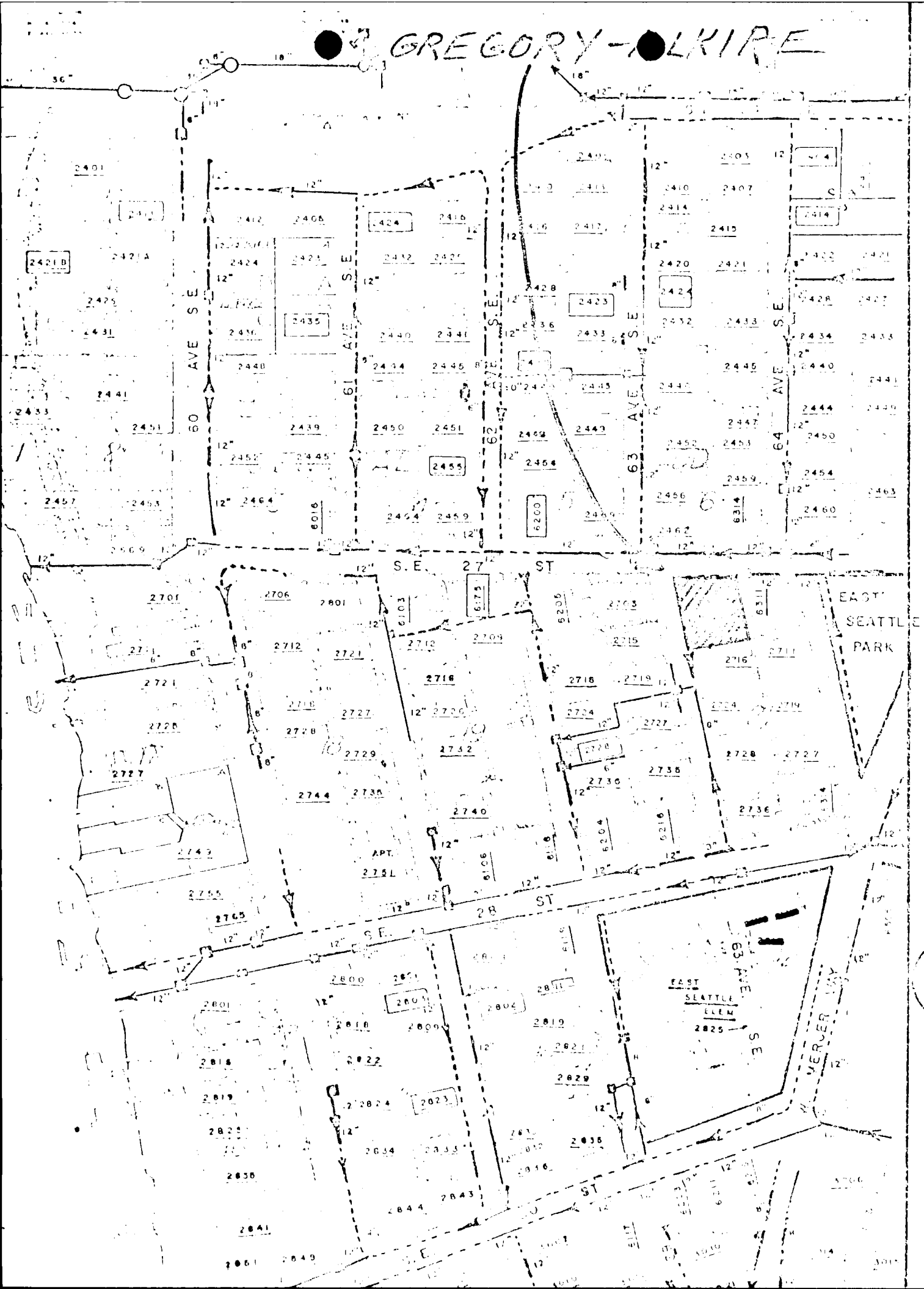
4. <u>Not conflict with general purposes and objectives of the Comprehensive Plan:</u>

   Staff believes that approval of this request to create one 5,325 sq. ft., and one 6,000 sq. ft., lot would conflict with the general purposes and objectives of the Mercer Island Comprehensive Plan. The intent of the upzoning of the

area from the pre-1960 King County R-6 zoning to Mercer Island R-8.4 zoning was that the smaller size properties would eventually exhaust their life span, being replaced in the future as dwellings deteriorated by lots of sizes more in line with the Plan's density provisions. In effect, this is what has occurred in the subject proposed 5,325 sq. ft. lot, where a cottage built prior to 1925 is now in a dilapidated and unusable condition. Thus, inasmuch as the cottage has surpassed its apparent natural life span, and is suitable only for demolition, the creation of two lots on this property would increase the density of the area in view of the provisions of the Comprehensive Plan.

On the basis of the above, staff recommends denial of this variance application.

GREGORY-OLKIRE



CITY OF MERCER ISLAND
Department of Community Development

B-1

APPLICATION FOR VARIANCE

(Note to Applicant: Before preparing the application, please read information and instructions on Page 4.)

Name of Applicant: Alkire / Gregory

Mailing Address: 926 12 th. Ave. E. Seattle, WA. 98102

Phone: work 454-3344 home 329-2605 Date of Filing: 24 April 1978

TO THE HEARING EXAMINER:

The undersigned applicants (~~is~~/are) the owners of the property described as follows:

Alkire: Lots 14 and 15, and a portion of vacated street adjoining, Block 21, East Seattle, Gregory: Lots 12 and 13, Block 21, East Seattle. Both properties according to plat recorded in Volume 3 of Plats, pages 22 and 23, King Co. WA.

(Give legal description, including lot, block, tract, etc.)

The property for which this application is made is located at: (Give street address, if any, or location by reference to streets, alleys, property lines, etc.)

The north-west corner of Block 21, East Seattle, bounded on the west by 63rd Ave. S.E., and on the north by ~~XXXXX~~ S.E. 27th. Addresses are 2704 (Alkire) and 2708 (Gregory) 63rd Ave. S.E..

Above-described property was acquired by applicant on the _____ day of _____, 19___. The present zoning of subject property is: R-8.4 .

See attached description of acquisition.

REQUEST: Applicant s request a variance on the above-described property for the following reasons. State exactly what is intended to be done on, or with, the property which does not conform to existing zoning regulations. State precisely what adjustment is sought.

The applicants request a variance on the area of the owned property, confirming the existance of each being a legal lot. It is the intention of Mr. Alkire to replace the old house on his lot with a new single-family personal home. Mr. Gregory"s house and lot will not change.

NOTE TO APPLICANT: The Hearing Examiner is required by law to make written findings of fact from the showing applicant makes, from testimony or evidence, and from information contained on this form that, beyond reasonable doubt, the below enumerated conditions apply to the subject property. State in detail in what respects the facts pertaining to the property or its intended use meet these required showings. (Use additional sheets, if necessary.)

1. That because of the conditions recited below, there are special circumstances applicable to the particular lot or tract, such as size, shape, topography, location or surroundings, trees or ground cover or other physical conditions:

The subject properties are part of the early King County plat and conform with this plat. Seperate dwellings have occupied each lot since before 1959.

2. The granting of the variance will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property:

The neighborhood character reflects the early plat. The variance permits continued use of the lots consistant with the surrounding properties.

3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated for the following reasons:

The variance will allow for improvement of property which benefits the community.

4. The granting of the variance will not conflict with the general purposes and objectives of the comprehensive general plan for the following reasons:

All elements of the comprenhisive plan are satisfied. Land use and density remain unchanged. The request is consistant with lot sizes in the area.

5. Can subject property not be reasonably used under the provisions of the zoning ordinance? If your answer is "no," explain why:

No. The origional platted lots do not conform with the current lot size requirements, but do conform to the existing neighborhood. By recognising two separate legal lots the variance will permit the replacement of a single-family residence which will improve the appearance for the neighborhood.

A F F I D A V I T

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

John N. Gregory & Dennis J. Alkire, being duly sworn, depose and say__ that we are the owners of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are, in all respects, true and correct to the best of our knowledge and belief.

John N. Gregory
(Owner) 6347 - SAND PT. WAY NE. SEATTLE 98115

Dennis James Alkire
(Owner) 926 12th Ave E Seattle 98102

Mr. Gregory / Mr. Alkire work
522-2468 / 454-3344
(Telephone)

(Mailing Address)

Subscribed and sworn to before me this 24th day of April, 1978.

Edith C Berry
Notary Public

****

C E R T I F I C A T I O N

This is to certify that the foregoing application has been inspected by me and found to be thorough and complete in every particular and to conform to the rules and regulations of the Hearing Examiner governing the filing of such application.

By: [illegible]
Staff for the Hearing Examiner

ATTACHMENT TO APPLICATION FOR VARIANCE

ALKIRE / GREGORY

Description of acquisition

Mr. Gregory's mother owned both lots from 1925. The house on the north lot existed at that time. Mr. Gregory and his sister co-owned the lots from 1949. In 1958 Mr. Gregory bought his sisters share of the south lot and built a house that same year. In 1964 he bought his sisters share of the north lot. Mr. Alkire bought the north lot in 1976.

Insert Definition
of Variance

Excerpt from Mercer Island Zoning Code
Ordinance No. 15 which was in effect
until January 17, 1974.

SECTION 18. VARIANCES.

18.01 AUTHORITY TO GRANT VARIANCE:

The City Council, on the recommendation of the Planning Commission, shall have the authority to grant a variance from the provisions of this Ordinance when the conditions set forth in sub-section 18.02 herein have been found to exist.

18.02 REQUIRED SHOWING FOR VARIANCE.

Before any variance may be granted, it shall be shown:

(a) That there are special circumstances applicable to the particular lot or tract, such as shape, topography, location or surroundings, that do not apply generally to other property in the same vicinity and zone;

(b) That such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by or available to other property in the same vicinity and zone but which because of special circumstances is denied to the particular lot or tract;

(c) That the granting of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity of the particular lot or tract;

(d) That the granting of such variance will not adversely affect the comprehensive plan.

May 25, 1978

City of Mercer Island

Att: Dept. of Community Development

Re: Public Hearing Notice
John Gregory / Dennis Alkire
Request for 2 variances
2704 63rd Ave SE

Gentlemen:

We have the pleasure of living on one of the prettiest corners in East Seattle. The above referred to property is across the street from us. We ask that you grant the variance requested so that a new home may be built. There is now a rundown shack on the property, which was built in 1905 and is a detriment to the neighborhood. We are very much in favor of having a new home across from us, which will enhance the value of other homes in the

area.

Your earnest consideration and granting of this request will be greatly appreciated

Sincerely,

Mr & Mrs. Geo. Raymond
2462 63rd S.E.
Mercer Island, Wa.

MAJOR DISTRIBUTORS

P O BOX C88579
TUKWILA, WASHINGTON 98188

18292 ANDOVER PARK WEST
PHONE 206 / 575-0081

May 24, 1978

TO: Dept. of Community Development
RE: Variances requested for 2704 63rd Ave. SE

I wish to go on record in favor of granting the request of John Gregory and Dennis Alkire to create two smaller lots.

The old cottage at this address has certainly seen better days. It's replacement with a new home, as Mr. Alkire proposes, would certainly add to the desireability of our neighborhood.

Please inform me of the final action taken on this request.

Yours very truly,

Steven S. Morgan
2707 64th Ave. SE
Mercer Island, WA

(3)

May 16, 1978

Department of Community Development
3505 88th Avenue S.E.
Mercer Island, WA 98040

Attn: Miss Inez Potwin

Dear Miss Potwin:

Re: Request for Zoning Variance
John Gregory/Dennis Alkire
2704 63rd Avenue S.E.

Having received your notification that the above listed owners have requested a zoning variance, I wish to register several questions and concerns that I feel. I will try to attend the meeting on May 26, but in any case, I wish to be advised the outcome of the application.

I am questioning the need and purpose of subdivision of that property. It would appear that the dwelling located at the above address has been used as rental income property for several years, and I would suspect that Gregory and Alkire plan to build a second dwelling for this same purpose.

My property is located directly across 27th from the Gregory/Alkire property. Since I have owned my property, I have watched a succession of renters move in and out of that dwelling on a frequent basis. There appeared to be no year long lease, as some stayed for only a few months at a time. The renters appeared to be of a low quality, low income variety, with old shoddy cars and dirty unkempt apperances. If the price of the rental property attracted this level of renters, they are not the quality of neighbors that I would want to encourage.

And perhaps more importantly--is the parking problem. The parking for many houses in our area is on-the-street. We already have a congestion problem, and with the addition of a second dwelling at that location, I think we may have an impossible situation.

I am not opposed to rental homes when the renters are encouraged to be semi-permanent residents. The opposition comes to transient types and the lack of neighborhood concern and consistency that usually comes with them. I think the City should give considerable thought to this application--I am concerned that it may be of little benefit to the neighborhood as a whole.

Sincerely,

Jennifer

Jennifer Chaney

6314 S.E. 27th
Mercer Island, WA 98040

(4)

May 19, 1978

Miss Inez Potwin
Department of Community Development
City of Mercer Island
3505 88th. Ave. S.E.
Mercer Island, Washington 98040

Re: Gregory/Alkire Variances

Dear Ms. Potwin:

I wish to submit the following comments concerning the proposed variances:

First, I was not informed of this variance by the City. A neighbor was good enough to forward a copy of the notice to my current address. I am the owner of the property located at 2452 63rd. Ave. S.E., three (3) lots north of the proposed variances. I believe that notice should be sent to the legal owner and not just the occupant on matters of this type.

The east Seattle neighborhood is unique in its variety of lot sizes, income levels, and age groups. As such, it is a wonderfully diverse and pleasant area on Mercer Island in which to live and it is for this reason that we have retained our property there. It is my opinion, however, that the variances requested would work against the diversity of the neighborhood and as such, are detrimental to my property.

Speaking to the four (4) elements which must be present before granting the variance, I would note the following:

a) Special Circumstances - There are no special nor unique circumstances which distinguish these lots from others in the neighborhood. While other lots this size are built upon, using this fact for the basis of the variance would lead to the conclusion that all owners should be allowed to create 3,000 square foot lots as a few of this size exist.

b) Absence of Detriment - The variance, if granted, would increase the population density of the neighborhood and in turn, induce other lot owners to try for the same variance. The net result is the reduction of property values and livability.

c) Character of the Neighborhood - The variance would alter the character of the neighborhood. The many small lots in the area are generally occupied by small houses. Recent construction, however, has generally been large houses which fill the building envelope. As such, the charm, openess and greenery of the neighborhood is replaced with large, overwhelming structures.

d) Conflict with the Comprehensive Plan - One of the purposes of the Comprehensive Plan is to establish density restrictions. Past action to the Plan in the East Seattle area has moved toward decreasing the density allowed in the area. Approval of the variance would allow two (2) lots to remain, which are 71% and 63%, respectively, of the allowed minimum zone. These figures are even more profound when you consider that the R-8.4 zone is the most dense single family zone on Mercer Island. Thus, granting the variance would be in direct conflict with the Comprehensive Plan.

In conclusion, I submit that the four (4) elements which must be found in order to grant the variance are, in fact, not present. Further, while this request is technically a variance, it is a substantially larger reduction of allowed lot size, than the difference between R-15 and R-12,(80%), R-12 and R-9.6, (80%), or R-9.6 and R-8.4, (87%). As such, it can be viewed as a defacto rezoning and a spot request at that.

Please advise me of the action of the hearing examiner and if a decision is in favor of the applicants, of the appeal procedures, also.

Sincerely,

JEFF C. OTTESEN

JEFF C. OTTESEN
General Delivery
Soldotna, Ak. 99669

(5)

CITY OF MERCER ISLAND, WASHINGTON

May 11, 1978

DEPARTMENT OF COMMUNITY DEVELOPMENT

PUBLIC HEARING NOTICE

An application for a Zoning Variance has been filed with the City of Mercer Island Hearing Examiner. As an owner of property in the vicinity of the requested Variance, you are being notified of a Public Hearing on this application, to be held at the Public Safety Building Conference Room, 3505 88th Avenue S.E., at 1:30 p.m., Friday, May 26, 1978.

John Gregory/Dennis Alkire
2704 - 63rd Avenue S.E.
Request two variances of 2,400 square feet and 3,075 square feet, respectively, to create two lots in an R-8.4 zone.

Should you wish to comment on this application, or be informed of the final action taken, please contact this office in writing within thirty days of the date of this letter.

If you have any other questions concerning this matter prior to the Hearing, please contact Miss Inez Potwin, Department of Community Development, 232-6400.

Gentlemen: 5/15/78

In response to the second paragraph above it will be appreciated if you will please inform me of the action taken in this situation.

My opinion, if needed, is that the property involved is very inadequate for the construction of another dwelling and further, I frankly feel the present dwelling should be removed entirely and and the lot should become part of the newer dwelling adjacent on the south of the old brown house. In other words, we personally are not in favor of the Variance.

Thank you,

T. M. Motter
2447 64th Avenue S. E.,
M. I. 98040

(6)

CITY OF MERCER ISLAND, WASHINGTON

DEPARTMENT OF COMMUNITY DEVELOPMENT

PUBLIC HEARING NOTICE

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John Gregory/Dennis Alkire
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Request two variances of 2,400 square feet and 3,075 square feet, respectively, to create two lots in an R-8.4 zone.

Should you wish to comment on this application, or be informed of the final action taken, please contact this office in writing within thirty days of the date of this letter.

If you have any other questions concerning this matter prior to the Hearing, please contact Miss Inez Potwin, Department of Community Development, 232-6400.

It's OK with me - they are nice people & will do a good job - just hope it doesn't get too high (tall)

Florence Stenhouse
6311 SE 27 (next door)
Mercer Island

CITY OF MERCER ISLAND, WASHINGTON

DEPARTMENT OF COMMUNITY DEVELOPMENT

PUBLIC HEARING NOTICE

An application for a Zoning Variance has been filed with the City of Mercer Island Hearing Examiner. As an owner of property in the vicinity of the requested Variance, you are being notified of a Public Hearing on this application, to be held at the Public Safety Building Conference Room, 3505 88th Avenue S.E., at 1:30 p.m., Friday, May 26, 1978.

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Request two variances of 2,400 square feet and 3,075 square feet, respectively, to create two lots in an R-8.4 zone.

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If you have any other questions concerning this matter prior to the Hearing, please contact Miss Inez Potwin, Department of Community Development, 232-6400.

3505 88th Avenue S.E. • Mercer Island, Washington 98040 • (206) 232-6400

Gregory/Alkire property in Albertson Acft.

Mr. Dennis Alkire - 926-12th Ave. East, Seattle 98102
Mr. John W. Gregory - 6347 Sand Point Way N.E., Seattle 98115

Resident 2452 63rd Ave. S.E.
2456
2462
2708
2716
2724
2728
2703
2715
2719
2727
2735
2445 64th Ave. S.E.
2447
2453
2459
2450
2454
2460
6314 S.E. 27th St.
6311
2707 64th Ave. S.E.
2711
2719
2727
2449 63rd Ave. S.E.
2469
6206 S.E. 27th St.

OVER →

Resident ~~6706 S.E. 27th St.~~

2718 62nd Ave. S.E.

2724

2728

2736

34

CITY OF MERCER ISLAND
PUBLIC NOTICE

HEARING EXAMINER

Zoning Variances

Notice is hereby given of a Public Hearing before the Mercer Island Hearing Examiner, May 26, 1978, beginning at 1:30 p.m. at the Public Safety Building Conference Room, 3505 88th Avenue S.E., which will include applications by:

John Gregory/Dennis Alkire
2704 - 63rd Avenue S.E.
Request variances of 2,400 sq. ft. and 3,075 sq. ft., respectively, to create two lots in an R-8.4 Zone.

Information pertaining to these applications is on file with the Department of Community Development, 3505 88th Avenue S.E. Phone 232-6400.

Jack Bunnell
City Clerk

Published May 11, 1978 in the MERCER ISLAND REPORTER.

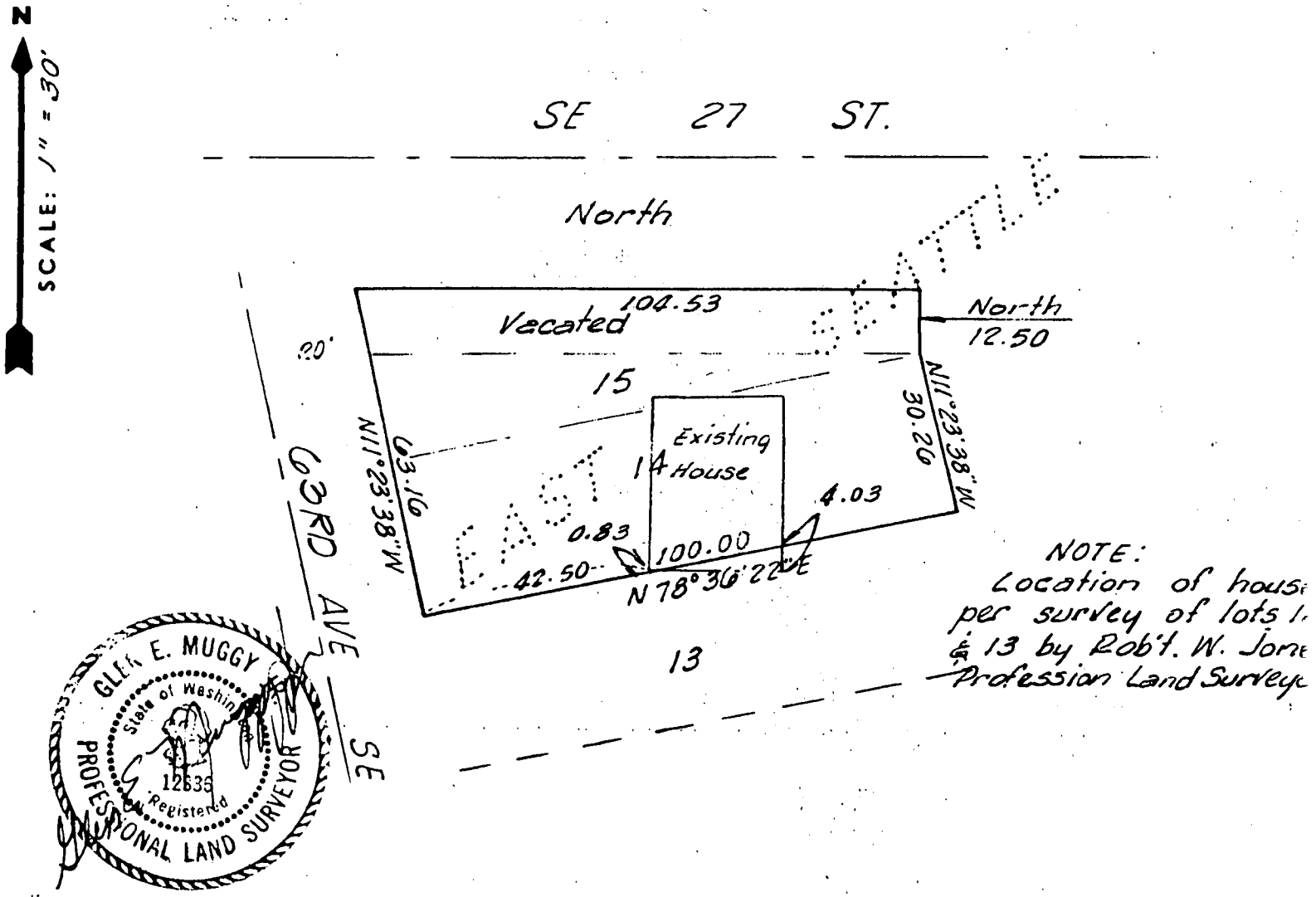
Job No. 78-149

Survey for Dennis Alkire

Address 926 - 12th Ave. E., Seattle, Washington 98102

Legal Description: Lots 14 & 15, and a portion of vacated street adjoining, Block 21, East Seattle, according to plat recorded in Volume 3 of Plats, page 23, records of King County, Washington

Area - 5324.496 □' or .122 Ac.

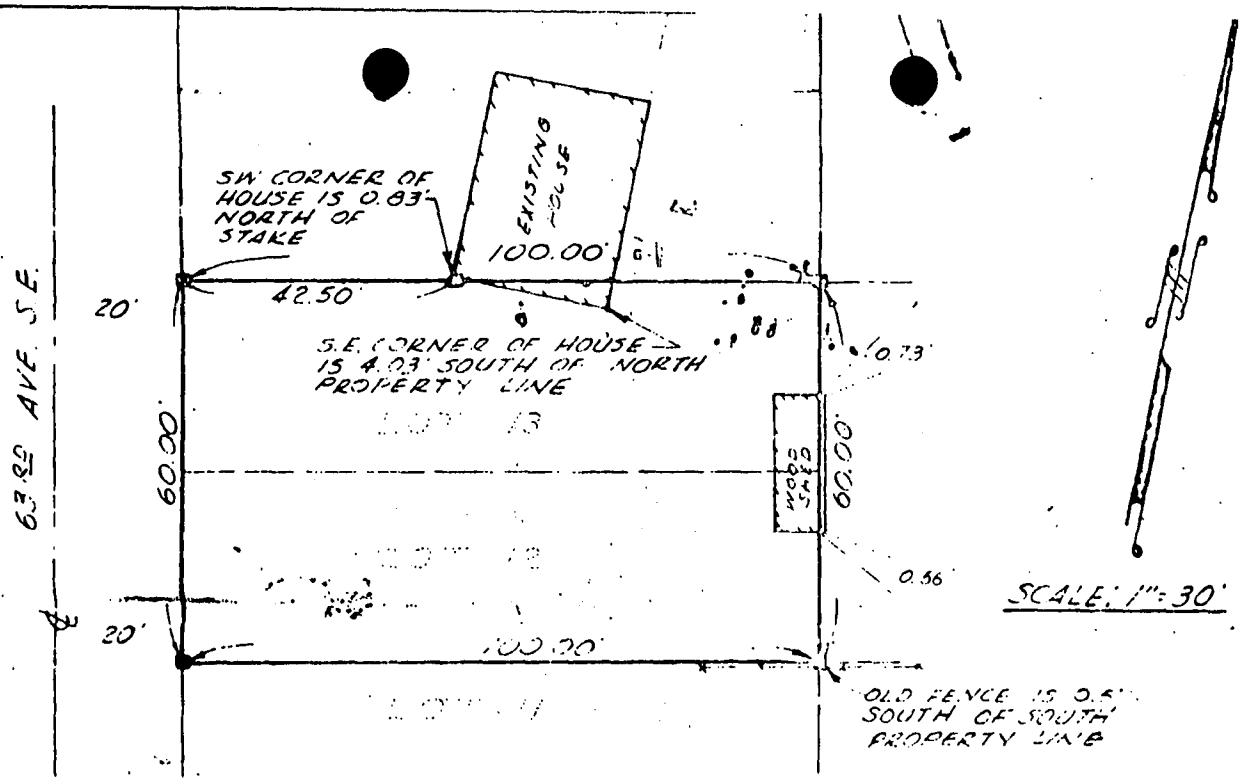


NOTE:
Location of house per survey of lots 1
& 13 by Rob't. W. Jone
Profession Land Surveyo

Field	
Office	TC
Checked	
Property Corners	
Date	April 21, 1978

TRIAD ASSOCIATES

846-108th Ave. NE Bellevue, Wa. 454-0711



■ - DENOTES STAKE SET

I certify that this survey of Lots 12 and 13, Block 21, East Seattle is correct according to Plat thereof recorded in Volume 3 of Plats, page 22, records of King County, Washington and that there are no encroachments except as shown on above sketch.

Job #1152
FB 124-A, page 39
1/20/58

ROBERT W. JONES
STATE OF WASHINGTON
REGISTERED
Professional Engineer & Land Surveyor

ROBERT W. JONES
PROFESSIONAL ENGINEER
& LAND SURVEYOR
232-5282

CITY OF MERCER ISLAND
Department of Community Development

B-1

APPLICATION FOR VARIANCE

(Note to Applicant: Before preparing the application, please read information and instructions on Page 4.)

Name of Applicant: Alkire / Gregory

Mailing Address: 926 12 th. Ave. E. Seattle, WA. 98102

Phone: work 454-3344 home 329-2605 Date of Filing: 24 April 1978

TO THE HEARING EXAMINER:

The undersigned applicants (~~is~~/are) the owners of the property described as follows:

Alkire: Lots 14 and 15, and a portion of vacated street adjoining, Block 21, East Seattle, Gregory: Lots 12 and 13, Block 21, East Seattle. Both properties according to plat recorded in Volume 3 of Plats, pages 22 and 23, King Co. WA.

(Give legal description, including lot, block, tract, etc.)

The property for which this application is made is located at: (Give street address, if any, or location by reference to streets, alleys, property lines, etc.)

The north-west corner of Block 21, East Seattle, bounded on the west by 63rd Ave. S.E., and on the north by ~~XXXXXX~~ S.E. 27th. Addresses are 2704 (Alkire) and 2708 (Gregory) 63rd Ave. S.E..

Above-described property was acquired by applicant on the _____ day of _____, 19___. The present zoning of subject property is: R-8.4.

See attached description of acquisition.

REQUEST: Applicants request a variance on the above-described property for the following reasons. State exactly what is intended to be done on, or with, the property which does not conform to existing zoning regulations. State precisely what adjustment is sought.

The applicants request a variance on the area of the owned property, confirming the existance of each being a legal lot. It is the intention of Mr. Alkire to replace the old house on his lot with a new single-family personal home. Mr. Gregory"s house and lot will not change.

NOTE TO APPLICANT: The Hearing Examiner is required by law to make written findings of fact from the showing applicant makes, from testimony or evidence, and from information contained on this form that, beyond reasonable doubt, the below enumerated conditions apply to the subject property. State in detail in what respects the facts pertaining to the property or its intended use meet these required showings. (Use additional sheets, if necessary.)

1. That because of the conditions recited below, there are special circumstances applicable to the particular lot or tract, such as size, shape, topography, location or surroundings, trees or ground cover or other physical conditions:

The subject properties are part of the early King County plat and conform with this plat. Seperate dwellings have occupied each lot since before 1959.

2. The granting of the variance will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property:

The neighborhood character reflects the early plat. The variance permits continued use of the lots consistant with the surrounding properties.

3. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated for the following reasons:

The variance will allow for improvement of property which benefits the community.

4. The granting of the variance will not conflict with the general purposes and objectives of the comprehensive general plan for the following reasons:

All elements of the comprenhisive plan are satisfied. Land use and density remain unchanged. The request is consistant with lot sizes in the area.

5. Can subject property not be reasonably used under the provisions of the zoning ordinance? If your answer is "no," explain why:

No. The origional platted lots do not conform with the current lot size requirements, but do conform to the existing neighborhood. By recognising two separate legal lots the variance will permit the replacement of a single-family residence which will improve the appearance for the neighborhood.

A F F I D A V I T

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

John N. Gregory & Dennis J. Alkire, being duly sworn, depose and say that we are the owners of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are, in all respects, true and correct to the best of our knowledge and belief.

John N. Gregory
(Owner) ~~[illegible]~~ 6347 - SAND PT. WAY NE. SEATTLE 98115

Dennis James Alkire
(Owner) 926 12th Ave E Seattle 98102

Mr. Gregory / Mr. Alkire work
522-2468 / 454-3344
(Telephone)

(Mailing Address)

Subscribed and sworn to before me this 24th day of April, 1978.

Edith C Berry
Notary Public

****

C E R T I F I C A T I O N

This is to certify that the foregoing application has been inspected by me and found to be thorough and complete in every particular and to conform to the rules and regulations of the Hearing Examiner governing the filing of such application.

By: [illegible]
Staff for the Hearing Examiner

NOTE TO APPLICANT: Before preparing the foregoing application, please read the following:

The City of Mercer Island Hearing Examiner holds two public hearings a month, in the afternoon, on the second and fourth Thursdays. Applications to be heard at a Public Hearing must be filed with the Department of Community Development at least 30 days prior to these dates.

a. The next Public Hearing date is: _____

b. The last day to file for this Public Hearing is: _____

REQUIREMENTS FOR FILING AN APPLICATION FOR VARIANCE

1. Filing Fee (Ordinance No. 15)
2. Application Form
3. Assessor's Map or Maps
4. Plot Plans (2 copies)
5. Photographs, and other exhibits are optional

1. City of Mercer Island Ordinance No. 15, Sec. 21, Sub. Sec. 21.05 requires a filing fee of $50 to be paid at the time of filing application for a variance. This fee is to assist in covering the cost to the City for the advertising, investigations, work, and handling of the application through its various stages.

2. In preparing your application all questions must be answered accurately and neatly. THIS IS AN OFFICIAL DOCUMENT, AND, THEREFORE, MUST BE KEPT IN GOOD ORDER. The application must be filled out completely with answers to each question. The application must be signed by the owner(s) of property before a Notary Public. Signature of owners of property contiguous to subject property may be secured, if desired, but these signatures are not required. If signatures of persons other than the owner of property making the application are offered in support of, or in opposition to, the application, they may be received as evidence of their opinion in the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the City of Mercer Island.

3. An Assessor's map or maps, showing each lot with 300 feet of the exterior boundaries of subject property, must accompany the application. These maps may be purchased for a nominal fee at the Department of Public Works, Ninth Floor, King County Administration Building, Seattle. Do not mutilate by cutting or drawing on these maps.

4. Two (2) PLOT PLANS showing the exact dimensions of the property to an appropriate engineer's scale (1"=20', 1"=50', etc.), all existing and proposed buildings or improvements and their setbacks, adjoining streets, roads and highways, access points, fencing, and any other information that will illustrate your proposal. If new building construction is involved, a floor plan showing conditions and proposed changes should be submitted. Tree and ground cover, watercourses or other natural features should be included.

Five (5) foot contours and a profile (cross section) must be shown on each plot plan when a topographical hardship may exist. The profile reference line must also be shown. These must be in ink or blue line prints on a good grade of paper.

5. PHOTOGRAPHS of the property involved on a scale large enough to illustrate the subjects under discussion are always helpful to the Hearing Examiner and are suggested as exhibits with this application.

When the above requirements are met, file the APPLICATION, MAP, PLOT PLANS AND FILING FEE with the Hearing Examiner representative, City Hall, 3505 88th Avenue S.E., Mercer Island, WA. This should be done in person and not by mail. The application must be complete in every respect, with ALL questions and demands answered, before it can be received and certified.

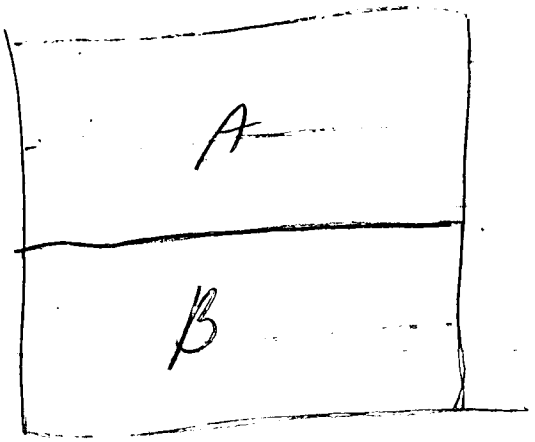
Regarding variances, the Hearing Examiner has authority to take final action under Resolution No. 742. Any action may be appealed to the City Council under procedures set up by the Council.

ATTACHMENT TO APPLICATION FOR VARIANCE

ALKIRE / GREGORY

Description of acquisition

Mr. Gregory's mother owned both lots from 1925. The house on the north lot existed at that time. Mr. Gregory and his sister co-owned the lots from 1949. In 1958 Mr. Gregory bought his sisters share of the south lot and built a house that same year. In 1964 he bought his sisters share of the north lot. Mr. Alkire bought the north lot in 1976.



B

Mr. Jeffery was deeded ½ interest in "B" in 1953. (no house on property)
Bought other ½ interest in "B" in 1957.
Built new house on "B" in 1958.
(Bank mortgage) (mortgage paid 1958) MB

A

Mr. Jeffery deeded ½ interest in 1953 (house on property at that time)
Bought other ½ interest from estate in 1964.
(his mother owned house & lived there 1935 to 1949 or 1950)
(Cottages rented from 1950 to 1976 when sold to Mr.)

Houses originally owned 1950 - occupied by separate families -

17 April 1978

Verry Bacon
Planning Dept
City of Mercer Island
3505 88th Ave. S.E.

Re: Lot with house at 2704 63rd. Ave. S.E..

Dear Mr. Bacon,

In Sept 1976 my wife and I agreed to purchase the above referenced property from John & Elenore Gregory. This Real Estate contract was fulfilled in January 1978.

Our Legal Description is: Lots 14 and 15, and a portion of vacated street adjoining, Block 21, East Seattle, according to plat recorded in Volume 3 of Plats, page 23, in King County, Washington. Our lot has a very old cabin on it, which we lived in until late last fall. The adjacent property to the south (Lots 12 and 13) is owned by the Gregorys, and it has an occupied dwelling on it.

This summer we wish to take the cabin down and replace it with a single-family residence for ourselves. The past ownership of the properties and our lot sizes are the problems. We respectfully request a ruling on these matters.

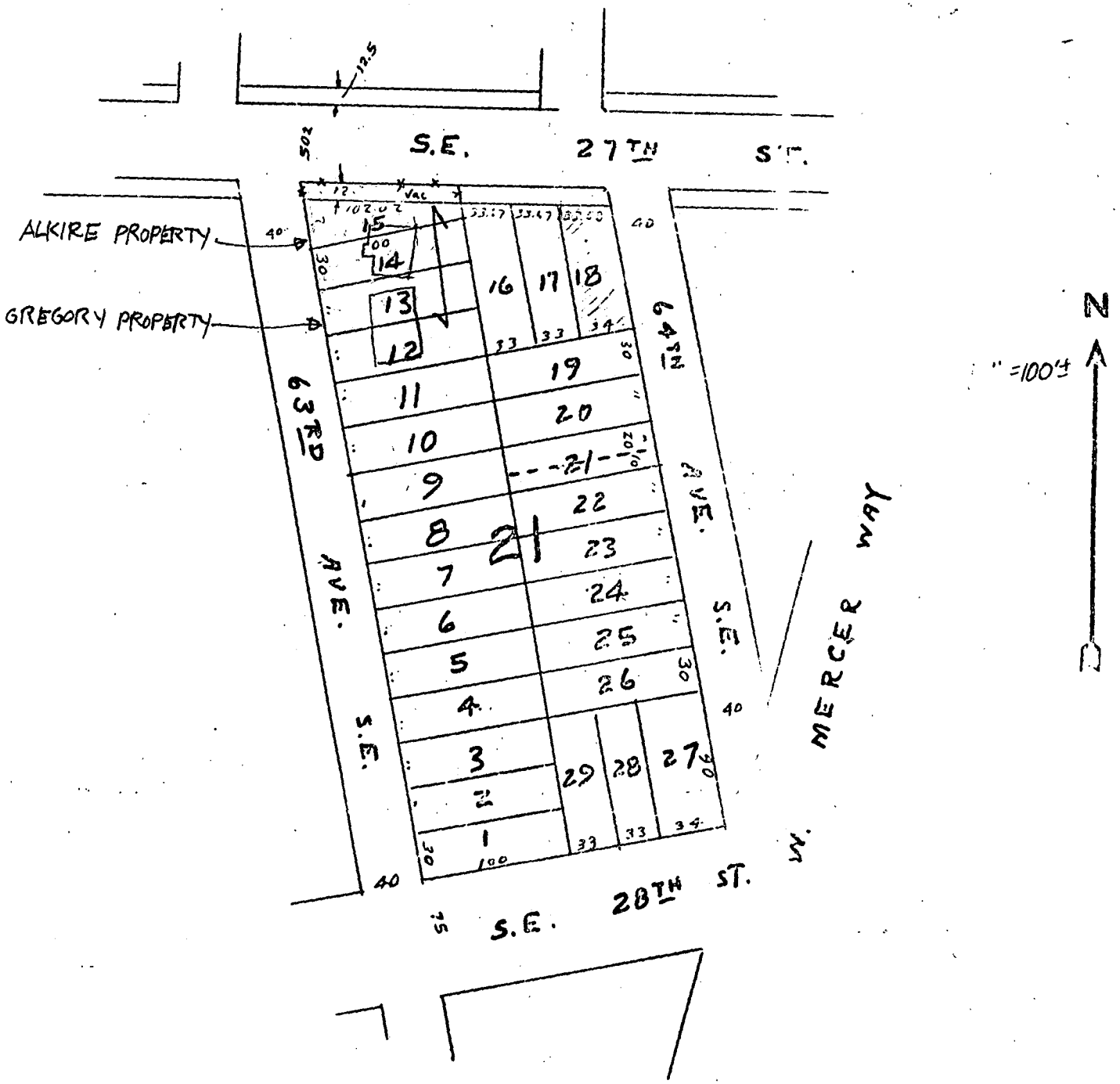
I am enclosing a copy of a Quit Claim Deed for the subject property (our portion) issued to the Gregorys in 1964, and the plat drawing of Block 21, East Seattle.

Thank you for your assistance. Please contact me if there is additional information I can provide. My work number is 454-3344.

Sincerely,

Dennis Alkire
926 12th Ave. E.
Seattle, WA. 98102

This sketch is not based upon a survey of the property described in Order No. of Safeco Title Insurance Company of Washington. It is furnished without charge solely for the purpose of assisting in locating the said premises. It does not purport to show all roads or easements. The Company assumes no liability for inaccuracies therein.



ALL LOT DIMENSIONS ARE ACCORDING TO PLAT; EXCEPT WHERE OTHERWISE INDICATED.

LAWYERS
TITLE INSURANCE
CORPORATION
SEATTLE, WASHINGTON

Filed for Record at Request of

NAME John F. Gregory

ADDRESS 4103 - 49 W. F.

CITY AND STATE Seattle, Wash. 98105

THIS SPACE RESERVED FOR RECORDER'S USE

1965 DEC 5 PM 3 40

Quit Claim Deed

THE GRANTOR Florence Violet Moseley, a widow, of Cameron County, Texas, for an in consideration of one (1.00) dollar, and other good and valuable considerations

~~the receipt whereof is hereby acknowledged~~

convey and quit claim to John F. Gregory and Eleanor B. Gregory

the following described real estate, situated in the County of King State of Washington, including any after acquired title:

Lots Fourteen (14) and Fifteen (15), and a portion of vacated Street adjoining, Block Twenty-one (21) East Seattle, according to plat recorded in Volume Three (3) of Plats at page Twenty-three (23) of the records of King County, State of Washington.

SALES TAX LIEN PAID

M. J. R. WILLIAMS
COUNTY TREASURER

Dated this 16th day of December, 1964

Florence Violet Moseley (Seal)

(Seal)

The State of Texas
~~XXXXXXXXXXXXXXXXXX~~
County of Cameron } ss.

On this 16th day of December, 1964, before me, the undersigned, a Notary Public in and for the State of ~~Washington~~ Texas, duly commissioned and sworn, personally appeared

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged to me that she signed and sealed this said instrument as her free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 16th day of December, 1964

Shirley R. Shirley
Notary Public in and for the State of ~~Washington~~ Texas
residing at Port Isabel, Cameron County, Texas

DEC 5 - 1965