

CITY OF MERCER ISLAND
Hearing Examiner

STAFF REPORT



APPLICANT: SHIRLEY MCGILL - MIV-85-15

LOCATION: 7421 WEST MERCER WAY

ZONING: R-15 (SINGLE-FAMILY RESIDENTIAL)

APPLICABLE SECTIONS
OF CODE: SECTIONS 19.04.0504(E), 19.04.020(Lot), AND 19.04.1404

HEARING DATE: JUNE 21, 1985

PREVIOUS ACTION: NONE

EXHIBITS: APPLICATION; VICINITY MAP; PROPOSED SHORT PLAT;
PLAT OF VILLA MARBELLA; CURRENTLY APPROVED SHORT PLAT

RESPONSIBLE STAFF: SHANNON HART, DEPT. OF COMMUNITY DEVELOPMENT

REQUEST: VARIANCE OF 2,030 SQUARE FEET IN ORDER TO SHORT
SUBDIVIDE 1.45 ACRES INTO FOUR LOTS, EACH AVERAGING
14,493 SQUARE FEET IN AREA

STAFF SUMMARY:

1. It is proposed to resubdivide a recorded three-lot short plat into four lots, each averaging 14,493 square feet in area. Each of the lots would comply with the lot width and depth requirements of the Mercer Island Zoning Code. Each of the residences constructed on said lots would comply with the setback requirements of the Mercer Island Zoning Code.
2. The subject property was initially short platted into three lots, each exceeding 15,000 square feet in area, in 1978. In 1980, the subject short plat was revised in conjunction with the plat of Villa Marbella (to the north of the subject property), in order to accommodate the construction of a common access road serving both Villa Marbella and the western portion of the subject property. According to City records, the subject property was considered essentially a part of the Villa Marbella plat. However, since the properties were separately owned, the City approved separate subdivisions. The common access easement served both the public and the property owners' interest by requiring less roadway within a steeply sloping area.

In 1983, the subject short plat was further revised to create three lots of 27,350, 14,739, and 13,155 square feet in area, and an open space tract of 2,725 square feet in area.

3. The seven-lot plat of Villa Marbella occurs to the north of the subject property. Said lots average 13,315 square feet in area (inclusive of open space Tract B, but exclusive of access and semi-private waterfront

tracts A and C). Lot areas less than 15,000 square feet in the McGill Short Plat and in the plat of Villa Marbella were approved under the lot averaging provisions of the Mercer Island Subdivision Ordinance.

4. Lots within the "Small Short Plat", immediately to the south of the subject property are 15,007, 15,251, and 24,550 square feet in area. The applicant has investigated the possibility of acquiring a portion of said 24,550 square foot lot in order to short subdivide the subject property into four lots averaging 15,000 square feet in area. The affected property owner to the south has indicated that (s)he would prefer to support the requested variance, than to enter into a lot line revision which would require that lot lines be irregularly gerrymandered and that easements for existing improvements (i.e., trails, recreational facilities) be created.
5. The applicant has investigated the possibility of releasing a portion of the access easement serving the subject property and Villa Marbella in order to short subdivide the subject property into four lots averaging 15,000 square feet in area. The City Engineer has agreed that 2,341 square feet of said access easement are unnecessary for access purposes, if utility easements are retained. The applicant has been unable to obtain the consent of all of the property owners within the plat of Villa Marbella which is required in order to release the easement.
6. The eastern portion of the subject property (i.e. proposed Lots B1A and B1B) is gently sloping downward towards Lake Washington (to the west). The western portion of the subject property (i.e. existing Lots B2 and B3) is steeply sloping. Single family residences surround the subject property. The single-family residence to the east of the subject property is considerably higher in elevation than the subject property, and is separated from the subject property by a retaining wall and play area. Residential lots to the north of the subject property in the plat of Villa Marbella are screened from the subject property by an open space tract (Tract B, Villa Marbella) and existing vegetation. An access easement and driveway separate the subject property from residences to the south.
7. According to the proposed short plat map, the fourth (currently unapproved) building pad on the subject property would occur between the existing residence and the retaining wall to the east of the subject property.
8. The subject property and surrounding properties occur in a R-15 zone. Section 19.04.0504(E) of the Mercer Island Zoning Code requires a minimum lot area of 15,000 square feet in a R-15 zone.
9. Section 5(H)(8) of the City's Subdivision Ordinance allows for an average lot size of 15,000 square feet (11,250 square feet minimum) in a R-15 zone if certain performance standards are met. The applicant intends to utilize the lot averaging provisions of the City's Subdivision Ordinance to create four lots, each averaging 14,493 square feet in area. Because

said lots would not average 15,000 square feet in area, variances averaging 507 square feet per lot are required in order to accomplish the applicant's objectives.

10. Section 19.04.1404(B) of the Mercer Island Zoning Code lists the following criteria for variance approval:
 - (a) That 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, installation of a solar energy system, or the orientation of a building for the purpose of providing solar access;
 - (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 of development of adjacent property; and
 - (d) The granting of the variance will not conflict with the general purposes and objectives of the Comprehensive Plan.
11. Section 19.04.1404 (Mercer Island Zoning Code) sets forth the procedures for rendering decisions on requests for zoning variances. In accordance with the procedural requirements of Section .1404(A), (Mercer Island Zoning Code, a public hearing on the subject variance request was scheduled within 35 days of the date the request was received by the Planning Department. Notice of the public hearing was published in the Mercer Island Reporter on June 11, 1985 and sent to surrounding property owners within 300-feet of the subject property on June 10, 1985.
12. The subject variance is categorically exempt from the threshold determination requirements of the State Environmental Policy Act (RCW 43.21C).

RECOMMENDED CONCLUSIONS:

1. The subject variance is consistent with all of the criteria for variance approval required in Section 19.04.1404(B), Mercer Island Zoning Code.
 - a) The average lot size of 13,315 square feet in the neighboring plat of Villa Marbella, the excess area within the access easements traversing the subject property which are not necessary for access, and the illogical lot configuration that would result from a lot line revision between the subject property and the property to the south are special circumstances which support approval of the requested variance.
 - 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 of the subject property. The applicant's proposal will not create lots different in size and shape than surrounding properties.

Future development of the proposed lots with residential structures, upon approval of the requested variance, will not result in significant adverse visual impact to the adjoining properties. The view from the residence to the east of the proposed additional building site will not be obstructed due to the difference in elevation. Surrounding properties to the north and south of the proposed additional building site are screened from said building site by existing vegetation and streets.

- c) The granting of the variance will not alter the character of the neighborhood or impair use or development of neighboring properties. The size and shape of the proposed lots are consistent with the established pattern of residential development in the neighborhood. The applicant's proposal will not change the permitted use of the subject property, nor alter the amount of light, air, or other amenities enjoyed by adjacent properties.
- d) The granting of the variance will not conflict with the general purposes and objectives of the Comprehensive Plan. The density of the area will not be increased and the established patterns of land use will not be disrupted.

RECOMMENDED DISPOSITION

On the bases of the foregoing recommended findings of fact and conclusions, the Planning Department recommends that the requested variance be APPROVED.