



BEFORE THE MERCER ISLAND CITY COUNCIL

IN THE MATTER OF THE APPEAL FROM  
THE FINDINGS AND DECISION OF THE  
CITY OF MERCER ISLAND PLANNING  
COMMISSION APPROVING THE VARIANCE  
REQUEST OF MRS. A. LAWRENCE BANKS,  
7432 NORTH MERCER WAY, MERCER  
ISLAND, WASHINGTON.

FINDINGS AND ORDER

Findings

1. At the regular City Council meeting on June 11, 1979 a public hearing has held to consider an appeal of the findings and decision of the City of Mercer Island Planning Commission approving variance requests pursuant to application therefore by Mrs. A. Lawrence Banks, 7432 North Mercer Way, Mercer Island, Washington.
2. The applicant requested the following variance to be granted by the Planning Commission:
  - (a) 1,100 square feet of the required 12,000 square foot minimum lot size in an R-12 zone for one lot of a proposed two lot short plat;
  - (b) The upland lot also requires a width variance of 10 feet from the 75 foot minimum width standard;
  - (c) The short plat would result in having the waterfront lot 64 feet in width, thus requiring a width variance of 11 feet for that lot.
3. At the Planning Commission hearing which was held on May 16, 1979, the City of Mercer Island Planning Commission granted the following variance to the applicant, Mrs. A. Lawrence Banks:
  - (a) 1,100 square feet of the 12,000 sq. feet required minimum lot size;
  - (b) A width variance for 10 feet of the required 75 foot minimum for the waterfront lot in a proposed two lot short plat.
  - (c) A width in variance for 11 feet of the required 75 foot minimum for the waterfront lot in a proposed two lot short plat.
4. A letter of appeal was timely filed and the public hearing was duly and properly scheduled to be heard before the Mercer Island City Council on June 11, 1979.

5. At the public hearing the following testimony was received:

- (a) Testimony from attorney Hugo Oswald representing neighboring property owners as appellants;
- (b) Testimony from attorney Peter Banks representing the variance applicant, Mrs. A. Lawrence Banks;
- (c) Staff presentation by Gerald Bacon, Director of the Department of Community Development.

6. After the public hearing was closed and after discussion among council members it was found that:

- (a) The applicant failed to demonstrate with regard to the property that certain special circumstances exist, such as shape and size;
- (b) Allowance of an additional lot would result in additional vehicular traffic onto a designated arterial;
- (c) Development of the proposed additional lot would alter the character of the neighborhood;
- (d) The density increase resultant from the variances would be in conflict with the comprehensive plan;
- (e) The density variance is in conflict with the long standing history of development associated with the neighborhood properties abutting Lake Washington and sharing a R-12 zoning classification;
- (f) The lot width variances are in conflict with the intent of the minimum building area rectangle standards as set forth in the Subdivision Ordinance.

7. It was moved by Councilman Rasmussen, seconded by Councilman Bland, that the appeal by David Pollock, et al be upheld since the application has failed to meet the required showing for a zoning variance under Section 18.02 of the City Zoning Code as amended, thus disaffirming the action of the Planning Commission.

NOW, THEREFORE, it is hereby ordered by the Mercer Island City Council as follows:

1. The findings and decision of the Mercer Island Planning Commission approving the variance application of Mrs. A. Lawrence Banks is hereby disaffirmed; and

2. The variance application of Mrs. A. Lawrence Banks is hereby denied.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1979.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Jack W. Bunnell, City Clerk