



CITY OF MERCER ISLAND
Department of Community Development

STAFF REPORT



APPLICANT: Richard Newman

LOCATION: Approx. 4018 East Mercer Way

ZONING: R-9.6

APPLICABLE SECTION OF CODE: §19.04.0502(E)

PREVIOUS ACTION: Williams Short Plat, 1973 and subsequent litigation

HEARING DATE: March 10, 1988

EXHIBITS: 1-Staff Report; 2-Uicinity Map;
3-Existing Survey; 4-Proposed Easement;
5-Photos; 6-Application; 7-Letter from H.
Hall, 2/9/88

RESPONSIBLE STAFF: Scott Greenberg, AICP

REQUEST: Variance of minimum required lot width and depth

STAFF SUMMARY:

The planning staff, having reviewed the subject property and reviewed the evidence presented to date, recommends that the Hearing Examiner make the following Findings of Fact and Conclusions:

RECOMMENDED FINDINGS OF FACT:

1. The applicant has requested two variances: reduction of required lot width on Lot 1, Williams Short Plat from 75' to 61'; reduction of required lot depth on Lot 2, Williams Short Plat from 75' to 61'. Both lots are located north of 4018 East Mercer Way.
2. The purpose of the variances are to allow construction of an alternate access to lots 1,2 and 3 of the Williams Short Plat. Lot 4 and the lot to its' east would continue to obtain access from the existing easement on the south side of lot 4.
3. The existing easement is 12' wide, with about 10' of paving. The easement can serve 4 lots (Lots 2,3,4 and the lot to the east of lot 4). Present City standards call for a minimum paved width of 12' for a road serving 4 units. A dozen evergreen trees are located along the southern edge of the existing easement, providing screening for lot 2 and the lot to the south.

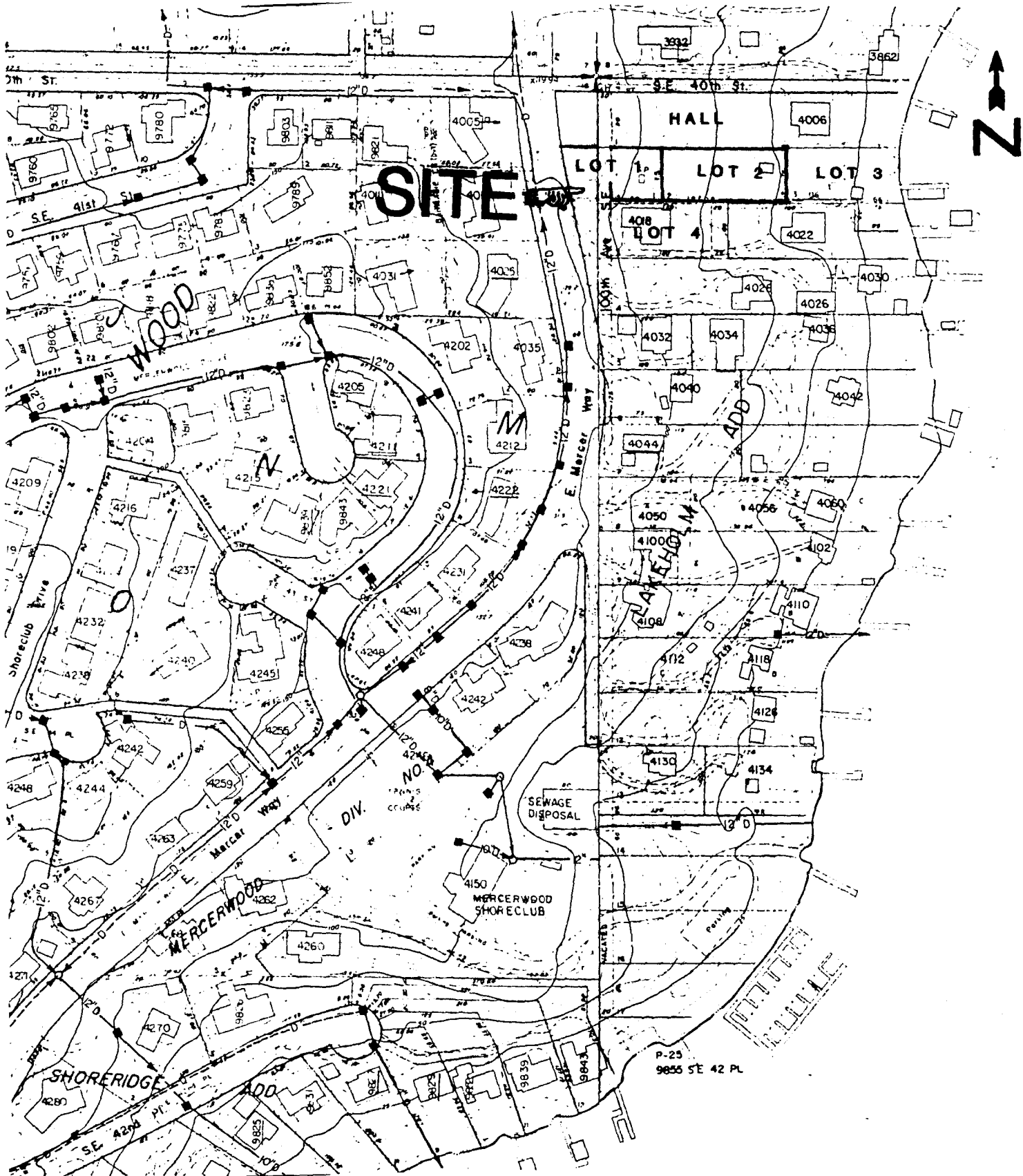


EXHIBIT A

PROPOSED UTILITY EASEMENT

--- 267.00' ---

S 88°39'45" E

20

N 86°32'01" W

56.37

40.70

12°31'12"

8°25'37"

40.86'

PROPOSED UTILITY ESM T.

TO BE SUBJECT TO ESM T FOR INGRESS & EGRESS.

80.00'

40.60'

35.50'

N 86°32'01" W

EXISTING DRIVEWAY

N 101°15'55" W

100 7¹¹ AVE. S. E.

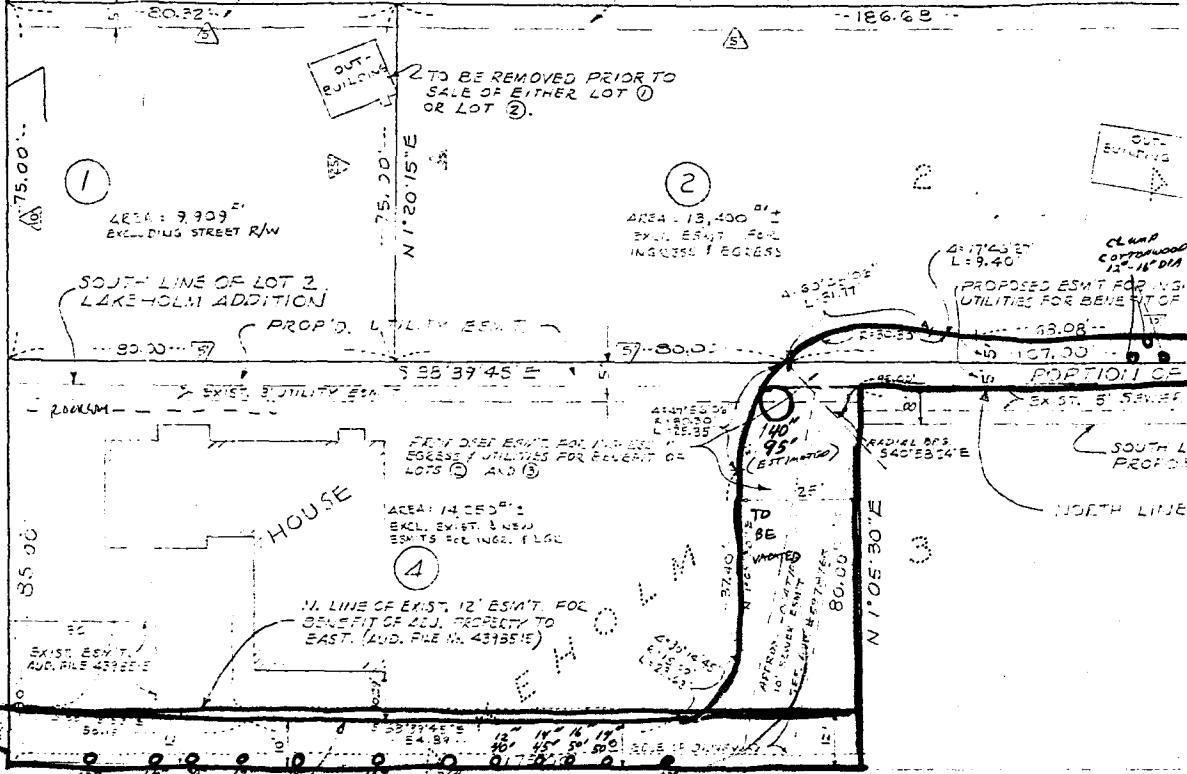
N 1°05'30" E

85.00'

20

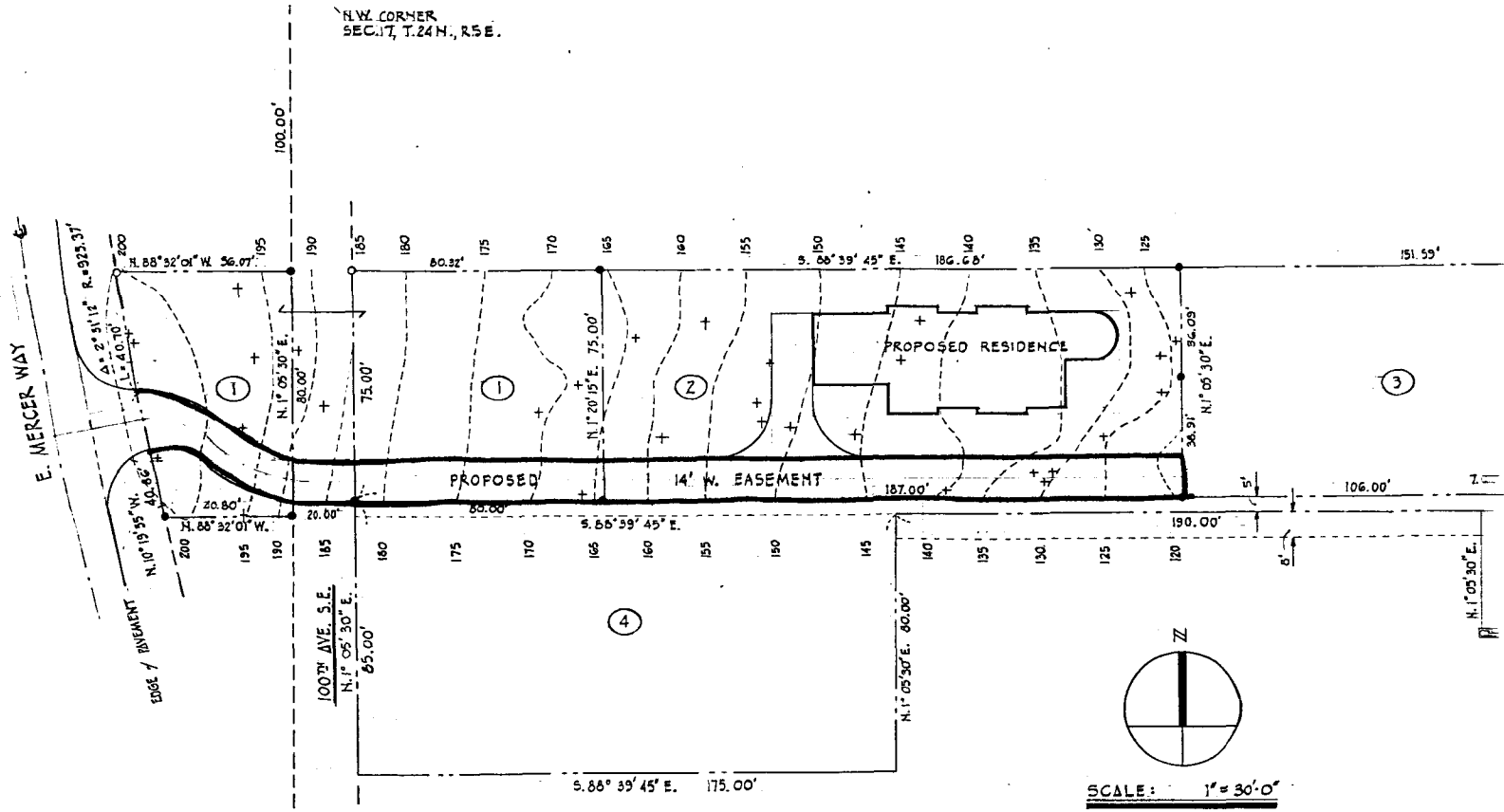
30

TWENTY E. MERCEY WAY & 100TH AVE. TO COUNTY, THE RIGHT-OF-WAY HAS BEEN RECORDED UNDER KING CO. J FILE NO. 8018350.



NORTHERLY LINE OF PROPOSED ESM T. FOR INGRESS, EGRESS AND UTIL. FOR BENEFIT OF LOTS (2) AND (3)

4



LEGAL DESCRIPTION:

LOTS 1, 2 & 3 / THE WILLIAMS SHORT PLAT AS APPROVED OCTOBER 29, 1974 BY THE CITY / MERCER ISLAND. LOCATED IN N.E. 1/4 / THE N.E. 1/4 / SEC. 18, T. 24 N., R. 5 E., W.M. & THE N.W. 1/4 / THE N.W. 1/4 / SEC. 17, T. 24 N., R. 5 E., W.M.

NOTE:

SAID SHORT PLAT IS A SUBDIVISION / LOT 2

LEGEND

- ⊕ EXISTING MONUMENT
- IRON PIPE
- IRON PIPE
- + EXISTING TREES (5'+)

(a) Special circumstances applicable to the subject property which support approval of the requested variance are: the existing row of trees south of the existing roadway, which should be saved.

(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 proposed site plan is appropriate for the lot and neighborhood, and appears to have neighborhood support--unusual for creation of a new roadway.

(c) The granting of the variance will not alter the single-family residential character of the neighborhood nor impair the single-family residential development of adjacent property.

(d) The granting of the variance will not conflict with the general purposes and objectives of the Mercer Island Comprehensive Plan. The subject property is zoned for single-family residential development. Density of the subject property and neighborhood will not be affected by the granting of the variance.

RECOMMENDED DISPOSITION

On the basis of the foregoing recommended Findings of Fact and Conclusions, the Planning Department recommends that the requested variance be APPROVED, as shown on Exhibit 4, subject to the following conditions:

1. An accurate, dimensioned set of construction drawings indicating specific grading, tree retention, drainage and paving plans must be submitted for City review and approval.
2. Prior to approval of the road plans required in Condition 1, the applicant must provide for at least 9600 square feet of land for Lot 1.

S6(3/2)

4. The applicant proposes to construct a parallel easement along the south side of Lots 1 and 2, serving lots 1, 2, and 3. This easement would reduce actual lot width on lot 1 to 61' and depth on lot 2 also to 61'. Variances to allow these reductions are being requested. This easement would also reduce lot area below the required 9600 square feet on Lot 1. This problem will be solved by either a lot line revision with lot 2 or vacation of the unopened 100th Av. S.E. right-of-way.

5. A letter of support from the neighbor north of Lots 1 and 2 is attached (Exhibit 7).

6. 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.

7. Section 19.04.1404, Mercer Island zoning code, sets forth procedures for rendering decisions on requests for zoning variances. In accordance with the procedural requirements of Section .1404(A), a public hearing on the subject variance 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 February 24, 1988 and sent to surrounding residents within 300 feet of the subject property on February 26, 1988.

8. The subject variance is categorically exempt from the threshold determination requirements of the State Environmental Policy Act (RCW 43.21C).

9. The Examiner will issue his written decision within 14 calendar days of the conclusion of the hearing. This decision may be appealed to the City Council within 10 days after the Examiner's written decision has been received by the City. See Zoning Code Section 19.04.1404(A)(9) for further information.

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.



6/19/89



6/19/89



CITY OF MERCER ISLAND, WASHINGTON
P.O. Box 1440 • Mercer Island, WA 98040-1440