



CITY OF MERCER ISLAND, WASHINGTON

DEPARTMENT OF COMMUNITY DEVELOPMENT

March 25, 1988

Mr. Richard Newman
4018 East Mercer Way
Mercer Island, Washington 98040

Dear Mr. Newman:

RE: Variance Request File No. MIV-88-03

Dear Mr. Newman:

On March 24, 1988, the Mercer Island Hearing Examiner approved your variance request. Any aggrieved party may appeal this decision to the City Council, or request that the Hearing Examiner reconsider his decision by filing a written request with the City Clerk no later than 5:00 P.M., April 4, 1988. Please see the attached decision for more information on appeals and reconsideration.

Your variance is valid until March 24, 1989. You must file a complete grading permit/or lot line revision application with the City prior to that date.

If you have any question, please call me at 236-3586.

Sincerely,

Scott Greenberg, ATCP
Principal Planner

SG:jl

Attachement

cc: Ms. Magaera Hodge
Mr. Horace M. Hall
Mr. and Mrs. D. Scott Sandelin

RECEIVED

MAR 24 1988

**DEPARTMENT OF
COMMUNITY DEVELOPMENT**

CITY OF MERCER ISLAND

VARIANCE HEARING EXAMINER

FINDINGS CONCLUSIONS AND DECISION

APPLICANT: Richard Newman

APPLICATION: Variance of minimum required lot width and depth

SUMMARY OF RECOMMENDATION AND DECISION:

Department of Community Development: **Approve with conditions**

Variance Hearing Examiner: **Approve with conditions**

PUBLIC HEARING:

After reviewing the official file which included the Department of Planning and Community Development Advisory Report, and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Newman application was opened at 1:42 p.m., March 10, 1988, and was closed at 1:54 p.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Department of Community Development.

FINDINGS CONCLUSIONS AND DECISION:

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

I. FINDINGS:

The Findings of Fact recommended on pages 1 and 2 of the Department of Community Development Advisory Report (Hearing Examiner Exhibit 1) are found by the Hearing Examiner to be supported by the evidence presented during the hearing, and by this reference are adopted as the Hearing Examiner's Findings of Fact. A copy of said report is attached hereto as Exhibit 1.

II. CONCLUSIONS:

The conclusions recommended by the Department of Community Development as set forth on pages 2 and 3 of the Department's report accurately set forth the conclusions of the Hearing Examiner and by this reference, are adopted as the Hearing Examiner's conclusions. A copy of said report is attached hereto as Exhibit 1.

III. DECISION:

Based upon the foregoing Findings of Fact and Conclusions, the requested variance is 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.
3. All of the existing easement shall be vacated, except that portion of the easement which serves the property now owned by Mr. & Mrs. D. Scott Sandelin.

Entered this 24th day of March, 1988, pursuant to authority granted under 19.04.1404 (A) of the City Zoning Code, Ordinance #A-47 as amended.



Ron McConnell
Variance Hearing Examiner

NOTICE OF RIGHT TO REQUEST RECONSIDERATION OR TO APPEAL:

1. Request for Reconsideration. Pursuant to Section 19.04.1404 (A) (9) of the City Zoning Code, any party to the proceeding who is aggrieved by the decision of the Examiner may submit a written request with the City Clerk within ten (10) calendar days of the date of the Examiner's written decision. Such request shall specify the error of law or fact, procedural error, or new evidence which could not have been reasonably available at the time of the hearing conducted by the Examiner, which is the basis for the request.
2. Appeal. Pursuant to Section 19.04.1404 (A) (10) of the City Zoning Code, any party to the proceeding who is aggrieved by the decision of the 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. Such appeal shall specify the error of law or fact, procedural error, or new evidence which could not have been reasonably available at the time of the hearing conducted by the Examiner, which is the basis for the request.
3. Any request for Reconsideration by the Variance Hearing Examiner or Appeal to the City Council shall be filed with:

City Clerk
City of Mercer Island
3505 - 88th Avenue S.E.
Mercer Island, WA 98040

NOTICE OF TIME LIMITATION UPON APPROVAL OF VARIANCE:

Pursuant to Section 19.04.1404 (A) (8) of the City Zoning Code, a variance authorized by the Examiner shall become void after the expiration of one (1) year from the date of the decision unless:

1. A building permit application conforming to the approved variance is filed with the City; or
2. A subdivision application conforming to the approved variance is filed with the City; or
3. The approved variance specifically provides for a greater authorization period.

MINUTES OF THE MARCH 10, 1988

VARIANCE HEARING ON THE

NEWMAN APPLICATION

Ronald L. McConnell was the Hearing Examiner for this matter. Participating in the hearing was: Scott Greenberg, representing the Department of Community Development; Richard Newman and Megaera Hodge, the applicants; and neighboring property owners, Horace Hall and D. Scott Sandelin.

The following exhibits were offered and entered into the record:

1. Department of Community Development Advisory Report
2. Vicinity Map
3. Existing Survey
4. Proposed Easement
5. Photos
6. Application
7. Letter from H. Hall, dated 2/9/88
8. Letter from D. Scott & Margaret Sandelin dated 3/2/88

PARTIES OF RECORD:

Richard Newman
4018 East Mercer Way
Mercer Island, WA 98040

Megaera Hodge
19215 135th Ave. S.E.
Renton, WA 98058

Horace M. Hall
4006 East Mercer Way
Mercer Island, WA 98040

D. Scott & Margaret Sandelin
4022 E. Mercer Way
Mercer Island, WA 98040

Mr. Richard Newman
4018 East Mercer Way
Mercer Island, WA 98040

Ms. Magaera Hodge
19215 135th Avenue Southeast
Renton, WA 98058

Mr. Horace M. Hall
4006 East Mercer Way
Mercer Island, WA 98040

Mr. and Mrs. D. Scott Sandelin
4022 East Mercer Way
Mercer Island, WA 98040