

Ryan Harriman

From: Charlie Klinge <klinge@sklegal.pro>
Sent: Wednesday, September 16, 2015 5:12 PM
To: Travis Saunders
Cc: Kari Sand; 'can-cherberg@comcast.net'; Ted Burns
Subject: Cherberg Shoreline Permit

Travis:

Sorry, I was out for a few days. In response to your inquiry, I submit the following.

Ted Burns said that the only way to start an application was to upload material and seek a pre-application conference. So, he uploaded the previous materials, which does not provide an opportunity for explanation.

The intention is that the Cherbergs want to file a new application for a Shoreline Substantial Development Permit for the dock. No building permit application at this time; just the Shoreline SDP. The new application would seek to construct a dock in the same design as the first application. However, due to the difference in timing, the new application would be considered under the current, i.e. the new Shoreline regulations—the new SMP.

I am not aware of any City regulation that prohibits a property owner from paying the City to process two applications, even if those applications might be perceived as competing. The Shoreline SDP approval in particular creates no conflict because a building permit is required to construct the dock based on the Shoreline SDP approval. A property owner could have two Shoreline SDP approvals and then decide to seek a building permit on one of those approvals (this is especially true given the long duration of a Shoreline SDP). I know there have been situations where a property owner has sought an alternative permit approval when the first permit approval has been challenged—that is similar to this situation.

In summary, the Cherbergs are seeking to build a dock according to City rules. It has come to our attention that seeking approval under the new SMP may be an alternative approach to obtaining City approval. Importantly, since my client is willing to pay the application fees, I don't see how the City could refuse to process a permit application.

Please let me know if you need any further explanation or a more formal letter. Otherwise, please schedule the pre-application conference with Ted Burns so that this application can be submitted promptly.

Sincerely,

Charlie Klinge

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From: Travis Saunders [mailto:Travis.Saunders@mercergov.org]
Sent: Friday, September 04, 2015 3:28 PM
To: Charlie Klinge
Cc: Kari Sand
Subject: Cherberg Shoreline Permit

Charlie,

Thanks for the phone call. I understand you are wishing to apply for a new shoreline permit for the Cherberg property. The proposal appears to be duplicative of the application you requested to be placed on hold. Can you please clarify?

Best,

Travis Saunders | Senior Planner

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View the status of permits at www.mybuildingpermit.com

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View application and other zoning information [here](#)

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