

September 30, 2022

35653.0101

City of Mercer Island
Community Planning & Development
9611 SE 36th Street
Mercer Island, WA 98040

Re: VAR22-001

Dear Permit Coordinator:

On behalf of Market Place Properties, LLC (“MPP”), applicant under VAR22-001, this letter is submitted in supplementation of MPP’s request for a variance regarding property at 6027 SE 60th Street (“MPP Property”).

MICC 19.06.110(B) sets out the eight criteria for granting a variance. Subsection (d) requires showing that there are special circumstances applicable to the property in question. Examples of special circumstances include size, shape, topography or location of the lot.

As set out in the initial Variance Application, a survey error led to a mistake in the location of the foundation and the encroachment into the setback for which this variance is sought. Ultimately, however, the survey error was the result of a physical feature unique to the MPP Property – a bearing break affecting City survey monuments to the east at the Island Crest Way/SE 60th St. intersection and the monument to the west at the 92nd Ave Se/SE 69th St. intersection. (See, Survey noting “bearing break per Plat of Timberland No. 4” attached at *Exhibit G*). The noted break in bearing is only evident from review of the final plat records. A survey conducted simply by referencing the two physical survey monuments does not disclose the break.

The break in bearing appears to have been missed by a prior surveyor at the property kitty-corner southwest of the MPP Property, at 9016 SE 61st Street (“Neighbor Property”). The survey stake for the northeast corner of the Neighbor Property (the southwest corner of the MPP Property) was placed 5 feet north of the actual property line. (See, *Exhibit G*). Likewise, the north property line for the MPP Property was initially staked approximately 5 feet north of the actual boundary line and the MPP site features (such as the fence) were incorrectly mapped onto the MPP survey map. As such, it can be concluded that MPP’s surveyor relied upon the Neighbor Property’s erroneous survey stake as the beginning point to measure and stake the MPP Property. As a result, the foundation form for the MPP project was staked in a location that encroached into the actual front yard setback.

City of Mercer Island
Community Planning & Development
September 30, 2022
Page 2

The "break in bearing" between monuments is a physical feature unique to the lot location. The survey kitty-corner to the MPP Property failed to account for this physical feature affecting all lots in the block containing the MPP Property, which is a special circumstance unique to these parcels, and warrants variance relief under the facts of this application.

Regards,

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EXHIBIT G

