

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

Subject: Variance application VAR22-001

Mr. Harriman,

My name is Barbara Veldee, I reside at 6006 92nd Ave. S.E.. The following are my comments on the above Variance Application in response to the Public Notice. I do not believe the variance request satisfies variance approval criteria of the Mercer Island City Code as follows:

B. Variances.

1. *Purpose.* An applicant or property owner may request a variance from any numeric standard, except for the standards contained within chapter 19.07 MICC. A variance shall be granted by the city only if the applicant can meet all criteria in subsections (B)(2)(a) through (B)(2)(h) of this section. A variance for increased lot coverage for a regulated improvement pursuant to subsection (B)(2)(i) of this section shall be granted by the city only if the applicant can meet criteria in subsections (B)(2)(a) through (B)(2)(i) of this section.

2. Criteria.

a. The strict enforcement of the provisions of this title will create an unnecessary hardship to the property owner. For the purposes of this criterion, in the R-8.4, R-9.6, R-12, and R-15 zoning designations, an "unnecessary hardship" is limited to those circumstances where the adopted standards of this title prevent the construction of a single-family dwelling on a legally created, residentially zoned lot;

The adopted standards of this title do not prevent construction of a single-family dwelling on the lot.

b. The variance is the minimum necessary to grant relief to the property owner;

c. No use variance shall be allowed;

d.

d. There are special circumstances applicable to the particular lot such as the size, shape, topography, or location of the lot; or factors necessary for the successful installation of a solar energy system such as a particular orientation of a building for the purposes of providing solar access;

The lot is generally square, of adequate size and flat and does not appear to pose special circumstances.

e. 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;

The variance will compromise public welfare due to proximity to SE 60th Street traffic. The narrowest dimension of proposed front yard is at the garage structure. Many vehicles today will not fit in the remaining setback outside the garage without overhanging into Right of Way. This is a safety issue for vehicles traveling along SE 60th as well as for the pedestrians traversing the street when vehicles are parked or maneuvering in or out of the driveway.

f. The granting of the variance will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property;

The variance will allow a 29-foot-tall structure to encroach 4 feet into the front yard setback, there is no precedence for this in the neighborhood and if granted will affect its character. A front yard setback provides open space for the neighborhood, the proposed variance cedes 4 feet of this open space to the developers rear yard for private use.

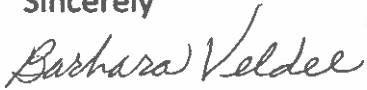
g. The variance is consistent with the policies and provisions of the comprehensive plan and the development code;

h. The basis for requesting the variance is not the direct result of a past action by the current or prior property owner; and

The variance is requested because the development team made a mistake in locating the structure and chose to continue construction instead of correcting the error. As such the basis for requesting the variance is the direct result of a past action by the property owner/developer so this criterion is clearly not satisfied.

In conclusion I do not believe all variance criteria have been satisfied. Regardless of legal precedence in North Carolina there are many local examples of non-conforming construction being required to make physical changes to correct a land use deficiency, as should be done here.

Sincerely

A handwritten signature in cursive script that reads "Barbara Veldee".

Barbara Veldee

Bethanne Volker
6006 - 92nd Ave. S.E.
Mercer Island, WA
98040

Ryan Harrison, Planning Manager
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