

Ryan Harriman

From: Tony Johnson <tjohnsonr@comcast.net>
Sent: Thursday, September 22, 2022 5:50 PM
To: Ryan Harriman
Subject: VAR22-001

Mr. Harriman-

I am in receipt of the notice of variance request reference noted in the Subject line. I disagree with the granting of the variance requested.

- 1). The assertion that the encroachment into the setback will not be noticeable is false. The setback carries the entirety of the street and is consistent throughout all of our neighborhoods. Many other homes along this street (and others) are of the age where they will be tear downs in the coming years. This encroachment will be setting a precedence for others to make the same or similar claims to publicly mandated and accepted regulations.
- 2). The timing of the discovery is immaterial to the fact that they are in violation of the Code. It does not excuse that they have made a serious error that both a professional developer and a licensed contractor should not make. In addition all of these entities should be insured against this type of error - the Surveyor, the Contractor, and the Developer all bear the responsibility of the correction. No doubt their will be serious financial consequences to follow.
- 3). The property owners are effectively gaining significant square footage of usable space in the back of their home that will be marketed and sold at a significant benefit for the current developer and any future homeowner in perpetuity. This is patently unfair to all Mercer Island Residents who have been, and will continue to be held accountable to the Building Code.
- 4). The fact that the permit was issued relying on a licensed survey that was commissioned and paid for by the Developer and/or Contractor does not put the City and Community in any obligatory position to accept this variance.

Although I am empathetic to the situation these folks have created for themselves, it is not incumbent on the community to excuse such shoddy work.

Best,

Tony and Missy Johnson
9031 SE 59th St.