



CITY ATTORNEY'S OFFICE
CITY OF MERCER ISLAND, WASHINGTON
9611 SE 36th Street • Mercer Island, WA 98040-3732
(206) 275-7601 • (206) 275-7663
www.mercergov.org

EX. 1017

PG 1 OF 2

November 14, 2014

Gregory L. Ursich
Inslee, Best, Doezie & Ryder, PS
Skyline Tower, Suite 1500
10900 NE 4th Street
Bellevue, WA 98004

VIA EMAIL

RE: William Gartz' remaining Code Compliance Case CE13-0048

Dear Mr. Ursich,

On behalf of the City of Mercer Island, we appreciate your client Mr. William Gartz' efforts to resolve the numerous Code Compliance cases against him and the encroachments into his neighbor, Mr. Miller's, property. I understand that the majority of the issues regarding Mr. Miller's property were resolved subsequent to the August 20, 2014 meeting with City staff to discuss those cases.

I believe that one matter remains outstanding, the issue of the "architectural gutter" being added to the fascia of the existing eave, extending the eave even beyond it's already nonconforming status. You acknowledge that this is a "small" encroachment into Mr. Miller's property. You and your client also attempt to claim that somehow this extension of the nonconformity was permitted.

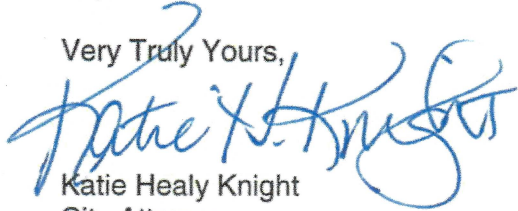
After review of the documents submitted by your client to the City, clearly the drawings do not reflect that the gutters *as depicted in the drawings* match the actual gutters ultimately built. The drawings do not call out that the built gutters would intrude into the neighboring property. The City is entitled to rely upon the submissions of the applicant. Whether the failure to identify how deeply the "architectural" gutters would extend the nonconformance was intended or not, the fact of the matter remains that a nonconforming use has been unlawfully expanded. The City did not permit the nonconformity because the documents submitted were inaccurate and misrepresented what was ultimately built.

I will add my concern that you inappropriately tried to make a "deal" with the City that your client would comply with the City Code if the City took action against Mr. Lewis, your client's other neighbor. Your client clearly understands that he needs to amend the issue of the "architectural" gutters and has the ability to do so. In turn, you clearly understand that the City cannot make a backdoor "deal" in order to have Mr. Gartz behave in accordance with the Code, and that this was wholly inappropriate on your part to even suggest.

EX. 1017 PG 2 OF
2

Please have your client remove the nonconforming "architectural" gutters extending over the property line within 30 days of receipt of this letter and provide the City confirmation of the removal of the "architectural" gutters illegally placed. I trust that the City will not have to take any additional measures to have this matter resolved.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Katie Healy Knight". The signature is stylized and cursive.

Katie Healy Knight
City Attorney

cc: Christina Schuck, Assistant City Attorney
Jimmi Serfling, Code Compliance Officer