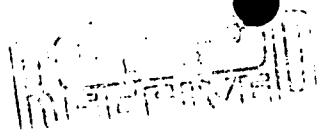


File



AUG 25 1983

8408 Benotho Place  
Mercer Island, Wa. 98040

August 23, 1983

David P. Guillen  
Principal Planner  
City of Mercer Island  
3505 88th Avenue S.E.  
Mercer Island, Washington 98040

Dear Mr. Guillen:

As interested parties and owners of the property located at 8408 Benotho Place, we are writing in opposition to the variance application submitted by J.L. Smock, requesting variances of 1940 square feet and 1640 square feet from the required 8400 square foot minimum lot size under the City of Mercer Island zoning requirements. We oppose the further subdivision of the property at 8440 Benotho Place for the following reasons:

I. Increased Traffic

If the variance and subdivision are approved the result will be an increased traffic and parking burden on an already crowded and narrow street. A memorandum submitted to the Principal Planner of the City of Mercer Island from the Director of Engineering makes reference to the narrow street, but fails to emphasize the fact that some users of the street make use of it for parking. Several homes and garages are close to the street and the street is used for normal parking by residents and guest parking from time to time. Increased traffic and parking on Benotho Place resulting from the variance and subdivision will materially adversely affect access for all property owners using Benotho Place.

Increased traffic congestion and additional parking on the street will prevent adequate emergency vehicle access. The lack of adequate emergency vehicle access will jeopardize the safety of the entire neighborhood.

David P. Guillen  
August 23, 1983  
Page 2

## II. Easement and Title to Benotho Place

Under our quit-claim deed dated October 7, 1980, from Tom Cochran and Shirley Cochran, we hold fee simple title to Benotho Place. We acquired the parcel subject to an easement for ingress and egress granted on March 19, 1929, to the Lions Club of Seattle. Subdivision of Lots 19 and 20 by the applicant will increase the use of Benotho Place beyond the scope of the existing easement. We will not consent to any increase in the scope of the existing easement resulting from the subdivision. We enclose a copy of our deed to Benotho Place for your information.

## III. Precedent

If the applicant's variance request is granted, it will be an undesirable precedent which may encourage owners of other lots to seek subdivisions of their lots. Most homes on Benotho Place have been constructed on two lots. The applicant's situation is not unique; therefore, the applicant has demonstrated no special circumstances justifying a variance. Granting the variance would have a detrimental effect on the future character of the entire neighborhood which is already one of the most densely populated on Mercer Island.

## IV. Property Values

If the variance is granted, it is likely that the value of properties on Benotho Place will decrease because the smaller houses built upon the subdivided lots will have substantially less value than the existing homes. A decrease in the value of existing homes is also likely because of the aggravation of the existing crowded conditions on the street.

## V. Failure to Meet Zoning Code Criteria

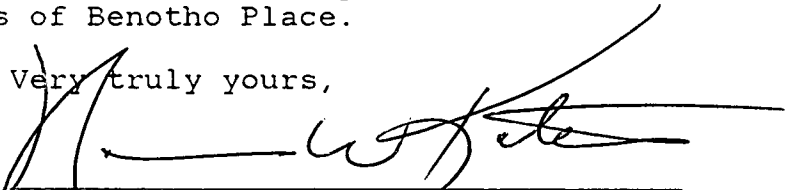
As indicated in the City of Mercer Island staff report of August 5, 1983, applicant has not satisfied the required zoning code criteria for a variance. The report concludes that (a) no special circumstances have been demonstrated; (b) applicant has not shown that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in which the property is situated; (c) applicant has not shown that the granting of the variance will not alter the character of the neighborhood nor impair the

David P. Guillen  
August 23, 1983  
Page 3

appropriate use or development of adjacent property; and (d) applicant has not shown that the granting of the variance will not conflict with the general purposes of the Comprehensive Plan.

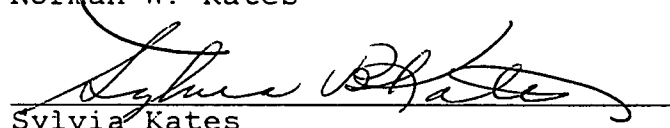
In summary, we submit that the use of land on Mercer Island must continue to be regulated carefully, and that the Comprehensive Plan designed to protect the character of the neighborhoods be followed. The minimum lot size of 8400 square feet contained in the Comprehensive Plan is intended to prevent an overcrowding of the land. We respectfully request that the variance request be denied, and further request that your legal counsel confirm that the request cannot legally be granted without our consent as owners of Benotho Place.

Very truly yours,



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Norman W. Kates

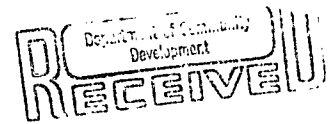


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Sylvia Kates

August 19, 1983

Department of Community Development  
City of Mercer Island  
3505 - 88th S.E.  
Mercer Island, Wa. 98040



AUG 22 1983

Re: Application for Variance by Mr. & Mrs. John Smock  
Dated April 7, 1983

Gentlemen:

We own the waterfront home located at 8431 - 85th Avenue S.E. Our property is five residences west of the referenced property.

We want to go on record in support of the recommendation offered by the Mercer Island Planning Commission and City Council Staff in regard to the referenced variance, namely that the variance should be denied.

We have lived in our residence since May 1967. Our previous residence was located at the north end of Mercer Island across the street from waterfront homes. Our desire for a waterfront home was extremely strong at that time and, being a native of the Seattle area, knew that the most desirable waterfront in the Seattle area in terms of consistency in beauty, location, and value was Mercer Island waterfront. We specifically selected our present property with these criteria in mind, and with plans for future retirement use which we now enjoy.

We purchased our home as it presently stands on our existing 55-foot lot. We can only state that if existing properties along the Benotho Beach waterfront are subdivided (four possible locations), we only have to look at Kennydale or Rainier Avenue to see how the neighborhood character, and ultimate property values, would be degraded. As stated above, we specifically eliminated these types of high density properties when deciding on the purchase of our present property. We concur that the present 8400 square feet minimum on property size be maintained, and most specifically waterfront property.

Sincerely,

*Mr. & Mrs. Michael C. Veith*

*Michael C. Veith*

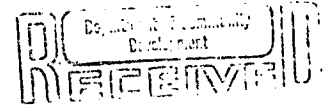
Mr. & Mrs. Michael C. Veith  
8431 - 85th Avenue S.E.  
Mercer Island, Wa. 98040

1901 S S JUA



# CITY OF MERCER ISLAND, WASHINGTON

Department of Community Development  
July 29, 1983



AUG 22 1983

## PUBLIC HEARING NOTICE

An application for a Zoning Variance has been filed with the City of Mercer Island Hearing Examiner. As an owner of property in the vicinity of the requested Variance, you are being notified of a Public Hearing on this application to be held at the Community Center at Mercer View, 8236 SE 24th Street, at 2:00 p.m., Friday, August 26, 1983.

APPLICANT: J.L. Smock

LOCATION: 8440 Benotho Pl.

REQUEST: A variance of 1,940 square feet and 1,600 square feet from the required 8,400 square foot minimum lot size.

Should you wish to comment on this application, or be informed of the final action taken, please contact this office. If you lease or rent, please forward this letter to the property owner.

If you have any other questions concerning this matter prior to the Hearing, please contact the Department of Community Development, 233-3586.

*Please send to:*

CHARLES FARWELL, M.D.  
11406 VIERS MILL ROAD  
WHEATON, MARYLAND 20902-2574  
DIAL (301) 946-5020

AFTER RECORDING RETURN TO:

Geisness & Day  
5123 Seattle Trade Center QUIT-CLAIM DEED  
Seattle, WA 98121 (Statutory Form)

CO 110 11  
RECORDED  
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1980910108

THE GRANTOR( ) TOM J. COCHRAN  
of 101 Horizon View Drive, City of Sequim  
County of Clallam, Washington, for and in consideration of - 0 -

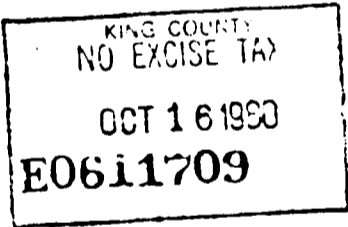
convey s and quit-claim s to NORMAN W. KATES and SYLVIA KATES, husband and wife  
of 8408 Benotho Place  
in the City of Mercer Island, County of King, State of Washington  
all interest in the following described Real Estate:

A tract of land 40 feet in width in Government Lot 2, Section 31, Township 24 North, Range 5 East, W.M., in King County, Washington, being 20 feet on each side of the following described center line:

Beginning at a point on a line 400 feet south of and parallel with the north boundary line of said Government Lot 2, said point being south 89°50'16" east 677.55 feet measured along said parallel line from the west boundary line of said lot, thence south 13°09'00" west 185.48 feet to a point of curve, thence along a curve to the right having a uniform radius of 200 feet, a distance of 116.32 feet to a point of tangency; thence along a line tangent to said curve south 46°28'20" west 138.31 feet to a point of curve, thence along a curve to the right having a uniform radius of 45.74 feet, a distance of 25.45 feet to an intersection with the southeasterly marginal line of the B. B. Hoffman County Road.

situated in the County of King, State of Washington.

Dated this 7 day of October, 1980



Tom Cochran  
Grantor(s) TOM J. COCHRAN  
Shirley M Cochran

STATE OF WASHINGTON, }  
County of CLALLAM } ss. (Individual Acknowledgment)

I, Evelyn R. Cronauer, Notary Public in and for the State of Washington, do hereby certify that on this 7th day of October, 1980, personally appeared before me Tom J. Cochran and Shirley M. cochran to me known to be the individuals described in and who executed the within instrument and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes herein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 7th day of October, 1980  
Evelyn R. Cronauer

Notary Public in and for the State of Washington, residing at Port angeles in said County.

Easement Mar 19-29  
Mar 19-29

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1423-  
546

2524819

O N Cochran and Carrie Cochran, hw and Benjamin L Lindgren and Bertha Lindgren, hw  
to  
Lions Club of Seattle, a corp of Washn

Fp does hereby give, grant and co tp sp an easement as joint user for road-way purposes until such tm as the sd roadway may be regularly dedicated or established, over a portion of ground in the unrkd plt of Benoto Beach, being a tt of land 40 ft in width in Gvt S sec 31 tp 24 N R 5 WWM in Kow, being 20 ft on each side of the folg desc center line:

Bap on a ln 400 ft S of and plw the <sup>N</sup> bdy ln of sd Gvt lot 2 sd pt being S 89° 50' 16" E 677.55 ft med alg sd pll ln frm the W bdy ln of sd lot, th S 13° 09' 00" W 185.48 ft to a pt of curve; th alg a curve to the rt having a uniform radius of 200 ft a dist of 116.38 ft to a pt of tangency; th along a line tangent to sd curve S 46° 28' 20" W 158.31 ft to a pt of curve; th alg a curve to the rt having a uniform radius of 45.74 ft a dist of 25.45 ft to an intersection with the sely marginal line of the B B Hoffman county road.

The con for this easement is \$200 rot ack. This easement is not an exclusive easement but is an easement for joint user of the roadway by gtee and by gtor and the s a.

Benjamin L Lindgren  
Bertha Lindgren  
O N Cochran  
Carrie Cochran

Kow on Mar 19-29 by O N Cochran and Carrie Cochran, hw and Benjamin L Lindgren and Bertha Lindgren, hw bef Tom S Dobson Jr, N P for Wn at S. NS. Dec 11-29 (Ml to A B Lund e-o City Treas)

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D Mar 19-29  
March 19-29  
Nicholas Cook, a widr  
to  
FrankFitz

11 10  
\$125

1425  
182

2524820

Fp eys and rs to sp the sdre in Kow:

S 15 ft of Lot 9 blk 6 Ravenna Valley Addition to the City of Seattle acc to the plt rkd in vol. 15 of plts at pg 4 rkds of sd county

Nicholas Cook

Kow on March 19-29 by Nicholas Cook, a widr bef J P Murphy, N P for Wn at S. NS. Aug 16-30. (Ml to F Fitz 7332 24 NE)

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M Mar 19-29  
Mar 18-29

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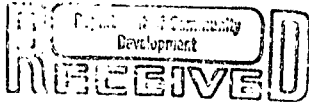
2524821

Hildur Augusta Chapman a wid; Walter F Peterson and Lena H Peterson his wife of Skow  
to-

Securities Mortgage Company, of Washn atS.

Fps hby mtg to sp, tap of \$2200. with int acc to ned the fdre:  
continued on p 70





AUG 22 1983

8416 Benotho Place  
Mercer Island WA 98040  
August 17, 1983

Department of Community Development  
City of Mercer Island  
3505 88th S.E.  
Mercer Island WA 98040

Re: Application for Variance by  
Mr. and Mrs. John Smock,  
dated April 7, 1983

Dear Sirs:

We wish to express our opposition to the requested application for a variance. There are other residences in the neighborhood, including ours, where the amount of land utilized exceeds one lot. The neighborhood, however, is made attractive because of the relatively low density of housing. That principle is now under attack.

The applicants conclude that "Lot 20 has little or no use or value unless it can be built upon by the applicants." The logic if extended would equally apply to all other lots that are ancillary to existing residences or even parts of lots that have not been built upon.

As Mercer Island begins to run out of buildable lots, one can expect an increase in the number of applications for variances and other attempts to deal with the constraints imposed by the Island's zoning regulations. We would suggest that if there exists any doubt about how Mercer Island feels about the present rules on density, an opportunity be given to the Island population to make its feelings heard. A well publicized denial of the application may go some way towards accomplishing this purpose. Finally, we would suggest that since applications of this type will create an additional administrative burden, the applicants should bear the full cost of processing and review of such variances.

While we have no plans to attend the hearing, because of our interest in the neighborhood, we would appreciate receiving notice of any proposed favorable action with respect to the application for the variance.

Very truly yours,

Dana and Gabriel Gedvila

GEG:cb

8480 85th Ave. S. E.  
Mercer Island, WA. 98040  
August 18, 1983

Dept. of Community Development  
City of Mercer Island  
3505 88th S. E.  
Mercer Island, WA. 98040

RE: Application for Variance by Mr. & Mrs. John Smock,  
dated April 7, 1983

Dear Sirs:

We strongly oppose the request for a variance from the Smock's request for a variance from the existing zoning regulation, (Ord.# 350). This regulation is the key reason for the uncrowded character and natural beauty of our neighborhood.

The application for variance states that Lot 20 is the only undeveloped lot in Benotho. We have built in the middle of two waterfront lots, combining them as one to preserve the spirit and intent of that regulation. Others have done similarly. To the north of us, one home straddles lots 25 & 26. Owners of the next two homes north have split a lot so each home has  $1\frac{1}{2}$  lots. To the south of us, is a home on 1 lot, next a home on 140' of waterfront and next, on the south point, a home on even more waterfront.

The result is a private, uncrowded, and a quiet environment at very great expense. Our taxes are more than twice what it costs to feed a family of four. We pay them willingly to preserve what has been achieved.

Any variance not respecting the intent of the existing regulation reduces property values for a single reason. The character of the neighborhood is no longer preserved. Approval would set the precedent to destroy this concept.

We urge you to maintain the intent of the regulation by disapproving all variance requests which result in more dense development.

Very Truly Yours,

*Mr. & Mrs. George Johnson*

Mr. & Mrs. George Johnson

AUG 24 1983

REQUEST FOR CASH REFUND

To: Finance Department

Aug. 18, 1983

From: Community Development  
Department

Date

[Signature]  
Department Approval

REFUND TO: John L. Smock & Alice H. Smock  
Name c/o Hanson, Zwink, Baker & Ludlow, P.S.  
Address 302 Surrey Bldg.  
City Bellevue, WA 98004  
Zip Code

Reason: Variance application withdrawn. (This refund is for a portion of the application fee.)

RECEIVED ON RECEIPT # 6199 Date: July 29, 1983

AMOUNT: \$ 275.11 001.341.82  
Budget Code

For Finance Department Use:

Check# 3724 Date 8-18-83 [Signature]  
Signature

1. COMPLETE THIS FORM IN TRIPLICATE
2. FORWARD ORIGINAL AND DUPLICATE TO FINANCE DEPT.
3. DUPLICATE WILL BE RETURNED TO ORIGINATING DEPT.

CD  
7/79