



CITY OF MERCER ISLAND
VARIANCE HEARING EXAMINER
FINDINGS, CONCLUSIONS, AND DECISION

RECEIVED
DEPT. OF
COMMUNITY DEVELOPMENT

APPLICANT: Shirley McGill
7421 West Mercer Way

JUN 28 1985

APPLICATION: Request for a variance of 2,030 square feet to permit short subdivision of 1.45 acres into four lots, each averaging 14,493 square feet in area, in a R-15 (single-family residential) zone.

SUMMARY OF RECOMMENDATION AND DECISION:

Department of Community Development: Approve.

Variance Hearing Examiner: Approve.

PUBLIC HEARING:

After reviewing the official file which included the Department of Planning and Community Development Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the McGill request was opened at 1:39 pm, June 21, 1985, and was closed at 1:55 pm. Participants at the public hearing and the exhibit offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Department of Community Development.

FINDINGS, CONCLUSIONS AND DECISIONS:

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

I. FINDINGS:

- A. The findings of fact recommended on pages 1, 2 & 3 of the Department of Community Development Advisory Report (Hearing Examiner Exhibit A) are found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference are adopted as the Hearing Examiner's findings of fact. A copy of said report is attached hereto as Exhibit A.
- B. The total amount of space owned by Mrs. McGill, exclusive of the property which is necessary and used for access purposes, is 60,311 square feet.

II. CONCLUSIONS:

- A. The conclusions recommended by the Department of Community Development as set forth on pages 3 & 4 of the Department's report accurately set forth the conclusions of the Hearing Examiner and by this reference, are adopted as the Hearing Examiner's conclusions. A copy of said report is attached hereto as Exhibit A.

5. A variance would not be necessary if the unused portion of the access easement was used in calculating lot areas.

III. DECISION:

Based upon the foregoing findings of fact and conclusions, the requested variance is APPROVED.

ENTERED this 28th day of June, 1985, pursuant to authority granted under S.18.01 of the City Zoning Code, Ordinance #15 as amended.



RONALD L. McCONNELL
Variance Hearing Examiner

NOTICE OF RIGHT TO REQUEST RECONSIDERATION OR TO APPEAL:

1. Request for Reconsideration. Pursuant to Section 18.01(j) of the City Zoning Code, any party to the proceeding who is aggrieved by the decision of the Examiner may submit a written request with the City Clerk within ten (10) calendar days of the date of the Examiner's written decision. Such request shall specify the error of law or fact, procedural error, or new evidence which could not have been reasonably available at the time of the hearing conducted by the Examiner, which is the basis for the request.
2. Appeal. Pursuant to Section 18.01(k) of the City Zoning Code, any party to the proceeding who is aggrieved by the decision of the Examiner may submit a written appeal to the City Council by filing the appeal with the City Clerk within ten (10) calendar days of the date of the Examiner's written decision. Such appeal shall specify the error of law or fact, procedural error, or new evidence which could not have been reasonably available at the time of the hearing conducted by the Examiner, which is the basis for the request.
3. Any request for Reconsideration by the Variance Hearing Examiner or Appeal to the City Council shall be filed with:

City Clerk
City of Mercer Island
3505 - 88th Avenue S.E.
Mercer Island, WA 98040

NOTICE OF TIME LIMITATION UPON APPROVAL OF VARIANCE:

Pursuant to Section 18.01(i) of the City Zoning Code, a variance authorized by the Examiner shall become void after the expiration of one (1) year from the date of the decision unless:

1. A building permit application conforming to the approved variance is filed with the City; or
2. A subdivision application conforming to the approved variance is filed with the City; or
3. The approved variance specifically provides for a greater authorization period.

MINUTES OF THE JUNE 21, 1985

VARIANCE HEARING ON THE
SHIRLEY MCGILL APPLICATION:

Ronald L. McConnell was the Hearing Examiner for this matter. Participating in the hearing were: Shannon Hart, representing the Department of Community Development; Dave Guillen, representing Mrs. McGill; Mrs. McGill speaking on her own behalf; and Caroline Leuthold, a neighbor who said, while she would be personally affected, she felt approval of this variance would allow a crowded look on the property.

The following exhibits were offered and entered into the record:

A. Department of Community Development Advisory Report.

PARTIES OF RECORD: (List names & addresses.)

Shirley McGill
7421 West Mercer Way
Mercer Island, WA 98040

David P. Guillen
3540 128th Ave. S.E., Suite A
Bellevue, WA 98006

Caroline Leuthold
7275 West Mercer Way
Mercer Island, WA 98040