



BANKS VARIANCE DOCUMENTS AND EXHIBITS

Number

1. DOCUMENTS

Order on Writ of Certiorai of 11/20/78	1
Application for Variance of 1/19/79	2
Letter to property owners dated 2/5/79 advising of Public Hearing before Planning Commission on 2/21/79	3
Banks Variance mailing list of 2/5/79	4
Public Notice of 2/7/79 advising of Public Hearing before Planning Commission on 2/21/79	5
Letter to Department of Community Development from David Pollock dated 2/15/79 opposing variance request.	6
Letter to Department of Community Development from Kenneth Neel dated 2/19/79 opposing approval of the variance.	7
Letter to Department of Community Development from Loyal Moore dated 2/20/79 opposing approval of the variance	8
Staff Report for Planning Commission Public Hearing of 2/21/79	9
Minutes of Planning Commission Hearing of 2/21/79 (re continuing Public Hearing to 4/4/79)	10
Letter to Planning Commission of neighbors opposed to Banks variance request dated 3/27/79	11
Letter to property owners dated 3/28/79 advising of re-scheduling of Public Hearing before Planning Commission to 4/18/79	12
Letter to Planning Commission from Peter Banks dated 3/29/79 (re re- scheduling of Public Hearing to 4/18/79)	13
Letter to Department of Community Development from Peter Banks of 4/12/79 (re re-scheduling of Public Hearing to 5/16/79)	14
Letter to property owners dated 4/24/79 advising of re-scheduling of Public Hearing before Planning Commission to 5/16/79	15
Banks variance mailing list of 4/24/79	16
Public Notice of 5/2/79 advising of Public Hearing before Planning Commission on 5/16/79	17
Affidavit of Publication of 5/2/79	18
Revised Staff Report for Planning Commission Public Hearing of 5/16/79	19

DOCUMENTS (CONTINUED)

Number

Minutes of Planning Commission Public Hearing of 5/16/79	20
Letter to City Council from David Pollock et al, dated 5/23/79 appealing Planning Commission decision of 5/16/79 approving variance request	21
Letter to property owners of 5/31/79 advising of appeal to City Council of variance approval.	22
Banks variance mailing list of 5/31/79	23
Letter to City Council from David Pollock dated 6/4/79 reaffirming oppo- sition to variance approval	24
City Council Agenda Bill No. 793 for Public Hearing of June 11, 1979 to decide on appeal of Planning Commission approval of variance	25
Minutes of City Council Public Hearing of 6/11/79 upholding appeal of variance approval	26
Findings and Order of the City Council of 6/25/79 denying variance application	27
Minutes of City Council meeting of 6/25/79 approving Findings and Order to deny the Banks variance request	28
Letter from Department of Community Development to Mrs. Banks of 6/27/79 advising of City Council action in denying application for variance	29

BANKS VARIANCE DOCUMENTS AND EXHIBITS

Exhibit

II. EXHIBITS (AVAILABLE UPON REQUEST)

Portion of King County Assessor's Map of area showing Banks property at 7432 North Mercer Way (Lot 5, Block 2, McGilvra's Island Addition)	A
Site Plan of proposed two-lot subdivision of property of Mrs. Banks.	B
Vicinity Map showing nature of adjacent neighborhood development, presented at 5/16/79 and 6/11/79 Public Hearings	C
Comprehensive Plan Map portraying the policies and goals of the Comprehensive Plan and showing their application.	D
Magnetic tape recording of Planning Commission Public Hearing of 5/16/79 approving the variance	E
Magnetic tape recording of City Council Public Hearing of 6/11/79 denying the variance upon appeal	F

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

DEE BANKS,)	NO. 837020
Plaintiff.)	
)	
vs.	)	ORDER ON RETURN OF WRIT OF
	)	CERTIORAI
CITY OF MERCER ISLAND,)	
)	
Defendant.)	
)	

THIS MATTER having come on for hearing before the undersigned Judge of the above-entitled Court on the 9th day of November, 1978, upon the return of the Writ of Certiorai, with the Plaintiff being represented by her attorney of record, Peter S. Banks, and the Defendant being represented by City Attorney, Ronald C. Dickinson, and the Court having reviewed the records and the files herein, and having heard argument of counsel and deeming itself fully advised in the premises, and finding the action of the Mercer Island City Council was unfair to the Plaintiff under the circumstances in that it resulted in a lack of opportunity for the Planning Commission to consider and render a decision on the exact zoning variance sought by the Plaintiff, NOW THEREFORE IT IS HEREBY

ORDERED, ADJUDGED AND DECREED that the Plaintiff, DEE BANKS, shall make a reapplication to the Planning Commission of the City of Mercer Island for a zoning variance of a specific and certain number of square feet in lot size in an R-12 zone, with said application to be made within 60 days from the date of the entry of this Order and that the Planning Commission shall decide the issue at a hearing held for that purpose, and

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250 fee pd. 1-19-79
rgc

RECEIVED

JAN 19 1979

DEPARTMENT OF
COMMUNITY DEVELOPMENT

Variance No. MIV-79-06
FOR OFFICE USE

CITY OF MERCER ISLAND
Department of Community Development

APPLICATION FOR VARIANCE

(Note to Applicant: Before preparing the application, please read information and instructions on Page 4.)

Name of Applicant: Mrs. A. Lawrence Banks
Mailing Address: 7432 North Mercer Way Mercer Island, WA 98040
Phone: 232-8519 Date of Filing: 1/19/79

TO THE HEARING EXAMINER:

The undersigned applicant is (is/are) the owner of the property described as follows: Lot 5, block 2, McGilvra's Island Addition Together with second class shore lands adjoining.

(Give legal description, including lot, block, tract, etc.)

The property for which this application is made is located at: (Give street address, if any, or location by reference to streets, alleys, property lines, etc.)

7432 North Mercer Way, Mercer Island, WA

Above-described property was acquired by applicant on the 12th day of May, 1966. The present zoning of subject property is: 12R-12

REQUEST: Applicant requests a variance on the above-described property for the following reasons. (State what is intended to be done on the property, why that action does not conform with existing zoning regulations, and what adjustment is sought.)

Variance is requested so that the property can be subdivided for the construction of an additional single family residence.

The requirement that the access easements for my lot be deducted from the square footage of the proposed lot makes a variance necessary.

SPECIFICS: OS
1. SQUARE FOOTAGE - ~~5000~~ 4100 - LOT B
2. LOT WIDTH - 10' - LOT B 11' - LOT A

2

AFFIDAVIT

STATE OF WASHINGTON)
) SS
COUNTY OF KING)

Mrs. A. Lawrence Banker, being duly sworn, depose and say that we 1
are the owner of the property involved in this application and that the foregoing
statements and answers herein contained and the information herewith submitted are,
in all respects, true and correct to the best of our knowledge and belief.

Mrs. A. Lawrence Banker
(Owner)

(Owner)

232-8519
(Telephone)

7432 N. Usarce Way
(Mailing Address)

Subscribed and sworn to before me this 19 day of January, 1979.

[Signature]
Notary Public

CERTIFICATION

This is to certify that the foregoing application has been inspected by me and found
to be thorough and complete in every particular and to conform to the rules and regu-
lations of the Hearing Examiner governing the filing of such application.

By: [Signature]
Staff for the Hearing Examiner

Mr. - Mrs. Kenneth W. Neel
7414 North Mercer Way
Mercer Island, Washington 98040
February 19, 1979

Mr. Gerald M. Bacon, Director
Dept. Community Development
City of Mercer Island, Wash.

Re: Zone Variance - Banks

Dear Mr. Bacon:

We wish to register our continued objection to this zone variance. We still feel this would have an adverse effect on the feeling of the neighborhood.

It seems inconsistent with zoning management to try on one hand to secure open space on the island and on the other allow large nicely planted areas to be cut to bits and pieces.

Please do what you can. Thanks.

Very truly yours,

Kenneth W. Neel
Kenneth W. Neel

vn

7410 N. Mercer Way
Mercer Island, WA. 98040

February 20, 1979

Gerald M. Bacon
Department of Community Development
3505-88th Ave. S.E.
Mercer Island, WA. 98040

Dear Mr. Bacon:

Since I will be unable to attend the hearing concerning the variance request by Mrs. A. L. Banks of North Mercer Way, I want to go on record as opposing it.

Though I appreciate her right to appeal, I am ^{CONCERNED} ~~certain~~ that the original Planning Commission Hearing and review by the City Council could not suffice as a complete and fair consideration of her request. Though the rezone up to R-15 does not apply to Mrs. Bank's request, I hope you will acknowledge this serious effort by the neighbors to preserve the character of this area. If this extensive variance is granted, there is no doubt that an appropriately designed house will follow - as we have become accustomed to on Mercer Island. However, it will be a major step in defeating the attempt to preserve this neighborhood and should be construed as an obvious step toward "down zoning" the area so that others could exploit their land asset for their families or personal gain.

If this variance is granted, I feel you must consider this a precedence and be prepared to deal with it consistently as you are confronted by similar requests from the rest of us. Do you really want this pattern to be a part of Mercer Island's comprehensive plan?

Sincerely,

Loyal D Moore

Loyal D. Moore

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CITY OF MERCER ISLAND
Planning Commission

STAFF REPORT

REVISED
SEE STAFF
REPORT
FOR 5/16/79
MEETINGS

APPLICANT: MRS. A. LAWRENCE BANKS

LOCATION: 7432 N. MERCER WAY

ZONING: R-15; SEE STAFF SUMMARY

APPLICABLE SECTION OF CODES: ZONING CODE NO. 15 AS AMENDED, SECTIONS 6.04, 16.03.3, AND 18.02, COMPREHENSIVE PLAN

HEARING DATE: FEBRUARY 21, 1979

EXHIBITS: STAFF REPORT, VARIANCE APPLICATION, VICINITY MAP, PROPOSED SHORT PLAT, COURT ORDER

RESPONSIBLE STAFF: JERRY BACON, DIRECTOR OF COMMUNITY DEVELOPMENT
ALAN WALLACE, PLANNING TECHNICIAN

REQUEST: APPLICANT REQUESTS A VARIANCE FOR 1,100 SQUARE FEET FOR ONE LOT, AND LOT WIDTH VARIANCES FOR 10 FEET AND 11 FEET FOR TWO LOTS IN A PROPOSED TWO-LOT SHORT PLAT.

STAFF SUMMARY:

1. On May 11, 1977, Mrs. A. Lawrence Banks, owner of Lot ⁵, Block 2, McGilvra's Island Addition, applied for a zoning variance that was the result of the design of a proposed two-lot short plat. The final City action occurred on October 24, 1977, at which time the City Council denied an appeal of the applicant, thus affirming the Planning Commission decision to deny the variance request. This matter was subsequently considered by the King County Superior Court and remanded to the Planning Commission under a new reapplication.
2. Following the City's consideration of the zoning variance, the City approved an application for a re-zone for the subject area from R-12 to an R-15 classification. The reapplication for a zoning variance must be considered by the design standards set forth under the former zoning classification (R-12). Moreover, the matter is to be heard by the Planning Commission and not the Hearing Examiner, who currently presides over zoning variances. Judge Herbert Stephens retained jurisdiction of the parties and subject matter of this action.
3. The subject parcel is approximately a 24,250 square feet with a slope averaging approximately 14 % from North Mercer Way to the lake. A single-family dwelling is situated on tract A (north lot). See attached Short Plat.
4. The entire parcel conforms to the building site area requirements for the R-12 zone. The variance request is caused by the design of the proposed two-lot short plat. Specifically, Section 16.03.3 of the Zoning Code requires that road easements are excluded from the determination of building site area

2. Not materially detrimental to public welfare or injurious to property in the vicinity.

The additional dwelling unit will result in additional traffic directly onto an arterial.

3. Not alter neighborhood character nor impair use of adjacent property. An additional residence would slightly alter the usual character of the immediate neighborhood. Development of the upper lot would slightly impact the open space effect of the property to the east and create a crowding effect for the existing residence to the west.

4. Not in conflict with the Comprehensive Plan.

The density increase resultant from the variance would be in conflict with the Comprehensive Plan.

STAFF RECOMMENDATION:

That the variance be denied because the request by Mrs. A. Lawrence Banks fails to meet the required showing for a variance under the criteria set forth in Section 18.02 of Ordinance 15 as amended.

For the Hearing Examiner to grant a variance, the applicant must show that all the following criteria are satisfied: 1) that special or unique circumstances are present on the property, 2) that the neighborhood character would not be altered and, further, that the use or development of the adjacent property would not be impaired, 3) that the granting of the variance would not be materially detrimental to the public welfare or injure property or improvements in the vicinity or zone in which the property is located, and 4) that the granting of the variance would not conflict with the Mercer Island Comprehensive Land Use Plan.

Supply the following information accurately and completely. It is the applicant's responsibility to show the Hearing Examiner that the four variance criteria are satisfied.

1. Describe the special circumstances applicable to the lot or tract (e.g. size, shape, topography, or location of the lot; surroundings; trees or vegetation; other physical conditions).

All of the lots on the vicinity are long and narrow, and because of the curvature of the lake shore and access roads, this lot and the lot adjacent to the East become pie shaped. Due to this shape and the deduction of access easements, a variance is necessary.

2. Explain why the variance would neither alter the character of the neighborhood nor impair the use or development of adjacent property.

A majority of the lots have been previously subdivided into two or more lots. The addition of a single family residence would in no way alter the character of the neighborhood. Such subdivision would not impair the development of the adjacent lots.

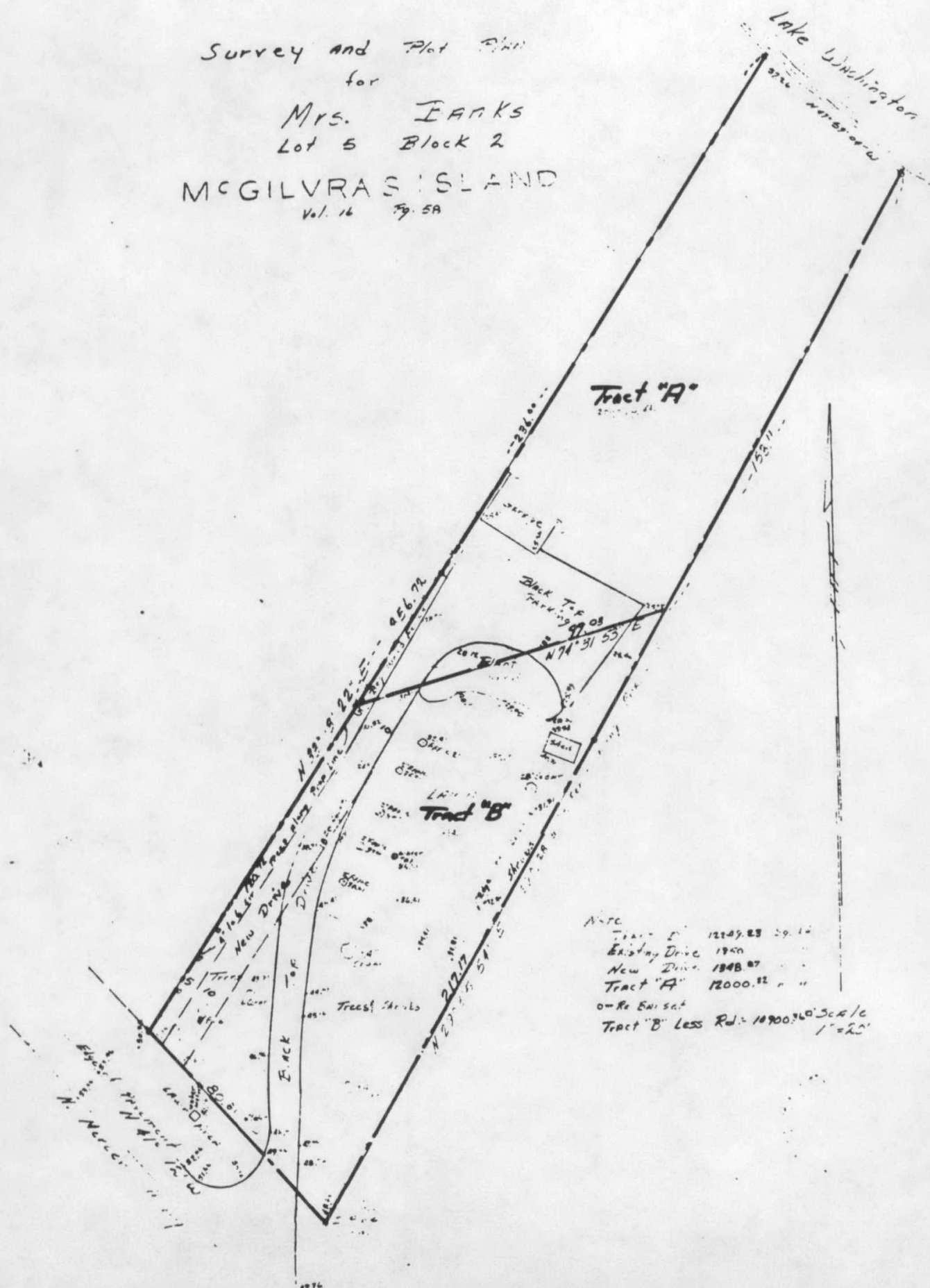
3. Explain why the variance would not be detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

The subdivision will not increase the flow of traffic in the area. Since conforming to existing health and building codes is required for new construction, no detriment to public health is anticipated.

4. Explain why the variance would not conflict with the general purposes and objectives of the Mercer Island Comprehensive Land Use Plan. (Copies of the Comprehensive Plan - Ordinance #14 - are available in the Department of Community Development.)

Under the original Comprehensive Plan, this area is designated as R-9.6. The lot proposed will exceed that classification by more than 1,000 square feet.

Survey and Plot Plan
 for
 Mrs. IARKS
 Lot 5 Block 2
 MCGILVRAS ISLAND
 Vol. 16 Pg. 5A



A-FC
 12149.23 29.12
 Existing Drive 1940
 New Drive 1948 07
 Tract "A" 12000.12
 0- Re Est. set
 Tract "B" Less Rd. = 10900.50 50/10
 1" = 20'

Surveyed by
 M. N. N...

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

DEE BANKS,)	NO. 837020
Plaintiff.)	
)	
vs.	)	ORDER ON RETURN OF WRIT OF
	)	CERTIORAI
CITY OF MERCER ISLAND,)	
)	
Defendant.)	

THIS MATTER having come on for hearing before the undersigned Judge of the above-entitled Court on the 9th day of November, 1978, upon the return of the Writ of Certiorai, with the Plaintiff being represented by her attorney of record, Peter S. Banks, and the Defendant being represented by City Attorney, Ronald C. Dickinson, and the Court having reviewed the records and the files herein, and having heard argument of counsel and deeming itself fully advised in the premises, and finding the action of the Mercer Island City Council was unfair to the Plaintiff under the circumstances in that it resulted in a lack of opportunity for the Planning Commission to consider and render a decision on the exact zoning variance sought by the Plaintiff, NOW THEREFORE IT IS HEREBY

ORDERED, ADJUDGED AND DECREED that the Plaintiff, DEE BANKS, shall make a reapplication to the Planning Commission of the City of Mercer Island for a zoning variance of a specific and certain number of square feet in lot size in an R-12 zone, with said application to be made within 60 days from the date of the entry of this Order and that the Planning Commission shall decide the issue at a hearing held for that purpose, and

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event of an appeal by any party of the action taken by the Mercer Island Planning Commission or the City Council of Mercer Island in the above-referenced action, the undersigned Judge shall retain jurisdiction of the parties and the subject matter of this action.

DONE IN OPEN COURT this 20 day of November, 1978.

Herbert M. Stephens
Hon. Herbert M. Stephens
(Conformed Copy)

Presented by:
HARDWICK & CONRAD,

Peter S. Banks
Of Attorneys for Plaintiff

Approved as to Form;
Notice of Presentation Waived:

Ronald C. Dickinson

Ronald C. Dickinson
City Attorney for the City of Mercer Island

Banks

CITY OF MERCER ISLAND
Planning Commission

PUBLIC MEETING

February 21, 1979

MINUTES

Present:	<u>Planning Commission</u>	<u>Staff</u>	<u>Others</u>
	R. Keever, Chairman	J. Bacon	W. Steward
	V. C. Bryant		
	D. Clancy		
	L. Copass		
	J. Nelson		
Absent:	C. P. Gregory		
	S. Fry		

The meeting was called to order by Chairman Keever at 7:30 p.m. in the School Administration Building.

Staff requested that approval of the minutes of the January 17, 1979 meeting be held in abeyance until the next meeting because the corrected minutes were not available at the meeting.

It was moved by Commissioner Clancy, seconded by Commissioner Bryant, to approve the minutes of the February 7, 1979 meeting as presented. The motion passed unanimously.

PUBLIC HEARING

-BANKS VARIANCE

Mr. Bacon requested that the public hearing on the Banks Variance issue be continued until April 4 as a result of phone calls and a telegram from property owners wishing to be present at the hearing who were not available for this meeting.

Peter Banks, representing Mrs. Banks, stated that he had received communications from property owners that they would be out of town, and that a continuance until April 4 would be satisfactory.

The meeting was opened for public discussion and Connor Gray, property owner to the west of the Banks, said that April 4 was fine with him.

The public discussion was closed at 7:35 p.m.

Motion: It was moved by Commissioner Clancy, seconded by Commissioner Copass, to continue the issue to April 4, 1979. The motion passed unanimously.

PUBLIC HEARING

-CONDITIONAL USE PERMIT
St. Monica's Parish

Mr. Bacon presented the staff report on the request by St. Monica's Parish for approval of a Conditional Use Permit to expand their gymnasium by 6,500 square feet along the southerly portion of the existing structure. It was reported

that the zoning code was changed two-three years ago to include private schools and churches in the section dealing with Conditional Use Permits. St. Monica's was constructed prior to the implementation of the existing code; and when modification is needed, it is reviewed under the current code. So, St. Monica's requires the issuance of a C.U.P.. The proposal was reviewed by the Design Commission, and they were satisfied with the proposed architecture and design. Jim Klontz, architect for the proposed addition, was also the architect for the original structure.

The staff supports this project because it would be an asset to the community. Mr. Bacon stated that the standards used are straightforward, and the tests for granting of a C.U.P. include the consistency of use with the neighborhood and community planning, possible traffic problems and noise scale. The staff found that the facility has been a good neighbor for years, and would not present any problems.

Mr. Bacon explained the two year construction time clause in the staff recommendation by reviewing the problems the City had with Mercerwood Shore Club over their delay in implementing improvements approved by the City in the 1960's.

Commissioner Bryant questioned the wording of the proposed motion, specifically the word "showings". Mr. Bacon replied that the language was taken directly from the code, and the word "showings" meant criteria or conditions in this case.

Commissioner Nelson questioned whether the addition of 6,500 square feet would decrease the parking space available. Mr. Bacon responded that the code requires there be 140 parking spaces available, and there are 193 spaces available now. When the modifications are made, that number would decrease to 186.

The meeting was opened to the public at 7:50 p.m.

Speaking in favor of the project was James Klontz, architect for the original structure and the proposed addition. Mr. Klontz stated that he feels the expansion is logical for the existing facility and a good percentage of the people on the island would benefit from it. In answer to the two year construction time restriction, Mr. Klontz stated that with the current inflation rates, the project may not be feasible in two years, so it is in the best interest of St. Monica's to build as soon as possible. Mr. Klontz added that the landscaping will be done by a person who does a lot of work on the Island, and the facility will look better than it does now.

The public hearing was closed at 7:52 p.m.

Commissioner Keever questioned Mr. Klontz on whether there are funds available to complete the project once it's started. Mr. Klontz replied that construction will not begin until funds are available for the building and the landscaping.

Commissioner Clancy questioned the staff findings that traffic and noise would not increase. He made the observation that these factors would increase, but only during special events, for a limited time and not to the degree of causing the rejection of the project.

March 27, 1979

TO: THE PLANNING COMMISSION OF MERCER ISLAND
ATTENTION: ROBERT KEEVER, CHAIRMAN

- The Banks are not asking for a small variance of 1 or 2%, but a substantial variance of about 10% in both area and width from the R-12 classification. In effect, where the neighbors voted to support an R-15 classification, the Banks are attempting to establish a precedent to downgrade the neighborhood to almost an R-9 classification.
- This request for variance was previously opposed by her neighbors and is currently opposed by her neighbors. There are insignificant changes from the original variance request which has already been rejected by both the Planning Commission and the City Council.
- The purposes of the zoning codes are to protect the character and values of the neighborhood and not allow the individual to downgrade the area at the expense of his neighbors.
- Finally, Section 18.02 of the Zoning Code requires that all of the following circumstances must be found to apply before a variance can be granted.

"(a) That there are special circumstances applicable to the particular lot or tract, such as size, shape, topography, location or surroundings, trees or ground cover or other physical conditions;"

Answer: The Banks' request has failed to identify any material special circumstances.

TO: THE PLANNING COMMISSION OF MERCER ISLAND

"(b) 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;"

Answer: There are long, narrow lots in this area, and the addition of more houses to each piece of property lowers the livability of the area from the standpoint of family privacy, noise level and traffic levels.

"(c) The granting of the variance will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property;"

Answer: Increasing the housing density always detracts from the character of the residential neighborhood by reducing adjacent property values and making the area less desirable to live in. If this were not true there would be no purpose to zoning codes with minimum areas.

"(d) The granting of the variance will not conflict with the general purposes and objectives of the Comprehensive Plan."

Answer: Adding more houses in a mature built-up neighborhood is in direct conflict with the Comprehensive Plan as well as the desires of the Island population as a whole, as evidenced by the overwhelming passage of the open spaces bond issue.

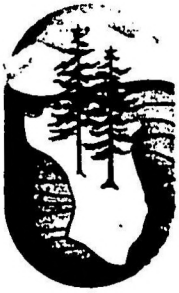
- The neighbors request that this variance be rejected.

March 27, 1979

TO: THE PLANNING COMMISSION OF MERCER ISLAND
FROM: THE NEIGHBORS OF BLOCK 2 MCGILVRA'S ISLAND ADDITION
SUBJECT: A. LAWRENCE BANKS' SECOND APPLICATION FOR ZONING VARIANCE

The neighbors listed below are against adoption of the A. L. Banks' petition for zoning variance.

<u>LOT NUMBER</u>	<u>NAME</u>
# 2 3 PARCELS	Marjorie H Moore Robert R. Neal; Kenneth W Neal.
# 4 4 LOT NO. 7	Margaret E. Gray Conner Gray Erica Sundsten Betha Sundsten
1	Josephine M. Spickard
2 Parcels 3+4	Wynell D. Moore David Pallock Elinor Pallock



CITY OF MERCER ISLAND, WASHINGTON

DEPARTMENT OF COMMUNITY DEVELOPMENT
March 28, 1979

Dear Resident:

This letter is to advise you that the Public Hearing scheduled for April 4 to consider the variance request by Mrs. A. Lawrence Banks of 7432 North Mercer Way has been re-scheduled for April 18, 1979. The hearing will be held in the School Administration Building, 4160 86 Avenue SE, beginning at 7:30 p.m.

Please call if you have any questions regarding this matter.

Sincerely,

Gerald M. Bacon
Director

GMB/lt

MORTON T. HARDWICK
RICHARD C. CONRAD
PETER S. BANKS
KENT P. BUCKLES

HARDWICK & CONRAD
ATTORNEYS AT LAW
300 EVERGREEN BUILDING
RENTON, WASHINGTON 98055
(206) 228-3860

March 29th 1979

Mr. Jerry Bacon,
Planning Commission
3505 - 88th Southeast
Mercer Island, Washington 98040

Re: Banks's Application for Variance

Dear Mr Bacon:

This letter will confirm our telephone conversation of March 27th 1979 with regard to the above referenced matter.

It is my understanding that due to a conflict in the hearing schedule with the Lakeridge Heights application, it will be beneficial for a rescheduling of the hearing on the Banks matter to April 18th, 1979 at 7:30 p.m. Unless I hear otherwise from you I will assume that will be the day of the hearing.

Thank you for your cooperation.

Very truly yours,



PETER S. BANKS

PSB:DH

RECEIVED
APR 2 1979

DEPARTMENT OF
COMMUNITY DEVELOPMENT

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HARDWICK & CONRAD
ATTORNEYS AT LAW
300 EVERGREEN BUILDING
RENTON, WASHINGTON 98055
(206) 328-2860

MORTON T. HARDWICK
RICHARD C. CONRAD
PETER S. BANKS
KENT P. BUCKLES

April 12th, 1979

Mr. Jerry Bacon
City of Mercer Island
3505-88th Southeast
Mercer Island, Washington 98040

Dear Mr. Bacon;

This will confirm our telephone conversation of April 10th, 1979, with regard to Mrs. Banks's application for a variance.

As I informed you, Mrs. Banks will be out of town from the 13th of April until the 29th of April, and we therefore request a continuance in this matter. We have agreed to a new hearing date of May 16th, 1979 at 7:00 p.m. at the normal hearing place.

Again, I apologize for any inconvenience, but I was unaware when we agreed to the last continuance that Mrs. Banks would be out of town. Additionally, we have continued this matter twice at the request of the City, and I am very appreciative of your agreement to continue once for the applicant.

Thank you for your cooperation.

Very truly yours,

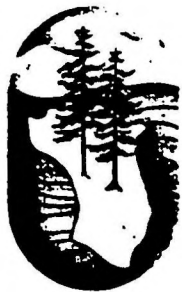

PETER S. BANKS

PSB:DH

RECEIVED
APR 16 1979

DEPARTMENT OF
COMMUNITY DEVELOPMENT

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CITY OF MERCER ISLAND, WASHINGTON

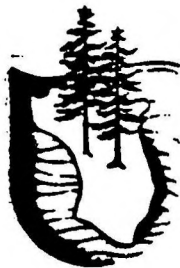
DEPARTMENT OF COMMUNITY DEVELOPMENT
April 24, 1979

Dear Property Owner:

This notice is to advise you that at the request of Mrs. A. Lawrence Banks, the matter of determining her zoning variance application has been re-scheduled by the Planning Commission for May 16, 1979 at 7:30 p.m. in the School Administration Building at 4160 86th SE.

Gerald M. Bacon
Director

GMB/lt



CITY OF MERCER ISLAND, WASHINGTON

DEPARTMENT OF COMMUNITY DEVELOPMENT
April 24, 1979

Dear Property Owner:

This notice is to advise you that at the request of Mrs. A. Lawrence Banks, the matter of determining her zoning variance application has been re-scheduled by the Planning Commission for May 16, 1979 at 7:30 p.m. in the School Administration Building at 4160 86th SE.

Gerald M. Bacon
Director

GMB/lt

David Pollock, a property owner in the neighborhood, addressed the Council in favor of upholding the appeal.

Peter Banks, representing the property owner Mrs. Banks, addressed the Council stating his client's position in favor of granting a zoning variance to enable the Banks' property to be subdivided into two lots. Mr. Banks presented photos showing views of the adjacent properties. Mr. Banks stated that his client feels that the variance is not a major deviation from the zoning requirements. He also reviewed the requirements for the granting of a zoning variance and outlined how each showing is met in relation to the Banks' property.

The public hearing was closed at 9:00 p.m.

It was moved by Councilman Rasmussen, seconded by Councilman Bland, that the appeal by David Pollock, et al be upheld since the applicant has failed to meet the required showing for a zoning variance under Section 18.02 of the City Zoning Code as amended, thus disaffirming the action of the Planning Commission.

Councilman Rasmussen stated that he felt it is up to the applicant to show that special circumstances exist in order to obtain a variance, and he felt that lot shape in this case is not a special circumstance.

Councilman Horn emphasized the importance of lot width especially as it relates to the size of the building rectangle.

It was moved by Councilman Horn, seconded by Councilman Rasmussen, to amend the motion to direct the City Attorney to present an order at the next Council meeting which summarizes the findings and discussions of this Council as outlined in the staff recommendations and in the comments of Councilman Rasmussen and Horn.

The question was called for on the amendment.

Motion passed. Voice vote: 7-0.

The question was called for on the main motion as amended.

Motion passed. Voice vote: 7-0.

The Council recessed from 9:10 p.m. to 9:20 p.m.

AB 796

Lakeridge Heights Preliminary Plat

The City Attorney indicated that a letter had been received from the applicant's attorney expressing concern that councilmen have been contacted by the public regarding the issue and raising the question of whether the appearance of fairness is being preserved by such contact. The Mayor asked if any Councilmember wished to disqualify himself. No Councilmember disqualified himself from the discussion or decision.

Mr. Guillen reported on correspondence received from Russell Osten, representing Howard Wingfield, concerning a property boundary dispute between the Wingfields and the applicant. Mr. Guillen reviewed the issue beginning with the plat as originally submitted containing 40 lots. The changes which have been made to the plat include expanding the amount of open space, improvements to West Mercer Way, changing the easements, requiring that steep slope lots be a minimum

THE CITY OF MERCER ISLAND

THE CITY COUNCIL

M I N U T E S

June 11, 1979

CALL TO ORDER: Mayor Werner presiding, the meeting was called to order at 7:50 p.m. in the Auditorium of the High School, 9100 S.E. 42nd.

ROLL CALL: Present: Councilmen Bland, Horn, Lewis, Rasmussen, Stewart, Sutherland and Mayor Werner

MINUTES OF PREVIOUS MEETING: It was moved by Councilman Horn, seconded by Councilman Rasmussen, to approve the minutes of the May 29, 1979 meeting.

One change was made to correct the spelling of George Kresovich's name under AB 778.

The question was called for on the motion as corrected.

Motion passed. Voice vote: 7-0.

CONSENT CALENDAR: It was moved by Councilman Sutherland, seconded by Councilman Bland, to approve the Consent Calendar as presented.

The question was called for,

Motion passed. Voice vote: 7-0.

PUBLIC HEARING

AB 793
Banks Variance Appeal

Director Bacon reviewed the history of the issue and the physical characteristics of the Banks property and the surrounding area. The Council was reminded that although the area is now zoned R-15, the issue must be considered as being zoned R-12 per court action. The staff recommended the appeal be upheld contrary to the Planning Commission recommendation. Director Bacon reviewed the reasons for this recommendation citing that all the showings for granting a variance had not been met.

The public hearing was opened at 8:15 p.m.

Hugo Oswald, representing the property owners adjacent to the Banks, addressed the Council stating that his clients endorse the staff's position that the variance be denied. Mr. Oswald presented two sets of photos (Exhibits A and B) showing the heavily wooded entrance to the Banks property. The question of density was raised and reference was made to the Comprehensive Plan. Mr. Oswald stated that the position held by the adjacent property owners is that a variance of 10 percent would not be in keeping with the character of the neighborhood.

**BUSINESS OF THE CITY COUNCIL
City of Mercer Island, Wa.**

APPEAL - A.L. BANKS ZONING VARIANCE

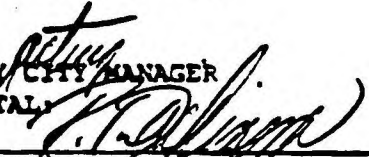
BILL NO. 793
DEPT. OF ORIGIN Community Development
DATE SUBMITTED June 4, 1979
FOR AGENDA OF June 11, 1979
CLASS:

PROCEEDING:

**PUBLIC HEARING - APPEAL OF PLANNING COMMISSION
DECISION TO APPROVE BANKS VARIANCE**

EXHIBITS: Staff Report and Map
Prelim. P.C. Minutes
Notice of Appeal
Communications
CLEARANCE: City Attorney

**APPROVED BY CITY MANAGER
FOR SUBMITTAL**



EXPENDITURE REQUIRED: \$ N/A	AMOUNT BUDGETED: \$ N/A	APPROPRIATION REQUIRED: \$ N/A
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SUMMARY STATEMENT

On May 16, 1979, the City Planning Commission conducted a Public Hearing to consider a zoning variance request for Mrs. A. Lawrence Banks of 7432 North Mercer Way. Specifics on the variance request and history are set forth in the attached Staff Report and other accompanying exhibits. The action of the Planning Commission concluded with a motion to approve the variance with a 3 - 1 vote. On May 23, 1979 a request for appeal was filed, and the City Council subsequently set the hearing date for June 11, 1979. The City Council may affirm, modify or disaffirm the action of the Planning Commission.

RECOMMENDED ACTION

Gerald M. Bacon, Director, Department of Community Development

1. That the appeal by David Pollock et al be upheld since the applicant has failed to meet the required showing for a zoning variance under Section 18.02 of the City Zoning Code as amended, thus disaffirming the action of the Planning Commission.
2. That the appeal by David Pollock et al others be denied, and that the Planning Commission action be affirmed since the applicant has adequately demonstrated that all the conditions required for a zoning variance under Section 18.02 of the City Zoning Code as amended have been met.
3. That due to new factual information the application be remanded to the Planning Commission for reconsideration.

PUBLIC HEARING

- JEWISH COMMUNITY CENTER
Request for Conditional Use Permit

Ms. Meck-Emerly began the staff presentation by describing the need for the Conditional Use Permit and the required process for obtaining it. She explained that the Design Commission had approved the preliminary concept for the building addition plus 160 parking spaces, recommending that the parking spaces be divided into 145 paved spaces and 15 grassed spaces.

Ms. Meck-Emerly then went on to describe the required showing for a Conditional Use Permit, as outlined in the staff report, and concluded that the proposed expansion adequately met the conditions. She added that in staff's opinion this was an ideal location for the type of use proposed because of its accessibility from I-90 and because of its location between C-0 and single-family housing areas. She concluded by stating that staff's recommendation was for approval with the conditions that outdoor lighting be changed to minimize the glare and that all improvements at the site be completed within two years from the date of issuance, with a performance bond to secure completion in accordance with the plans.

In response to Commissioner Nelson's question, Ms. Meck-Emerly indicated that two years provided a reasonable time frame for completion.

The meeting was at this point opened to the public.

Herb Kruzan of 8551 SE 82nd spoke as a proponent, describing the philosophy and concepts underlying the expansion.

Ed Burke of Burke Associates, project architect, then described the design of the addition, the uses, and the arterial connections, using slides to illustrate.

Speaking in opposition were Myron Hals of 4537 88th SE, Bob Chase, Howard Bailey, Horace Hall of 4006 East Mercer Way, Dale Showalter of 3702 East Mercer Way, Clarence Cameron of 3809 97th Avenue SE, and Barbara Showalter of 3702 East Mercer Way. The concerns expressed included lighting, noise, minor vandalism, access via East Mercer Way with the resultant impact on that arterial, and the visual impact and resultant change to the character of the neighborhood.

Mr. Hall reminded the Commissioners that access originally was to have been through the state-owned property to the north rather than to East Mercer Way and asked if this was still a possibility.

In response to Mr. Cameron's concern about the location of the play area, Ms. Meck-Emerly responded that the elevational difference and the proposed landscaping would help mitigate the impact on the adjacent residential area.

The public portion of the meeting was closed at this point.

Commissioner Keever expressed concern about the effect of the additional traffic on East Mercer Way and especially on the bicycle path. Mr. Burke indicated that the Jewish Community Center was closed Friday night and all day Saturday and that the uses thus would probably not coincide with recreational uses of East Mercer Way. He indicated that use of the Jewish Community Center on Sunday would usually be staggered and thus the impact not so great.

Commissioner Gregory said he felt the two major issues involved were the concerns of the residents of the adjoining property and the impact of the additional traffic. He said that in his opinion the concerns of the neighbors were being dealt with sensitively but added that he felt staff should have given further thought to the impact on the area of the additional traffic which would be generated by the addition.

Commissioner Nelson wondered if the parking was adequate to accommodate all the people using the facility at any given time. Mr. Guillen's response was that the uses would be varied and staggered so that the proposed parking would adequately serve the facility.

Commissioner Clancy asked to what degree the daycare center and preschool would be expanded, to which Mr. Burke replied that the purpose of the remodeling was

to provide better accommodation of the present preschool enrollment and that the number of children served was not expected to increase. He indicated that the total membership was expected to increase by about ten percent.

In response to a question from Commissioner Clancy, Mr. Burke stated that the gymnasium was currently being used as an auditorium when required and that the capacity of the new auditorium would be 600 people.

Motion: Commissioner Gregory moved that the application for the expansion of the Jewish Community Center be approved in that it meets the required showing in Section 19.02 of the Zoning Code, subject to the following conditions:

1. That the existing outdoor lighting be removed and that outdoor lighting more representative of a residential character which minimizes glare upon abutting property and streets be approved by the Design Commission.
2. That all improvements at the site be completed within two years from the date of issuance of the permit, including lighting and landscaping and that it be recommended to the Design Commission that a performance bond to the City be required to secure the installation and maintenance of the outdoor lighting, landscaping, and parking area.
3. That due consideration be given to the treatment of the new parking and landscape area which immediately joins East Mercer Way.
4. That all of the improvements be substantially in the form as depicted in the site plan, Exhibit A.
5. That the City Planning Staff and City Engineer evaluate the traffic situation which exists on East Mercer Way at the point of entry to the Jewish Community Center and advise the City Council and the Planning Commission as to what negative effects the expansion might present.

The motion was seconded by Commissioner Clancy and passed unanimously.

PUBLIC HEARING

- HERZL-NER-TAMID

Request for Continuance until June 6, 1979

Commissioner Nelson moved that the public hearing for Herzl-Ner-Tamid be continued until June 6, 1979. The motion was seconded by Commissioner Gregory and passed unanimously.

There being no further business, the meeting was adjourned at 10:03 p.m.

Respectfully submitted,

Marty Beck
Minute Clerk

MB/lt

RECEIVED

MAY 23 1979

May 23, 1979

TO: MERCER ISLAND CITY COUNCIL CLERK

DEPARTMENT OF COMMUNITY DEVELOPMENT
DEPARTMENT OF COMMUNITY DEVELOPMENT

SUBJECT: A. L. BANKS VARIANCE-REQUEST FOR APPEAL OF PLANNING COMMISSION DECISION

This letter is to request a full review by the City Council of the May 16, 1979 Planning Commission's decision to grant the Banks variance.

This will be the first time that such a large variance has been approved in this area. This is despite the overall objections by the neighbors. It appears that the only proponents of this variance are the Banks and several members of the Planning Commission.

It is very difficult for this neighborhood to understand the Planning Commission's actions.

1. At the request of the neighborhood, the Planning Commission recently approved rezoning this area from R-12 to R-15, recognizing and approving that lots should not be subdivided into smaller increments resulting in a crowded, less desirable living environment. Now they turn around and take just the opposite action by approving the Banks request, which reduces lot size to approach R-9.6. This is not a minor variance of 1 or 2%, but a major deviation of approximately 10% in both area and width.
2. When the first variance was approved by the Planning Commission (and subsequently turned down by the Council) the Planning Commission stipulated that a large grove of 30 to 40-foot evergreens which has provided sight and sound screening for the neighbors from traffic on North Mercer Way and I-90 should not be cut for a driveway. This was because it violated the provisions of the 18.02 code, which does not allow the variance to alter the character of the neighborhood.

When it was pointed out this time that the only way the Banks were able to reduce their variance from 1,600 to 1,100 feet was to cut out this grove of large trees, the Planning Commission chose to ignore this point.

Section 18.02 of the Zoning Code requires that all of its provisions must apply before a variance can be granted. This provision should provide adequate protection for a neighborhood to continue to exist as the present zoning stipulates regarding size, density, privacy, natural screening and congestion.

I feel for these and other reasons the Planning Commission's ruling should be overturned by the City Council.

*David Fallock, 7420 N Mercer Way
Corner E Gray 743014, MERCER WAY
Op Spickard 7406 N Mercer Way
Loyal Moore 7410 N Mercer Way
Beatha Sundsten 7440 - S.E. 22nd*

Velma D. Paul 7414 N. Mercer Way

June 4, 1979

City Council
City of Mercer Island, Wa.

Gentlemen:

As the owner of adjacent property, I again urge the Council to deny the variances sought by Mrs. A. Lawrence Banks to permit construction of a second house on a site substantially below zoning requirements as to both width and area.

Your hearing on June 11 will be the sixth confrontation on this matter over the past year. In all this time, I know of no expression by any nearby resident except to condemn the proposal. In my own case, I continue to believe that a second house squeezed in on the Banks lot would be definitely detrimental to the value of my adjoining property.

If Mrs. Banks feels that she can prove otherwise in court — that a second house on her present property will not be damaging to any neighbor, including the Neels, the Grays and myself — she has the opportunity, and should properly, assume the burden of taking such legal action. Her request for an exception by variances, without proving the result will not be damaging to others, should be denied.

Yours very truly,
David Fallock

7420 N Mercer Way
Mercer Island Wa

PLANNING COMMISSION MINUTES
May 16, 1979 - page 2

Peter Banks, attorney for the applicant, presented some photographs of the area. He stated that the applicant was requesting only a 9.16% variance from the applicable R-12 zoning. He argued that special circumstances did exist because of the shape of the lot. He said the new proposal for the road easement would improve visibility and safety and that traffic would be no more affected than if the lot were the full 12,000 square feet. He stated that the Comprehensive Plan had actually designated that area as R-9.6, and the proposal before the Commission was for a lot considerably larger. Mr. Banks then read an affidavit of Shirley Lake, Mercer Island real estate agent, in which she stated that in her opinion the variance would have no reflection on the value of the surrounding land and that because the neighborhood had already been substantially subdivided, the character of the neighborhood would not be affected.

Mrs. A. Lawrence Banks spoke next, reminding the Commissioners that the first application for the variance had been granted by the Planning Commission.

The meeting was then opened to speakers in opposition to the variance.

Conner Gray of 7430 North Mercer Way summarized the points made in the petition signed by the neighbors and submitted to the Planning Commission in opposition to the variance request. He added that the new proposal for the driveway would require the cutting of a large group of significant trees which would change the character of the neighborhood. He concluded that the neighborhood would be adversely affected and that the application should be denied.

The meeting was at this point closed to the public.

Mr. Bacon challenged Mr. Banks' interpretation of the density which the Comprehensive Plan designated for that area, arguing that the Comprehensive Plan called for low density, single family units, with a gradation of from two to four families per acre.

Commissioner Clancy pointed out that the original application, which was for a variance of 800 square feet had been approved by a vote of four to two, and the second application, which was for a 1601 square foot variance had been denied by a vote of four to one, making it appear as though the square footage was the pivotal point.

Commissioner Gregory affirmed that in his opinion the issue was not one of the degree of the variance but rather how it would relate to the Comprehensive Plan and to such issues as density and neighborhood character. He went on to say he heard no testimony to persuade him that the variance should be granted.

Commissioner Clancy agreed that the important issue was the character of the neighborhood but added that he was not persuaded the character would be negatively affected by the variance. He observed that the neighborhood already had an abundance of long, narrow lots with multiple units, and said he felt the traffic pattern would be negligibly affected. He added that the decision that night would have no precedential value, as the Hearing Examiner would handle all future variance requests. He concluded by saying he felt the variance should be granted.

Commissioner Nelson asked if there were any special topographical or drainage problems, to which Mr. Bacon replied that there were no known significant problems, however it would be appropriate to address that type of issue during the short plat process.

Commissioner Keever stated that he felt the variance would have no adverse effects on the neighborhood and would not devalue the adjacent properties.

Motion: Commissioner Clancy moved that the Planning Commission approve the A. Lawrence Banks variance in that it meets the required showings of Section 18.02 of the Zoning Code. The motion was seconded by Commissioner Nelson and was approved by a vote of three to one, Commissioner Gregory voting nay.

file

CITY OF MERCER ISLAND
Planning Commission

PUBLIC MEETING

May 16, 1979

MINUTES

Present:	<u>Planning Commission</u>	<u>Staff</u>	<u>Others</u>
	D. Clancy	J. Bacon	
	C. P. Gregory	D. Guillen	
	R. Keever	P. Meck-Emery	
	J. Nelson		
Not present:			
	V. C. Bryant		
	L. Copass		
	S. Fry		

The meeting was called to order at 7:34 p.m. in the School Administration Building by Chairman Keever. The minutes of the April 11, 1979 and April 18, 1979 meetings were approved as submitted.

PUBLIC HEARING

- BANKS, A. LAWRENCE ✓
Variance

Mr. Bacon briefly summarized communications received from neighbors which registered their opposition to the variance. These included a petition signed by eleven neighbors and letters from Kenneth W. Neel, Loyal D. Moore, and David Pollock, all voicing opposition to the variance.

Mr. Bacon then gave the staff report, briefly reviewing the history of the application. He noted that subsequent to the initial variance application, the subject area had been reclassified to R-15 but through court action it was required that the application be reconsidered under the former R-12 zoning. He advised the Planning Commission that they would be making a decision on the variance request based on Section 18.02 of the Zoning Code and that their decision would be subject to appeal to the City Council.

Mr. Bacon described the land as being a rectangularly-shaped parcel to be subdivided into two lots separated by a canted line. He explained that Lot A, the waterfront parcel, was 12,000 square feet and was eleven feet deficient in meeting the lot width requirements, and that Lot B as proposed was 10,900 square feet after deducting the area of the roadway easement and would require a ten-foot width variance. He added that the proposed road easement had been changed from previous applications and now paralleled the west property line.

Mr. Bacon then summarized the applicant's written submission, showing that in her opinion the variance did meet the criteria of Section 18.02 of the Zoning Code. Mr. Bacon stated that in staff's opinion the applicant failed to prove that the variance met all those criteria and therefore it was staff's recommendation that the application be denied. He noted that with the implementation of I-90, North Mercer Way would be realigned in the subject area and would carry increased traffic volumes. He also stated that a density variance would be a contradiction to the history of development for the properties within the entire R-12 zone. He stated that with the exception of several non-conforming lots (under King County government), the area had been developed and maintained within the City regulations, and that the principle of granting a density variance was a greater issue than the question of exact square footage. Mr. Bacon felt that the additional unit, together with the changes made to accommodate the road easement would negatively affect the character of the neighborhood.

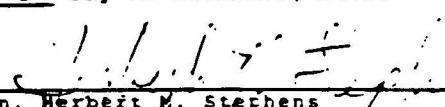
Commissioner Clancy asked why the judge had remanded the case back to the City, to which Mr. Bacon replied that there was confusion at the City Council hearing regarding the configuration of the road easement and the resultant final square footage details of the lots after the easement had been subtracted.

In response to a question from Commissioner Clancy, Mr. Bacon informed the Commission that there had been only one density variance application in the surrounding area since 1960 and that it had been denied.

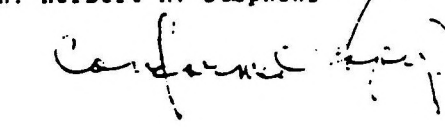
The meeting at this point was opened to the public.

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the
2 event of an appeal by any party of the action taken by the
3 Mercer Island Planning Commission or the City Council of Mercer
4 Island in the above-referenced action, the undersigned Judge shall
5 retain jurisdiction of the parties and the subject matter of this
6 action.

7 DONE IN OPEN COURT this 20 day of November, 1978.

8
9 
10 Hon. Herbert M. Stephens

11 Presented by:
12 HARDWICK & CONRAD,

13
14 
15 Peter S. Banks
16 Of Attorneys for Plaintiff

17 Approved as to Form;
18 Notice of Presentation Waived:

19 
20 Ronald C. Dickinson
21 City Attorney for the City of Mercer Island
22

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

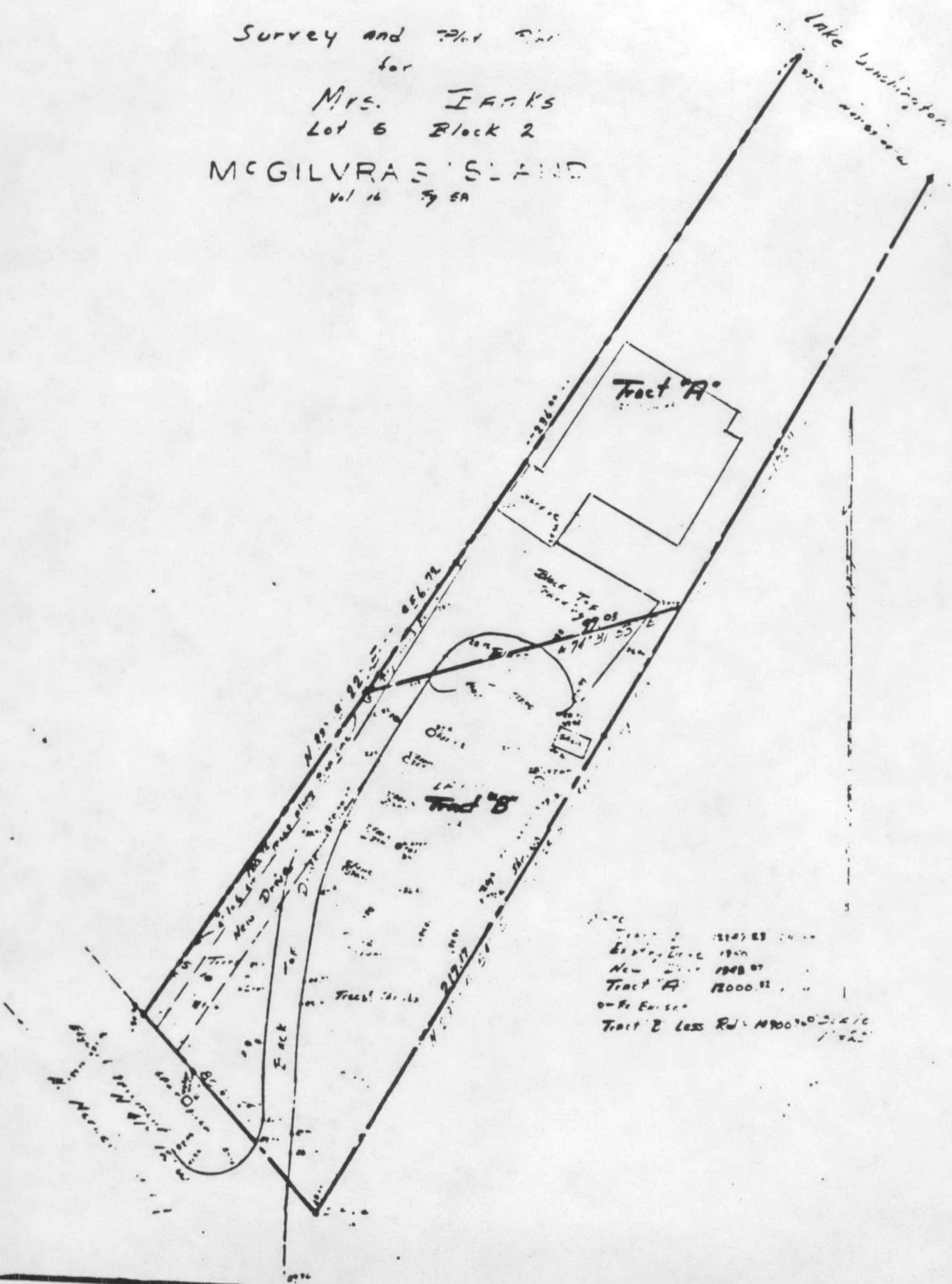
DEE BANKS,)	NO. 837020
Plaintiff.)	
vs.	)	ORDER ON RETURN OF WRIT OF
CITY OF MERCER ISLAND,	)	CERTIORAI
Defendant.)	
)	

THIS MATTER having come on for hearing before the undersigned Judge of the above-entitled Court on the 9th day of November, 1978, upon the return of the Writ of Certiorai, with the Plaintiff being represented by her attorney of record, Peter S. Banks, and the Defendant being represented by City Attorney, Ronald C. Dickinson, and the Court having reviewed the records and the files herein, and having heard argument of counsel and deeming itself fully advised in the premises, and finding the action of the Mercer Island City Council was unfair to the Plaintiff under the circumstances in that it resulted in a lack of opportunity for the Planning Commission to consider and render a decision on the exact zoning variance sought by the Plaintiff, NOW THEREFORE IT IS HEREBY

ORDERED, ADJUDGED AND DECREED that the Plaintiff, DEE BANKS, shall make a reapplication to the Planning Commission of the City of Mercer Island for a zoning variance of a specific and certain number of square feet in lot size in an R-12 zone, with said application to be made within 60 days from the date of the entry of this Order and that the Planning Commission shall decide the issue at a hearing held for that purpose, and

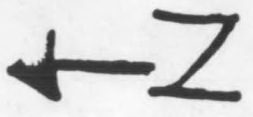
Survey and Plat
 for
 Mrs. FRANKS
 Lot 6 Block 2
 MCGILVRA'S ISLAND
 Vol 16 39 5A

Lake Washington

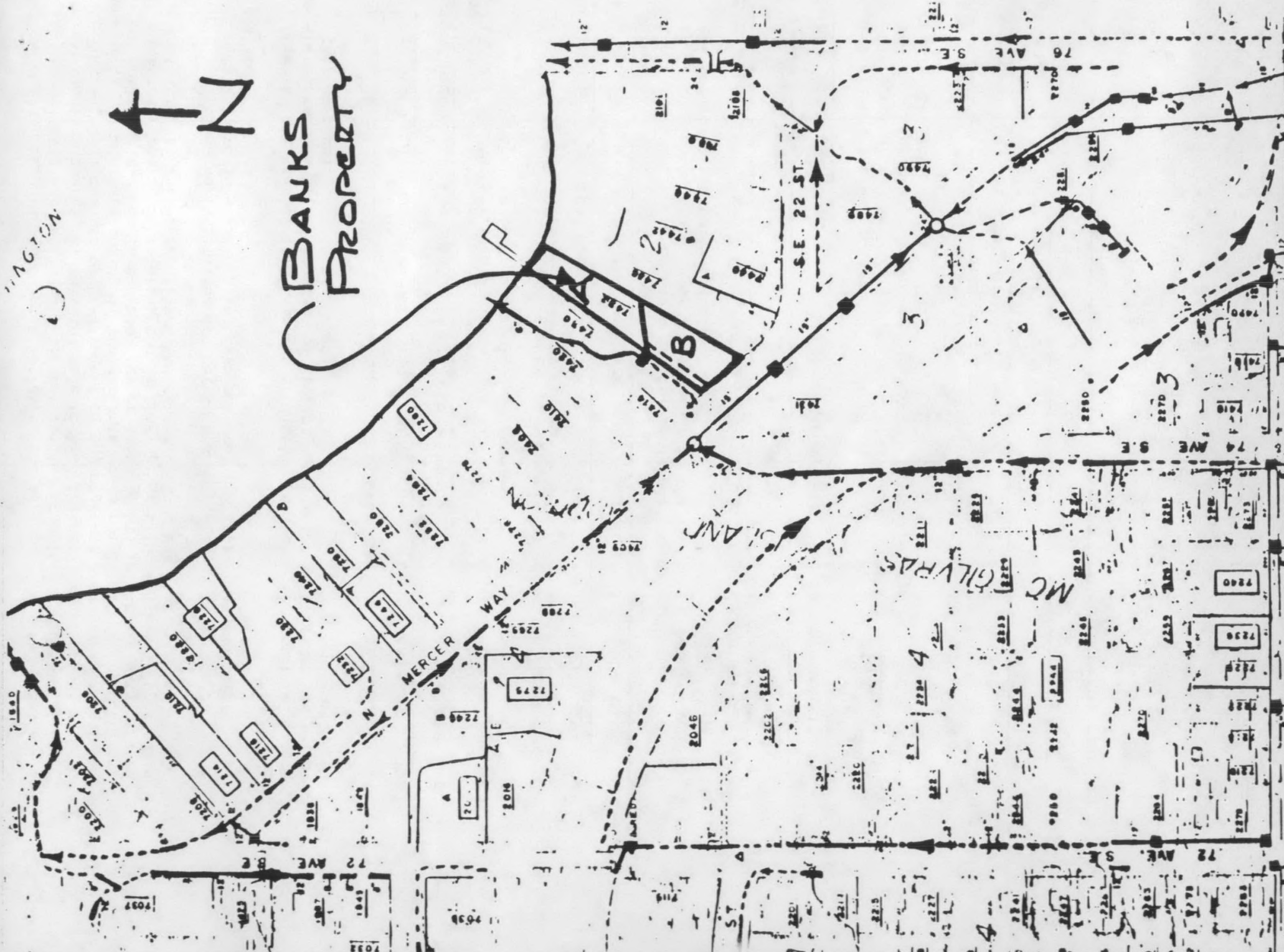


Tract A 12000.11
 Tract B Less Rd. 11900.00
 1920

WAGTON



BANKS PROPERTY



The Hearing Examiner. To grant a variance, the applicant must show that all the following criteria are satisfied: 1) that special or unique circumstances are present on the property, 2) that the neighborhood character would not be altered and, further, that the use or development of the adjacent property would not be impaired, 3) that the granting of the variance would not be materially detrimental to the public welfare or injure property or improvements in the vicinity or zone in which the property is located, and 4) that the granting of the variance would not conflict with the Mercer Island Comprehensive Land Use Plan.

Supply the following information accurately and completely. It is the applicant's responsibility to show the Hearing Examiner that the four variance criteria are satisfied.

1. Describe the special circumstances applicable to the lot or tract (e.g. size, shape, topography, or location of the lot; surroundings; trees or vegetation; other physical conditions).

All of the lots on the vicinity are long and narrow, and because of the curvature of the lake shore and access roads, this lot and the lot adjacent to the East become pie shaped. Due to this shape and the deduction of access easements, a variance is necessary.

2. Explain why the variance would neither alter the character of the neighborhood nor impair the use or development of adjacent property.

A majority of the lots have been previously subdivided into two or more lots. The addition of a single family residence would in no way alter the character of the neighborhood. Such subdivision would not impair the development of the adjacent lots.

3. Explain why the variance would not be detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

The subdivision will not increase the flow of traffic in the area. Since conforming to existing health and building codes is required for new construction, no detriment to public health is anticipated.

4. Explain why the variance would not conflict with the general purposes and objectives of the Mercer Island Comprehensive Land Use Plan. (Copies of the Comprehensive Plan - Ordinance #14 - are available in the Department of Community Development.)

Under the original Comprehensive Plan, this area is designated as R-9.6. The lot proposed will exceed that classification by more than 1,000 square feet.

2. Not materially detrimental to public welfare or injurious to property in the vicinity.

The additional dwelling unit will result in additional traffic directly onto an arterial.

3. Not alter neighborhood character nor impair use of adjacent property. An additional residence would slightly alter the usual character of the immediate neighborhood. Development of the upper lot would slightly impact the open space effect of the property to the east and create a crowding effect for the existing residence to the west.

4. Not in conflict with the Comprehensive Plan.

The density increase resultant from the variance would be in conflict with the Comprehensive Plan.

STAFF RECOMMENDATION:

That the variance be denied because the request by Mrs. A. Lawrence Banks fails to meet the required showing for a variance under the criteria set forth in Section 18.02 of Ordinance 15 as amended.

requirements. The proposed road easement across Tract B would consume approximately 1,349 square feet and reduce the lot width by 10 feet, thus requiring a 1,100 square foot variance and a ten-foot width variance. The proposed subdivision design would also cause an 11-foot width variance for Tract A.

5. Additional information concerning the pattern of neighborhood development will be presented at the hearing.

VARIANCE CRITERIA:

1. The Planning Commission's actions on this matter are established and guided by Sections 18.01 and 18.02 of the Zoning Code. They read as follows:

Section 18.01 AUTHORITY TO GRANT VARIANCE:

"The Planning Commission shall have the authority to grant a variance from the provisions of this Ordinance when the conditions set forth in Sub-Section 18.02 have been found to exist. The action of the Planning Commission in granting or denying a variance shall be final and conclusive unless an appeal is filed in accordance with the provisions of Section 21 of this Ordinance."

Section 18.02 REQUIRED SHOWING FOR VARIANCE:

"Before any variance may be granted, all the following circumstances shall be found to apply:

- (a) That there are special circumstances applicable to the particular lot or tract, such as size, shape, topography, location or surroundings, trees or ground cover or other physical conditions;
- (b) 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;
- (c) The granting of the variance will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property; and
- (d) The granting of the variance will not conflict with the general purposes and objectives of the Comprehensive Plan."

STAFF ANALYSIS:

1. Special Circumstances.

Staff contends that the burden of proof rests with the applicant to demonstrate the special circumstances exist. It is our opinion that the applicant has failed to meet this test.

CITY OF MERCER ISLAND
Planning Commission

STAFF REPORT

APPLICANT: MRS. A. LAWRENCE BANKS

LOCATION: 7432 N. MERCER WAY

ZONING: R-12; SEE STAFF SUMMARY

APPLICABLE SECTION OF CODES: ZONING CODE NO. 15 AS AMENDED SECTIONS 6.04, 6.03.3, and 18.02, COMPREHENSIVE PLAN

HEARING DATE: FEBRUARY 21, 1979; CONTINUED TO MAY 16, 1979

EXHIBITS: STAFF REPORT, VARIANCE APPLICATION, VICINITY MAP, PROPOSED SHORT PLAT, COURT ORDER

RESPONSIBLE STAFF: JERRY BACON, DIRECTOR OF COMMUNITY DEVELOPMENT
ALAN WALLACE, PLANNING TECHNICIAN

REQUEST: APPLICANT REQUESTS A VARIANCE FOR 1,100 SQUARE FEET FOR ONE LOT, AND LOT WIDTH VARIANCES FOR 10 FEET AND 11 FEET FOR TWO LOTS IN A PROPOSED TWO-LOT SHORT PLAT.

STAFF SUMMARY

1. On May 11, 1977, Mrs. A. Lawrence Banks, owner of Lot 5, Block 2, McGilvra's Island Addition, applied for a zoning variance that was the result of the design of a proposed two-lot short plat. The final City action occurred on October 24, 1977, at which time the City Council denied an appeal of the applicant, thus affirming the Planning Commission's decision to deny the variance request. The matter was subsequently appealed to the King County Superior Court, and it was determined that the issue be remanded to the Planning Commission under a new reapplication.
2. Following the City's consideration of the zoning variance, the City approved an application for a rezone for the subject area from R-12 to an R-15 classification. The Court required that the reapplication for a zoning variance must be considered by the design standards set forth under the former zoning classification (R-12). Moreover, the matter is to be heard by the Planning Commission and not the Hearing Examiner, who currently presides over zoning variances. Judge Herbert Stephens retained jurisdiction of the parties and subject matter.
3. The subject parcel is approximately 24,250 square feet with a slope averaging approximately 14% from North Mercer Way to the Lake. A single-family dwelling is situated on Tract A (north lot) and is served by a driveway which diagonally crosses the upper proposed lot. See attached proposed short plat.
4. The entire parcel conforms to the building site area requirements for the R-12 zone. The variance request is caused by the design of the proposed two-lot short plat. Specifically, Section 16.03.3 of the Zoning Code requires that road easements are excluded from the determination of building

BEFORE THE MERCER ISLAND CITY COUNCIL

IN THE MATTER OF THE APPEAL FROM)
THE FINDINGS AND DECISION OF THE)
CITY OF MERCER ISLAND PLANNING) FINDINGS AND ORDER
COMMISSION APPROVING THE VARIANCE)
REQUEST OF MRS. A. LAWRENCE BANKS,)
7432 NORTH MERCER WAY, MERCER)
ISLAND, WASHINGTON.)

Findings

1. At the regular City Council meeting on June 11, 1979 a public hearing was held to consider an appeal of the findings and decision of the City of Mercer Island Planning Commission approving variance requests pursuant to application therefore by Mrs. A. Lawrence Banks, 7432 North Mercer Way, Mercer Island, Washington.
2. The applicant requested the following variance to be granted by the Planning Commission:
 - (a) 1,100 square feet of the required 12,000 square foot minimum lot size in an R-12 zone for one lot of a proposed two lot short plat;
 - (b) The upland lot also requires a width variance of 10 feet from the 75 foot minimum width standard;
 - (c) The short plat would result in having the waterfront lot 64 feet in width, thus requiring a width variance of 11 feet for that lot.
3. At the Planning Commission hearing which was held on May 16, 1979, the City of Mercer Island Planning Commission granted the following variance to the applicant, Mrs. A. Lawrence Banks:
 - (a) 1,100 square feet of the 12,000 sq. feet required minimum lot size;
 - (b) A width variance for 10 feet of the required 75 foot minimum for the upland lot in a proposed two lot short plat;
 - (c) A width variance for 11 feet of the required 75 foot minimum for the waterfront lot in a proposed two lot short plat.
4. A letter of appeal was timely filed and the public hearing was duly and properly scheduled to be heard before the Mercer Island City Council on June 11, 1979.

5. At the public hearing the following testimony was received:

- (a) Testimony from attorney Hugo Oswald, representing neighboring property owners as appellants;
- (b) Testimony from attorney Peter Banks representing the variance applicant, Mrs. A. Lawrence Banks;
- (c) Staff presentation by Gerald Bacon, Director of the Department of Community Development.

6. After the public hearing was closed and after discussion among council members it was found that:

- (a) The applicant failed to demonstrate with regard to the property that certain special circumstances exist, such as shape and size;
- (b) Allowance of an additional lot would result in additional vehicular traffic onto a designated arterial;
- (c) Development of the proposed additional lot would alter the character of the neighborhood;
- (d) The density increase resultant from the variances would be in conflict with the comprehensive plan;
- (e) The density variance is in conflict with the long standing history of development associated with the neighborhood properties abutting Lake Washington and sharing a R-12 zoning classification;
- (f) The lot width variances are in conflict with the intent of the minimum building area rectangle standards as set forth in the Subdivision Ordinance.

7. It was moved by Councilman Rasmussen, seconded by Councilman Bland, that the appeal by David Pollock, et al be upheld since the application has failed to meet the required showing for a zoning variance under Section 18.02 of the City Zoning Code as amended, thus disaffirming the action of the Planning Commission.

NOW, THEREFORE, it is hereby ordered by the Mercer Island City Council as follows:

- 1. The findings and decision of the Mercer Island Planning Commission approving the variance application of Mrs. A. Lawrence Banks is hereby disaffirmed; and

2. The variance application of Mrs. A. Lawrence Banks is hereby denied.

DATED this 25th day of June, 1979.

Marguerite Sutherland
Mayor pro tem

ATTEST:

Jack W. Bunnell
Jack W. Bunnell, City Clerk

THE CITY OF MERCER ISLAND

THE CITY COUNCIL

M I N U T E S

June 25, 1979

CALL TO ORDER: Mayor Pro Tem Sutherland presiding, the meeting was called to order at 7:45 p.m. in the Conference Room of the School Administration Building, 4160 86th Avenue S.E.

ROLL CALL: Present: Councilmen Bland, Horn, Lewis, Rasmussen, Stewart and Mayor Pro Tem Sutherland
Absent: Mayor Werner

MINUTES OF PREVIOUS MEETING: It was moved by Councilman Horn, seconded by Councilman Stewart, to approve the minutes of the June 11, 1979 meeting as presented.

The question was called for,

Motion passed. Voice vote: 6-0.

CONSENT CALENDAR: It was moved by Councilman Bland, seconded by Councilman Rasmussen, to approve the Consent Calendar containing the following items:

1. AB 799 Reissuance of Liquor License
2. AB 803 Status of Claims

The question was called for,

Motion passed. Voice vote: 6-0.

PUBLIC HEARING

AB 798
Appeal of Variance - Carlson

Alan Wallace gave a presentation describing the Robert Carlson property located at 7255 West Mercer Way and the dock Mr. Carlson is proposing to build pointing out the two semi-private recreational tracts on the north and south sides of the property. Both recreational tracts have docks. Mr. Wallace reviewed the history of the issue and the hearing examiner's decisions and findings.

There was some confusion whether the amount of the variance required to the south was five or eight feet. Mr. Robert Carlson stated that he would be satisfied with a five foot variance to the south. The fifteen foot variance required to the north remained unchanged.

The public hearing was opened at 8:15 p.m.

of special meetings to consider the Fire Protection Master Plan and codification.

It was moved to amend by Councilman Rasussen, seconded by Councilman Bland, that the City Council hold a series of special meetings after the Public Safety Committee has reviewed the Fire Protection Master Plan.

After discussion by the Council, Councilman Rasmussen withdrew his amendment and Councilperson Bland withdrew her second.

The question was called for,

Motion passed. Voice vote: 6-0.

It was moved by Councilman Rasmussen, seconded by Councilman Lewis, to direct the staff to summarize the policies of the Fire Protection Master Plan.

The question was called for,

Motion passed. Voice vote: 6-0.

Banks Variance -- Findings and Order

It was moved by Councilperson Bland, seconded by Councilman Rasmussen, to authorize the City Manager Mayor Pro Tem to sign the findings and order as regards to Mrs. A. Lawrence Banks' zoning variance.

The question was called for,

Motion passed. Voice vote: 6-0.

AB 791 Self-Insurance Feasibility Study

It was moved by Councilman Horn, seconded by Councilman Bland, to adopt resolution no. 777 authorizing the City to participate in the Self-Insurance Feasibility Study with the Association of Washington Cities, authorize the expenditure of \$3,263 to A.W.C. for participation in the study and authorize the budget transfer of \$3,263 from #013.519.90.42.11.13 Claims Reserves to #013.519.90.31.07 Professional Services.

The Council discussed the self-insurance study being done by Warren, McVeigh and Griffin Co. with Director Bunnell.

The question was called for,

Motion passed. Voice vote: 6-0.

AB 804 I-90 Sewer Relocation

Councilman Bland reported on her discussion with Ted Mallory of METRO saying that authorization for METRO's portion of the expenses for the

Jerry Bacon
VIRINCE FILE

HARDWICK & CONRAD
ATTORNEYS AT LAW
300 EVERGREEN BUILDING
RENTON, WASHINGTON 98055
(206) 228-3860

MORTON T. HARDWICK
RICHARD C. CONRAD
PETER S. BANKS
KENT P. BUCKLES
ERNEST C. MATTHEWS, IV
JERALD D. PEARSON

December 13, 1979

Mr. Ron Dickinson
City of Mercer Island
3505 - 88th SE
Mercer Island, WA 98040

Re: Banks v. Mercer Island

Dear Mr. Dickinson:

This letter is to advise you that the hearing on the return of the writ of certiorari in the above referenced matter has been set for April 14, at 1:30 p.m. in Judge Stephens courtroom.

Please advise if this date presents any problems for you, so that we may agree to a change.

Very truly yours,

Peter S. Banks
PETER S. BANKS

PSB:dc
cc: Mrs. Dee Banks

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

DEE BANKS,)	NO. 837020
)	
Plaintiff.)	
)	
vs.	)	ORDER ON RETURN OF WRIT OF
	)	CERTIORAI
CITY OF MERCER ISLAND,)	
)	
Defendant.)	
)	


THIS MATTER having come on for hearing before the undersigned Judge of the above-entitled Court on the 9th day of November, 1978, upon the return of the Writ of Certiorai, with the Plaintiff being represented by her attorney of record, Peter S. Banks, and the Defendant being represented by City Attorney, Ronald C. Dickinson, and the Court having reviewed the records and the files herein, and having heard argument of counsel and deeming itself fully advised in the premises, and finding the action of the Mercer Island City Council was unfair to the Plaintiff under the circumstances in that it resulted in a lack of opportunity for the Planning Commission to consider and render a decision on the exact zoning variance sought by the Plaintiff, NOW THEREFORE IT IS HEREBY

ORDERED, ADJUDGED AND DECREED that the Plaintiff, DEE BANKS, shall make a reapplication to the Planning Commission of the City of Mercer Island for a zoning variance of a specific and certain number of square feet in lot size in an R-12 zone, with said application to be made within 60 days from the date of the entry of this Order and that the Planning Commission shall decide the issue at a hearing held for that purpose, and

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event of an appeal by any party of the action taken by the Mercer Island Planning Commission or the City Council of Mercer Island in the above-referenced action, the undersigned Judge shall retain jurisdiction of the parties and the subject matter of this action.


DONE IN OPEN COURT this 20 day of November, 1978.


Hon. Herbert M. Stephens
(Conformed Copy)

Presented by:
HARDWICK & CONRAD,

Peter S. Banks
Of Attorneys for Plaintiff

Approved as to Form;
Notice of Presentation Waived:



Ronald C. Dickinson
City Attorney for the City of Mercer Island

8250 fee pd. 1-19-79
rxc

JAN 19 1979

Variance No. <u>MIV-79-06</u>
FOR OFFICE USE

CITY OF MERCER ISLAND
Department of Community Development

APPLICATION FOR VARIANCE

(Note to Applicant: Before preparing the application, please read information and instructions on Page 4.)

Name of Applicant: Mrs. A. Lawrence Banks
 Mailing Address: 7432 North Mercer Way, Mercer Island, WA 98040
 Phone: 232-8519 Date of Filing: 1/19/79

TO THE HEARING EXAMINER:

The undersigned applicant is (is/are) the owner of the property described as follows: Lot 5, block 2, McGilvra's Island Addition Together with second class shore lands adjoining.

(Give legal description, including lot, block, tract, etc.)

The property for which this application is made is located at: (Give street address, if any, or location by reference to streets, alleys, property lines, etc.)

7432 North Mercer Way, Mercer Island, WA

Above-described property was acquired by applicant on the 12th day of May, 1966. The present zoning of subject property is: 12R-12

REQUEST: Applicant requests a variance on the above-described property for the following reasons. (State what is intended to be done on the property, why that action does not conform with existing zoning regulations, and what adjustment is sought.)

Variance is requested so that the property can be subdivided for the construction of an additional single family residence.

The requirement that the access easements for my lot be deducted from the square footage of the proposed lot makes a variance necessary.

SPECIFICS: *JS*
 1. SQUARE FOOTAGE - ~~3000~~ 4100 1/2 - LOT B
 2. LOT WIDTH - 10' - LOT B 11' - LOT A

For the Hearing Examiner to grant a variance, the applicant must show that all the following criteria are satisfied: 1) that special or unique circumstances are present on the property, 2) that the neighborhood character would not be altered and, further, that the use or development of the adjacent property would not be impaired, 3) that the granting of the variance would not be materially detrimental to the public welfare or injure property or improvements in the vicinity or zone in which the property is located, and 4) that the granting of the variance would not conflict with the Mercer Island Comprehensive Land Use Plan.

Supply the following information accurately and completely. It is the applicant's responsibility to show the Hearing Examiner that the four variance criteria are satisfied.

1. Describe the special circumstances applicable to the lot or tract (e.g. size, shape, topography, or location of the lot; surroundings; trees or vegetation; other physical conditions).

All of the lots on the vicinity are long and narrow, and because of the curvature of the lake shore and access roads, this lot and the lot adjacent to the East become pie shaped. Due to this shape and the deduction of access easements, a variance is necessary.

2. Explain why the variance would neither alter the character of the neighborhood nor impair the use or development of adjacent property.

A majority of the lots have been previously subdivided into two or more lots. The addition of a single family residence would in no way alter the character of the neighborhood. Such subdivision would not impair the development of the adjacent lots.

3. Explain why the variance would not be detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

The subdivision will not increase the flow of traffic in the area. Since conforming to existing health and building codes is required for new construction, no detrement to public health is anticipated.

4. Explain why the variance would not conflict with the general purposes and objectives of the Mercer Island Comprehensive Land Use Plan. (Copies of the Comprehensive Plan - Ordinance #14 - are available in the Department of Community Development.)

Under the original Comprehensive Plan, this area is designated as R-9.6. The lot proposed will exceed that classification by more than 1,000 square feet.

PLEASE READ:

A variance is the means by which property owners are granted modifications from the strict application of zoning code provisions. On Mercer Island, the Hearing Examiner reviews situations where the uniform application of the Zoning Code would unfairly burden one property more than other similar properties in the area.

The Hearing Examiner holds two public hearings per month on the 1st and 3rd Fridays of each month at 1:30 p.m. Applications must be filed with the Department of Community Development at least 30 days prior to the scheduled hearing days.

- a. The next Public Hearing date is: _____
- b. The last day to file for this Public Hearing is: _____

REQUIREMENTS FOR FILING AN APPLICATION FOR VARIANCE

1. Filing Fee (Ordinance No. 447)
 2. Application Form
 3. Assessor's Map or Maps
 4. Plot Plans (2 copies)
 5. Photographs, and other exhibits are optional
1. The City of Mercer Island requires the applicant to pay a fee when a variance application is filed. This fee helps defray advertising and other administrative costs associated with processing the application.
 2. In preparing your application, all questions must be answered accurately and neatly. This is an official document and must be kept in good order. The application must be filled out completely and signed by the owner(s) of property before a Notary Public. Signatures of contiguous property owners may be secured if the applicant feels this will help substantiate his/her request. However, submittal of such evidence shall not infringe upon the powers vested in the City of Mercer Island to hear the application.
 3. An Assessor's map or maps, showing each lot with 300 feet of the exterior boundaries of subject property, must accompany the application. These maps may be purchased for a nominal fee at the Department of Public Works, Ninth Floor, King County Administration Building, Seattle. Do not mutilate by cutting or drawing on these maps.
 4. Two (2) PLOT PLANS showing the exact dimensions of the property to an appropriate engineer's scale (1"= 50', etc.), all existing and proposed buildings or improvements and their setbacks, tree and ground cover, adjoining streets, watercourses, roads and highways, access points, fencing, and any other information that will illustrate your proposal must be included with the application. If new building construction is involved, a floor plan showing conditions and proposed changes should be submitted. Plot plans should be done in ink or blue-lined on good quality unruled paper. Five (5) foot contours and a profile (cross-section) must be shown on each plot plan when an alleged topographical hardship exists.
 5. PHOTOGRAPHS of the subject property on a scale large enough to illustrate the variance request are helpful to the Hearing Examiner and may be submitted with this application.

When the above requirements are met, file the APPLICATION, MAP, PLOT PLANS AND FILING FEE with the Hearing Examiner representative, City Hall, 3505 88th Avenue SE, Mercer Island, WA. This should be done in person and not by mail. The application must be complete in every respect (ALL questions answered) before it can be received and certified.

The Hearing Examiner has authority to take final action on all variances under Mercer Island Resolution No. 742. Any action may be appealed to the City Council under procedures set up by the Council.

A F F I D A V I T

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

Mrs. A. Lawrence Banker, being duly sworn, depose and say ~~that~~ ^{am} ~~we~~ ^{am} the owner of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are, in all respects, true and correct to the best of our knowledge and belief.

Mrs. A. Lawrence Banker
(Owner)

(Owner)

232-8519
(Telephone)

7432 N. Meade Way
(Mailing Address)

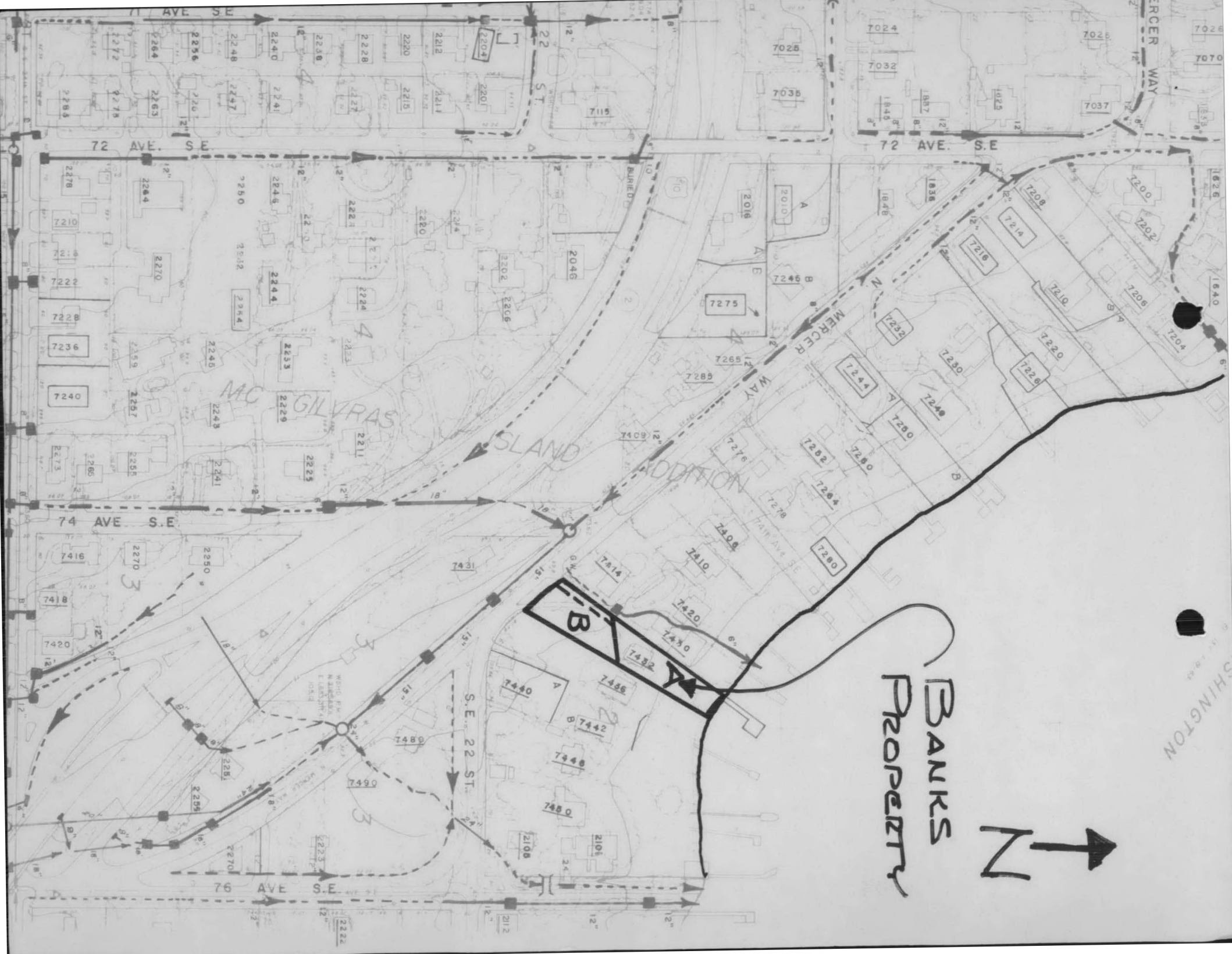
Subscribed and sworn to before me this 19 day of January, 19 79.

Jennifer S. Stutts
Notary Public

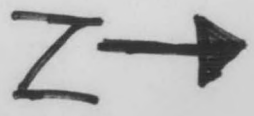
C E R T I F I C A T I O N

This is to certify that the foregoing application has been inspected by me and found to be thorough and complete in every particular and to conform to the rules and regulations of the Hearing Examiner governing the filing of such application.

By: J. Soan
Staff for the Hearing Examiner



**BANKS
PROPERTY**



MC GILVERAS

ISLAND ADDITION



WASHINGTON

February 15, 1979

Mr. Harold M. Bacon, Director
Department of Community Development
City of Mercer Island
Mercer Island, Wa.

Re: the request for a variance
in minimum lot size and in
minimum lot widths by Mrs.
A. Lawrence Banks, 7432 N.
Mercer Way.

Gentlemen:

As the owner of adjacent property, I am definitely
and vigorously opposed to granting these concessions
to Mrs. Banks. To do so would be damaging to
my property value, inconsistent with proper community
development, destructive to the efforts of adjacent
and nearby owners to maintain and upgrade the
neighborhood, and unwarranted for any good reason.

Because of bungling, inaccuracies in prior
applications and postponements on short notice, this
is the fourth or fifth time on which expressions have
been sought from persons affected by this matter.
I have written repeatedly to voice objections, and

show of no sympathy for the proposed
variances on the part of any nearby neighbor
or resident. Is it possible that your office, you
personally, the Planning Commission or the City
Council would deliberately flout the unanimous
feelings, as well as rights, of concerned neighbors
in order to accommodate a self-seeking request
by a persistent individual?

If so, the "Department of Community Develop-
ment" should be renamed the "Department of
When Do You Ask for an Otherwise Illegal Exception."
Or, if you fail to note that this application concerns
property now covered by 15,000-foot minimum area
requirement, and to oppose making such an exception
for this and other good reasons, the best interests
of the community might be best served by simply
abolishing your office entirely.

David Fallock
7420 N. Mercer Way
Mercer Island Wa.

Address thru 2/28/79: Circunvalacion Providencia 1482, Guadalajara Jal., Mexico
" " 3/31/79 % Apartado Postal 319812, " " "

Mr.- Mrs. Kenneth W. Neel
7414 North Mercer Way
Mercer Island, Washington 98040
February 19, 1979

Mr. Gerald M. Bacon, Director
Dept. Community Development
City of Mercer Island, Wash.

Re: Zone Variance - Banks

Dear Mr. Bacon:

We wish to register our continued objection to this zone variance. We still feel this would have an adverse effect on the feeling of the neighborhood.

It seems inconsistent with zoning management to try on one hand to secure open space on the island and on the other allow large nicely planted areas to be cut to bits and pieces.

Please do what you can. Thanks.

Very truly yours,

Kenneth W. Neel
Kenneth W. Neel

vn

7410 N. Mercer Way
Mercer Island, WA. 98040

February 20, 1979

Gerald M. Bacon
Department of Community Development
3505-88th Ave. S.E.
Mercer Island, WA. 98040

Dear Mr. Bacon:

Since I will be unable to attend the hearing concerning the variance request by Mrs. A. L. Banks of North Mercer Way, I want to go on record as opposing it.

Though I appreciate her right to appeal, I am ^{CONCERNED} ~~certain~~ that the original Planning Commission Hearing and review by the City Council could not suffice as a complete and fair consideration of her request. Though the rezone up to R-15 does not apply to Mrs. Bank's request, I hope you will acknowledge this serious effort by the neighbors to preserve the character of this area. If this extensive variance is granted, there is no doubt that an appropriately designed house will follow - as we have become accustomed to on Mercer Island. However, it will be a major step in defeating the attempt to preserve this neighborhood and should be construed as an obvious step toward "down zoning" the area so that others could exploit their land asset for their families or personal gain.

If this variance is granted, I feel you must consider this a precedence and be prepared to deal with it consistently as you are confronted by similar requests from the rest of us. Do you really want this pattern to be a part of Mercer Island's comprehensive plan?

Sincerely,



Loyal D. Moore

CITY OF MERCER ISLAND
Planning Commission

STAFF REPORT

REVISED
SEE STAFF
REPORT
FOR 5/16/79
MEETINGS

APPLICANT: MRS. A. LAWRENCE BANKS

LOCATION: 7432 N. MERCER WAY

ZONING: R-15; SEE STAFF SUMMARY

APPLICABLE SECTION OF CODES: ZONING CODE NO. 15 AS AMENDED, SECTIONS 6.04, 16.03.3, AND 18.02, COMPREHENSIVE PLAN

HEARING DATE: FEBRUARY 21, 1979

EXHIBITS: STAFF REPORT, VARIANCE APPLICATION, VICINITY MAP, PROPOSED SHORT PLAT, COURT ORDER

RESPONSIBLE STAFF: JERRY BACON, DIRECTOR OF COMMUNITY DEVELOPMENT
ALAN WALLACE, PLANNING TECHNICIAN

REQUEST: APPLICANT REQUESTS A VARIANCE FOR 1,100 SQUARE FEET FOR ONE LOT, AND LOT WIDTH VARIANCES FOR 10 FEET AND 11 FEET FOR TWO LOTS IN A PROPOSED TWO-LOT SHORT PLAT.

STAFF SUMMARY:

1. On May 11, 1977, Mrs. A. Lawrence Banks, owner of Lot ⁵, Block 2, McGilvra's Island Addition, applied for a zoning variance that was the result of the design of a proposed two-lot short plat. The final City action occurred on October 24, 1977, at which time the City Council denied an appeal of the applicant, thus affirming the Planning Commission decision to deny the variance request. This matter was subsequently considered by the King County Superior Court and remanded to the Planning Commission under a new reapplication.
2. Following the City's consideration of the zoning variance, the City approved an application for a re-zone for the subject area from R-12 to an R-15 classification. The reapplication for a zoning variance must be considered by the design standards set forth under the former zoning classification (R-12). Moreover, the matter is to be heard by the Planning Commission and not the Hearing Examiner, who currently presides over zoning variances. Judge Herbert Stephens retained jurisdiction of the parties and subject matter of this action.
3. The subject parcel is approximately a 24,250 square feet with a slope averaging approximately 14 % from North Mercer Way to the lake. A single-family dwelling is situated on tract A (north lot). See attached Short Plat.
4. The entire parcel conforms to the building site area requirements for the R-12 zone. The variance request is caused by the design of the proposed two-lot short plat. Specifically, Section 16.03.3 of the Zoning Code requires that road easements are excluded from the determination of building site area

requirements. The proposed road easement across Tract B would consume approximately 1,349 square feet and reduce the lot width by 10 feet, thus requiring a 1,100 square foot variance and a ten-foot width variance. The proposed subdivision design would also cause an 11-foot width variance for Tract A.

5. Additional information concerning the pattern of neighborhood development will be presented at the hearing.

VARIANCE CRITERIA:

1. The Planning Commission's actions on this matter are established and guided by Sections 18.01 and 18.02 of the Zoning Code. They read as follows:

Section 18.01 AUTHORITY TO GRANT VARIANCE:

"The Planning Commission shall have the authority to grant a variance from the provisions of this Ordinance when the conditions set forth in Sub-Section 18.02 have been found to exist. The action of the Planning Commission in granting or denying a variance shall be final and conclusive unless an appeal is filed in accordance with the provisions of Section 21 of this Ordinance."

Section 18.02 REQUIRED SHOWING FOR VARIANCE:

"Before any variance may be granted, all the following circumstances shall be found to apply:

- (a) That there are special circumstances applicable to the particular lot or tract, such as size, shape, topography, location or surroundings, trees or ground cover or other physical conditions;
- (b) 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;
- (c) The granting of the variance will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property; and
- (d) The granting of the variance will not conflict with the general purposes and objectives of the Comprehensive Plan."

STAFF ANALYSIS:

1. Special Circumstances.

Staff contends that the burden of proof rests with the applicant to demonstrate the special circumstances exist. It is our opinion that the applicant has failed to meet this test.

2. Not materially detrimental to public welfare or injurious to property in the vicinity.

The additional dwelling unit will result in additional traffic directly onto an arterial.

3. Not alter neighborhood character nor impair use of adjacent property. An additional residence would slightly alter the usual character of the immediate neighborhood. Development of the upper lot would slightly impact the open space effect of the property to the east and create a crowding effect for the existing residence to the west.

4. Not in conflict with the Comprehensive Plan.

The density increase resultant from the variance would be in conflict with the Comprehensive Plan.

STAFF RECOMMENDATION:

That the variance be denied because the request by Mrs. A. Lawrence Banks fails to meet the required showing for a variance under the criteria set forth in Section 18.02 of Ordinance 15 as amended.

For the Hearing Examiner to grant a variance, the applicant must show that all the following criteria are satisfied: 1) that special or unique circumstances are present on the property, 2) that the neighborhood character would not be altered and, further, that the use or development of the adjacent property would not be impaired, 3) that the granting of the variance would not be materially detrimental to the public welfare or injure property or improvements in the vicinity or zone in which the property is located, and 4) that the granting of the variance would not conflict with the Mercer Island Comprehensive Land Use Plan.

Supply the following information accurately and completely. It is the applicant's responsibility to show the Hearing Examiner that the four variance criteria are satisfied.

1. Describe the special circumstances applicable to the lot or tract (e.g. size, shape, topography, or location of the lot; surroundings; trees or vegetation; other physical conditions).

All of the lots on the vicinity are long and narrow, and because of the curvature of the lake shore and access roads, this lot and the lot adjacent to the East become pie shaped. Due to this shape and the deduction of access easements, a variance is necessary.

2. Explain why the variance would neither alter the character of the neighborhood nor impair the use or development of adjacent property.

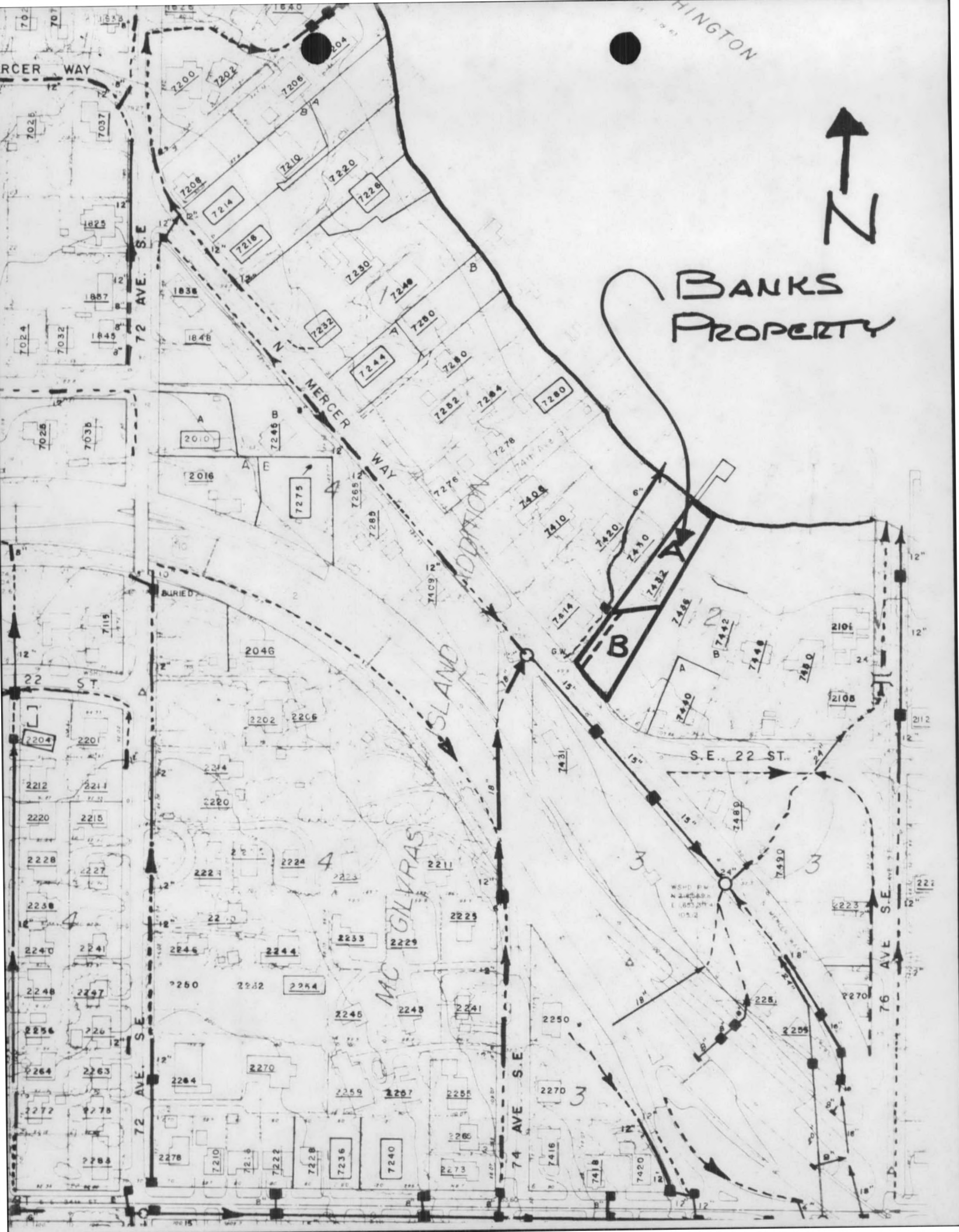
A majority of the lots have been previously subdivided into two or more lots. The addition of a single family residence would in no way alter the character of the neighborhood. Such subdivision would not impair the development of the adjacent lots.

3. Explain why the variance would not be detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

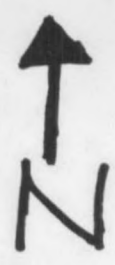
The subdivision will not increase the flow of traffic in the area. Since conforming to existing health and building codes is required for new construction, no detriment to public health is anticipated.

4. Explain why the variance would not conflict with the general purposes and objectives of the Mercer Island Comprehensive Land Use Plan. (Copies of the Comprehensive Plan - Ordinance #14 - are available in the Department of Community Development.)

Under the original Comprehensive Plan, this area is designated as R-9.6. The lot proposed will exceed that classification by more than 1,000 square feet.



**BANKS
PROPERTY**



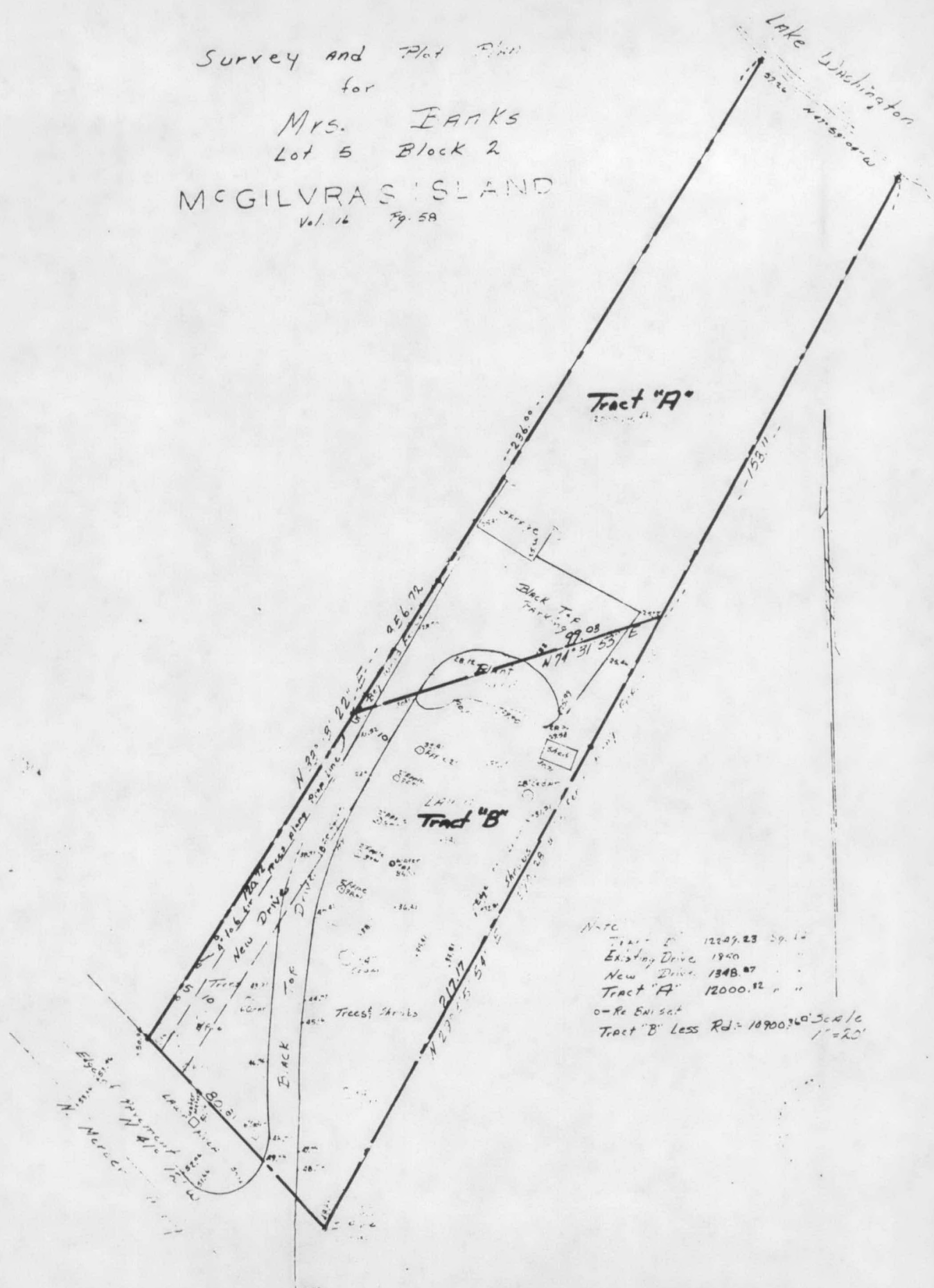
**SLAND
ADDITION**

**MC
GILVRAS**



W.S.D. P.M.
N. 240-280-0
E. 105-244-4
105.2

Survey and Plot Plan
 for
 Mrs. IANKS
 Lot 5 Block 2
 MCGILVRAS ISLAND
 Vol. 14 Pg. 58



N-FC
 Tract "A" 12000.12 Sq. Ft.
 Existing Drive 1840
 New Drive 1348.07
 Tract "B" 12000.12 " "
 o- Re Enl sat
 Tract "B" Less Rd. = 10900.30 Sq. Ft.
 1" = 20'

EXISTING DRIVE
 N. MEADOW

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR KING COUNTY

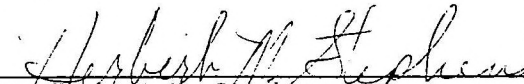
DEE BANKS,)	NO. 837020
Plaintiff.)	
)	
vs.	)	ORDER ON RETURN OF WRIT OF
	)	CERTIORAI
CITY OF MERCER ISLAND,)	
)	
Defendant.)	
)	

THIS MATTER having come on for hearing before the undersigned Judge of the above-entitled Court on the 9th day of November, 1978, upon the return of the Writ of Certiorai, with the Plaintiff being represented by her attorney of record, Peter S. Banks, and the Defendant being represented by City Attorney, Ronald C. Dickinson, and the Court having reviewed the records and the files herein, and having heard argument of counsel and deeming itself fully advised in the premises, and finding the action of the Mercer Island City Council was unfair to the Plaintiff under the circumstances in that it resulted in a lack of opportunity for the Planning Commission to consider and render a decision on the exact zoning variance sought by the Plaintiff, NOW THEREFORE IT IS HEREBY

ORDERED, ADJUDGED AND DECREED that the Plaintiff, DEE BANKS, shall make a reapplication to the Planning Commission of the City of Mercer Island for a zoning variance of a specific and certain number of square feet in lot size in an R-12 zone, with said application to be made within 60 days from the date of the entry of this Order and that the Planning Commission shall decide the issue at a hearing held for that purpose, and

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the
2 event of an appeal by any party of the action taken by the
3 Mercer Island Planning Commission or the City Council of Mercer
4 Island in the above-referenced action, the undersigned Judge shall
5 retain jurisdiction of the parties and the subject matter of this
6 action.


7 DONE IN OPEN COURT this 20 day of November, 1978.

8
9 
Hon. Herbert M. Stephens

10 Presented by: 
11
12 HARDWICK & CONRAD,

13
14 _____
Peter S. Banks
Of Attorneys for Plaintiff

15 Approved as to Form;
16 Notice of Presentation Waived:

17 
18 _____
19 Ronald C. Dickinson
City Attorney for the City of Mercer Island

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Banks

CITY OF MERCER ISLAND
Planning Commission

PUBLIC MEETING

February 21, 1979

MINUTES

- | | | | |
|----------|----------------------------|--------------|---------------|
| Present: | <u>Planning Commission</u> | <u>Staff</u> | <u>Others</u> |
| | R. Keever, Chairman | J. Bacon | W. Steward |
| | V. C. Bryant | | |
| | D. Clancy | | |
| | L. Copass | | |
| | J. Nelson | | |
| Absent: | C. P. Gregory | | |
| | S. Fry | | |

The meeting was called to order by Chairman Keever at 7:30 p.m. in the School Administration Building.

Staff requested that approval of the minutes of the January 17, 1979 meeting be held in abeyance until the next meeting because the corrected minutes were not available at the meeting.

It was moved by Commissioner Clancy, seconded by Commissioner Bryant, to approve the minutes of the February 7, 1979 meeting as presented. The motion passed unanimously.

PUBLIC HEARING -BANKS VARIANCE

Mr. Bacon requested that the public hearing on the Banks Variance issue be continued until April 4 as a result of phone calls and a telegram from property owners wishing to be present at the hearing who were not available for this meeting.

Peter Banks, representing Mrs. Banks, stated that he had received communications from property owners that they would be out of town, and that a continuance until April 4 would be satisfactory.

The meeting was opened for public discussion and Connor Gray, property owner to the west of the Banks, said that April 4 was fine with him.

The public discussion was closed at 7:35 p.m.

Motion: It was moved by Commissioner Clancy, seconded by Commissioner Copass, to continue the issue to April 4, 1979. The motion passed unanimously.

PUBLIC HEARING -CONDITIONAL USE PERMIT
St. Monica's Parish

Mr. Bacon presented the staff report on the request by St. Monica's Parish for approval of a Conditional Use Permit to expand their gymnasium by 6,500 square feet along the southerly portion of the existing structure. It was reported

that the zoning code was changed two-three years ago to include private schools and churches in the section dealing with Conditional Use Permits. St. Monica's was constructed prior to the implementation of the existing code; and when modification is needed, it is reviewed under the current code. So, St. Monica's requires the issuance of a C.U.P.. The proposal was reviewed by the Design Commission, and they were satisfied with the proposed architecture and design. Jim Klontz, architect for the proposed addition, was also the architect for the original structure.

The staff supports this project because it would be an asset to the community. Mr. Bacon stated that the standards used are straightforward, and the tests for granting of a C.U.P. include the consistency of use with the neighborhood and community planning, possible traffic problems and noise scale. The staff found that the facility has been a good neighbor for years, and would not present any problems.

Mr. Bacon explained the two year construction time clause in the staff recommendation by reviewing the problems the City had with Mercerwood Shore Club over their delay in implementing improvements approved by the City in the 1960's.

Commissioner Bryant questioned the wording of the proposed motion, specifically the word "showings". Mr. Bacon replied that the language was taken directly from the code, and the word "showings" meant criteria or conditions in this case.

Commissioner Nelson questioned whether the addition of 6,500 square feet would decrease the parking space available. Mr. Bacon responded that the code requires there be 140 parking spaces available, and there are 193 spaces available now. When the modifications are made, that number would decrease to 186.

The meeting was opened to the public at 7:50 p.m.

Speaking in favor of the project was James Klontz, architect for the original structure and the proposed addition. Mr. Klontz stated that he feels the expansion is logical for the existing facility and a good percentage of the people on the island would benefit from it. In answer to the two year construction time restriction, Mr. Klontz stated that with the current inflation rates, the project may not be feasible in two years, so it is in the best interest of St. Monica's to build as soon as possible. Mr. Klontz added that the landscaping will be done by a person who does a lot of work on the Island, and the facility will look better than it does now.

The public hearing was closed at 7:52 p.m.

Commissioner Keever questioned Mr. Klontz on whether there are funds available to complete the project once it's started. Mr. Klontz replied that construction will not begin until funds are available for the building and the landscaping.

Commissioner Clancy questioned the staff findings that traffic and noise would not increase. He made the observation that these factors would increase, but only during special events, for a limited time and not to the degree of causing the rejection of the project.

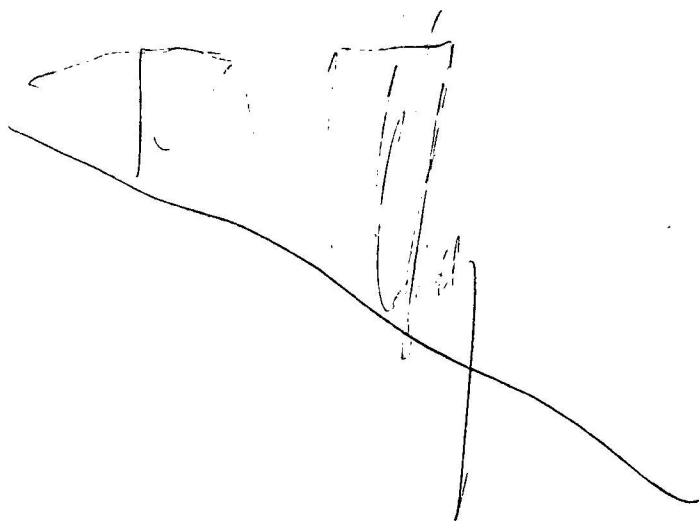
March 27, 1979

TO: THE PLANNING COMMISSION OF MERCER ISLAND
ATTENTION: ROBERT KEEVER, CHAIRMAN

- The Banks are not asking for a small variance of 1 or 2%, but a substantial variance of about 10% in both area and width from the R-12 classification. In affect, where the neighbors voted to support an R-15 classification, the Banks are attempting to establish a precedent to downgrade the neighborhood to almost an R-9 classification.
- This request for variance was previously opposed by her neighbors and is currently opposed by her neighbors. There are insignificant changes from the original variance request which has already been rejected by both the Planning Commission and the City Council.
- The purposes of the zoning codes are to protect the character and values of the neighborhood and not allow the individual to downgrade the area at the expense of his neighbors.
- Finally, Section 18.02 of the Zoning Code requires that all of the following circumstances must be found to apply before a variance can be granted.

"(a) That there are special circumstances applicable to the particular lot or tract, such as size, shape, topography, location or surroundings, trees or ground cover or other physical conditions;"

Answer: The Banks' request has failed to identify any material special circumstances.



RECEIVED

APR 9 1979

**DEPARTMENT OF
COMMUNITY DEVELOPMENT**

TO: THE PLANNING COMMISSION OF MERCER ISLAND

"(b) 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;"

Answer: There are long, narrow lots in this area, and the addition of more houses to each piece of property lowers the livability of the area from the standpoint of family privacy, noise level and traffic levels.

"(c) The granting of the variance will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property;"

Answer: Increasing the housing density always detracts from the character of the residential neighborhood by reducing adjacent property values and making the area less desirable to live in. If this were not true there would be no purpose to zoning codes with minimum areas.

"(d) The granting of the variance will not conflict with the general purposes and objectives of the Comprehensive Plan."

Answer: Adding more houses in a mature built-up neighborhood is in direct conflict with the Comprehensive Plan as well as the desires of the Island population as a whole, as evidenced by the overwhelming passage of the open spaces bond issue.

- The neighbors request that this variance be rejected.

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APR 9 1979

DEPARTMENT OF
COMMUNITY DEVELOPMENT

March 27, 1979

TO: THE PLANNING COMMISSION OF MERCER ISLAND
FROM: THE NEIGHBORS OF BLOCK 2 MCGILVRA'S ISLAND ADDITION
SUBJECT: A. LAWRENCE BANKS' SECOND APPLICATION FOR ZONING VARIANCE

The neighbors listed below are against adoption of the A. L. Banks' petition for zoning variance.

LOT NUMBER

NAME

2
3 PARCELS

Marjorie H. Moore;
Verna R. Neal; Kenneth W. Neal

4
4
LOT NO. 7

Margaret E. Gray -
Conner Gray
Eric G. Sundsten Betha Sundsten

1

Josephine M. Spickard

2

Noyal D. Moore

Portion 3+4

David Pallock
Eileen Pallock

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N APR 9 1979

DEPARTMENT OF
COMMUNITY DEVELOPMENT

HARDWICK & CONRAD
ATTORNEYS AT LAW
300 EVERGREEN BUILDING
RENTON, WASHINGTON 98055
(206) 228-3860

MORTON T. HARDWICK
RICHARD C. CONRAD
PETER S. BANKS
KENT P. BUCKLES

March 29th 1979

Mr. Jerry Bacon,
Planning Commission
3505 - 88th Southeast
Mercer Island, Washington 98040

Re: Banks's Application for Variance


Dear Mr Bacon:

This letter will confirm our telephone conversation of March 27th 1979 with regard to the above referenced matter.

It is my understanding that due to a conflict in the hearing schedule with the Lakeridge Heights application, it will be beneficial for a rescheduling of the hearing on the Banks matter to April 18th, 1979 at 7:30 p.m. Unless I hear otherwise from you I will assume that will be the day of the hearing.

Thank you for your cooperation.

Very truly yours,



PETER S. BANKS

PSB:DH

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APR 2 1979

DEPARTMENT OF
COMMUNITY DEVELOPMENT

HARDWICK & CONRAD
ATTORNEYS AT LAW
300 EVERGREEN BUILDING
RENTON, WASHINGTON 98055
(206) 228-3860

MORTON T. HARDWICK
RICHARD C. CONRAD
PETER S. BANKS
KENT P. BUCKLES

April 12th, 1979

Mr. Jerry Bacon
City of Mercer Island
3505-88th Southeast
Mercer Island, Washington 98040

Dear Mr. Bacon:

This will confirm our telephone conversation of April 10th, 1979, with regard to Mrs. Banks's application for a variance.

As I informed you, Mrs. Banks will be out of town from the 13th of April until the 29th of April, and we therefore request a continuance in this matter. We have agreed to a new hearing date of May 16th, 1979 at 7:00 p.m. at the normal hearing place.

Again, I apologize for any inconvenience, but I was unaware when we agreed to the last continuance that Mrs. Banks would be out of town. Additionally, we have continued this matter twice at the request of the City, and I am very appreciative of your agreement to continue once for the applicant.

Thank you for your cooperation.

Very truly yours,


PETER S. BANKS

PSB:DH

RECEIVED
APR 16 1979

DEPARTMENT OF
COMMUNITY DEVELOPMENT

June 4, 1979

City Council
City of Mercer Island, Wa.

Gentlemen:

As the owner of adjacent property, I again urge the Council to deny the variances sought by Mrs. A. Lawrence Banks to permit construction of a second house on a site substantially below zoning requirements as to both width and area.

Your hearing on June 11 will be the sixth confrontation on this matter over the past year. In all this time, I know of no expression by any nearby resident except to condemn the proposal. In my own case, I continue to believe that a second house squeezed in on the Banks lot would be definitely detrimental to the value of my adjoining property.

If Mrs. Banks feels that she can prove otherwise in court — that a second house on her present property will not be damaging to any neighbor, including the Neels, the Grays and myself — she has the opportunity and should properly assume the burden of taking such legal action. Her request for an exception by variances, without proving the result will not be damaging to others, should be denied.

Yours very truly,
Deird Follert

7420 N Mercer Way
Mercer Island Wa

**BUSINESS OF THE CITY COUNCIL
City of Mercer Island, Wa.**

APPEAL - A.L. BANKS ZONING VARIANCE

BILL NO. 793
 DEPT. OF ORIGIN Community Development
 DATE SUBMITTED June 4, 1979
 FOR AGENDA OF June 11, 1979
 CLASS:

PROCEEDING:

PUBLIC HEARING - APPEAL OF PLANNING COMMISSION
 DECISION TO APPROVE BANKS VARIANCE

EXHIBITS: Staff Report and Map
 Prelim. P.C. Minutes
 Notice of Appeal
 Communications
 CLEARANCE: City Attorney

APPROVED BY *[Signature]* CITY MANAGER
 FOR SUBMITTAL

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED: \$ N/A	BUDGETED: \$ N/A	REQUIRED: \$ N/A

SUMMARY STATEMENT

On May 16, 1979, the City Planning Commission conducted a Public Hearing to consider a zoning variance request for Mrs. A. Lawrence Banks of 7432 North Mercer Way. Specifics on the variance request and history are set forth in the attached Staff Report and other accompanying exhibits. The action of the Planning Commission concluded with a motion to approve the variance with a 3 - 1 vote. On May 23, 1979 a request for appeal was filed, and the City Council subsequently set the hearing date for June 11, 1979. The City Council may affirm, modify or disaffirm the action of the Planning Commission.

RECOMMENDED ACTION

Gerald M. Bacon, Director, Department of Community Development

1. That the appeal by David Pollock et al be upheld since the applicant has failed to meet the required showing for a zoning variance under Section 18.02 of the City Zoning Code as amended, thus disaffirming the action of the Planning Commission.
2. That the appeal by David Pollock et al others be denied, and that the Planning Commission action be affirmed since the applicant has adequately demonstrated that all the conditions required for a zoning variance under Section 18.02 of the City Zoning Code as amended have been met.
3. That due to new factual information the application be remanded to the Planning Commission for reconsideration.

BEFORE THE MERCER ISLAND CITY COUNCIL

IN THE MATTER OF THE APPEAL FROM)
THE FINDINGS AND DECISION OF THE)
CITY OF MERCER ISLAND PLANNING) FINDINGS AND ORDER
COMMISSION APPROVING THE VARIANCE)
REQUEST OF MRS. A. LAWRENCE BANKS,)
7432 NORTH MERCER WAY, MERCER)
ISLAND, WASHINGTON.)

Findings

1. At the regular City Council meeting on June 11, 1979 a public hearing was held to consider an appeal of the findings and decision of the City of Mercer Island Planning Commission approving variance requests pursuant to application therefore by Mrs. A. Lawrence Banks, 7432 North Mercer Way, Mercer Island, Washington.
2. The applicant requested the following variance to be granted by the Planning Commission:
 - (a) 1,100 square feet of the required 12,000 square foot minimum lot size in an R-12 zone for one lot of a proposed two lot short plat;
 - (b) The upland lot also requires a width variance of 10 feet from the 75 foot minimum width standard;
 - (c) The short plat would result in having the waterfront lot 64 feet in width, thus requiring a width variance of 11 feet for that lot.
3. At the Planning Commission hearing which was held on May 16, 1979, the City of Mercer Island Planning Commission granted the following variance to the applicant, Mrs. A. Lawrence Banks:
 - (a) 1,100 square feet of the 12,000 sq. feet required minimum lot size;
 - (b) A width variance for 10 feet of the required 75 foot minimum for the upland lot in a proposed two lot short plat;
 - (c) A width variance for 11 feet of the required 75 foot minimum for the waterfront lot in a proposed two lot short plat.
4. A letter of appeal was timely filed and the public hearing was duly and properly scheduled to be heard before the Mercer Island City Council on June 11, 1979.

5. At the public hearing the following testimony was received:

- (a) Testimony from attorney Hugo Oswald representing neighboring property owners as appellants;
- (b) Testimony from attorney Peter Banks representing the variance applicant, Mrs. A. Lawrence Banks;
- (c) Staff presentation by Gerald Bacon, Director of the Department of Community Development.

6. After the public hearing was closed and after discussion among council members it was found that:

- (a) The applicant failed to demonstrate with regard to the property that certain special circumstances exist, such as shape and size;
- (b) Allowance of an additional lot would result in additional vehicular traffic onto a designated arterial;
- (c) Development of the proposed additional lot would alter the character of the neighborhood;
- (d) The density increase resultant from the variances would be in conflict with the comprehensive plan;
- (e) The density variance is in conflict with the long standing history of development associated with the neighborhood properties abutting Lake Washington and sharing a R-12 zoning classification;
- (f) The lot width variances are in conflict with the intent of the minimum building area rectangle standards as set forth in the Subdivision Ordinance.

7. It was moved by Councilman Rasmussen, seconded by Councilman Bland, that the appeal by David Pollock, et al be upheld since the application has failed to meet the required showing for a zoning variance under Section 18.02 of the City Zoning Code as amended, thus disaffirming the action of the Planning Commission.

NOW, THEREFORE, it is hereby ordered by the Mercer Island City Council as follows:

- 1. The findings and decision of the Mercer Island Planning Commission approving the variance application of Mrs. A. Lawrence Banks is hereby disaffirmed; and

2. The variance application of Mrs. A. Lawrence Banks is hereby denied.

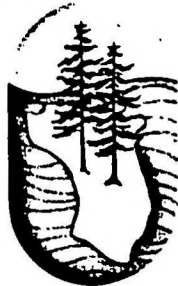
DATED this 25th day of June, 1979.

Marguerite Sutherland
Mayor pro tem

ATTEST:

Jack W. Bunnell
Jack W. Bunnell, City Clerk

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CITY OF MERCER ISLAND, WASHINGTON

DEPARTMENT OF COMMUNITY DEVELOPMENT
June 27, 1979

Mrs. A. Lawrence Banks
7432 N. Mercer Way
Mercer Island, WA 98040

Dear Mrs. Banks:

This letter is to formally advise you that the Mercer Island City Council, on June 11, 1979, upheld the appeal of the Planning Commission's decision to approve your zoning variance request. This determination results in the denial of your application, and on June 25th the City Council concluded the matter by adopting the FINDINGS AND ORDER (unsigned copy attached). A signed copy will be directed to you in several days.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerald M. Bacon", is written over a horizontal line.

Gerald M. Bacon
Director of Community Development

GMB:ms
Encl.

cc: Peter Banks
Hugo Oswald
Ron Dickinson

BEFORE THE MERCER ISLAND CITY COUNCIL

IN THE MATTER OF THE APPEAL FROM
THE FINDINGS AND DECISION OF THE
CITY OF MERCER ISLAND PLANNING
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REQUEST OF MRS. A. LAWRENCE BANKS,
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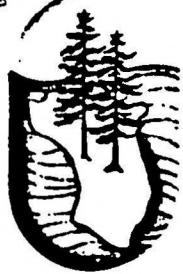
DATED this 25th day of June, 1979.

Mayor

ATTEST:

Jack W. Bunnell, City Clerk

file



CITY OF MERCER ISLAND, WASHINGTON

DEPARTMENT OF COMMUNITY DEVELOPMENT

June 27, 1979

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Gerald M. Bacon
Director of Community Development

GMB:ms
Encl.

cc: Peter Banks
Hugo Oswald
Ron Dickinson

BEFORE THE MERCER ISLAND CITY COUNCIL

IN THE MATTER OF THE APPEAL FROM
THE FINDINGS AND DECISION OF THE
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DATED this 25th day of June, 1979.

Mayor

ATTEST:

Jack W. Bunnell, City Clerk