

- DATE STAMP -
Community Development



FOR OFFICE USE

Variance No. MIV-83-05
Filing Fee Receipt _____

\$450.00

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: JOHN L. SMOCK and ALICE H. SMOCK, husband and wife
c/o John E. Hanson, HANSON, ZWINK, BAKER & LUDLOW, P.S.
Mailing Address: 302 Surrey Building, Bellevue, Washington 98004
Phone: 454-3374 Date of Filing: _____

TO THE HEARING EXAMINER:

The undersigned applicant(s) are (is/are) the owners of the property described as follows: Lots 19 and 20, unrecorded plat of Benotho Beach, located in Govern-
ment Lot 2 (Southwest quarter of the Northwest quarter), Section 31, Township
24 North, Range 5 East, W.M. (see Exhibit A for description)
(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.)
8440 Benotho Place and lot to the south

Above-described property was acquired by applicants on the 14 day of August, 1975. The present zoning of subject property is: R-3.4

REQUEST: Applicants request 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.)

Applicants intend to build a single family residence on Lot 20 (another single family residence is already located on Lot 19). The planning staff has stated the definition of "Lot" in Section 2, page 2 of the Mercer Island Zoning Code (Ordinance #350), which precludes the intended use. Applicants want to use the two lots for separate residences.

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).

Lot 20 is the only undeveloped lot along the water on Benotho Place. Lot 20 has little or no use or value unless it can be built upon by the applicants.

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

Said Lot 20 is the only undeveloped lot in this area and all the other lots leading to the water are of similar size. The variance asked for will not alter the character of the neighborhood.

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.

Applicants' intended use is consistent with the existing development in the isolated area served by Benotho Place.

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.)

The intended use for Lot 20 in the remote corner of Mercer Island will have no impact on traffic, essential services or any other matters of concern in the Comprehensive Plan. The character of the area is set, since Lot 20 is the only unimproved waterfront lot along Benotho Place.

A F F I D A V I T

OREGON)
STATE OF ~~WASHINGTON~~)
 JACKSON) ss
COUNTY OF ~~YALM~~)

John L. Smock and Alice H. Smock, being duly sworn, depose and say__ that we are the owners 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.

John L. Smock
(Owner) John L. Smock

Alice H. Smock
(Owner) Alice H. Smock

(503) 773-1573
(Telephone)

1409 Fortune Drive, Medford, OR 97501
(Mailing Address)

Subscribed and sworn to before me this 7 day of April, 1983.

Genevieve E. Mumford
Notary Public

***** Expires 11-6-83

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: _____
Staff for the Hearing Examiner

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 one public hearing per month on Friday at 2:00 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" = 30'

- 1. Filing Fee (Ordinance No. 447)
- 2. Application Form
- 3. Assessor's Map or Maps *Map 4-31-24-5*
- 4. Plot Plans (2 copies) *- To Scale*
- 5. Photographs, and other exhibits are optional *8,400/LOT*
60x80 RECT. IN BACK LOT

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 Ordinance No. 492. Any action may be appealed to the City Council under procedures set up by the Council.