



CITY OF MERCER ISLAND  
Department of Community Development



# STAFF REPORT

APPLICANT: Christopher J. Soelling

LOCATION: 2760 60th Ave. S.E.

ZONING: R-8.4

APPLICABLE SECTION OF CODE: §19.04.0501(F)

PREVIOUS ACTION: Lot area variance and short plat granted  
in 1976.

HEARING DATE: August 31, 1988

EXHIBITS: 1-Staff Report; 2-Vicinity  
Map; 3-Site Plan; 4-Application;

RESPONSIBLE STAFF: Scott Greenberg, AICP

REQUEST: Variance to allow reduction of lot area  
from 7,500 square feet to 7,443 square  
feet for lot A.

## STAFF SUMMARY:

The planning staff, having reviewed the subject property and reviewed the evidence presented to date, recommends that the Hearing Examiner make the following Findings of Fact and Conclusions:

## RECOMMENDED FINDINGS OF FACT:

1. Christopher Soelling (owner of lot a at 2760 60th Ave. S.E.) has applied for a variance to allow reduction in lot area from approx. 7,500 square feet to approx. 7,443 square feet. The purpose of the lot area reduction is to allow for a 5' shift in the northern property line which will accomodate an encroachment of the neighboring house to the north. The revised lot line will be drawn to provide adequate side yard setbacks for both lots.

2. In 1976, a lot area variance was granted to create two lots of 7,500 square feet, in an R-8.4 zone. In 1976, building permits were issued for house construction on both lots. Plans showed a 10' setback from the common property line between the lots. The house presently encroaches over the lot line.

3. Section 19.04.1404(B) of the Mercer Island Zoning Code lists the following criteria for variance approval:

(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, installation of a solar energy system, or the orientation of a building for the purpose of providing solar access;

(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.

4. Section 19.04.1404, Mercer Island Zoning Code, sets forth procedures for rendering decisions on requests for zoning variances. In accordance with the procedural requirements of Section 19.04.1404(A), a public hearing on the subject variance was scheduled within 35 days of the date the request was received by the Planning Department. Notice of the public hearing was published in the Mercer Island Reporter on August 17, 1988, and sent to surrounding residents within 300 feet of the subject property on August 15, 1988.

5. The subject variance is categorically exempt from the threshold determination requirements of the State Environmental Policy Act (RCW 43.21C).

6. The Examiner will issue his written decision within 14 calendar days of the conclusion of the hearing. This decision may be appealed to the City Council within 10 days after the Examiner's written decision has been received by the City. See Zoning Code Section 19.04.1404(A)(9) for further information.

RECOMMENDED CONCLUSIONS:

1. The subject variance is consistent with all of the criteria for variance approval required in Section 19.04.1404(B), Mercer Island Zoning Code.

(a) Special circumstances applicable to the subject property which support approval of the requested variance are: the house encroachment necessitates the lot line revision and therefore, the lot area variance.

(b) Granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property. The proposed site plan is appropriate for the lot and neighborhood.

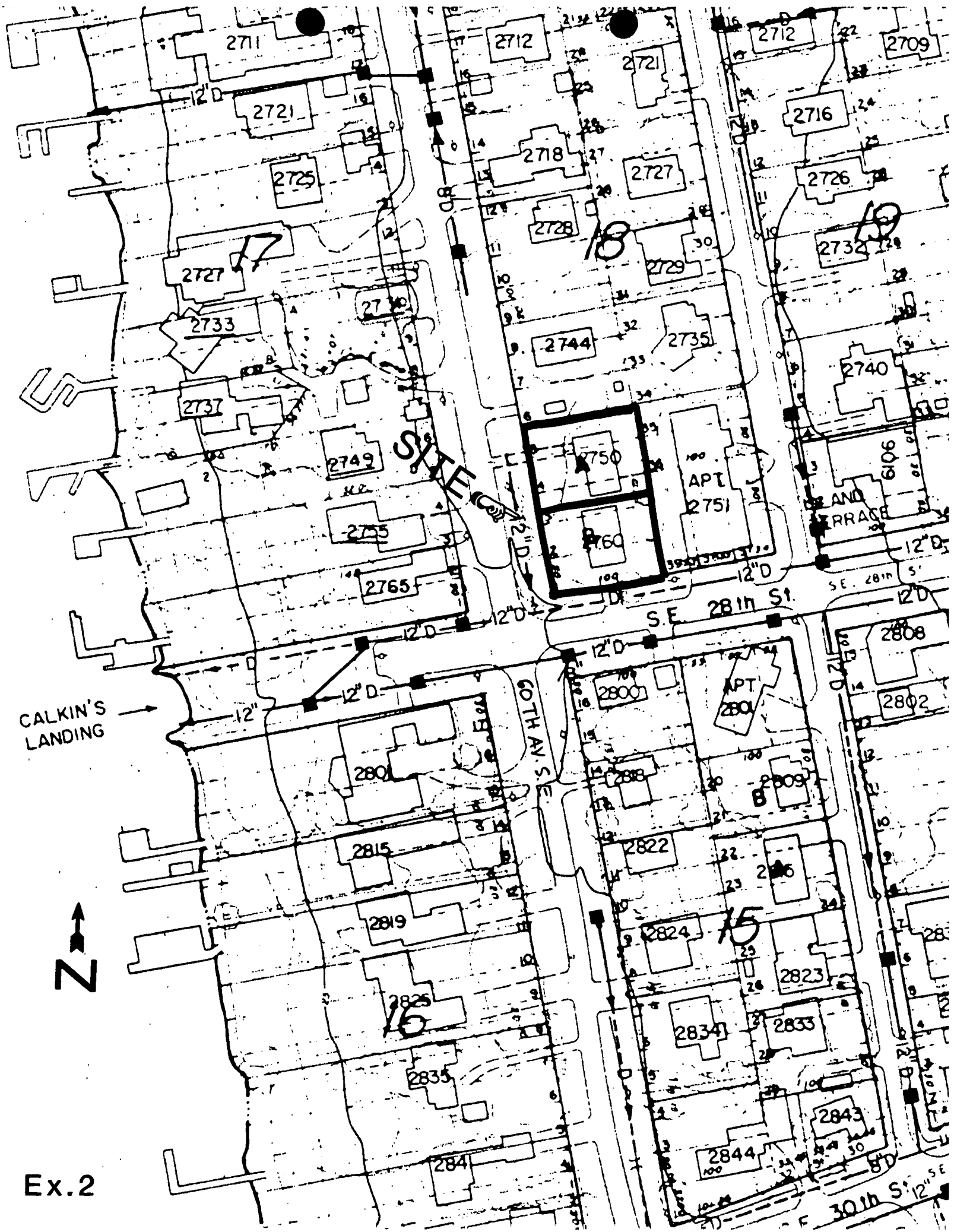
(c) The granting of the variance will not alter the single-family residential character of the neighborhood nor impair the single-family residential development of adjacent property.

(d) The granting of the variance will not conflict with the general purposes and objectives of the Mercer Island Comprehensive Plan. The subject property is zoned for single-family residential development. Density of the subject property and neighborhood will not be affected by the granting of the variance. Granting of the variance will not allow for additional homes to be constructed--it is simply an attempt by two adjacent property owners to settle an encroachment issue.

RECOMMENDED DISPOSITION

On the basis of the foregoing recommended Findings of Fact and Conclusions, the Department of Community Development recommends that the requested variance be APPROVED.

SG:MS:VSOELLNG(8/16)



Ex. 2

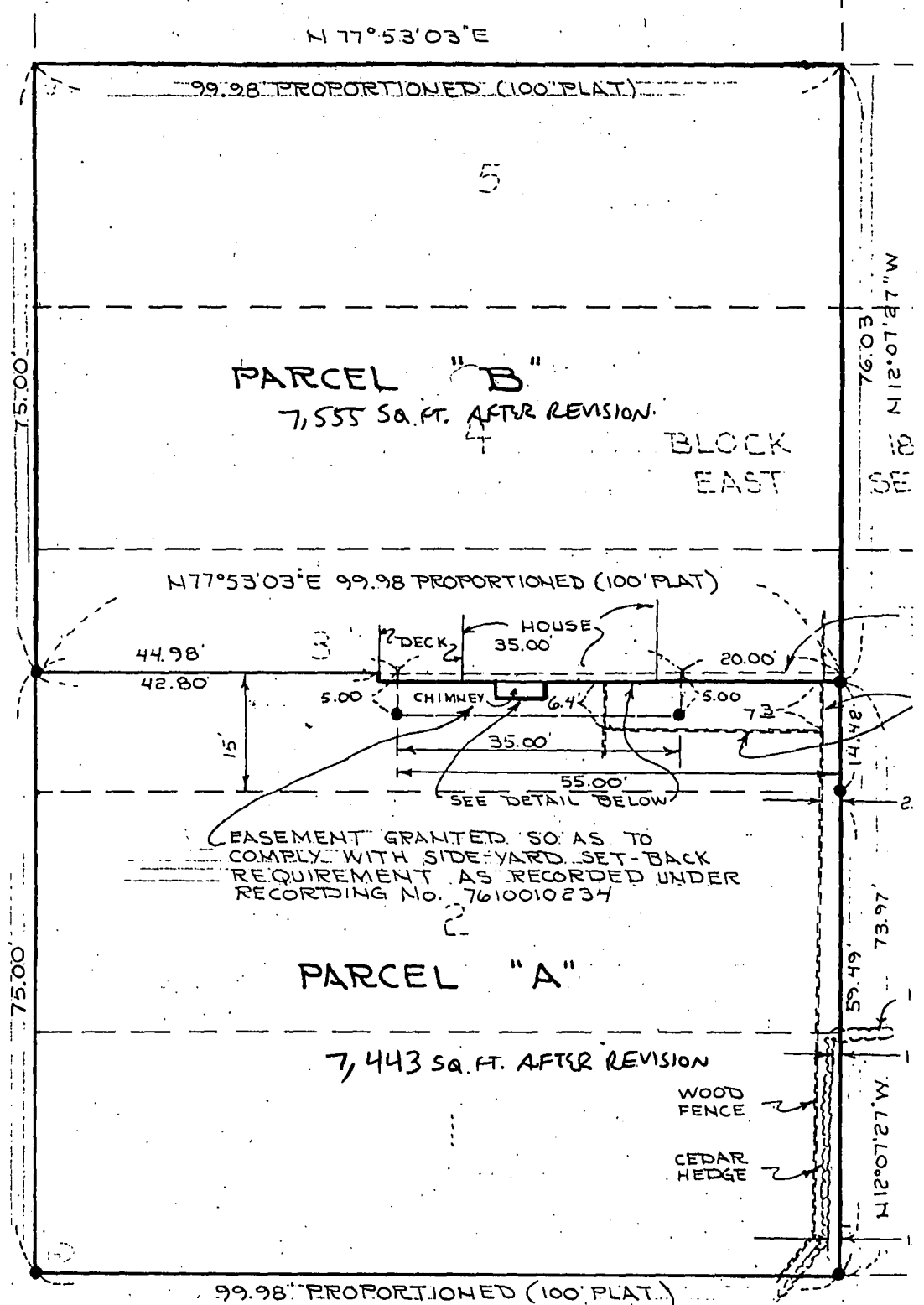
60TH AVE. S.E. (NAVY YARD AVE.)

N 12° 07' 27" W

37.5'

37.5'

37.5'



SEPA COMPLIANCE	
Exempt	<input type="checkbox"/>
DS (EIS required)	<input type="checkbox"/>
Draft EIS issued	<input type="checkbox"/>
Final EIS issued	<input type="checkbox"/>
DNS w/15 day comment period	<input type="checkbox"/>
Religated DNS w/15 day comment period	<input type="checkbox"/>
DNS (Final)	<input type="checkbox"/>

FOR OFFICE USE ONLY

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 File No. MIV-88-09  
 Filing Fee Receipt 3123 \$ 450.00  
 Date Received 8/4/88  
 Area Map B-1

CITY OF MERCER ISLAND  
 DEPARTMENT OF COMMUNITY DEVELOPMENT  
 APPLICATION FORM

Name of Property Owner CHRISTOPHER J. SOELLING  
 Mailing Address: 2760 60th SE  
 Daytime Phone: 682-3333  
 Property Owner's Representative: same  
 Mailing Address: same  
 Daytime Phone: same  
 Location of Proposal: (Street Address) 2760 60th SE

Tax Account No.: 217450-3010-07  
 Property Size (Square Feet): 7500  
 Brief Summary of Request: Line Revision to  
resolve ENCROACHMENT - ADVERSE  
POSSESSION claim.

AFFIDAVIT

RECEIVED

AUG 04 1988

STATE OF WASHINGTON: )  
 )SS  
 COUNTY OF KING )

CHRISTOPHER Soelling, being duly sworn, depose and say that we 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.

Christopher Soelling  
 (Owner)  
 \_\_\_\_\_  
 (Owner)

Subscribed and sworn to before me this 4 day of August 1988  
Suzanne J. Hellest  
 Notary Public in and for  
 the State of Washington  
 residing at Mercer Island

ZONING VARIANCE

CRITERIA FOR APPROVAL OF A ZONING VARIANCE (ZONING CODE, SECTION 19.04.1404(B))

Your answers to the following questions will be used in the decision on your application. Please respond fully to all of the following questions (attach extra sheets, if necessary). It is the applicant's responsibility to show the Hearing Examiner that all four of the variance criteria are satisfied.

1. Describe the special circumstances applicable to the lot or tract (e.g. size, shape, topography, location or surroundings, trees or vegetation, other physical conditions, installation of a solar energy system, or the orientation of a building for the purposes of providing solar access.  
THE LOT WILL RETAIN ALL OF ITS PRE-EXISTING CHARACTERISTICS, EXCEPT THAT BOUNDARY WILL BE ADJUSTED SO THAT HOUSE ON LOT TO THE NORTH DOES NOT ENCRUSH, NOR WILL SUBJECT LOT EXTEND TO THE NORTH OF THE SOUTH END OF THE ADJOINING HOUSE.
2. Explain why the variance would neither alter the character of the neighborhood nor impair the use or development of adjacent property.  
MINOR VARIANCE TO CURE PRE-EXISTING CONDITION - THE NEW LOT LINE WILL ONLY RECOGNIZE ~~THE~~ BOUNDARY AS IT NOW IS RECOGNIZED. ADJACENT PROPERTIES ARE FULLY DEVELOPED, SO VARIANCE WILL NOT AFFECT DEVELOPMENT. WILL CLEAR BOUNDARY PROBLEM, ALLOWING PROPERTIES TO BE SOLD WITHOUT LITIGATION.
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.  
VARIANCE ONLY RECOGNIZES COMPLETED FACT OF ADVERSE POSSESSION, AND ADJUSTS BOUNDARY SO OUR LOT DOESN'T EXTEND BEYOND NEIGHBOR'S HOUSE, SO IT WILL HELP SOLVE OTHERWISE UNRESOLVED BOUNDARY PROBLEM. IF WE CAN'T SETTLE PROBLEM, WOULD HAVE TO HAVE LAWSUIT. THIS IS BEST SOLUTION, NOTHING WILL CHANGE.
4. Explain why the variance would not conflict with the general purposes and objectives of the Comprehensive Plan.  
VARIANCE DOESN'T CONFLICT BECAUSE IT DOESN'T CHANGE ANYTHING VISIBLE TO EYE. MAKES LOTS UNIFORM INSTEAD OF IRRREGULAR, WHICH IRRREGULARITY WAS CAUSED BY BUILDER'S MISPLACEMENT OF HOUSES IN 1976 WHEN BOTH LOTS WERE DEVELOPED.