



CITY OF KIRKLAND
Planning and Building Department
123 Fifth Avenue, Kirkland, WA 98033
425.587.3600 - www.kirklandwa.gov

ADVISORY REPORT FINDINGS AND CONCLUSIONS

To: Eric R. Shields, AICP, Planning Director
From: Tony Leavitt, Project Planner
Date: May 9, 2016
File: BARTO SETBACK VARIANCE, VAR13-00426

I. INTRODUCTION

A. APPLICATION

1. Applicant: Douglas Almond for Michael Barto, Property Owner
2. Site Location: 4617 Lake Washington Boulevard NE (see Attachment 1)
3. Request: Request to reduce the required front yard setback from the required 30 feet to 7 feet to allow for the construction of a new single family residence (see Attachment 2). In order to allow adequate turnaround space on the subject property, the proposal also needs a variance to allow the proposed driveway along the south property line.
4. Review Process: Process I, Planning Director Decision
5. Summary of Key Issue: Compliance with Variance Criteria (see Section II.E)

A. RECOMMENDATIONS

Based on Statements of Fact and Conclusions (Section II), and Attachments in this report, I recommend approval of this application subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances. Attachment 4, Development Standards, is provided in this report to familiarize the applicant with some of the additional development regulations. This attachment does not include all of the additional regulations. When a condition of approval conflicts with a development regulation in Attachment 4, the condition of approval shall be followed.
2. As part of the building permit application, the applicant shall install a 5 foot wide landscape buffer along the east property line that complies with the landscaping requirements of KZC Section 95.42.2 (see Conclusion II.E.3). Additionally, any **landscaping or other improvements shall comply with the City's Site Distance requirements.**
3. Prior to submittal of or as part of the building permit application, the applicant shall submit a Substantial Development Permit Exemption Application for review (see Conclusion II.F).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning:

a. Facts:

- (1) Size: 2,224 Square Feet (.05 acres)
- (2) Land Use: The subject property contains a single family residence that was constructed in 1940 (according to King County Records).
- (3) Zoning: Waterfront District (WD) III, Medium Density Residential Zone
- (4) Shoreline Designation: A majority of the site is located within the Residential M/H (Medium and High Density Residential) A Shoreline Environment.
- (5) Terrain: The subject property slopes significantly downward (an elevation drop of 12 feet) from the east property line (along Lake Washington Boulevard) to the west property line.
- (6) Vegetation: The subject property contains 2 significant trees that will be located within the footprint of the proposed residence. The applicant will be required to plant supplemental trees to meet the density requirement of KZC Section 95.33.

b. Conclusions: The size of the property is a constraining factor in the review of this application. Land use, zoning, shoreline designation, terrain, and vegetation are not constraining factors in the review of this application.

2. Neighboring Development and Zoning:

a. Facts: The neighboring properties are zoned as follows and contain the following uses:

North, West and South: Zoned WDIII (Medium Density Residential), Single-family residences

East: PLA 3C (Low Density Residential Zone), Single-family residences

b. Conclusion: Neighboring development and zoning are factors in the review of this application. The existing development and the potential impacts of the proposed development should be considered in the review of the proposed variance application.

B. HISTORY

1. Facts:

a. The application was originally submitted to the City on March 20, 2013 and deemed complete on May 8, 2013. The original plans show access to the site via a vehicular access easement to the north of the subject property (see Attachment 5). During the comment period, Staff received a letter from the owners of the vehicular access easement stating that Mr. Barto did not have access rights to the easement. Staff informed Mr. Barto of this issue and in July of 2013 the application was put on hold by the applicant.

b. In August of 2014, the City received revised plans that took direct vehicular access from Lake Washington Boulevard (see Attachment 6). After re-noticing the project, issues were raised by neighbors about the

proposed vehicular access to the property and the City requested additional changes to the proposal.

- c. The final plans (see Attachment 2) were submitted to the City in November of 2015 and after review by Staff, a new notice of application was sent out in January of 2016.

C. PUBLIC COMMENT

1. Facts:

- a. The public comment period for the final plans ran from January 20 to February 16, 2016. The Planning Department received a total of 17 comment letters and emails (see Attachment 7) during this comment period. For file record purposes, Staff is also including all other comments submitted during the previous comment periods (see Attachment 8). Below is a summary of public comments followed by a brief staff response.

- (1) Comment: Multiple neighbors are concerned about pedestrian and vehicular safety along Lake Washington Boulevard. The commenters are specifically concerned about how vehicles enter and leave the property.

Staff Response: After concerns were raised by neighbors in the fall of 2014, Staff requested that the applicant eliminate the north curb cut and proposed circular drive. The applicant has revised the design to utilize one access location and provide an onsite **vehicular access turnaround area**. The City's Transportation Engineer has reviewed this design and concludes that it provides adequate area for onsite turnaround (see Attachment 4).

- (2) Comment: Multiple commenters feel that the proposed variance **does not meet the City's Variance Criteria and the application** should be denied.

Staff Response: Staff addresses the Variance Criteria in Section II.E.

- (3) Comment: One commenter raises issues about surface water impacts of the project.

Staff Response: As part of the Building Permit application, the applicant will be required to comply with all the requirements outlined in Attachment 4.

D. STATE ENVIRONMENTAL POLICY ACT (SEPA) & CONCURRENCY

1. Facts: The project is exempt from SEPA and Traffic Concurrency reviews.

E. APPROVAL CRITERIA

1. Site Development Standards

a. Facts:

- (1) For a detached dwelling unit use in the Waterfront District (WD) III zone, Section 20.30.070 requires a 30 foot front yard setback.
- (2) The code allows for an administrative reduction of the front setback yard if certain conditions are met. The depth of the subject property and the fact that property does not have shoreline frontage on Lake Washington precludes the use of this

section.

- (3) The applicant proposes the construction of a detached dwelling unit that will be 7 feet from the front property line along Lake Washington Boulevard.
 - (4) KZC Section 115.115.5 requires that the driveway not exceed 20 feet within the required front yard and be setback 5 from a side property line.
 - (5) The applicant proposes a driveway with an onsite turnaround area that will be 26 feet wide and located on the south property line.
- b. Conclusion: The proposed structure does not comply with the front setback yard requirements of KZC Section 20.30.070. Additionally the driveway does not comply with the setback requirements of KZC Section 115.115.5. As a result, approval of a variance is requested.

2. Variance Criteria

a. Facts:

- (1) Zoning Code Chapter 120 sets forth the mechanism whereby a provision of the Code may be varied on a case-by-case basis if the application of the provision would result in an unusual and unreasonable hardship.
- (2) Zoning Code section 120.20 establishes three decisional criteria with which a variance request must comply in order to be granted. The applicant's response to these criteria can be found in Attachment 3. Sections II.E.3 through II.E.5 contain the staff's findings of fact and conclusions based on these three criteria.

- b. Conclusions: Based on the following analysis, Staff concludes that the variance application meets the established criteria for approval of a variance.

3. Variance Criterion 1: The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City, in part or as a whole.

a. Facts:

- (1) The proposed residence will be 7 feet from the front property line at it closest point at the northeast corner of the residence. The home will then angle away from the property line and include a step back of 2 feet. The southeast corner of the residence will be approximately 10 feet from the front property line.
- (2) The proposed residence will meet the required setbacks from the north, west and south property lines. Additionally the property will comply with the shoreline view corridor requirement.
- (3) The nearest residence to the east of the subject property is over 100 feet from the east property line. Residences to the north, west and south are as close as 17 feet.
- (4) The applicant is proposing landscaping in the front setback yard to help reduce the visual impact of the proposed residence.
- (5) The applicant has worked with Public Works Staff to ensure an adequate onsite vehicular turning space to allow vehicles to enter the Lake Washington Boulevard facing forward.

- (6) The onsite turnaround area requires the proposed driveway width of approximately 26 feet and the reduced side yard driveway setback.

b. Conclusion:

- (1) The front yard setback variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City, in part or as a whole. The proposed residence complies with the required setbacks from the north, west and south property lines where the impacts to adjoining residences would be greater.
- (2) The proposed landscaping within the remaining front setback will help to reduce visual impacts. To ensure adequate landscaping, Staff is recommending that as part of the building permit application, the applicant should install a 5 foot wide landscape buffer that complies with the landscaping requirements of KZC Section 95.42.2. Staff is recommending that the 6 foot fence required by this section not be constructed due to vehicle and pedestrian site distance issue. Additionally, any landscaping or **other improvements shall comply with the City's Site Distance** requirements.
- (3) The proposed driveway plan will ensure that vehicles have adequate onsite space to turnaround.

4. Variance Criterion 2: The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of preexisting improvements on the subject property that conformed to the Zoning Code in effect when the improvement was constructed.

a. Facts:

- (1) The subject property is 2,224 square feet in size and has a depth of 42.72 along the north property line and a depth of 48.55 feet along the south property line. The subject property does not meet the minimum lot size of 3,600 but is a legal nonconformance.
- (2) Pursuant to KZC Section 83.410, the property is required to maintain a minimum shoreline view corridor of 30 percent of the average parcel width. This results in **a required 14'8" wide view** corridor across the property.
- (3) The required setbacks are a front yard of 30 feet, a rear yard of 10 feet and side yards of 5 feet. The resulting buildable area for the property is a 2.72 feet to 8.55 feet depth by a width of approximately 29 feet.
- (4) The total buildable area with the required setbacks and the view corridor is approximately 164 square feet or 7.34 percent of the subject property. The proposed variance will increase the total buildable area to 833.85 square feet or 37.49 percent.
- (5) The applicant is proposing a residence with a footprint of 630 square feet or 28 percent.
- (6) If the subject property depth was increased to 73.68 feet to meet the minimum lot size of 3,600 square feet (73.68 by 48.86 feet), the buildable area would be equal to 27.3 percent.

b. Conclusion:

- (1) The variance is necessary due to a special circumstance regarding the small size of the property and the significant impacts that the required setbacks have on the buildable area of the subject property. The proposed residence is a reasonable size when compared to what could be built if the subject property met the minimum lot size for the zoning district.

5. Variance Criterion 3: The variance would not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this Code allows for other properties in the same area and zone as the subject property.

a. Facts:

- (1) The WD III zone allows single family, multi-family and limited water related uses.
- (2) The applicant is proposing the construction of a single family residence in a medium density residential zone.
- (3) According to City GIS Data, there are multiple existing structures that do not comply with the required 30 foot setback from Lake Washington Boulevard (see Attachment 9).

- b. Conclusion: The granting of this variance will not constitute a special privilege to the subject property. As noted in Criteria 1 and 2, the variance is responding to a unique size of the subject property to allow for the construction of a single family residence, which is the least impactful use in this zone. The property is not developable with the required setbacks and view corridors and the variance process was established to address these types of situations where the strict application of the code does not fit the unique circumstances of an individual property. The proposed front setback reduction variance is located along a street that has existing structures that do not meet front yard setbacks requirements.

6. Process I Zoning Permit Approval Criteria

- a. Fact: Zoning Code section 145.45.2 states that a Process I application may be approved if:

- (1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
- (2) It is consistent with the public health, safety, and welfare.

- c. Conclusion: The proposal complies with the criteria in section 145.45.2. It is consistent with all applicable development regulations (see Sections II.E) and, to the extent that there is no applicable development regulation, the Comprehensive Plan (see Sections II.G). In addition, it is consistent with the public health, safety, and welfare because the proposed development will create infill single family development consistent with the goals of the Comprehensive Plan.

F. SHORELINE MASTER PROGRAM (SMP)

1. Fact:

- a. A majority of the subject property is located within the Residential M/H (Medium and High Density Residential) A Shoreline Environment.

- b. Pursuant to WAC 173.27.040.g, a substantial development permit is not required for construction by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government.
 - c. As part of the building permit, staff will review the proposal for compliance with applicable shoreline development standards including lot coverage, building height and shoreline view corridor requirements.
2. Conclusion: To ensure compliance with the Shoreline Master Program, prior to submittal of or as part of the building permit application, the applicant should submit a Substantial Development Permit Exemption Application for review.

G. COMPREHENSIVE PLAN

1. Fact: The subject property is located within the Lakeview neighborhood. Figure L-1 on page XV.A.2 designates the subject property for Medium Density Residential at 12 Units per Acre (see Attachment 10).
2. Conclusion: The proposal is consistent with the Medium Density Residential designation within the Comprehensive Plan.

H. DEVELOPMENT STANDARDS

1. Fact: Additional comments and requirements placed on the project are found on the Development Standards, Attachment 4.
2. Conclusion: The applicant should follow the requirements set forth in Attachment 4.

III. SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

IV. APPEALS AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for appeals. Any person wishing to file or respond to an appeal should contact the Planning Department for further procedural information.

A. APPEALS

1. Appeal to the Hearing Examiner:

Section 145.60 of the Zoning Code allows the Planning Director's decision to be appealed by the applicant or any person who submitted written comments or information to the Planning Director. A party who signed a petition may not appeal unless such party also submitted independent written comments or information. The appeal must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., May 31, 2016, fourteen (14) calendar days following the postmarked date of distribution of the Director's decision.

B. JUDICIAL REVIEW

Section 145.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within 21 calendar days of the issuance of the final land use decision by the City.

V. LAPSE OF APPROVAL

Under KZC 145.115:

The applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 145.110, the running of the five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions.

The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter, or the decision becomes void.

VI. APPENDICES

Attachments 1 through 10 are attached.

1. Vicinity Map
2. Current Proposed Development Plans
3. Variance Analysis Letter prepared by RW Thorpe and Associates
4. Development Standards
5. Original Plans submitted March of 2013
6. Revised Plan submitted August of 2014
7. Public Comments submitted for Current Proposal
8. Public Comments submitted for Original and Revised Proposals
9. GIS Map Showing Existing Improvements and 30 Foot Setback
10. Land Use Map

VII. PARTIES OF RECORD

Applicant
Parties of Record
Planning and Building Department
Department of Public Works

Review by Planning Director:

I concur I do not concur

Comments: _____



May 11, 2016

Eric R. Shields _____
Date

**BARTO VARIANCE
VAR13-00426**

PUD

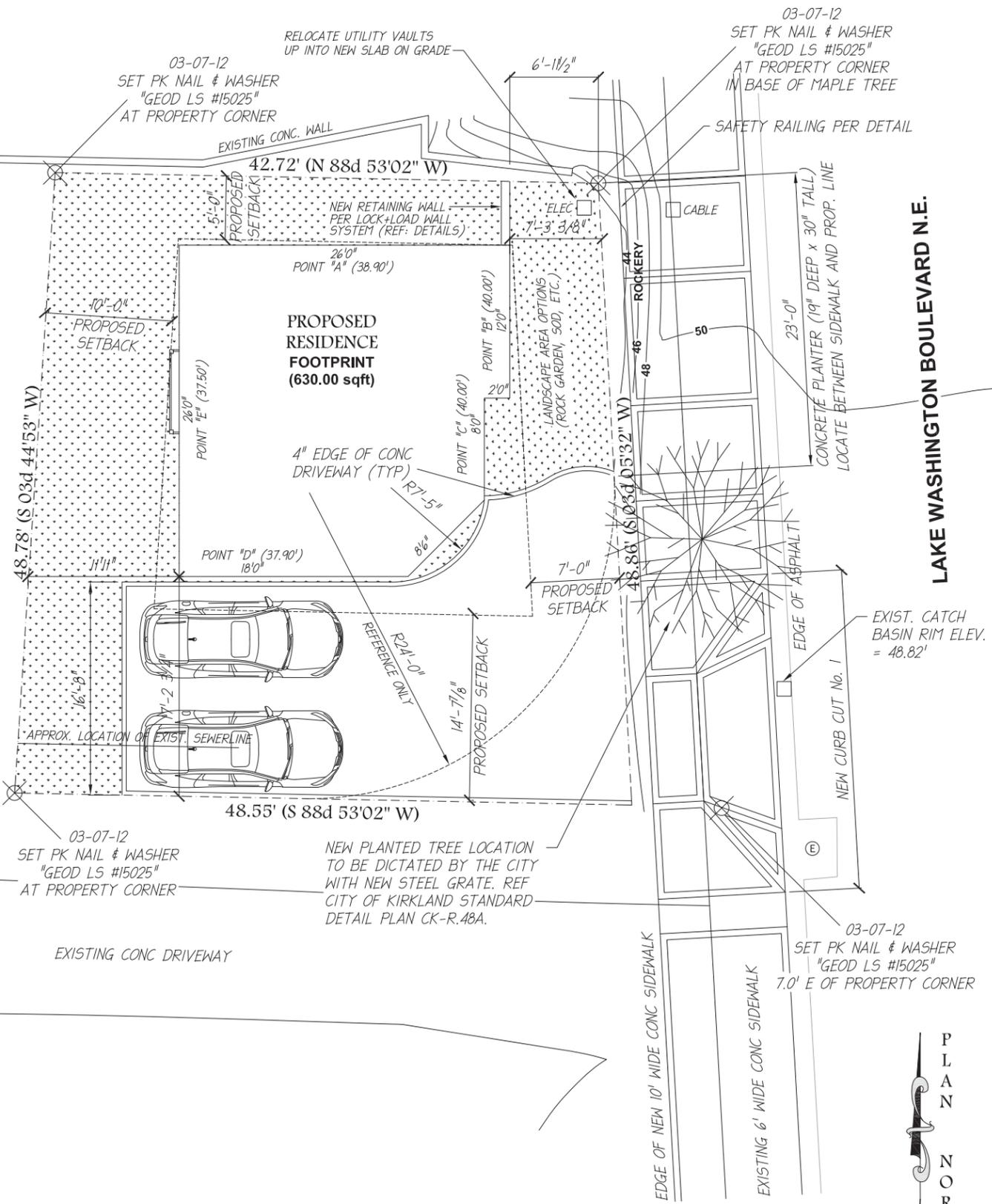
SUBJECT PROPERTY



WD III

Lake-Washington-Blvd-N



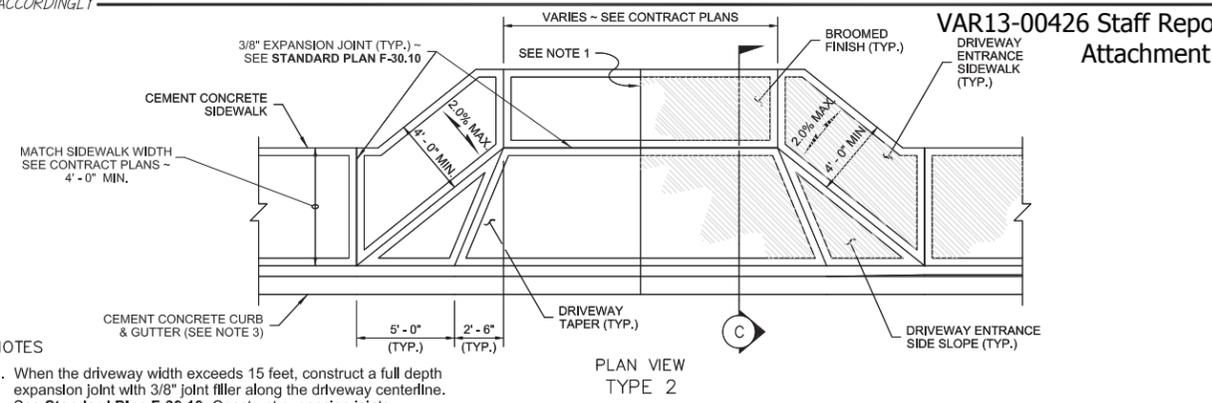


LAKE WASHINGTON BOULEVARD N.E.

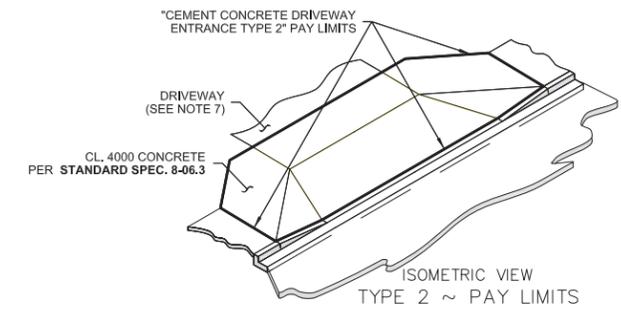
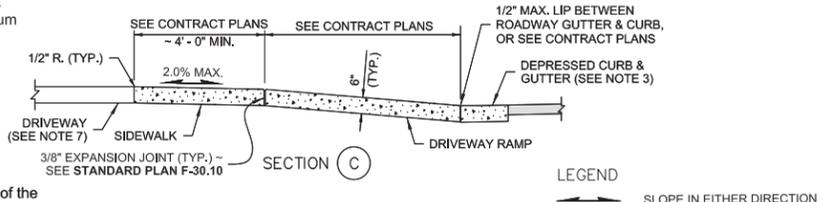
PLAN NORTH

PROPOSED SITE PLAN WITH REVISED REQUIRED SETBACK(S)
SETBACKS AS SHOWN ESTABLISHED BY CITY OF KIRKLAND PUBLIC WORKS DEPARTMENT

SCALE: 3/16"=1'-0"

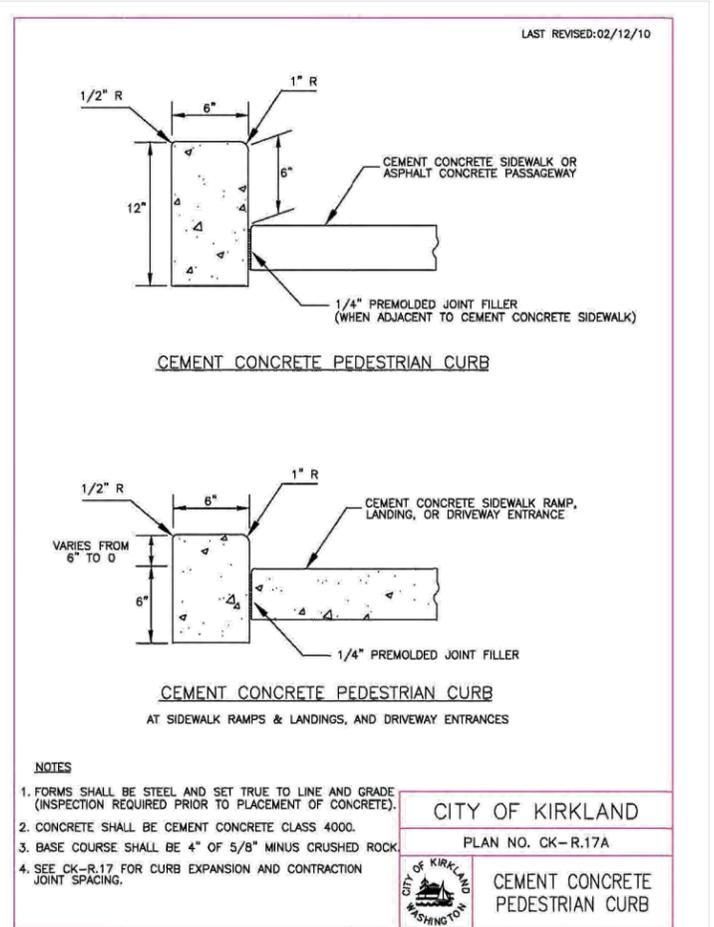
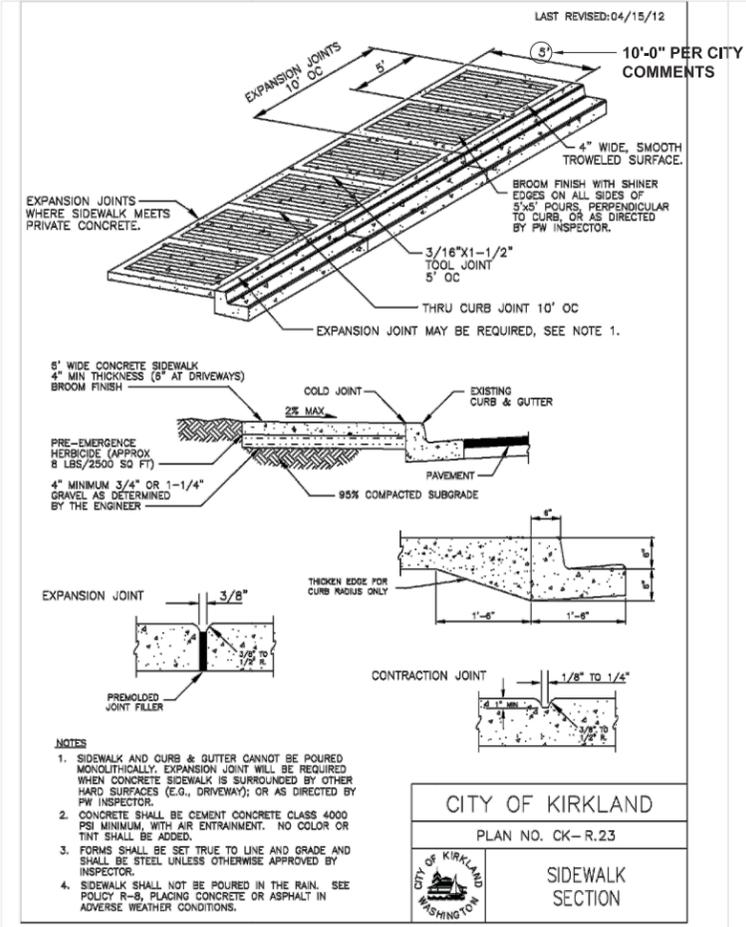


- NOTES
- When the driveway width exceeds 15 feet, construct a full depth expansion joint with 3/8" joint filler along the driveway centerline. See **Standard Plan F-30.10**. Construct expansion joints parallel with the centerline as required at 15 feet maximum spacing when driveway widths exceed 30 feet.
 - See **Standard Plan F-30.10** for sidewalk details.
 - Curb and gutter shown; see the Contract Plans for the curb design specified. See **Standard Plan F-10.12** for Curb Details.
 - Avoid placing drainage structures, junction boxes or other obstructions in front of driveway entrances.
 - Where "GRADE BREAK" is called out, the entire length of the line between the two adjacent surface planes shall be flush.
 - The curb ramp maximum running slope shall not require the ramp length to exceed 15 feet to avoid chasing the slope indefinitely when connecting to steep grades. When applying the 15 foot max. length, the running slope of the curb ramp shall be as flat as feasible.
 - Pay item does not include driveway. See Contract Plans.



TYPICAL CURB CUT DETAIL

REFERENCE W.S.D.O.T. STANDARD PLAN F-80.10-02, TYPE 2



CITY OF KIRKLAND
PLAN NO. CK-R.23
SIDEWALK SECTION

CITY OF KIRKLAND
PLAN NO. CK-R.17A
CEMENT CONCRETE PEDESTRIAN CURB

Nutty - CAD
6300 13TH AVE SE
Snohomish, WA 98290
Ph: 360-566-7307

HomeStyling DESIGN
7301 Washington Ave. N.E.
Seattle, WA 98115
Ph: (206) 729-9304

UBuildIt
7301 Washington Ave. N.E.
Seattle, WA 98115
Ph: (206) 465-4417

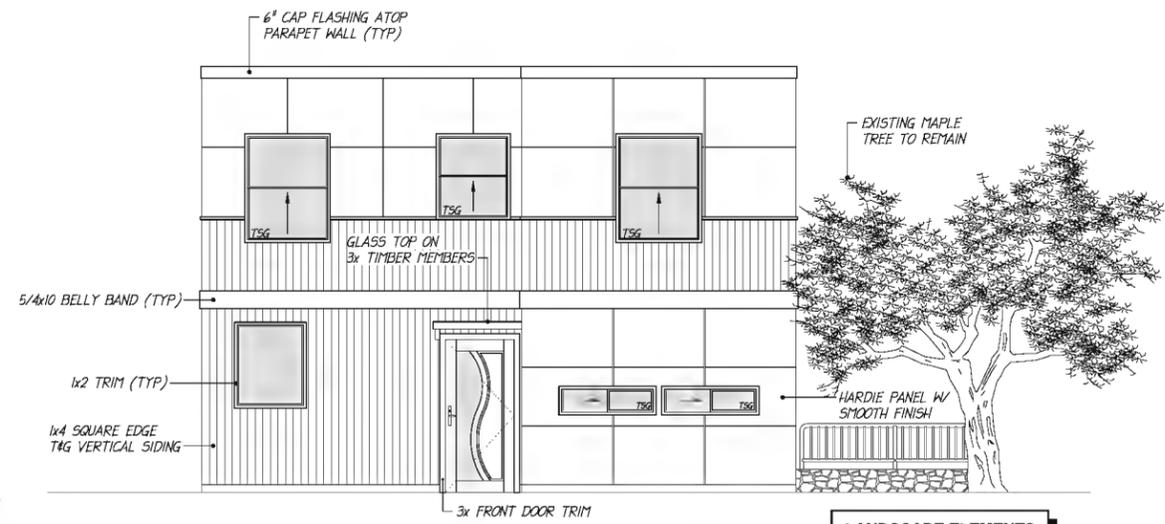
Michael Barto Residence
4617 Lake Washington Boulevard N.E.
Kirkland, Washington 98033

Plan Title
Proposed Variance Site Plan
Drawn
Doug A
Date
08/12/2014

Plan Revisions
01 09/08/2014
02 02/21/2015
03 04/28/2015
04 07/04/2015
05 08/05/2015
06 11/02/2015

Sheet:
A-0a

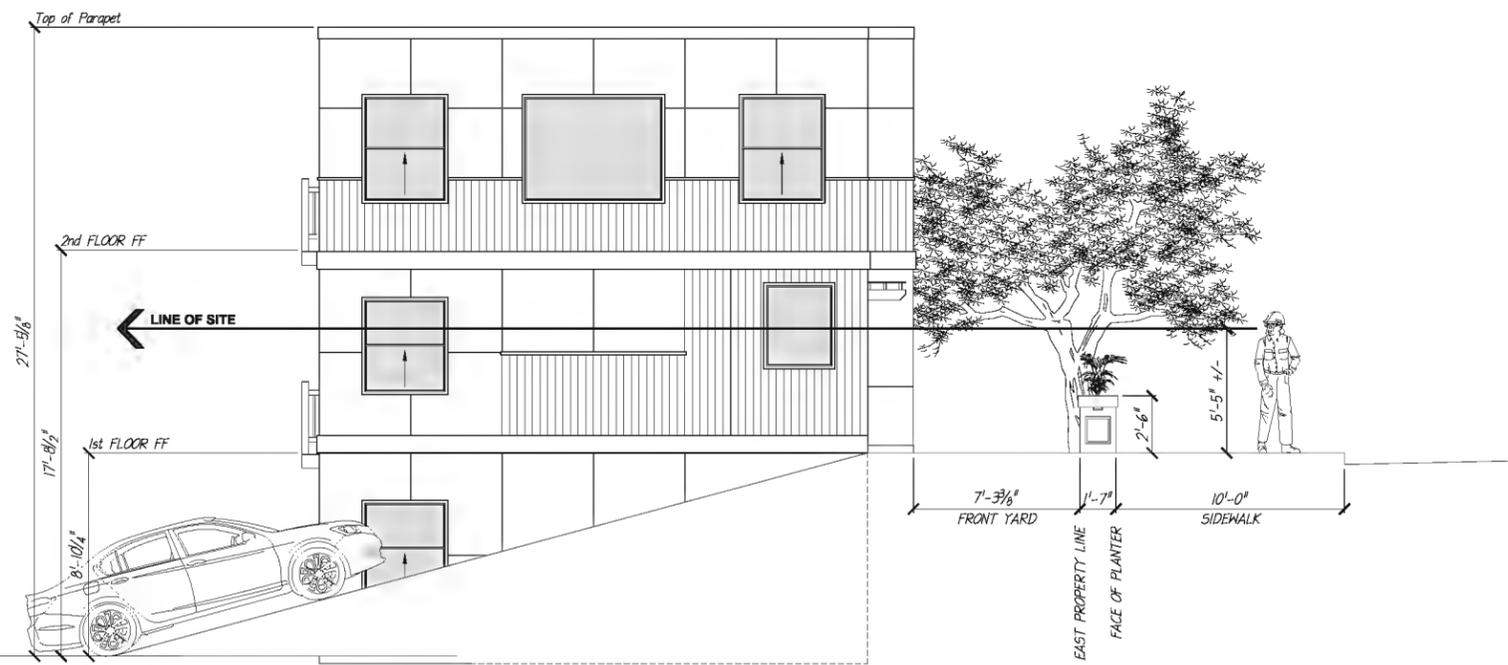
DO NOT SCALE THIS DRAWING



LANDSCAPE ELEMENTS
ALONG EAST PROPERTY
LINE NOT SHOWN FOR
PURPOSE OF CLARITY

PROPOSED EAST ELEVATION (FRONT)

SCALE: 1/4"=1'-0"



PROPOSED SOUTH ELEVATION (LEFT)

SCALE: 1/4"=1'-0"

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Michael Barto Residence
 4617 Lake Washington Boulevard N.E.
 Kirkland, Washington 98033

Plan Title
 Proposed Elevations

 Drawn
 Doug A
 Date
 08/12/2014

Plan Revisions
 01 09/08/2014
 02 11/02/2015

Sheet
A-2
 of -

R.W. THORPE & ASSOCIATES, INC.

Seattle • Anchorage • Denver • Winthrop

❖ Planning | Landscape Architecture | Project Management | Environmental | Economics ❖

PRINCIPALS:

Robert W. Thorpe, AICP, President

ASSOCIATES:

Lee A. Michaelis, AICP, Senior Associate

Lindsay Diallo, RLA, Associate

Stephen Speidel, ASLA

April 21, 2015

Tony Leavitt, Associate Planner
Planning & Community Development
City of Kirkland
123 5th Ave.
Kirkland, WA 98033

**RE: Barto Residence Front Yard Setback Variance
4617 Lake Washington Boulevard NE (VAR13-00426)**

Dear Mr. Leavitt:

R.W. Thorpe & Associates, Inc. has been retained by Mr. Mike Barto to provide this land use analysis to support an application to obtain a variance to facilitate the construction of a replacement single-family residence on real property commonly known as 4617 Lake Washington Boulevard in the City of Kirkland, also known as King County Tax Parcel No. 4104500050 ("Property"). The requested variance would reduce the front yard setback for the replacement residence from the required 30 feet to 7 feet. *See* KZC 20.30.070. Based upon our analysis of the Property and others in the immediate vicinity, it is our conclusion that the Property is burdened by special circumstances related to shape, size, and location that merit the approval of the variance. It is also our opinion that the requested variance will not be detrimental to other properties or improvements in the area and does not constitute a special privilege. The conclusions are based upon unique circumstances of the Property and the variance criteria analysis described below.

The Property is located within the Water District III zone. The Property consists of approximately 2,224 square feet as shown on the Topographic & Boundary Survey and the Proposed Variance Site Plan, attached hereto as Exhibits A and B, respectively. As depicted, the Property is roughly square, with the east and west boundaries consisting of approximately 48.8 feet and the north and south boundary lines consisting of 42.7 feet and 48.5 feet, respectively. The minimum lot size for the WD-III zoning district is 3,600 square feet for a detached dwelling unit. *See* KZC 20.30.070. The Property is a legally nonconforming lot with regard to minimum lot size requirements.

The Property is currently improved with a dilapidated, detached single-family residence containing a footprint of approximately 904 square feet. According to King County records, the existing residence was originally constructed in 1940. As such, the existing residence has met or exceeded its expected lifetime, and a new residence constructed with modern building techniques, practices, materials, and amenities is desired. The proposal is to demolish the existing single-family residence and construct a new residence with a building footprint of approximately 648 square feet—a substantially

smaller footprint than the existing residence. At its closest point, the existing residence is located 2.9 feet from the front property line and does not meet the front yard setback requirement. The WD-III zoning district requires that new buildings be located a minimum of 30 feet from the front property line. *See* KZC 20.30.070. In order to construct a single-family residence with even a minimally reasonable size and functionality, any new residence on the Property will require a variance from the front yard setback. To approve a variance the City must find that the application meets the variance criteria. The following is our response to the criteria.

1. “The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole” KZC 120.20.1

The variance will not be materially detrimental to the property or improvements in the area. *See* KZC 120.20.1. Each of the lots in the immediate vicinity of the Property are residential properties within the same WD-III zoning district; single-family residences to the north, northwest, west, and southwest, and a duplex to the south. The proposed single-family residence on the Property is an outright permitted use within the WD-III zoning district, regardless of whether the variance is approved. *See* KZC 20.20.070.

The proposed residence has been situated on the Property to ensure compliance with the three remaining setback requirements along the common property lines with the three adjacent residential properties. Specifically, the rear setback will be 10 feet as required by KZC 20.30.070. The north sideyard setback will be 5 feet as required by KZC 20.30.070. The south sideyard setback will actually be 17.1 feet, far in excess of the minimum 5 feet as required by KZC 20.30.070. In short, the rear and sideyard setbacks will meet and/or exceed applicable setbacks, fully ensuring that the adjoining residential properties are not adversely impacted by the location of the replacement residence. Moreover, it is noteworthy that this proposal represents a significant improvement over existing conditions. Since 1940, the south portion of the existing residence has actually been constructed over the property line by nearly 2 feet, and the north side of the residence has been located within 3.6 feet of the north property line. Additionally, even though the variance application seeks to reduce the front yard setback to 7 feet, this represents a significant improvement over existing conditions, in which the residence is located 2.9 feet from the front property line. Similarly, the existing residence has a footprint of approximately 904 square feet, whereas the footprint of the proposed residence will only be 648 square feet. Clearly, granting the variance will not be detrimental to the property or improvements in the vicinity.

The proposed residence will also be constructed landward of the immediate adjacent residential structures, thereby preserving any views that may be enjoyed by those properties. A title review of the Property confirms that it is not benefitted by an appurtenant easement for access. As such, by necessity, the proposed residence will take its access directly from Lake Washington Boulevard and will eliminate any concern for potential access conflicts with the adjacent property owners.

On the east side, where the variance to reduce the front yard setback has been requested, the property abuts Lake Washington Boulevard. Based on measurements taken on the King County Interactive Mapping website, the nearest structure to the east property line of the subject property is approximately 108 feet. This separation, which is more far in excess of the distance that is required within the WD-III zone, will assist in minimizing any perceived impacts that may be created by the proposed residence. In addition to the distance between the Property and the single-family residence to the east, there is an elevation change of approximately 20 feet. This elevation change results in the

proposed residence being approximately 20 feet lower; reducing visual impacts to views to and from Lake Washington Boulevard.

Improvements in the area include all public utilities, a pedestrian sidewalk and bicycle lane. Reducing the front setback from 30 feet will have no impact on these improvements. All utilities, including electrical power are underground. The bicycle lane is on the east side of Lake Washington Boulevard furthest away from the proposed residence. The pedestrian sidewalk adjacent to the front yard setback is located approximately 9 feet away from the proposed residence. The proposed residence has been designed to have an on-site turnaround for vehicles, which will avoid situations in which vehicles are backed onto Lake Washington Boulevard and avoids concerns regarding using any portion of the public sidewalk for such maneuvers. No additional impacts will be created beyond what exists now inasmuch as the existing residence is located in close proximity to the sidewalk.

Finally, as indicated, the Property is currently improved with a dilapidated, detached single-family residence and has been used for residential purposes since 1940. As such, the proposed residence will be similar in use and density to the existing structure, thereby insuring that there are no new impacts to public services.

2. "The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of a preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed" KZC 120.20.2

The requested variance to reduce the front yard setback is a result of the size, shape, and location of the Property. As stated above, the Property is approximately 48.5 feet deep along the south property line and approximately 42.7 feet deep along the north property line; resulting in a special circumstance related to the size of any potential building envelope as a result of the required setbacks. Strict compliance with the 30-foot front yard setback and the 10-foot rear yard setback, would result in a building envelope of approximately 5.6 feet in depth measured from the midpoint of the front property line, perpendicular to the rear lot line. For obvious reasons, this area is not adequate for a reasonable use within the WD-III zone.

In addition to the size of the Property, the square shape results in a special circumstance requiring the granting of a variance to accommodate a reasonable use. In general, lots within the immediate vicinity of this Property are rectangular in shape, rather than square. Properties, residential properties more so than commercial properties, are generally created in a rectangular shape to accommodate the larger front and rear yard setbacks that are typical of residential zones. This is the case in the WD-III zoning district, where the combined front and rear setbacks total 40 feet, versus the total 10 feet for the side yard setbacks. The special circumstance relating to the shape of the Property prohibits it from complying with the larger front yard setback.

Lastly, the Property is also located within 200 feet of Lake Washington, subjecting it to the City's Shoreline Master Program (SMP). The Property is within the Residential Medium/High Density shoreline environment designation, which requires that a view corridor, measuring 30 percent of the average parcel width, be provided. The average parcel width of the Property is approximately 48.7 feet, requiring a view corridor of 14.6 feet which is shown on the proposed Variance Site Plan as the proposed setback

from the south property line. Because of the location of the Property, additional land area is required for a public view corridor resulting in a reduced area for the private residence.

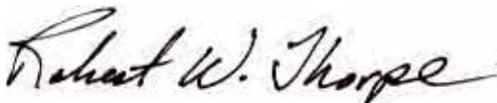
3. **“The variance will not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this code allows to other property in the same area and zone as the subject property.” KZC 120.20.3**

If approved, the requested variance will allow for the construction of a detached single-family residence, which is an outright permitted use within the WD-III zoning district. *See* KZC 20.20.070. The proposed single-family residential use is consistent and compatible with surrounding uses, all of which are residential in nature. Denying the variance would more than likely eliminate any reasonable use identified as a permitted use in KZC 20.20 Permitted Uses. The only uses identified in the permitted use table that could be accomplished on the Property would be a public park or public utility—uses that would undoubtedly draw even greater consternation from adjoining landowners than the continuation of the residential use that has characterized the property for the last 75 years. All others uses permitted within the same zone would not be capable of construction within the allowable 5.6 feet of buildable area described above.

We respectfully request that you take these findings into consideration when you make a recommendation on the variance application. If you have any questions or require additional information, please feel free to contact Robert W. Thorpe, AICP or Lee A. Michaelis, AICP of this office at rwta@rwta.com or 206.624.6239. Our professional credentials as expert witnesses in land use matters can be found on our website at www.rwta.com.

Sincerely,

R.W. Thorpe & Associates, Inc



Robert W. Thorpe, AICP
President/Principal



Lee A. Michaelis, AICP
Planning Director/Senior Associate

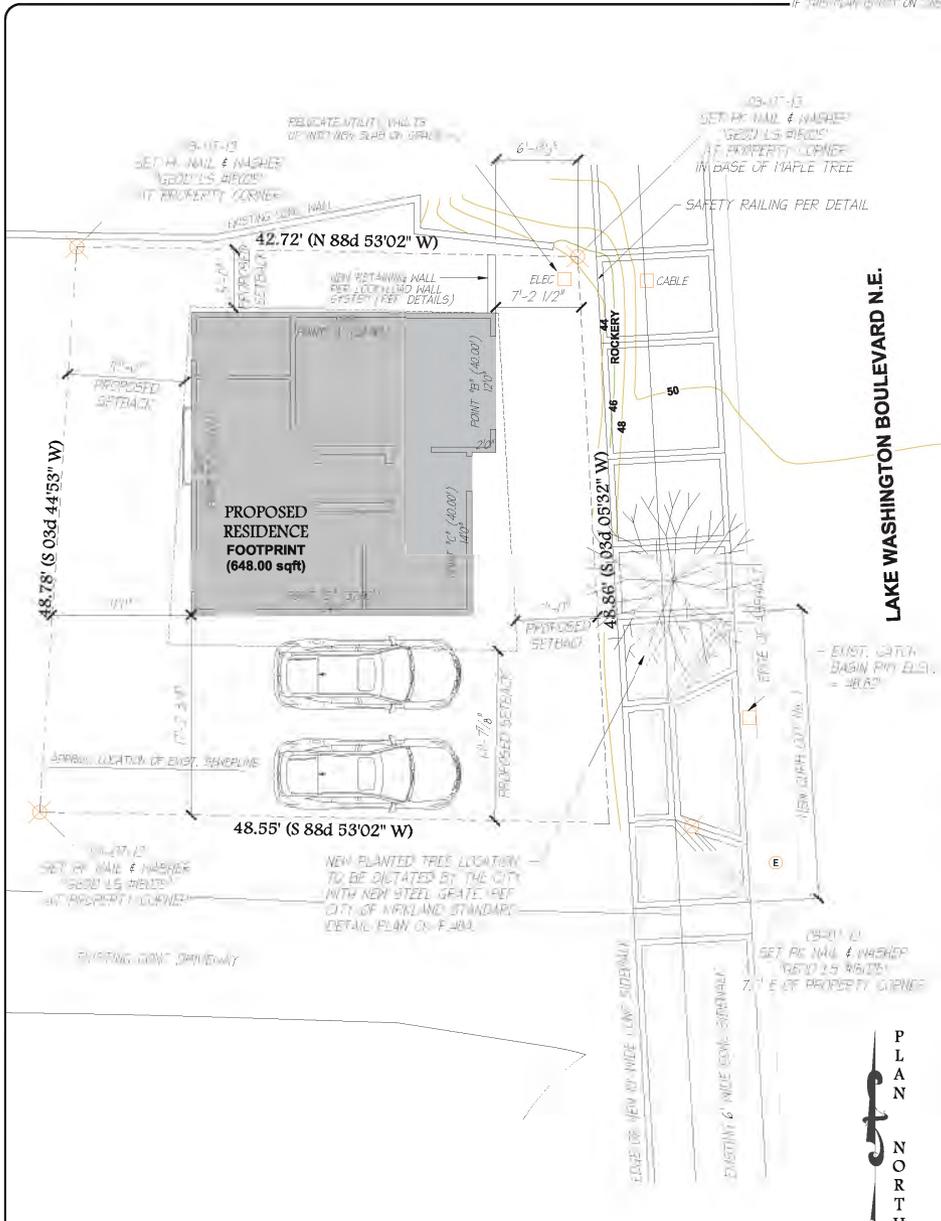
Attachment A – Topographic & Boundary Survey

Attachment B – Variance Site Plan

Attachment C – Site Photos

Exhibit A

Exhibit B



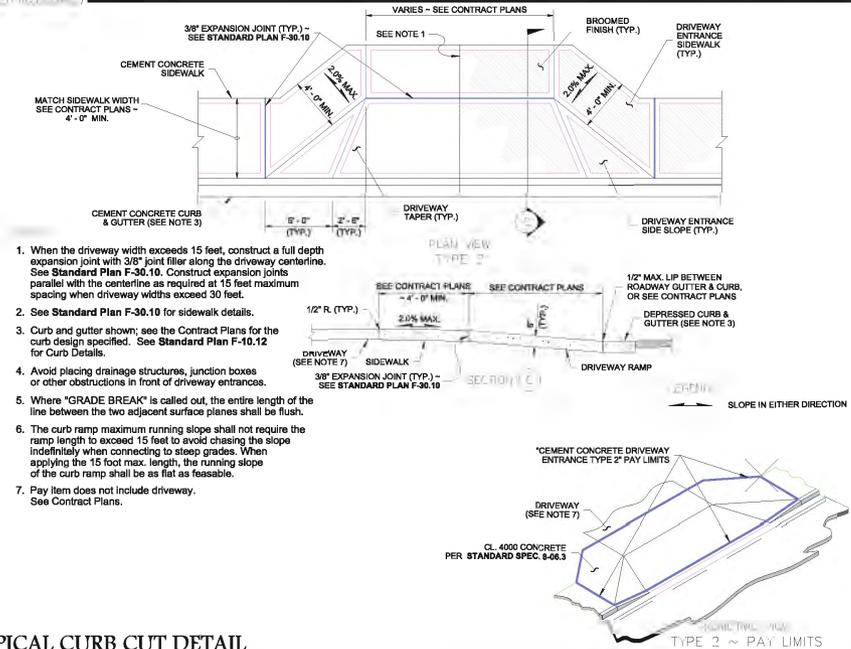
LAKE WASHINGTON BOULEVARD N.E.

PLAN NORTH

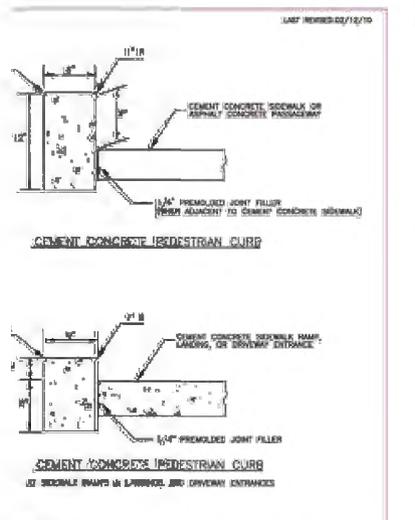
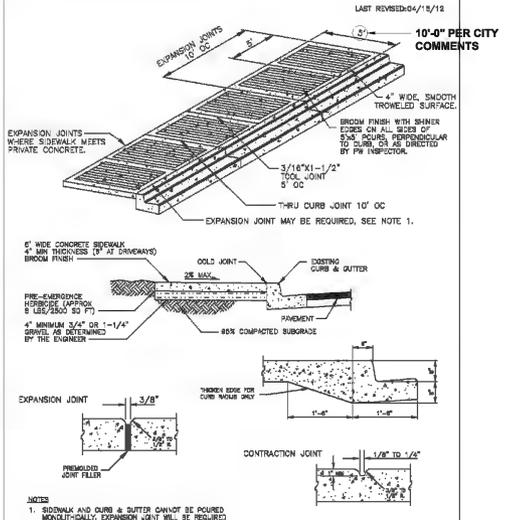
PROPOSED SITE PLAN WITH REVISED REQUIRED SETBACK(S)
 SETBACKS AS SHOWN ESTABLISHED BY CITY OF KIRKLAND PUBLIC WORKS DEPARTMENT

SCALE: 3/16"=1'-0"

IF THIS PLAN IS PRINT ON TASK PAPER, IT HAS BEEN SCALED ACCORDINGLY



TYPICAL CURB CUT DETAIL
 REFERENCE W.S.D.O.T. STANDARD PLAN F-80.10-02, TYPE 2



- NOTES
1. SIDEWALK AND CURB & GUTTER SHOULD BE POURED MONOLITHICALLY. EXPANSION JOINTS WILL BE REQUIRED WHEN CONCRETE SIDEWALK IS SURROUNDED BY OTHER HARD SURFACES (E.G., DRIVEWAYS) OR AS DIRECTED BY PE INSPECTOR.
 2. CONCRETE SHALL BE CEMENT CONCRETE CLASS 4000 PER MINIMUM WITH AIR ENTRAINMENT. NO COLOR OR TINT SHALL BE ADDED.
 3. FORMS SHALL BE SET TRUE TO LINE AND GRADE AND SHALL BE STEEL UNLESS OTHERWISE APPROVED BY INSPECTOR.
 4. SIDEWALK SHALL NOT BE POURED IN THE BANK. SEE POLICY P-8, PLACING CONCRETE OR ASPHALT IN ADVERSE WEATHER CONDITIONS.

CITY OF KIRKLAND
 PLAN NO. CK-R-23
 SIDEWALK SECTION

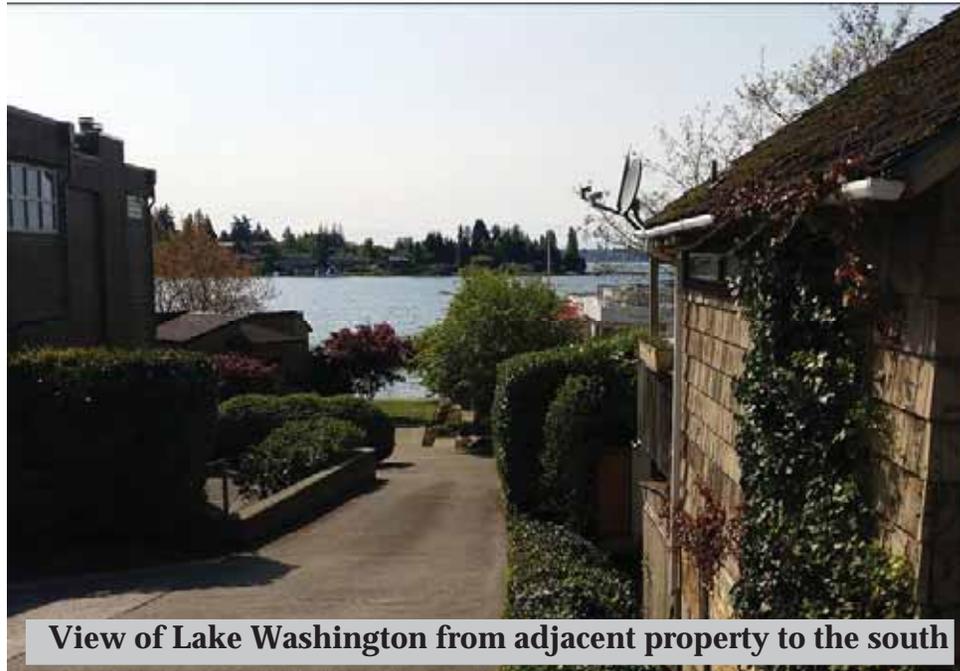
CITY OF KIRKLAND
 PLAN NO. CK-R-37A
 CEMENT CONCRETE PEDESTRIAN CURB

Nutty - CAD
 HomeStyling DESIGN
 UBuildIt
 Michael Barto Residence
 4617 Lake Washington Boulevard N.E., Kirkland, Washington 98033
 Proposed Variance Site Plan
 08/08/2014
 02/27/2015
 06/26/2015
 A-0a

Exhibit C



Frontage improvements looking north



View of Lake Washington from adjacent property to the south



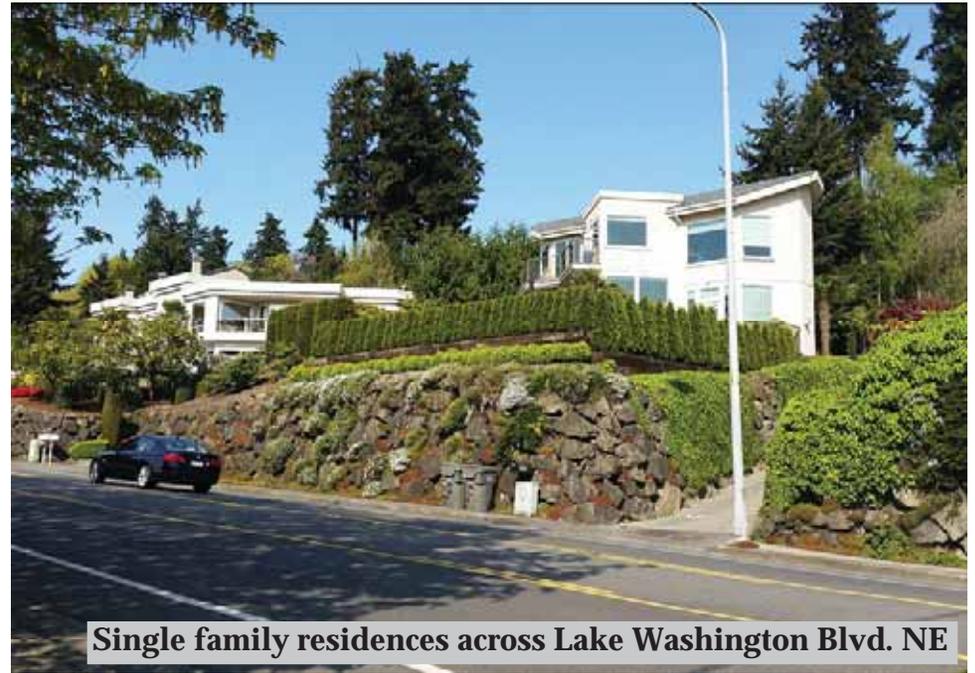
View of Lake Washington over existing residence



Existing residence



Single family residences across Lake Washington Blvd. NE



Single family residences across Lake Washington Blvd. NE



Frontage improvements looking south



Single family residences across Lake Washington Blvd. NE



CITY OF KIRKLAND
Planning and Building Department
123 Fifth Avenue, Kirkland, WA 98033
425.587.3600 ~ www.kirklandwa.gov

DEVELOPMENT STANDARDS LIST

FILE: BARTO VARIANCE, VAR13-00426

ZONING CODE STANDARDS

95.50 Tree Installation Standards. All supplemental trees to be planted shall conform to the Kirkland Plant List. All installation standards shall conform to Kirkland Zoning Code Section 95.45.

95.52 Prohibited Vegetation. Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

105.20 Required Parking. 2 parking spaces are required for this use.

110.60.5 Street Trees. All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

115.25 Work Hours. It is a violation of this Code to engage in any development activity or to operate any heavy equipment before 7:00 am. or after 8:00 pm Monday through Friday, or before 9:00 am or after 6:00 pm Saturday. No development activity or use of heavy equipment may occur on Sundays or on the following holidays: **New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day.** The applicant will be required to comply with these regulations and any violation of this section will result in enforcement action, unless written permission is obtained from the Planning official.

115.40 Fence Location. Fences over 6 feet in height may not be located in a required setback yard. A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard. No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard, which is coincident with the high waterline setback yard.

A detached dwelling unit may not have a fence over 3.5 feet in height within 3 feet of the property line abutting a principal or minor arterial except where the abutting arterial contains an improved landscape strip between the street and sidewalk. The area between the fence and property line shall be planted with vegetation and maintained by the property owner.

115.75.2 Fill Material. All materials used as fill must be non-dissolving and non-decomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.

115.90 Calculating Lot Coverage. The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations See Section 115.90 for a more detailed explanation of these exceptions.

115.95 Noise Standards. The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.

115.115 Required Setback Yards. This section establishes what structures, improvements and activities may be within required setback yards as established for each use in each zone.

115.115.3.p HVAC and Similar Equipment: These may be placed no closer than five feet of a side or rear property line, and shall not be located within a required front yard; provided, that HVAC equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC equipment shall be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC 115.95.

Prior to issuance of a grading or building permit:

95.30(4) Tree Protection Techniques. A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans.

95.34 Tree Protection. Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities. Protection measures for trees to be retained shall include (1) placing no construction material or equipment within the protected area of any tree to be retained; (2) providing a visible temporary protective chain link fence at least 6 feet in height around the protected area of retained trees or groups of trees until the Planning Official authorizes their removal; (3) installing **visible signs spaced no further apart than 15 feet along the protective fence stating "Tree Protection Area, Entrance Prohibited" with the City code enforcement phone number;** (4) prohibiting excavation or compaction of earth or other damaging activities within the barriers unless approved by the Planning Official and supervised by a qualified professional; and (5) ensuring that approved landscaping in a protected zone shall be done with light machinery or by hand.

Prior to occupancy:

95.51.2.b Tree Maintenance. For detached dwelling units, the applicant shall submit a 5-year tree maintenance agreement to the Planning and Building Department to maintain all pre-existing trees designated for preservation and any supplemental trees required to be planted.

DEVELOPMENT STANDARDS

VAR13-00426



BUILDING DEPARTMENT

BUILDING DEPARTMENT CONDITIONS

TOM JENSEN (425) 587-3611

1. Prior to issuance of Building, Demolition or Land surface Modification permit applicant must submit a proposed rat baiting program for review and approval. Kirkland Municipal Ordinance 9.04.040
2. Currently, building permits must comply with the 2009 editions of the International Building, Residential and Mechanical Codes and the Uniform Plumbing Code as adopted and amended by the State of Washington and the City of Kirkland. Permit applications received on or after July 1, 2013 will need to comply with the 2012 editions as amended.
3. Currently, structures must comply with the 2009 Washington State Energy Code. Permit applications received on or after July 1, 2013 will need to comply with the 2012 edition.
4. Structures to be designed for seismic design category D, wind speed of 85 miles per hour and exposure C.
5. Plumbing meter and service line shall be sized in accordance with the current UPC.
6. Demolition permit required for removal of existing structure.

PUBLIC WORKS DEPARTMENT

Permit #: VAR13-00426

Project Name: Barto Variance

Project Address: 4617 LWB

Date: April 5, 2016

PUBLIC WORKS CONDITIONS

General Conditions:

1. All public improvements associated with this project including street and utility improvements, must meet the City of Kirkland Public Works Pre-Approved Plans and Policies Manual. A Public Works Pre-Approved Plans and Policies manual can be purchased from the Public Works Department, or it may be retrieved from the Public Works Department's page at the City of Kirkland's web site.
2. This project will be subject to Public Works Permit and Connection Fees. It is the applicant's responsibility to contact the Public Works Department by phone or in person to determine the fees. The applicant should anticipate the following fees:
 - o Water, Sewer, and Surface Water Connection Fees (paid with the issuance of a Building Permit)
 - o Side Sewer Inspection Fee (paid with the issuance of a Building Permit)
 - o Water Meter Fee (paid with the issuance of a Building Permit)
 - o Right-of-way Fee
 - o Review and Inspection Fee (for utilities and street improvements).
 - o Building Permits associated with this proposed project will be subject to the traffic, park, and school impact fees per Chapter 27 of the Kirkland Municipal Code. The impact fees shall be paid prior to issuance of the Building Permit(s). Any existing buildings within this project which are demolished will receive a Traffic Impact Fee credit, Park Impact Fee Credit and School Impact Fee Credit. This credit will be applied to the first Building Permits that are applied for within the project. The credit amount for each demolished building will be equal to the most currently adopted Fee schedule.
3. This project is exempt from concurrency review.
4. All civil engineering plans which are submitted in conjunction with a building, grading, or right-of-way permit must conform to the Public Works Policy G-7, Engineering Plan Requirements. This policy is contained in the Public Works Pre-Approved Plans and Policies manual.
5. All street improvements and underground utility improvements (storm, sewer, and water) must be designed by a

Washington State Licensed Engineer; all drawings shall bear the engineers stamp.

6. All plans submitted in conjunction with a building, grading or right-of-way permit must have elevations which are based on the King County datum only (NAVD 88).

Sanitary Sewer Conditions:

1. The existing sanitary sewer main within the public right-of-way along the front of the property is adequate to serve the proposed project.
2. All side sewer stubs serving the property shall be PVC type pipe per Public Works Pre-approved Plans Sanitary Sewer Design Criteria. Any side sewer not meeting this standard shall be removed and replaced.

Water System Conditions:

1. The existing water main in the public right-of-way along the front of the subject property is adequate to serve this proposed development.
2. Provide a separate 1" minimum water service from the water main to the meter for each lot; City of Kirkland will set the water meter. The water size is determined when the Building Permit is submitted and is sized per the Uniform Plumbing Code. A ¾" meter is the typical size for new single-family home.
3. The existing water service shall be abandoned unless otherwise approved by the Development Engineer or Construction Inspector.

Surface Water Conditions:

1. All of the site drainage shall be collected and conveyed to an approved storm system. The on-site drainage cannot run off onto the neighboring property.
2. The Building Permit plans shall provide temporary and permanent storm water control per the most currently adopted King County Surface Water Design Manual (currently 2009 edition) and the Kirkland Addendum (Policy D-10). See Policies D-2 and D-3 in the PW Pre-Approved Plans for drainage review information, or contact city of Kirkland Surface Water staff at (425) 587-3800 for help in determining drainage review requirements. The drainage review levels can be determined using the Drainage Review Flow Chart. Summarized below are the levels of drainage review based on site and project characteristics:

- Small Project Drainage Review (Types I & II)

Small project drainage reviews are divided into two types, Type I and Type II, primarily based on the amount of impervious surface area. Typical Type I projects create between 500 and 1,999ft² impervious surface area. Type II projects involve between 2,000 and 9,999ft² impervious surface areas, with a total of no more than 5,000ft² of new impervious area and not more than a total of 9,999ft² impervious surface area added since 01/08/01.

- Targeted Drainage Review

A targeted project drainage review is required for projects that meet the new impervious area criteria for small projects, but also have additional characteristics that require a more in-depth level of review, such as sensitive drainage areas or the construction/modification of a 12" pipe or ditch.

3. This project is in a Level 1/Potential Direct Discharge Area, and is required to comply with core drainage requirements in the 2009 King County Surface Water Design Manual.

To qualify for direct discharge, the applicant must demonstrate (at a minimum):

- The conveyance system between the project site and Lake Washington will be comprised of manmade conveyance elements and will be within public right-of-way or a public or private drainage easement, AND
- The conveyance system will have adequate capacity per Core Requirement #4, Conveyance System, for the entire contributing drainage area, assuming build-out conditions to current zoning for the equivalent area portion and existing conditions for the remaining area; or,
- This project may qualify for an exception to flow control if the target surfaces will generate no more than a 0.1 cfs

increase in the existing site conditions 100-year peak flow.

4. Evaluate the feasibility and applicability of dispersion, infiltration, and other stormwater low impact development facilities on-site (per section 5.2 in the 2009 King County Surface Water Design Manual). If feasible, stormwater low impact development facilities are required. See PW Pre-Approved Plan Policy L-1 or L-2 (depending on drainage review) for more information on this requirement.
5. Amended soil per Ecology BMP T5.13 is recommended for all landscaped areas.
6. Provide an erosion control report and plan with Building or Land Surface Modification Permit application. The plan shall be in accordance with the 2009 King County Surface Water Design Manual.
7. Construction drainage control shall be maintained by the developer and will be subject to periodic inspections. During the period from May 1 and September 30, all denuded soils must be covered within 7 days; between October 1 and April 30, all denuded soils must be covered within 12 hours. Additional erosion control measures may be required based on site and weather conditions. Exposed soils shall be stabilized at the end of the workday prior to a weekend, holiday, or predicted rain event.
8. Provide a plan and profile design for the storm sewer system.
9. A storm sewer "Joint Maintenance Agreement" must be recorded with the property for the jointly used storm sewer lines.

Street and Pedestrian Improvement Conditions:

1. The subject property abuts Lake Washington Blvd. This street is an Arterial type street. Zoning Code sections 110.10 and 110.25 require the applicant to make half-street improvements in rights-of-way abutting the subject property. Section 110.30-110.50 establishes that this street must be improved with the following:
 - A. Replace the existing curb and gutter.
 - B. Remove the existing sidewalk and install a new 10 ft wide sidewalk with one 4x6 tree well and one street tree.
2. When three or more utility trench crossings occur within 150 lineal ft. of street length or where utility trenches parallel the street centerline, the street shall be overlaid with new asphalt or the existing asphalt shall be removed and replaced per the City of Kirkland Street Asphalt Overlay Policy R-7.
 - Existing streets with 4-inches or more of existing asphalt shall receive a 2-inch (minimum thickness) asphalt overlay. Grinding of the existing asphalt to blend in the overlay will be required along all match lines.
 - Existing streets with 3-inches or less of existing asphalt shall have the existing asphalt removed and replaced with an asphalt thickness equal or greater than the existing asphalt provided however that no asphalt shall be less than 2-inches thick and the subgrade shall be compacted to 95% density.
3. The driveway and parking area has been reviewed and approved by the Transportation Engineer.
4. It shall be the responsibility of the applicant to relocate any above-ground or below-ground utilities which conflict with the project associated street or utility improvements.

GENERAL NOTES:

1.0 GENERAL

THESE STRUCTURAL NOTES SUPPLEMENT THE SPECIFICATIONS, ANY DISCREPANCY FOUND AMONG THE DRAWINGS, SPECIFICATIONS, THESE NOTES, AND THE SITE CONDITIONS SHALL BE REPORTED TO THE OWNER WHO SHALL CORRECT SUCH DISCREPANCY IN WRITING. ANY WORK DONE BY THE CONTRACTOR AFTER DISCOVERY OF SUCH DISCREPANCY SHALL BE DONE AT THE CONTRACTOR'S RISK. THE CONTRACTOR SHALL VERIFY AND COORDINATE THE DIMENSIONS AMONG ALL DRAWINGS PRIOR TO PROCEEDING WITH ANY WORK OR FABRICATION. THE CONTRACTOR IS RESPONSIBLE FOR ALL BRACING AND SHORING DURING CONSTRUCTION.

1.1 CODES

ALL METHODS, MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE REQUIREMENTS OF CITY OF KIRKLAND, 2004 INTERNATIONAL BUILDING CODE (IBC), AS AMENDED AND ADOPTED BY CITY OF KIRKLAND AND THE STATE OF WASHINGTON, A.C.I., 318, A.I.S.C., 4TH EDITION, AND A.I.T.C., 3RD EDITION.

1.2 DESIGN CRITERIA

A. LIVE LOADS

ROOF (SNOW)	25 PSF
FLOOR RES	40 PSF
FLOOR DECKS	60 PSF

B. LATERAL LOADS:

WIND DESIGN CRITERIA:

- BASIC WIND SPEED 85 mph
- WIND IMPORTANCE, $I_w = 1.00$ (CATEGORY II)
- WIND EXPOSURE 'B'
- INTERNAL PRESSURE COEFFICIENT N/A (SIMPLIFIED WIND LOAD METHOD - 1604.6)
- COMPONENTS AND CLADDING

ZONE	POSITIVE PRESSURE	NEGATIVE PRESSURE
1	11.4 PSF	-13.3 PSF
2 (OVERHANG)	11.4 PSF	-15.2 PSF
3	11.4 PSF	-15.2 PSF
3 (OVERHANG)	11.4 PSF	-24.7 PSF
4	13.0 PSF	-14.1 PSF
5	13.0 PSF	-17.4 PSF

TOPOGRAPHIC EFFECT FACTOR $K_z = 1.0$

SEISMIC DESIGN CRITERIA:

- SEISMIC IMPORTANCE, $I_s = 1.0$ SEISMIC USE GROUP I
- MAPPED SPECTRAL RESPONSE ACCELERATIONS $S = 1.559$, $S_a = 0.545$
- SITE CLASS: D
- SITE RESPONSE COEFFICIENTS: $S_{ds} = 1.039$, $S_{d1} = 0.545$
- SEISMIC DESIGN CATEGORY: D
- BASIC SEISMIC FORCE-RESISTING SYSTEM: BEARING WALL SYSTEM
- DESIGN BASE SHEAR: 10.0 KIPS
- SEISMIC RESPONSE COEFFICIENTS: $C_s = 0.14$
- RESPONSE MODIFICATION FACTOR: $R = 6.5$
- SIMPLIFIED SEISMIC ANALYSIS PROCEDURE

1.3 SOIL DATA

FOR LOCATIONS SEE SOILS REPORT. SOIL BEARING @ CONT. SPREAD FOOTINGS = 200 PSF. ALLOW 50% INCREASE FOR LOADS FROM WIND OR SEISMIC ORIGIN. EQUIVALENT FLUID ACTIVE PRESSURE AND PASSIVE PRESSURE ARE 95 PCF AND 300 PCF, RESPECTIVELY.

2.0 SITE WORK

2.1 EXCAVATION

EXCAVATE FOR FOOTINGS DOWN TO DEPTH SHOWN ON DRAWINGS OR TO FIRM UNDISTURBED MATERIAL. AREAS OVER-EXCAVATED SHALL BE BACKFILLED WITH LEAN CONCRETE ($f_c = 2000$ PSI), OR BE STRUCTURALLY FILLED PER SECTION 2.2 AND SHALL BE AT THE CONTRACTOR'S EXPENSE.

2.2 BACKFILL AND COMPACTION

BACKFILL SHALL NOT BE PLACED UNTIL AFTER THE REMOVAL OF ALL FORMS, SCREENS, OTHER DEBRIS AND MATERIAL SUBJECT TO ROT OR CORROSION. USE ONLY MATERIALS APPROVED FOR BACKFILL. IN AREAS UNDER SLABS OR FOOTINGS, MATERIAL SHOULD BE GRANULAR IN NATURE, PLACED IN 6-INCH LIFTS AND COMPACTED TO AT LEAST 95% OF MAXIMUM DRY DENSITY AS DETERMINED BY AASHTO COMPACTION TEST PROCEDURE T-99. THE FILL SHOULD BE LIMITED TO CLEAN, GRANULAR MATERIAL.

3.0 CONCRETE 5 SACKS OF CONCRETE PER CUBIC YARD

3.1 GENERAL

ALL CONCRETE SHALL BE HARD ROCK CONCRETE MEETING REQUIREMENTS FOR 'ULTIMATE STRENGTH TYPE CONCRETE', PER ACI 301, 'SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDINGS'. PROPORTIONING OF INGREDIENTS FOR EACH CONCRETE MIX SHALL BE BY METHOD 2 OR THE ALTERNATE PROCEDURE GIVEN IN ACI 301. PLACE CONCRETE PER ACI-304 AND CONFORM TO ACI-308 (200) WINTER CONCRETING AND ACI-308 (305) FOR HOT WEATHER CONCRETING. CONCRETE SHALL BE PLACED TO AVOID SEGREGATION, HONEYCOMBING OR POCKETS. USE INTERIOR MECHANICAL VIBRATORS WITH 2000 RPM MINIMUM FREQUENCY. DO NOT OVER-VIBRATE. CONCRETE SHALL BE POURED MONOLITHICALLY BETWEEN CONSTRUCTION OR CONTROL JOINTS. PROTECT ALL FRESHLY PLACED CONCRETE FROM PREMATURE DRYING AND EXCESSIVE HOT OR COLD TEMPERATURES FOR SEVEN DAYS AFTER POURING. PROVIDE ENGINEER WITH PROPOSED CONSTRUCTION OR CONTROL JOINT LOCATIONS FOR HIS APPROVAL, OR USE JOINTS AS SHOWN ON THE DRAWINGS. ALL TIES AND ANCHORS SHALL BE CUT OFF FLUSH WITH THE SURFACE; SURFACES WHERE EXPOSED SHALL BE SMOOTH AND FREE FROM IRREGULARITIES.

3.2 STRENGTH

TWENTY-EIGHT DAY COMPRESSIVE STRENGTHS SHALL BE:

SLABS ON GRADE:	2000 PSI;	MAX SLUMP 3" (UNSUPERVISED)
FOOTINGS & WALLS:	2000 PSI;	MAX SLUMP 4" (UNSUPERVISED)

THESE SLUMPS MAY BE INCREASED IF A PROPER ADDITION OF POZZOLITH IS ADDED TO ALLOW HIGHER SLUMP AND GREATER WORKABILITY WITHOUT CHANGING THE WATER CONTENT OF THE ORIGINAL MIX DESIGN. PROPORTION MIX ACCORDING TO IRC 1904.

3.3 MATERIAL:

MATERIAL: CEMENT, WATER & AGGREGATES PER ACI 301
A. CEMENT MUST CONFORM TO ASTM 150, TYPE I OR TYPE II. ENGINEER'S APPROVAL IS REQUIRED FOR USE OF TYPE III CEMENT.

B. WATER TO BE CLEAN AND POTABLE.

C. COARSE AND FINE AGGREGATES TO CONFORM TO ASTM-C83.

3.4 MATERIALS

A. WATER REDUCING ADMIXTURES, MUST CONFORM TO ASTM-C494, POZZOLITH 344N, POZZOLITH 100XR, OR POZZOLITH 122HE. POZZOLITH SHALL BE INCORPORATED INTO ALL CONCRETE IN EXACT ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS 'SYNERGIZED PERFORMANCE SYSTEMS' CONCRETE WITH POZZOLITH ADMIXTURES TO PRODUCE FLOWABLE CONCRETE MAY BE USED WITH THE ENGINEER'S APPROVAL. ADMIXTURES AND DOSAGES WILL VARY DEPENDING ON CLIMATIC CONDITIONS AND THE CONTRACTOR'S JOBSITE REQUIREMENTS. MAXIMUM SLUMP FOR 'SYNERGIZED PERFORMANCE SYSTEMS' CONCRETE SHALL NOT EXCEED 8". USE IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

B. AIR ENTRAINMENT: CONFORM TO ASTM-C260 AND ASTM-C494, MB-AE-10 BY MASTER BUILDER. ENTRAIN 5% +/- 1% AIR BY VOLUME IN ALL EXPOSED CONCRETE.

C. OTHER ADMIXTURE: NO OTHER ADMIXTURES PERMITTED UNLESS PRIOR APPROVAL IS GIVEN BY THE ENGINEER.

3.5 REINFORCING STEEL

DETAIL, FABRICATE AND PLACE PER ACI-315 AND ACI-318. SUPPORT REINFORCEMENT WITH APPROVED CHAIRS, SPACERS, OR TIES.

A. STEEL REINFORCEMENT SHALL BE NEW, DEFORMED BILLET STEEL, MEETING ASTM A615, GRADE 60 FOR #5 AND LARGER BARS, EXCEPT AS NOTED, GRADE 40 FOR #4 AND SMALLER BARS. SHOP DRAWINGS SHALL BE MARKED ACCORDINGLY AND SUBMITTED TO THE ENGINEER FOR REVIEW PRIOR TO FABRICATION. GRADE 60 REBARS SHALL NOT BE BENT IN FIELD AFTER PLACING.

B. REINFORCEMENT IN ALL WALLS, SLABS AND FOOTINGS SHALL BE CONTINUOUS AROUND CORNERS OR CORNER BARS PROVIDED, BOTH VERTICAL AND HORIZONTAL.

C. LAPS, ALL TENSION SPLICES ARE ACCORDING TO ACI 318-84, CLASS B AND ALL COMPRESSION SPLICES ARE 30 DIAMETERS, UNLESS NOTED OTHERWISE.

D. TRIM REINFORCING: AROUND ALL OPENINGS SHALL BE A MINIMUM #4 TOP AND BOTTOM, EXTENDING 2'-6" BEYOND OPENING AT EACH CORNER. SEE TYPICAL DETAILS.

E. WELDING: TACK WELDING OF REBAR IS NOT PERMITTED UNLESS CALLED FOR.

F. MINIMUM REINFORCING: WHERE REINFORCEMENT IS NOT SHOWN ON DRAWINGS, THE 'BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE' (ACI 318-84) SHALL BE REFERRED TO FOR PROPER REINFORCEMENT.

G. REBAR COVER: PROVIDE CONCRETE PROTECTION FOR REINFORCEMENT AS FOLLOWS:

- 3" CONCRETE DEPOSITED AGAINST EARTH
- 2" CONCRETE DEPOSITED AGAINST FORMS BUT EXPOSED TO EARTH
- 1-1/2" TIES IN COLUMNS AND TIED REBAR IN WALLS
- 1-1/2" FOR BARS IN SLABS ON GROUND
- 3/4" INTERIOR FACE OF WALLS

H. WELDED WIRE FABRIC: ASTM-A185 AND ASTM-A82

J. MINIMUM STEEL REQUIREMENTS FOR CONCRETE WALL USING #4 REBAR

HEIGHT	VERTICAL	HORIZONTAL
0'-6"	18" O.C.	18" O.C.
6'-9"	16" O.C.	10" O.C.

3.6 FOUNDATION ANCHOR BOLTS

5/8" STEEL BOLTS, WITH 1" MIN. EMBEDMENT INTO CONCRETE. PROVIDE A MIN. OF (2) BOLTS PER SILL PLATE. ANCHOR BOLTS SHALL BE PLACED AT 12" O.C. FOR ONE STORY, 48" O.C. FOR TWO STORY RESIDENCES AND REFER TO LATERAL ENGINEERING FOR THREE STORY RESIDENCES. ADDITIONALLY, ONE BOLT MUST BE NO LESS THAN 1" FROM EACH END OF EACH INDIVIDUAL SILL PLATE. ANCHOR BOLT WASHERS MUST BE A MINIMUM OF 3"x9" (SQUARE) x 3/16" (THICKNESS)

4.0 CARPENTRY

4.1 ROUGH CARPENTRY

ALL 2x FRAMING LUMBER SHALL BE STUD GRADE DOUG-FIR FOR STUDS AND STANDARD OR BETTER FOR PLATES OR AS SHOWN ON THE DRAWINGS OR BELOW. ALL 2" LUMBER SHALL BE KILN DRIED (KD) OR SURFACE DRIED (SD). EACH PIECE OF LUMBER SHALL BEAR THE STAMP OF THE WEST COAST LUMBER INSPECTION BUREAU SHOWING GRADE MARK OR APPROVED EQUAL. OTHER MATERIALS AS SHOWN BELOW.

- 2x # 8x STUDS - STUD GRADE DOUG-FIR
- 2x JOISTS - #1 DOUG-FIR
- 4 x 4 # 4 x 6 COLUMNS - #1 DOUGLAS FIR
- 6x HEADERS - #1 DOUGLAS FIR
- 4x HEADERS - #2 DOUGLAS FIR

ALL EXPOSED MATERIALS OR MATERIAL IN CONTACT WITH CONCRETE SHALL BE PRESURE TREATED.

4.3 CARPENTRY HARDWARE

- A. BOLTS SHALL BE ASTM A-307.
- B. WASHERS SHALL BE MALLEABLE IRON WASHERS(MIN).
- C. NAILS SHALL BE COMMON, AMERICAN OR CANADIAN MANUFACTURER ONLY.
- D. LAG SCREWS, SHEAR PLATES - SEE NATIONAL DESIGN SPECIFICATION.
- E. ANCHORS AND CONNECTORS SHALL BE SIMPSON, TECO, BOYMAN OR OTHER ICSO APPROVED.
- F. PROTECTION HARDWARE EXPOSED TO WEATHER OR TO VIEW OR IN UNHEATED PORTION OF BUILDING SHALL BE GALVANIZED.

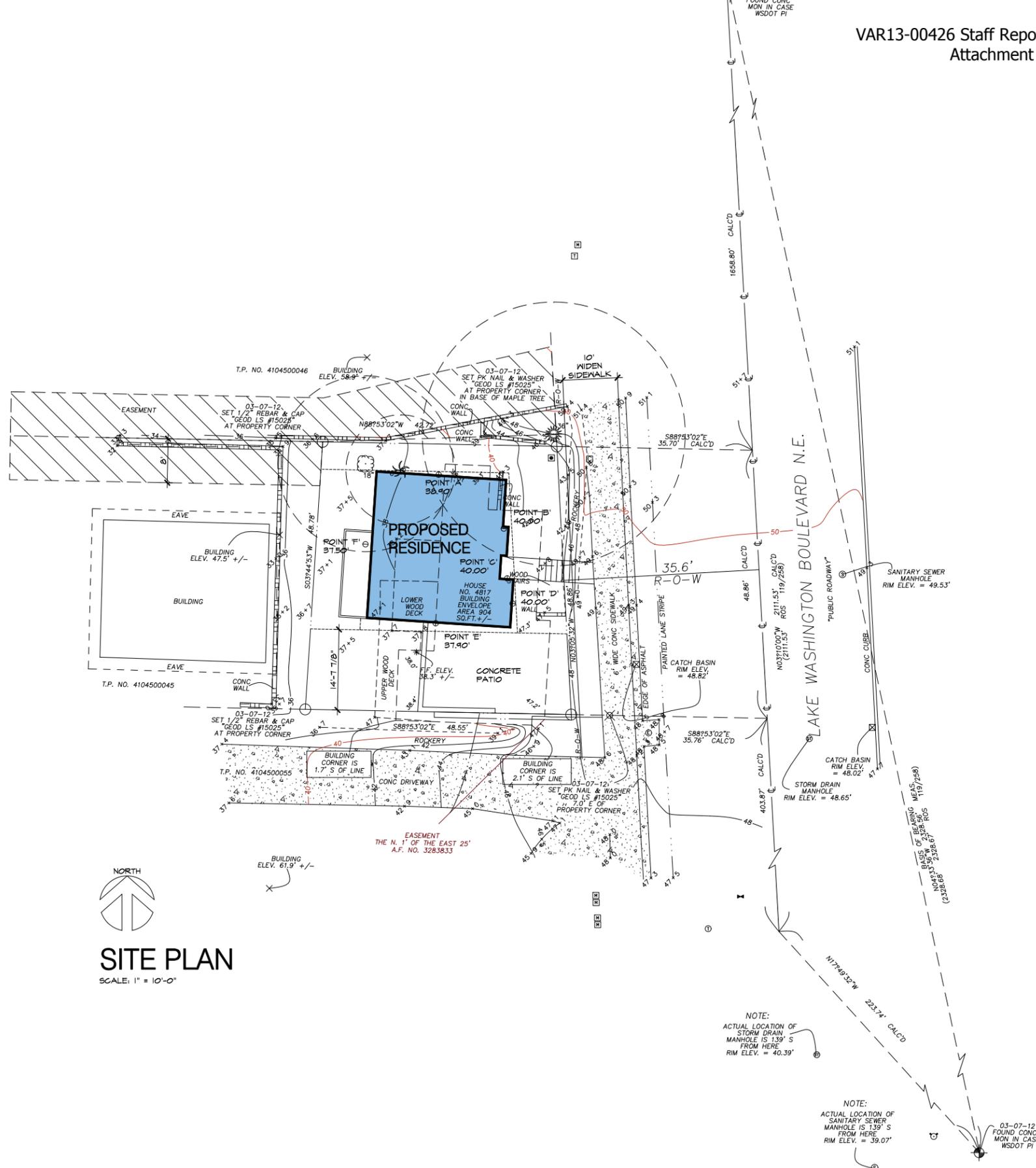
4.4 MINIMUM NAILING - PER 2009 IRC

4.5 GLUE-LAMINATED TIMBER

ALL STRUCTURAL GLUE-LAMINATED TIMBER, MATERIALS, MANUFACTURE AND QUALITY CONTROL SHALL BE IN CONFORMANCE WITH VOLUNTARY PRODUCT STANDARD P-556 'STRUCTURAL GLUED LAMINATED TIMBER', AND ALL MEMBERS SHALL BE MARKED WITH A QUALITY MARK THEREOF. ALL PLIES SHALL BE DOUGLAS FIR COAST REGION, CAMBERS ARE AS SHOWN ON THE DRAWINGS. ALL MEMBERS SHALL BE EITHER COMBINATION 24F-V4 (SIMPLE SPAN) OR 24F-V8 (GANTILEVERED OR CONTINUOUS SPAN) AS APPLICABLE. ALL MEMBERS SHALL BE INDUSTRIAL APPEARANCE AND SHALL BE GLUED WITH WATERPROOF ADHESIVE PER P.S. 56. ARCHES SHALL BE COMBINATION 24F-V8 AND HAVE EXTERIOR GLUE, ARCHITECTURAL GRADE.

5.0 MISCELLANEOUS

VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO PROCEEDING. PROVIDE ERECTION BRACING AS NECESSARY UNTIL PERMANENT SUPPORT AND STIFFNESS ARE INSTALLED. REFER TO ARCHITECTURAL PLANS FOR WALL OPENING, ARCHITECTURAL TREATMENT AND DIMENSIONS NOT SHOWN. REFER TO MECHANICAL AND ELECTRICAL PLANS FOR SIZE AND LOCATION OF ALL OPENINGS FOR DUCTS, PIPES, CONDUITS, ETC., NOT SHOWN.



SITE PLAN
SCALE: 1" = 10'-0"



RANDALL J. MUNSON
BUILDING DESIGNER

17713
15TH AVENUE NORTHEAST
SUITE 102
SHORELINE
WASHINGTON
98155

(206) 349-4551

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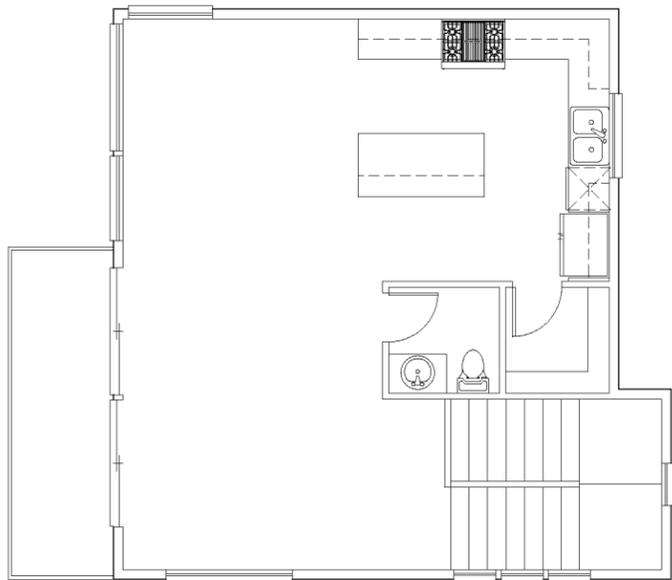
REVISIONS

No.	Date	Item

BARTO RESIDENCE
CITY OF KIRKLAND, WASHINGTON
MICHAEL BARTO
1810 FIR STREET - APT. A
SEATTLE, WASHINGTON 98122

SITE PLAN GENERAL NOTES

- PROJECT NO. : .
- DESIGN : RJM
- DRAWN : RJM
- ISSUE DATE : 02.01.13

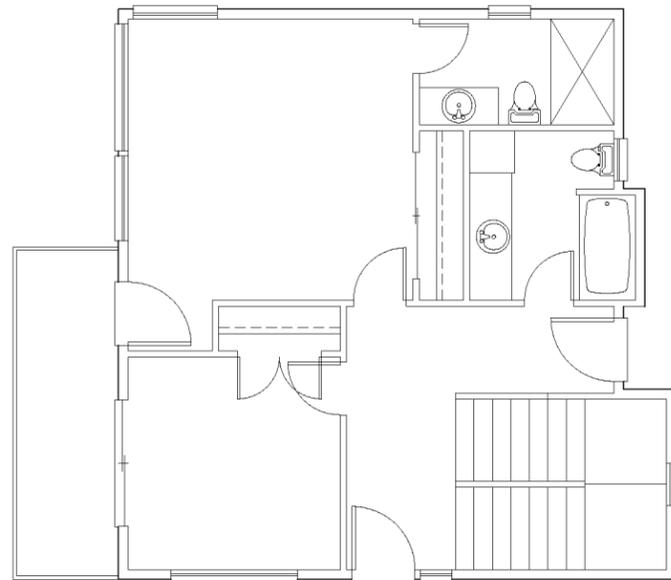


LEVEL THREE FLOOR PLAN

SCALE: 1/4" = 1'-0"

TABLE OF AREAS

LIVING	670	SQUARE FEET
PORCH	79	SQUARE FEET

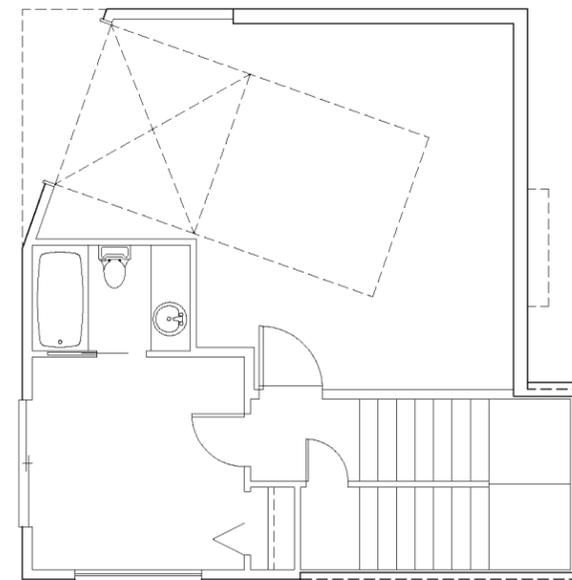


LEVEL TWO FLOOR PLAN

SCALE: 1/4" = 1'-0"

TABLE OF AREAS

LIVING	676	SQUARE FEET
PORCH	79	SQUARE FEET

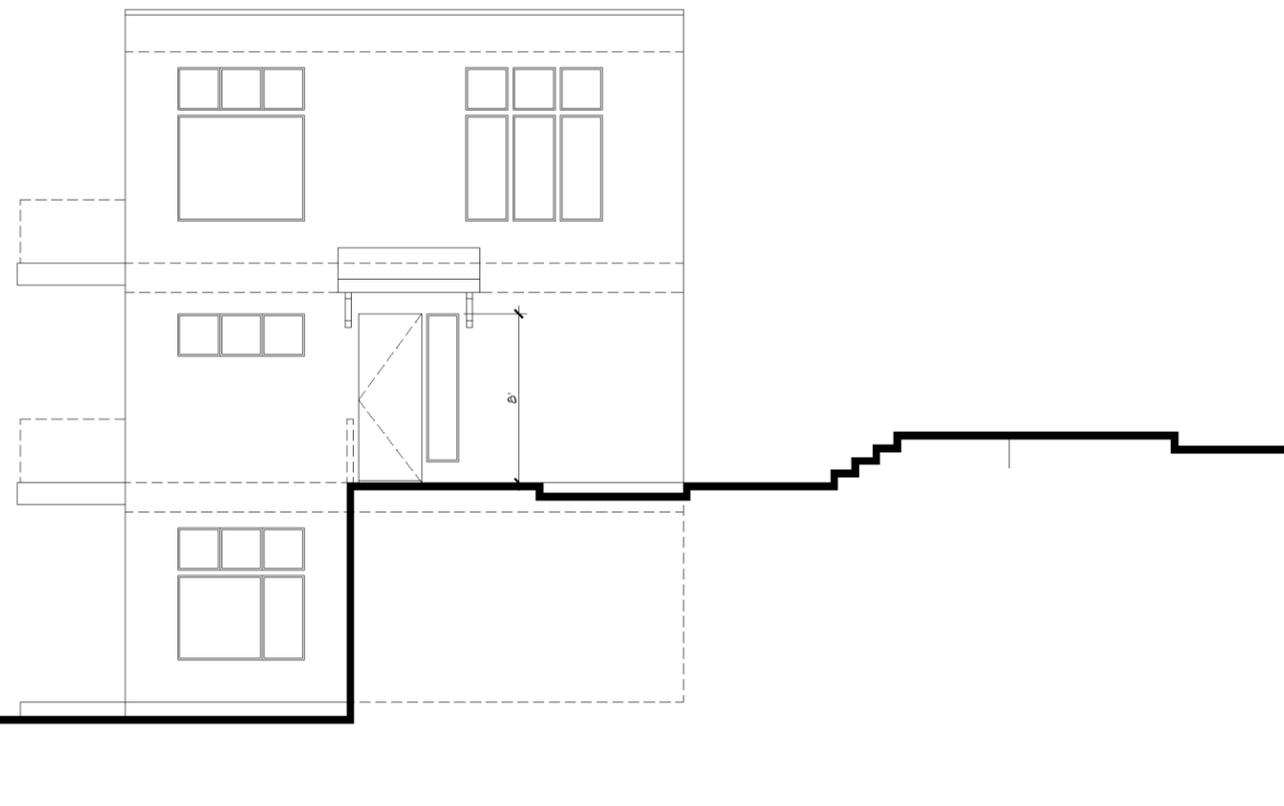


LEVEL ONE FLOOR PLAN

SCALE: 1/4" = 1'-0"

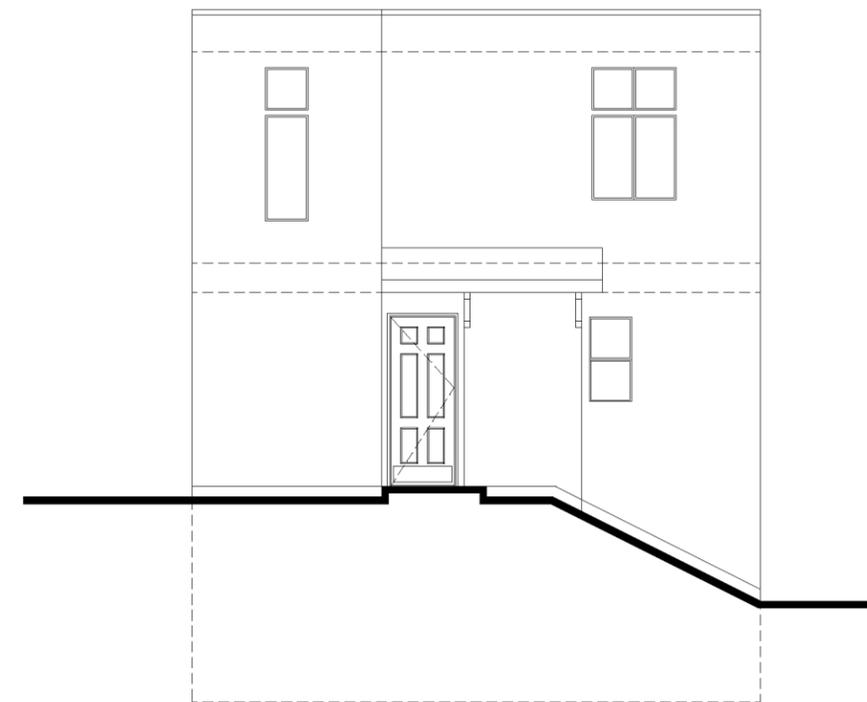
TABLE OF AREAS

LIVING	303	SQUARE FEET
PORCH	79	SQUARE FEET
GARAGE	345	SQUARE FEET



SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



EAST ELEVATION

SCALE: 1/4" = 1'-0"



RANDALL J. MUNSON
BUILDING DESIGNER

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REVISIONS

No.	Date	Item

BARTO RESIDENCE
CITY OF KIRKLAND, WASHINGTON

MICHAEL BARTO
1810 FIR STREET - APT. A
SEATTLE, WASHINGTON 98122

FLOOR PLANS
and EXTERIOR
ELEVATIONS

PROJECT NO. :
DESIGN : RJM
DRAWN : RJM
ISSUE DATE : 02.01.13

A-2



RANDALL J. MUNSON
BUILDING DESIGNER

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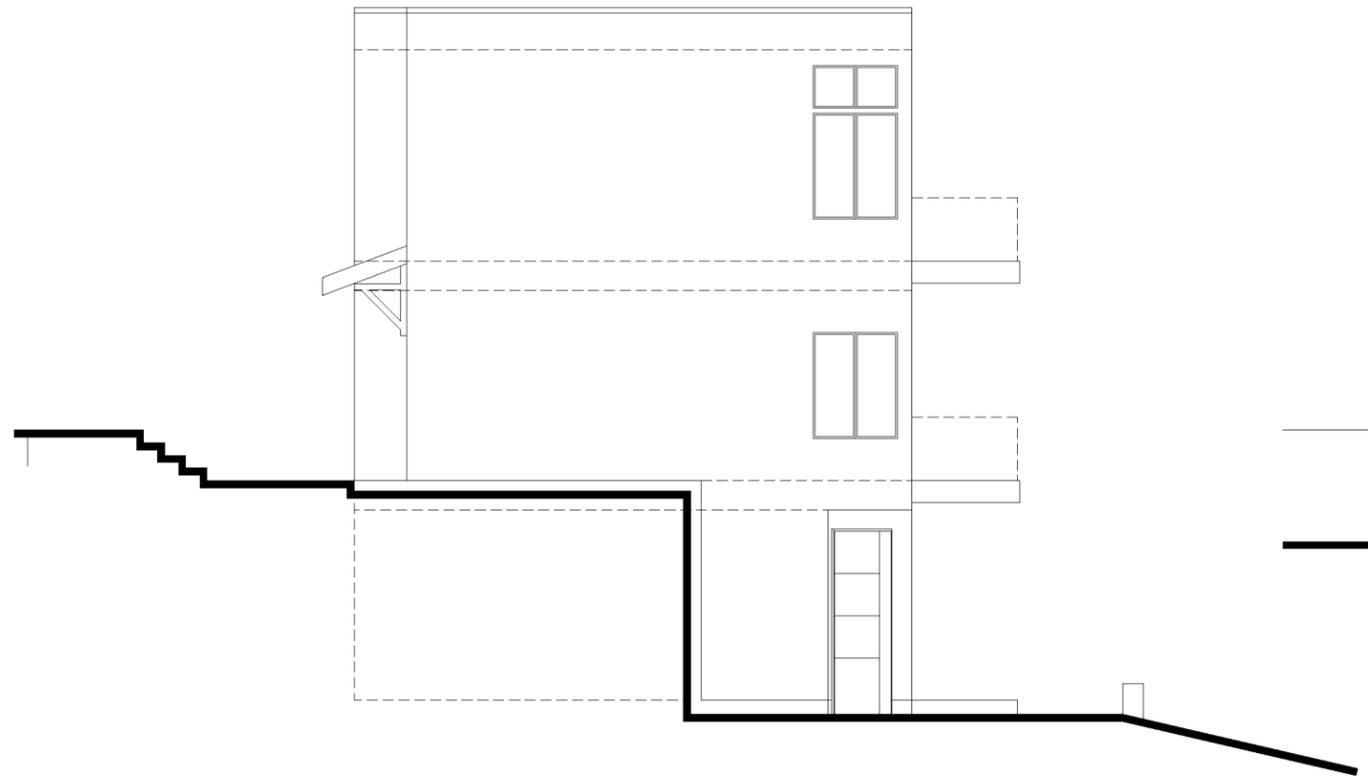
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REVISIONS

No.	Date	Item



NORTH ELEVATION

SCALE: 1/4" = 1'-0"



WEST ELEVATION

SCALE: 1/4" = 1'-0"

BARTO RESIDENCE

CITY OF KIRKLAND, WASHINGTON

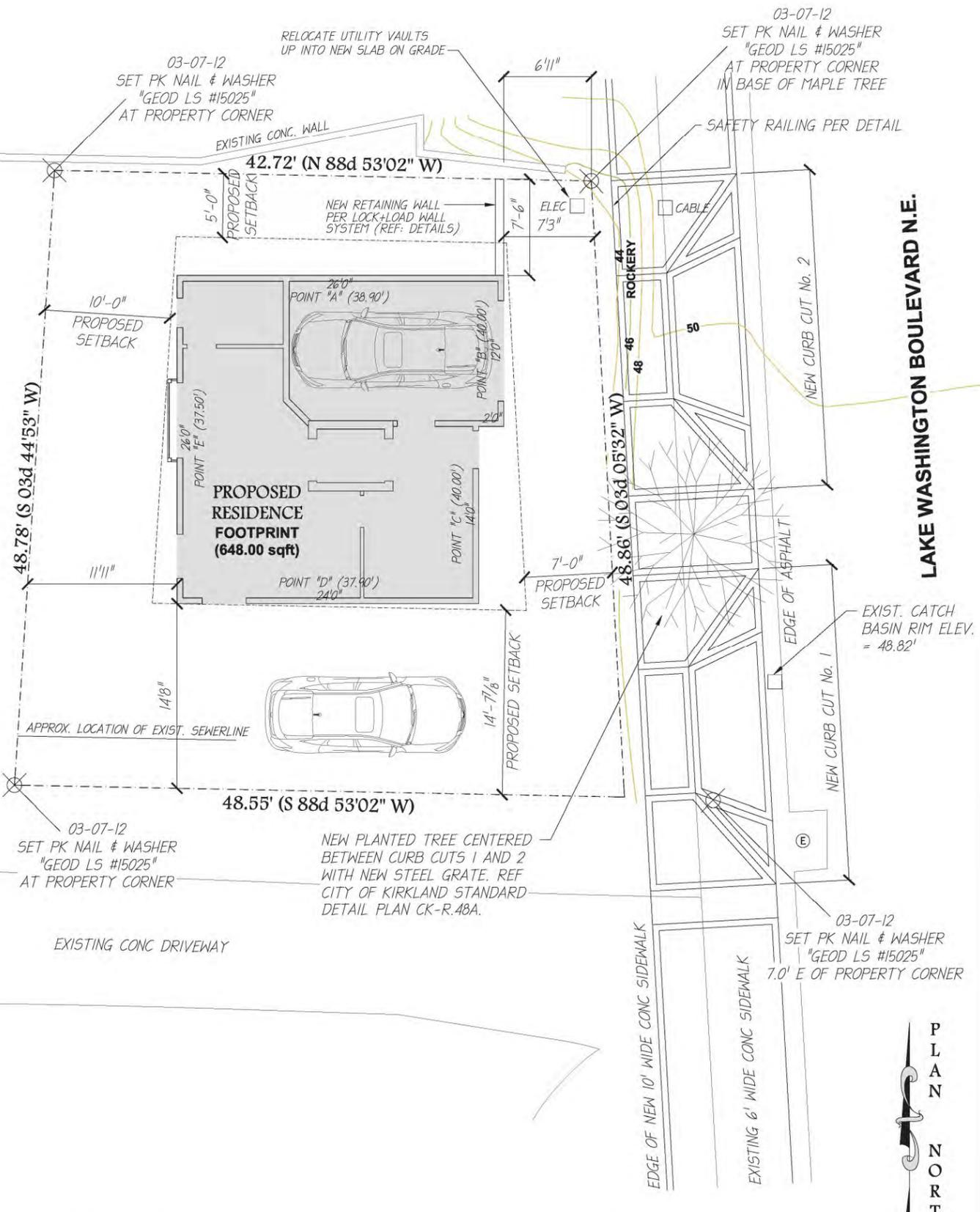
MICHAEL BARTO

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EXTERIOR ELEVATIONS

PROJECT NO. :
DESIGN : RJM
DRAWN : RJM
ISSUE DATE : 02.01.13

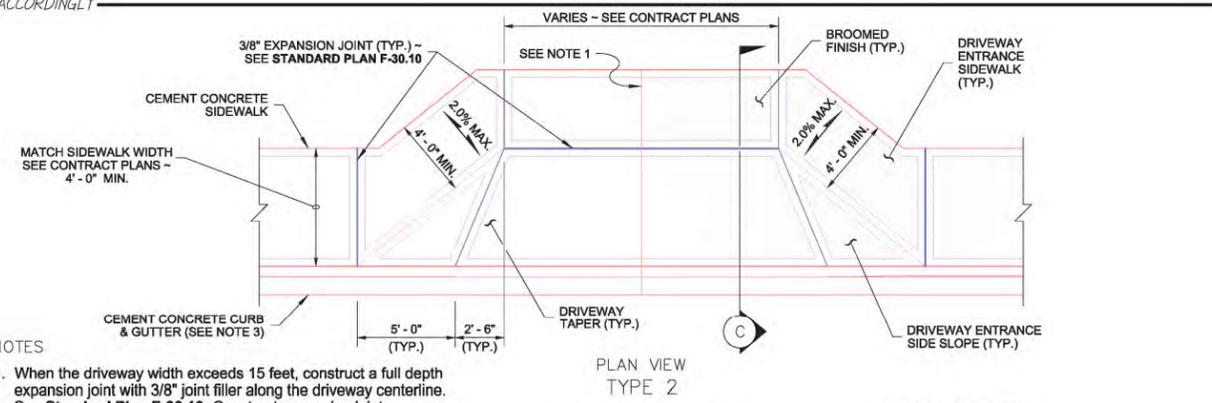
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LAKE WASHINGTON BOULEVARD N.E.

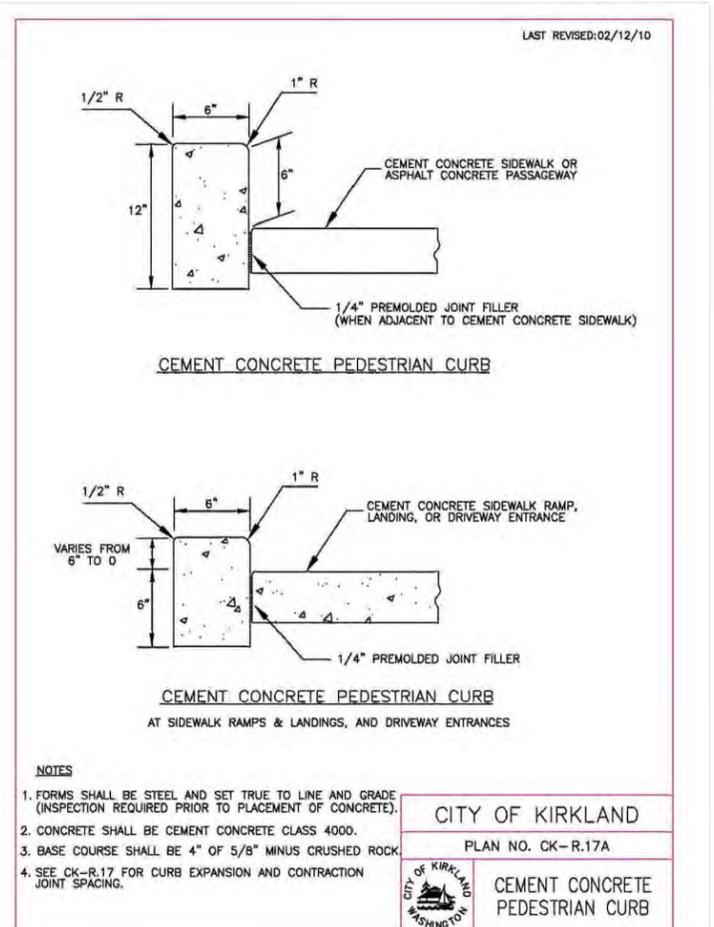
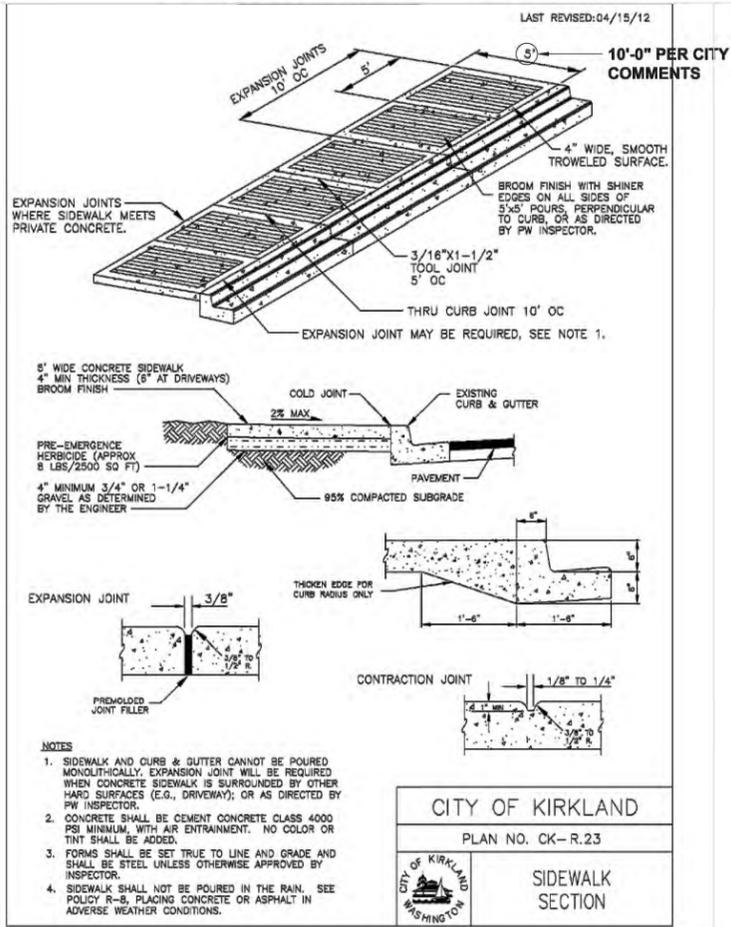
PLAN NORTH

PROPOSED SITE PLAN WITH REVISED REQUIRED SETBACK(S)
 SETBACKS AS SHOWN ESTABLISHED BY CITY OF KIRKLAND PUBLIC WORKS DEPARTMENT
 SCALE: 3/16"=1'-0"



- NOTES
- When the driveway width exceeds 15 feet, construct a full depth expansion joint with 3/8" joint filler along the driveway centerline. See Standard Plan F-30.10. Construct expansion joints parallel with the centerline as required at 15 feet maximum spacing when driveway widths exceed 30 feet.
 - See Standard Plan F-30.10 for sidewalk details.
 - Curb and gutter shown; see the Contract Plans for the curb design specified. See Standard Plan F-10.12 for Curb Details.
 - Avoid placing drainage structures, junction boxes or other obstructions in front of driveway entrances.
 - Where "GRADE BREAK" is called out, the entire length of the line between the two adjacent surface planes shall be flush.
 - The curb ramp maximum running slope shall not require the ramp length to exceed 15 feet to avoid chasing the slope indefinitely when connecting to steep grades. When applying the 15 foot max. length, the running slope of the curb ramp shall be as flat as feasible.
 - Pay item does not include driveway. See Contract Plans.

TYPICAL CURB CUT DETAIL
 REFERENCE W.S.D.O.T. STANDARD PLAN F-80.10-02, TYPE 2



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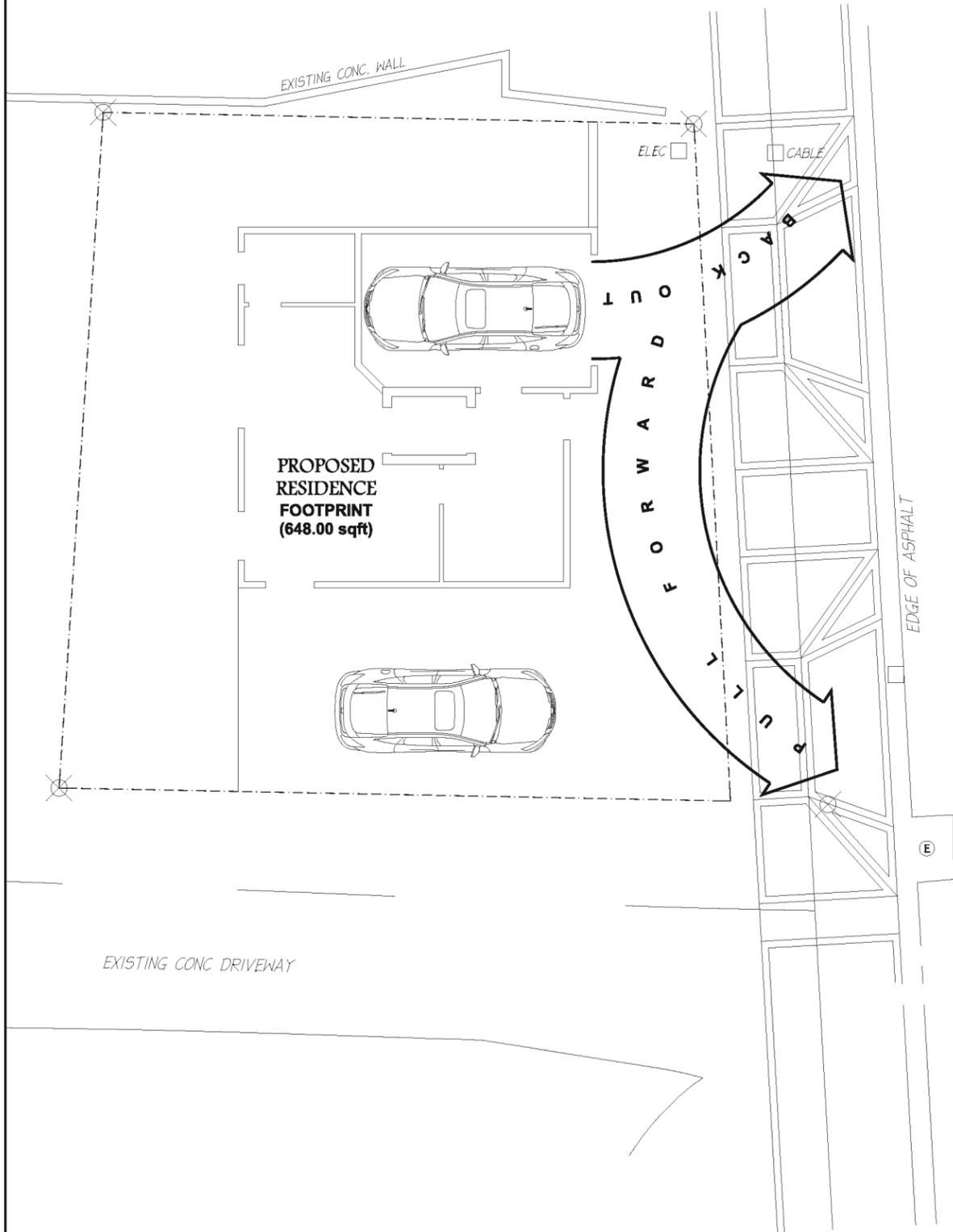
Michael Barto Residence
 4617 Lake Washington Boulevard N.E.
 Kirkland, Washington 98033

Plan Title
 Proposed Variance Site Plan
 Drawn
 Doug A
 Date
 08/12/2014

Plan Revisions
 01 09/08/2014

Sheet
A-0a

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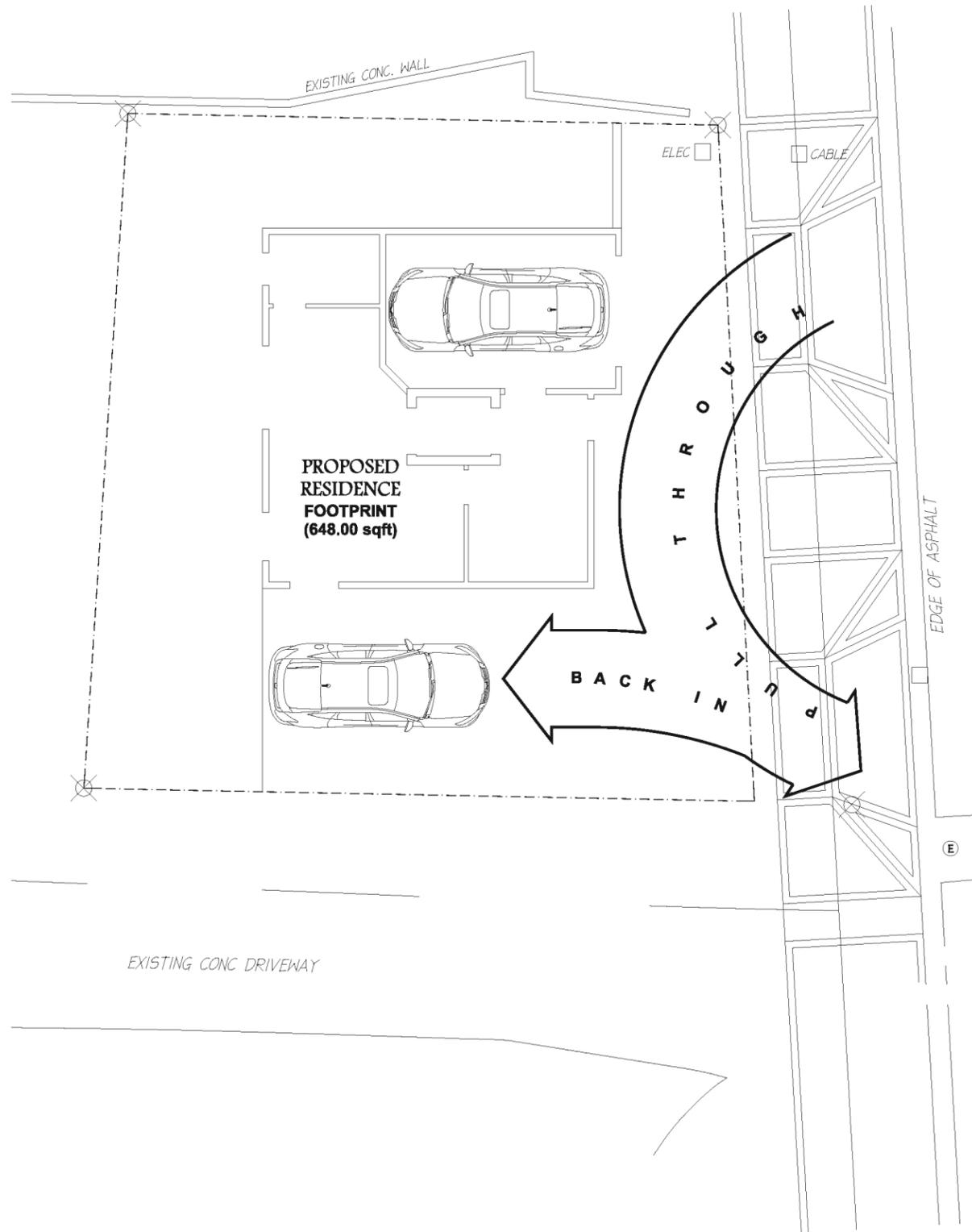


LAKE WASHINGTON BOULEVARD N.E.



PROPOSED VEHICLE NO. 1 PATH OF EGRESS

SCALE: 3/16"=1'-0"



LAKE WASHINGTON BOULEVARD N.E.



PROPOSED VEHICLE NO. 2 PATH OF EGRESS

SCALE: 3/16"=1'-0"

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Plan Title
 Proposed Vehicle Entry/Egress Plan

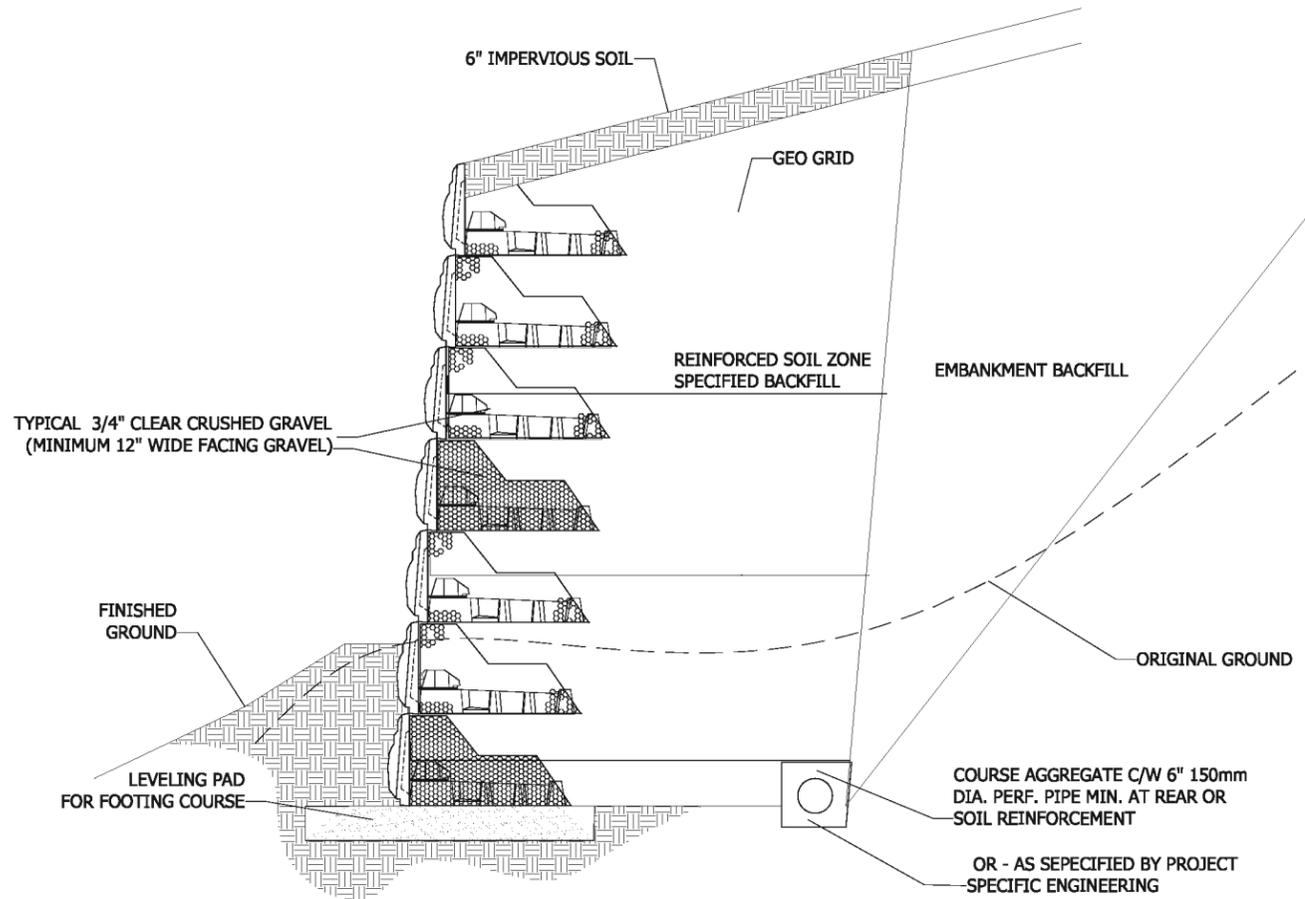
Drawn
 Doug A

Date
 08/12/2014

Plan Revisions

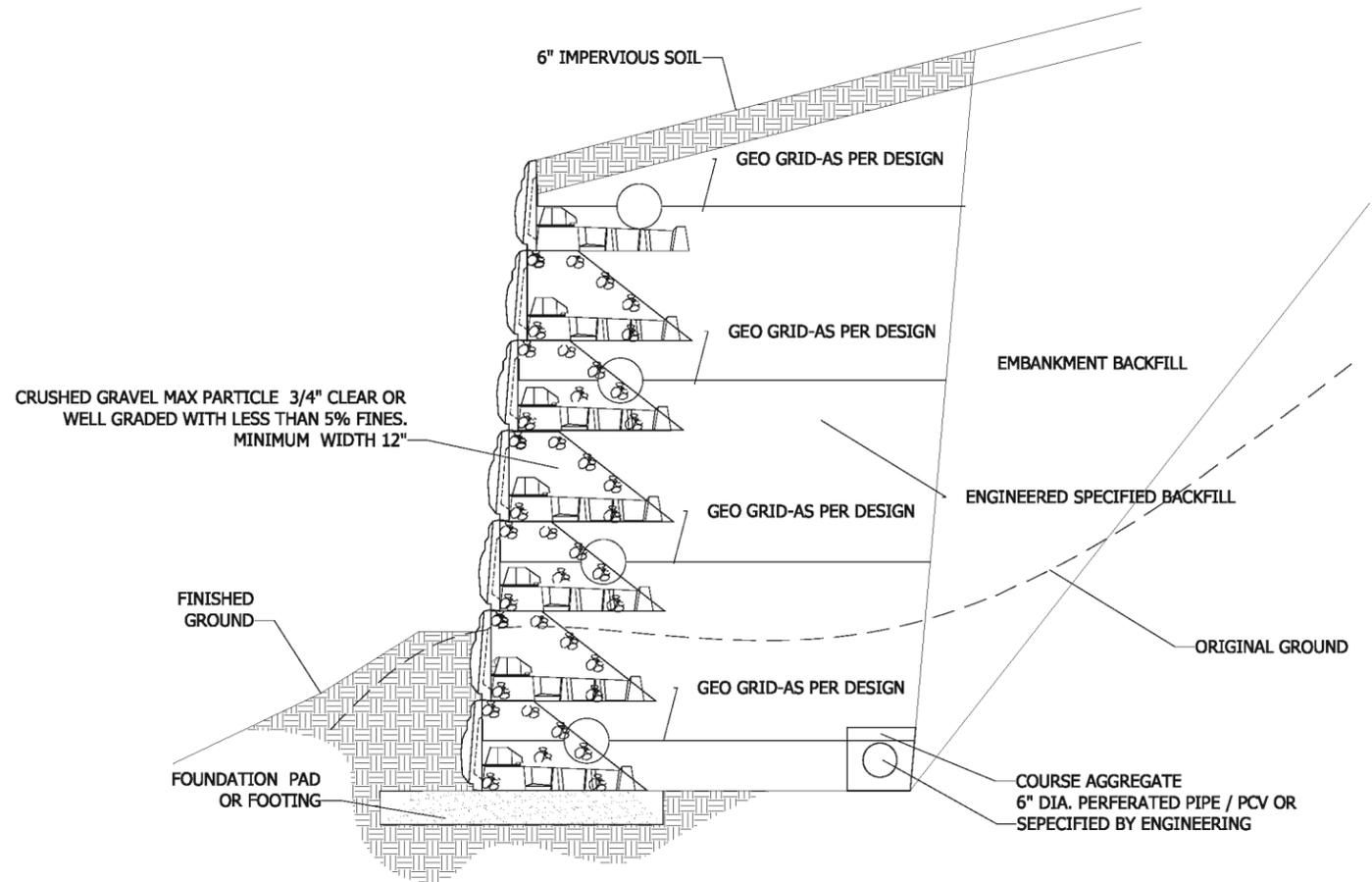
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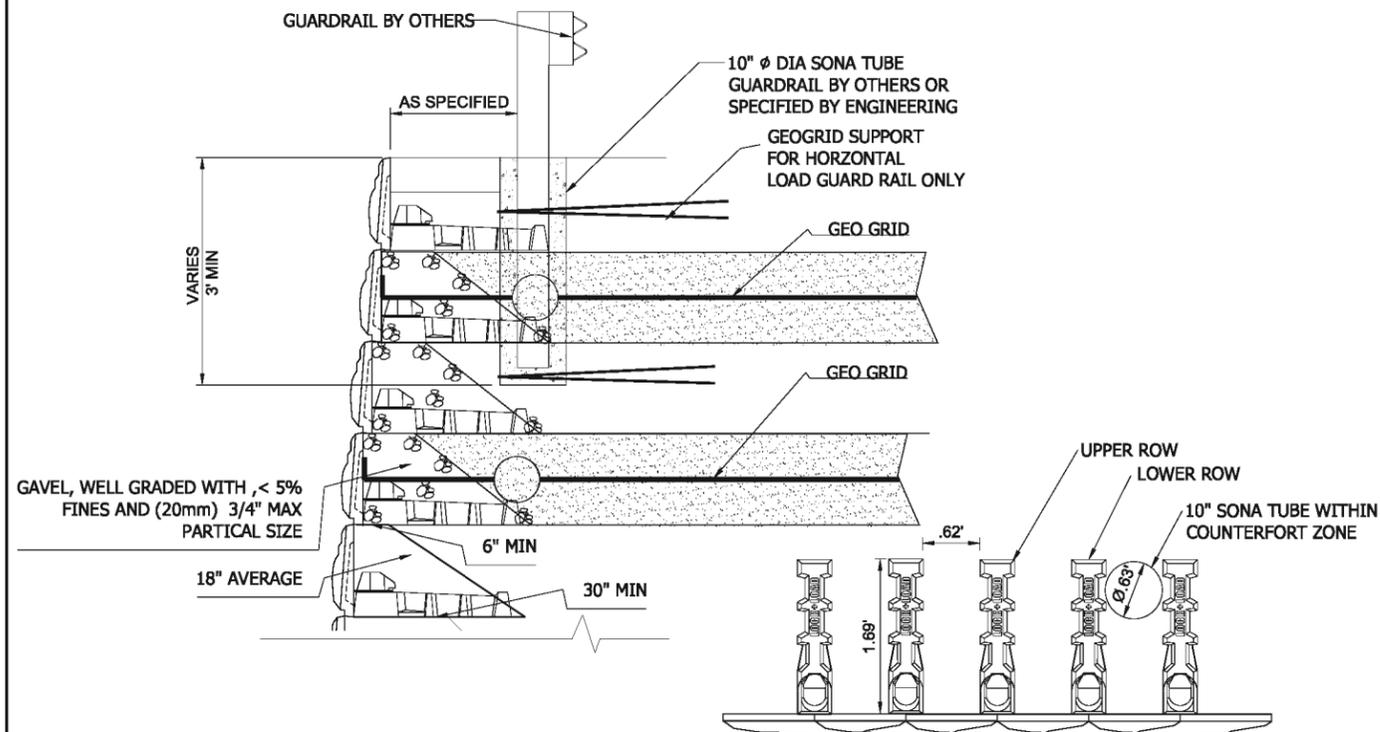
TYPICAL DRAINAGE SECTION

SCALE: NONE



TYPICAL ASSEMBLY SECTION

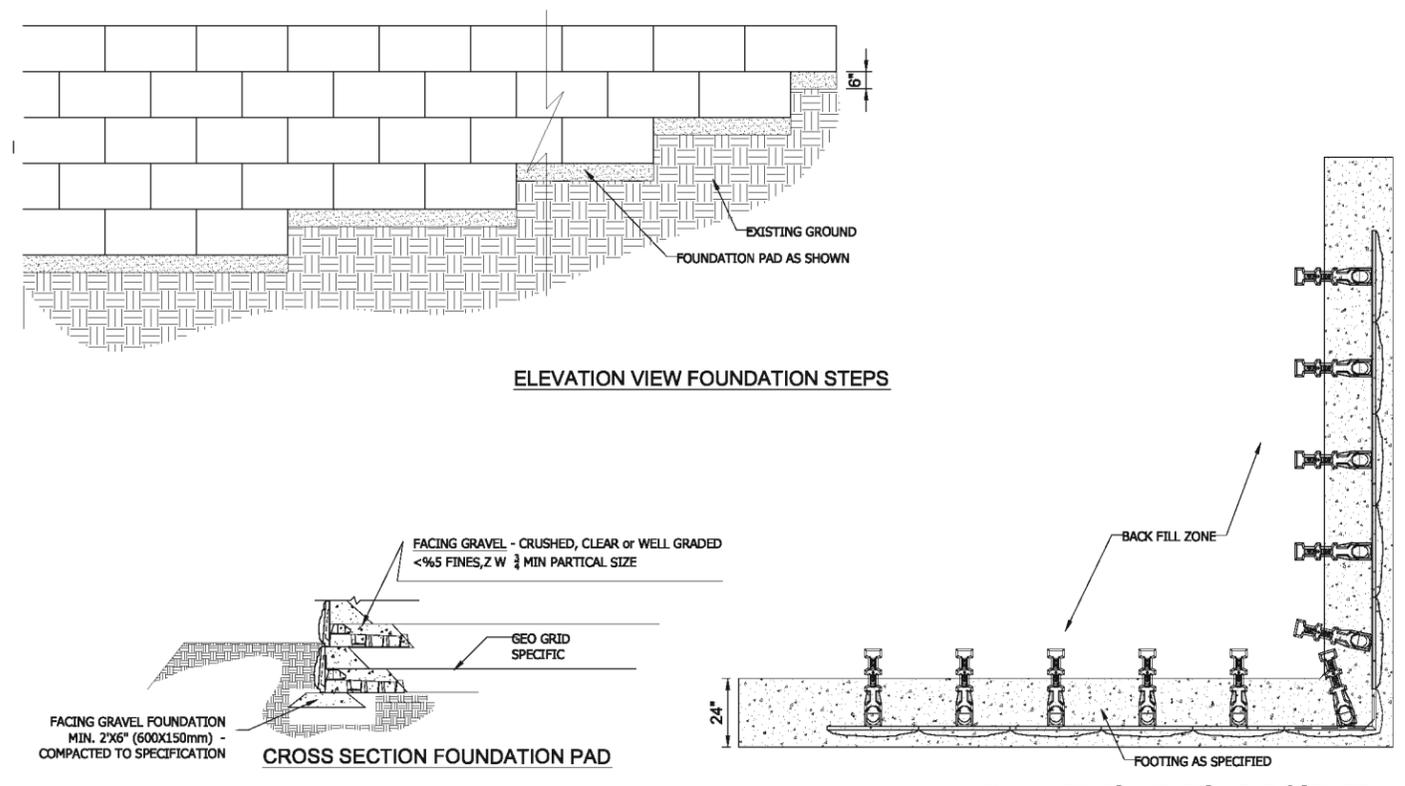
SCALE: NONE



PLAN VIEW DETAIL (2 ROWS SHOWN)

TYPICAL WOOD/STEEL GUARDRAIL SECTION

SCALE: NONE



TYPICAL FOUNDATION PAD DETAILS

SCALE: NONE

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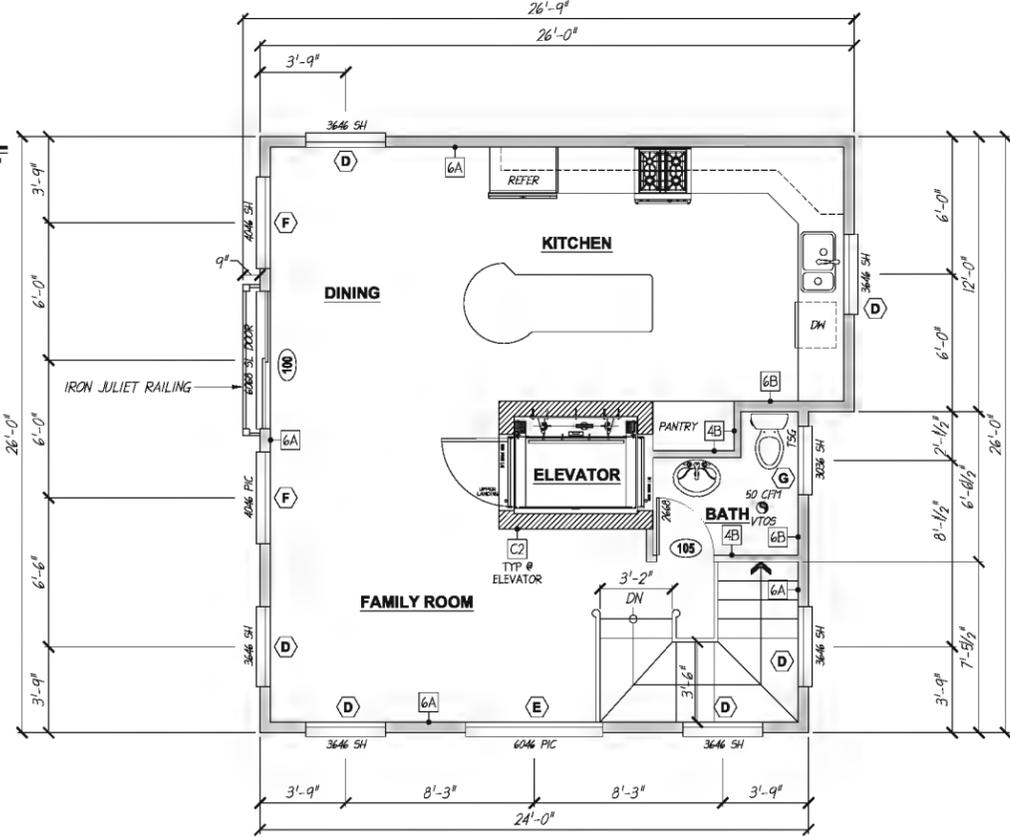
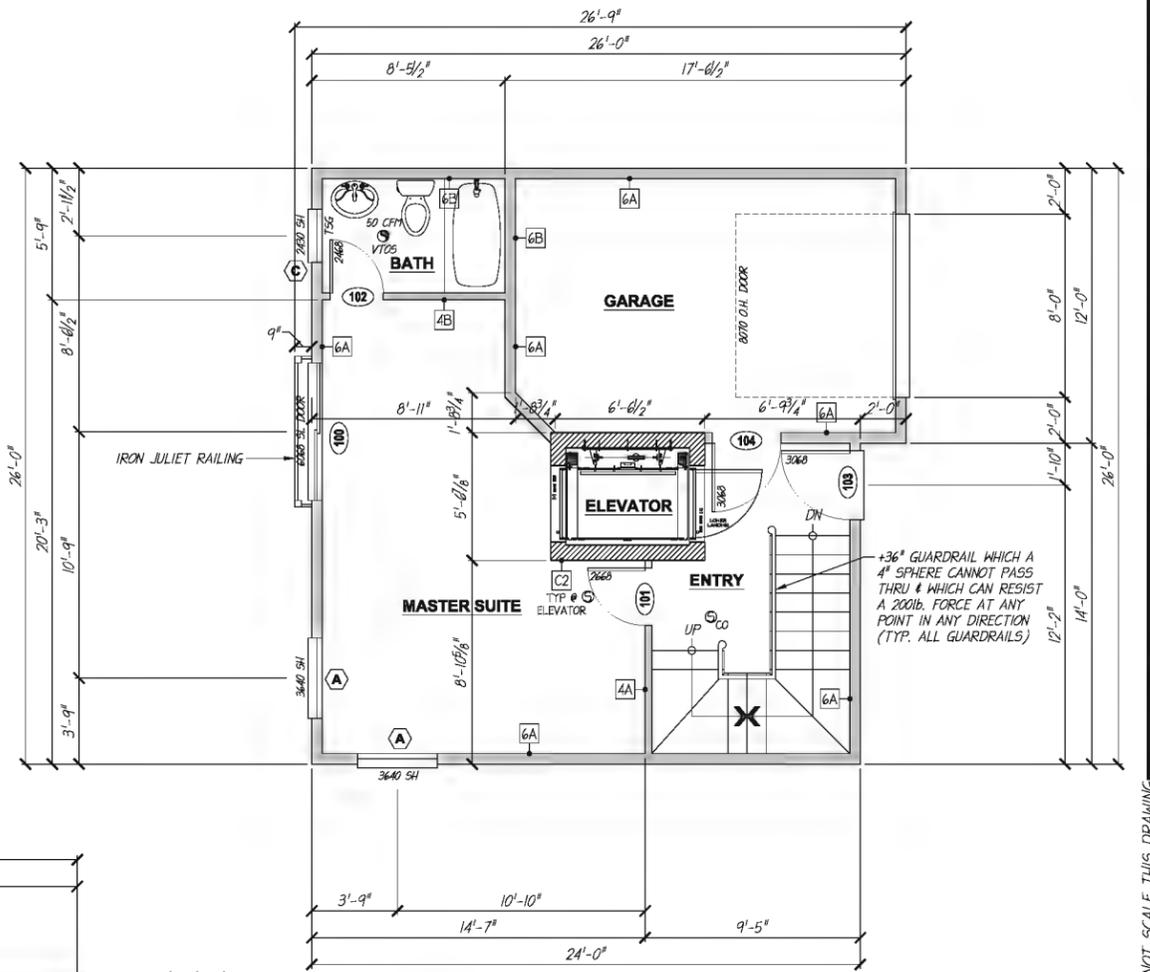
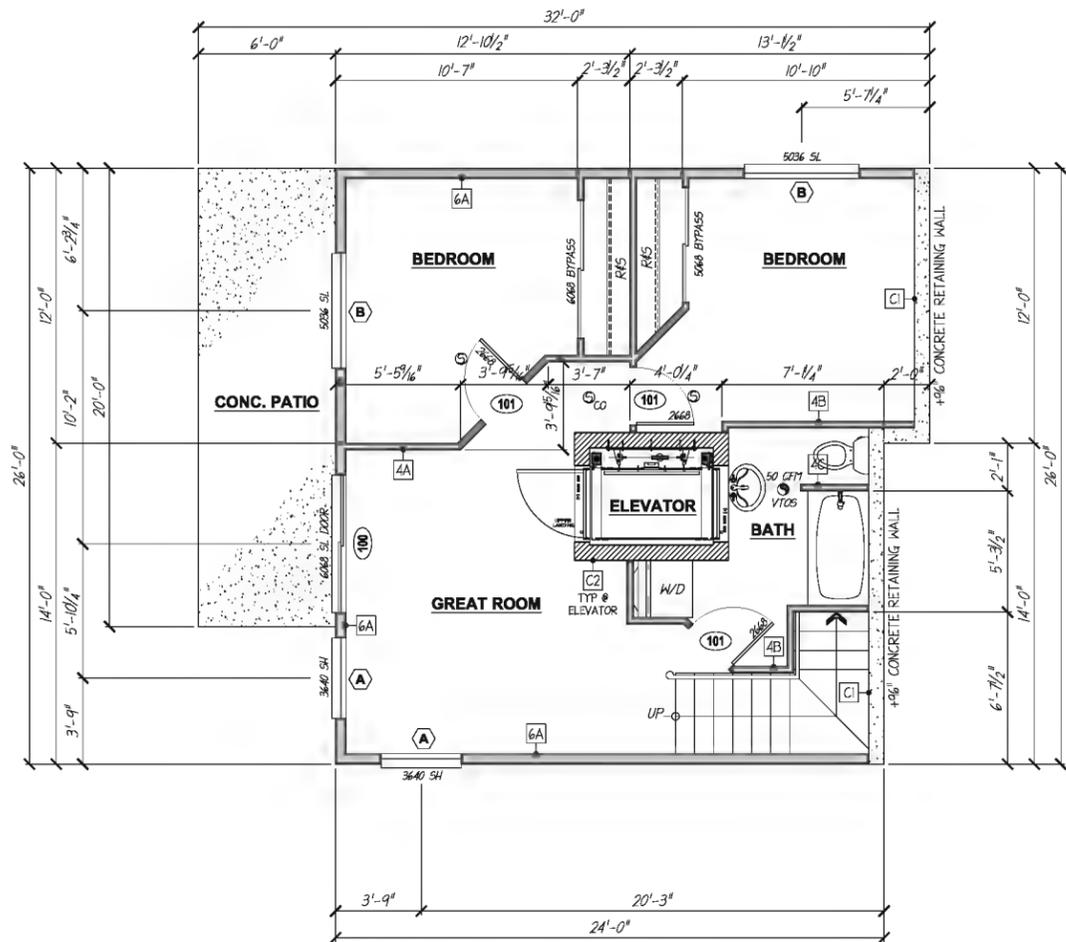
Plan Title
Retaining Wall Typical Details
 Drawn
 Doug A
 Date
 08/12/2014

Plan Revisions
 01 09/08/2014

Sheet
A-0c

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SQUARE FTG'S.	
LOWER LEVEL:	648.00 sqft
MAIN LEVEL:	444.00 sqft
UPPER LEVEL:	648.00 sqft
GARAGE:	204.00 sqft
DECKS:	222.00 sqft
TOTAL:	2,166.00 sqft



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Plan Title
 Proposed Floor Plans

Drawn
 Doug A

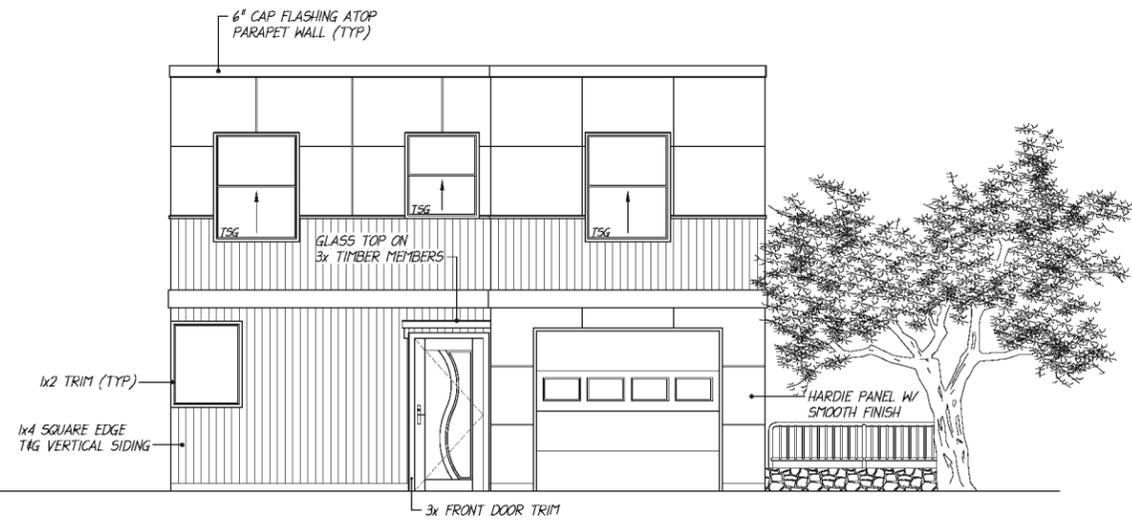
Date
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Plan Revisions

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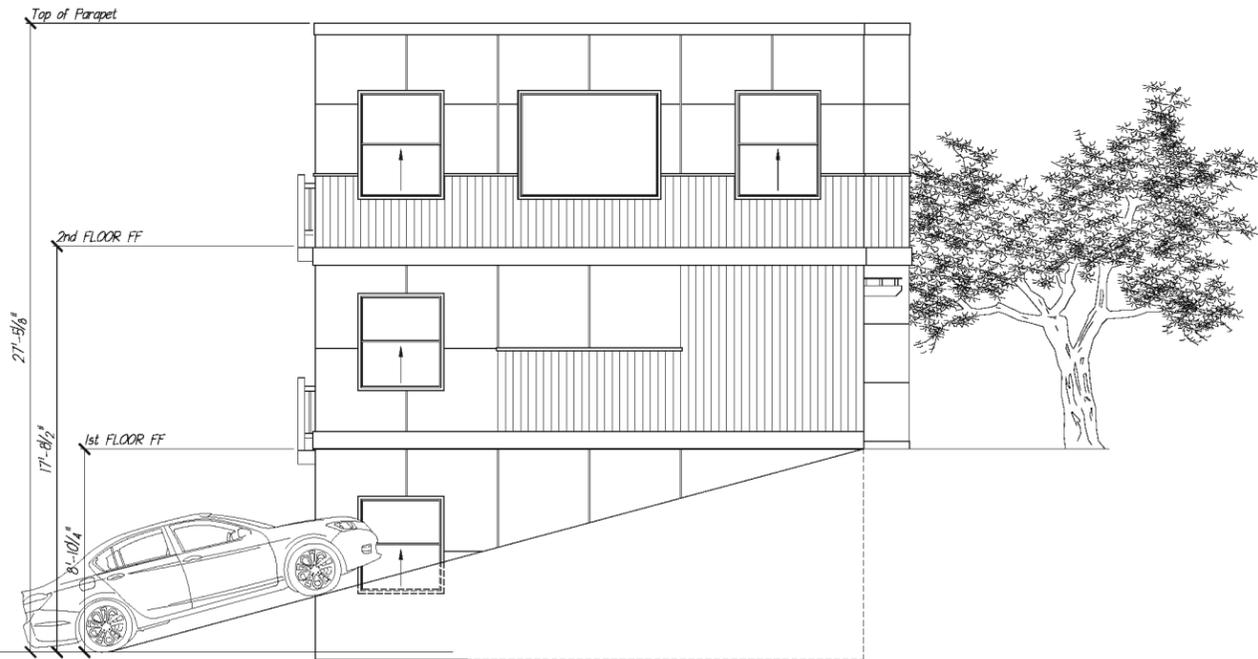


PROPOSED EAST ELEVATION (FRONT)

SCALE: 1/4"=1'-0"

PROPOSED WEST ELEVATION (REAR)

SCALE: 1/4"=1'-0"



PROPOSED SOUTH ELEVATION (LEFT)

SCALE: 1/4"=1'-0"

PROPOSED NORTH ELEVATION (RIGHT)

SCALE: 1/4"=1'-0"

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Plan Title
 Proposed Elevations

 Drawn:
 Doug A
 Date:
 08/12/2014

Plan Revisions
 01 09/08/2014

Sheet:
A-2
 of -

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Hillis
Clark
Martin &
Peterson P.S.

January 27, 2016

Tony Leavitt,
Senior Planner
City of Kirkland Planning and Community Development
123 5th Avenue
Kirkland, WA 98033

Re: *Property Located at 4617 Lake Washington Boulevard NE*

Dear Tony:

Our firm represents Richard Lerz, and we submitted comments on the project located at 4617 Lake Washington Boulevard NE in October 2014. It is our understanding that a revised version of that project, which involves a variance request and a new detached dwelling unit, has been submitted and is under review by the Kirkland Planning and Community Development Department. Based on the materials you provided on January 12, 2016, we have the following comments and concerns.

A. The request does not meet the variance criteria.

In order to develop the property at 4617 Lake Washington Boulevard NE, the applicant must seek a variance from the front yard setback requirement. The code requires a 30 foot front yard setback. KZC 20.30.070. The applicant proposes only a 7 foot setback, 23 feet less than the required setback. The Kirkland Zoning Code contains the criteria for granting a variance. KZC 120.20. As discussed below, the variance proposed at 4617 Lake Washington Boulevard NE does not meet the three variance requirements.

1. *The variance is materially detrimental to the property in the area and to the City as a whole.*

The justification for the variance in the letter dated April 21, 2015 is based on the proposal for future development on the site. It is our understanding that the City is processing the variance request separate from the future development proposal. Thus, the applicant should not be able to use the future development as justification for the variance.

In any event, it is immaterial that the proposed development will comply with other development standards. Compliance with development standards is the expectation, and such compliance with the baseline rules does not justify a 23 foot variance. It is similarly immaterial that the proposed development is more compliant than the existing structure. It is expected that new development will comply with the code, and if not, then an applicant needs to demonstrate how their specific proposal meets the variance criteria, not that it meets other code criteria and is more compliant than a different structure.

A major problem with the variance request is safety. A diminished front yard setback means there will be diminished sightlines down Lake Washington Boulevard. A 7 foot front yard setback also means there will be significant access issue for any future development on the site. The access issues were clearly documented in the attached October 27, 2014 comment letter. Even a revised driveway configuration will force cars onto the busy Lake Washington Boulevard sidewalk to make turns. This is completely unacceptable, and a variance allows this unsafe condition that jeopardizes the neighborhood and the City as a whole.

2. The variance is not justified because of special circumstances.

The applicant purchased this very small site knowing about the setback restrictions. It is our understanding that the applicant purchased the property in 1977. There was a 20 foot "frontage road and public right-of-way" setback in 1977. See Exhibit B of the October 27, 2014 comment letter. Thus, the applicant bought the property knowing there were front yard setback requirements, and the existing structure violated the setback rules. He took a risk on the site's "special circumstances," and he needs to live with the consequences of that risky decision.

Further, the applicant has made no effort to show that a 7 foot setback is the maximum setback possible on the site. A 23 foot variance is a significant request. What development would be possible with a 15 foot front yard setback? It is not at all clear from the application materials that the "variance is necessary" because of special circumstances. KZC 120.20. It might be more convenient for the applicant, but this variance is an exceptional request due to a condition that the applicant was aware of when he purchased the property, and the current request does not show that a 23 foot variance is necessary.

3. The variance constitutes a grant of special privilege.

As discussed above, the applicant knew that the site was subject to a deep front yard setback requirement when the applicant purchased the property. There is a policy reason for that deep setback. The applicant now asks the City to grant him a special privilege for a variance. The other homes along Lake Washington Boulevard comply with the setback requirements. A huge 23 foot variance would certainly constitute a special privilege and allow development that is inconsistent with the surrounding properties.

It is also worth noting that the justification for the variance comments on how the existing home was built in 1940 and has exceeded its expected lifetime. This statement ignores that fact that many, many homes in the Puget Sound area serve as adequate (and desirable) dwelling units for far longer than 76 years. The applicant has neglected the home and stunted its useful lifetime by allowing it to fall into a state of disrepair. The existing home could be renovated in its current footprint and serve as a viable use of the property that does not require a variance. There is simply no justification for granting the applicant the variance. It would be a special privilege that rewards a risky decision and neglect of the existing home.

B. It is improper to consider the variance request without considering future development.

It is our understanding that the City is processing the variance request for 4617 Lake Washington Boulevard NE without considering future proposed development plans for the site. This approach is completely inappropriate for a number of reasons.

First, as discussed above, the justification for the variance set out in the letter dated April 21, 2015 is based largely on the future plans. If the applicant is allowed to use the future development to justify the variance, then it seems that neighbors of the project should be able to point to flaws in the future development in order to discourage the City from granting the variance.

Second, as stated in our comment letter dated October 27, 2014, access for this site is an enormous concern for the neighborhood. With a 7 foot front yard setback, it will be necessary for cars to use the public sidewalk to turn around. This creates a safety hazard that was discussed at length in our prior comment letter. It is impossible to adequately analyze the variance's detrimental impact on the neighborhood if the City ignores the future proposal for the site.

Third, also as discussed in the prior comment letter, the future development proposal has inadequate water runoff plans, fails to account for tree and landscaping issues, and is inconsistent with the Kirkland Comprehensive Plan.

The requested variance paves the way for future development of the site, and it is impossible to adequately analyze the impact of the variance without also considering the impact of the proposed future development of the site.

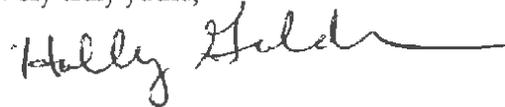
C. Conclusion.

In conclusion, there are significant issues with the variance request and the future proposal. The front yard setback variance request does not meet the variance criteria. The future development proposal has significant access hazards and other development issues, and it is inappropriate to process the variance request in isolation of the future development plans. Mr. Lertz wants to protect his property interests and the community's interests and urges the City to deny the variance request and the subsequent development proposal.

Tony Leavitt
January 27, 2016
Page 4 of 4

Please add Richard Lerz and myself to any notice lists for any proposals at 4617 Lake Washington Boulevard NE. As additional information and materials become available, please provide us with copies so we may submit additional comments.

Very truly yours,



Holly D. Golden

HDG:dlc
E-Mail: holly.golden@hcmp.com
Direct Dial: (206) 470-7656
Fax: (206) 623-7789

NID: 21589.002 4837-6571-4732v2

October 27, 2014

Tony Leavitt
Associate Planner
City of Kirkland Planning and Community
Development
123 5th Avenue
Kirkland, WA 98033

*Re: Property located at 4617 Lake Washington Boulevard NE
File No. VAR13-00426 & SHR13-00427*

Dear Tony:

Our firm represents Richard Lerz, and he asked us to review the variance and substantial development permit materials submitted for the project located at 4617 Lake Washington Boulevard NE, File No. VAR13-00426 and SHR13-00427. Given the proximity of the 4617 Lake Washington Boulevard NE property to Mr. Lerz's properties, he would like to stay engaged and informed during the permitting process. Based on the materials available in the City's files, we have the following comments and concerns.

1. ACCESS ISSUES

Access has always been a major issue on this site. The plans submitted in 2013 showed access across Mr. Lerz's driveway easement. Neither Mr. Lerz nor the Lake Washington LLC, which owns the single family residence at 4625 Lake Washington Boulevard NE, agreed to this access route. The applicant also contacted the neighbor immediately to the south to request use of his driveway, but permission was not granted, and the applicant was forced to come up with a new proposal.

a. The access route poses a safety risk.

The recently submitted plans show access via two new curb cuts. With only a seven foot front yard setback, cars parked in the northern parking space will be forced to back onto the Lake Washington Boulevard sidewalk and then pull forward out the second curb cut (as depicted on page 3 of the plans). It appears that cars in the southern parking space will need to back into the space off of Lake Washington Boulevard.

This unusual configuration over the public right-of-way poses significant safety concerns as cars back into the sidewalk, bike lane, and roadway. The sightlines are inadequate, and drivers will be forced to blindly back into a main pedestrian and vehicular thoroughfare. Mr. Lerz and his neighbors are also worried about visitors to, and future owners and renters of, the project site. These individuals might not be familiar with the technical ingress/egress patterns necessary for the site, and they could create an even more dangerous situation.

Mr. Lerz prepared the visual diagrams attached as Exhibit A to this letter to illustrate the access configuration and safety risks.

b. The proposal is an improper use of public sidewalk.

The proposal improperly relies on a public sidewalk to provide private turn-around space, and “[i]t is unlawful for any person to either temporarily or permanently use or utilize any portion of a street right-of-way (whether or not improved and including sidewalk or walkway)...for personal use.” KMC 19.04.050. The proposed access route is only possible because of the applicant’s private use of public sidewalk.

c. The proposed curb cuts are problematic.

The two proposed curb cuts are to be made within a few feet of one another and within a few feet of another existing driveway. Typically, curb cuts that are located less than twenty feet from an intersection, which may include a driveway, may only be approved under “unusual circumstances.” *See* KMC 19.12.150. These curb cuts, located so close together, will impair the pedestrian experience on Lake Washington Boulevard. Mr. Lerz is also concerned that the improper spacing of the curb cuts will create unsafe conditions around his driveway.

2. FRONT YARD SETBACK VARIANCE

There is a 30 foot front yard setback requirement in the WDIII zone. KZC 30.35.010. The front yard is “that portion of a lot adjacent to and parallel with any front property lines,” and a front property line “is any property line that is adjacent to a street...” KZC 5.10.775 and 5.10.720. This project seeks a variance from the requirement to set back 30 feet from Lake Washington Boulevard NE.

The variance criteria requires that “[t]he variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole.” KZC 120.20. The proposed front yard setback variance will be detrimental to the surrounding property owners because of the safety hazard posed by the lack of setback. The sightline down the street is materially impaired by the existing structure, and the proposed variance will exacerbate this hazard.

The variance criteria also requires that “[t]he variance will not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this

code allows to other property in the same area and zone as the subject property.” KZC 120.20. The proposed front yard setback variance is inconsistent with the rights afforded to other properties in the same area. The surrounding properties comply with the setback. In fact, one nearby property owner was denied a variance request.

The applicant will likely rely on the variance criteria relating to the “special circumstances” of the site, given the small size of the parcel. However, the setback restrictions existed when the applicant purchased the property. It is our understanding that the applicant purchased the property in 1977. Exhibit B, attached to this letter, includes the setback code requirements from 1977. There was a 20 foot “frontage road and public right-of-way” setback, and all other setbacks were 10 feet. Thus, the applicant bought the property knowing there were front yard setback requirements and that the existing structure violated the setback rules. He took a risk on the site’s “special circumstances.” The City had no obligation to reward the applicant’s risky decision and treat the property different than the surrounding properties.

Based on safety and view concerns, Mr. Lerz and the surrounding neighbors oppose any requested front yard variance. We also note that there is a 10 foot backyard setback requirement that applies in WDIII zones. KZC 30.30.4. Thus, it is not possible for the applicant to move the house closer to the rear property line to address the front yard setback concerns.

3. KIRKLAND COMPREHENSIVE PLAN

In addition to the safety concerns of the immediate neighbors, the lack of setback also impacts the entire Lake Washington Boulevard corridor. The City of Kirkland has been working to improve the pedestrian experience along Lake Washington Boulevard, and this setback variance would have a detrimental impact on the entire community.

The City of Kirkland’s Comprehensive Plan for the Lakeview Neighborhood has a goal of improving vehicle, pedestrian, and bicycle mobility along Lake Washington Boulevard NE. *See* Goal L-10. Within this goal, the City has set the policy of “Enhanc[ing] Lake Washington Boulevard NE as a scenic, recreational, open space and transportation corridor.” *See* Policy L-10.1. This goal and policy are undercut by the proposed site design. Not only will the new curb cuts disrupt the sidewalk for pedestrian users, but the overall design detracts from the scenic character of the neighborhood, which the City explicitly desires to maintain.

From this policy perspective, the proposed access plan is also troubling. Backing into Lake Washington Boulevard is likely to cause traffic back-ups and be dangerous for bicycle users along Lake Washington Boulevard. This project is simply at odds with the City’s agenda to make Lake Washington Boulevard a better transportation corridor for all users.

4. TREE ISSUES

- a. The proposed sidewalk tree creates an additional hazard.

The plan depicts a new tree to be planted between the driveway entrances in the sidewalk area. In Kirkland, intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction. KZC 115.135. Not only will this tree directly obstruct the view down Lake Washington Boulevard from the project's driveway, it will obstruct the view from Mr. Lerz's driveway and the view of oncoming traffic. Mr. Lerz is very concerned about the safety implications of placing a tree as depicted in the plans.

b. The proposal does not depict adequate landscaping.

Aside from the tree to be planted on the sidewalk, the plans do not depict any trees or landscaping on the property. Based on the lot size, the project should have approximately 1.5 tree density credits to meet Kirkland's minimum tree density requirement. KZC 95.33. As an adjacent landowner, Mr. Lerz is concerned that a lack of appropriately-placed greenery on the property will unfairly expose his property to passers-by.

c. There is inadequate information about protection of the significant tree.

A huge maple sits at the corner of Mr. Lerz's driveway easement. This tree is not on the applicant's property. The tree is at least 36 inches in diameter at breast height. The City of Kirkland considers any tree that is at least six inches in diameter at breast height to be a significant tree. KZC 95.10. The maple tree provides screening from Lake Washington Boulevard down to Mr. Lerz's property, and Mr. Lerz wants assurance that the tree will remain unharmed by construction activities.

The notice for the 2013 application included reference to an arborist report, but the report has not been made available for review. The code includes a number of measures that a landowner should take to preserve trees. *See* KZC 95.34. Steps must be taken to protect the significant maple tree and its root system before, during, and after construction.

5. WATER RUNOFF

Mr. Lerz's property is immediately west of the 4617 Lake Washington Boulevard NE property. The topography slopes down toward the lake. Any drainage or water runoff issues associated with the proposed project could have a significant impact on Mr. Lerz's property. We have not seen detailed sewer or drainage plans, but Mr. Lerz is not willing to allow the applicant to tie into any of his existing utilities.

6. NOTICE ISSUES

The public notice sign was posted on the project site on Friday, October 24, 2014. The following code provision sets out the requirements for the public notice sign: "Not more than 10 calendar days after the Planning Official determines that the application is complete, and *at least 18 calendar days prior to the end of the comment period*, the applicant shall provide for and erect public notice signs..." KZC 150.22(2)(b) (emphasis added). You confirmed by

Tony Leavitt
October 27, 2014
Page 5 of 5

email on October 27, 2014 that the end of the comment period is at the close of the public hearing on November 6, 2014. Our email exchange is attached as Exhibit C. The public notice sign should have been posted "at least 18 days prior to the end of the comment period." This means the sign should have been installed before October 19, 2014. The public notice for this project did not comply with code requirements.

Your email on October 27, 2014 also said that you were "still waiting on the additional materials from the applicant and they should be submitted in the next day or so." I requested the applicant's justification for the variance request on October 9, 2014. *See* Exhibit C. That information still is not available. This is a critical component of the application. The community is being asked to comment on an incomplete application, and there has not been a notice of application provided, as required by KZC 150.22. Given the widespread concern with this project, these public notice provisions are essential.

In conclusion, there are significant issues with this project. The proposed access route is a substantial safety hazard. The front yard setback variance does not meet the variance criteria and constitutes a request for special treatment. Both the access route and the variance are counter to Kirkland's Comprehensive Plan. There are also tree and water runoff issues that have not been resolved. Public notice has not been provided as required by the code.

Mr. Lerz wants to be sure that his property interests and the community's interests are protected during this process and urges the City to deny the proposal.

Very truly yours,

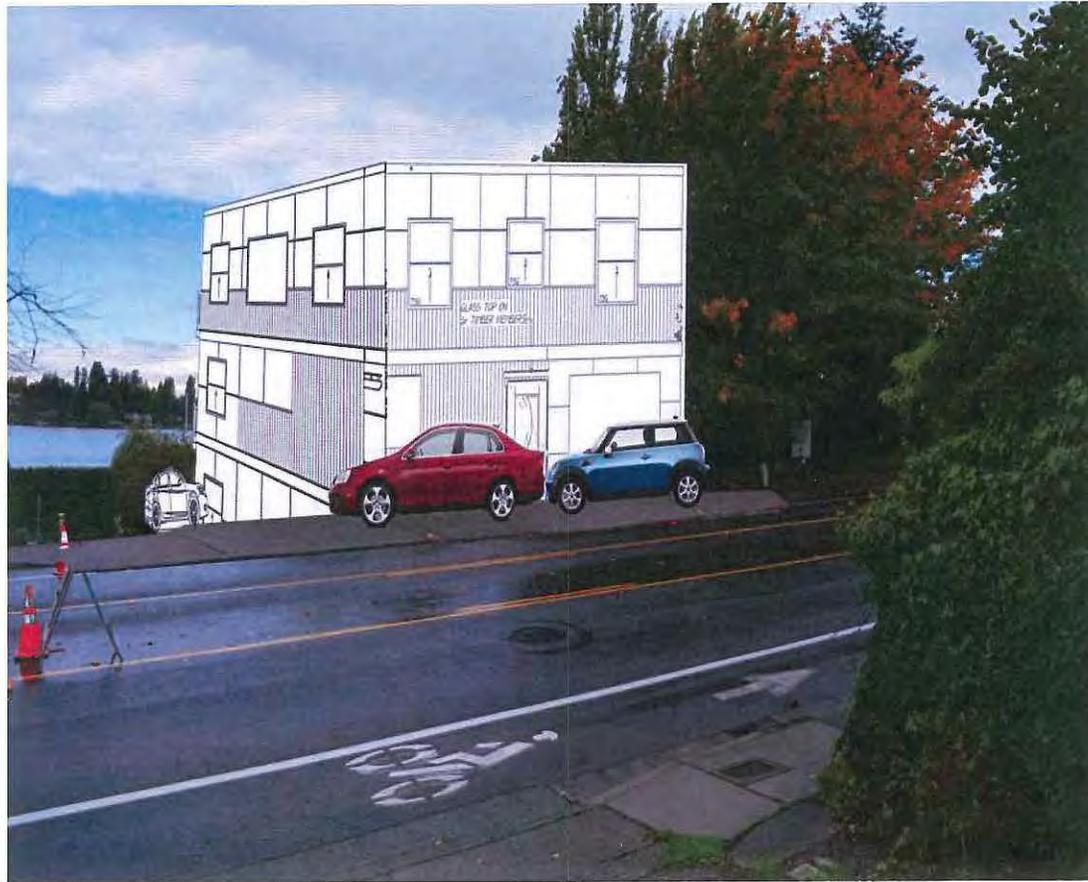


Holly D. Golden

HDG:vh
E-Mail: hdg@hcmp.com
Direct Dial: (206) 470-7656
Fax: (206) 623-7789

ND: 21589.002 4836-1931-1904v2

**LERZ COMMENT LETTER
EXHIBIT A**



ENTERING THE GARAGE (PROPOSED PLAN)

WAITING FOR THE GARAGE DOOR TO OPEN



ENTERING THE GARAGE, THE VEHICLE BLOCKS THE SIDEWALK



BACKING OUT OF THE GARAGE ONTO LWB



FACT:

THE PROPOSED SETBACK IS 7 FEET (AREA FROM SIDEWALK TO HOUSE)

FACT:

THE CURRENT SIDEWALK IS 6 FEET, INCREASING TO 10 FEET

FACT:

THE MAXIMUM LENGTH USED BY A VEHICLE WITHOUT BLOCKING THE BICYCLE LANE AND STREET IS 17 FEET



FACT:

A VEHICLE MUST BE A MINIMUM DISTANCE EQUAL TO, OR GREATER THAN THE VEHICLE'S WIDTH, FROM AN OBJECT, TO COMPLETE A 45% TURN

FACTS:

VEHICLE WIDTHS:

TOYOTA PRIUS: 5.8 FEET

RANGE ROVER DISCOVERY: 6.2 FEET

DODGE CHALLENGER: 6.2 FEET

MINI COOPER: 5.6 FEET

TOYOTA CREW CAB: 6.7 FEET

MERCEDES E350: 6.1 FEET



Safety Concerns!

VEHICLE'S (WIDTH) + (LENGTH) – (17 FEET) =
THE DISTANCE A VEHICLE WILL OBSTRUCT
TRAFFIC

TOYOTA PRIUS: 3.6 FEET

(5.8 + 14.8 – 17)

RANGE ROVER DISCOVERY: 4.4 FEET

(6.2 + 15.2 – 17)

DODGE CHALLENGER: 6 FEET

(6.2 + 16.8 – 17)

MINI COOPER: .71 FEET

(5.6 + 12.11 – 17)

TOYOTA CREW CAB: 8.7 FEET

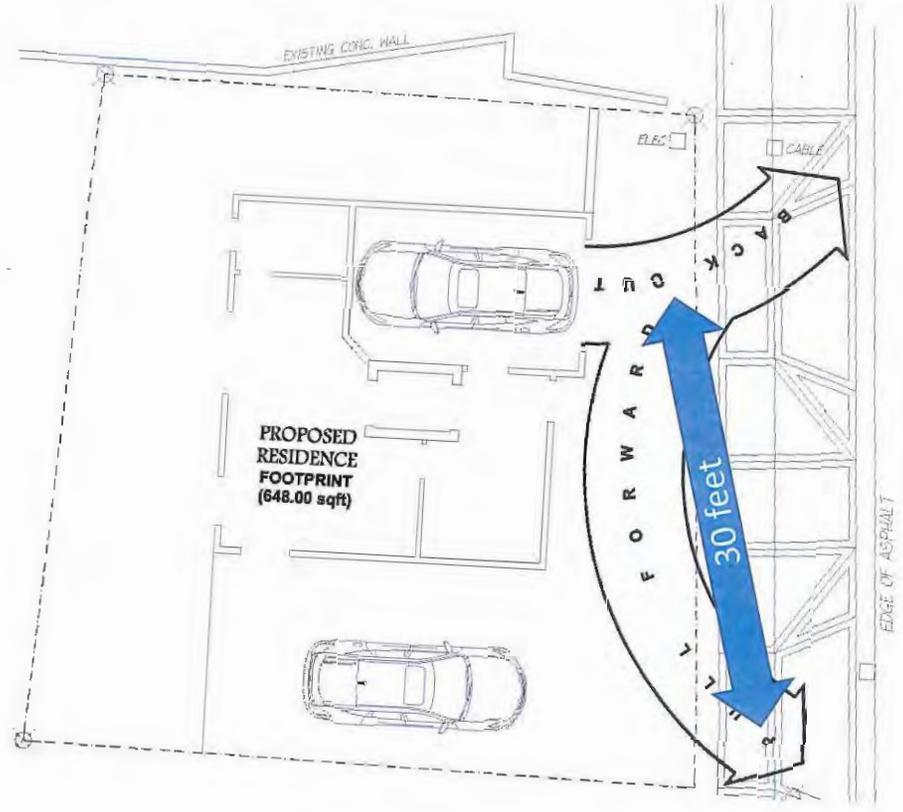
(6.7 + 19 – 17)

MERCEDES E350: 5.1 FEET

(6.1 + 16 – 17)



Exiting through the 7 foot driveway



LAKE WASHINGTON BOULEVARD N.E.

DRIVEWAY-SIDEWALK

AFTER BACKING OUT OF THE GARAGE, THE VEHICLE MUST MAKE A 180 DEGREE TURN TO AVOID ILLEGALLY BACKING ONTO BUSY LAKE WASHINGTON BLVD NE



DRIVEWAY - SIDEWALK

BECAUSE THE DRIVEWAY IS ONLY 7 FEET WIDE AND 30 FEET LONG, THE 15 FOOT LONG VEHICLE IS REQUIRED TO USE MOST OF THE SIDEWALK TO ATTEMPT THE TURN



SAFETY CONCERN!

TO COMPLETE THE TURN, THE VEHICLE MUST BACKUP ON THE SIDEWALK AND REALIGN TO ALLOW ENOUGH SPACE TO COMPLETE THE TURN.

ILLEGAL U-TURN!

IF THE DESTINATION IS REQUIRING NORTH TRAVEL ON LAKE WASHINGTON BLVD NE, THE VEHICLE IS FORCED TO COMPLETE ALMOST 90% OF THE 360 DEGREE TURN ON LAKE WASHINGTON BLVD NE, THEREFORE MAKING AN ILLEGAL AND DANGEROUS U-TURN.



PARKING IN THE 7 FOOT WIDE DRIVEWAY



ILLEGAL USE OF SIDEWALK - CODE KMC 19.04.050

“IT IS UNLAWFUL FOR ANY PERSON TO EITHER TEMPORARILY OR PERMANENTLY USE OR UTILIZE ANY PORTION OF A STREET RIGHT-OF-WAY (WHETHER OR NOT IMPROVED AND INCLUDING SIDEWALK OR WALKWAY)...FOR PERSONAL USE.” *KMC 19.04.050.*



Photo Source:
King County
Tax Records



PARKING IN THE 7 FOOT WIDE DRIVEWAY



SIDEWALK HAZARDS

LOADING AND UNLOADING VEHICLES UTILIZE THE SIDEWALK



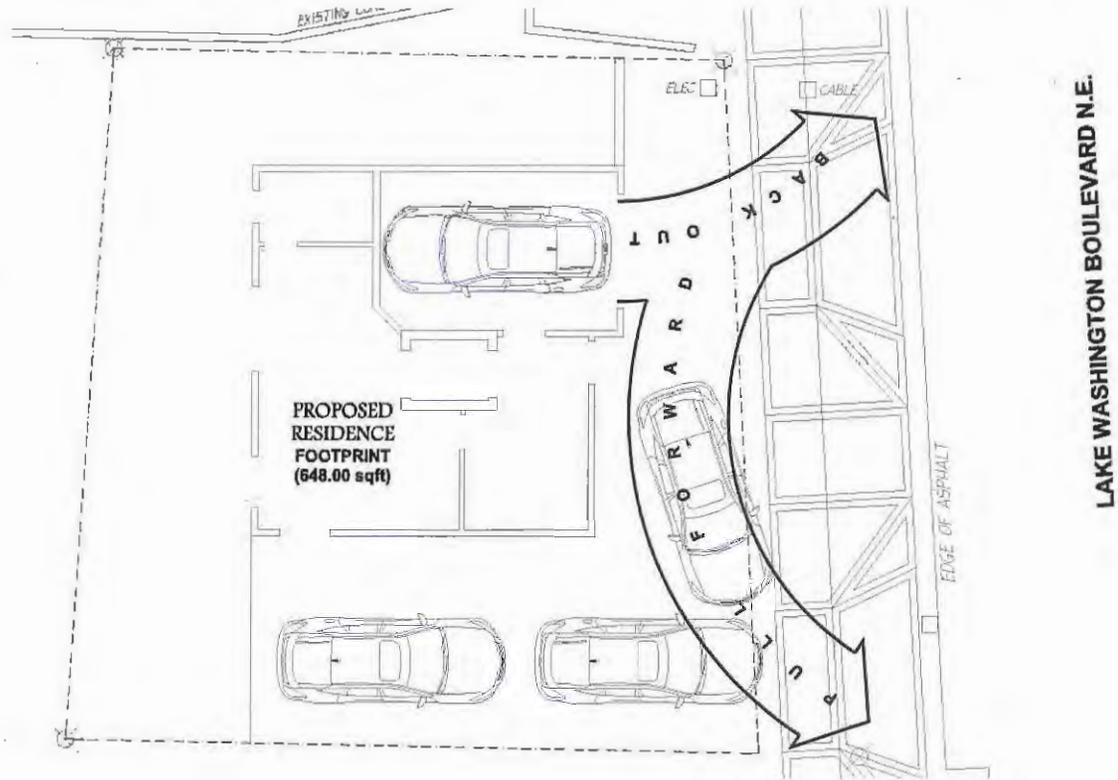
PEDESTRIANS AND BICYCLISTS ARE FORCED TO MOVE CLOSER TO BUSY TRAFFIC



PROPOSED PARKING PAD



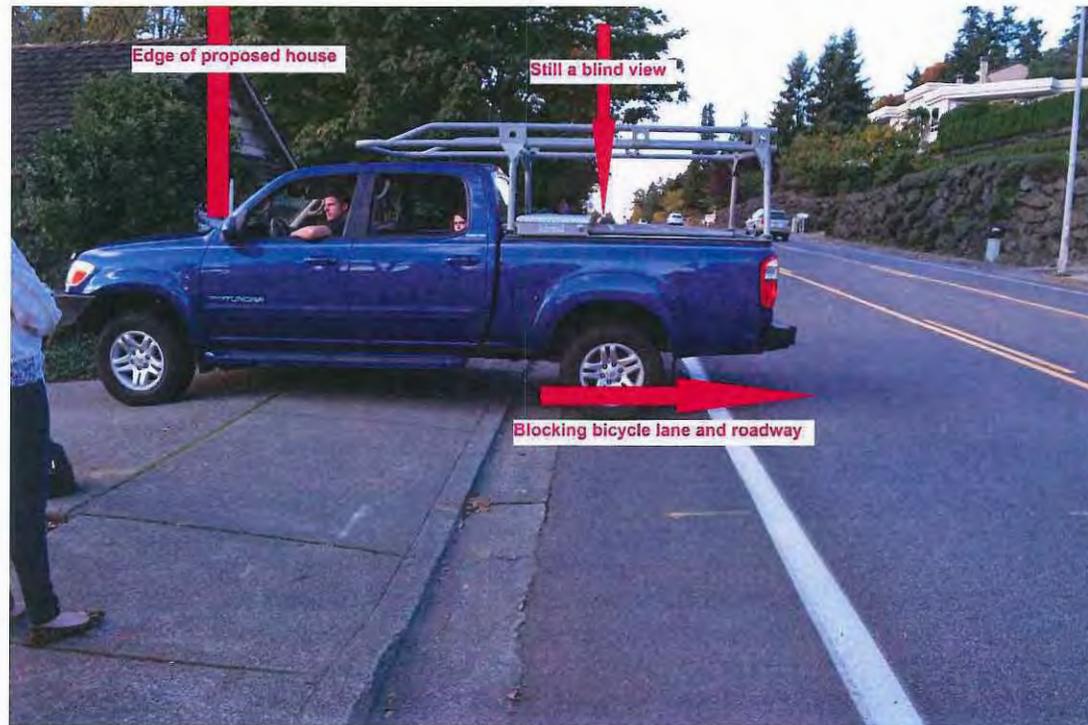
2 CARS PARKED IN THE PAD WOULD FORCE VEHICLES IN THE GARAGE AND DRIVEWAY TO BACK ONTO LWB



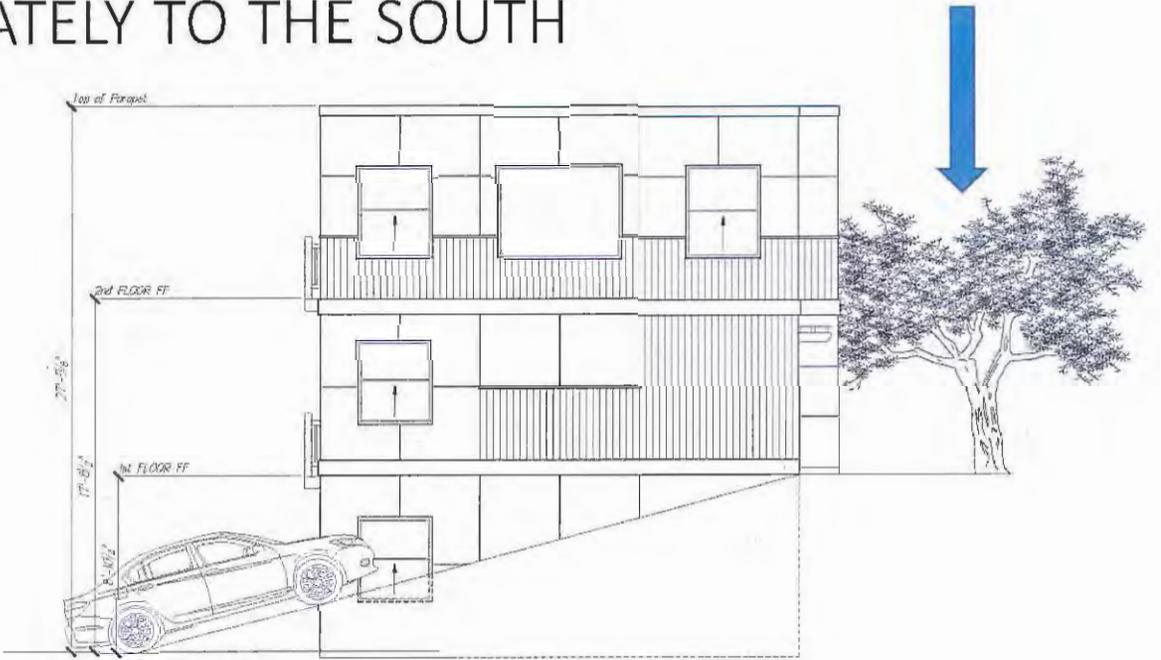
BACKING OUT FROM THE PARKING PAD IS DANGEROUS!



BACKING OUT FROM THE PARKING PAD IS DANGEROUS!



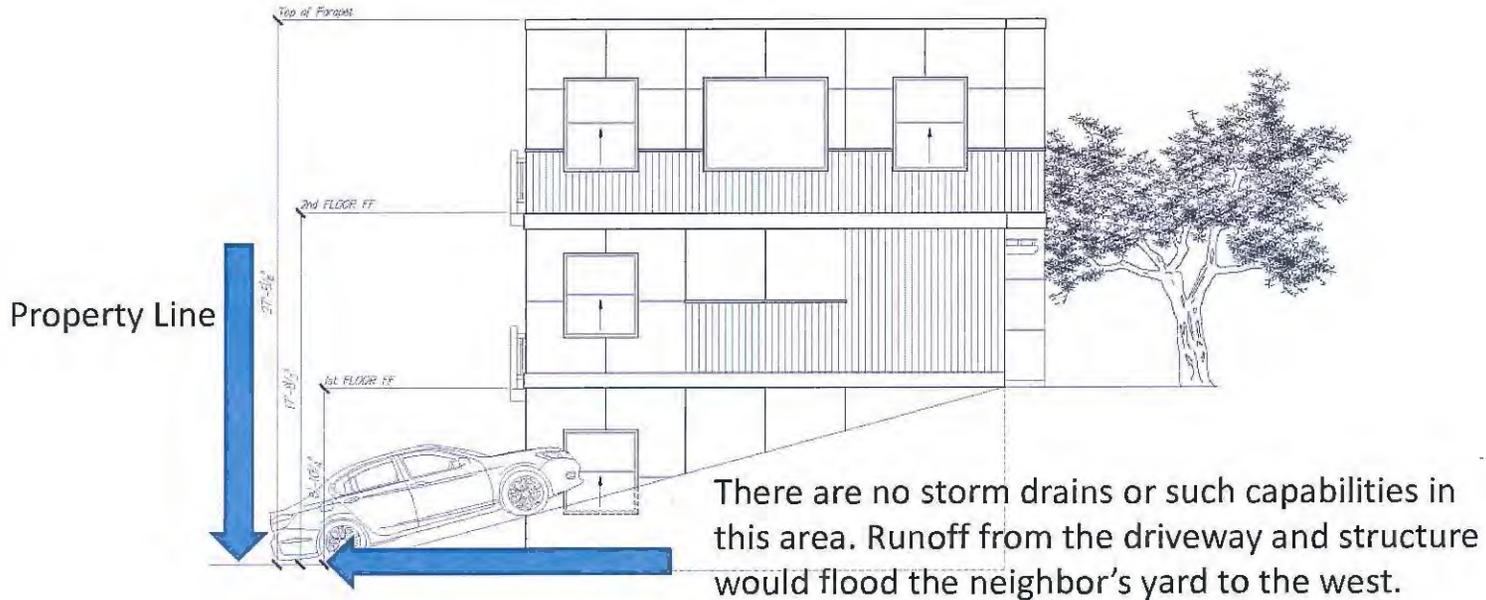
THE PROPOSED TREE PLANTED IN THE MIDDLE OF THE SIDEWALK IS AN INCREASED HAZARD TO RESIDENTS IMMEDIATELY TO THE SOUTH



PROPOSED SOUTH ELEVATION (LEFT)

SCALE: 1/4"=1'-0"

STORM DRAINS DO NOT EXIST



PROPOSED SOUTH ELEVATION (LEFT)

SCALE: 1/4"=1'-0"

TYPICAL SUNDAY TRAFFIC AND PEDESTRIAN USE



**LERZ COMMENT LETTER
EXHIBIT B**

WATERFRONT DISTRICT I

1977-1988 zoning code

Setbacks. All structures except where noted in other sections, shall conform to the following setbacks.

a. CUP Conditions:

(1) Frontage road and public right-of-way. Structures shall have a minimum setback of twenty (20) feet from the frontage road or other public right-of-way. A ten (10) foot setback area may be permitted if the setback area is designed and landscaped as an integral part of the fronting pedestrian way and approved as an element of a conditional use permit, unclassified use permit or a planned unit development. In any front setback area, no vegetative materials, signs, or other man-made elements shall be constructed within three (3) feet and eight (8) feet above the street level as not to impair the vision from vehicles when entering the right-of-way and crossing the fronting pedestrian way.

(2) High water line. The high water line setback shall be at least fifteen percent (15%) of the average parcel depth or fifteen feet, whichever is greater.
(continued)

b. PUD Provisions:

(1) Frontage road and public right-of-way. Generally the same as the CUP Conditions.

The reduced setback has two purposes:

- (a) To better utilize the front setback area as an urban space.
- (b) To offset the high water line setback area which may, in the long run, be utilized for a water edge pedestrian tra

(2) High water line. Same as the CUP Conditions. This setback may be slightly modified by the Planning Commission, due to topographic conditions, such as a steep bank or other features improving public access to the water.

23.12.052 Setbacks: (continued)a. CUP Conditions:

Man-made structures or hedges shall not be permitted in this setback area with the exception of piers, boat launching ramps, public facilities and other elements which improve public access to the water. Single family dwelling units may construct a fence or hedgerow in this setback area, if the height does not exceed three (3) feet above the existing grade. Balconies may be permitted to extend five (5) feet into this setback area.

(3) North Property line.

The north property line setback shall be 1.5 times the building height and may be measured ten (10) feet into the adjoining property to the north.

The minimum setback distance shall be thirty percent (30%) of the lot frontage. The building height and setback relationship shall follow the existing grade level along the north property line. See Figure 1. Fences, hedges or other such devices shall not be permitted in the setback area if the height exceeds three (3) feet
(continued)

b. PUD Provisions:(3) North property line.

The buildings or structures shall be arranged as not to substantially obstruct sunlight from structures on adjacent property and from open spaces at times of peak use.

The design shall demonstrate, in any event that the concept for a north property line setback, which is described in the CUP Conditions, is fulfilled, and that proposed deviations are in harmony with general design objectives of this District. See Figure 1.
(continued)

23.12.052 Setbacks: (continued)

a. CUP Conditions:

above the centerline of the frontage road, or three (3) feet above the existing grade, whichever offers the greatest view potential of the lake. Balconies may be permitted to extend five (5) feet into this setback area.

b. PUD Provisions:

This setback is required for the following reasons:

- (a) To permit sunlight to enter rooms in adjacent structures.
- (b) To minimize looking into facing windows in adjacent structures, and; to allow openness between structures for visual access to the water and use as open space. The shadow created by the structures should be determinant when considering use for this space.

This setback may be reduced under the following conditions:

- (a) A combined plan for the setback areas between the adjacent property owners and executed as one project, or,
- (b) Use of the setback area for a public pedestrian access to the water or other purposes consistent with the District.

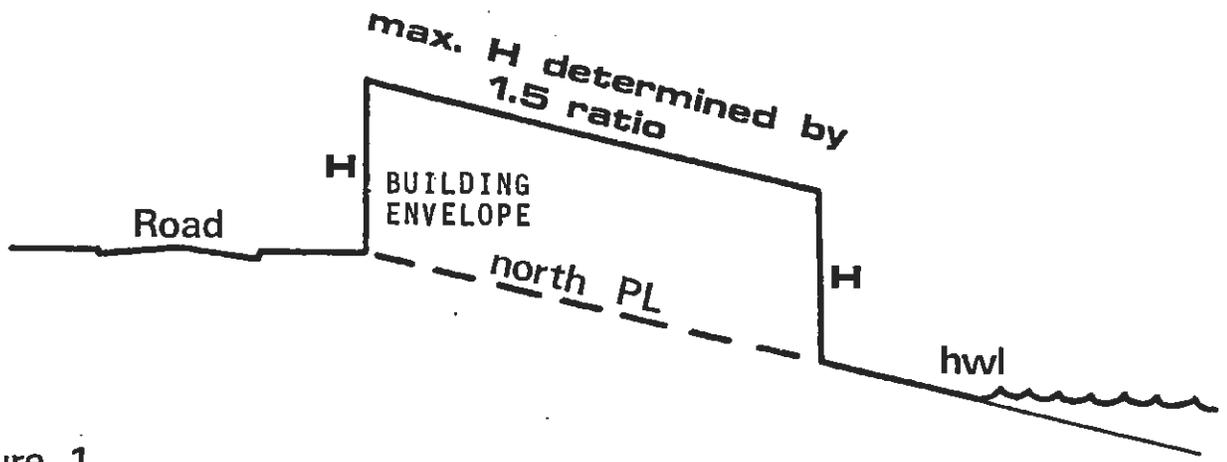
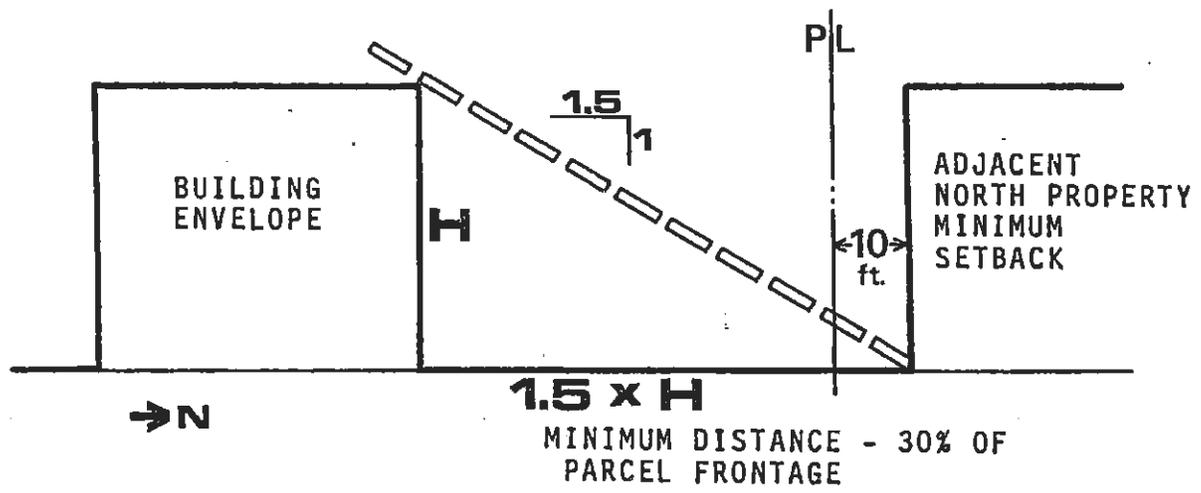
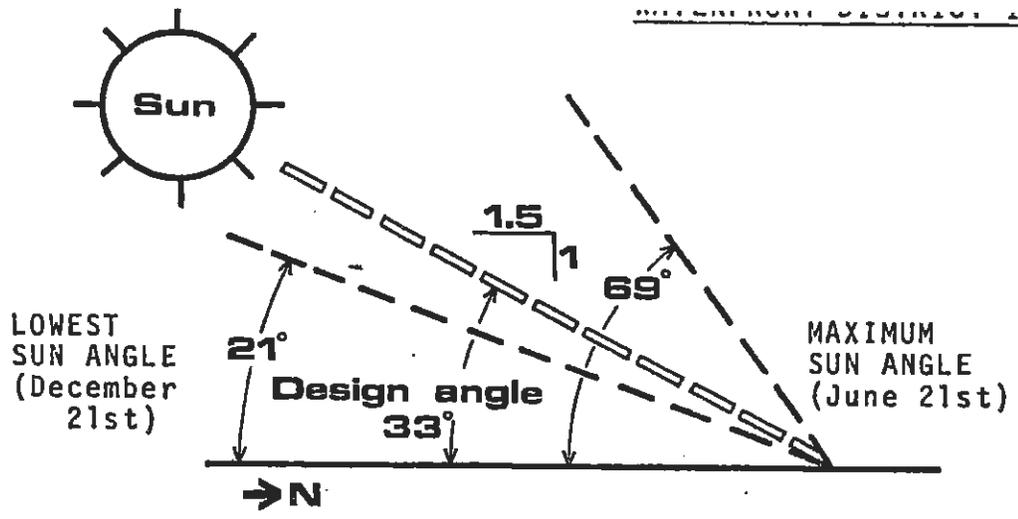


Figure 1

23.12.052 Setbacks: (continued)

a. CUP Conditions:

(4) South property line or other setbacks.
The south property line or other setbacks shall be at least ten (10) feet. Fences, hedges or other such elements shall not be permitted in this setback area if their height exceeds three (3) feet above the center line of the frontage road or three (3) feet above the existing grade, whichever offers the greatest view potential of the lake. Balconies may be permitted to extend five (5) feet into this setback area.

(5) Parking setbacks.
Automobile or other vehicle storage shall not be permitted over submerged lands within the high water line setback area, within the frontage this setback area or closer than five (5) feet to other property lines and shall be visually buffered from the water, frontage road and adjacent properties. Visual buffering requirements can be found in Section 23.40.060 of the Zoning Ordinance. This section would be modified to conform to the setback height limitations.

(continued)

b. PUD Provisions:

(4) South property line or other setbacks.
The south property line setback shall be designed to enhance the visual access to the water between buildings and shall generally conform to the CUP Conditions. Refer to Section 23.28.090(1) of the Zoning Ordinance for guidelines for structures exceeding the height limits permitted in this district.

(5) Parking setbacks.
In order to reduce the visual impact of the automobile and other vehicles or boats, parking shall be hidden from view with respect to the water, frontage road and adjacent properties. The CUP Conditions shall generally apply. Any feasible means of minimizing the visual impact of automobiles in the waterfront area will be considered. The side property line conditions may be waived by the

(continued)

23.12.052 Setbacks: (continued)

a. CBP Conditions:

Parking may be permitted in the front setback area if it is entirely below grade and covered. See Figure 2 for examples.

b. PUD Provisions:

Planning Commission if the adjacent owners agree, in writing to a joint parking solution and that is executed as one project.

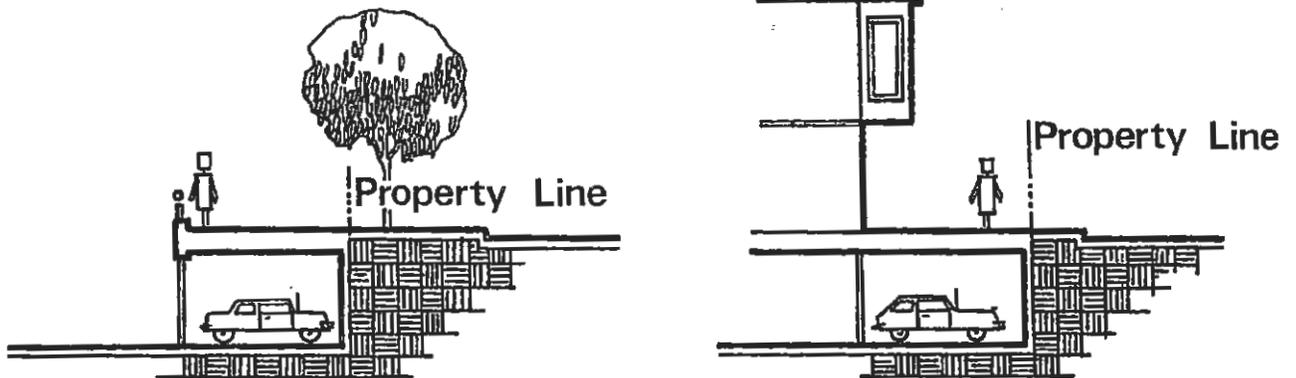


Figure 2

**LERZ COMMENT LETTER
EXHIBIT C**

From: Tony Leavitt [mailto:TLeavitt@kirklandwa.gov]
Sent: Monday, October 27, 2014 8:47 AM
To: Holly D. Golden
Subject: RE: 4617 Lake Washington Boulevard

Holly,

The end of the comment period is at the close of the public hearing on November 6th. I am still waiting on the additional materials from the applicant and they should be submitted in the next day or so.

Tony Leavitt, Associate Planner
City of Kirkland Planning and Community Development
123 5th Avenue; Kirkland, WA 98033
Phone: 425.587.3253
Fax: 425.587.3232
tlevitt@kirklandwa.gov

Work Hours:

Monday: 6:30am to 2:30pm

Tuesday thru Thursday: 6:30am to 4:00pm

Friday: 9:00am to 2:30pm

“Kirkland Maps” makes property information searches fast and easy.
GIS mapping system now available to public at <http://maps.kirklandwa.gov>

*Participate in the Comprehensive Plan update process to plan for Kirkland’s future....
Learn how at www.kirklandwa.gov/Kirkland2035 and www.ideasforum.Kirklandwa.gov*

From: Holly D. Golden [mailto:holly.golden@hcmp.com]
Sent: Monday, October 27, 2014 8:32 AM
To: Tony Leavitt
Subject: RE: 4617 Lake Washington Boulevard

Hi Tony,

One more quick question – is the end of the comment period on November 6? I’ve seen the notice of public hearing, but not the notice of application, for the project.

Thanks,
Holly

From: Holly D. Golden
Sent: Thursday, October 23, 2014 3:38 PM
To: 'Tony Leavitt'
Subject: RE: 4617 Lake Washington Boulevard

Hi Tony,

Has the applicant submitted the updated variance letter? Are there any other new materials in the file?

Thanks!

Holly

From: Tony Leavitt [mailto:TLeavitt@kirklandwa.gov]
Sent: Tuesday, October 14, 2014 10:06 AM
To: Holly D. Golden
Subject: RE: 4617 Lake Washington Boulevard

Holly,
Attached is the variance request letter that was submitted with the original application. I have requested that the applicant update this and will send you a copy when I get it. Thanks.

Tony Leavitt, Associate Planner
City of Kirkland Planning and Community Development
123 5th Avenue; Kirkland, WA 98033
Phone: 425.587.3253
Fax: 425.587.3232
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From: Holly D. Golden [mailto:holly.golden@hcmp.com]
Sent: Thursday, October 09, 2014 11:09 AM
To: Tony Leavitt
Subject: RE: 4617 Lake Washington Boulevard

Tony,

Thanks for sending this along. Are there any other materials relating to justification for the variance? The submission from 2013 also mentioned an arborist report. Is that report available?

Holly

From: Tony Leavitt [mailto:TLeavitt@kirklandwa.gov]
Sent: Thursday, October 09, 2014 8:29 AM
To: Holly D. Golden
Subject: RE: 4617 Lake Washington Boulevard

Holly,

We actually received revised plans last week (attached). Now that we have plans that address the access issue, we are scheduling the project for the public hearing. The hearing will be November 6th at 9am. Comments can be submitted up until the close of the hearing.

Tony Leavitt, Associate Planner

City of Kirkland Planning and Community Development
123 5th Avenue; Kirkland, WA 98033
Phone: 425.587.3253
Fax: 425.587.3232
tleavitt@kirklandwa.gov

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Learn how at www.kirklandwa.gov/Kirkland2035 and
www.ideasforum.Kirklandwa.gov*

Tony Leavitt

From: Vince Ball <vinceb@nytec.com>
Sent: Monday, February 15, 2016 12:36 PM
To: Tony Leavitt
Subject: VAR13-00426

Tony Leavitt, Associate Planner
City of Kirkland Planning and Community Development
123 5th Avenue, Kirkland, WA 98033
tlevitt@kirklandwa.gov

RE: VAR13-00426

Mr. Leavitt,
I am against the variance request VAR13-00426.

Zoning laws, building codes and ordinances are set in place to protect not only the safety of the community, but also represent the best interest of the tax payers. Granting a 7ft variance from a zone requiring a 30ft setback, deeply undermines the City's fiduciary responsibilities and trust of the community. If this is approved then your setting a precedence for further variances to be accepted and challenged which greatly reduces the make-up and experience of our community.

Respectfully,

Vincent and Sally Ball
1939 7th Street, West
Kirkland 98033

Tony Leavitt

From: John Barnett <johnandyokobarnett@gmail.com>
Sent: Wednesday, January 27, 2016 2:38 PM
To: Tony Leavitt
Subject: BARTO RESIDENCE VARIANCE. CASE NO. VAR13-00426

Dear Mr. Leavitt,

We oppose this variance as it is dangerous for motor vehicles and pedestrians and is unsightly.

John and Yoko Barnett
4823 Lake Wash. Blvd. NE, #5
Kirkland, WA 98033

Tony Leavitt

From: mbrashem@comcast.net
Sent: Saturday, January 23, 2016 10:08 AM
To: Tony Leavitt
Subject: Re: Notice of Application - Barto Residence Variance VAR13-00426

We are Joan and Martin Brashem, 4817 Lake Washington Blvd NE, Apt 6, Kirkland, WA 98033

We are opposed to the proposed variance. The reason being that vision is currently restricted while in a vehicle moving east and attempting to enter Lake Washington Blvd even with a 30 foot variance. An 7 foot construction would increase that difficulty.

Respectfully yours, Joan and Martin Brashem

Tony Leavitt

From: Mike Cotter <mcotter@omegasainc.com>
Sent: Monday, February 15, 2016 11:23 AM
To: Tony Leavitt
Cc: richardlerz@gmail.com
Subject: VAR13-00426

RE: VAR13-00426

Dear Mr. Leavitt,

I'm writing to comment on the proposed variance (VAR13-00426) request for 4617

Lake Washington Blvd NE. For the record, I am deeply opposed for some of the following reasons:

- The variance poses safety concerns to pedestrians, bicyclists and vehicular traffic.
- The variance is a "special request" which opens the door to future homes being built in close proximity to the sidewalk and further deteriorating the aesthetic foundation of the view corridor.
- Both this variance submission, as well as the prior request for a 7ft setback has not demonstrated what a variance of 20ft or even 15ft could yield.
- The variance would undo 50 years of building the Yarrow Bay and greater Kirkland's Comprehensive Plan.
- The variance is not in alignment with the new City of Kirkland Master Plan launched in 2012 (Kirkland 2035 Plan).
- The variance limits the City's ability to modify or enhance the Lake Washington Blvd corridor in the future.

Regards,

Mike Cotter

4605 Lake Washington Blvd.

Kirkland WA 98033

Sincerely,

Mike Cotter

Omega USA, Inc.
Omega Riggers & Erectors, Inc.
Omega General, Inc.
Omega General Contractors, LLC
Omega Equipment, Inc.
Omega Service and Supply, Inc.
Omega Architectural Products, Inc
RD Wing
Fonpee, LLC
Pegasus, LLC
3705 West Valley Hwy N
Auburn, WA 98001
Office 253-329-2200-Direct
Office 253-804-6000
Fax 253-804-4000
Mobile 206-661-1000
E-Mail mcotter@omegasainc.com
Web Site www.omegasainc.com

Tony Leavitt

From: Ena Dauberman <uptonlass@comcast.net>
Sent: Tuesday, February 16, 2016 2:18 PM
To: Tony Leavitt
Cc: Ira B. Dauberman; Ena Dauberman
Subject: VAR13-00426

Dear Mr. Leavitt,

We are writing to voice our concerns about the proposed variance (VAR13-00426) request for 4617 Lake Washington Blvd. NE. As neighbors, our concerns include, but are not limited to, the following:

- The variance is not in alignment with the new City of Kirkland Master Plan (Kirkland 2035 Plan) launched in 2012.
- The variance limits the city's ability to modify or enhance the Lake Washington Blvd. corridor in the future.
- The variance poses safety concerns to pedestrians, bicyclists, and vehicular traffic.
- While we are not sure why the prior request was withdrawn, but neither this request, nor the other explores the possibilities associated with a 15 or 20 foot setback as opposed to the 30 foot setback required.

In summary, we are vehemently opposed to this "special request", which not only opens the door to future homes being built in close proximity to the sidewalk, further deteriorates the aesthetic foundation of the view corridor, and would undo 50 years of building the Yarrow Bay and greater Kirkland's Comprehensive Plan.

Respectfully submitted,

Ena and Ira B. Dauberman
4808 Lake Washington Blvd. NE
Kirkland, WA 98033

Tony Leavitt

From: petporcheman@aol.com
Sent: Wednesday, January 27, 2016 12:10 PM
To: Tony Leavitt
Subject: var13-00426 barto residence

1/27/16

TO WHOM THIS MAY CONCERN:

I THINK A VARIANCE THAT WOULD ALLOW FOR A 7FT SETBACK FROM THE ROAD VS A 30 FT SET BACK IS FIRST OF ALL UNSAFE AS THE DRIVEWAYS DIRECTLY ADJACENT TO THE PROPOSED HOUSE HAVE A LIMITED VIEW OF ON COMING TRAFFIC COMING ALONG LAKE WASH BLVD. THIS CAN CAUSE A SAFETY ISSUE.

ALSO IT WOULD HAVE A NEGATIVE IMPACT ON THE ADJACENT PROPERTIES AESTHETICALLY WHICH HAVE REQUIRED SETBACKS AND LANDSCAPING.

IT ALSO LEAVES LITTLE ROOM FOR A CAR WHICH IS PARKED IN FRONT OF THE HOUSE FURTHER MAKING IT HARD TO SEE ON COMING TRAFFIC , WHICH IS THE CASE NOW WHEN THE HOUSE IS OCCUPIED AND OFTEN ON PART OF THE SIDEWALK MAKING IT HARD FOR PEDESTRIANS TO WALK THE SIDEWALK AND MAKING IT EVEN HARDER SEE THEN UNTIL THEY ARE RIGHT IN THE DRIVEWAY.

PLEASE CONSIDER THESE POINTS BEFORE APPROVING THE VARIANCE.

MICHAEL DEITCH
4613 LAKE WASH BLVD NE
KIRKLAND WASHINGTON
206 920 0332.

Tony Leavitt

From: Dave Kowalick <david.kowalick@gmail.com>
Sent: Monday, February 15, 2016 11:14 AM
To: Tony Leavitt
Subject: VAR13-00426

Tony Leavitt, Associate Planner

City of Kirkland Planning and Community Development

123 5th Avenue, Kirkland, WA 98033

tleavitt@kirklandwa.gov

RE: VAR13-00426

Dear Mr. Leavitt,

I'm writing to comment on the proposed variance (VAR13-00426) request for 4617 Lake Washington Blvd NE. For the record, I am deeply opposed for some of the following reasons:

- Both this variance submission, as well as the prior request for a 7ft setback has not demonstrated what a variance of even 20ft could yield.
- The variance would undo 50 years of building the Yarrow Bay and greater Kirkland's Comprehensive Plan.
- The variance is not in alignment with the new City of Kirkland's Master Plan launched in 2012 (Kirkland 2035 Plan).
- The variance limits the City's ability to modify or enhance the Lake Washington Blvd corridor in the future.
- The variance poses safety concerns to pedestrians, bicyclists and vehicular traffic.
- The variance is a "special request" which opens the door to future homes being built in close proximity to the sidewalk and further deteriorating the aesthetic foundation of the view corridor.

Regards,

Mr. David Kowalick

Member, 4625 Lake Washington LLC

4625 Lake Washington Blvd NE

(425) 444-4888

Tony Leavitt

From: Marcia Larson <marcialarson1000@gmail.com>
Sent: Friday, February 12, 2016 2:38 PM
To: Tony Leavitt
Subject: FW: Permit VAR 13-00426 Barto Residence on Lake Washington Blvd. NE, Kirkland

Mr. Leavitt,

Would you please define for me what "front yard" means in this variance request i.e., is the front yard street side or water side. I am opposed to either. What valid reason could the applicant possibly have to violate long standing setback codes in this precious strip of property? All property along this part of Lake Washington would be negatively affected by this request.

Marcia Larson
4817 Lake Washington Blvd. NE #7
Kirkland, WA 98033
Marcialarson1000@gmail.com
425-890-5757

Tony Leavitt

From: Debbie <debemckee@gmail.com>
Sent: Tuesday, February 16, 2016 3:10 PM
To: Tony Leavitt
Subject: 4617 Variance Opposition - VAR13-00426

Tony Leavitt, Associate Planner
City of Kirkland Planning and Community Development
123 5th Avenue, Kirkland, WA 98033
tlevitt@kirklandwa.gov

RE: VAR13-00426

Dear Mr. Leavitt,

The variance application VAR13-00426 request is without merit and unwarranted.

As a third generation Kirkland resident, I'm am deeply perplexed that such a request would even be considered at such a location, and especially for such a circumstance.

As a major access way to downtown Kirkland, Lake Washington Blvd NE has for over 50 years maintained a consistent look welcoming guests and residence to our community. To undo the image that our corridor represents at the strategic motives of the owner of 4617 is outlandish. Homes within the Lakeview and Yarrow Bay neighborhoods have long been part of establishing the beauty of what the corridor is today, and the property tax to coincide. Approving such variance would be strictly at the expense of the community.

Please deny this 'special request' variance.

Yours truly,
Deborah E. McKee
4621 Lake Washington Blvd NE
425-922-6000

Tony Leavitt

From: Terry Ray <tbenz05@gmail.com>
Sent: Monday, February 15, 2016 5:51 PM
To: Tony Leavitt
Subject: re : var 13-00426

I'm writing to comment on (var13-00426) I'm deeply opposed to have this go forward,we pay some of the highest property taxes around. We have lived at 4635 for over 35 years,and have never heard of a special favor in order to change the yarrow bay corridor.Please do not let this go through.

Resident of 4635 lake Washington blvd ne

Tony Leavitt

From: Gary Shelton <sheltongms@gmail.com>
Sent: Wednesday, February 10, 2016 6:57 AM
To: Tony Leavitt
Cc: Gary Shelton
Subject: Permit VAR13-00426

We at Yarrow Cove Condominium are very much against a variance to allow building setback of seven feet from the shoreline. All the buildings in our neighborhood have complied with the zoning setback of thirty feet from the shoreline. If we had a building next to us with a seven foot setback we would not have a sunrise until noon (not acceptable).

Gary Shelton
4817 Lake Washington Blvd #1
Kirkland WA. 98033
sheltongms@gmail.com
206-291-6608

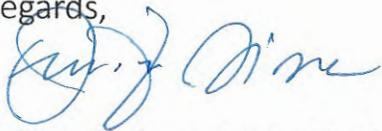
Tony Leavitt, Associate Planner
City of Kirkland Planning and Community Development
123 5th Avenue, Kirkland, WA 98033
tlevitt@kirklandwa.gov

RE: VAR13-00426

Mr. Leavitt,

I am in opposition to the variance request VAR13-00426. Approving the variance would greatly limit the City's ability to meet future growth demands of the Yarrow Bay / Lake View corridor. Allowing a home site to be built 7ft from the sidewalk changes the future of this beautiful view corridor, as any future requests would need to be equally considered.

Regards,



Cal McAusland & Jennifer Sisson

4555 Lake Wash Blvd NE #3, Kirkland, WA 98033

Tony Leavitt

From: Dan S <danjsperry@gmail.com>
Sent: Sunday, February 14, 2016 11:58 PM
To: Tony Leavitt
Subject: opposition to variance application VAR13-00426

RE: VAR13-00426

Dear Mr. Leavitt,

The property was the subject of a prior variance request last year

,
requesting a 10ft setback, which ultimately was cancelled after meeting strong neighborhood objection. Why is the new application now for only 7ft? The applicant has not even demonstrated what a 20ft, or 15ft setback could do.

Isn't

the property currently non-conforming? Why would the city consider allowing any construction outside the current building envelope of a non-conforming home?

Approving this application will set a precedence for further new construction to occur less than 30' from Lake Washington Blvd NE thus eroding the look, value, and intent that the current 30' setback has on the boulevard and the properties that line it.

Please deny variance application VAR13-00426.

Thank you,

Dan & Regina Sperry

4625 Lake Washington Blvd NE

206-650-1155

Tony Leavitt

From: beluga40@aol.com
Sent: Tuesday, February 09, 2016 5:34 PM
To: Tony Leavitt
Cc: johnv@tbirdmining.com
Subject: VAR13-00426

Date: February 9, 2016

Re: Barto Residence Variance, Case No. VAR13-00426
Location: 4617 Lake Washington Boulevard N.E.

Attn: Mr. Tony Leavitt, project planner

We are writing with regard to the proposal for Doug Almond, requesting a Process I Zoning Permit to reduce the required front yard setback from the required 30 feet to 7 feet for construction of a new single family residence. Although this application was received by the City in 2013 we have just now heard about the variance case. Although our residence is not far from the address listed, we received no notification of this request for a variance.

We would like to object to this variance for many reasons. The easiest reasons are that anything that close to the lake not only blocks sunlight of other structures around it, but also keeps neighbors views limited. More importantly, for the health of the lake and the land, it makes most sense to keep any structure away from the waterfront and 7 feet serves no helpful purpose. From an aesthetic point of view, those properties that leave some green between the lake and the structure are more pleasing. From an environmental point of view, any disturbance near the waterfront should have strict requirements on plantings and soil retention. It is difficult to believe that 7 feet is even a consideration by the City for properties in this day and age. These properties are near wetlands and daily we watch the water life in and out of yarrow bay and anything close to the shoreline would not enhance the life that lives in the bay. This is really one of the most special wildlife areas and any building should be done with consideration and thoughtfulness.

Kirkland has been good about keeping the heights of its development limited to this point, which keeps it unique to neighboring cities like Bellevue. It has also created a lot of waterfront walkways and though long into the past it has allowed structures over the water, it seems to have limited that in the past years. To keep its unique appeal, it needs to maintain some green around the waterfront, not only for appeal but for protection. It is our fear if one variance is allowed, then others will seek the same privilege and it will be an endless stream of condos and homes on the water with very little greenery.

We appreciate your consideration of this objection to the approval of the variance.

Barbara and John Vynne
4817 Lake Washington Blvd. N.E. #5
Kirkland, Washington 98033

Tony Leavitt, Associate Planner
City of Kirkland Planning and Community Development
123 5th Avenue, Kirkland, WA 98033
tleavitt@kirklandwa.gov

RE: VAR13-00426

Dear Mr. Leavitt,

I'm writing to comment on the proposed variance (VAR13-00426) request for 4617 Lake Washington Blvd NE. For the record, I am adamantly opposed to the variance and upset it has once again become a consideration.

For nearly 4 decades, I have called Kirkland home, residing next to the subject property and witnessed the progressive deterioration and lack of maintenance by Mr. Barto. Why a special favor on Mr. Barto's behalf is even considered?

The great city of Kirkland is the city it is today because it made comprehensive plans based on strong family values, long term goals and a commitment to preserving neighborhood values.

Approving the 4617 variance undermines everything I've watched Kirkland grow to become the community it is today.

Please reject the variance application VAR13-00426.

Respectfully,



Bonnie Zylstra

4633 Lake Washington Blvd NE,
Kirkland, WA 98033
(206) 962-7212

RECIEVED

FEB 16 2013

CITY OF KIRKLAND
FIRE & BUILDING

Tony Leavitt, Associate Planner
City of Kirkland Planning and Community Development
123 5th Avenue, Kirkland, WA 98033
tleavitt@kirklandwa.gov

RE: VAR13-00426

Dear Mr. Leavitt,

I'm writing to comment on the proposed variance (VAR13-00426) request for 4617 Lake Washington Blvd NE. For the record, I am deeply opposed for some of the following reasons:

- Both this variance submission, as well as the prior request for a 7ft setback has not demonstrated what a variance of even 20ft could yield.
- The variance would undo 50 years of building the Yarrow Bay and greater Kirkland's Comprehensive Plan.
- The variance is not in alignment with the new City of Kirkland's Master Plan launched in 2012 (Kirkland 2035 Plan).
- The variance limits the City's ability to modify or enhance the Lake Washington Blvd corridor in the future.
- The variance poses safety concerns to pedestrians, bicyclists and vehicular traffic.
- The variance is a "special request" which opens the door to future homes being built in close proximity to the sidewalk and further deteriorating the aesthetic foundation of the view corridor.

Regards,

Mr/Mrs. Tristan Parker

Your address: 4605 Lake Washington Blvd. NE
Apt 201, Kirkland, WA
98033



Skyline Tower
Suite 1500
10900 NE 4th Street
Bellevue, WA 98004

Kinnon W. Williams
Attorney at Law
Dir: 425.450.4225
kwilliams@insleebest.com

February 17, 2016

**SENT VIA EMAIL
AND FIRST CLASS MAIL**

Tony Leavitt
Associate Planner
City of Kirkland Planning and Community Development
123 5th Avenue
Kirkland, WA 98033

**Re: Property Located at 4617 Lake Washington Boulevard NE
Barto Residence Variance, Case No. VAR13-00426; SHR 13-00427**

Dear Mr. Leavitt:

This firm represents Mr. Richard Lerz, and I am writing you in relation to the above reference variance being sought for: 4617 Lake Washington Boulevard NE. For the following reasons, Mr. Lerz respectfully requests that the variance be denied.

Washington State common law requires that applicants requesting a variance prove that they cannot realize a reasonable use or a reasonable return on their property while maintaining a permissible use of the land. It is the obligation of the applicant to prove these matters, and this must be based on fact, not conclusory statements by hired consultants.

Under Washington State Law in order to obtain a variance, the following must be satisfied: (1) that the variance shall not confer on the applicant a "special privilege" not shared by other properties in the same vicinity and zone; (2) that the variance is necessary because of "special circumstances" affecting the subject property, including "size, shape, topography, location, or surroundings," that deprive it of "rights and privileges" enjoyed by other properties in the vicinity and zone; and (3) that the variance "will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone." RCW 35A.63.110(2); RCW 36.70.810(2). The essential elements were adopted under Kirkland Municipal Code 120.20. Every element must be satisfied, and if any element is not, the variance must be denied.

Attorneys at Law
Richard A. Bersin
Kay L. Brossard
Don E. Dascenzo
Eric C. Frimodt
Henry R. Hanssen, Jr.
J. Todd Henry
Anneliese E. Johnson
Chris M. Kang
Rod P. Kaseguma
Rosemary A. Larson
David J. Lawyer
Mark S. Leen
William A. Linton
Dan S. Lossing
James K. McBain
John W. Milne
Christopher W. Pirnke
Dawn F. Reitan
Milan Gail Ryder
Daniel N. Shin
Andrew L. Symons
Gregory L. Ursich
Katherine F. Weber
Barbara A. West
Brett N. Wiese
Kinnon W. Williams

The variance sought here should be denied, as it fails to satisfy all three.

A. The variance will be materially detrimental to properties or improvements in the area of the subject property.

The proposed variance calls for a setback from Lake Washington Boulevard of only 7 feet, which is dramatically less than the 30 feet required by City Code. Allowing the variance will create an unnecessary danger to the general public. While the applicant focuses his discussion on other private properties nowhere does the applicant reference public properties or improvements in his analysis. The law does not restrict consideration of adverse consequences to private property or improvements. This proposal has an extremely adverse impact on the public. Further, the proponent submitted no actual analysis of the potential impacts. All that has been submitted are the conclusory statements of a hired consultant. Lake Washington Boulevard is a heavily traveled roadway and is main route of pedestrians and cyclists. A setback of only 7 feet will result in greatly diminished sightline views for pedestrian, bicycle, and vehicle travel, and will necessitate any individually exiting the property to utilize the sidewalk in order to make turns. While pedestrians are usually able to make adjustments due to a much slower speed, cyclists which are not always easily seen travel at a much higher rate of speed and the proposed variance will directly interfere with the designated bike lane, forcing both cyclists and pedestrians into the traffic lanes. To say that this will not have any adverse impacts without even a traffic safety study is absurd and irresponsible. This will make the bike lane extremely dangerous and create a hidden hazardous condition that the City will ultimately be responsible for.

B. The variance is unnecessary has a special circumstance regarding the size, shape, topography, and location of the subject property does not exist.

In Washington "special circumstances" is similar to the "unnecessary hardship" test. To apply, the hardship must relate to the subject property, and not the owner personally or the owner's affairs apart from the land. Additionally, a variance is not justified where the applicant has created a hardship of his own making. Again, this submittal is supported by no actual facts. The proponent only submits conclusory statements of a hired consultant with a vested interest in getting the variance completed. The submittal is void of any market research or economic analysis. Based on this lack of evidence of the proposal cannot be granted.

Nevertheless, assuming arguendo that a hardship could be based on speculation alone, the owner has not provided any details on why a 7 foot setback is required, and why a larger setback is not possible.

The owner willfully neglected the property for years and now wants the benefit of his decision to allow the property to become a slum. The owner argues that new construction is

needed as the property is improved with a dilapidated, detached single-family residence and has been used for residential purposes since 1940. The property has been owned by Mr. Barto since 1977. Any dilapidation of the currently dwelling is his own doing, and one need only do a quick tour of the City to see that homes from well before 1940 look still practically new today. Finally, there is no indication that maintenance cannot repair most of the problems associated with the property.

C. The variance would constitute a granting of a special privilege to the subject property which is inconsistent with the general rights of other properties.

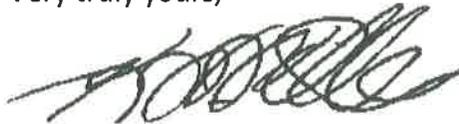
The proposed variance is inconsistent with the restrictions on development of all nearby homes and properties. If the City grants the variance, it will open the flood gates for other such proposals, in effect defeating all of the goals of the City's comprehensive plan.

The graphics submitted as part of this proposal show the extent of what would be built if this variance is granted. The applicant would in effect be creating a wall along Lake Washington Boulevard that would block views to the Lake, interfere with traffic and create an extreme safety hazard to the Kirkland residents and users of designated pedestrian rights of way. This would be in direct contradiction of the City's Comprehensive Plan which states among other goals to improve vehicle, pedestrian, and bicycle mobility along the Lake Washington Boulevard and to enhance Lake Washington Boulevard as a scenic, recreational, open space and transportation corridor.

As noted above, it is the obligation of the applicant to prove hardship and all other factors allowing for a grant of variance. This must be based on fact, not conclusory statements by hired consultants. For this reason alone the request must fail. This proposal creates too many potential safety hazards and no benefits. Any hardships created were by the applicants own doing.

For the foregoing, Mr. Lerz respectfully requests that you deny the requested variance.

Very truly yours,



Kinnon W. Williams

KWW:cwp
cc: Client

Tony Leavitt

From: John Stephanus <johns@armco.net>
Sent: Saturday, May 18, 2013 5:19 PM
To: Tony Leavitt
Subject: Barto Residence (VAR13-00426 and SHR13-00427)

Hello Mr. Leavitt,

I am requesting add'l. info re the Barto Residence variance (VAR13-00426 and SHR13-00427) and generally the work that Mr. Barto wants to do to the home.

I have owned and lived in the home directly to the south of the Barto Residence (4611 LWB) for around 15 years and therefore have a material interest in the work & process contemplated.

At one point in time Mr. Barto requested an easement from me to use the long concrete driveway to the north of my home and south of his...to access the yard behind the home for parking as I understood. I contacted an architect (Mark Travers in Seattle) and asked for his guidance. Mark suggested that I not allow the easement as it would adversely affect my home in his estimation.

On one hand I am pleased that Mr. Barto is finally going ahead with maintenance/remodeling of the home. Obviously the home has been a significant eyesore and detriment to the neighborhood for quite a number of years now...mostly due to virtually no maintenance whatsoever.

Please let me know the best way to learn about what Mr. Barto is contemplating and to comment on such.

Regards,

John Stephanus

Tony Leavitt

From: Dave Kowalick <david.kowalick@gmail.com>
Sent: Wednesday, June 05, 2013 7:17 AM
To: Tony Leavitt
Cc: Richard Lerz
Subject: Public Comment on Case Number VAR13-00426 and SHR13-00427 (Barto Survey and Lerz / Kowalick Easement)
Attachments: BARTO_12062_T_03-09-12.pdf; Easement - 20100827000728-1-13.pdf

Mr. Leavitt,

I am a Member of 4625 Lake Washington LLC which owns the single family residence at 4625 Lake Washington Blvd in Kirkland. The LLC granted an easement (attached) to owners of 4627 and 4621 Lake Washington Blvd (Richard Lerz) for use of the driveway and was mutually beneficial to 4625 with respect to parking. Previous easements were extinguished.

I'm writing to comment on Mr. Barto's proposed development permit and drawings (also attached). The Proposal as mailed to me contained no information regarding Mr. Barto's building or access plan. I've attached drawings of the proposed Barto development at 4617 Lake Washington Blvd.

Mr. Barto has not discussed access to his property via the driveway at 4625 with the LLC and the LLC has not granted him access via easement or any other agreement. Again, I would like to make it clear that the only legal access Mr. Barto has to his residence is via Lake Washington Blvd and not via any easement or agreement to use the driveway owned by 4625 Lake Washington LLC as what appears to be proposed in the drawing. The drawing does not provide clarity on how Mr. Barto proposes access to his property from Lake Washington Blvd.

Please confirm receipt of this email for purposes of submitting Public Comment on Case Number VAR13-00426 and SHR13-00427

Sincerely,

David J. Kowalick
Member, 4625 Lake Washington LLC
425-444-4888

TOPOGRAPHIC & BOUNDARY SURVEY

LEGAL DESCRIPTION

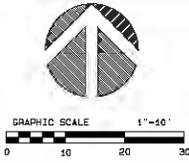
THAT PORTION OF GOVERNMENT LOT 3 IN SECTION 17, TOWNSHIP 28 NORTH RANGE 3 EAST, 4th P.M., DESCRIBED AS FOLLOWS:

BEGINNING ON THE WEST LINE OF NORTHWEST LAKE WASHINGTON BOULEVARD AT THE POINT OF INTERSECTION WITH A LINE DRAWN PARALLEL TO AND 85.1 FEET SOUTHERLY FROM MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID LOT 3; THENCE SOUTH 89°18'10" WEST ALONG SAID PARALLEL LINE 42.72 FEET; THENCE SOUTH 04°42'00" WEST 48.70 FEET TO INTERSECT A LINE DRAWN PARALLEL TO AND 300 FEET SOUTHERLY FROM MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID LOT 3; THENCE ALONG SAID PARALLEL LINE NORTH 89°10'00" EAST 96.54 FEET, MORE OR LESS TO THE WEST LINE OF SAID BOULEVARD; THENCE NORTH 89°10'00" WEST, ALONG SAID WEST LINE 48.86 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A NOW EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE EASTERLY 42.72 FEET OF THE SOUTHERLY 8 FEET OF THE FOLLOWING DESCRIBED TRACT:

THAT PORTION OF THE SOUTHERLY 84.23 FEET OF THE NORTHERLY 364.87 FEET OF SAID GOVERNMENT LOT 3 LYING WESTERLY OF NORTHWEST LAKE WASHINGTON BOULEVARD.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.



BEARING MERIDIAN

A BEARING OF N64°13'36"W BETWEEN TWO POINTS ADJACENT TO A RECORD OF SURVEY AS RECORDED IN BOOK 119 OF SURVEYS, PAGE 258, RECORDS OF KING COUNTY, WA.

VERTICAL DATUM

CITY OF KIRKLAND BENCH MARK NO. 14
 FOUND CONCRETE MONUMENT WITH 1/4" IRON ROD, 1/2" HIGH, LOCATED NORTH AVE NEAR 69TH ST.
 ELEVATION = 208.78'

SURVEYOR'S NOTES

- 1) THE TOPOGRAPHIC SURVEY SHOWN HEREIN WAS PERFORMED IN MARCH OF 2012. THE FIELD DATA WAS COLLECTED AND RECORDED BY MAGNETIC MEDIA THROUGH AN ELECTRONIC TOTAL STATION. THE DATA FILES IS AVAILABLE ON DISK OR CD. WRITTEN FIELD NOTES MAY NOT EXIST. CONTOURS ARE SHOWN FOR CONVEYANCE ONLY. POINTS SHOULD RELY ON SPOT ELEVATIONS.
- 2) SUBJECT PROPERTY TAX PARCEL NO. 4104500000
- 3) SUBJECT PROPERTY AREA PER THIS SURVEY IS 8,292 SQ FT. +/-.

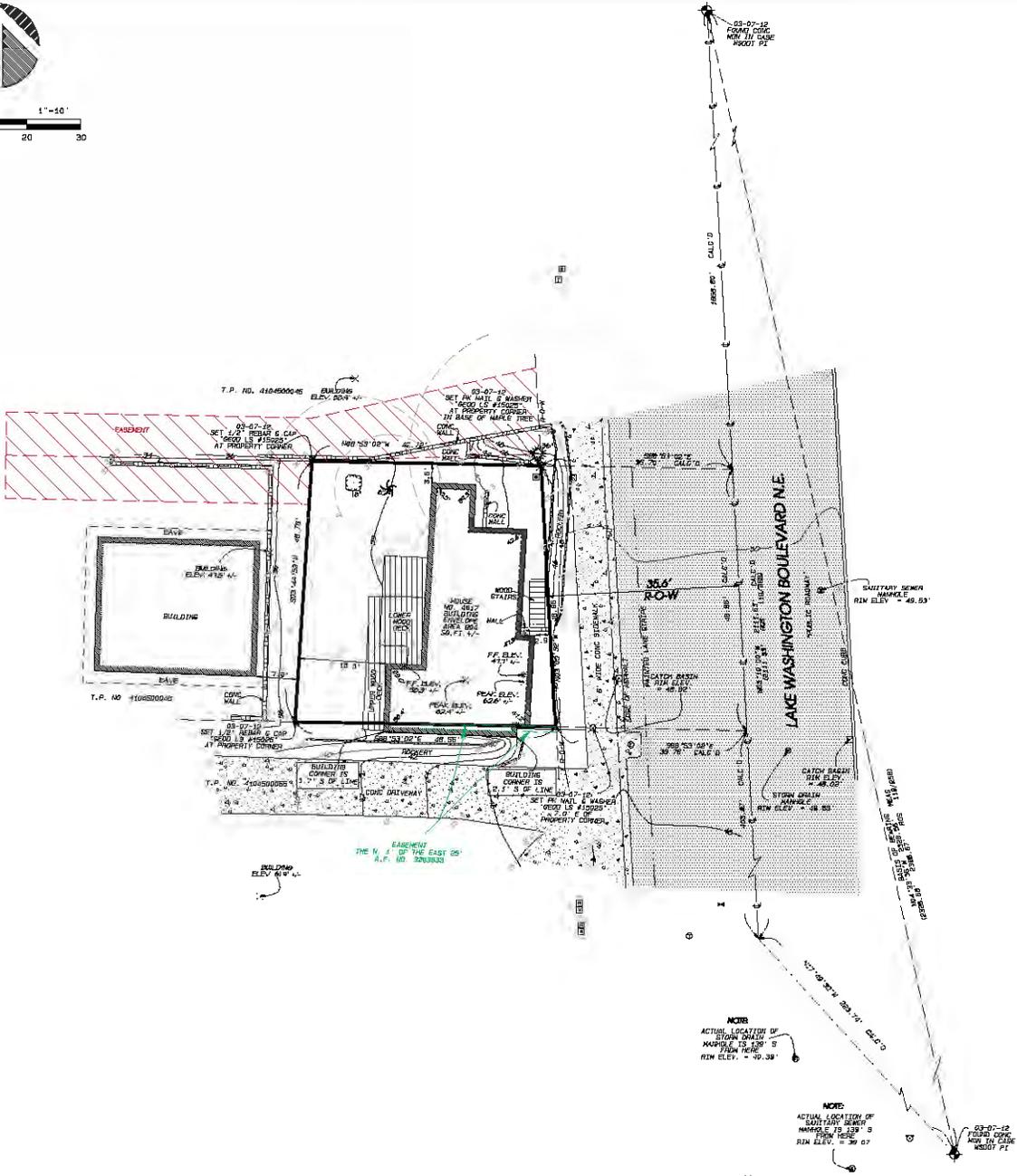
METHOD OF SURVEY

DETERMINATION FOR THIS SURVEY WAS A LEICA ELECTRONIC DISTANCE MEASURING UNIT PERCOLLESSES USED IN THIS SURVEY WERE STREET AND REVERSE ANGLES. NO CORRECTION NECESSARY. METERS WERE SIGHTED AND STATE STANDARD SET BY NAD 83-130-960.

LEGEND

- ★ FOUND MONUMENT AS NOTED
 - SET IRON NAIL AS NOTED
 - SET REBAR & CAP AS NOTED
 - CATCH BASIN
 - SANITARY SEWER MANHOLE
 - FINISHED FLOOR ELEVATION
 - ELECTRIC METERS
 - SPOT ELEVATION
 - WATER METERS
 - UNLIT "WINDSHIELD LINDEN"
 - FIRE HYDRANT
 - STORM DRAIN MANHOLE
 - WATER VALVE
 - ELECTRIC WALK
 - TELEPHONE POLE
 - TELEPHONE MANHOLE
 - CABLE RISER
 - ADJUSTED SURFACE
 - RET. WALL
 - CONC SURFACE
 - STAIRS
 - DECK
- T.P. NO. TAX PARCEL NUMBER
 O.N.A.P.P.R. DRIVEWAY ACCESS
 CONC. CONCRETE
 P.C.P. PROPERTY-OF-WAY
 () RECORD AS NOTED
- RAISED LANE STRIPE
 BUILDING LINE
 CENTERLINE OF ROAD
 PROSPECT
 EAVES
- CHERRY TREE (NOT SHOWN TO SCALE)
 TRUNK DIA. SHOWN IN INCHES
 PINE TREE (NOT SHOWN TO SCALE)
 TRUNK DIA. SHOWN IN INCHES.
- WALK TREE (NOT SHOWN TO SCALE)
 TRUNK DIA. SHOWN IN INCHES.

VICINITY MAP - P.T.E.



measure success

TOPOGRAPHIC & BOUNDARY SURVEY
 NW 1/4 OF THE SW 1/4 OF SEC. 17, TWP. 28N., RGE. 3E., N.M.
 CITY OF KIRKLAND, KING COUNTY, WA.
BARTO RESIDENCE
 4817 LAKE WASHINGTON BOULEVARD N.E.
 KIRKLAND, WA. 98033



Geodimens ons
 Geodimensons & Co., 30822 1st Street, Suite 482, Bellevue, WA 98004
 206-425-1318 FAX 206-425-1319
www.geodimensons.com

JOB NUMBER:	12062
DATE:	03/08/2012
DRAFTED BY:	V.L.J.
CHECKED BY:	E.J.G.
SCALE:	1" = 10'
1 OF 1	

AFTER RECORDING RETURN TO:

Hecker Wakefield & Feilberg, P.S.
321 First Avenue West
Seattle, WA 98119



20100827000728

HECKER WAKEFIE EAS 248.00
PAGE-001 OF 013
08/27/2010 12:59
KING COUNTY, WA

DOCUMENT TITLE(S) of transactions contained therein):

1. Driveway and Vehicular Access Easements, Maintenance Agreement and Extinguishment of Existing Easement

GRANTOR(S) (Last name first, then first name and initials):

1. 4625 Lake Washington, LLC
2. The Crum Family Trust U/A, dated August 18, 1993
3. The Nine Two Five Trust

GRANTEE(S) (Last name first, then first name and initials):

1. 4625 Lake Washington, LLC
2. The Crum Family Trust U/A, dated August 18, 1993
3. The Nine Two Five Trust

LEGAL DESCRIPTION (abbreviated: i.e. lot, block, plat or section, township, range, qtr./qtr.):

1. KIRKLAND SP SS-80-88 LT A LAKE WASHINGTON BLVD BEACH 410450-0046
2. SHORT PLAT SS 80-88 LT B LAKE WASHINGTON BLVD BEACH 410450-0047
3. LOT PT GOV 3 4104500045 STR 17 25 05

REFERENCE NUMBER(S) of documents assigned or released:

Not applicable - only a partial release of a portion of the document.

Additional numbers on Page ___ of document.

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER:

1. 4104500046
2. 4104500047
3. 4104500045

THE AUDITOR/RECORDER WILL RELY ON THE INFORMATION PROVIDED ON THE FORM. THE STAFF WILL NOT READ THE DOCUMENT TO VERIFY THE ACCURACY OR COMPLETENESS OF THE INDEXING INFORMATION.

I am requesting an emergency nonstandard recording for a fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature of Requesting Party

WHEN RECORDED RETURN TO

Name: Hecker Wakefield & Feilberg, P.S.

Address: 321 First Avenue West

City, State, Zip: Seattle, WA 98119

**DRIVEWAY AND VEHICULAR ACCESS EASEMENTS,
MAINTENANCE AGREEMENT,
AND EXTINGUISHMENT OF EXISTING EASEMENT**

Grantors (Seller:) (1): 4625 Lake Washington, LLC (2): The Nine Two Five Trust
(3): The Crum Family Trust U/A, dated August 18, 1993
Grantees (Buyer) (1): The Nine Two Five Trust (2): 4625 Lake Washington, LLC
(3): The Crum Family Trust U/A, dated August 18, 1993

Legal Descriptions (abbreviated):

KIRKLAND SP SS-80-88 LT A LAKE WASHINGTON BLVD BEACH 410450-0046
SHORT PLAT SS 80-88 LT B LAKE WASHINGTON BLVD BEACH 410450-0047
LOT PT GOV 3 4104500045 STR 17 25 05

Assessor's Tax Parcel ID#: 4104500046
4104500047
4104500045

RECITALS

THIS AGREEMENT is entered into this 26th day of August, 2010, by and between 4625 Lake Washington LLC, a limited liability company, (hereinafter "4625, LLC") Grantor/Grantee, The Nine Two Five Trust, (hereinafter "925 Trust") Grantor/Grantee; and The Crum Family Trust U/A, dated August 18, 1993 (hereinafter the "Crum Trust"), Grantor/Grantee.

WHEREAS, 4625, LLC is the owner of the following described real property:

Lot A, City of Kirkland Short Plat No. SS-80-88 (K434W) Bergsma, recorded under recording No. 8107170723 and amended under recording No. 8207210410. Being a portion of the following: Government Lot 3, in

Section 17, Township 25 North, Range 5 East, Willamette Meridian, in King County, Washington; (being known as a portion of Tract 9, Lake Washington Boulevard Beach, According to the unrecorded Plat thereof).

County of King, State of Washington.

King County Parcel No. 4104500046

and commonly known as: 4625 Lake Washington Blvd. NE, Kirkland, WA 98033

(hereinafter collectively "Parcel A");

WHEREAS, The Crum Trust is the owner of the following described real property:

Parcel B of amended King County Short Plat No. SS-80-88, recorded under recording No. 8207210410 being an amendment of King County Short Plat recorded under recording No. 810710723, all being a portion of Government Lot 3, in Section 17, Township 25 North, Range 3 East, Willamette Meridian, in King County, Washington;

(also known as a portion of Lot 9, Lake Washington Boulevard Beach, an unrecorded plat)

TOGETHER WITH SHORELANDS ADJOINING.

Situate in the City of Kirkland, County of King, State of Washington.

King County Parcel No. 4104500047

Commonly known as: 4627 Lake Washington Blvd. N.E., Kirkland, WA 98033

(hereinafter "Parcel B");

WHEREAS, The 925 Trust is the owner of the following described real property:

Please see attached Exhibit "A" which is incorporated herein by reference.

County of King, State of Washington.

Situate in the City of Kirkland, King County Parcel No. 410450045

Commonly known as: 4621 Lake Washington Blvd. N.E. Kirkland, WA 98033

(hereinafter "Parcel C");

WHEREAS, Parcel A is improved land, a portion of which abuts Lake Washington Boulevard NE. and is accessed via a Driveway (hereinafter "Driveway");

WHEREAS, Parcels B and C are improved land which have been historically accessed via the Driveway which runs over portions of Parcel A and Parcel C and provides vehicular and pedestrian ingress and egress to Lake Washington Boulevard N.E.;

WHEREAS, the parties desire to adjust title and the easements thereon to accurately reflect the configuration of the Driveway and to provide for vehicular access to their respective garages and parking areas;

WHEREAS, the parties also desire to provide an easement over the existing paved portions of Parcels A, B and C which have historically been utilized for vehicular maneuverability and to access the parties' respective garages and parking areas.

WHEREAS, the parties also intend to extinguish an abandoned driveway easement;

NOW THEREFORE, in consideration of the mutual promises and covenants contained in this Agreement, the receipt and sufficiency of the consideration being hereby acknowledged, the parties agree as follows:

AGREEMENT

The above Recitals are incorporated by reference into this portion of the Agreement as though more fully set forth herein.

Driveway Easement

1. 4625, LLC hereby conveys and grants a non-exclusive easement benefiting Parcels C and B over, under, above and across the following approximately described portion of Parcel A:

Beginning at a point on the East Boundary line of Parcel A which is eighteen feet and two inches (18'2") North of the Southeast corner of Parcel A; thence South sixteen feet (16') along the East Boundary of Parcel A; thence Southwest approximately twenty three feet (23') in a straight line to a point intersecting the Northeast Corner of Parcel C; thence west along South boundary line of Parcel A to a point which is 99.72 feet West of the Southeast corner of Parcel A; thence north eight feet in a line perpendicular to the West Boundary Line of Parcel A; thence East in a line perpendicular to the South Boundary line of Parcel A to a point which is eight feet due north of the Northeast corner of Parcel C; thence Northeast in a straight line to the True Point of Beginning.

2. The 925 Trust hereby conveys and grants a non-exclusive easement benefiting Parcels A and B over, under, above and across the following approximately described portion of Parcel C:

Beginning at a point on the Northeast Corner of Parcel C, thence West 56.95 feet along the North Boundary Line of Parcel C; thence South Eight feet (8') in a line perpendicular to the East Boundary of Parcel C, thence East in a line perpendicular to the North boundary line of Parcel C to a point on the East boundary line of Parcel C; thence North eight feet (8') to the True Point of Beginning.

(hereinafter collectively the "Driveway Easement").

3. The purpose of the Driveway Easement is to provide access for vehicular and pedestrian ingress and egress and future utilities easement for Parcels A, B and C. Said use shall include ingress and egress and such other uses as the owners may deem necessary for construction, repair or improvement of their properties.

4. The parties recognize that the Driveway Easement is an approximate description of the existing Driveway and it is the intention of the parties that the Driveway Easement remain in its present location. Thus, the Easement may be adjusted as necessary to conform to the actual location of the Driveway if any parts of the legal descriptions herein are found to be in conflict with the existing dimensions of the Driveway.

5. There shall be no parking of any vehicles on the Driveway Easement.

6. A map depicting a rough approximation of the Driveway Easement is attached hereto and labeled as Exhibit B. The map is not to scale and is for illustrative purposes only.

Vehicular Access and Turnaround Easement

1. 4625, LLC hereby conveys and grants a non-exclusive easement benefiting Parcel B and C over, under, above and across the West twenty feet of Parcel A, excluding portions that consist of landscaping and excluding the area below the 8 foot overhang of the existing balcony of the house on Parcel A, which is more fully described as follows:

Beginning at a point on the Southwest corner of Parcel A; thence North along the West Boundary Line of Parcel A to the Northwest corner of Parcel A; thence East twenty feet (20') along the North Boundary Line of Parcel A; thence South in a line perpendicular to the West boundary of Parcel A to the point of intersection with South Boundary Line of Parcel A; thence West along the South Boundary of Parcel A to the True Point of Beginning.

2. The Crum Trust hereby conveys and grants a non-exclusive easement benefiting Parcel A and C over, under, above and across the East fifteen feet (15') of Parcel B, excluding any portion consisting of landscaping, which is more fully described as follows:

Beginning at a point on the Southeast corner of Parcel B; thence West fifteen feet along the South Boundary Line of Parcel B; thence North in a line perpendicular to the East Boundary of Parcel B to the point of intersection with the North Boundary of Parcel B; thence East along the North Boundary Line of Parcel B to the Northeast corner of Parcel B; thence South along the

East boundary of Parcel B to the True Point of Beginning.

3. The 925 Trust hereby conveys and grants a non-exclusive easement benefiting Parcels A and B over, under, above and across the paved driveway area of Parcel C, excluding any portion consisting of landscaping or garage, which is more fully described as follows:

Beginning at a point on the North Boundary Line of Parcel C which is 90.81 feet East of the Northwest corner of Parcel C; thence East 28.75 feet along the North Boundary of Parcel C; thence South 18 feet in a line perpendicular to the West boundary of Parcel C; thence West 28.75 feet in a line perpendicular to the South boundary line of Parcel C; thence North 18 feet to the True Point of Beginning.

(hereinafter collectively "Vehicular Access/Turnaround Easement").

4. The purpose of the Vehicular Access/Turnaround Easement is to provide for vehicular access and maneuverability for the respective garages on Parcels A and B and C. Said use shall include ingress and egress and such other uses as the owners may deem necessary for construction, repair or improvement of their properties.

5. The parties recognize that the Vehicular Access/Turnaround Easement is an approximate description of the existing paved portions of Parcels A, B and C which have historically been utilized for vehicular maneuverability. It is the intention of the parties that the Vehicular Access/Turnaround Easement remain in its present location. Thus, the Easement may be adjusted as necessary to conform to the actual location of the utilized pavement if any parts of the legal descriptions herein are found to be in conflict with the existing dimensions of the existing pavement area.

Maintenance Agreement

1. Each owner shall be equally responsible for the costs associated with any maintenance or repair of the Easements.

2. Maintenance and repair shall be as mutually agreed to by a majority of the owners (counting husband and wife and other joint owners as a single owner). Upon such an agreement to maintain and repair, one of the owners shall be designated to contract for the same on behalf of the other owners.

3. Each of the owners shall, in advance of such maintenance and repair, pay to the designated owner, the owner's respective share of the contractor's estimate of the costs thereof, plus 10% of said estimate for contingencies. Upon completion of the maintenance and repair, the owners shall be given an accounting for the total costs thereof. If the total costs are less than the advanced payment, each of the owners shall be given immediate refunds. If the total cost is more than the advanced payment, each owner shall immediately pay his share of the excess as calculated above.

4. In the event an owner fails to pay that owner's share of the above advanced

payment, then the remaining owners may elect to nonetheless proceed with the work and the remaining owners shall thereupon have a Lien as described below for the unpaid amount. If an owner fails to immediately pay his share of any additional costs upon completion of maintenance and repair, then the remaining owner(s) shall also have a Lien therefore as described below.

5. The Lien referred to in Paragraph 4 shall be calculated and perfected as follows: The remaining owner(s) shall be entitled to the actual unpaid amount, plus interest thereon at the highest legal rate in effect at the time said payment is due. A Notice of Lien signed by one or more of the owners on behalf of the remaining owner(s) shall be recorded in King County, Washington. Said Notice of Lien shall include a description of the defaulting owner(s)' property, a reference by recording number to this Agreement; the amount due, including interest; the name of the remaining owner(s) (or their agents for purposes of the Lien in collection) to whom the money is owed; and an address and telephone number through which others interested in the property may communicate with the remaining owner(s) or their agents. Said Lien may be enforced by foreclosure in the same manner as Labor and Materialmen's Liens are foreclosed in the State of Washington, and, in addition to the principal and interest due, the remaining owner(s) shall be entitled to all costs of such foreclosure action, reasonable attorney's fees as the Court shall fix for the foreclosure action, and costs of any collection efforts preceding the foreclosure.

Easement Extinguishment

1. The parties agree to extinguish the Driveway Easement burdening the Northern side of Parcel A as delineated in Amended King County Short Plat No. SS-80-88, recorded under recording No. 8207210410, being an amendment of King County Short Plat recorded under King County Auditor's No. 8107170723 records of the King County Auditor.

2. The parties specifically waive any and all rights and interests of any kind and nature they may have as a result of said easement located on the Northern side of Parcel A.

Additional Agreements

1. The parties waive any claims of adverse possession, prescriptive rights or other rights that diverge from those rights established within this Agreement.

2. The owner of Parcel B and its successors-in-interest will indemnify, defend and hold the owners of Parcel A and C and their successors-in-interest harmless from and against any and all liens, claims, loss, damage or liability arising out of its use of The Driveway Easement.

3. The owner of Parcels A and C and their successors-in-interest will indemnify, defend and hold one another harmless respectively from and against any and all liens, claims, loss, damage or liability arising out of their use of The Driveway Easement.

4. The owner of Parcels A and B and their successors-in-interest will indemnify, defend and hold one another harmless respectively from and against any and all liens, claims, loss, damage or liability arising out of their use of the Vehicular Access/Turn around Easement.

5. Should any party to this Agreement commence any litigation to enforce any

provision of this Agreement, the substantially prevailing party shall be entitled to an award of their reasonable attorney's fees and costs.

6. Unity of title of Parcels A, B and C and the subsequent separation thereof, shall not eliminate or have any impact on the Driveway Easement. The Easements shall not merge with the common ownership.

7. This Agreement shall be a covenant running with the land and shall be binding upon all heirs, successors, and assigns in interest of the owners of Parcels A, B, C and all persons or entities claiming through and under them.

THE CRUM FAMILY TRUST
Dated August 18, 1993

Sterling Crum
By: Sterling Crum
Its: Trustee

NINE TWO FIVE TRUST

Chi-Doooh Li
By: Chi-Doooh Li
Its: Trustee

Jane E. Crum
By: Jane E. Crum
Its: Trustee

4625 LAKE WASHINGTON LLC

David J. Kowalick
By: David J. Kowalick
Its: Member

STATE OF WASHINGTON)
COUNTY OF KING) ss.

On this 25th day of August, 2010, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Sterling and Jane E. Crum, husband and wife, me known to be the Trustees of the Crum Family Trust, dated August 18, 1993, the trust that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said trust, for the uses and purposes therein mentioned, and under oath stated that they are authorized to execute the said instrument.

GIVEN under my hand and official seal this 25th day of August, 2010.

Ranae M. Guzman
Print Name Ranae Guzman
NOTARY PUBLIC in and for the State of Washington,
Residing at Innomish County
My commission expires 6/8/2011



STATE OF WASHINGTON)
COUNTY OF KING) ss.

On this _____ day of August, 2010, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Chi-Dooch Li to me known to be the Trustee of NINE TWO FIVE TRUST, the trust that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said trust, for the uses and purposes therein mentioned, and under oath stated that he is authorized to execute the said instrument.

GIVEN under my hand and official seal this 26th day of August, 2010.

Mira A Diaz
Print Name: Mira A Diaz
NOTARY PUBLIC in and for the State of Washington,
Residing at Seattle, W
My commission expires 8-29-2013



STATE OF WASHINGTON)
COUNTY OF KING) ss.

On this 25th day of August, 2010, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared David Kowalick to me known to be a member of 4625 LAKE WASHINGTON, LLC the Limited Liability Company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said Limited Liability Company, for the uses and purposes therein mentioned, and under oath stated that he is authorized to execute the said instrument.

GIVEN under my hand and official seal this 25th day of August, 2010.

Ranae M. Guzman
Print Name: Ranae M Guzman
NOTARY PUBLIC in and for the State of Washington,
Residing at Snohomish County
My commission expires 6/8/2011



Exhibit "A"

EXHIBIT "A"

PARCEL A:

The southerly 50 feet of the northerly 500 feet of that portion of Government Lot 3, Section 17, Township 25 north, Range 5 east, W.M., in King County, Washington, lying westerly of Lake Washington Boulevard;

EXCEPT that portion thereof described as follows:

Beginning at the westerly line of said Boulevard at the point of intersection with a line drawn parallel to and 451.27 feet southerly from, measured at right angles to the north line of said Government Lot 3; running thence south $89^{\circ}10'11''$ west along said parallel line 42.72 feet; thence south $1^{\circ}47'55''$ west 48.78 feet to intersect a line drawn parallel to and 500 feet southerly from, measured at right angles to the north line of Government Lot 3; thence along said parallel line north $89^{\circ}10'00''$ east 48.54 feet, more or less, to westerly line of said Boulevard; thence north $5^{\circ}02'30''$ west along said westerly line 48.86 feet to point of beginning;

(BEING KNOWN AS a portion of Tract 10, Lake Washington Boulevard Beach, according to the unrecorded plat thereof.)

TOGETHER WITH shore lands adjoining thereto and lying between the northerly and southerly line thereof produced westerly.

PARCEL B:

That portion of the southerly 10 feet of the northerly 450 feet of Government Lot 3, Section 17, Township 25 north, Range 5 east, W.M., in King County, Washington, lying westerly of a line drawn at right angles to the southerly line of said tract from a point 99.72 feet westerly of Lake Washington Boulevard measured along said southerly line;

(BEING KNOWN AS a portion of Tract 9, Lake Washington Boulevard Beach, according to the unrecorded plat thereof.)

TOGETHER WITH shore lands adjoining thereto and lying between the northerly and southerly lines thereof produced westerly;

Exhibit "B"

North



0035 8

157.46 RD ESMT.

103.13 N 88-53-02 W 112.72

410450
0047

4179 ?? 40.1

PCLA

9

RD ESMT. 5520 SF.

PCL B 0047

105.81

3.75 0045

N 88-53-02 W

N 88-53-02 W

42.77

410450
0045

10405 SF

2235 SF

0045

0050

40 +

156.06

48.86

+/- 226.79

KK I.A 89-139

ESMT.

N 88-53-02 W

122

410450

11

-33 W
N 03-10 W
1.28
LAKE WASHIN

Exhibit "B"

October 25, 2014

To: Mr. Tony Leavitt
Planning Department
City of Kirkland
123 Fifth Ave.
Kirkland, WA 98033

Re: Barto Residence (Permit No. VAR13-00426 & SHR13-00427)

Mr. Leavitt,

My name is John Stephanus and I live with my family next door to the proposed development (to the south at 4611).

I have owned our home and lived in Kirkland for almost 20 years now. It is often hard to enter Lake Wash. Blvd. NE (LWB) from our driveway because of the traffic on LWB and the general difficulty of seeing to the north along LWB to see traffic.

If this variance is granted, I am very worried that this situation will be made all the worse. For many years there have been occupants of the Barto residence who have parked to the east of the present structure (between the current structure and the sidewalk). This has made it all but impossible to safely drive out of our driveway onto LWB because of the aforementioned visibility problem. Granting this variance will make this situation permanent, dangerous, and much worse. I fear that it will lead to increased accidents...especially as Kirkland continues to grow in population and LWB continues to be more heavily congested.

So, please do not grant this variance.

Regards,

John Stephanus

October 27, 2014

Tony Leavitt
Associate Planner
City of Kirkland Planning and Community
Development
123 5th Avenue
Kirkland, WA 98033

*Re: Property located at 4617 Lake Washington Boulevard NE
File No. VAR13-00426 & SHR13-00427*

Dear Tony:

Our firm represents Richard Lerz, and he asked us to review the variance and substantial development permit materials submitted for the project located at 4617 Lake Washington Boulevard NE, File No. VAR13-00426 and SHR13-00427. Given the proximity of the 4617 Lake Washington Boulevard NE property to Mr. Lerz's properties, he would like to stay engaged and informed during the permitting process. Based on the materials available in the City's files, we have the following comments and concerns.

1. ACCESS ISSUES

Access has always been a major issue on this site. The plans submitted in 2013 showed access across Mr. Lerz's driveway easement. Neither Mr. Lerz nor the Lake Washington LLC, which owns the single family residence at 4625 Lake Washington Boulevard NE, agreed to this access route. The applicant also contacted the neighbor immediately to the south to request use of his driveway, but permission was not granted, and the applicant was forced to come up with a new proposal.

a. The access route poses a safety risk.

The recently submitted plans show access via two new curb cuts. With only a seven foot front yard setback, cars parked in the northern parking space will be forced to back onto the Lake Washington Boulevard sidewalk and then pull forward out the second curb cut (as depicted on page 3 of the plans). It appears that cars in the southern parking space will need to back into the space off of Lake Washington Boulevard.

This unusual configuration over the public right-of-way poses significant safety concerns as cars back into the sidewalk, bike lane, and roadway. The sightlines are inadequate, and drivers will be forced to blindly back into a main pedestrian and vehicular thoroughfare. Mr. Lerz and his neighbors are also worried about visitors to, and future owners and renters of, the project site. These individuals might not be familiar with the technical ingress/egress patterns necessary for the site, and they could create an even more dangerous situation.

Mr. Lerz prepared the visual diagrams attached as Exhibit A to this letter to illustrate the access configuration and safety risks.

b. The proposal is an improper use of public sidewalk.

The proposal improperly relies on a public sidewalk to provide private turn-around space, and “[i]t is unlawful for any person to either temporarily or permanently use or utilize any portion of a street right-of-way (whether or not improved and including sidewalk or walkway)...for personal use.” KMC 19.04.050. The proposed access route is only possible because of the applicant’s private use of public sidewalk.

c. The proposed curb cuts are problematic.

The two proposed curb cuts are to be made within a few feet of one another and within a few feet of another existing driveway. Typically, curb cuts that are located less than twenty feet from an intersection, which may include a driveway, may only be approved under “unusual circumstances.” *See* KMC 19.12.150. These curb cuts, located so close together, will impair the pedestrian experience on Lake Washington Boulevard. Mr. Lerz is also concerned that the improper spacing of the curb cuts will create unsafe conditions around his driveway.

2. FRONT YARD SETBACK VARIANCE

There is a 30 foot front yard setback requirement in the WDIII zone. KZC 30.35.010. The front yard is “that portion of a lot adjacent to and parallel with any front property lines,” and a front property line “is any property line that is adjacent to a street...” KZC 5.10.775 and 5.10.720. This project seeks a variance from the requirement to set back 30 feet from Lake Washington Boulevard NE.

The variance criteria requires that “[t]he variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole.” KZC 120.20. The proposed front yard setback variance will be detrimental to the surrounding property owners because of the safety hazard posed by the lack of setback. The sightline down the street is materially impaired by the existing structure, and the proposed variance will exacerbate this hazard.

The variance criteria also requires that “[t]he variance will not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this

code allows to other property in the same area and zone as the subject property.” KZC 120.20. The proposed front yard setback variance is inconsistent with the rights afforded to other properties in the same area. The surrounding properties comply with the setback. In fact, one nearby property owner was denied a variance request.

The applicant will likely rely on the variance criteria relating to the “special circumstances” of the site, given the small size of the parcel. However, the setback restrictions existed when the applicant purchased the property. It is our understanding that the applicant purchased the property in 1977. Exhibit B, attached to this letter, includes the setback code requirements from 1977. There was a 20 foot “frontage road and public right-of-way” setback, and all other setbacks were 10 feet. Thus, the applicant bought the property knowing there were front yard setback requirements and that the existing structure violated the setback rules. He took a risk on the site’s “special circumstances.” The City had no obligation to reward the applicant’s risky decision and treat the property different than the surrounding properties.

Based on safety and view concerns, Mr. Lerz and the surrounding neighbors oppose any requested front yard variance. We also note that there is a 10 foot backyard setback requirement that applies in WDIII zones. KZC 30.30.4. Thus, it is not possible for the applicant to move the house closer to the rear property line to address the front yard setback concerns.

3. KIRKLAND COMPREHENSIVE PLAN

In addition to the safety concerns of the immediate neighbors, the lack of setback also impacts the entire Lake Washington Boulevard corridor. The City of Kirkland has been working to improve the pedestrian experience along Lake Washington Boulevard, and this setback variance would have a detrimental impact on the entire community.

The City of Kirkland’s Comprehensive Plan for the Lakeview Neighborhood has a goal of improving vehicle, pedestrian, and bicycle mobility along Lake Washington Boulevard NE. *See* Goal L-10. Within this goal, the City has set the policy of “Enhanc[ing] Lake Washington Boulevard NE as a scenic, recreational, open space and transportation corridor.” *See* Policy L-10.1. This goal and policy are undercut by the proposed site design. Not only will the new curb cuts disrupt the sidewalk for pedestrian users, but the overall design detracts from the scenic character of the neighborhood, which the City explicitly desires to maintain.

From this policy perspective, the proposed access plan is also troubling. Backing into Lake Washington Boulevard is likely to cause traffic back-ups and be dangerous for bicycle users along Lake Washington Boulevard. This project is simply at odds with the City’s agenda to make Lake Washington Boulevard a better transportation corridor for all users.

4. TREE ISSUES

- a. The proposed sidewalk tree creates an additional hazard.

The plan depicts a new tree to be planted between the driveway entrances in the sidewalk area. In Kirkland, intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction. KZC 115.135. Not only will this tree directly obstruct the view down Lake Washington Boulevard from the project's driveway, it will obstruct the view from Mr. Lerz's driveway and the view of oncoming traffic. Mr. Lerz is very concerned about the safety implications of placing a tree as depicted in the plans.

b. The proposal does not depict adequate landscaping.

Aside from the tree to be planted on the sidewalk, the plans do not depict any trees or landscaping on the property. Based on the lot size, the project should have approximately 1.5 tree density credits to meet Kirkland's minimum tree density requirement. KZC 95.33. As an adjacent landowner, Mr. Lerz is concerned that a lack of appropriately-placed greenery on the property will unfairly expose his property to passers-by.

c. There is inadequate information about protection of the significant tree.

A huge maple sits at the corner of Mr. Lerz's driveway easement. This tree is not on the applicant's property. The tree is at least 36 inches in diameter at breast height. The City of Kirkland considers any tree that is at least six inches in diameter at breast height to be a significant tree. KZC 95.10. The maple tree provides screening from Lake Washington Boulevard down to Mr. Lerz's property, and Mr. Lerz wants assurance that the tree will remain unharmed by construction activities.

The notice for the 2013 application included reference to an arborist report, but the report has not been made available for review. The code includes a number of measures that a landowner should take to preserve trees. *See* KZC 95.34. Steps must be taken to protect the significant maple tree and its root system before, during, and after construction.

5. WATER RUNOFF

Mr. Lerz's property is immediately west of the 4617 Lake Washington Boulevard NE property. The topography slopes down toward the lake. Any drainage or water runoff issues associated with the proposed project could have a significant impact on Mr. Lerz's property. We have not seen detailed sewer or drainage plans, but Mr. Lerz is not willing to allow the applicant to tie into any of his existing utilities.

6. NOTICE ISSUES

The public notice sign was posted on the project site on Friday, October 24, 2014. The following code provision sets out the requirements for the public notice sign: "Not more than 10 calendar days after the Planning Official determines that the application is complete, and *at least 18 calendar days prior to the end of the comment period*, the applicant shall provide for and erect public notice signs..." KZC 150.22(2)(b) (emphasis added). You confirmed by

Tony Leavitt
October 27, 2014
Page 5 of 5

email on October 27, 2014 that the end of the comment period is at the close of the public hearing on November 6, 2014. Our email exchange is attached as Exhibit C. The public notice sign should have been posted "at least 18 days prior to the end of the comment period." This means the sign should have been installed before October 19, 2014. The public notice for this project did not comply with code requirements.

Your email on October 27, 2014 also said that you were "still waiting on the additional materials from the applicant and they should be submitted in the next day or so." I requested the applicant's justification for the variance request on October 9, 2014. *See* Exhibit C. That information still is not available. This is a critical component of the application. The community is being asked to comment on an incomplete application, and there has not been a notice of application provided, as required by KZC 150.22. Given the widespread concern with this project, these public notice provisions are essential.

In conclusion, there are significant issues with this project. The proposed access route is a substantial safety hazard. The front yard setback variance does not meet the variance criteria and constitutes a request for special treatment. Both the access route and the variance are counter to Kirkland's Comprehensive Plan. There are also tree and water runoff issues that have not been resolved. Public notice has not been provided as required by the code.

Mr. Lerz wants to be sure that his property interests and the community's interests are protected during this process and urges the City to deny the proposal.

Very truly yours,

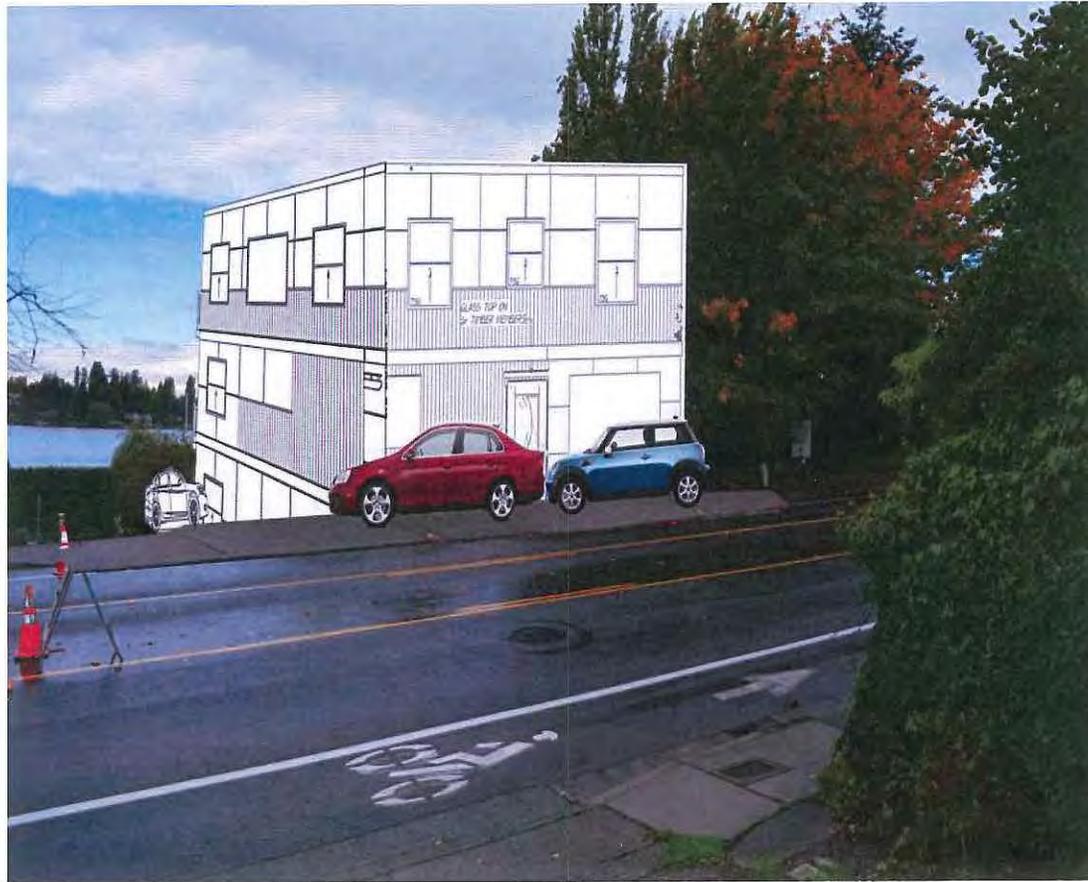


Holly D. Golden

HDG:vh
E-Mail: hdg@hcmp.com
Direct Dial: (206) 470-7656
Fax: (206) 623-7789

ND: 21589.002 4836-1931-1904v2

**LERZ COMMENT LETTER
EXHIBIT A**



ENTERING THE GARAGE (PROPOSED PLAN)

WAITING FOR THE GARAGE DOOR TO OPEN



ENTERING THE GARAGE, THE VEHICLE BLOCKS THE SIDEWALK



BACKING OUT OF THE GARAGE ONTO LWB



FACT:

THE PROPOSED SETBACK IS 7 FEET (AREA FROM SIDEWALK TO HOUSE)

FACT:

THE CURRENT SIDEWALK IS 6 FEET, INCREASING TO 10 FEET

FACT:

THE MAXIMUM LENGTH USED BY A VEHICLE WITHOUT BLOCKING THE BICYCLE LANE AND STREET IS 17 FEET



FACT:

A VEHICLE MUST BE A MINIMUM DISTANCE EQUAL TO, OR GREATER THAN THE VEHICLE'S WIDTH, FROM AN OBJECT, TO COMPLETE A 45% TURN

FACTS:

VEHICLE WIDTHS:

TOYOTA PRIUS: 5.8 FEET

RANGE ROVER DISCOVERY: 6.2 FEET

DODGE CHALLENGER: 6.2 FEET

MINI COOPER: 5.6 FEET

TOYOTA CREW CAB: 6.7 FEET

MERCEDES E350: 6.1 FEET



Safety Concerns!

VEHICLE'S (WIDTH) + (LENGTH) – (17 FEET) =
THE DISTANCE A VEHICLE WILL OBSTRUCT
TRAFFIC

TOYOTA PRIUS: 3.6 FEET

(5.8 + 14.8 – 17)

RANGE ROVER DISCOVERY: 4.4 FEET

(6.2 + 15.2 – 17)

DODGE CHALLENGER: 6 FEET

(6.2 + 16.8 – 17)

MINI COOPER: .71 FEET

(5.6 + 12.11 – 17)

TOYOTA CREW CAB: 8.7 FEET

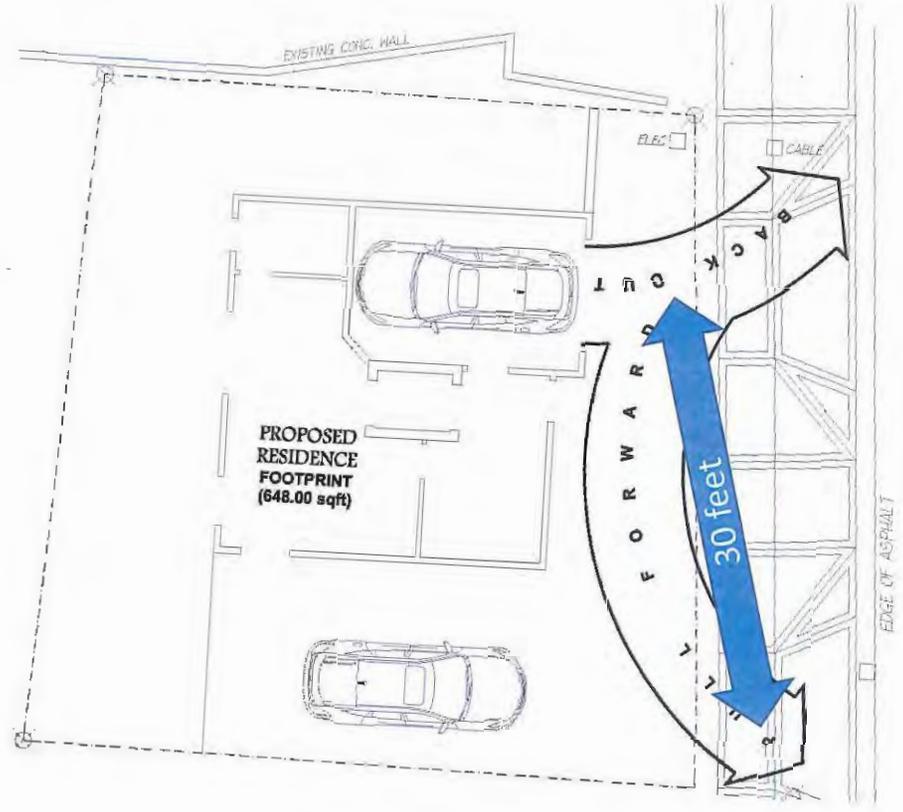
(6.7 + 19 – 17)

MERCEDES E350: 5.1 FEET

(6.1 + 16 – 17)



Exiting through the 7 foot driveway



LAKE WASHINGTON BOULEVARD N.E.

DRIVEWAY-SIDEWALK

AFTER BACKING OUT OF THE GARAGE, THE VEHICLE MUST MAKE A 180 DEGREE TURN TO AVOID ILLEGALLY BACKING ONTO BUSY LAKE WASHINGTON BLVD NE



DRIVEWAY - SIDEWALK

BECAUSE THE DRIVEWAY IS ONLY 7 FEET WIDE AND 30 FEET LONG, THE 15 FOOT LONG VEHICLE IS REQUIRED TO USE MOST OF THE SIDEWALK TO ATTEMPT THE TURN



SAFETY CONCERN!

TO COMPLETE THE TURN, THE VEHICLE MUST BACKUP ON THE SIDEWALK AND REALIGN TO ALLOW ENOUGH SPACE TO COMPLETE THE TURN.

ILLEGAL U-TURN!

IF THE DESTINATION IS REQUIRING NORTH TRAVEL ON LAKE WASHINGTON BLVD NE, THE VEHICLE IS FORCED TO COMPLETE ALMOST 90% OF THE 360 DEGREE TURN ON LAKE WASHINGTON BLVD NE, THEREFORE MAKING AN ILLEGAL AND DANGEROUS U-TURN.



PARKING IN THE 7 FOOT WIDE DRIVEWAY



ILLEGAL USE OF SIDEWALK - CODE KMC 19.04.050

“IT IS UNLAWFUL FOR ANY PERSON TO EITHER TEMPORARILY OR PERMANENTLY USE OR UTILIZE ANY PORTION OF A STREET RIGHT-OF-WAY (WHETHER OR NOT IMPROVED AND INCLUDING SIDEWALK OR WALKWAY)...FOR PERSONAL USE.” *KMC 19.04.050.*



Photo Source:
King County
Tax Records



PARKING IN THE 7 FOOT WIDE DRIVEWAY



SIDEWALK HAZARDS

LOADING AND UNLOADING VEHICLES UTILIZE THE SIDEWALK



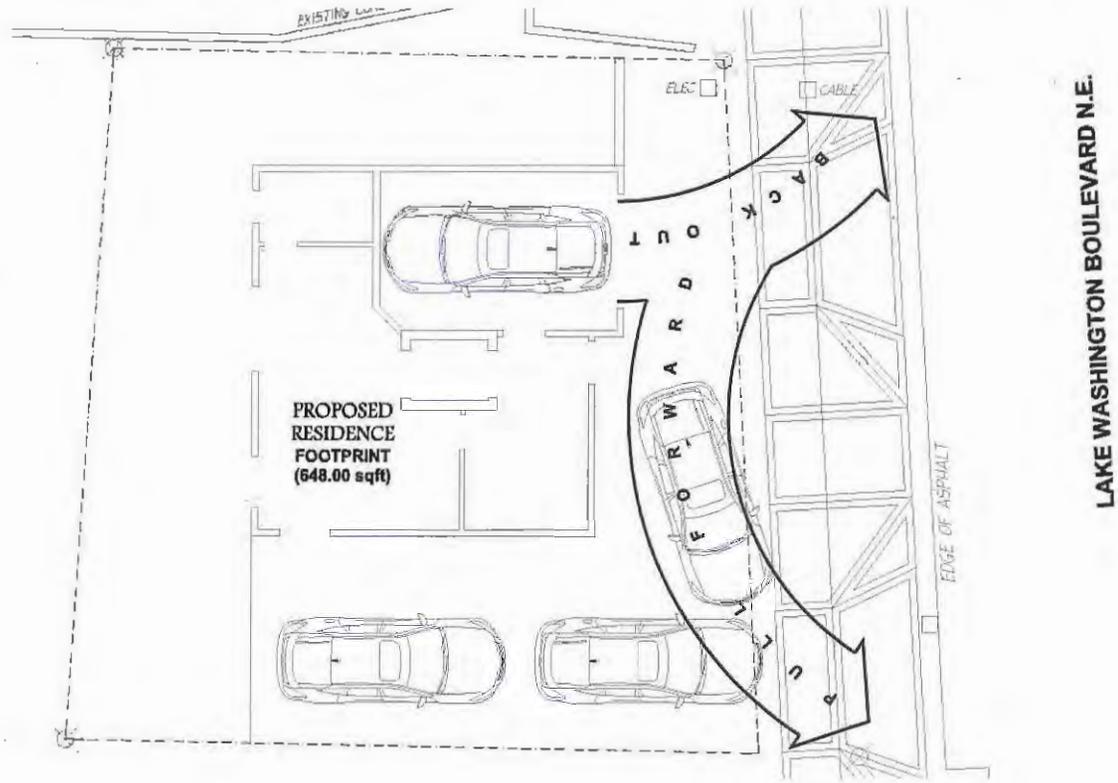
PEDESTRIANS AND BICYCLISTS ARE FORCED TO MOVE CLOSER TO BUSY TRAFFIC



PROPOSED PARKING PAD



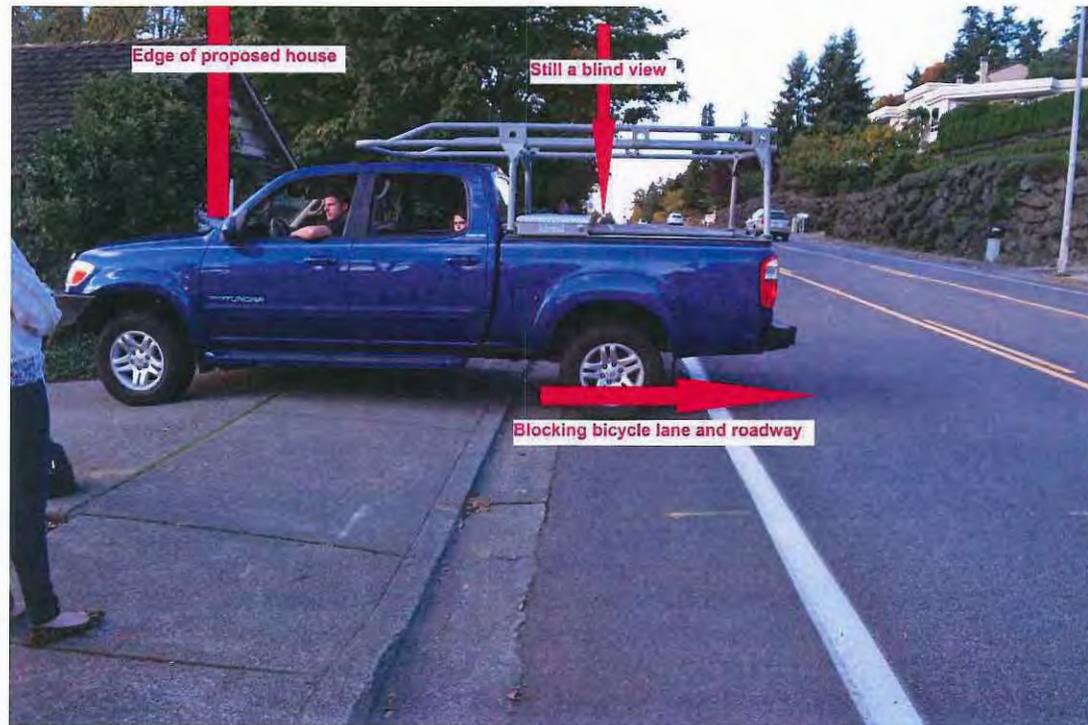
2 CARS PARKED IN THE PAD WOULD FORCE VEHICLES IN THE GARAGE AND DRIVEWAY TO BACK ONTO LWB



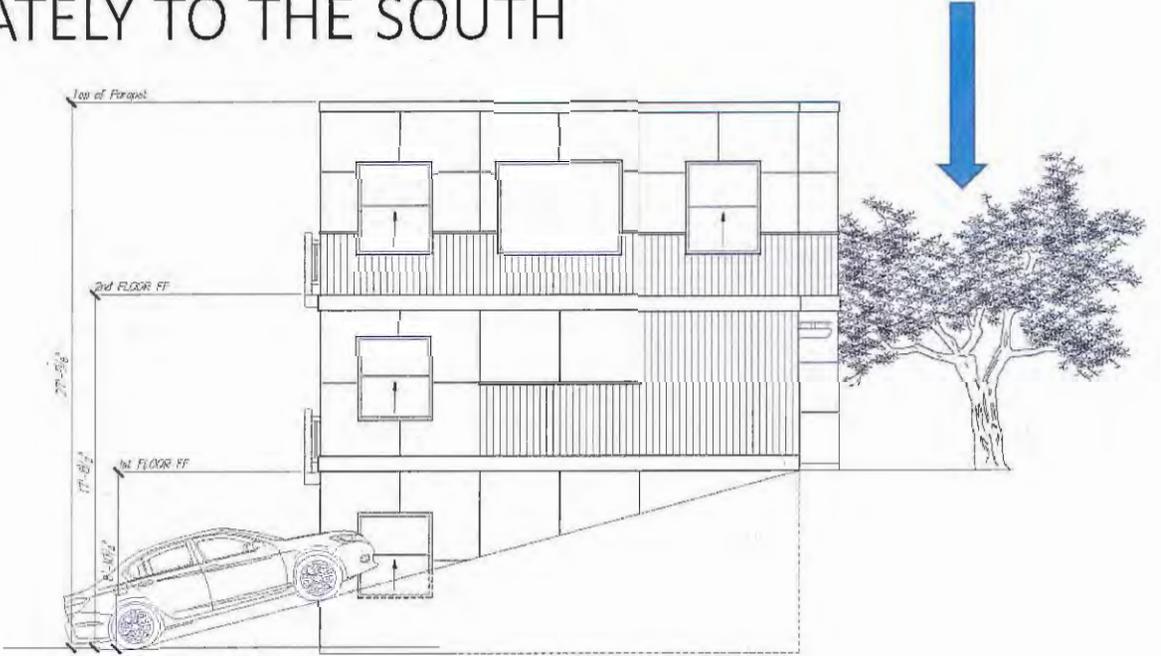
BACKING OUT FROM THE PARKING PAD IS DANGEROUS!



BACKING OUT FROM THE PARKING PAD IS DANGEROUS!



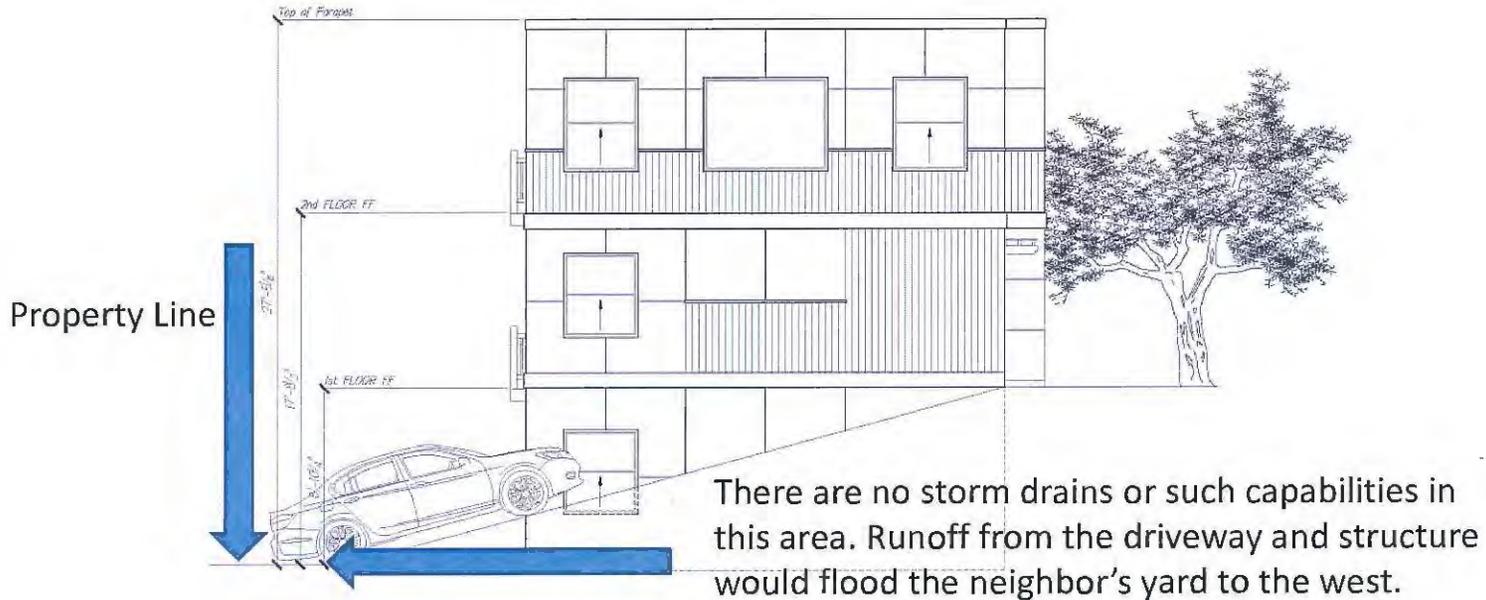
THE PROPOSED TREE PLANTED IN THE MIDDLE OF THE SIDEWALK IS AN INCREASED HAZARD TO RESIDENTS IMMEDIATELY TO THE SOUTH



PROPOSED SOUTH ELEVATION (LEFT)

SCALE: 1/4"=1'-0"

STORM DRAINS DO NOT EXIST



PROPOSED SOUTH ELEVATION (LEFT)

SCALE: 1/4"=1'-0"

TYPICAL SUNDAY TRAFFIC AND PEDESTRIAN USE



**LERZ COMMENT LETTER
EXHIBIT B**

WATERFRONT DISTRICT I

1977-1988 zoning code

Setbacks. All structures except where noted in other sections, shall conform to the following setbacks.

a. CUP Conditions:

- (1) Frontage road and public right-of-way. Structures shall have a minimum setback of twenty (20) feet from the frontage road or other public right-of-way. A ten (10) foot setback area may be permitted if the setback area is designed and landscaped as an integral part of the fronting pedestrian way and approved as an element of a conditional use permit, unclassified use permit or a planned unit development. In any front setback area, no vegetative materials, signs, or other man-made elements shall be constructed within three (3) feet and eight (8) feet above the street level as not to impair the vision from vehicles when entering the right-of-way and crossing the fronting pedestrian way.

- (2) High water line. The high water line setback shall be at least fifteen percent (15%) of the average parcel depth or fifteen feet, whichever is greater.
(continued)

b. PUD Provisions:

- (1) Frontage road and public right-of-way. Generally the same as the CUP Conditions.

The reduced setback has two purposes:

- (a) To better utilize the front setback area as an urban space.
- (b) To offset the high water line setback area which may, in the long run, be utilized for a water edge pedestrian tra

- (2) High water line. Same as the CUP Conditions. This setback may be slightly modified by the Planning Commission, due to topographic conditions, such as a steep bank or other features improving public access to the water.

23.12.052 Setbacks: (continued)a. CUP Conditions:

Man-made structures or hedges shall not be permitted in this setback area with the exception of piers, boat launching ramps, public facilities and other elements which improve public access to the water. Single family dwelling units may construct a fence or hedgerow in this setback area, if the height does not exceed three (3) feet above the existing grade. Balconies may be permitted to extend five (5) feet into this setback area.

(3) North Property line.

The north property line setback shall be 1.5 times the building height and may be measured ten (10) feet into the adjoining property to the north.

The minimum setback distance shall be thirty percent (30%) of the lot frontage. The building height and setback relationship shall follow the existing grade level along the north property line. See Figure 1. Fences, hedges or other such devices shall not be permitted in the setback area if the height exceeds three (3) feet
(continued)

b. PUD Provisions:(3) North property line.

The buildings or structures shall be arranged as not to substantially obstruct sunlight from structures on adjacent property and from open spaces at times of peak use.

The design shall demonstrate, in any event that the concept for a north property line setback, which is described in the CUP Conditions, is fulfilled, and that proposed deviations are in harmony with general design objectives of this District. See Figure 1.
(continued)

23.12.052 Setbacks: (continued)

a. CUP Conditions:

above the centerline of the frontage road, or three (3) feet above the existing grade, whichever offers the greatest view potential of the lake. Balconies may be permitted to extend five (5) feet into this setback area.

b. PUD Provisions:

This setback is required for the following reasons:

- (a) To permit sunlight to enter rooms in adjacent structures.
- (b) To minimize looking into facing windows in adjacent structures, and; to allow openness between structures for visual access to the water and use as open space. The shadow created by the structures should be determinant when considering use for this space.

This setback may be reduced under the following conditions:

- (a) A combined plan for the setback areas between the adjacent property owners and executed as one project, or,
- (b) Use of the setback area for a public pedestrian access to the water or other purposes consistent with the District.

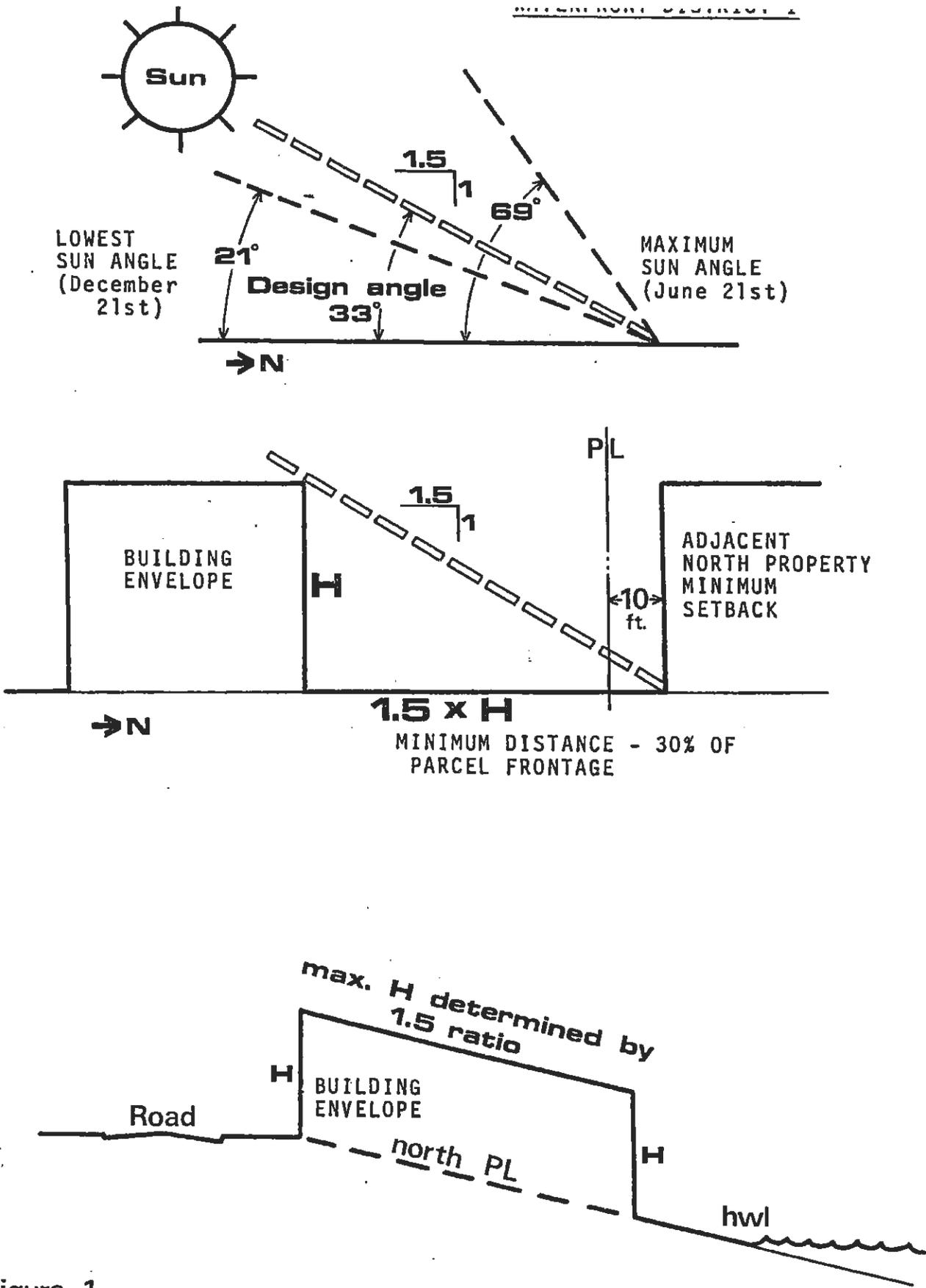


Figure 1

23.12.052 Setbacks: (continued)

a. CUP Conditions:

(4) South property line or other setbacks.
The south property line or other setbacks shall be at least ten (10) feet. Fences, hedges or other such elements shall not be permitted in this setback area if their height exceeds three (3) feet above the center line of the frontage road or three (3) feet above the existing grade, whichever offers the greatest view potential of the lake. Balconies may be permitted to extend five (5) feet into this setback area.

(5) Parking setbacks.
Automobile or other vehicle storage shall not be permitted over submerged lands within the high water line setback area, within the frontage this setback area or closer than five (5) feet to other property lines and shall be visually buffered from the water, frontage road and adjacent properties. Visual buffering requirements can be found in Section 23.40.060 of the Zoning Ordinance. This section would be modified to conform to the setback height limitations.

(continued)

b. PUD Provisions:

(4) South property line or other setbacks.
The south property line setback shall be designed to enhance the visual access to the water between buildings and shall generally conform to the CUP Conditions. Refer to Section 23.28.090(1) of the Zoning Ordinance for guidelines for structures exceeding the height limits permitted in this district.

(5) Parking setbacks.
In order to reduce the visual impact of the automobile and other vehicles or boats, parking shall be hidden from view with respect to the water, frontage road and adjacent properties. The CUP Conditions shall generally apply. Any feasible means of minimizing the visual impact of automobiles in the waterfront area will be considered. The side property line conditions may be waived by the

(continued)

23.12.052 Setbacks: (continued)

a. CBP Conditions:

Parking may be permitted in the front setback area if it is entirely below grade and covered. See Figure 2 for examples.

b. PUD Provisions:

Planning Commission if the adjacent owners agree, in writing to a joint parking solution and that is executed as one project.

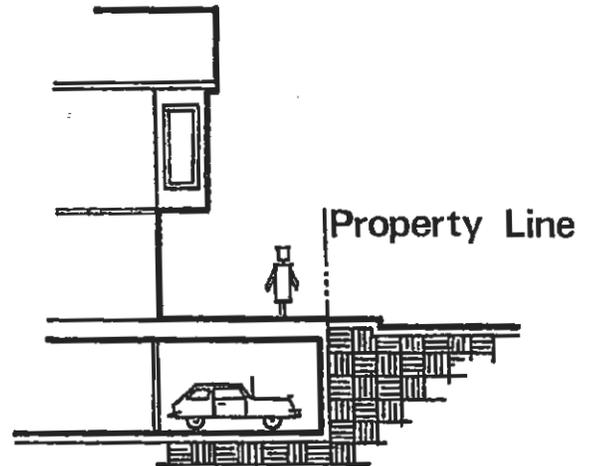
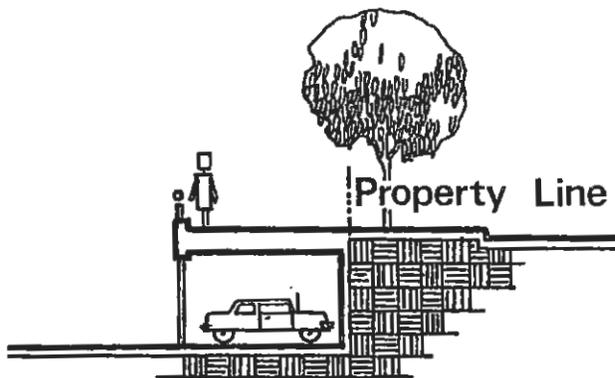


Figure 2

**LERZ COMMENT LETTER
EXHIBIT C**

From: Tony Leavitt [mailto:TLeavitt@kirklandwa.gov]
Sent: Monday, October 27, 2014 8:47 AM
To: Holly D. Golden
Subject: RE: 4617 Lake Washington Boulevard

Holly,

The end of the comment period is at the close of the public hearing on November 6th. I am still waiting on the additional materials from the applicant and they should be submitted in the next day or so.

Tony Leavitt, Associate Planner

City of Kirkland Planning and Community Development
123 5th Avenue; Kirkland, WA 98033
Phone: 425.587.3253
Fax: 425.587.3232
tlevitt@kirklandwa.gov

Work Hours:

Monday: 6:30am to 2:30pm

Tuesday thru Thursday: 6:30am to 4:00pm

Friday: 9:00am to 2:30pm

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From: Holly D. Golden [mailto:holly.golden@hcmp.com]
Sent: Monday, October 27, 2014 8:32 AM
To: Tony Leavitt
Subject: RE: 4617 Lake Washington Boulevard

Hi Tony,

One more quick question – is the end of the comment period on November 6? I’ve seen the notice of public hearing, but not the notice of application, for the project.

Thanks,
Holly

From: Holly D. Golden
Sent: Thursday, October 23, 2014 3:38 PM
To: 'Tony Leavitt'
Subject: RE: 4617 Lake Washington Boulevard

Hi Tony,

Has the applicant submitted the updated variance letter? Are there any other new materials in the file?

Thanks!

Holly

From: Tony Leavitt [mailto:TLeavitt@kirklandwa.gov]
Sent: Tuesday, October 14, 2014 10:06 AM
To: Holly D. Golden
Subject: RE: 4617 Lake Washington Boulevard

Holly,
Attached is the variance request letter that was submitted with the original application. I have requested that the applicant update this and will send you a copy when I get it. Thanks.

Tony Leavitt, Associate Planner
City of Kirkland Planning and Community Development
123 5th Avenue; Kirkland, WA 98033
Phone: 425.587.3253
Fax: 425.587.3232
tlevitt@kirklandwa.gov

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From: Holly D. Golden [mailto:holly.golden@hcmp.com]
Sent: Thursday, October 09, 2014 11:09 AM
To: Tony Leavitt
Subject: RE: 4617 Lake Washington Boulevard

Tony,

Thanks for sending this along. Are there any other materials relating to justification for the variance? The submission from 2013 also mentioned an arborist report. Is that report available?

Holly

From: Tony Leavitt [mailto:TLeavitt@kirklandwa.gov]
Sent: Thursday, October 09, 2014 8:29 AM
To: Holly D. Golden
Subject: RE: 4617 Lake Washington Boulevard

Holly,

We actually received revised plans last week (attached). Now that we have plans that address the access issue, we are scheduling the project for the public hearing. The hearing will be November 6th at 9am. Comments can be submitted up until the close of the hearing.

Tony Leavitt, Associate Planner

City of Kirkland Planning and Community Development
123 5th Avenue; Kirkland, WA 98033
Phone: 425.587.3253
Fax: 425.587.3232
tleavitt@kirklandwa.gov

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www.ideasforum.Kirklandwa.gov*

Tony Leavitt

From: Dave Kowalick <david.kowalick@gmail.com>
Sent: Tuesday, October 28, 2014 7:05 AM
To: Tony Leavitt
Subject: Barto Variance Request

Mr. Leavitt,

I am the owner of 4625 Lake Washington Blvd and a neighbor of the Barto property. I sincerely sympathize with Mr. Barto's desire to maximize use of his property but I do have to share some concerns about the proposed variance.

The application does not appear consistent with the Kirkland Zoning Code or the Kirkland Comprehensive Plan. The reduction in set back to 7 feet poses significant safety concerns to pedestrians, bicyclists, and drivers along Lake Washington Boulevard NE. Please deny this variance request.

Sincerely,

Dave Kowalick
For 4625 Lake Washington LLC
425-444-4888

Tuesday, October 28, 2014

To: Rich Lerz
Subject: Variance Request – City of Kirkland 4617 Lake Washington Boulevard
File No.VAR13-00426

Dear Rich:

Based on my extensive experience with Kirkland Real Estate including recent experience with properties on Lake Washington Boulevard, I would say these high end properties tend to be particularly sensitive to neighboring properties and any anomalies with them. Based on what I have read about the subject proposal, there are several aspects of this proposal that I believe could adversely affect neighboring property values. Specifically;

- The high flow of traffic on Lake Washington Boulevard creates a challenge entering and exiting from the lakefront properties currently (with the existing setbacks). This proposal could pose a significant degradation of visibility for neighboring properties entering and exiting their driveway, creating safety issues for the property owners as well as pedestrians, other drivers, and bicyclists.
- Allowing only a 7 foot setback will facilitate construction of a larger home than would normally be allowed which will create a negative aesthetic impact to the neighboring homes.
- Allowing construction of a larger home than would normally be allowed may also drive value per square foot valuations lower for a given lot size, artificially penalizing existing homeowners who have obeyed the current setback requirements.

Additionally, if this proposal is approved, it will create a precedent which may propagate further applications of this reduced setback creating a lasting and more significant impact on property values throughout this neighborhood for the reasons outlined above.

Sincerely,



Lynn Sanborn

Managing Broker – Premier Associate
Windermere Real Estate Yarrow Bay



+1 206 227 5966

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Windermere Real Estate Yarrow Bay | 3933 Lake Washington Blvd. Suite 100, Kirkland, WA 98033 |
Office: 425-822-5100 | Email: lynn@windermere.com

Tony Leavitt

From: John Barnett <johnandyokobarnett@gmail.com>
Sent: Wednesday, October 29, 2014 1:10 PM
To: Tony Leavitt
Subject: VAR13-00426 and SHR13-00427

Dear Mr. Leavitt,

Re subject, I live a few doors north and have been driving or walking daily past the subject house for 25 years. Kirkland is a wonderful city and I am grateful that it has not become a 2nd Bellevue. Just yesterday a Seattle friend said he wants to move to Kirkland for its small town feeling. But he would never consider Bellevue. Let's keep this good feeling.

I believe that the subject variance if approved cannot be a positive improvement to our city. For all of the reasons in "Concerned Lakeview Residents" I believe a variance should not be granted.

Thank you.

John Barnett
4823 Lake Washington Blvd NE
Kirkland, WA 98033
yjb1@frontier.com

Tony Leavitt

From: Michael Deitch <petporcheman@aol.com>
Sent: Wednesday, October 29, 2014 10:17 AM
To: Tony Leavitt
Cc: mbrashen@comcast.net
Subject: Barton variance lk wash blvd ne

I oppose the setback variance from an aesthetic and safety standpoint . It also would decrease values of some properties in the area esp 4611 and 4613 lk wash blvd ne as it would create a alley effect on that driveway as well as making access onto lake wash blvd difficult to see oncoming cars Variances have been denied before in that area and we should be consistent in rulings

Respectfully summited ,
Michael J Deitch 4613 lk wash blvd ne Kirkland wash

Sent from my iPhone

Tony Leavitt

From: Dan S <danjsperry@gmail.com>
Sent: Wednesday, October 29, 2014 4:35 PM
To: Tony Leavitt
Subject: Opposition of Variance VAR13-00426 / SHR13-00427

Tony Leavitt, Associate Planner
City of Kirkland Planning and Community Development

Opposition of Variance VAR13-00426 / SHR13-00427

Dear Mr. Leavitt,

My family and I currently reside at 4625 Lake Washington Blvd NE. We are very concerned with the proposed variance request submitted to the city (VAR13-00426 / SHR13-00427). This plan lacks any concern for the safety of pedestrians and bicyclists. My children are 7 and 10 years old. For safety reasons we **do not** use the bike lane but rather prefer to use the sidewalk when riding our bikes to and from town and neighboring parks. My biggest concern is the effect on pedestrian safety which would result from having a home that close to the sidewalk and street. If/when the occupant of the home needs to exit their garage/driveway they will have no choice but to fully obstruct the sidewalk and pedestrian right of way until they have clear passage onto Lk WA Blvd. At a minimum a safety/traffic study should be completed to determine the safety of the proposed residence's ingress/egress before any consideration is given to the issuance of the variance. I guarantee you that any pedestrian/cyclist that is injured by being forced off the sidewalk and into traffic from a vehicle exiting the home by backing out onto the sidewalk/blvd will result in lawsuit that could have a costly impact to the city of Kirkland.

Please keep our neighborhood safe by denying this variance.

Sincerely,

Dan

&
Regina Sperry

I check email *most* days and will reply as soon as I am able. If it's urgent, please feel free to call me at [206-650-1155](tel:206-650-1155).

Tony Leavitt

From: Gary Shelton <sheltongms@gmail.com>
Sent: Friday, October 31, 2014 3:40 PM
To: Tony Leavitt
Subject: FW: Var 13-00426

From: Gary Shelton [<mailto:sheltongms@gmail.com>]
Sent: Friday, October 31, 2014 3:34 PM
To: tlevitt@kirklaandwa.gov
Subject: Var 13-00426

We at Yarrow Cove Condo. Are very much against the variance to allow construction within 7 feet of LW Blvd. With all the runners, walkers, bicycles and way too much car traffic. This project can't be safe for all the folks that use Lake Washington Blvd.

Thanks

GS

Tony Leavitt

From: mbrashem@comcast.net
Sent: Friday, October 31, 2014 12:17 PM
To: Tony Leavitt
Subject: Proposed residence variance VAR13-00426, SHR13-00427

Dear Sir,

I have just received information regarding the proposed residence variance as indicated above.

I oppose the requested variance because I believe the safety of pedestrians and autos will be seriously impinged as a result of limited vision resulting from the proposed residence too close to the street. There is a huge amount of traffic on Lake Washington Boulevard and access to the street is already difficult.

Respectively,

Martin Brashem 4817 Lake Washington Blvd. NE, Apt.6 Kirkand, WA 98033

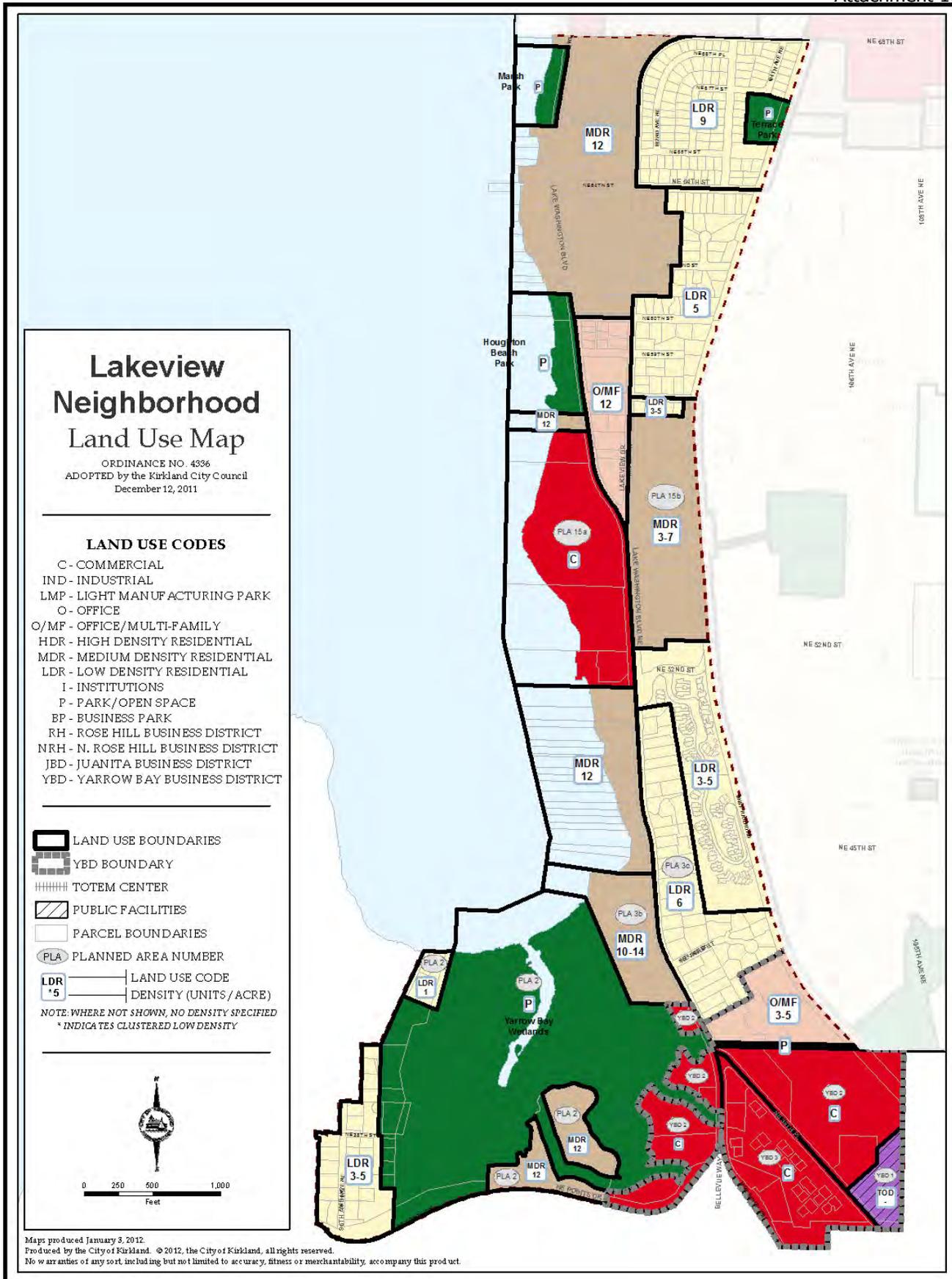


Figure L-1: Lakeview Land Use

