



CITY OF MERCER ISLAND

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Setback Deviation

A **deviation from yard setbacks** may be granted by the Code Official on any lot with a critical area that makes it impractical to locate a building pad on the lot except by intruding into required yards. A deviation may be applied to single lots, subdivisions and lot line revisions. As stated in MICC 19.02.020(C)(4)(e), a setback deviation allows for yard setbacks to be reduced to not less than the following minimums:

- Front and rear setbacks may not be reduced to less than **10 feet** each
- Side setbacks may not be reduced to less than **five feet**

A deviation is an administrative decision which is made after the mailing of a public notice to residents within 300' of the property and posting of the site for at least 14 days. The applicants are responsible for posting the site with a City furnished sign (subject to a refundable deposit) in a location that is visible to the public right of way.

PRE-APPLICATION: Applicants are encouraged to participate in informal meetings with City staff. Call Development Services Staff at (206) 275-7605 to schedule a pre-application meeting. Meetings with the staff provide an opportunity to talk about the proposal in conceptual terms, identify the applicable City requirements, and discuss the project review process.

APPLICATION: In granting any such deviation, the code official may require the submission of any reasonably necessary information including the elements listed below. All applications for projects shall be submitted to the City on forms provided by the Development Services Group. An application shall contain all information required by the applicable development regulations, and shall include the following:

1. Application Fees: **See Development Application for current fees**
2. Completed application form
3. A verified statement by the applicant that the subject property is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all of the property owners.
4. A legal description of the site and parcel number.
5. Two copies of a site survey (see MICC 19.07.060, Reports and Surveys) showing all existing natural and built features and all proposed structures.
6. Identify the Building Pad for each lot (must be exclusive of all setbacks, right-of ways, and critical areas; No cross section dimensions shall be less than 20 feet and old growth or specimen trees must be preserved.)
7. A site plan that clearly illustrates required yard setbacks and requested yard setbacks.
8. Setback deviations for lot line revisions shall be recorded on final approved documents.
9. Neighborhood Detail Map at 1"=100' scale showing nearest public street, adjacent property lines and adjacent property addresses. This map shall show the property boundaries of the surrounding parcels within approximately five feet (500'), or approximately two thousand five hundred feet (2,500') for properties over four (4) acres, and identifying the subject site with a darker perimeter line than that of the surrounding properties.
10. The applicant's response to the Setback Deviation criteria (see below).

DETERMINATION OF COMPLETENESS: The City can not accept an incomplete application, per MICC 19.15.020(C)(1). If upon further review, the City determines that the application information provided is incomplete, within twenty-eight (28) days after receiving a permit application the City shall mail or personally provide a written determination to the applicant stating the inadequacies of the application. If the applicant fails to provide the required information within 90 days of the notification of incompleteness, the application shall lapse. The applicant may request a refund of the application fee minus the City's cost of determining the completeness of the application.

CRITERIA FOR APPROVAL OF A SETBACK DEVIATION MERCER ISLAND CITY CODE, CHAPTER 19.15.020 (G)(5)

The following issues must be addressed in narrative form and will be used in the decision of your application. Please be detailed in your response. It is the applicant's burden of proof to show the Code Official that they meet the minimum requirements for a setback deviation. **Please attach extra sheets if necessary.**

A. Is your request for a change in use allowed in the zoning district? YES NO

B. Explain why the granting of the setback deviation will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated.

C. Explain how granting of the setback deviation will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property.

D. Explain how the setback deviation is consistent with the policies and provisions of the Comprehensive Plan and the Development Code.

E. Explain how the location of the critical area on the subject lot makes it impractical to locate a building pad on the lot except by intruding into the required front or rear yard setback.

An application for a deviation involves substantial time, expense, and risk for a property owner. The application does not guarantee approval. The request must meet difficult criteria, and applicants are proceeding "at their own risk".

Signature of Property Owner

Date

Site Address