



# MEDINA, WASHINGTON

## HEARING EXAMINER

Remote Public Hearing

Tuesday, October 19, 2021 – 2:00 PM

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### AGENDA

#### Virtual Meeting Participation

City of Medina's city hall is currently closed to the public. The scheduled variance hearing will be held using remote meeting technology. Please either log in or call in a few minutes prior to the start of the meeting to participate. Written comments may still be submitted prior to the hearing by emailing Stephanie Keyser, Planning Manager at [skeyser@medina-wa.gov](mailto:skeyser@medina-wa.gov). These comments are given the same weight as public testimony.

Join Zoom Meeting

<https://us06web.zoom.us/j/81773818956?pwd=c05rVmVYQTZBZDZsZHRtWmNweFVPUT09>

Meeting ID: 817 7381 8956

Passcode: 046120

One tap mobile +12532158782,,81773818956#,,, \*046120# US (Tacoma)

#### Public Hearings:

**NOTE:** *The Hearing Examiner has the discretion to limit testimony to relevant non-repetitive comments and to set time limits in order to ensure an equal opportunity is available for people to testify.*

#### PRE-DECISION HEARING:

**File No.:** P-21-044 Non-Administrative Variance

**Proposal:** Non-Administrative Variance to increase the maximum height by 5-feet for a maximum height of 30 feet from the low point of original grade and a maximum elevation of 75'-4 ¼"

**Location:** 3450 Evergreen Point Road

**Time:** 2:00 PM



# CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144  
TELEPHONE 425-233-6400 | [www.medina-wa.gov](http://www.medina-wa.gov)

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## STAFF ANALYSIS AND RECOMMENDATION ANASIS NON-ADMINISTRATIVE VARIANCE APPLICATION

Prepared by: Stephanie Keyser, AICP, Planning Manager  
Date: October 12, 2021

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**Summary of Recommendation:** No recommendation.

### PART 1 – GENERAL INFORMATION

CASE NO: P-21-044

LOCATION: 3450 Evergreen Point Road

TAX PARCEL NO: 242504-9134

PROPERTY OWNER: Anasis Family Trust (owner)

APPLICANT: Todd Beyerlein of Hodemaker Pfeiffer, LLC (agent)

#### LEGAL DESCRIPTION:

IN GL 5 BEG AT NE COR OF GL 6 TH E 20.686 FT TO E LN OF CO RD TH N 14-39-28  
W ALG RD 155.12 FT TO TRUE BEG TH N 14-39-28 W ALG RD 118.521 FT TH N 57-  
00-00 E 305 FT M/L TO PRESENT SHORE LN OF LAKE WASHINGTON TH SELY ALG  
SHORE LN 112.5 FT M/L TH S 57-00-00 W 345 FT M/L TO TRUE BEG & SHORE LANDS  
ADJ LESS NLY ½

PROPOSAL: Non-administrative variance for 5 additional feet for a maximum height of 30-feet from the low point of original grade and a maximum elevation of 75'-4 ¼"

ZONING: Single Family Residence, R-20

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential

CRITICAL AREAS: Erosion hazard

ENVIRONMENTAL (SEPA) REVIEW: The proposal is exempt from environmental (SEPA) review pursuant to WAC 197-11-800(6)(e).

#### EXHIBITS:

1. Staff Report
2. Declaration of Agency, received June 3, 2021
3. Statutory Warranty Deed, received June 3, 2021
4. Legal Notices
  - a. Notice of Complete Application, dated June 9, 2021
  - b. Notice of Application, dated June 18, 2021

- c. Notice of Hearing, dated September 30, 2021
- 5. Non-Administrative Variance application, received June 3, 2021
- 6. Drawings, received June 3, 2021
- 7. Original Grade Determination dated November 17, 2020, received June 3, 2021
- 8. Site Plan, received June 3, 2021
- 9. Public Comments
  - a. Brad and Gail Husick, 3602 Evergreen Point Road, via email June 21, 2021
  - b. Alan L. Wallace on behalf of Brad and Gail Husick, via email July 2, 2021
  - c. Alan L. Wallace on behalf of Brad and Gail Husick, via email September 13, 2021

## **PART 2 – SITE CHARACTERISTICS**

**EXISTING CONDITIONS:** The subject property is developed with a single-family residence. The lot slopes from west to east. Existing, mature vegetation grows along the southern perimeter of the lot.

### **SURROUNDING ZONING:**

<b>Direction</b>	<b>Zoning</b>	<b>Present Use</b>
North	R-20 District	Residential
South	R-20 District	Residential
East	N/A	Lake Washington
West	R-20 District	Residential

**ACCESS:** Ingress and egress is from Evergreen Point Road

## **PART 3 – COMPREHENSIVE PLAN**

It is the basic policy of the City to retain and promote the high-quality residential setting that has become the hallmark of the Medina community.

The following comprehensive plan goals and policies apply to the proposed project:

LU-G1: To maintain Medina's high-quality residential setting and character.

H-G1: The City shall preserve and foster housing development consistent with Medina's high-quality residential setting.

## **PART 4 – AGENCY REVIEW/PUBLIC COMMENT**

### **NOTICES:** (Exhibit 4)

Application received:	June 3, 2021
Determination of Completeness:	June 9, 2021
Notice of Application:	June 18, 2021
Notice of Hearing:	September 30, 2021

The application was received on June 3, 2021, and was determined complete on June 9, 2021, pursuant to MMC 16.80.100. A Notice of Application was issued on June 18, 2021, by mailing to property owners pursuant to MMC 16.80.140(B)(2); posting on-site; and posting at other public

notices locations (City Hall, Medina Post Office, Park Board, and City of Medina website). A 14-day comment period was used pursuant to MMC 16.80.110(B)(7). A Notice of Hearing was issued on September 30, 2021, consistent with MMC 16.80.120. The notice was mailed to property owners pursuant to MMC 16.80.140(B)(2), published in *The Seattle Times* newspaper, and posted on the site and other public notices locations (City Hall, Medina Post Office, Medina Park Posting Board, and City of Medina website).

**GENERAL PUBLIC COMMENTS:** The following comments were received as of October 5, 2021 (Exhibit 9a-c):

Who	Summary of Comments
Brad and Gail Husick 3602 Evergreen Point Road  <i>Emailed June 21, 2021</i>	<ul style="list-style-type: none"> <li>• Objects to the variance request due to the proposal having material impact on the use and enjoyment of their property</li> </ul>
Alan L. Wallace On behalf of Brad and Gail Husick  <i>Emailed July 2, 2021</i>	<ul style="list-style-type: none"> <li>• Attorney on behalf of Brad and Gail Husick objects to the variance</li> </ul>
Alan L. Wallace On behalf of Brad and Gail Husick  <i>Emailed September 13, 2021</i>	<ul style="list-style-type: none"> <li>• Attorney on behalf of Brad and Gail Husick rescinds the letter of objection from July 2, 2021.</li> <li>• Brad and Gail Husick strongly support the 5-foot variance request</li> </ul>

**AGENCY COMMENTS:** No agency comments were received.

## PART 5 – STAFF ANALYSIS

### GENERAL:

1. Anasis Family Trust is the owner and taxpayer of record of the property identified as 3450 Evergreen Point Road, tax parcel no. 242504-9134, according to King County Department of Assessments and the Statutory Warranty Deed (Exhibit 3). The property owner has designated Todd Beyerlein of Hodemaker Pfeiffer, LLC (applicant) as the agent for this project (Exhibit 2).
2. The property is zoned R-20 and is approximately 19,251 square feet (.44 acres) in size. The lot is rectangular shaped with maximum overall dimensions of approximately 356 feet in length and 56 feet in width. The lot is developed with a single-family dwelling and related site improvements, including driveway and landscaping.
3. The applicant is requesting relief to increase the maximum height by 5-feet for a maximum height of 30-feet from the low point of original grade and a maximum elevation of 75'-4 1/4".

### STATE ENVIRONMENTAL POLICY ACT (SEPA):

4. Pursuant to WAC 197-11-800(6)(e), the processing of a variance based on special circumstances applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density, are exempt from environmental (SEPA) review. The variance request qualifies for this exemption.



## DEVELOPMENT STANDARDS:

5. The property is zoned R-20. Table 16.23.050(A) and MMC 16.23.060 set forth the methods and standards for establishing the maximum height envelope for buildings and structures within the R-20 zone and provide property owners two options regarding height:
  - a. Height Bonus. A height bonus is available to properties that are zoned either R-20 or R-30. This bonus allows maximum building heights of 36-feet measured from the lowest point of original or finished grade and 30-feet measured from the highest point of original or finished grade, and whichever grade has the lower upper elevation is what is used. The proposal, as requested, complies with this height, however MMC 16.23.050(3)(a) states that properties are only eligible to use this if the structural coverage does not exceed 13-percent, or 2,503 square feet; OR
  - b. Standard Height. The standard height in Medina is either 25-feet from the low point of original grade or 28-feet from the low point of finished, and whichever grade has the lower upper elevation is what is used (Table 16.23.050(A)). When a property owner utilizes this option, the maximum structural coverage is determined by Table 16.23.020(B). For this parcel, that is 21.5% or 4,139 square feet.
  - c. Requested Height. The variance request is for a maximum height of 30-feet from the low point of original grade with a structural coverage of 18.5-percent, or 3,564 square feet. The height complies with the bonus option, however the structural coverage exceeds the maximum allowance. The request exceeds the standard height requirement however is less than the standard structural coverage.
6. Although not a component of this variance request, the City evaluated the proposal's compliance with setbacks. Table 16. 22.030(A) establishes minimum setbacks. A 19,251 square foot lot requires a setback distance of 30-feet from the front property line and 10-feet from each side yard property line.

## NON-ADMINISTRATIVE VARIANCE:

7. Pursuant to MMC 16.72.030(C) and MMC 16.80.060(C), a non-administrative variance application is processed as a Type 3 decision. The Hearing Examiner is authorized to hear and decide non-administrative variance application requests pursuant to MMC 2.78.070 and MMC 16.803.060(C).
8. The applicant has requested a variance from dimensional development standards for maximum height limitations in the R-20 zoning district.
9. MMC 16.72.030(E) sets forth certain limitations on the granting of a non-administrative variance. This includes:
  - a. *Relief from dimensional standards where the application of the dimensional standard would result in an unusual or unreasonable hardship due to physical characteristics of the site.*

The applicant is requesting relief from dimensional development standards for 5 additional feet for a maximum height of 30-feet from the low point of original grade and a maximum elevation of 75'-4 ¼".

- b. *Evidence of other variances granted under similar circumstances shall not be considered in the granting of a non-administrative variance.*

The applicant has not cited any other variance applications to provide justification for granting this application.

- c. *No variance shall be granted ... to alter any definition or interpretation of this title; to alter a provision establishing a use within a zoning district; or to alter any procedural provisions.*

The applicant is seeking relief from dimensional development standards for maximum height limitations in the R-20 zoning district. The application does not involve altering any definitions or interpretations, or establishing a use not permitted within the R-20 zone, nor does it alter any procedural requirements of the municipal code.

10. The applicant provided information addressing the approval criteria set forth in MMC 20.72.030(F):

- a. *The variance does not constitute granting of special privilege inconsistent with the limitations upon uses of other properties in the Property's vicinity and zone.*

APPLICANT RESPONSE: Our proposal involves the creation of a new residential structure whose height is lower than adjacent structures on neighboring properties and lower than the current structure present on site. In exchange for an increased height limit, we propose an offsetting reduction in allowable structural coverage such that the overall building envelope bulk restriction on this property remains similar to what is allowed outright in the land use code.

STAFF ANALYSIS: The property is zoned R-20 Single-Family Residence, and a detached single-family dwelling is a permitted use pursuant to MMC 16.21.030. The granting of the variance would not alter this use. The proposal is, therefore, consistent with the limitations on uses of other properties in the vicinity and in the R-20 zone.

- b. *The variance is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the property is located.*

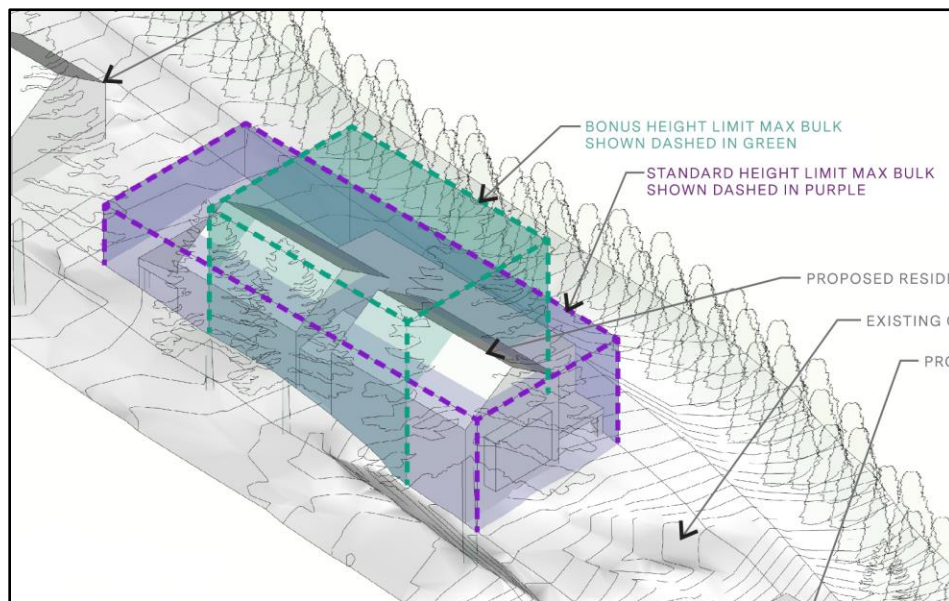
APPLICANT RESPONSE: With a site area of 19,251 square feet, fitting a 3 bedroom house and garage on the property is a reasonable expectation. This property is unusually narrow, however, and contains a significant grade drop across its length. That combination of traits make these basic program goals impossible to achieve without forcing the new structure's design to appear out of character with its surroundings. The property owners wish to create a home that blends harmoniously with its context, yet cannot do so without the relief requested despite the fact that the proposed structure is lower in height than those that surround it.

**STAFF ANALYSIS:** The applicant has identified the site's width and topography as special circumstances. The proposal includes a detached garage and a single-family residence. The location of the proposed detached garage is in roughly the same location as the existing residence which necessitates siting the proposed residence further down the sloping property, which results in a lower original grade<sup>1</sup> point. Whether the variance is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of this property, to provide it with use rights and privileges permitted to other properties in the vicinity and in this zone are for the Hearing Examiner to determine.

- c. *The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must be related to the land itself and not to problems personal to the applicant.*

**APPLICANT RESPONSE:** If the site had the same amount of area but was slightly wider in profile, this relief would not be necessary. A wider building, likely shorter east to west, could be designed to alleviate the issue. Similarly, if the site were flatter, the building design would not need to bury so much of its program below grade. Either way, it is the site profile and shape that combine to create a severe set of restrictions.

**ANALYSIS:** The applicant has identified the width and topography of the site as a material hardship. It should be noted that the request will be used to essentially create an 8:12 roof (See Figure 1, below). Whether these constitute a material hardship related to the land itself is for the Hearing Examiner to decide.



**Figure 1: Excerpt of Exhibit 6 showing the code permissible height configurations for this property in purple and green. The variance request in white is essentially to be able to construct the peaks of the 8:12 roof.**

<sup>1</sup> Height in the R-20 zoning district is measured from the low point of either original grade or finished grade and whichever grade results in the lower *upper* elevation is what is used (MMC 16.23.080).

- d. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.*

APPLICANT RESPONSE: The proposal has little to no impact on neighboring properties. In fact, it is being requested largely to ensure that the new structures appear consistent with the neighboring context. Views are not reduced, existing construction will be respected, and trees will be preserved wherever possible.

STAFF ANALYSIS: The request is for five additional feet from the low point of original grade. It should be noted that due to the surrounding topography, this proposal will result in a structure that is lower than both the existing structure and the surrounding houses. This reduction in height will not create new view blockages for neighbors. The proposal will not cause a change in the use of the property and will encompass the same height profile as the existing residence. Once construction is completed, this proposal will not create new impacts from noise, light or traffic.

- e. *The variance is the minimum necessary to provide reasonable relief.*

APPLICANT RESPONSE: Not only does this proposal request the minimum necessary height to allow for the structure desired, it proposes an offsetting reduction in structural coverage. This represents a commitment on the part of the property owners to comply with the code's intended restrictions on building bulk.

STAFF ANALYSIS: The applicant is requesting a variance to construct a new single-family residence. The applicant evaluated alternative methods including remodeling the existing structure and building the new home to current code requirements using either the standard or bonus height. The applicant determined that this request, which asks for more height but reduces the structural coverage to 18.5% of the lot, would be the least negatively impactful to the site and the surrounding properties and is the minimum necessary to provide reasonable relief. Whether this request for a variance is the minimum necessary to provide reasonable relief is for the hearing examiner to determine.

## PUBLIC COMMENTS

11. As of the writing of this staff report, this proposal received three (3) public comments, all from or on behalf of the same property owners, Brad and Gail Husick, who reside at 3602 Evergreen Point Road. The first comment (Exhibit 9a) was an email from the Husicks, generally objecting to the variance request. The second comment (Exhibit 9b) was sent by Alan L. Wallace on behalf of Gail and Brad Husick and provided further comments on the objection to the variance request.

As a matter of policy, whenever comments are received by the City they are forwarded to the applicant to respond to. Between July 2, 2021, and September 13, 2021, attorneys for the subject property (3450 Evergreen Point Road) and the neighboring property (3602 Evergreen Point Road) entered into discussions on the variance request. Story poles were erected on 3450 Evergreen Point Road to illustrate the variance height request in relation to constructing a code compliant structure. Upon further discussion, on September 13, 2021, Alan L. Wallace sent a letter rescinding the Husicks objection to the variance and now strongly supporting it (Exhibit 9c).

## PART 6 – CONCLUSION

1. Pursuant to MMC 2.78.070 and MMC 20.80.060(C), the Hearing Examiner has the authority to hold a public hearing and decide non-administrative variance applications. The applicant has requested the non-administrative variance for 5 additional feet for a maximum height of 30-feet from the low point of original grade and a maximum elevation of 75'-4 1/4".
2. Proper notice for this public hearing has been provided. Notices was posted on the property and mailed to surrounding property owners within 300 feet or 3 parcels depth, which is greater but not to exceed 1,000 feet, published in the Seattle Times newspaper on September 30, 2021, more than 15 days prior to the date of the hearing (Exhibit 4c).
3. Pursuant to MMC 20.72.030(F), a non-administrative variance application may only be approved if the following criteria are met:

- a. *The variance does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located.*

CONCLUSION: See Analysis 15. The Hearing Examiner will need to conclude whether this criterion is satisfied.

- b. *The variance is necessary, because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.*

CONCLUSION: See Analysis 15. The Hearing Examiner will need to conclude whether this criterion is satisfied.

- c. *The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant.*

CONCLUSION: See Analysis 15. The Hearing Examiner will need to conclude whether this criterion is satisfied.

- d. *The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.*

CONCLUSION: See Analysis 15. The Hearing Examiner will need to conclude whether this criterion is satisfied.


- e. *The variance is the minimum necessary to provide reasonable relief.*

CONCLUSION: See Analysis 15. The Hearing Examiner will need to conclude whether this criterion is satisfied.

## PART 7 – STAFF RECOMMENDATION

As a matter of policy, staff does not make a recommendation on non-administrative variance applications. If the request for a non-administrative variance is granted, however, staff recommends the following conditions be included:

1. Relief from the zoning height is limited to a maximum height of 30-feet from the low point of original grade and a maximum elevation of 75'-4 1/4".
2. All other zoning and development regulations applicable to the project shall be followed.
3. Pertinent construction permits shall be obtained prior to starting construction activity.
4. An approved non-administrative variance shall expire if within one year of the date the decision of the non-administrative variance becomes final, a complete building permit application is not submitted. A six-month extension may be granted pursuant to MMC 20.72.030(H).

  
\_\_\_\_\_  
Stephanie Keyser, AICP  
Planning Manager

10/12/2021  
Date



DEVELOPMENT  
SERVICES

# OWNER'S DECLARATION OF AGENCY

# A-05

501 EVERGREEN POINT ROAD MEDINA, WA 98039  
PHONE: 425-233-6414/6400

Project Address 3450 Evergreen Point Road Parcel No. 242504-9134

I/We RoseMary Reed do hereby declare and affirm that I/we are:

- ☐ the owners or contract purchasers of the above property  
☒ an officer or representative of Anasis Family Trust, a Washington corporation or trust which is the owner of the above property. I am duly authorized by this entity to represent the above property in matters of ownership, land use, and construction. Attached, please find a copy of the Power of Attorney or other document by which I have been appointed.

## AGENCY

I/We are applying for one or more permits for development of the above property. I/We understand that the proposed work may also include additional permits for land use approvals.

For the purposes of applying for the applicable permits and managing the owner's responsibility for compliance with the approved plans and any land use permits associated with this project, I/we

- ☐ will act as my own agent  
☒ do hereby appoint Hoedemaker Pfeiffer LLC to act as my agent in dealing with the City of Medina in all acts and decisions related to processing the application for permit, review and approval of the application, authorization of revisions, and coordination of required inspections and project approvals.

## AGREEMENT TO CONDITIONS

I/We agree as a condition of this permit:

- To comply with all applicable codes, ordinances, laws and conditions of approval in effect at time of permit issue.
- To ensure that all work shall be done in accord with the approved plans and specifications, which shall not be modified without the prior approval of the Building Official. I/We will provide all data and details of revisions to the approved plans to the City prior to undertaking any work that differs from the approved plans. The official approved plans for the project shall be those plans that are stamped and dated as approved by the City of Medina.
- To inform all contractors, subcontractors and workers of these conditions and any project mitigation requirements agreed to, and I/we will enforce compliance thereto.
- To maintain the approved plans, all correction notices, all inspection reports, and all permit documents on the project site and readily available to the inspectors.
- To ensure that requests are made to the City for the required inspections. Failure to notify the Development Services Department that the work is ready for inspection may necessitate the removal of some of the construction materials at the owner's expense in order to perform required inspections.
- To cause all certifications required by the City to be completed and to reconcile the permit fees upon completion of the work. I/We understand that the City will not issue a Certificate of Completion or a Certificate of Occupancy until these documents are completed.
- I/We acknowledge that consultant fees may be incurred as a result of the review and inspection of the proposed work. I/We agree to be responsible for the payment of these fees and understand that the payment of these fees is required prior to issuance of a Certificate of Occupancy.

## SALES TAX

All contractors and vendors must report sales taxes for transactions in the City of Medina on quarterly combined excise tax returns. The 4-digit location code for the City of Medina is 1718.

## OWNER OR OFFICER/REPRESENTATIVE NAME AND SIGNATURES

I HAVE READ, UNDERSTOOD AND AGREE TO THE ABOVE REQUIREMENTS.

Signature RoseMary Reed Date 03/22/2021

Name RoseMary Reed

Exhibit 3

After Recording Return To:

RoseMary Reed  
Stokes Lawrence, P.S.  
1420 Fifth Avenue, Suite 3000  
Seattle, WA 98101-2393

Document Title:	Statutory Warranty Deed
Reference Number(s) of Documents Assigned or Released:	N/A
Grantor(s):	RoseMary Reed, successor trustee of the Anasis Family Trust dated February 13, 2008 who acquired title as James K. McBain, Trustee of the Anasis Family Trust dated February 13, 2008
Grantee(s):	RoseMary Reed, successor trustee of the Anasis Family Trust dated February 13, 2008
Legal Description:	<p>Ptn. Gov't. Lot 5, Sec. 24, Twn. 25N., Rng. 4E, W.M. Property Address: 3450 Evergreen Point, Medina, WA</p> <p>PCL A MEDINA BLA #2008-02 REC# 20080627900020 Property Address: 3440 Evergreen Point, Medina, WA</p>
	<i>Complete legal descriptions on pages 3-4 of document.</i>
Assessor's Property Tax	242504-9134-09
Parcel/Account Number(s):	242504-9128



Exhibit 3

### STATUTORY WARRANTY DEED

The undersigned Grantor, RoseMary Reed, successor trustee of the Anasis Family Trust dated February 13, 2008 who acquired title as James K. McBain, Trustee of the Anasis Family Trust dated February 13, 2008, for no monetary consideration, hereby conveys and warrants to the Grantee RoseMary Reed, successor trustee of the Anasis Family Trust dated February 13, 2008, all interest in the real property in King County, Washington that is legally described on the attached Exhibits A and B, which by reference are incorporated herein, including any interest therein which the Grantor may hereafter acquire.

Dated: March 10, 2021.



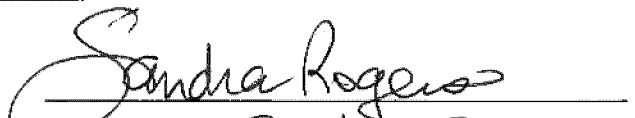
RoseMary Reed, Successor Trustee

STATE OF WASHINGTON       )  
  ) ss.  
COUNTY OF KING        )

I certify that I know or have satisfactory evidence that RoseMary Reed, is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: March 10<sup>th</sup>, 2021.



  
[PRINT NAME] Sandra Rogers

NOTARY PUBLIC for the State of  
Washington, residing at Everett.  
My appointment expires: 11-18-24

Exhibit 3

EXHIBIT A

Parcel 242504-9134-09

That portion of Government Lot 5, Section 24, Township 25 North, Range 4 East, W.M. in King County, Washington described as follows:

Beginning at the Northeast corner of Government Lot 6 of said Section;  
Thence South 89°58'39" East 20.68 feet to the Easterly line of West & Winn County road;  
Thence along said road line, North 14°39'28" West 155.21 feet to the true place of beginning;  
Thence along said road line, North 14°39'28" West 59.28 feet;  
Thence North 57° East 325 feet, more or less, to the present shore line of Lake Washington;  
Thence Southeasterly along said shore line 58.25 feet, more or less, to a point which is North 57° East from the true place of beginning;  
Thence South 67° West 345 feet more or less, to beginning;  
(being known as a portion of Tracts 7 and 8, Evergreen Point Tracts, according to the unrecorded plat thereof);

TOGETHER with shorelands fronting thereon lying between the production Northeasterly of the Northwesternly and Southeasterly boundaries of said tract;

Situate in the County of King, State of Washington.

Abbreviated Legal: Ptn. Gov't. Lot 5, Sec. 24, Twn. 25N, Rng. 4E., W.M.

Tax Parcel Number(s): 242504-9134-09

**Subject To:**

1. Matters set forth by survey:  
Recorded: August 13, 1982  
Recording No.: 8208139009
2. Side Sewer Easement and the terms and conditions thereof:  
Width: 5 feet  
Located along the line as constructed.  
Recorded: June 16, 1995  
Recording No.: 9506160790  
  
Said easement contains a covenant to bear equal share of cost of construction, maintenance or repair of same.
3. Location of the lateral boundaries of second class tidelands and shorelands.
4. Any restrictions on the use of any portion of the land subject to submergence that derive from the rights of the public and riparian owners to use any waters which may cover that portion.
5. Rights and easements of the public for commerce, navigation, recreation and fisheries.
6. Any restrictions on the use of the land resulting from the rights of the public or riparian owners to use any portion which is now, or has been, covered by water.

x hsk + x ASS +

End of Exhibit A

Exhibit 3

**EXHIBIT B**

Parcel 242504-9128

NEW PARCEL A, CITY OF MEDINA LOT LINE ADJUSTMENT NO. 2007-03, RECORDED UNDER RECORDING NUMBER 20070910900003, IN KING COUNTY, WASHINGTON. TOGETHER WITH AN ACCESS EASEMENT OVER NEW PARCEL C, CITY OF MEDINA LOT LINE ADJUSTMENT NO. 2007-03, RECORDED UNDER RECORDING NUMBER 20070910900003, IN KING COUNTY, WASHINGTON, AS DESCRIBED AND DELINEATED ON SAID LOT LINE ADJUSTMENT.



## CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144  
TELEPHONE 425-233-6400 | [www.medina-wa.gov](http://www.medina-wa.gov)

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June 6, 2021

Hoedemaker Pfeiffer, LLC  
Attn: Todd Beyerlein  
6113 13<sup>th</sup> Ave S  
Seattle, WA 98102

Re: Determination of Complete Application  
3450 Evergreen Point Road (P-21-044)

Dear Mr. Beyerlein,

The City has reviewed the above referenced application for a non-administrative variance for 3450 Evergreen Point Road and has determined it is complete pursuant to MMC 20.80.100. The City will issue a Notice of Application to notify parties of the application in accordance with MMC 20.80.110. The notice will be mailed and posted by the City within 14 days of the date of this letter pursuant to MMC 20.80.140.

Please be aware that this determination does not preclude the City from requesting additional information. If you have questions, please do not hesitate to contact me directly at [skeyser@medina-wa.gov](mailto:skeyser@medina-wa.gov) or 425.233.6416.

Sincerely,

Stephanie Keyser, AICP  
Planning Manager

**CITY OF MEDINA  
DECLARATION OF MAILING**

Stephanie Keyser does declare as follows:

That s/he is an employee of the city of Medina and that on the 18<sup>th</sup> day of June 2021 s/he caused a true and correct legible copy of the following described documents to be mailed to all residences which are within 300 feet of the property in question described by its street address as follows:

3450 Evergreen Point Road  
\_\_\_\_\_  
\_\_\_\_\_

Description of document:

NOA – Non-Admin Variance  
\_\_\_\_\_  
\_\_\_\_\_

A copy of the mailed item and the addresses to which it was mailed are attached hereto.

Signed under the penalties of perjury of the laws of the state of Washington at Medina, Washington this:

18<sup>th</sup> day of June 20 21



\_\_\_\_\_  
Signature of mailing employee



# CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144  
TELEPHONE 425-233-6400 | [www.medina-wa.gov](http://www.medina-wa.gov)

## NOTICE OF APPLICATION

**Proposal:** Request for a non-administrative variance to increase the maximum height by 5-feet for a maximum height of 30 feet from the low point of original grade and a maximum elevation of 75'-4 ¼"

**File No.** P-21-044 Non-Administrative Variance

**Applicant:** Anasis Family Trust (owner)  
Todd Beyerlein of Hodemaker Pfeiffer, LLC (agent)

**Site Address:** 3450 Evergreen Point Road

**Required Permits/Studies:** Future Building Permit; Construction Activity Permit; Grading and Drainage Permit; Tree Activity Permit

Application Received:	June 4, 2021
Determination of Completeness:	June 9, 2021
Notice of Application:	June 18, 2021

**PUBLIC COMMENTS:** Pursuant to MMC 20.80.110(B)(7), this application has a 14-day public comment period to receive written comments on this proposal. Comments must be submitted to Medina City Hall (via staff email below) by **4:00 pm Friday, July 2, 2021**.

**STATE ENVIRONMENTAL POLICY ACT:** The proposal is exempt from environmental (SEPA) review pursuant to WAC 197-11-800(6)(e).

**DETERMINATION OF CONSISTENCY:** Pursuant to RCW 36.70B.040, a preliminary determination has found the proposal consistent with the provisions of the Medina Municipal Code.

**PUBLIC HEARING:** The Non-Administrative Variance will have a hearing before the Medina Hearing Examiner. **A SEPARATE MAILING** will be sent with the date and time of the hearing once the public comment period has expired.

**APPEAL RIGHTS:** A Type 3 Non-Administrative Variance may be appealed to the King County superior court pursuant to MMC 20.80.220(B) and 36.70C RCW.

**QUESTIONS:** Due to Covid-19 and temporary changes to City Hall, please **email** the staff contact below to review the complete application electronically, or if you have any questions.

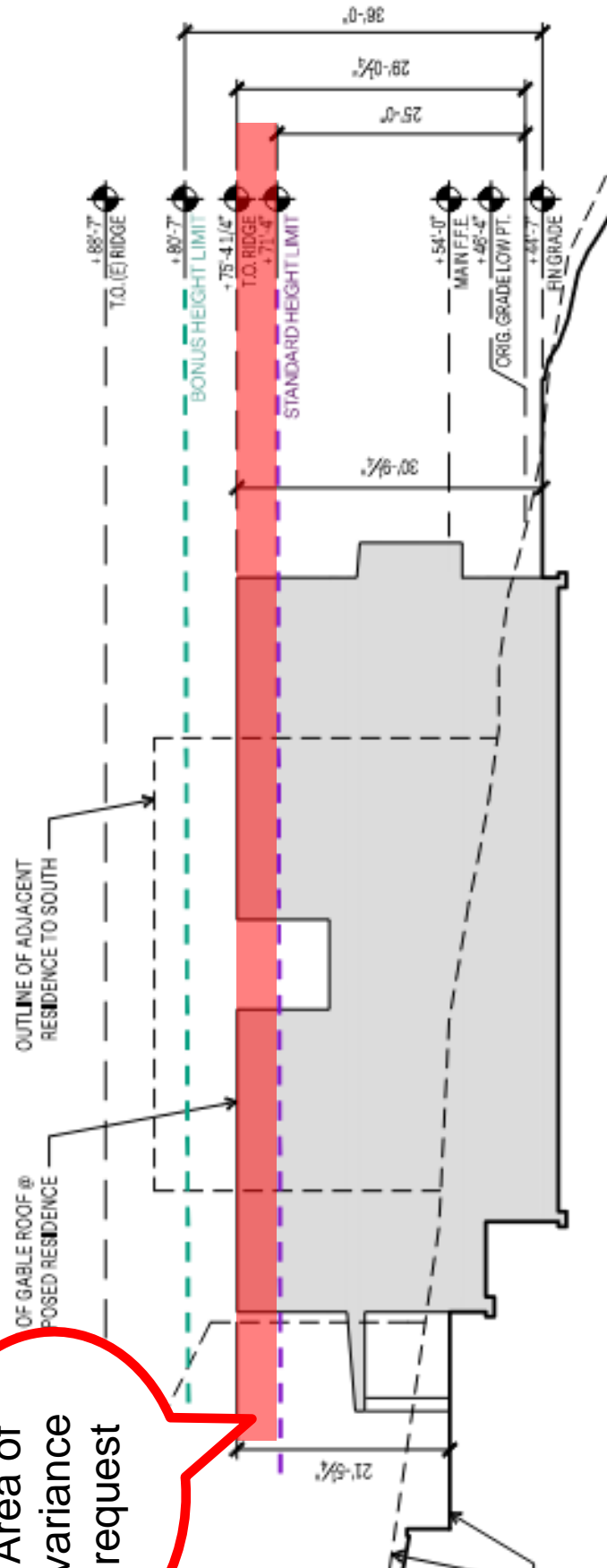
**STAFF CONTACT:** Stephanie Keyser, AICP, Planning Manager, at (425) 233-6416 or [skeyser@medina-wa.gov](mailto:skeyser@medina-wa.gov)

Site Plan



Proposed house

Area of variance request



SUDHIR SINGH & HEATHER SINGH  
P O BOX 347  
MEDINA WA 98039

LEHUA & PIBOYA SONG HOLDINGS  
3619 EVERGREEN POINT RD  
MEDINA WA 98039

KENNETH PAN  
3609 EVERGREEN PT RD  
MEDINA WA 98039

CHRIS MARKER  
PO BOX 869  
MEDINA WA 98039

ZHONG & WENLU MA CHEN  
3461 EVERGREEN POINT RD  
MEDINA WA 98039

JASON & KRISTEN BAY  
C/O OFS  
7950 JONES BRANCH DR #700N  
MCLEAN VA 22107

PATRICIA DOTSON  
3603 EVERGREEN POINT RD  
MEDINA WA 98039

JAMES L QUINN  
3419 EVERGREEN POINT RD  
BELLEVUE WA 98004

ROBERT MITCHELL & WEN PERKINS  
3436 EVERGREEN PT RD  
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KATHLEEN BILLINGS HARRIS  
3607 EVERGREEN POINT RD  
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GAIL C HUSICK  
3602 EVERGREEN POINT RD  
MEDINA WA 98039

ALAN B & JOANNE S MONTGOMERY  
3455 EVERGREEN POINT ROAD  
MEDINA WA 98039



## CITY OF MEDINA DECLARATION OF POSTING

PAT CRICKMORE does declare as follows:

That s/he is an employee of the city of Medina and that on the:

18<sup>th</sup> day of June 20 21

s/he caused a true and correct legible copy of the following described documents to be posted at each of the following indicated locations:

PC Medina City Hall, 501 Evergreen Point Road, Medina

BN City Website

PC Medina Post Office, 816 Evergreen Point Road, Medina

PL Public notice board at Medina Park Northeast 12<sup>th</sup> Street parking lot.

PC At two locations within 300 feet of the property in question described by its street address as follows:

3450 Evergreen Point Road

Description of document:

NOA – Non-Administrative Variance (P-21-044)

A copy of the posted item is attached hereto.

Signed under the penalties of perjury of the laws of the state of Washington at Medina, Washington this:

18<sup>th</sup> day of June 20 21

Pat Crickmore  
Signature of posting employee



## CITY OF MEDINA NOTICE OF APPLICATION

**Proposal:** Request for a non-administrative variance to increase the maximum height by 5-feet for a maximum height of 30 feet from the low point of original grade and a maximum elevation of 75'-4 1/4"

**File No.** P-21-044 Non-Administrative Variance

**Applicant:** Anasis Family Trust (owner)  
Todd Beyerlein of Hodemaker Pfeiffer, LLC (agent)

**Site Address:** 3450 Evergreen Point Road

**Required Permits/Studies:** Future Building Permit; Construction Activity Permit; Grading and Drainage Permit; Tree Activity Permit

Application Received: June 4, 2021  
Determination of Completeness: June 9, 2021  
Notice of Application: June 18, 2021

**PUBLIC COMMENTS:** Pursuant to MMC 20.80.110(B)(7), this application has a 14-day public comment period to receive written comments on the proposal. Persons wishing to provide written comments must submit them by **4:00 pm on Friday, July 2, 2021**, to Medina City Hall via the staff email below.

**PUBLIC HEARING:** This application will have a hearing before the Medina Hearing Examiner. A separate notice will occur with the date and time of the hearing once the public comment period has expired.

**STATE ENVIRONMENTAL POLICY ACT:** The proposal is exempt from environmental (SEPA) review pursuant to WAC 197-11-800(6)(e)

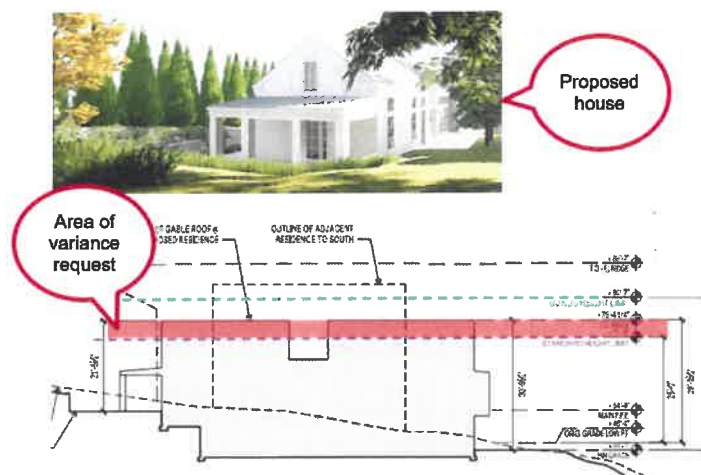
**DETERMINATION OF CONSISTENCY:** Pursuant to RCW 36.70B.040, a preliminary determination has found the proposal consistent with the provisions of the Medina Municipal Code

**APPEAL RIGHTS:** Type 3 decisions made by the Medina Hearing Examiner may be appealed to King County superior court pursuant to MMC 20.80.220(B) and 36.70C RCW.

**QUESTIONS:** Due to Covid-19 and temporary changes to City Hall, please email the staff contact below to review the complete application electronically, or if you have questions.

**STAFF CONTACT:** Stephanie Keyser, AICP, Planning Manager, at (425) 233-6416 or [skeyser@medina-wa.gov](mailto:skeyser@medina-wa.gov)

**Below: Site Plan**



  
Stephanie Keyser, AICP, Planning Manager

**06/18/2021**  
Notice Issued

**WARNING!**

**Posted notice is not to be removed, mutilated or concealed in any way.**

**From:** Legals <legals@seattletimes.com>  
**Sent:** Tuesday, September 28, 2021 12:30 PM  
**To:** Stephanie Keyser  
**Subject:** RE: 15534 - 15536 - 15537 - City of Medina - Legal Ads

Hi Stephanie,  
These are all set for 9/30, proofs and prices are below.  
Thank you!

Order 15534, \$169.48

**CITY OF MEDINA  
NOTICE OF PUBLIC HEARING AND  
DETERMINATION OF  
NONSIGNIFICANCE**

NOTICE IS HEREBY GIVEN that the Medina Hearing Examiner will conduct a remote public hearing on Tuesday, October 19, 2021 at 2:00 P.M. The purpose of this hearing is to consider public testimony for and against the following:

Proposal: Request for a non-administrative variance for 5 additional feet, for a maximum height of 30-feet from the low point of original grade and a maximum elevation of 75'-4 1/4"

File No: Non-Administrative Variance (P-21-044)

Applicant: Anasis Family Trust (owners)  
Todd Beyerlein of Hodemaker Pfeiffer, LLC (agent)

Address: 3450 Evergreen Point Road

YOU ARE INVITED to attend the remote hearing and make oral and written comments. The Hearing Examiner has the discretion to limit testimony to relevant, non-repetitive comments and to set time limits. If you are unable to attend, written comments, photographs, or other exhibits on the application may be submitted to the staff contact or address below before the hearing date. The Hearing Examiner gives equal weight to testimony submitted in person at a hearing and written comments that are submitted.

For information on how to participate in the remote hearing, please see the City's website for the hearing agenda which will be posted by Friday, October 15, 2021 at 4:00 P.M. Please either log in or phone in at the beginning of the hearing to participate. If you need special accommodations, please contact the staff below.

STATE ENVIRONMENTAL POLICY ACT (SEPA): This project is exempt from environmental (SEPA) review pursuant to WAC 197-11-800(6)(e)

APPEAL RIGHTS: Appeal of the Non-administrative Variance is to King County Superior Court pursuant to MMC 20.80.220(B).

QUESTIONS: City Hall remains closed to the public. However, the complete application may be reviewed by emailing the staff contact below. Requests for information and/or written comments may be directed to Medina City Hall, Attn: Development Services, 501 Evergreen Point Road, Medina, WA 98039.

STAFF CONTACT: Stephanie Keyser, AICP, Planning Manager, at (425) 233-6416 or skeyser@medina-wa.gov

**Holly Botts** (she/her)  
*Legal Advertising Representative*  
p: (206) 652-6604  
e: [hbotts@seattletimes.com](mailto:hbotts@seattletimes.com)



---

**From:** Stephanie Keyser <[skeyser@medina-wa.gov](mailto:skeyser@medina-wa.gov)>  
**Sent:** Tuesday, September 28, 2021 11:25 AM  
**To:** Legals <[legals@seattletimes.com](mailto:legals@seattletimes.com)>  
**Subject:** 15534 - City of Medina - Legal Ads

Hi,

I have three more legal ads for publication on Thursday, September 30<sup>th</sup>.

Thanks!

Stephanie

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

## CITY OF MEDINA DECLARATION OF MAILING

Stephanie Keyser does declare as follows:

That s/he is an employee of the city of Medina and that on the 30<sup>th</sup> day of September 2021 s/he caused a true and correct legible copy of the following described documents to be mailed to all residences which are within 300 feet of the property in question described by its street address as follows:

3450 EPR

Description of document:

NOH

A copy of the mailed item and the addresses to which it was mailed are attached hereto.

Signed under the penalties of perjury of the laws of the state of Washington at Medina, Washington this:

30 day of September 20 21



Signature of mailing employee



# CITY OF MEDINA

## NOTICE OF VIRTUAL HEARING

**NOTICE IS HEREBY GIVEN** that the Medina Hearing Examiner will conduct a virtual public hearing on **Tuesday, October 19, 2021, at 2:00 PM** or as called as soon thereafter via Zoom. The purpose of this hearing is to consider testimony for and against the following:

**Proposal:** Request for a non-administrative variance for 5 additional feet, for a maximum height of 30-feet from the low point of original grade and a maximum elevation of 75'-4 1/4".

**File No.** Non-administrative Variance (P-21-044)

**Applicant:** Anasis Family Trust (owner)  
Todd Beyerlein of Hodemaker Pfeiffer, LLC (agent)

**Site Address:** 3450 Evergreen Point Road

**YOU ARE INVITED** to attend the remote hearing and make oral and written comments. The Hearing Examiner has the discretion to limit testimony to relevant, non-repetitive comments and to set time limits. If you are unable to attend, written comments, photographs, or other exhibits on the application may be submitted to the staff contact or address below before the hearing date. The Hearing Examiner gives equal weight to testimony submitted in person at a hearing and written comments that are submitted.

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**STATE ENVIRONMENTAL POLICY ACT:** The proposal is exempt from environmental (SEPA) review pursuant to WAC 197-11-800(6)(e).

**APPEAL RIGHTS:** Appeal of the Non-administrative Variance is to King County Superior Court pursuant to MMC 20.80.220(B).

**QUESTIONS:** The complete application may be reviewed at City Hall. Requests for information and/or written comments may be directed to the staff contact below, or to Medina City Hall, Attn: Development Services, 501 Evergreen Point Road, Medina, WA 98039.

**STAFF CONTACT:** Stephanie Keyser, AICP, Planning Manager, at (425) 233-6416 or [skeyser@medina-wa.gov](mailto:skeyser@medina-wa.gov).

  
Stephanie Keyser, AICP, Planning Manager

9/30/2021  
Notice Issued

**WARNING!**

*Posted notice is not to be removed, mutilated or concealed in any way.*

SUDHIR SINGH & HEATHER SINGH  
P O BOX 347  
MEDINA WA 98039

LEHUA & PIBOYA SONG HOLDINGS  
3619 EVERGREEN POINT RD  
MEDINA WA 98039

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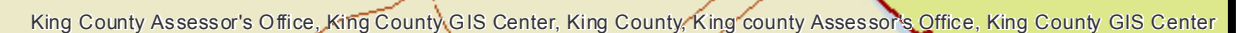
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GAIL C HUSICK  
3602 EVERGREEN POINT RD  
MEDINA WA 98039

ALAN B & JOANNE S MONTGOMERY  
3455 EVERGREEN POINT ROAD  
MEDINA WA 98039





Date: 3/11/2021



## CITY OF MEDINA DECLARATION OF POSTING

PAT CRICKMORE does declare as follows:

That s/he is an employee of the city of Medina and that on the:

30<sup>th</sup> day of September 20 21

s/he caused a true and correct legible copy of the following described documents to be posted at each of the following indicated locations:

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PC City Website

PC Medina Post Office, 816 Evergreen Point Road, Medina

PC Public notice board at Medina Park Northeast 12<sup>th</sup> Street parking lot.

PC At two locations within 300 feet of the property in question described by its street address as follows:

3450 Evergreen Point Road

Description of document:

P-21-044 NOH (Anasis) Non-Admin Variance

A copy of the posted item is attached hereto.

Signed under the penalties of perjury of the laws of the state of Washington at Medina, Washington this:

30<sup>th</sup> day of September 20 21

Pat Crickmore  
Signature of posting employee



## CITY OF MEDINA NOTICE OF VIRTUAL HEARING

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**File No.** Non-administrative Variance (P-21-044)

**Applicant:** Anasis Family Trust (owner)  
Todd Beyerlein of Hodemaker Pfeiffer, LLC (agent)

**Site Address:** 3450 Evergreen Point Road

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**APPEAL RIGHTS:** Appeal of the Non-administrative Variance is to King County Superior Court pursuant to MMC 20.80.220(B).

**QUESTIONS:** The complete application may be reviewed at City Hall. Requests for information and/or written comments may be directed to the staff contact below, or to Medina City Hall, Attn: Development Services, 501 Evergreen Point Road, Medina, WA 98039.

**STAFF CONTACT:** Stephanie Keyser, AICP, Planning Manager, at (425) 233-6416 or [skeyser@medina-wa.gov](mailto:skeyser@medina-wa.gov).

  
Stephanie Keyser, AICP, Planning Manager

9/30/2021  
Notice Issued

**WARNING!**

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# DEVELOPMENT SERVICES

# NON-ADMINISTRATIVE VARIANCE APPLICATION

501 EVERGREEN POINT ROAD MEDINA, WA 98039  
PHONE: 425-233-6414/6400

## Complete this form for the following:

- Relief from dimensional zoning standards and
- The relief is not eligible for an administrative variance or minor deviation

### General Information

#### Owner Name:

Anasis Family Trust

#### Property Address:

3450 Evergreen Point Rd, Medina, WA 98039

#### Legal Description:

IN GL 5 BEG AT NE COR OF GL 6 TH E 20.686 FT TO E LN OF CO RD TH N 14-39-28 W ALG RD 155.12 FT TO TRUE BEG TH N 14-39-28 W ALG RD 118.521 FT TH N 57-00-00 E 305 FT M/L TO PRESENT SHORE LN OF LAKE WASHINGTON TH SELY ALG SHORE LN 112.5 FT M/L TH S 57-00-00 W 345 FT M/L TO TRUE BEG & SHORE LANDS ADJ LESS NLY 1/2

#### Tax Parcel Number:

242504-9134

### Agent / Primary contact

#### Name:

Hoedemaker Pfeiffer, LLC

#### Email:

todd@hoedemakerpfeiffer.com, sean@hoedemakerpfeiffer.com

#### Contact Phone:

206.545.8434

#### Alternative Phone:

#### Mailing Address:

6113 13th Ave S

#### City:

Seattle

#### State:

WA

#### Zip:

98102

### Property Information

#### Lot Size:

19,251 sf

#### Critical area(s) located on the property (Ch. 20.50 MMC)?

☒ YES ☐ NO

#### Zoning District:

R20

#### Check all boxes for which relief is requested:

☒ Maximum height

☐ Maximum structural coverage

☐ Maximum impervious surface coverage

☐ Minimum setback

☐ Other \_\_\_\_\_

List known variances or special/conditional use permits previously approved for this property:

Please describe any known nonconforming conditions:

Please provide a complete description of the proposed project (attach additional pages if necessary):

#### Project intro:

This project involves the construction of a new single family residence and new landscape at 4350 Evergreen Point Rd. The overall development proposal is composed of a main residence, a small outbuilding, a detached garage, and associated hardscapes and plantings. The construction of the new home requires the removal of an existing derelict single family residence and accessory building.

#### Variance request overview:

This variance proposal requests an increase in building height of 5'-0" above the standard limits outlined in MMC 20.23.050 for the main residential structure only. We submit this proposal respectfully with the intent that it complies not only with the variance criteria per 20.72.030, but also with the spirit of Medina's Municipal Code.

Please see the attached variance proposal document for additional information on our variance request.

### Approval Criteria

The following is the approval criteria for a non-administrative variance. Please respond to each item by providing as much detailed information as possible to support your request. Attach additional pages if necessary.

1. **The variance does not constitute a granting of special privilege inconsistent with the limitations upon uses of other properties in the vicinity and zone in which the subject property is located**

Our proposal involves the creation of a new residential structure whose height is lower than adjacent structures on neighboring properties and lower than the current structure present on site. In exchange for an increased height limit, we propose an offsetting reduction in allowable structural coverage such that the overall building envelope bulk restriction on this property remains similar to what is allowed outright in the land use code.

2. **The variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located**

With a site area of 19,251 square feet, fitting a 3 bedroom house and garage on the property is a reasonable expectation. This property is unusually narrow, however, and contains a significant grade drop across its length. That combination of traits make these basic program goals impossible to achieve without forcing the new structure's design to appear out of character with its surroundings. The property owners wish to create a home that blends harmoniously with its context, yet cannot do so without the relief requested despite the fact that the proposed structure is lower in height than those that surround it.

3. **The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant**

If the site had the same amount of area but was slightly wider in profile, this relief would not be necessary. A wider building, likely shorter east to west, could be designed to alleviate the issue. Similarly, if the site were flatter, the building design would not need to bury so much of its program below grade. Either way, it is the site profile and shape that combine to create a severe set of restrictions.

## Approval Criteria (continued)

4. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated

The proposal has little to no impact on neighboring properties. In fact, it is being requested largely to ensure that the new structures appear consistent with the neighboring context. Views are not reduced, existing construction will be respected, and trees will be preserved wherever possible.

5. The variance is the minimum necessary to provide reasonable relief

Not only does this proposal request the minimum necessary height to allow for the structure desired, it proposes an offsetting reduction in structural coverage. This represents a commitment on the part of the property owners to comply with the code's intended restrictions on building bulk.

I certify under the penalty of perjury that I am the owner of the above property or the duly authorized agent of the owner(s) acting on behalf of the owner(s) and that all information furnished in support of this application is true and correct.

Signature  Owner ☐ Agent ☒ Date 06/03/2021

Signature \_\_\_\_\_ Owner ☐ Agent ☐ Date \_\_\_\_\_

# 3450 EVERGREEN POINT RESIDENCE

MEDINA, WASHINGTON

VARIANCE PROPOSAL | 06.01.2021





### PROPOSED RESIDENCE

VIEW FROM EVERGREEN POINT ROAD LOOKING EAST

HOEDEMAKER

PFEIFFER

PROJECT INTRODUCTION

### PROJECT INTRODUCTION

This project involves the construction of a new single family residence and new landscape at 4350 Evergreen Point Rd. The overall development proposal is composed of a main residence, a small outbuilding, a detached garage, and associated hardscapes and plantings. The construction of the new home requires the removal of an existing derelict single family residence and accessory building.

### VARIANCE REQUEST OVERVIEW

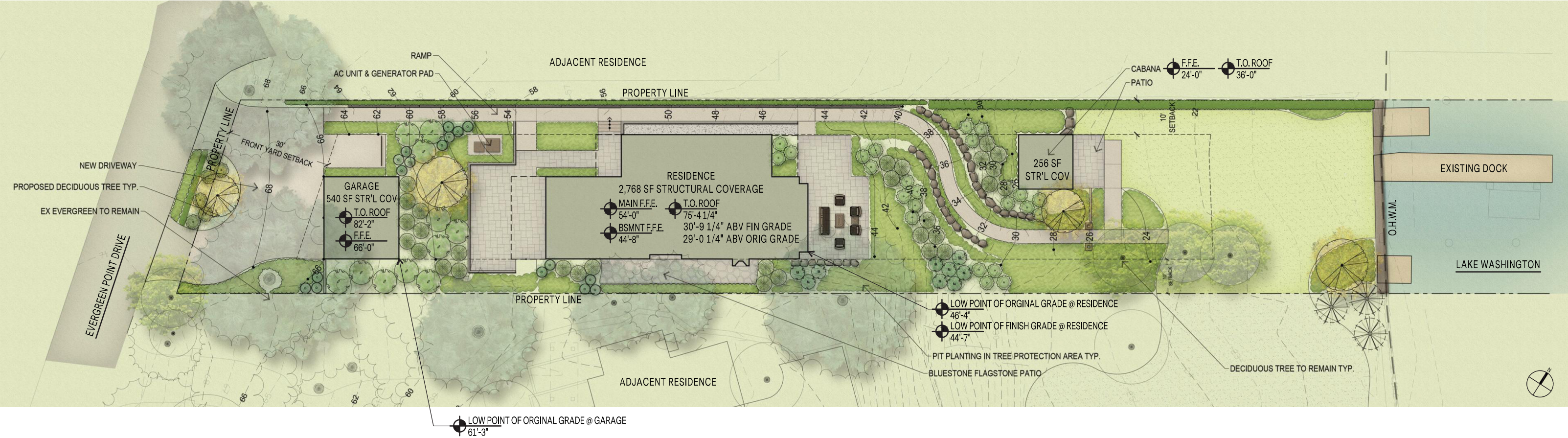
This variance proposal requests an increase in building height above the standard limits outlined in MMC 20.23.050 for the main residential structure only. We submit this proposal respectfully with the intent that it complies not only with the variance criteria per 20.72.030, but also with the spirit of Medina's Municipal Code.

The need for this variance request stems from a unique combination of property characteristics. To describe the parcel concisely, it is long and narrow and slopes considerably along its length. Because of its relatively narrow width, a modestly-sized home (3-bedrooms) like the one we are proposing must be oriented along the property's length east to west in order to fit within side yard setback limitations. In doing so such a structure must stretch across a significant grade drop from one side to the other. This leaves one end of the structure much taller than the other compared to original grade level. It also forces much of the building's program to exist below grade.

Our clients' goal is simple: to construct a home comprised of a single story + basement, with a gable roof form similar to adjacent neighboring structures. Doing so is not possible without the requested relief. Even with roughly half of the building's program sunk into the hillside, meeting the standard height limit in such a scenario is not achievable. This is because the height calculation method stipulated by MMC 20.23.060 requires building height to be measured from the structure's tallest point above grade. Applying that rule to this very narrow, sloping lot equates to a very restrictive height limit at the low side of existing grade. There are no provisions in the code specific to roof shape or topography that might make compliance more achievable, and neither the standard nor the bonus thresholds outlined in MMC regulations can be applied successfully to resolve the issue.

In order to allow this home the minimum amount of height that it needs both to accommodate a reasonable amount of residential program and to fit the character of its surroundings, we are requesting an additional 5'-0" in building height above the standard height limit outlined in MMC 20.23.060. This equates to an increase from 25'-0" to 30'-0" as measured from the low point of original grade at the building footprint, and from 28'-0" to 33'-0" as measured from the low point of finished grade at the building footprint. Allowing this request will result in a project whose building heights are still lower than that of their adjacent neighbors and lower than the existing structure on site slated for demolition. This request applies only to the residence itself, not to any other structures desired on site. The project does not propose any other land use code deviations.





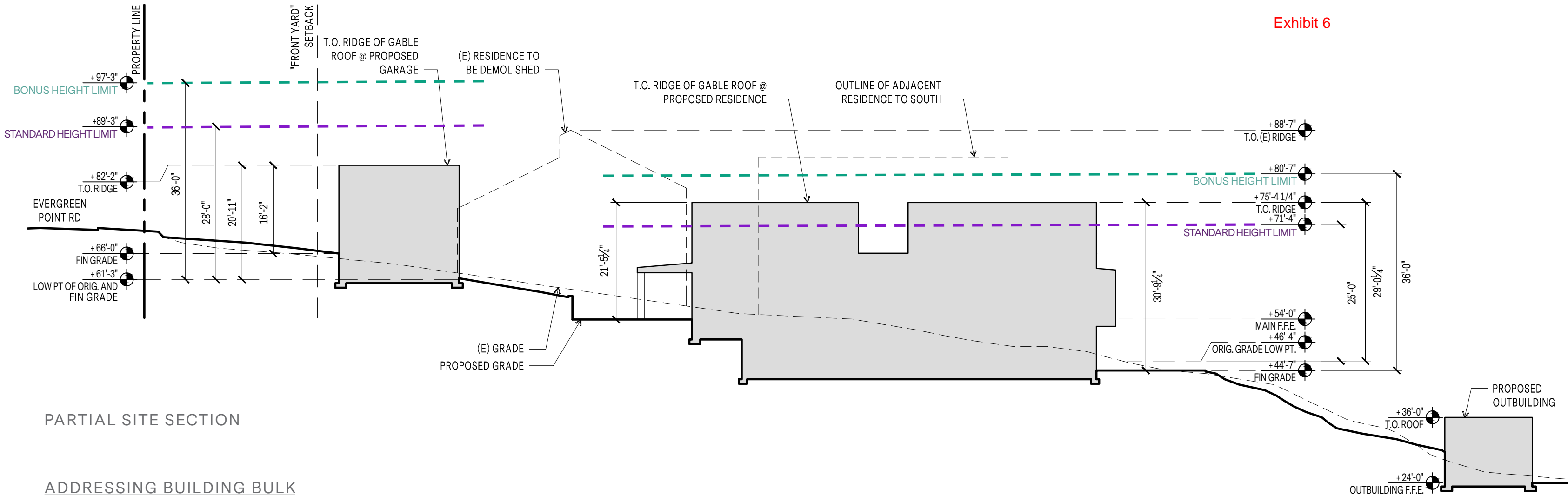
PROPERTY DATA & MLC ENVELOPE RESTRICIONS

PROPOSAL DATA

ADDRESS: 3450 EVERGREEN POINT ROAD  
PARCEL #: 242504-9134  
ZONING: R-20  
SITE AREA: 19,251 SF (.44 ACRES)  
SETBACKS: 10' (SIDE), 30' (FRONT/REAR), 50' (OHWM)  
MAX. STRUCTURAL COVERAGE (STANDARD): 4,139 SF (21.5%)  
MAX. HEIGHT (STANDARD): 25' @ ORIGINAL GRADE/28' FINISHED  
MAX. STRUCTURAL COVERAGE (BONUS): 2,502 SF (13%)  
MAX. HEIGHT (BONUS): 30'/36'

PROPOSED STRUCTURAL COVERAGE:  
GARAGE FOOTPRINT: 540 SF  
OUTBUILDING FOOTPRINT: 256 SF  
RESIDENCE (SUBJECT STRUCTURE) FOOTPRINT: 2,768 SF  
TOTAL STRUCTURAL COVERAGE: 3,564 SF (18.5%)  
PROPOSED MAX. HEIGHT @ RESIDENCE: 30'-9 1/4" ABV FIN GRADE  
(+75'-4" NAVD)





PARTIAL SITE SECTION

ADDRESSING BUILDING BULK

As part of this request for additional building height, our team recognizes that a primary intent of the Municipal Code’s restrictions on building height is to create a consistent set of rules for the appearance of building bulk. In doing so the code provides two possible paths for compliance, both of which tie height limits to footprint area. In one option, buildings can be shorter in height (25’/28’ per 20.23.060) but larger in footprint (21.5% maximum structural coverage per 20.23.020). These figures together represent the “standard” limits on building bulk. In the other option, buildings can be taller (30’/36’) but only if their footprints are reduced (13% structural coverage). This path toward compliance is referred to as the “bonus” option.

After considerable study it is clear that neither path is viable here. In the “standard” scenario the new structure would be too tall at the east side or sunk too deeply into the ground at the entry side. In the “bonus” scenario the structural coverage limit becomes too restrictive. The home itself might be able to fit within the bonus height limit, for example, but no structural coverage would remain for a garage. Considering the location, use, and value of the property, retaining the ability to construct a garage is crucial. It is a feature that other property owners in the neighborhood enjoy and that potential future owners of this property will expect.

This variance application proposes a middle ground between Medina’s standard and bonus compliance paths. Since the code ties building height limits to structural coverage limits in an effort to limit building bulk in three dimensions, we propose something similar. In order to offset the additional building height we are requesting, this proposal suggests that the requested height relief be paired with an equivalent reduction in allowable structural coverage. As shown in the site section diagram above, the ridge of the proposed structure would sit roughly half way between the heights allowed in the two typical paths for compliance. We propose that the allowable structural coverage limit for this property be restricted in a similar way. The standard option allows for 21.5% coverage and the bonus option allows for 13%. We suggest that for this property we be allowed a maximum of 18.5% - essentially splitting the difference. This equates to a structural coverage reduction from 4,139 SF to 3,564 SF (3%) from the standard allowable coverage limit and would not affect any bonus exceptions or impervious surface coverage limits. In this way we would be reducing the allowable footprint to the same degree we are increasing the height limit. Our intent in doing so is to show respect to the spirit of Medina’s Municipal Code. See the next pages for axonometric diagrams further illustrating the relationship of this proposal to rules outlined in the code.

HOEDEMAKER

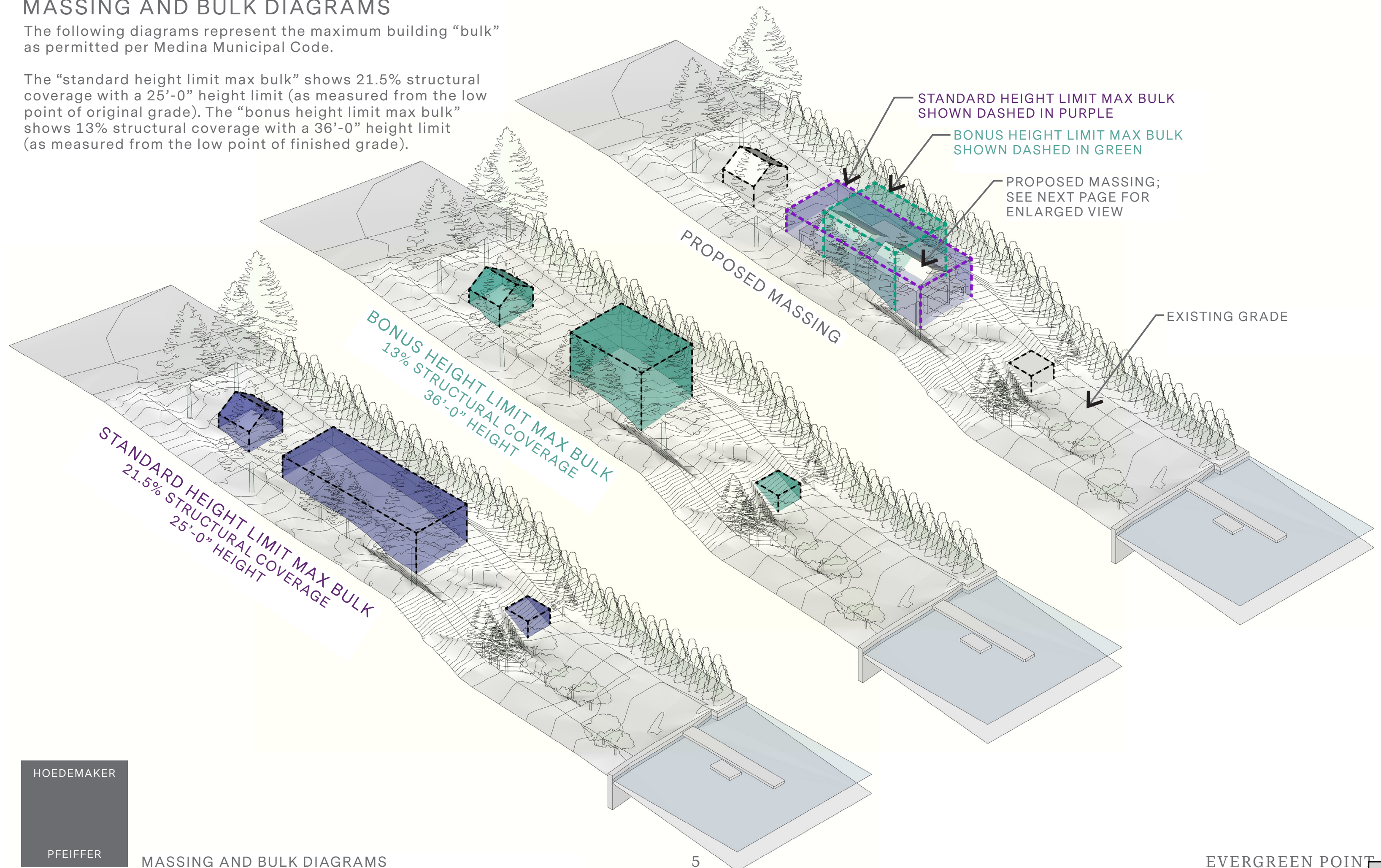
PFEIFFER



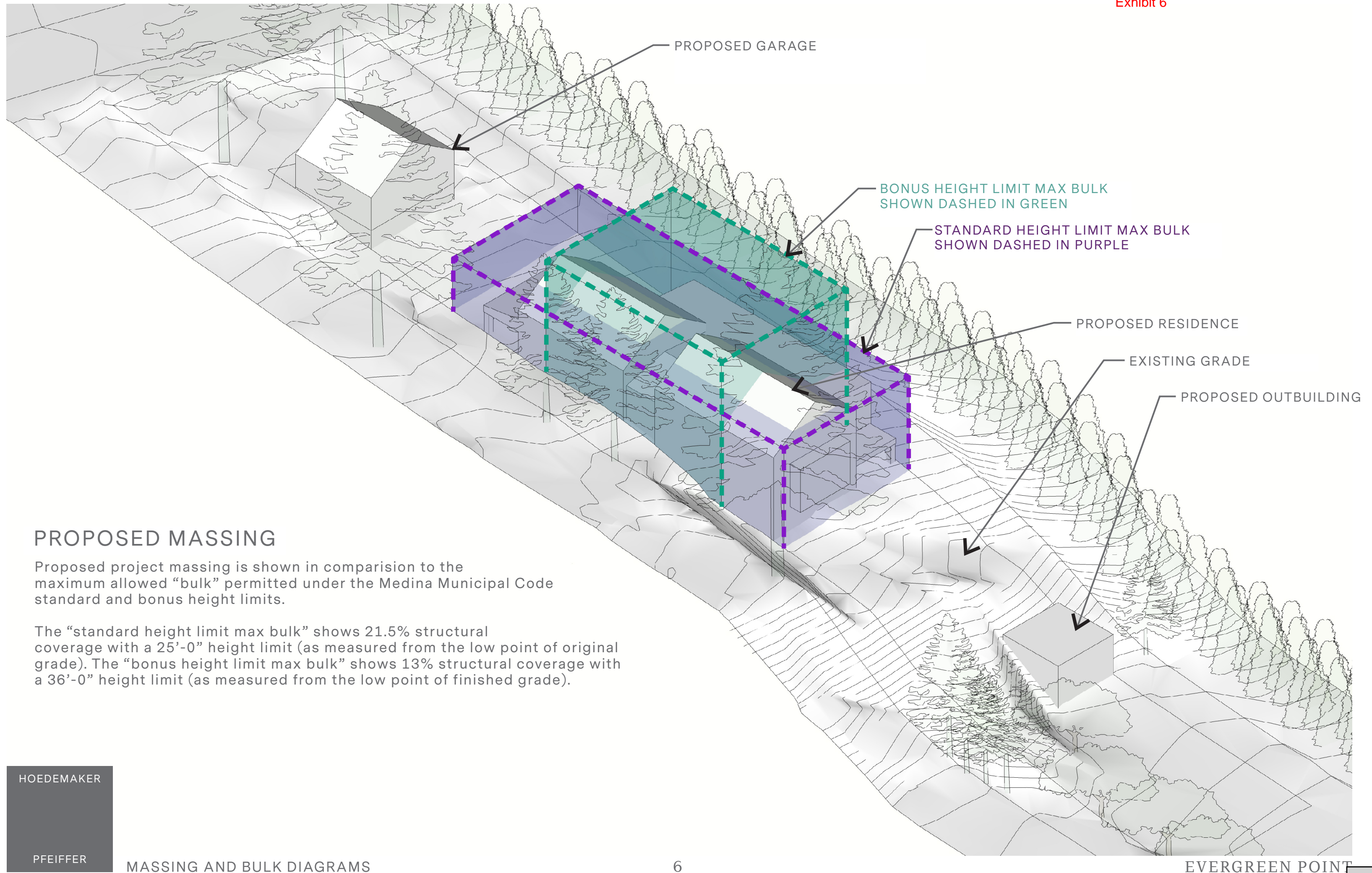
# MASSING AND BULK DIAGRAMS

The following diagrams represent the maximum building “bulk” as permitted per Medina Municipal Code.

The “standard height limit max bulk” shows 21.5% structural coverage with a 25’-0” height limit (as measured from the low point of original grade). The “bonus height limit max bulk” shows 13% structural coverage with a 36’-0” height limit (as measured from the low point of finished grade).









CHARACTER AND CONTEXT

Images shown on this page illustrate the overall appearance of the proposed main house along with existing neighboring structures. The intent is for the new home’s characer to directly match that of the adjacent residence to the south, and to fit well within its nearby context.



VIEW OF PROPOSED RESIDENCE IN CONTEXT



Exhibit 6

PROPOSED PROJECT FROM EVERGREEN POINT ROAD (NEW RESIDENCE IN BACKGROUND)

EXISTING NEIGHBORING RESIDENCE AND OUTBUILDING



HOEDEMAKER

PFEIFFER





VIEW OF PROPOSED RESIDENCE (CENTER LEFT) FROM NEIGHBORING PROPERTY LINE





VIEW OF PROPOSED RESIDENCE MAIN ENTRY FROM NORTH SIDE YARD



VARIANCE CRITERIA

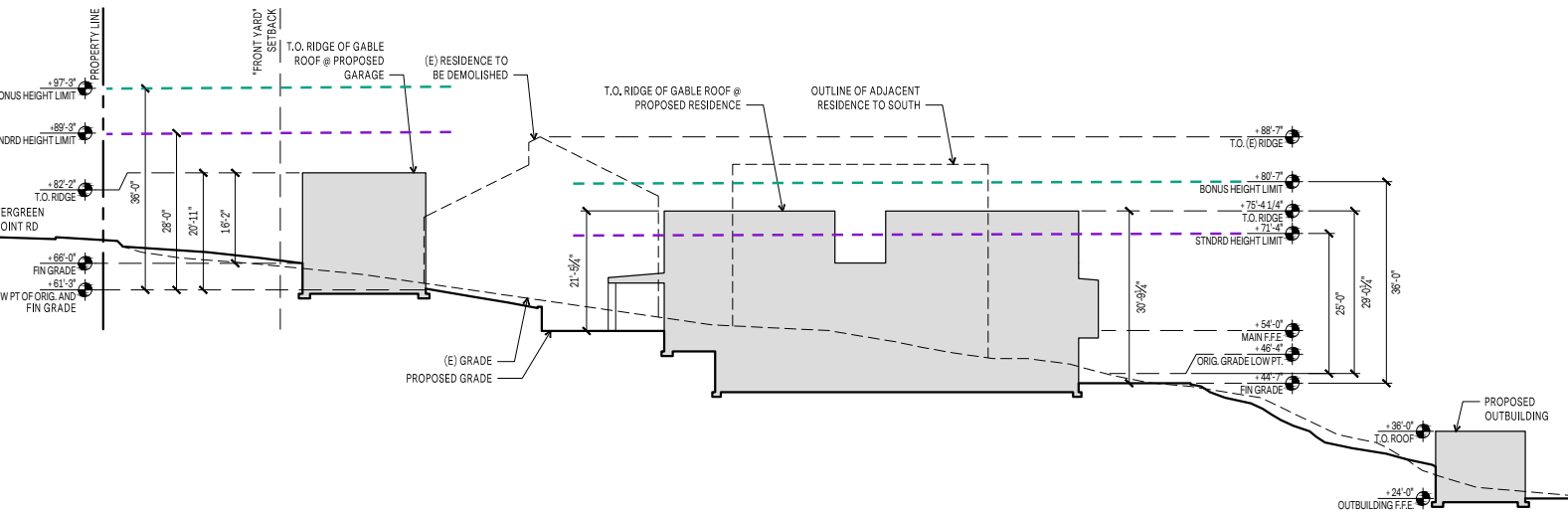
MMC 20.72.030 states that non-administrative variances may be granted where the application of a dimensional standard would result in an unusual or unreasonable hardship due to the physical characteristics of the site. Our proposal above outlines the site’s unusual characteristics and the challenges that result from them. The criteria for approval are as follows:

1. The variance does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located.

Response: Our proposal involves the creation of a new residential structure whose height is lower than adjacent structures on neighboring properties and lower than the current structure present on site. In exchange for an increased height limit, we propose an offsetting reduction in allowable structural coverage such that the overall building envelope bulk restriction on this property remains similar to what is allowed outright in the land use code.

2. The variance is necessary, because of special circumstances relating to the site, size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located.

Response: With a site area of 19,251 square feet, fitting a 3-bedroom house and garage on the property is a reasonable expectation. This property is unusually narrow, however, and contains a significant grade drop across its length. That combination of traits make these basic program goals impossible to achieve without forcing the new structure’s design to appear out of character with its surroundings. The property owners wish to create a home that blends harmoniously with its context, yet cannot do so without the relief requested despite the fact that the proposed structure is lower in height than those that surround it.



3. The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant.

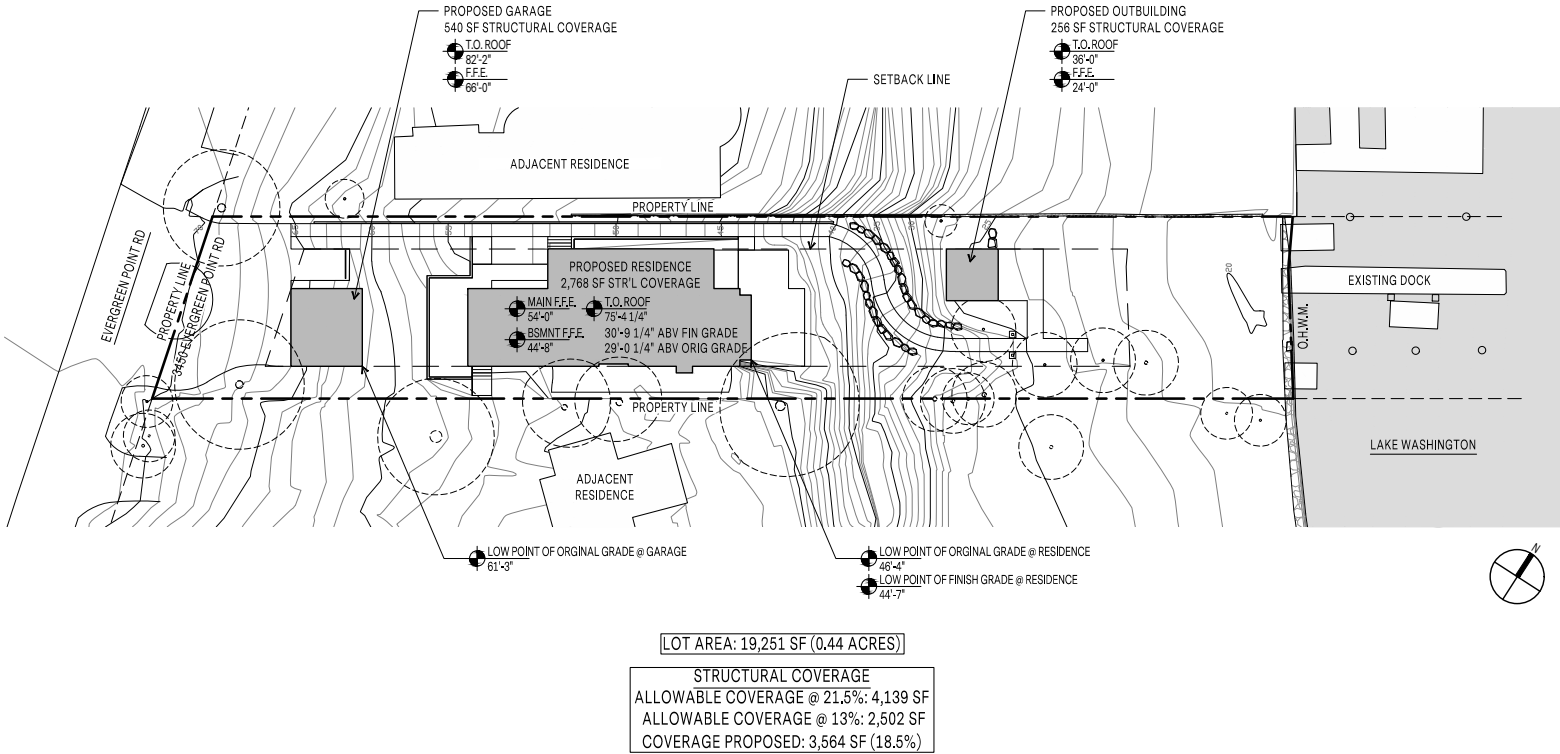
Response: If this site had the same amount of area but was slightly wider in profile this relief would not be necessary. A wider building, likely shorter east to west, could be designed to alleviate the issue. Similarly, if the site were flatter the building design would not need to bury so much of its program below grade. Either way, it is the site profile and shape that combine to create a severe set of restrictions.

4. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

Reponse: The proposal has little to no impact on neighboring properties. In fact, it is being requested largely to ensure that the new structures appear consistent with the neighboring context. Views are not reduced, existing construction will be respected, and trees will be preserved wherever possible.

5. The variance is the minimum necessary to provide reasonable relief.

Response: Not only does this proposal request the minimum necessary height to allow for the structure desired, it proposes an offsetting reduction in structural coverage. This represents a commitment on the part of the property owners to comply with the code’s intended restrictions on building bulk.





November 17, 2020

JN 20358

Anasis Family Trust  
3444 Evergreen Point Road  
Medina, Washington 98039

Attention: Rosemary Reed, Trustee

Subject: **Preliminary Original Grade Assessment**  
3450 Evergreen Point Road  
Medina, Washington

Greetings:

This preliminary report is intended to provide initial original grade information to be used in the early planning for potential redevelopment of the property. At this time, no formal plans have been developed, so it is not possible to complete the detailed original grade assessment required by City of Medina, which must establish the lowest original grade at the designed footprint of the structure. This will likely require additional investigation in the future, once definitive plans have been developed.

Original grade, as defined by the City of Medina, is the ground surface elevation that existed prior to any disturbance by man's activities. From our observations, both the original and existing ground lines slope gently to moderately downward toward east. The western half of the property is the ground that lies above the old level of Lake Washington, before it was dropped in the early 1900s with the completion of the Montlake Cut. The short, steeper area in the center of the site represents the old lake shore. The eastern portion of the property, which is relatively flat yard, lies below the old lake surface.

In order to assess the general original grade elevations on the western portion of the property, five test pits were conducted at the locations shown on the attached Site Exploration Plan. These test pit locations, as well as the existing ground surface elevations, were accurately surveyed by Terrane. The test pit locations were chosen to: 1) give a general representation of the original ground surface elevations on the expected lower side of a future development, and 2) avoid marked buried utilities.

With the exception of Test Pit 5, located to the north of the northeast corner of the existing house, the explorations found native topsoil immediately below the ground surface. Underlying approximately 6 inches of topsoil, Test Pits 1 through 4 found a 2-foot layer of loose, heavily-weathered silt. Below a depth of approximately 2.5 feet, these explorations encountered very stiff, glacially-compressed silt. This native soil profile is commonly found in this area. In Test Pit 5, the upper 12 inches of soil was obvious fill. The original topsoil layer had been removed at this location, with the heavily-weathered, then very stiff, silt below the fill.

Based on our explorations, the original grade matches the existing grade at the locations of Test Pits 1 through 4. At Test Pit 5, the original grade would be 6 inches below existing once the thickness of the topsoil was added back to the depth to the heavily-weathered layer.

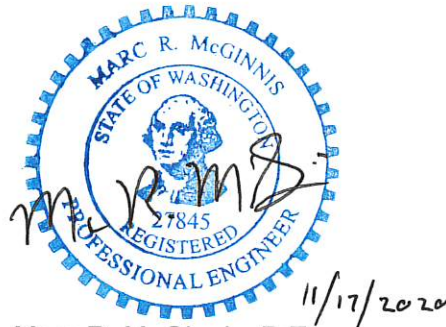
From this information, we have calculated the original grade elevations at each of the test pit locations.

Test Hole	Depth to Original Grade from Existing Grade	Calculated Original Grade Elevation
TP 1	Original at Existing	44.90 feet
TP 2	Original at Existing	47.60 feet
TP 3	Original at Existing	51.43 feet
TP 4	Original at Existing	55.34 feet
TP 5	Original Grade 6" below Existing	56.35 feet

Please contact us if you have any questions regarding this letter.

Respectfully submitted,

GEOTECH CONSULTANTS, INC.



Marc R. McGinnis, P.E.  
Principal

Attachments: Vicinity Map, Site Exploration Plan

cc: **Hoedemaker Pfeiffer** – Todd Beyerlein  
via email: [todd@hoedemakerpfeiffer.com](mailto:todd@hoedemakerpfeiffer.com)



NORTH



L a k e  
W a s h i n g t o n



(Source: Microsoft MapPoint, 2013)



**GEOTECH**  
CONSULTANTS, INC.

**VICINITY MAP**

3450 Evergreen Point Road  
Medina, Washington

Job No:  
20358

Date:  
Nov. 2020

Plate:

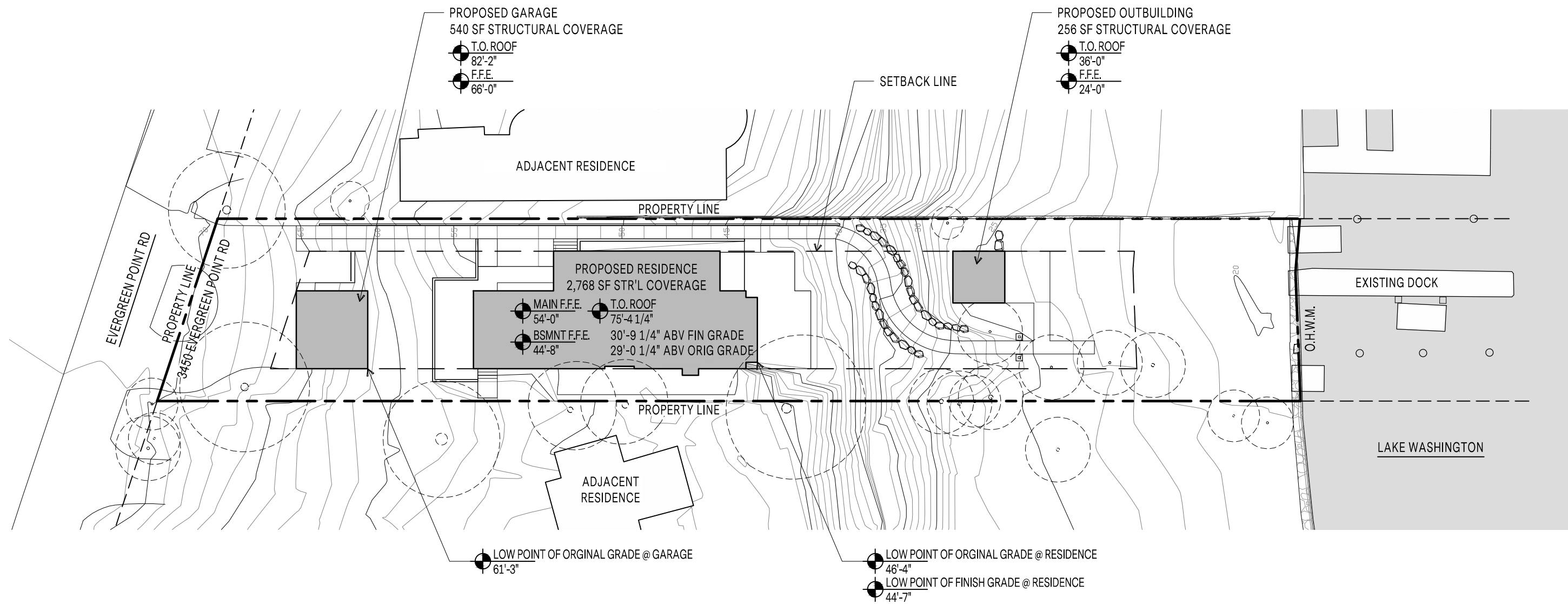
47





3450 Evergreen Point Road  
Medina, Washington

Plate:	48
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PARCEL INFO  
ADDRESS: 3450 EVERGREEN POINT RD, MEDINA 98039  
PARCEL #: 242504-9134

LOT AREA: 19,251 SF (0.44 ACRES)

STRUCTURAL COVERAGE  
ALLOWABLE COVERAGE @ 21.5%: 4,139 SF  
ALLOWABLE COVERAGE @ 13%: 2,502 SF  
COVERAGE PROPOSED: 3,564 SF (18.5%)

VARIANCE SITE PLAN  
3450 EVERGREEN POINT RESIDENCE  
SCALE: 1/32" = 1'-0"



**Stephanie Keyser**

---

**From:** Brad Husick <husick@gmail.com>  
**Sent:** Monday, June 21, 2021 8:39 AM  
**To:** Stephanie Keyser  
**Cc:** gailhusick@gmail.com; Dawn Nations  
**Subject:** RE: P-21-044 Public Record Request

Dear Stephanie and Dawn,

We have studied the proposal and we object to the granting of any variance on overall height or positioning, as the proposed structure will diminish access to light and views on the Southern side of our house. We would be happy to provide photos demonstrating this if needed. This proposed structure would materially impact the enjoyment and use of our property due the fact that it would interfere with our Southern exposure and lake views from certain rooms in our house.

Please acknowledge receipt of this message, and let me know if this is sufficient to register an objection or if any further action is required on my part.

Brad

On Mon, Jun 21, 2021 at 8:05 AM, Stephanie Keyser <[skeyser@medina-wa.gov](mailto:skeyser@medina-wa.gov)> wrote:

Good Morning,

Attached please find the non-administrative variance application and the proposal for the additional height at 3450 Evergreen Point Road. If you have comments, please **email** them to me by **4pm on Friday, June 2<sup>nd</sup>**.

This is a public record request and it will be noted that I have sent you these files.

Let me know if you have questions.

Stephanie

---

**From:** Brad Husick <[husick@gmail.com](mailto:husick@gmail.com)>  
**Sent:** Saturday, June 19, 2021 7:25 PM  
**To:** Stephanie Keyser <[skeyser@medina-wa.gov](mailto:skeyser@medina-wa.gov)>  
**Cc:** [gailhusick@gmail.com](mailto:gailhusick@gmail.com)  
**Subject:** Re: P-21-044

Hello, We are the neighbor immediately to the North of this proposed project. We request a copy of the entire set of plans in regard to the owner's request for a variance on height of the new structure. Depending on the details of the proposed new structure, this may raise issues about which we have concerns.

Thank you,

Brad & Gail Husick

3602 Evergreen Point Rd

Medina, WA 98039

425-864-1683

Brad Husick

[husick@gmail.com](mailto:husick@gmail.com)

<https://www.linkedin.com/in/bradhusick/>

m. 425-864-1683

Vice President

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July 2, 2021

35436.0101

VIA E-MAIL AND U.S. MAIL

[skeyser@medina-wa.gov](mailto:skeyser@medina-wa.gov)

Stephanie Keyser, AICP  
Planning Manager  
City of Medina  
501 Evergreen Point Road  
Medina, WA 98039-0144

Re: P-21-044 Non-Administrative Variance  
Public Comment

Dear Planning Manager Keyser:

Williams Kastner is land use counsel for Bradley and Gail Husick, whose residence abuts the entire north margin of the structure proposed under Variance application P-21-044. The Husick residence address is 3602 Evergreen Point Road. We offer the following comments as aid to City evaluation of this variance request.

**1. There is no hardship warranting variance relief.**

The subject parcel is nearly one-half acre in size and rectangular in shape. The large lot size and regular shape affords ample room for Code compliant redevelopment. Aesthetic desire for a steeply pitched gable roof is a self-created hardship that is not tied to the physical circumstances of the property. As such, the proposed structure design cannot warrant variance relief. The public policy underlying enactment of Medina's height regulations in 2013 calls for narrowly viewing claims of hardship in order to protect the compatibility and view protection objectives of this legislation.

**2. The height variance poses material detriment to the Husick residence.**

Application documents disclose a gable roof peak that blocks shoreline views from the second floor of the Husick residence. Of particular note, application documents show the Husick residence as having no windows along the south building elevation, when in fact all Husick residence bedrooms have windows along this elevation. Understanding the compatibility and view protection aims of Medina's stringent height regulations, the variance application's portent of substantial view obstruction is material detriment contrary to variance criteria. In addition to blocking shoreline views from the 2<sup>nd</sup> story bedrooms, the proposed structure will also block light to the 1<sup>st</sup> story living spaces, especially the kitchen work space and the kitchen dining area. Because of our northern latitude, the southern exposure that would be blocked by the new structure is a primary source of direct natural light in this space, especially in the winter months.

July 2, 2021  
Stephanie Keyser, AICP  
Page 2

**3. The variance application fails to assess presence of a regulated steep slope critical area and required buffer.**

Unfortunately, the site plan appended to the application is not fully dimensioned. This makes public review of critical areas code compliance difficult. Regardless, the closely adjoining topographic contours to the east of the proposed residence and parallel to the shoreline indicate a slope exceeding 40%. We note that Medina's buffer from the top of a 40% steep slope area is equal to one-third of the slope height. MMC Ch. 20.67 Critical Areas in Shoreline, at subsection F. 1, requires that a site plan must show the height of slope, slope gradient, and cross section of the project area.

We note the applicant's architects propose to erect "story poles" at the site to depict the height of the proposed structure. We look forward to this possible new information, which may elicit additional comment from us.

Lastly, while not directly a variance issue, we note concern that the application site plan shows a heat pump located ten feet from the Husick property line. Noise experts tell us no heat pump can comply with Medina's 45dB(A) nighttime noise limit when located this close to a property line. The project proponents should locate the proposed heat pump elsewhere.

We look forward to hearing the City's response to these comments. Again, we may offer additional comments prior to the public hearing should new information come to light.

Very truly yours,

WILLIAMS, KASTNER & GIBBS PLLC



Alan L. Wallace

(206) 628-6771

[awallace@williamskastner.com](mailto:awallace@williamskastner.com)

ALW/mag

cc: Gail Husick  
Sean James



September 13, 2021

35436.0101

VIA E-MAIL AND US MAIL [skeyser@medina-wa.gov](mailto:skeyser@medina-wa.gov)

Stephanie Keyser, AICP  
Planning Manager  
City of Medina  
501 Evergreen Point Road  
Medina, WA 98039-0144

Re: P-21-044 Non-Administrative Variance

Dear Planning Manager Keyser:

This firm represents Gail and Bradley Husick with respect to land use matters. The Husicks hereby rescind their letter of July 2, 2021 to the City commenting on the Anasis Trust variance application. Since that date, the Husicks and the Trust have cordially discussed the merits of this application. The Trust kindly erected story poles illustrating height variance impact to the abutting Husick residence compared to a code compliant building. The Husicks now fully understand and agree with the stated rationale for the variance. In particular, a wholly conforming residence could pose greater visual impact, which warrants the modest variance relief. The Husicks strongly support the Trust's five foot height variance request, and urge prompt approval by the Hearing Examiner.

Very truly yours,

WILLIAMS, KASTNER & GIBBS PLLC

A handwritten signature in blue ink, appearing to read "Alan Wallace", written over the printed name.

Alan L. Wallace  
(206) 628-6771  
[awallace@williamskastner.com](mailto:awallace@williamskastner.com)

cc: Gail and Bradley Husick

Williams, Kastner & Gibbs PLLC  
Two Union Square  
601 Union Street, Suite 4100  
Seattle, Washington 98101  
main 206.628.6600 fax 206.628.6611  
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