



CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144
TELEPHONE 425-233-6400 | www.medina-wa.gov

STAFF ANALYSIS AND RECOMMENDATION JOHNSTON NON-ADMINISTRATIVE VARIANCE APPLICATION

Prepared by: Stephanie Keyser, AICP, Planning Manager
Date: December 13, 2021

Summary of Recommendation: No recommendation.

PART 1 – GENERAL INFORMATION

CASE NO: P-21-080

LOCATION: 414 Upland Road

TAX PARCEL NO: 383550-2430

PROPERTY OWNER: Michael Johnston (owner)

LEGAL DESCRIPTION:

KENWOOD PARK ADD LOTS 10-11-12 & 26-27-28 & S 8 FT OF SELY 25.92 FT OF LOT9 & S 8 FT OF NWLY 31.6 FT OF LOT 29 TGW POR VAC RD ADJ PER MEDINA ORD #804

PROPOSAL: Non-administrative variance for a reduction in the north side yard setback from 14'-10" to 5'-11" to remodel a previously unpermitted shade structure.

ZONING: Single Family Residence, R-16

COMPREHENSIVE PLAN DESIGNATION: Single Family Residential

CRITICAL AREAS: Erosion Hazard Area

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 September 30, 2021
3. Statutory Warranty Deed, received September 30, 2021
4. Legal Notices
 - a. Notice of Incomplete Application, dated September 30, 2021
 - b. Notice of Complete Application, dated October 21, 2021
 - c. Notice of Application, dated October 22, 2021
 - d. Notice of Hearing, dated November 16, 2021
5. Non-Administrative Variance application, received September 30, 2021
6. Site Plan, received September 30, 2021

7. Variance Drawings, received September 30, 2021
8. Revised Site Plan, received October 11, 2021
9. Revised Variance Drawings, received October 11, 2021
10. Public Comments
 - a. Trenton Dykes, 426 Upland Road, via email October 27, 2021
 - b. Arne Josefsberg, 402 Upland Road, via email October 28, 2021
 - c. TJ and Suzanne McGill, 617 Evergreen Point Road, via email November 2, 2021
 - d. Candace Doud, 8925 Lake Washington Blvd, via email November 2, 2021
 - e. Beth and Terry Drayton, 602 Upland Road, via email November 2, 2021
 - f. Julie and Erik Nordstrom, 8751 Overlake Drive West, via email November 2, 2021
 - g. Melinda and Perry Satterlee, 7560 NE 28th Place, via email November 3, 2021
 - h. Katie Humphries, 425 86th Avenue NE, via email November 3, 2021

PART 2 – SITE CHARACTERISTICS

EXISTING CONDITIONS: The subject property is developed with a single-family residence and related site improvements.

SURROUNDING ZONING:

Direction	Zoning	Present Use
North	R-16 District	Residential
South	R-16 District	Residential
East	R-20 District	Residential
West	R-16 District	Residential

ACCESS: Ingress and egress is from Upland 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:	September 30, 2021
Notice of Incomplete Application:	September 30, 2021
Determination of Completeness:	October 21, 2021
Notice of Application:	October 22, 2021
Notice of Hearing:	November 16, 2021

The application was received on September 30, 2021, and was determined complete on October 21, 2021, pursuant to MMC 16.80.100. A Notice of Application was issued on October 22, 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 November 16, 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: As of the date of the staff report, the city has received eight (8) letters of support for the variance.

Who	Summary of Comments
Trenton Dykes 426 Upland Road <i>Emailed October 27, 2021</i> <i>Neighbor who filed initial inquiry/complaint</i>	<ul style="list-style-type: none"> • Neighbor directly north of 414 • Supports new design of shade structure
Arne Josefsberg 402 Upland Road <i>Emailed October 28, 2021</i>	<ul style="list-style-type: none"> • Neighbor directly south of 414 • Supports proposed modifications to existing structure
TJ and Suzanne McGill 617 Evergreen Point Road <i>Emailed November 2, 2021</i>	<ul style="list-style-type: none"> • This type of minor variance enhances the neighborhood • Supports request
Candace Doud 8925 Lake Washington <i>Emailed November 2, 2021</i>	<ul style="list-style-type: none"> • The structure will be beautiful and not diminish property values • Supports request
Beth and Terry Drayton 602 Upland Road <i>Emailed November 2, 2021</i>	<ul style="list-style-type: none"> • It is a lovely design and appropriate for the neighborhood • Supports request
Julie and Erik Nordstrom 8751 Overlake Drive <i>Emailed November 2, 2021</i>	<ul style="list-style-type: none"> • The structure is suitable and appropriate for the neighborhood • Supports request
Melinda and Perry Satterlee 7560 NE 28 th Place <i>Emailed November 3, 2021</i>	<ul style="list-style-type: none"> • The structure is reasonable, appropriate for the property, and suitable for the neighborhood • Supports request
Katie Humphries 425 86 th Avenue NE <i>Emailed November 3, 2021</i>	<ul style="list-style-type: none"> • The structure is in good taste and appropriate for the property • Supports request

AGENCY COMMENTS: No agency comments were received.

PART 5 – STAFF ANALYSIS

GENERAL:

1. Michael Johnston is the owner and taxpayer of record of the property identified as 414 Upland Road, tax parcel no. 383550-2430, according to King County Department of Assessments and the Statutory Warranty Deed (Exhibit 3). Mr. Johnston is acting as his own agent for the project (Exhibit 2).
2. The property is zoned R-16 and is approximately 22,221 square feet (.51 acres) in size. The lot is an irregular rectangular shaped with maximum overall dimensions of approximately 218 feet in length and 108 feet at its widest part. The lot is developed with a single-family dwelling and related site improvements, including driveway, swimming pool, tennis court and landscaping.
3. The applicant is requesting a reduction in the north side yard setback from 14'-10" to 5'-11" to remodel a previously unpermitted shade structure.

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.

BACKGROUND:

5. On June 1, 2021, the City received a complaint from the owner of 426 Upland Road, the property directly north of 414 Upland Road, regarding the construction of a structure close to their shared property line. The deputy building official visited the site and confirmed construction was being done without a permit and within the side yard setbacks; a stop work order was issued.
6. On August 17, 2021, the City issued a notice of violation for: 1) failure to obtain a building permit prior to construction and 2) failure to obtain a non-administrative variance prior to construction due to the structure being built within the north side yard setback.
7. On August 31, 2021, Ian Morrison, Courtney Kaylor, and Rachel Mazur filed an appeal of the notice of violation on behalf of Mr. Johnston.
8. On September 7, 2021, Mr. Johnston and the City jointly filed a Stipulation and Request for Continuance with the Hearing Examiner, which was granted on September 27, 2021.
9. On September 30, 2021, the Parties filed a Status Update and Request for Continuance, which was granted by the Hearing Examiner on October 1, 2021. Per the Order, the Parties had to "notify the Clerk to the Hearing Examiner no later than noon, October 11, 2021, as to

whether a settlement has been reached and the appeal can be dismissed, or whether an appeal hearing date should be set along with a briefing schedule.”

10. On October 11, 2021, the Parties filed a Status Update and Request for Continuance as Mr. Johnston had submitted a non-administrative variance and was working through a corrections/clarifications letter. The Parties were working in good faith towards correcting the action through the variance application, rather than continuing the appeal.
11. On November 12, 2021, the City rescinded the Notice of Violation as the non-administrative variance had been deemed complete and set for hearing.
12. On November 16, 2021, Mr. Johnston withdrew his appeal to the Notice of Violation.

DEVELOPMENT STANDARDS:

13. Minimum zoning setback requirements are set forth in Table 16.22.030(A). A 22,221 square foot lot requires a setback distance of 30 feet from the front and rear property lines. For properties larger than 20,000 square feet, the side yard setback is the greater of 10 feet or 15% of the lot width, not to exceed 20 feet. For this property, the side-yard setback is 14'-10". The variance request is to reduce the side yard setback from 14'-10" to 5'-11" (Exhibit 9).
14. Maximum structural and impervious surface standards are established in MMC 16.23.020. For a property zoned R-16 with a lot size between 19,501 – 29,999 square feet, the maximum structural coverage is 21 percent of the (4,666.4 square feet) Once remodeled, the maximum structural coverage for the lot would be 4,405.4 square feet (20 percent), which conforms to the code.

The maximum impervious surface is 55 percent (12,221.6 square feet) of the lot (Table 16.23.020(A)). At 14,113 square feet (63 percent) the lot is nonconforming to the current's code's maximum impervious surface. A nonconformity may continue if it does not experience substantial destruction (MMC 16.36.060) or, if enlarged, without the approval of a variance. The proposal would result in the removal of 47.8 square feet of impervious surface, which results in 14,065.2 square feet. The 63 percent impervious surface remains unchanged.
15. The height of the existing unpermitted structure is 16'-5 ½". The proposed remodel would reduce the height to 12-4 ¾" which is below the maximum height of 25 feet (MMC 16.23.050(A)).

PUBLIC COMMENTS

16. As of the date of this staff report, the City has received eight (8) public comments. Although all of them are letters in support of granting the variance, two of the letters, in Staff's opinion, carry more weight: a letter from Arne Josefsberg at 402 Upland Road who is the neighbor directly to the south (Exhibit 10b), and a letter from Trent Dykes at 426 Upland Road (Exhibit 10a) who is the neighbor directly to the north and the homeowner who filed the initial complaint with the City in June. Both neighbors that abut the subject property are in favor of the shade structure staying and being remodeled.

NON-ADMINISTRATIVE VARIANCE:

17. 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).

18. The applicant has requested a variance from dimensional development standards for a reduction in the north side yard setback in the R-16 zoning district.

19. 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 a reduction in the north side yard setback from 14'-10" to 5'-11" to remodel a previously unpermitted shade structure.

- 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 side yard setback reduction in the R-16 zoning district. The application does not involve altering any definitions or interpretations, or establishing a use not permitted within the R-16 zone, nor does it alter any procedural requirements of the municipal code.

20. The applicant provided information addressing the approval criteria set forth in MMC 16.72.030(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 in which the subject property is located.*

APPLICANT RESPONSE: The Property is located in R-16, a single family zone and is developed with a single-family home. Accessory structures such as cabanas and shade pavilions are allowed in this zone under the Medina Municipal Code. The Applicant requests relief from a dimensional standard, not a use that is inconsistent with the R-16 zone. Additionally, the Shade Structure would not create any new impacts from noise, light, or traffic. It has been designed to be low-profile and visually compatible with the neighborhood. Therefore, this variance is not a special privilege inconsistent with the

limitations upon uses of other properties in the vicinity and zone in which the Property is located.

STAFF ANALYSIS: The property is zoned R-16 Single-Family Residence, and a detached single-family dwelling and related appurtenances, including small accessory structures such as gazebos, trellises, and shade structures, are permitted 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-16 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: The Applicant bought the Property with an existing pool, which is permitted under the Medina Municipal Code. Although pools are not unusual in Medina, the Applicant's location on Uplands Road above Lake Washington is exposed to high velocity winds. As a permitted use, Applicants have the right to use and enjoy the pool. However, the location and alignment of the pool pose challenges in terms of shade, necessitating a modest departure from the minimum side yard setback requirements for the Shade Structure. The Applicant has tried all types of moveable shade systems (umbrellas, sun screens, tarps) and none have been successful in providing shade over the long-term due to the exposure to high velocity winds on the site.

STAFF ANALYSIS: The applicant has indicated that the high winds experienced on the property are special circumstances that necessitate a permanent shade structure. 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: The Shade Structure is to relieve the hardship of extreme sun exposure and to be able to enjoy the pool in its current, pre-existing location. The Applicant has tried all types of moveable shade systems (umbrellas, sun screens, tarps) and none have been successful over the long-term due to high winds. The variance provides for a permanent fixed structure that can withstand the winds that travel the site and provide permanent shade protection for the patio adjacent to the pool.

STAFF ANALYSIS: With an impervious surface coverage of 63 percent, the property is nonconforming to the current code's maximum impervious surface coverage of 55 percent of the lot. If the applicant wanted to build a shade structure that conformed to the current side yard setbacks, they would still have to go through the non-administrative variance process to increase the nonconforming impervious surface. Whether this constitutes a material hardship related to the land itself is for the Hearing Examiner to decide.

- 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 variance will be materially beneficial as the Shade Structure includes cohesive design elements allowing for seamless integration into the neighborhood. The design of the Shade Structure is low-profile and open-aired. It does not result in a perceptible visual mass, especially when considering the existing lush vegetation that borders to the adjacent properties. See Site Photos. The Applicant is proposing additional landscaping to visually buffer the Shade Structure from the northern neighbor. Further, neighbors located directly adjacent to the Property have expressed their support for this variance. The variance is not materially detrimental to the public or improvements in the vicinity or within the R-16 zone.

STAFF ANALYSIS: The request is for a reduction in the north side yard setback from 14'-10" to 5'-11" to remodel a previously unpermitted shade structure. The remodeled structure will not create new view blockages for neighbors (Exhibit 9). The proposal will not cause a change in the use of the property and 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: The variance will allow for a Shade Structure for the Applicant to enjoy their pre-existing pool and the design is consistent with the aesthetics of the surrounding homes in the vicinity. The variance will also avoid the visual clutter of destroyed umbrellas and sun screens. The variance, if granted, is the minimum necessary to provide reasonable relief.

STAFF ANALYSIS: The applicant is requesting to remodel a previously unpermitted shade structure by reducing its height and footprint. The applicant has indicated that this is the minimum necessary to provide relief from the sun. Whether this request for a variance is the minimum necessary to provide reasonable relief is for the hearing examiner to determine.

PART 6 – CONCLUSION

1. Pursuant to MMC 2.78.070 and MMC 16.80.060(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 a reduction in the north side yard setback from 14'-10" to 5'-11" to remodel a previously unpermitted shade structure.
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 November 16, 2021, more than 15 days prior to the date of the hearing (Exhibit 4d).
3. Pursuant to MMC 16.72.030(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 20a. 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 20b. 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 20c. 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 20d. 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 20e. 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 north side yard setback for the shade structure is limited to 5'-11" from the property line.
2. All other zoning and development regulations applicable to the project shall be followed and confirmed during building permit review.
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 16.72.030(H).



Stephanie Keyser, AICP
Planning Manager

12/13/2021

Date



**DEVELOPMENT
SERVICES**

**OWNER'S
DECLARATION OF
AGENCY**

A-05

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

Project Address 414 Upland Road, Medina, WA, 98039 Parcel No. 383550-2430

I/We Michael Johnston do hereby declare and affirm that I/we are:

- the owners or contract purchasers of the above property
 an officer or representative of _____, 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 _____ 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:

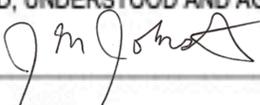
- To comply with all applicable codes, ordinances, laws and conditions of approval in effect at time of permit issue.
- To ensure that all work shall be done in accord with the approved plans and specifications, which shall not be modified without the prior approval of the Building Official. I/We will 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  Date 09/29/2021

Name Michael Johnston

When recorded return to:
James Michael Johnston and Marybeth Johnston
414 Upland Road
Medina, WA 98039

E2881116

EXCISE TAX AFFIDAVITS
8/2/2017 3:14 PM KING COUNTY, WA
Selling Price:\$6,403,000.00
Tax Amount:\$113,978.40

Filed for record at the request of:



701 5th Avenue, Suite 2700
Seattle, WA 98104

Escrow No.: 0104807-OC



20170802000945

WARRANTY DEED Rec: \$77.00
8/2/2017 3:14 PM
KING COUNTY, WA

STATUTORY WARRANTY DEED

THE GRANTOR(S) Scott Charney and Ellen McDermott, husband and wife
for and in consideration of Ten And No/100 Dollars (\$10.00) , and other valuable consideration
in hand paid, conveys, and warrants to James Michael Johnston and Marybeth Johnston, a married
couple

the following described real estate, situated in the County of King, State of Washington:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Abbreviated Legal: (Required if full legal not inserted above.)

PTN LOTS 9 & 29 AND ALL OF LOTS 10, 11, 12, 26, 27 AND 28, BLOCK 15, KENWOOD PARK,
VOL. 8, P. 26, KING COUNTY

Tax Parcel Number(s): 383550-2430-00

Subject to:

Exceptions Set forth on attached exhibit "B" and by this reference made a part hereof as if
fully incorporated herein.

Dated: August 2, 2017

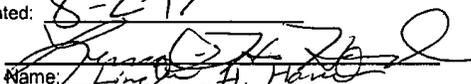
Scott Charney

Ellen McDermott

STATUTORY WARRANTY DEED
(continued)

State of WASHINGTON
County of KING

I certify that I know or have satisfactory evidence that Scott Charney and Ellen McDermott are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 8-2-17

Name: Linda H. Harada
Notary Public in and for the State of WA
Residing at: Ellen
My appointment expires: 5-19-18



Official Copy

EXHIBIT "A"
Legal Description

LOTS 10, 11, 12, 26, 27 AND 28, BLOCK 15, KENWOOD PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 8 OF PLATS, PAGE 26, IN KING COUNTY, WASHINGTON; AND THE SOUTHERLY 8 FEET OF THE SOUTHEASTERLY 25.92 FEET OF LOT 9 AND THE SOUTHERLY 8 FEET OF THE NORTHWESTERLY 31.6 FEET OF LOT 29, BLOCK 15, KENWOOD PARK, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 8 OF PLATS, PAGE 26, IN KING COUNTY, WASHINGTON;
TOGETHER WITH THAT PORTION OF UPLAND ROAD ADJACENT THERETO AS VACATED IN CITY OF MEDINA ORDINANCE NO. 804, RECORDED UNDER RECORDING NUMBER 20071102000047, WHICH ATTACHED THERETO BY OPERATION OF LAW.

Unofficial Copy

**EXHIBIT "B"
EXCEPTIONS**

Order No.: 0104807-OC

1. Facility Charges, if any, including but not limited to hook-up, or connection charges and latecomer charges for sewer, water and public facilities of City of Bellevue as disclosed by instrument recorded under recording no. 9612200938 and 20111222000589.
2. Any and all offers of dedication, conditions, restrictions, easements, boundary discrepancies or encroachments, notes and/or provisions shown or disclosed by Short Plat or Plat of Kenwood Park recorded in Volume 8 of Plats, Page(s) 26.
3. Easement, including terms and provisions contained therein:
Recorded: September 28, 1953
Recording Information: 4383599
In Favor Of: Puget Sound Energy, Inc., a Washington corporation
For: Electric transmission and/or distribution system
4. The terms and provisions contained in the document entitled "License"
Recorded: October 02, 1991
Recording No.: 9110020161
5. Conditions, notes, easements, provisions and/or encroachments contained or delineated on the face of the Survey recorded under Recording No. 20100518900008.

Official Copy



CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144
TELEPHONE 425-233-6400 | www.medina-wa.gov

September 30, 2021

Michael Johnston
414 Upland Road
Medina, WA 98039
Via email: mj@steelhead.com

**Re: Notice of Incomplete Application and Corrections/Clarifications Required – P-21-080
414 Upland Road**

Dear Mr. Johnston,

The City has reviewed the above referenced application for a request for a non-administrative variance at 414 Upland Road and has determined it is incomplete pursuant to MMC 16.80.100. During the review, the following items have been identified as in need of correction, clarification, or additional information.

1. General Application. Please address the following:
 - a. The variance request is for the reconfiguration of an unpermitted structure within the side yard setback. The project description on the application states that the reconfiguration will reduce the mass and height of the existing structure. Please provide plans that includes the specs, including dimensions, for the existing structure so that the City can quantify the reduction.
 - b. Location availability is a consideration with variances. Please provide reasoning for locating the structure where it is, as opposed to on the southern side of the pool, outside of the setback.
2. Structural Calculations. Please update the structural calculations for the following:
 - a. Trellis. Garden structures, including trellises, are exempt from being included in the structural coverage calculations provided they do not exceed one percent of the lot area (MMC 16.23.030(C)(8)). Please provide calculations to demonstrate that the proposed trellis meets this criterion; if it does not, please update the calculations to include the trellis.
 - b. Roof structure. Please update the structural coverage calculations to include the roof structure.
3. Setback Protrusion. Setbacks are measured as the distance between the property line and the closest part of any part of the building or structure to the property line, including but not limited to architectural elements, roof eaves, gutters, and mechanical equipment (MMC 16.22.030(B)). It appears that the roof eave will be the closest element to the northern side property line. Please update the site plan to reflect the measurement from the eave and not the trellis.
4. Dimensions. Please clearly identify the dimensions for the trellis and the roof structure.

At this time, the review is being placed on hold pending submittal of the requested information. Once received, the City will continue processing the application.

Please upload new items into the portal at your earliest convenience. If you have questions, please do not hesitate to contact me directly at skeyser@medina-wa.gov or 425.233.6416.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steph Keyser', is positioned above the typed name.

Stephanie Keyser, AICP
Planning Manager



CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144
TELEPHONE 425-233-6400 | www.medina-wa.gov

October 21, 2021

Michael Johnston
414 Upland Road
Medina, WA 98039
Via email: mj@steelhead.com

Re: Determination of Complete Application
414 Upland Road (P-21-080)

Dear Mr. Johnston,

The City has reviewed the above referenced application for a non-administrative variance at 414 Upland Road and has determined it is complete pursuant to MMC 16.80.100. The City will issue a Notice of Application to notify parties of the application in accordance with MMC 16.80.110. The notice will be mailed and posted by the City within 14 days of the date of this letter pursuant to MMC 16.80.140.

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 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 22nd day of October 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:

414 Upland Road

Description of document:

NOA

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:

22nd day of October 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

NOTICE OF APPLICATION

Proposal: Request for a non-administrative variance for a reduction in a north side yard setback from 14'-10" to 5'-11" to remodel a previously nonpermitted shed structure

File No. P-21-080 Non-Administrative Variance

Applicant: Michael Johnston (owner)

Site Address: 414 Upland Road

Required Permits/Studies: Future Building Permit

Application Received:	September 30, 2021
Determination of Completeness:	October 21, 2021
Notice of Application:	October 22, 2021

PUBLIC COMMENTS: Pursuant to MMC 16.80.110(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, November 5, 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.

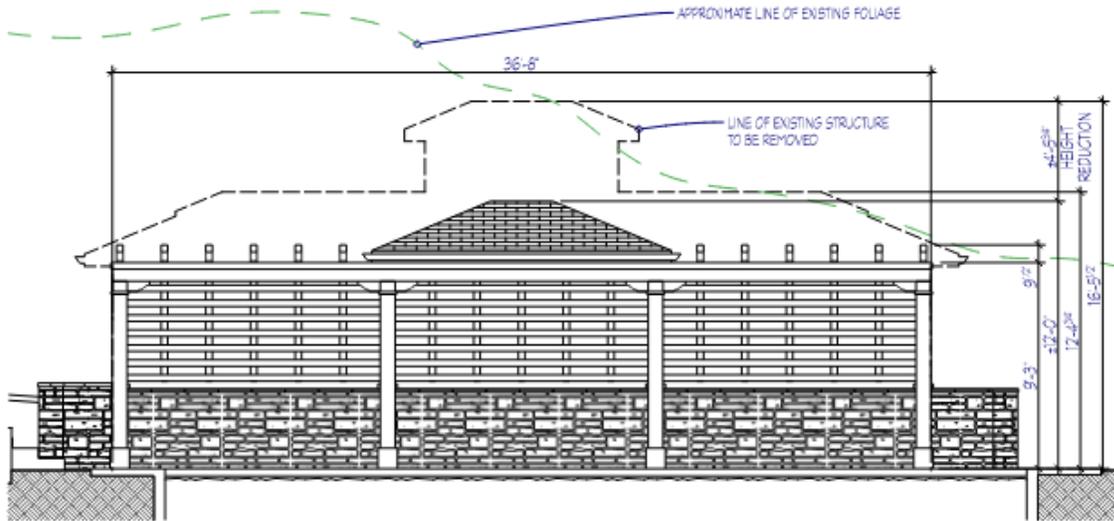
PUBLIC HEARING: The Non-Administrative Variance will have a hearing before the Medina Hearing Examiner. **A SEPARATE MAILING** will be sent with the date and time of the hearing once the public comment period has expired.

APPEAL RIGHTS: A Type 3 Non-Administrative Variance may be appealed to the King County superior court pursuant to MMC 16.80.220(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.

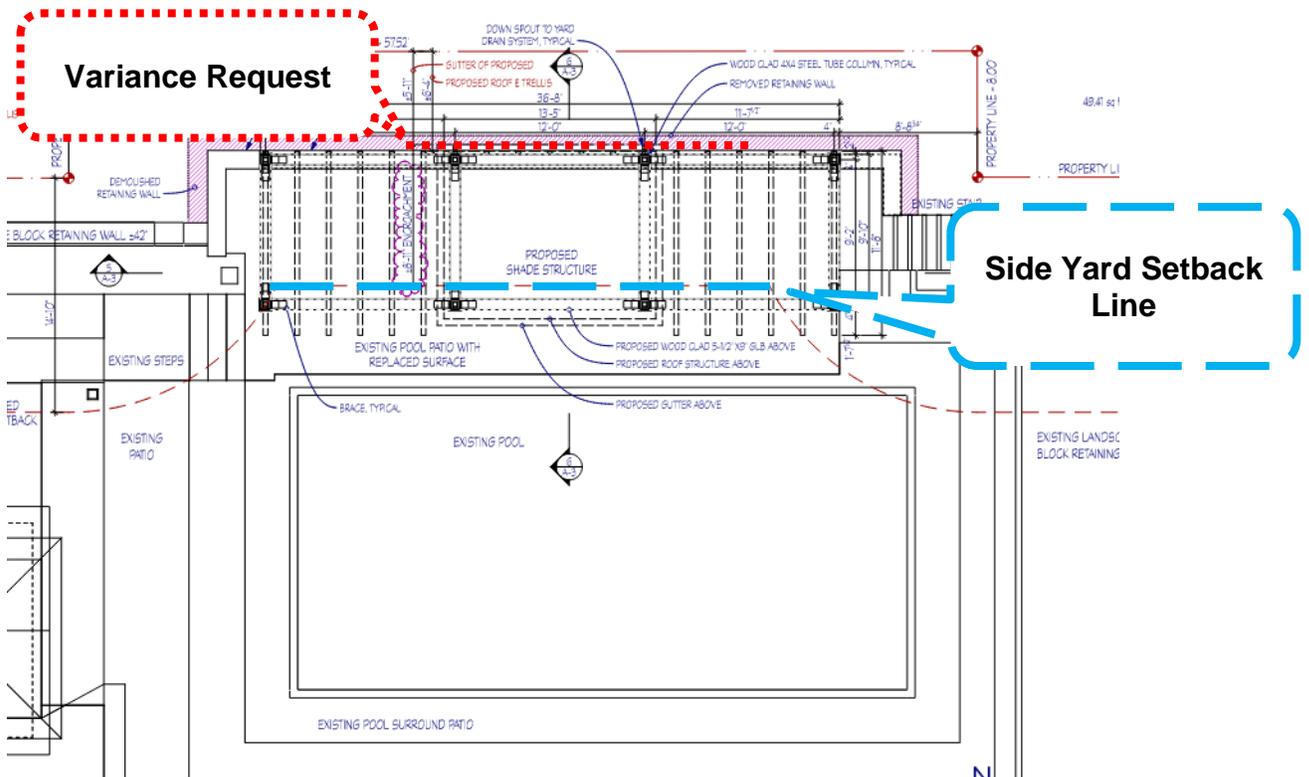
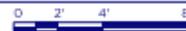
STAFF CONTACT: Stephanie Keyser, AICP, Planning Manager, at (425) 233-6416 or skeyser@medina-wa.gov

Site Plan



1 South Elevation

With Proposed vs Existing
Mass Comparison



1 Shade Structure Floor Plan



Susan Sullivan
1645 Rambling Ln
Medina, WA 98039

Samedy Ouk
8477 Ridge Road
Medina, WA 98039

John Ebel
304 Upland Road
Medina, WA 98039

Jason Weber
446 Overlake Dr Ea
Medina, WA 98039

Peter and Martha Woodman
401 Upland Rd
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Deborah Nash
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Liang Living Trust
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Smith Revocable Trust
309 Upland Rd
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Jeffrey and Catherine Haight
336 Overlake Dr E
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Trenton Dykes
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Medina, WA 98039

Richard and Kathryn Dalzell
PO Box 269
Medina, WA 98039

Michael Johnston
800 5th Ave #3700
Seattle, WA 98104

Robert Veith
8444 Midland Rd
Medina, WA 98039

Alexandra and Jeffrey Teper
432 Overlake Dr E
Medina, WA 98039

Arne Josefsberg
402 Upland Road
Medina, WA 98039

David Cutler
8448 Midland Rd
Medina, WA 98039

Susan Sullivan
1645 Rambling Ln
Medina, WA 98039

Tingting Wang
8723 Ridge Rd
Medina, WA 98039

Bruce Ransom
435 Upland Rd
Medina, WA 98039

Medina Overlake 1 LLC
PO Box 4206
Bellevue, WA 98009

Paul and Mary Saad
PO Box 101
Medina, WA 98039

Naser Ataee
439 Upland Rd
Medina, WA 98039

Medina Overlake 1 LLC
PO Box 4206
Bellevue, WA 98009

James and Carmen Noblitt
8461 Ridge Rd
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Alexander and Joy Stewart
PO Box 63
Medina, WA 98039

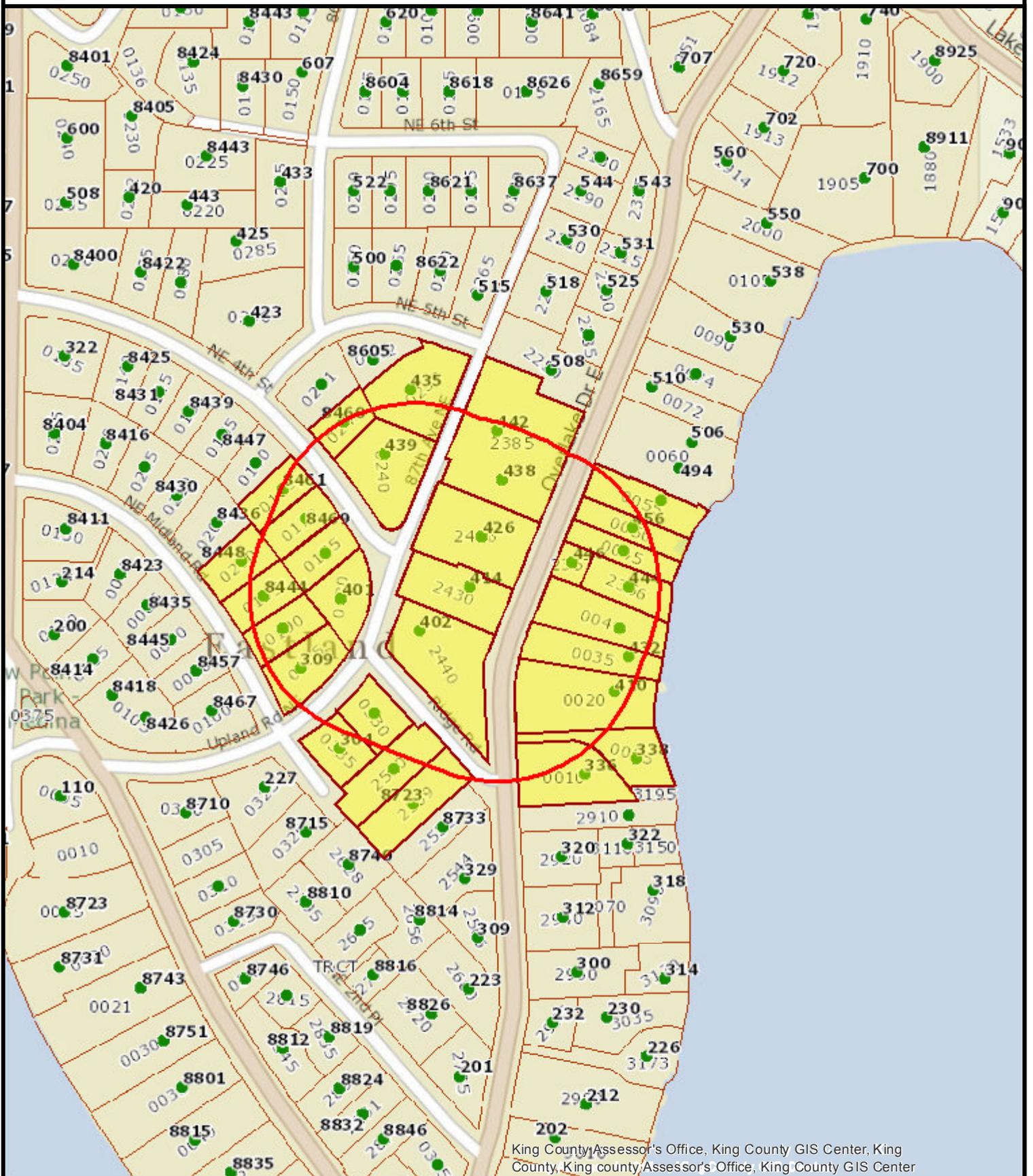
Denise Neu
484 Overlake Dr East
Medina, WA 98039

Anthony Futrell
8469 Ridge Rd
Bellevue, WA 98004

Christopher Weymouth
8711 NE 4th St
Medina, WA 98039

King County

Exhibit 4c



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 9/28/2021



King County

CITY OF MEDINA DECLARATION OF POSTING

Michael Holly does declare as follows:

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

22nd day of OCTOBER 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:

MH Medina City Hall, 501 Evergreen Point Road, Medina

DN City Website

MH Medina Post Office, 816 Evergreen Point Road, Medina

MIT Public notice board at Medina Park Northeast 12th Street parking lot.

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

414 Upland Road

Description of document:

P-21-080 (NOA – Johnston 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:

22nd day of OCTOBER 20 21

Michael Holly
Signature of posting employee



CITY OF MEDINA NOTICE OF APPLICATION

Proposal: Request for a non-administrative variance for a reduction in a north side yard setback from 14'-10" to 5'-11" to remodel a previously nonpermitted shade structure

File No. P-21-080 Non-Administrative Variance

Applicant: Michael Johnston (owner)

Site Address: 414 Upland Road

Required Permits/Studies: Future Building Permit

Application Received:	September 30, 2021
Determination of Completeness:	October 21, 2021
Notice of Application:	October 22, 2021

PUBLIC COMMENTS: Pursuant to MMC 16.80.110(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 November 5, 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)

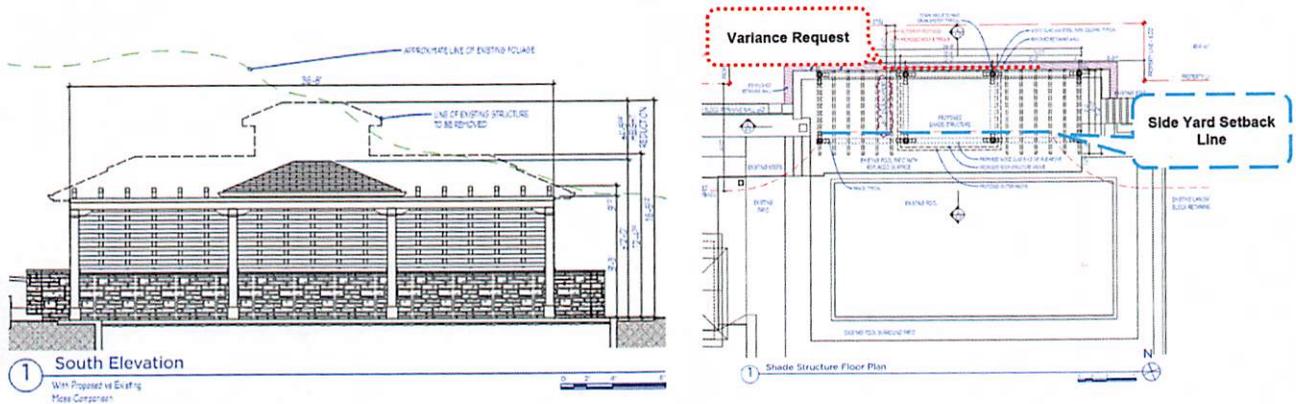
DETERMINATION OF CONSISTENCY: Pursuant to RCW 36.70B.040, a preliminary determination has found the proposal consistent with the provisions of the Medina Municipal Code

APPEAL RIGHTS: Type 3 decisions made by the Medina Hearing Examiner may be appealed to King County superior court pursuant to MMC 16.80.220(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

Below: Site Plan




 Stephanie Keyser, AICP, Planning Manager

10/22/2021
 Notice Issued

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 16th day of November 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:

414 Upland Road

Description of document:

NOH – 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:

16th day of November 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 **Friday, December 17, 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 a reduction in a north side yard setback from 14'-10" to 5'-11" to remodel a previously unpermitted shade structure

File No. Non-administrative Variance (P-21-080)

Applicant: Michael Johnston (owner)

Site Address: 414 Upland 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, December 10, 2021, at 4:00 PM. 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: 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 16.80.220(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.


Stephanie Keyser, AICP, Planning Manager

11/16/2021
Notice Issued

WARNING!

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

Susan Sullivan
1645 Rambling Ln
Medina, WA 98039

Samedy Ouk
8477 Ridge Road
Medina, WA 98039

John Ebel
304 Upland Road
Medina, WA 98039

Jason Weber
446 Overlake Dr Ea
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Peter and Martha Woodman
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Trenton Dykes
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Richard and Kathryn Dalzell
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Michael Johnston
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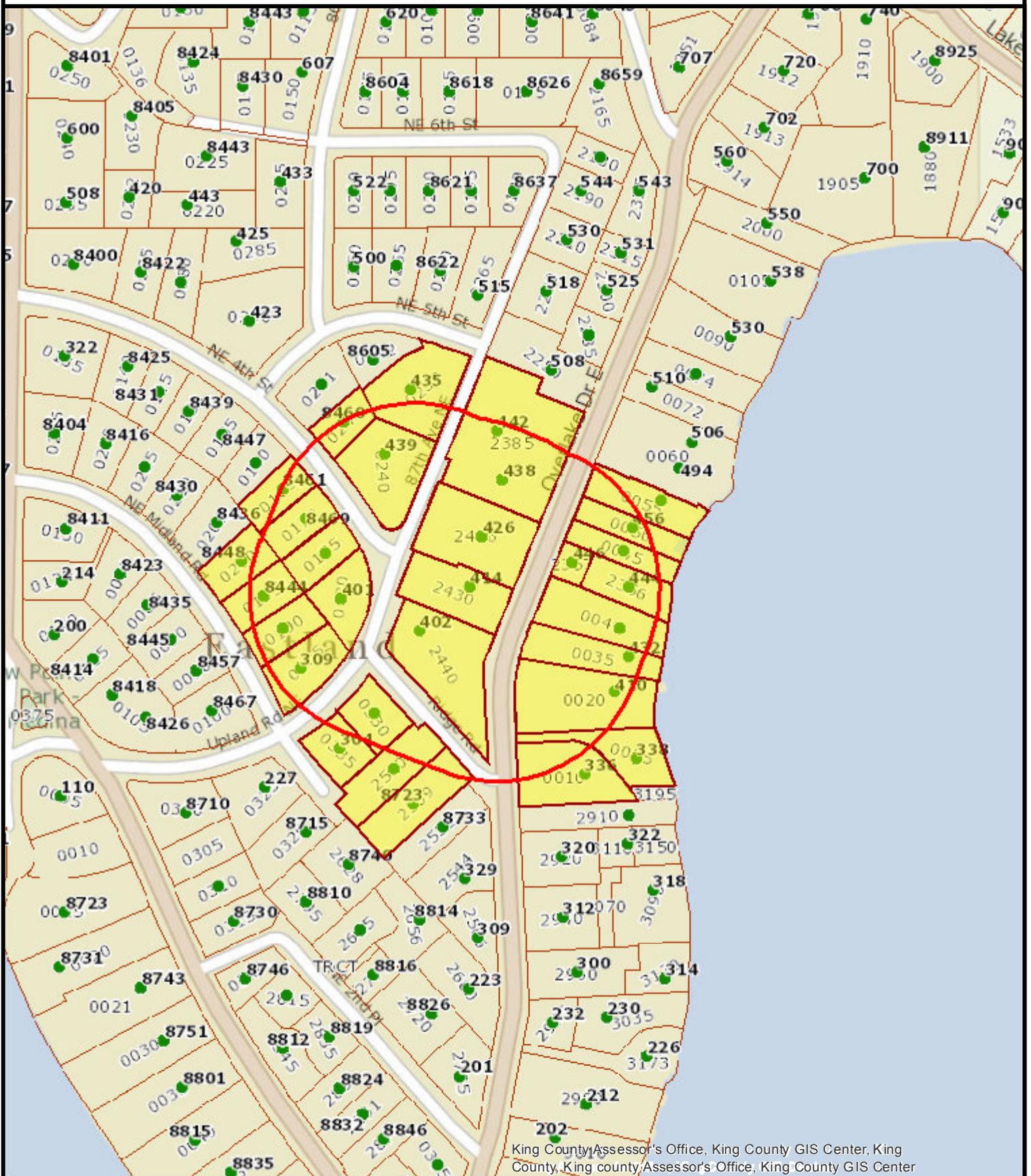
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Bellevue, WA 98004

Christopher Weymouth
8711 NE 4th St
Medina, WA 98039

King County

Exhibit 4d



King County Assessor's Office, King County GIS Center, King County, King county Assessor's Office, King County GIS Center

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

Date: 9/28/2021



King County

CITY OF MEDINA DECLARATION OF POSTING

Michael Holt does declare as follows:

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

16th day of November 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:

MH Medina City Hall, 501 Evergreen Point Road, Medina

PN City Website

MH Medina Post Office, 816 Evergreen Point Road, Medina

MH Public notice board at Medina Park Northeast 12th Street parking lot.

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

414 Upland Road

Description of document:

P-21-080 (NOH – 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:

16th day of November 20 21

Michael Holt
Signature of posting employee



CITY OF MEDINA NOTICE OF VIRTUAL HEARING

NOTICE IS HEREBY GIVEN that the Medina Hearing Examiner will conduct a virtual public hearing on **Friday, December 17, 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 a reduction in a north side yard setback from 14'-10" to 5'-11" to remodel a previously unpermitted shade structure

File No. Non-administrative Variance (P-21-080)

Applicant: Michael Johnston (owner)

Site Address: 414 Upland 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, December 10, 2021, at 4:00 PM. 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: 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 16.80.220(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.


 Stephanie Keyser, AICP, Planning Manager

11/16/2021
 Notice Issued

WARNING!

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

Stephanie Keyser

From: Legals <legals@seattletimes.com>
Sent: Friday, November 12, 2021 8:25 AM
To: Stephanie Keyser
Subject: RE: 17416 - 17417 - Legal Ads - City of Medina

Hi Stephanie,
These are both scheduled to publish on 11/16, totals and proofs are below.
Thank you,

Order 17416, \$162.79

**CITY OF MEDINA
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Medina Hearing Examiner will conduct a remote public hearing on Friday, December 17, 2021, at 2:00 PM. The purpose of this hearing is to consider public testimony for and against the following:

Proposal: Request for a non-administrative variance for a reduction in a north side yard setback from 14'-10" to 5'-11" to remodel a previously unpermitted shade structure

File No: Non-Administrative Variance (P-21-080)

Applicant: Michael Johnston (owner)

Address: 414 Upland 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, December 10, 2021, at 4:00 PM. 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 16.80.220(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



From: Stephanie Keyser <skeyser@medina-wa.gov>
Sent: Friday, November 12, 2021 7:26 AM
To: Legals <legals@seattletimes.com>
Subject: Legal Ads - City of Medina

Good Morning,

Attached please find two legal ads for publication on Tuesday, November 16th.

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.



DEVELOPMENT
SERVICES

NON-ADMINISTRATIVE VARIANCE CHECKLIST

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

This checklist contains the minimum submission requirements for a non-administrative variance that are due at the time of submittal. Please note that not all items listed may apply to your submittal.

COMPLETE APPLICATION

<input type="checkbox"/>	Variance Checklist
	Complete Variance Application: <input type="checkbox"/> Application form <input type="checkbox"/> Signature of applicant/agent <input type="checkbox"/> All questions answered in full
<input type="checkbox"/>	Declaration of Agency form
<input type="checkbox"/>	Proof of Ownership (copy of deed)
<input type="checkbox"/>	Site Plan with required information
<input type="checkbox"/>	Building plans, elevations, and/or sections with area of variance highlighted
<input type="checkbox"/>	Documentation of Original Grade (if applicable)
<input type="checkbox"/>	State Environmental Policy Act (SEPA) Checklist for non-residential uses (if applicable)
	Mailing labels – Word doc formatted to Avery address labels <input type="checkbox"/> Mailing labels containing the names of property owners and their mailing addresses for all properties within 300 feet <u>or</u> three (3) parcels depth, whichever distance is greater but not to exceed 1,000 feet. <input type="checkbox"/> Vicinity map showing the site with the 300' or three (3) parcels depth minimum buffer of property owners who will be notified of the application.
<input type="checkbox"/>	Perspective drawings, renderings, studies or additional supporting information (if applicable)



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: Michael and Marybeth Johnston

Property Address: 414 Upland Road, Medina, WA 98039

Legal Description: KENWOOD PARK ADD LOTS 10-11-12 & 26-27-28 & S 8 FT OF SELY 25.92 FT OF LOT9 & S 8 FT OF NWLY 31.6 FT OF LOT 29 TGW POR VAC RD ADJ PER MEDINA ORD #804	Tax Parcel Number: 383550-2430
---	--

Agent / Primary contact

Name: Howard Miller	Email: howard@tjp.us
----------------------------	-----------------------------

Contact Phone: (206) 523-1618	Alternative Phone: N/A
--------------------------------------	-------------------------------

Mailing Address: 1212 NE 65th Street	City: Seattle	State: WA	Zip: 98115
---	----------------------	------------------	-------------------

Property Information

Lot Size: 22,240 sq. ft.	Critical area(s) located on the property (Ch. 20.50 MMC)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
------------------------------------	---

Zoning District:

R-16 R-20 R-30 SR-30 Public NA (Neighborhood Auto)

Check all boxes for which relief is requested:	<input type="checkbox"/> Maximum height	<input checked="" type="checkbox"/> Minimum setback
	<input type="checkbox"/> Maximum structural coverage	<input type="checkbox"/> Other _____
<input type="checkbox"/> Maximum impervious surface coverage		

Please clearly state what your variance request is (i.e. This is a request to reduce the rear yard setback from 30 ft. to 15 ft.)
This is a request to install an open-sided accessory shade-providing structure 8 feet 4 inches into a side yard setback.

List known variances or special/conditional use permits previously approved for this property:
No known variance or special/conditional use permits previously approved for the Property.

Please describe any known nonconforming conditions:
None known. The Property includes an unpermitted structure that this variance seeks to legalize in a new configuration.

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

Applicant is proposing to install an open-sided accessory shade-providing structure ("Shade Structure") in its side yard to allow for the use and enjoyment of the single-family home's existing pool in its current location. The proposal includes reconfiguring an existing unpermitted structure to reduce the mass and height and increase landscaping screening adjacent to the northern neighbor closest to the proposed Shade Structure. The Applicant wishes to enjoy the pool that was legally permitted in its current location prior to their purchase of the home. However, the sun exposure in the summer requires additional shade opportunities. The Applicant has tried all types of moveable shade systems (umbrellas, sun screens, tarps) and none have been successful due to high winds on the site. The Proposal would require a modest intrusion into the side yard setback to allow for a permanent Shade Structure, designed to match the City's architectural character and to be visually compatible with the surrounding area. The proposed structure is set into the hillside lessening its visual impact and relative height as perceived by the immediate neighbors. The northern and southern neighbors have indicated their support for the proposal.

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**

The Property is located in R-16, a single family zone and is developed with a single-family home. Accessory structures such as cabanas and shade pavilions are allowed in this zone under the Medina Municipal Code. The Applicant requests relief from a dimensional standard, not a use that is inconsistent with the R-16 zone. Additionally, the Shade Structure would not create any new impacts from noise, light, or traffic. It has been designed to be low-profile and visually compatible with the neighborhood. Therefore, this variance is not a special privilege inconsistent with the limitations upon uses of other properties in the vicinity and zone in which the Property is located.
- 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**

The Applicant bought the Property with an existing pool, which is permitted under the Medina Municipal Code. Although pools are not unusual in Medina, the Applicant's location on Uplands Road above Lake Washington is exposed to high velocity winds. As a permitted use, Applicants have the right to use and enjoy the pool. However, the location and alignment of the pool pose challenges in terms of shade, necessitating a modest departure from the minimum side yard setback requirements for the Shade Structure. The Applicant has tried all types of moveable shade systems (umbrellas, sun screens, tarps) and none have been successful in providing shade over the long-term due to the exposure to high velocity winds on the site.
- 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**

The Shade Structure is to relieve the hardship of extreme sun exposure and to be able to enjoy the pool in its current, pre-existing location. The Applicant has tried all types of moveable shade systems (umbrellas, sun screens, tarps) and none have been successful over the long-term due to high winds. The variance provides for a permanent fixed structure that can withstand the winds that travel the site and provide permanent shade protection for the patio adjacent to the pool.

Approval Criteria (continued)

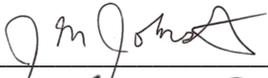
4. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated

The variance will be materially beneficial as the Shade Structure includes cohesive design elements allowing for seamless integration into the neighborhood. The design of the Shade Structure is low-profile and open-aired. It does not result in a perceptible visual mass, especially when considering the existing lush vegetation that borders to the adjacent properties. See *Site Photos*. The Applicant is proposing additional landscaping to visually buffer the Shade Structure from the northern neighbor. Further, neighbors located directly adjacent to the Property have expressed their support for this variance. The variance is not materially detrimental to the public or improvements in the vicinity or within the R-16 zone.

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

The variance will allow for a Shade Structure for the Applicant to enjoy their pre-existing pool and the design is consistent with the aesthetics of the surrounding homes in the vicinity. The variance will also avoid the visual clutter of destroyed umbrellas and sun screens. The variance, if granted, is the minimum necessary to provide reasonable relief.

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 September 30, 2021

Signature  Owner Agent Date September 30, 2021

BOUNDARY AND IMPERVIOUS SURVEY

A PORTION OF THE NE QUARTER OF THE NE QUARTER SECTION 24, TOWNSHIP 21 NORTH, RANGE 5 EAST, W.M., CITY OF MEDINA, KING COUNTY, WASHINGTON



D.R. STRONG
CONSULTING ENGINEERS
ENGINEERS PLANNERS SURVEYORS
820 - 7th AVENUE KIRKLAND, WA 98033
O 425.827.3063 F 425.827.2423

BOUNDARY & IMPERVIOUS SURVEY

414 UPLAND ROAD
MEDINA, WA

ERIC WHITING
OVERBROOK CONST., INC.

9620 SE 6TH ST
BELLEVUE, WA 98004

(425) 450-1591



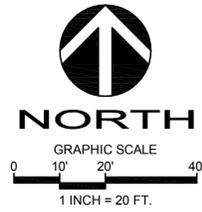
APR

REVISION

DATE

PROJECT SURVEYOR: SPF
DRAFTED BY: EMO/CCF
FIELD BOOK: 153-3,4
DATE: 01-03-18
PROJECT NO.: 17140

SHEET: 1 OF 1



BASIS OF BEARINGS:
BASIS OF BEARING TEXT

LEGEND:

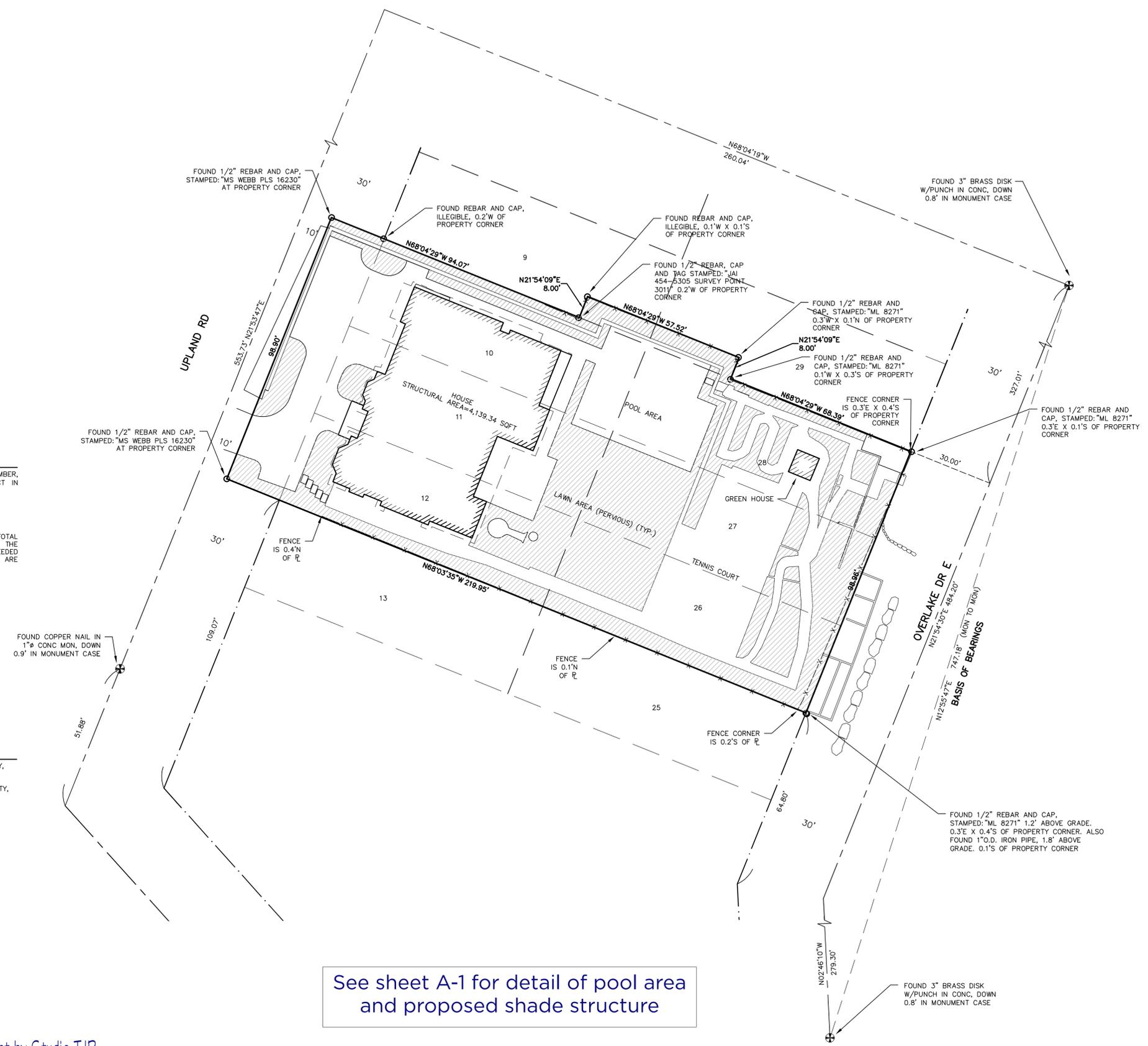
- SET MONUMENT AS NOTED
- FOUND MONUMENT AS NOTED
- ROCKERY WALL
- FENCE
- PERVIOUS AREA

SURVEYOR'S NOTES

1. THIS SURVEY REPRESENTS VISIBLE PHYSICAL IMPROVEMENT CONDITIONS EXISTING IN NOVEMBER, 2017. ALL SURVEY CONTROL INDICATED AS "FOUND" WAS RECOVERED FOR THIS PROJECT IN NOVEMBER, 2017.
2. PROPERTY AREA = 22,221± SQUARE FEET (0.5101± ACRES).
3. ALL DISTANCES ARE IN FEET.
4. THIS IS A FIELD TRAVERSE SURVEY. A TRIMBLE ONE SECOND COMBINED ELECTRONIC TOTAL STATION WAS USED TO MEASURE THE ANGULAR AND DISTANCE RELATIONSHIPS BETWEEN THE CONTROLLING MONUMENTATION AS SHOWN. CLOSURE RATIOS OF THE TRAVERSE MET OR EXCEEDED THOSE SPECIFIED IN WAC 332-130-090. ALL MEASURING INSTRUMENTS AND EQUIPMENT ARE MAINTAINED IN ADJUSTMENT ACCORDING TO MANUFACTURER'S SPECIFICATIONS.
5. PERVIOUS AREA = 8,108± SQUARE FEET (36.49%)
6. IMPERVIOUS AREA = 14,113± SQUARE FEET (63.51%)
7. STRUCTURAL AREA = 4,139± SQUARE FEET

REFERENCES:

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2. RECORD OF SURVEY, RECORDED IN VOL. 272 OF SURVEYS, PAGE 002, RECORDS OF KING COUNTY, WASHINGTON. KING CO RECORDING NO. 20100518900008
3. RECORD OF SURVEY, RECORDED IN VOL. 1 OF SURVEYS, PAGE 103, RECORDS OF KING COUNTY, WASHINGTON. KING CO RECORDING NO. 197310250436



See sheet A-1 for detail of pool area and proposed shade structure

NOTE: Survey layout re-formatted to fit standard 22x34 sheet by Studio TJP

Upland Shade Structure
Michael & Marybeth Johnston
414 Upland Road Medina, WA 98039

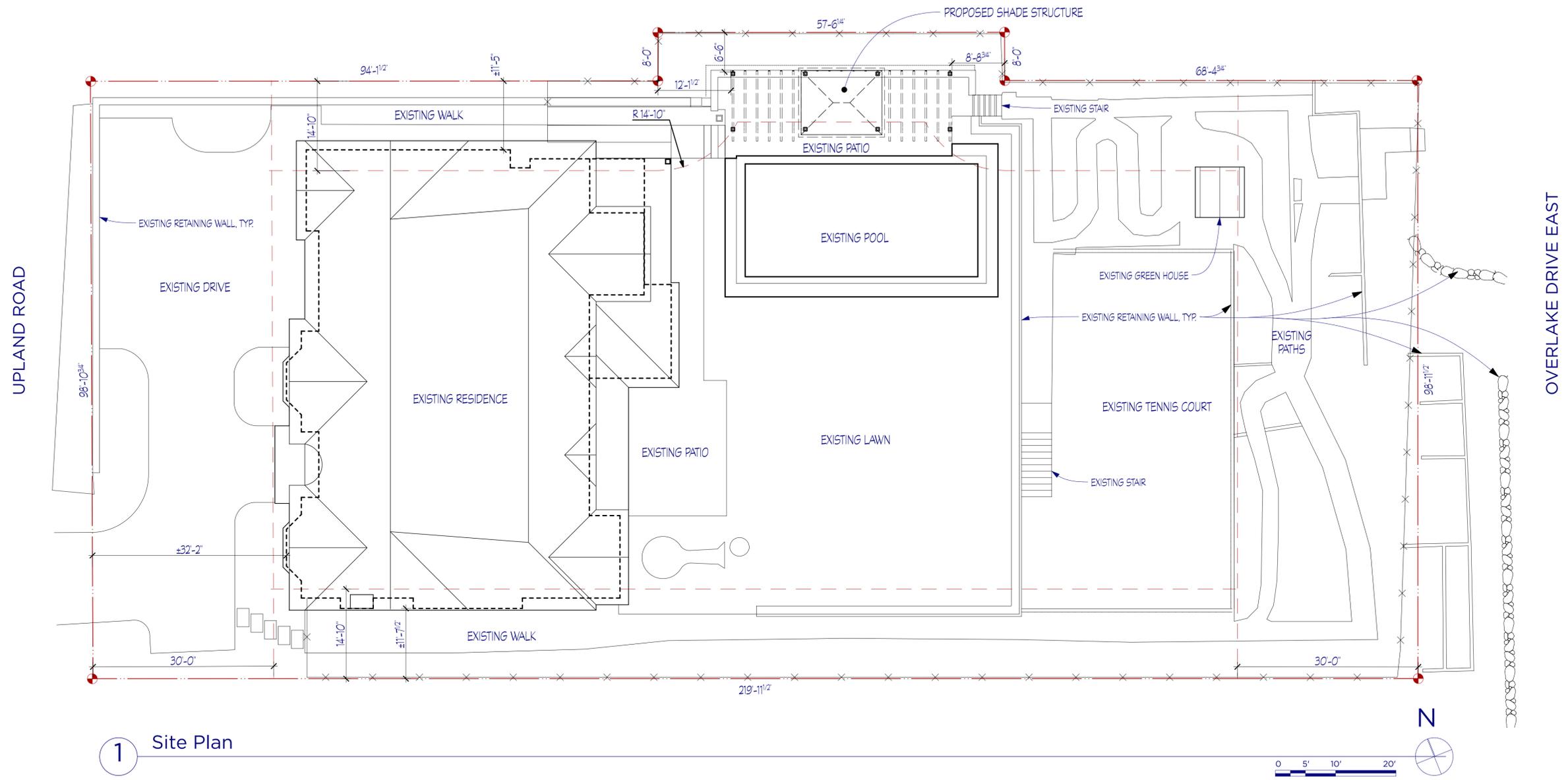
Site Plan

DRN: HLM CHK: ECM
Variance 9/30/2021

REVISIONS

ID	DESCRIPTION	DATE

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HOWARD L. MILLER
STATE OF WASHINGTON
NOT VALID UNLESS SIGNED

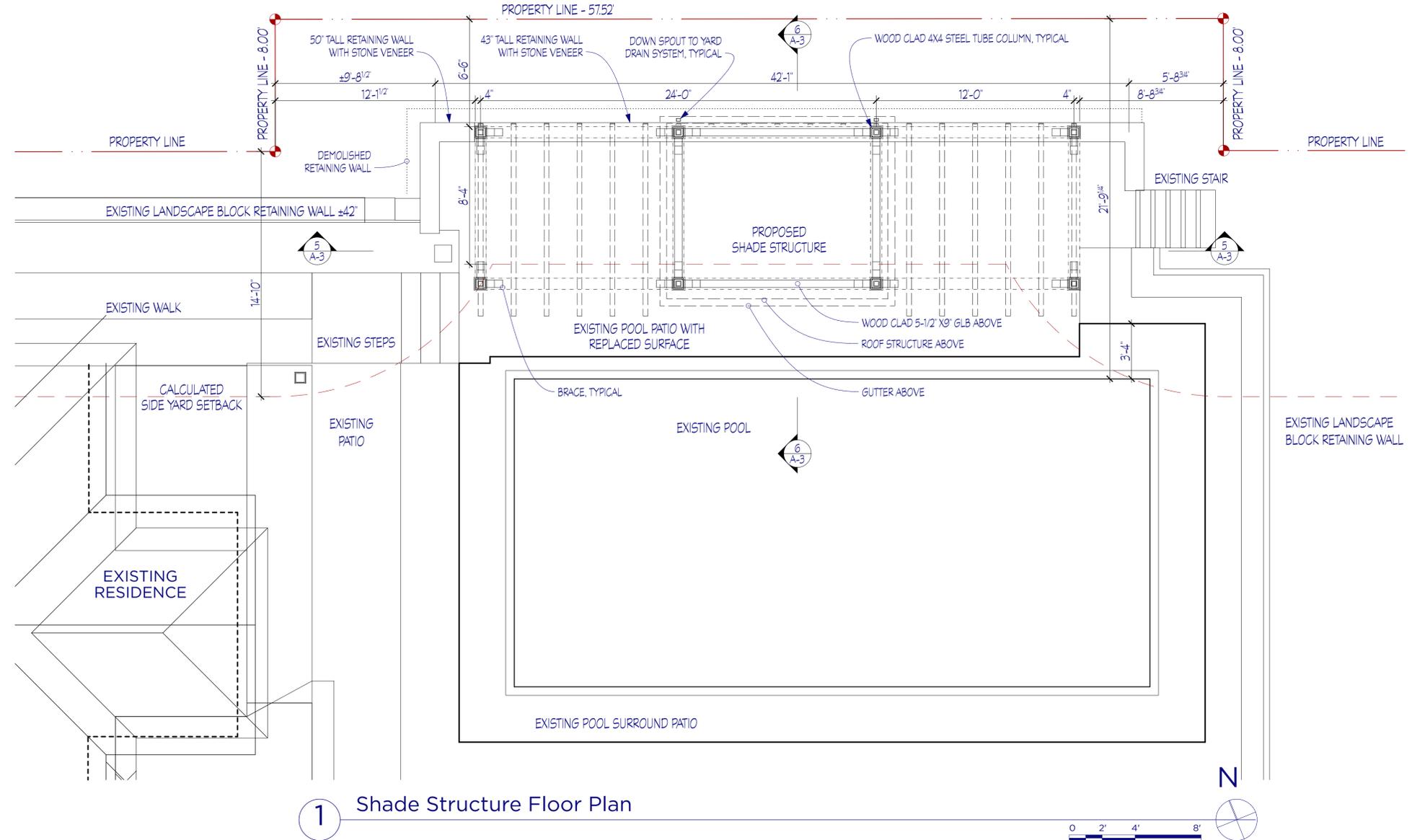
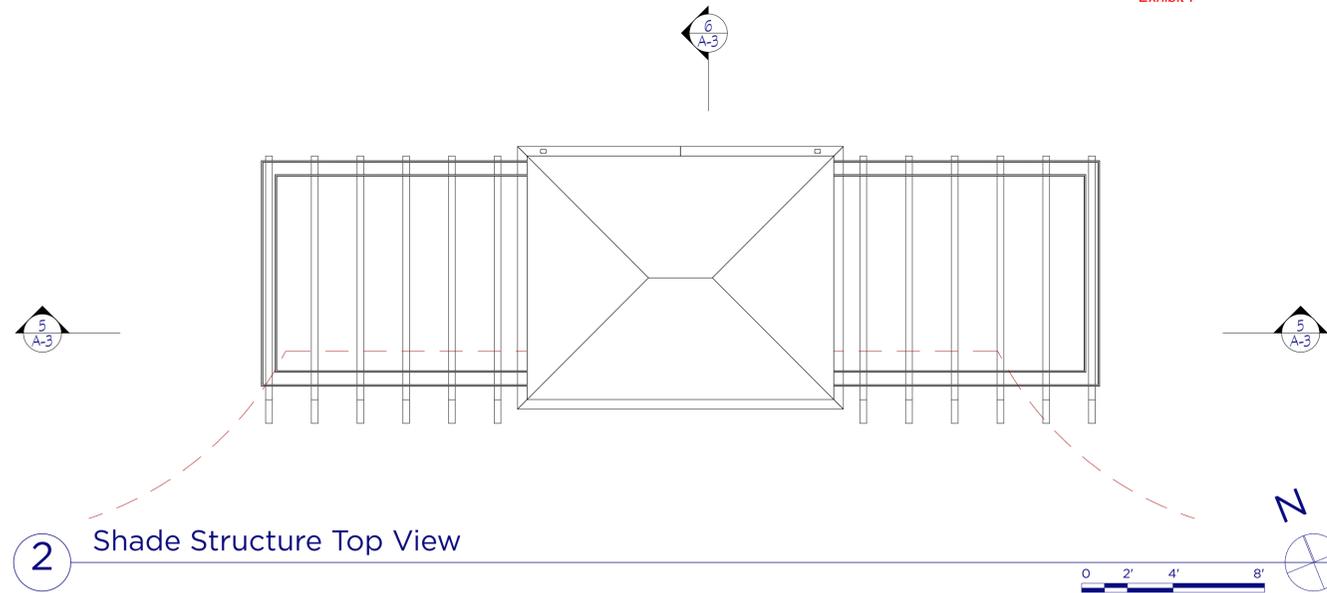


1 Site Plan

DRN: HLM	CHK: ECM
Variance	9/30/2021

REVISIONS		
ID	DESCRIPTION	DATE

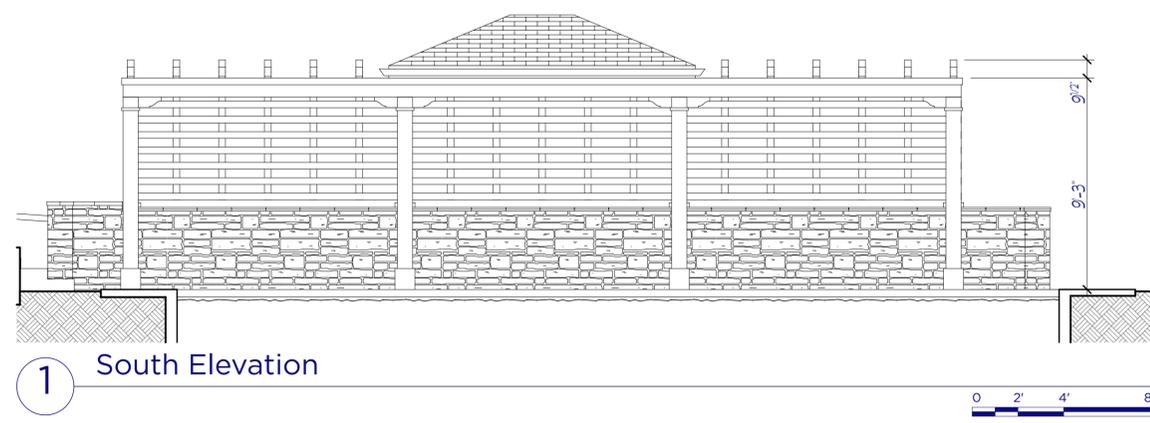
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HOWARD L. MILLER
STATE OF WASHINGTON
NOT VALID UNLESS SIGNED



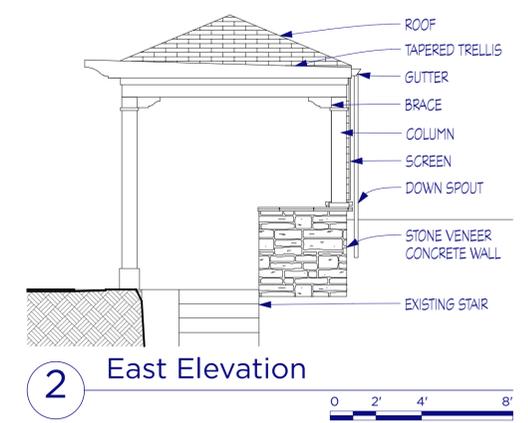
DRN: HLM	CHK: ECM
Variance	9/30/2021

REVISIONS		
ID	DESCRIPTION	DATE

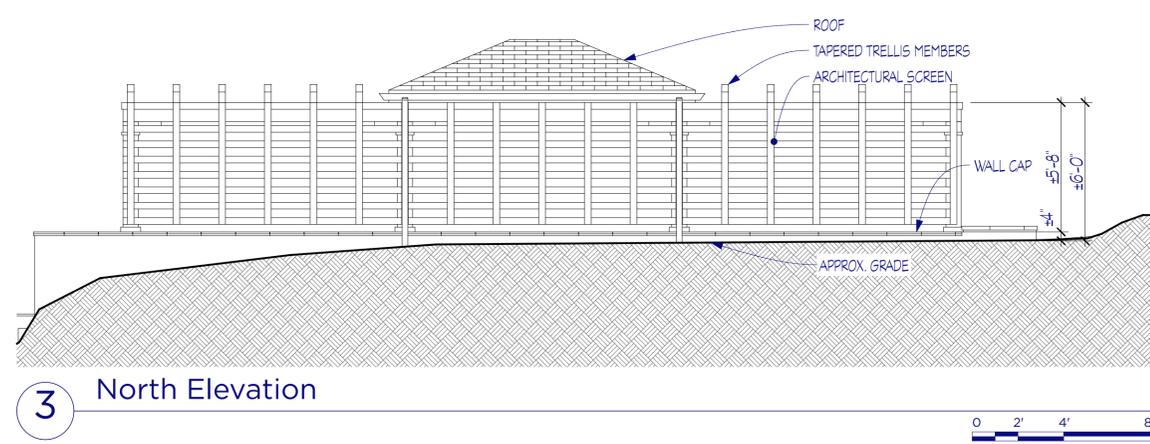
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HOWARD L. MILLER
STATE OF WASHINGTON
NOT VALID UNLESS SIGNED



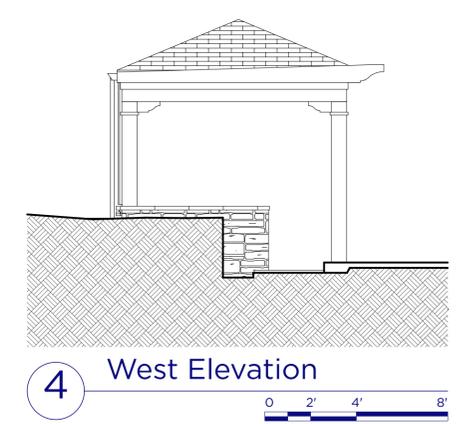
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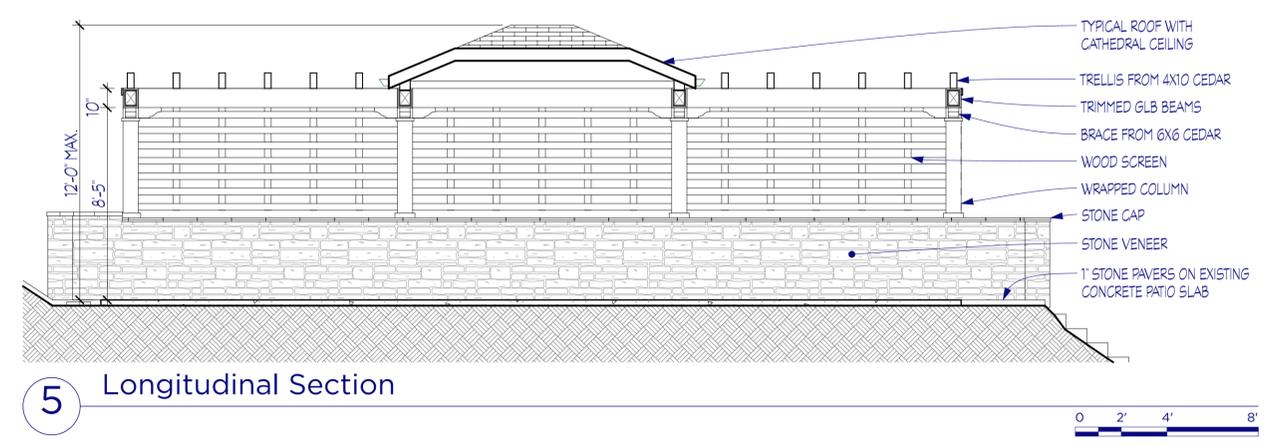
2 East Elevation



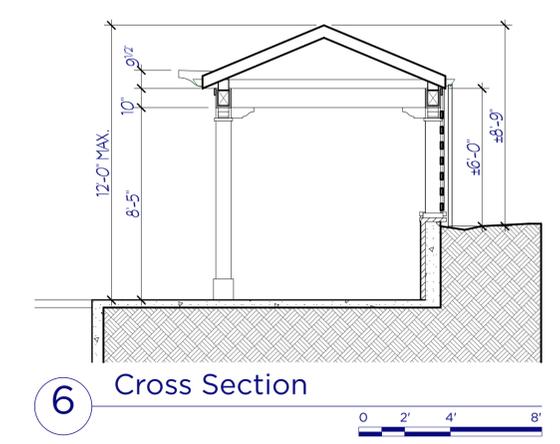
3 North Elevation



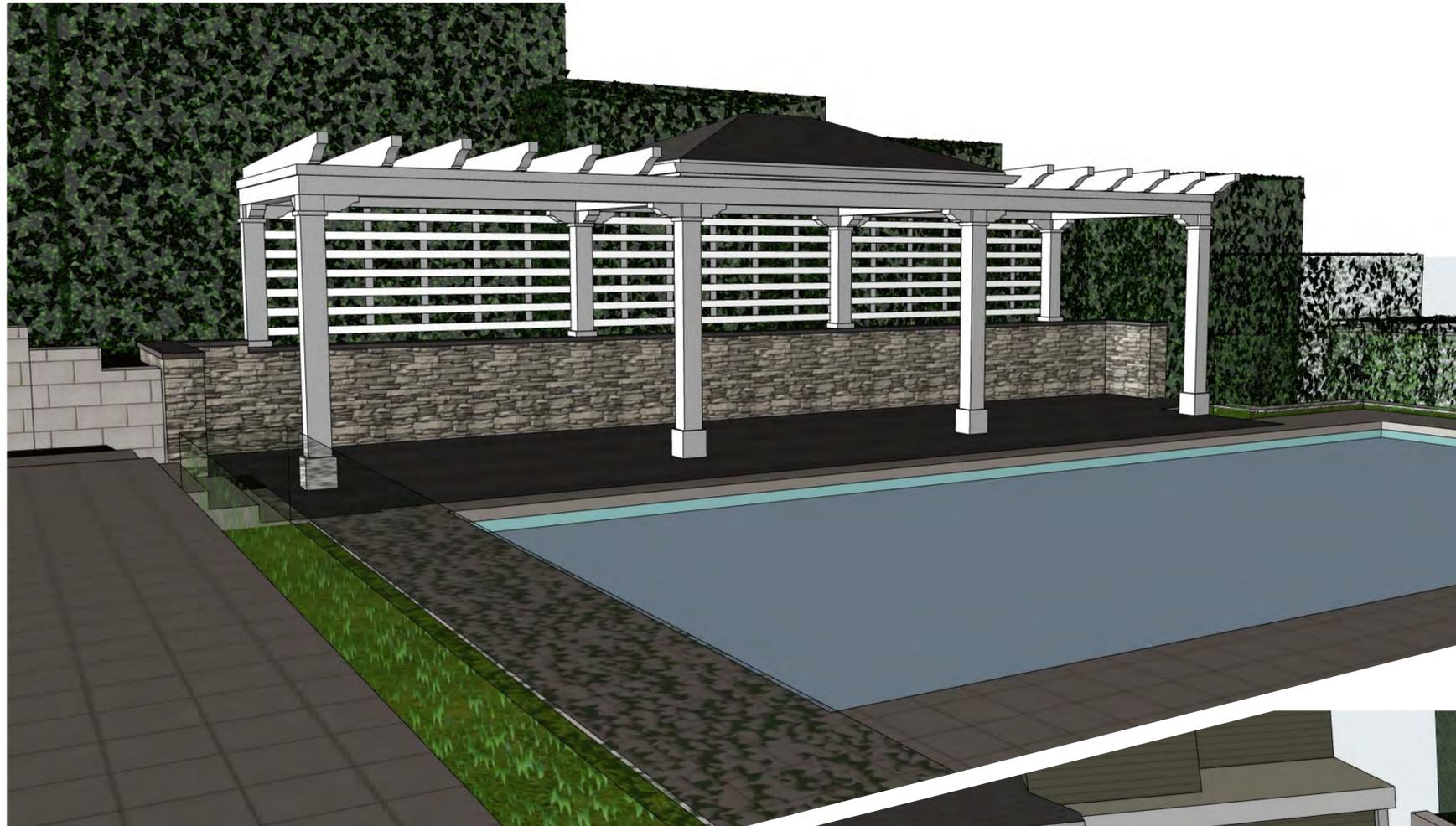
4 West Elevation



5 Longitudinal Section



6 Cross Section



2 View from the house



1 Bird's eye view



1212 NE 65th St
 Seattle WA 98115
 206 523 1618
 tjp.us

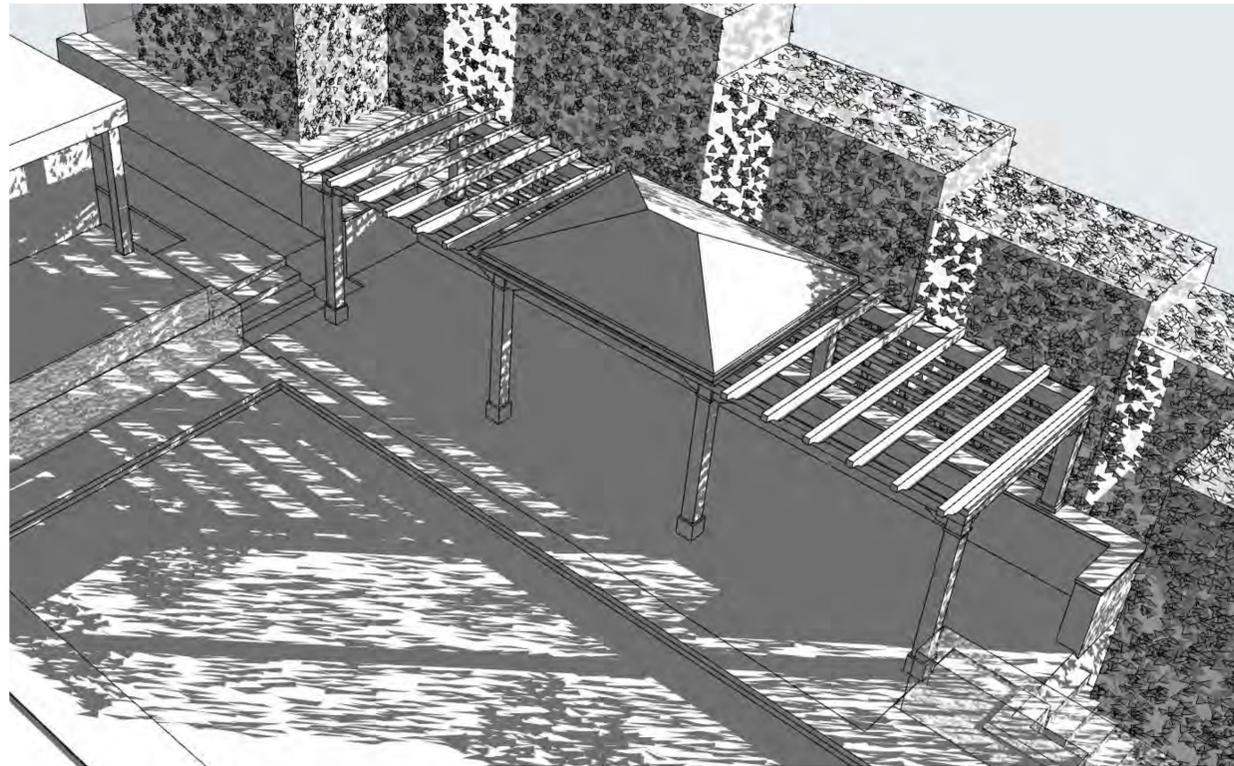
Upland Shade Structure
 Michael & Marybeth Johnston
 414 Upland Road Medina, WA 98039

Color 3D Views

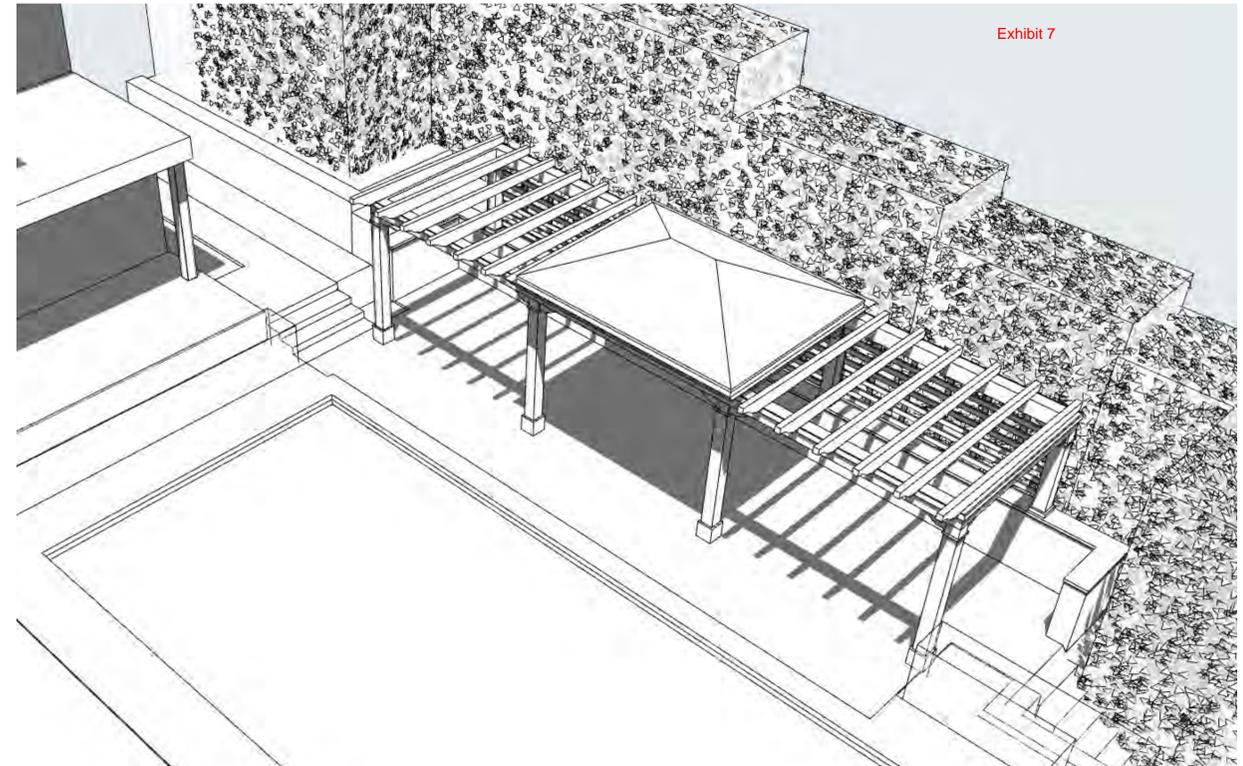
DRN: HLM CHK: ECM
 Variance 9/30/2021

REVISIONS		
ID	DESCRIPTION	DATE

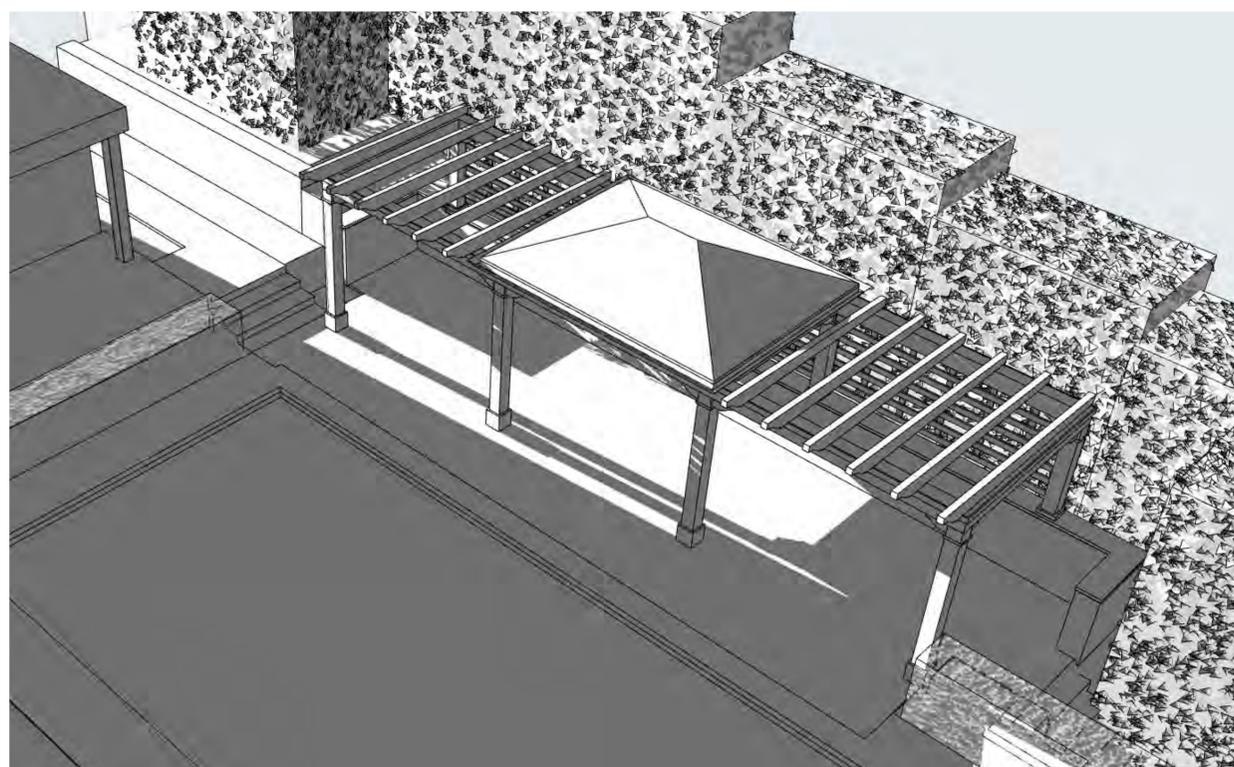




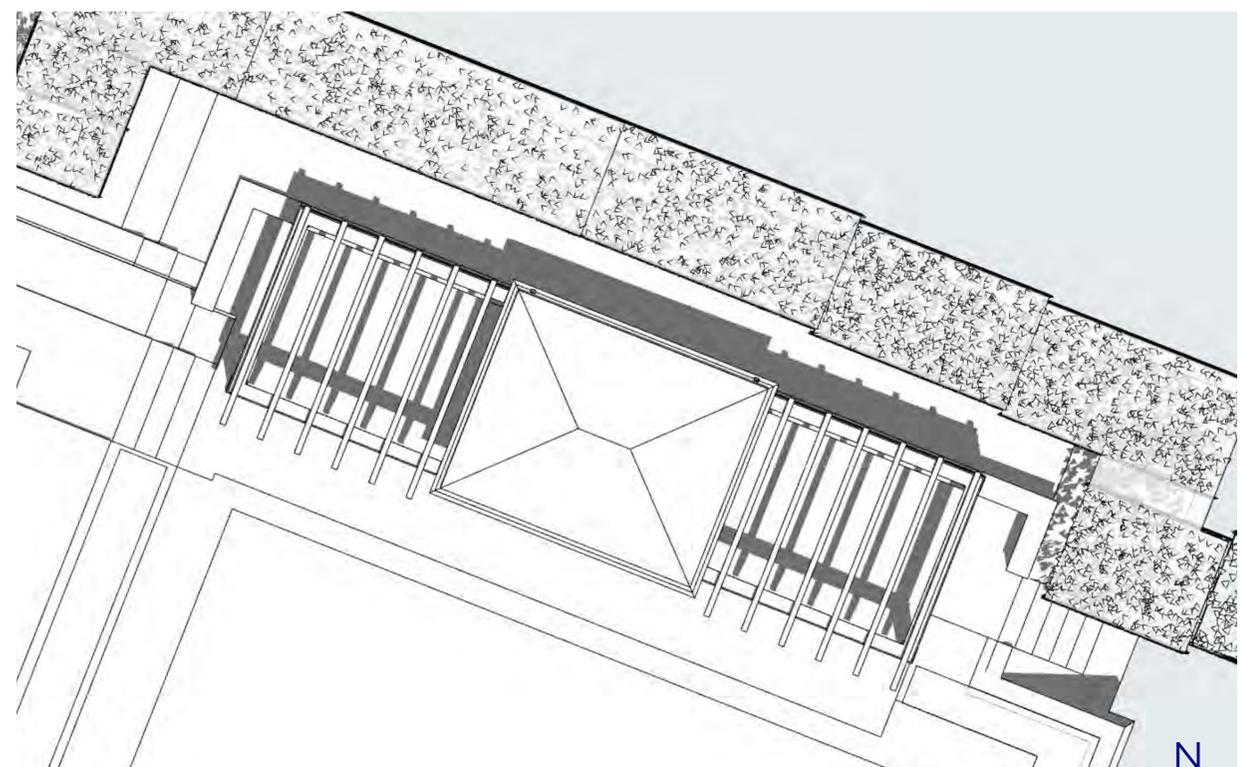
1 June 21 at 6:00AM



2 June 21 at 12:00PM



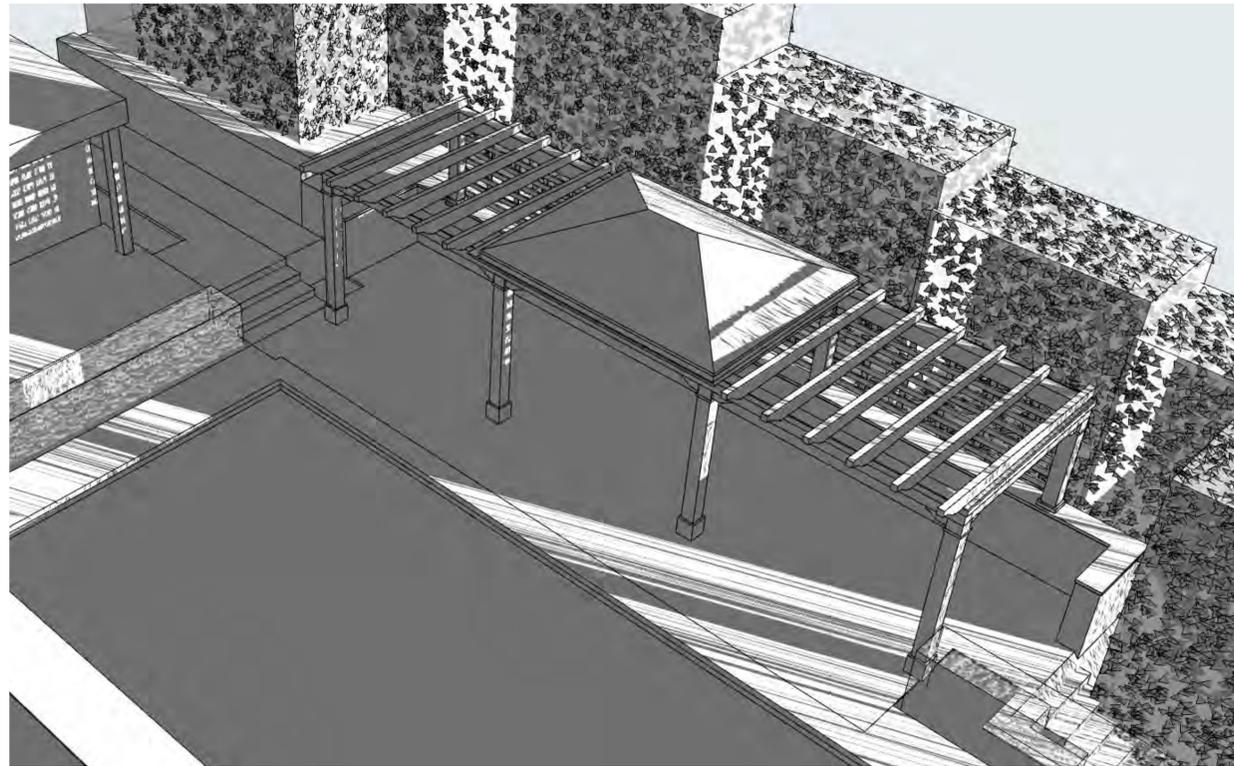
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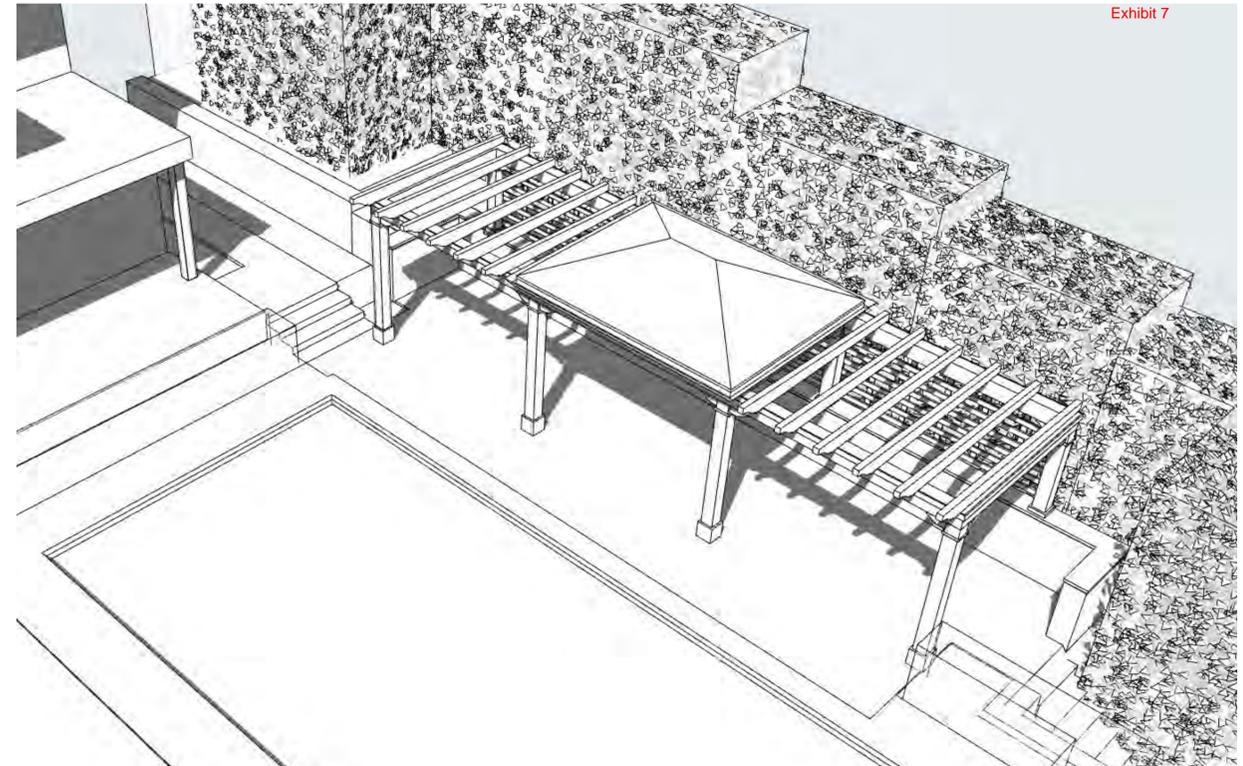
4 June 21 at 12:00PM shading plan view

REVISIONS

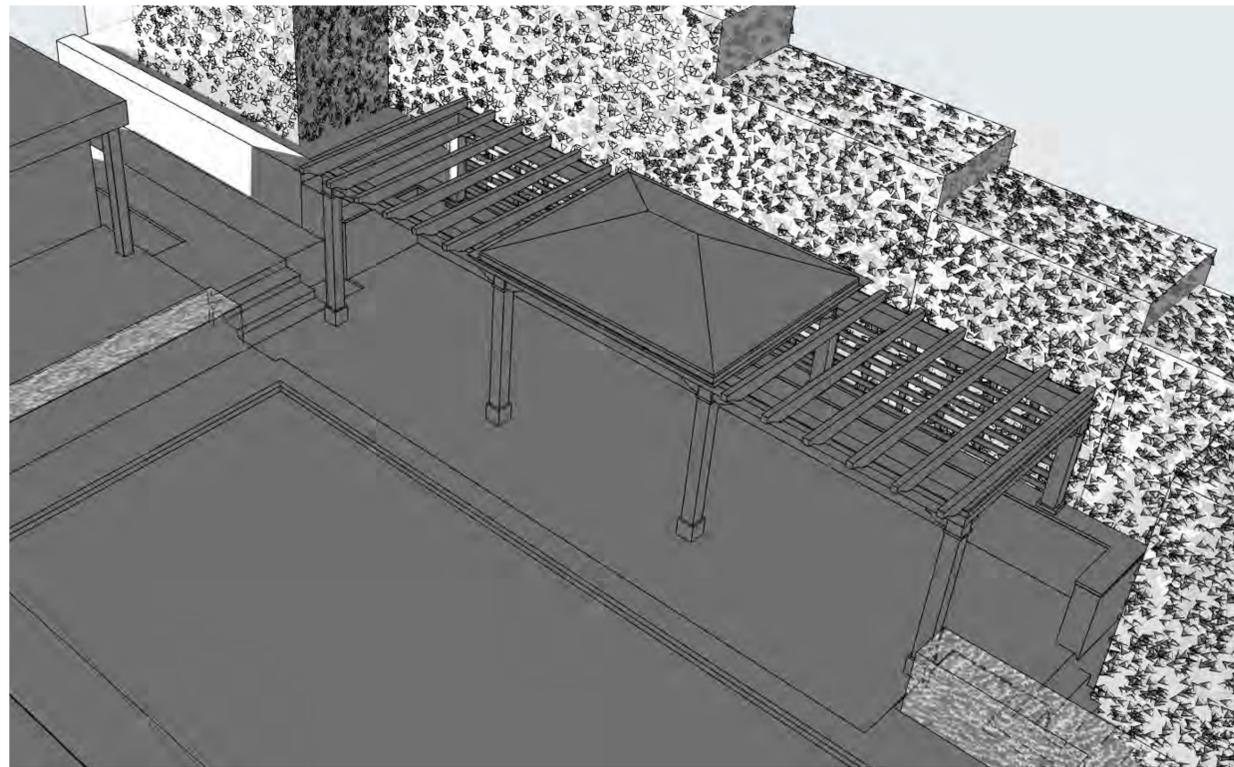
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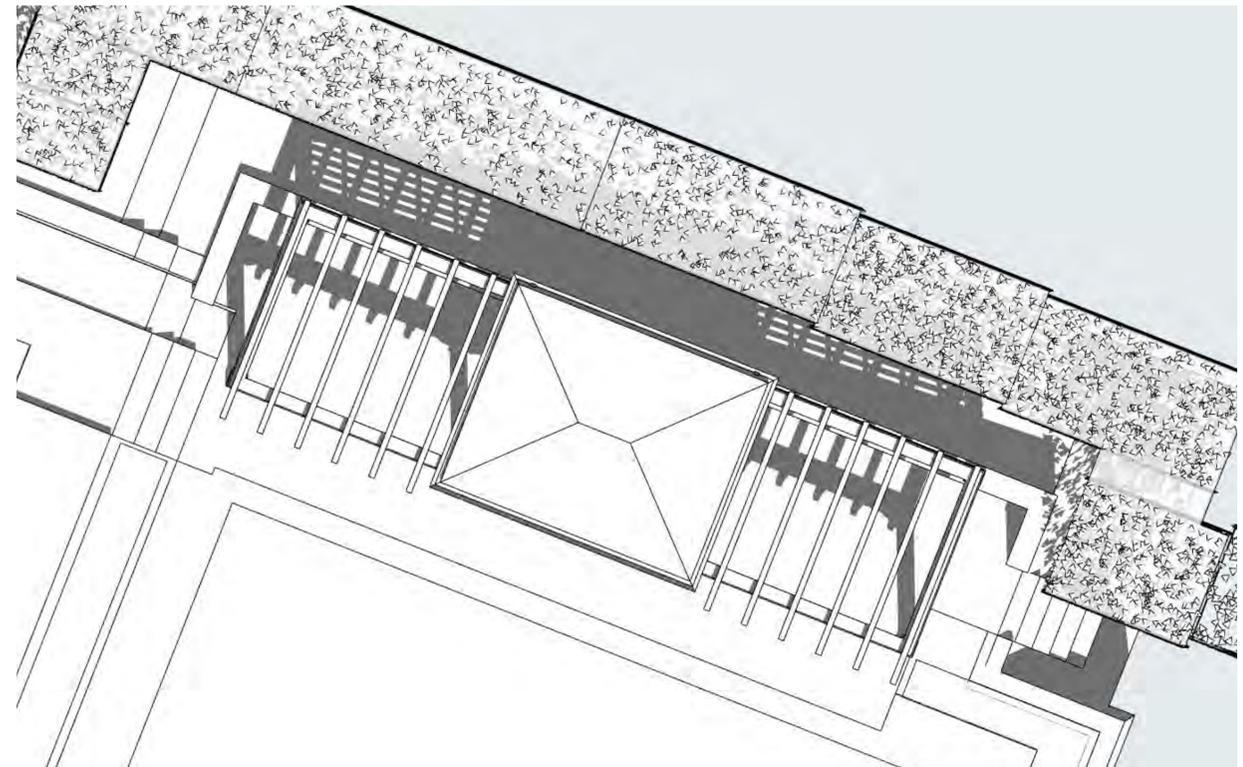
1 September/March 20 at 6:00AM



2 September/March 20 at 12:00PM



3 September/March 20 at 6:00PM



4 September/March 20 at 12:00PM shading plan view

DRN: HLM	CHK: ECM
Variance	9/30/2021

REVISIONS		
ID	DESCRIPTION	DATE

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HOWARD L. MILLER
STATE OF WASHINGTON
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1212 NE 65th St
Seattle WA 98115
206 523 1618
tjp.us

Upland Shade Structure
 Michael & Marybeth Johnston
 414 Upland Road Medina, WA 98039
Existing Un-Permitted Structure

DRN: HLM CHK: ECM
Variance 9/30/2021

REVISIONS		
ID	DESCRIPTION	DATE

6000 REGISTERED ARCHITECT
HOWARD L. MILLER
STATE OF WASHINGTON
NOT VALID UNLESS SIGNED

BOUNDARY AND IMPERVIOUS SURVEY

Exhibit 8

A PORTION OF THE NE QUARTER OF THE NE QUARTER
SECTION 24, TOWNSHIP 21 NORTH, RANGE 5 EAST, W.M.,
CITY OF MEDINA, KING COUNTY, WASHINGTON



D.R. STRONG
CONSULTING ENGINEERS
ENGINEERS PLANNERS SURVEYORS
620 - 7th AVENUE KIRKLAND, WA 98033
O 425.827.3063 F 425.827.2423

BOUNDARY & IMPERVIOUS SURVEY

414 UPLAND ROAD
MEDINA, WA

**ERIC WHITING
OVERBROOK CONST., INC.**

9620 SE 6TH ST
BELLEVUE, WA 98004

(425) 450-1591



APR

REVISION

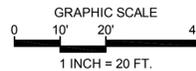
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PROJECT SURVEYOR: SPF
DRAFTED BY: EMO/CCF
FIELD BOOK: 153-3,4
DATE: 01-03-18
PROJECT NO.: 17140

SHEET: 1 OF 1



NORTH



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BASIS OF BEARING TEXT

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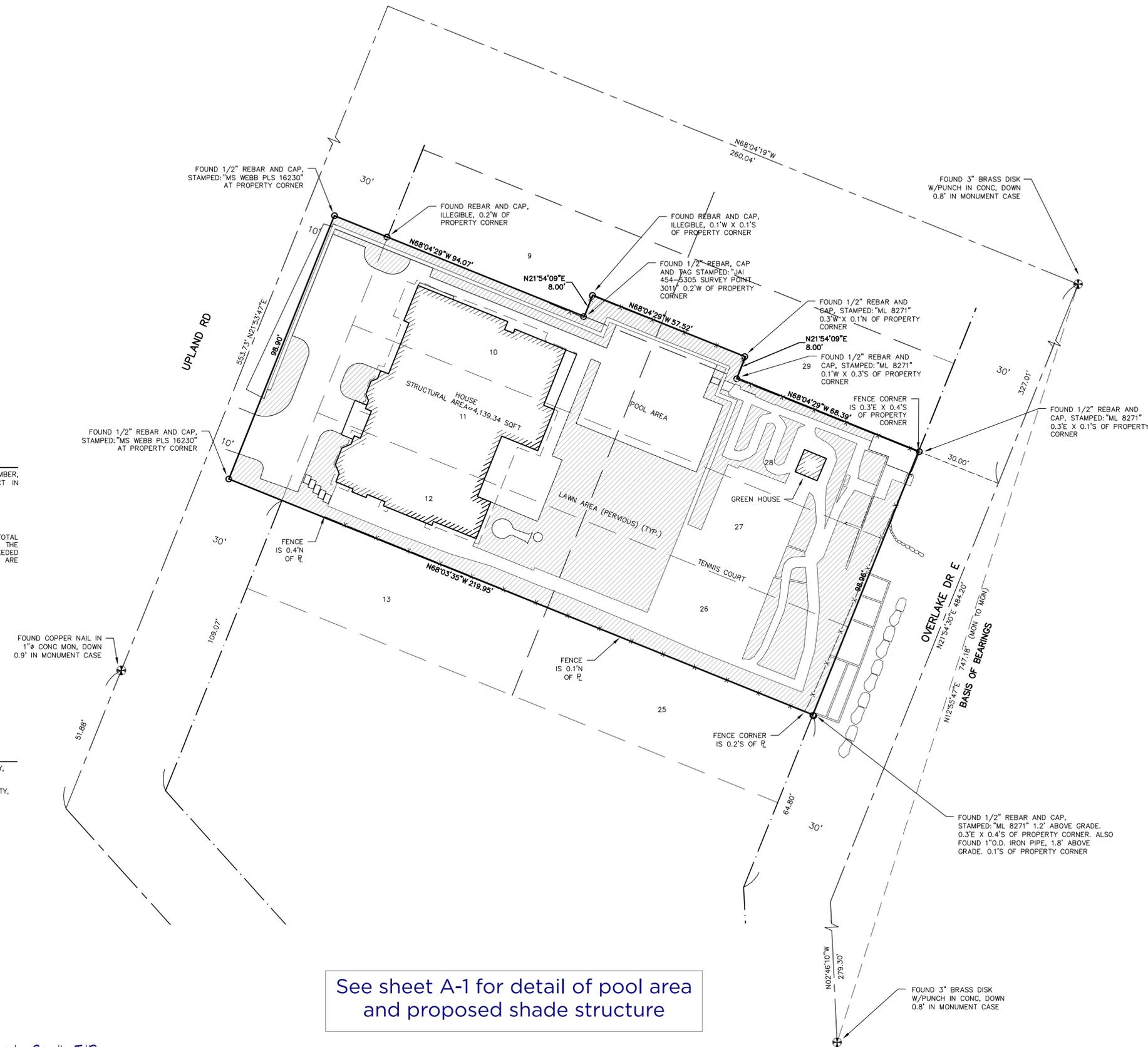
- SET MONUMENT AS NOTED
- FOUND MONUMENT AS NOTED
- ROCKERY WALL
- FENCE
- PERVIOUS AREA

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7. STRUCTURAL AREA = 4,139± SQUARE FEET

REFERENCES:

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2. RECORD OF SURVEY, RECORDED IN VOL. 272 OF SURVEYS, PAGE 002, RECORDS OF KING COUNTY, WASHINGTON. KING CO RECORDING NO. 20100518900008
3. RECORD OF SURVEY, RECORDED IN VOL. 1 OF SURVEYS, PAGE 103, RECORDS OF KING COUNTY, WASHINGTON. KING CO RECORDING NO. 197310250436



See sheet A-1 for detail of pool area and proposed shade structure

NOTE: Survey layout re-formatted to fit standard 22x34 sheet by Studio TJP

DRN: HLM CHK: ECM

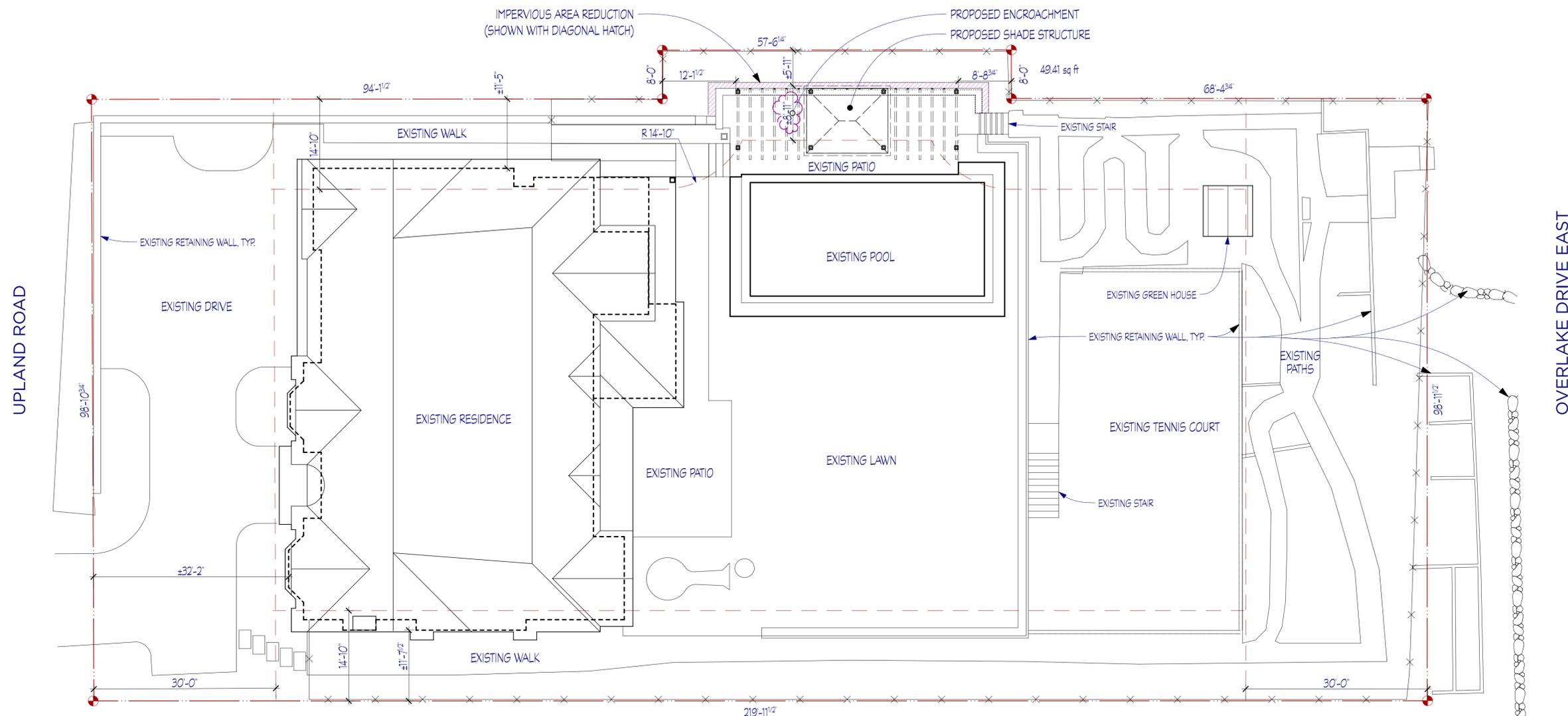
Variance 10/6/2021

REVISIONS

ID	DESCRIPTION	DATE



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1 Site Plan

STRUCTURAL LOT COVERAGE CALCULATIONS

Lot Area	=	22,221.0 SF	Total
Existing House (Per DRS 2018 Survey)	=	4,139.3 SF	
Existing Green House	=	67.9 SF	
Proposed Trellis = 128.7+128.7-222	=	36.0 SF	
(Less 1% lot area exemption)			
Proposed roofed structure	=	163.2 SF	
Total Structural Lot Coverage		4,405.3 SF	

Lot Coverage = $4,405.3 \text{ SF} \div 22,221.0 \text{ SF}$
 = 0.19825 or **20%** (25% Allowed)

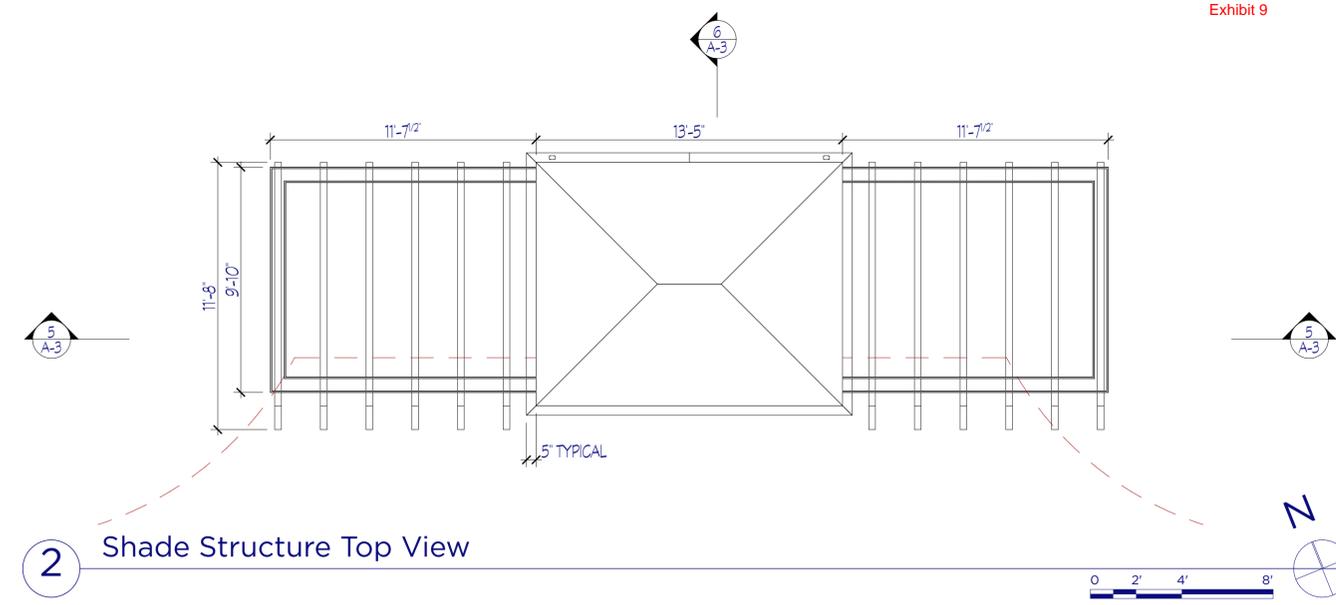
Existing Structure has a lot coverage of ±527 S.F.
 Proposed structure has a lot coverage of ±163 S.F.
 The proposed structure has ±364 S.F. less structural lot coverage

IMPERVIOUS SURFACE CALCULATIONS

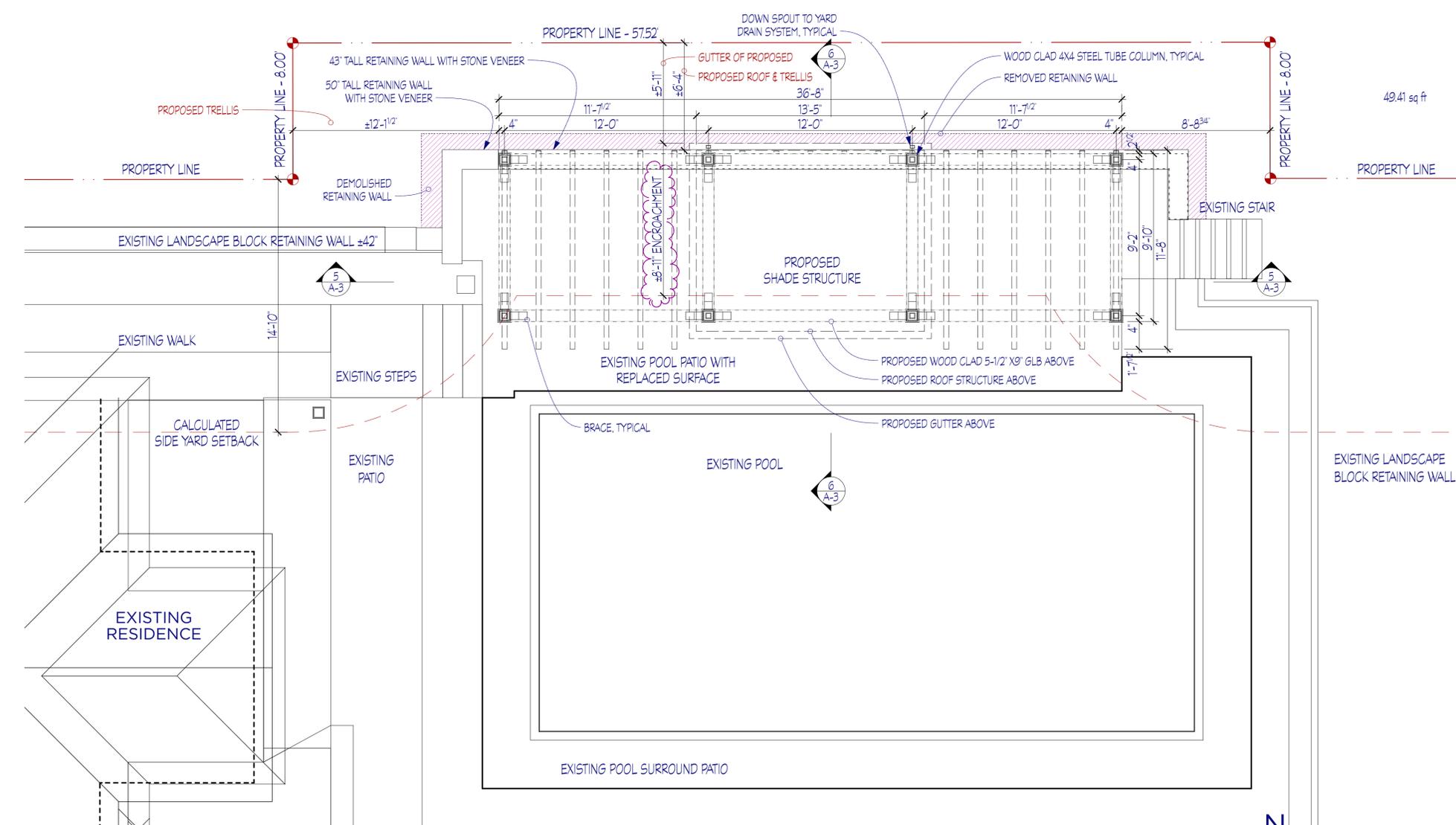
Lot Area	=	22,221.0 SF	Total
Existing Impervious Area	=	14,113.0 SF	
(Per DRS 2018 Survey			
Existing Non-conforming)			
Impervious Area reduction	=	47.8 SF	
(Reduction in patio size at			
proposed shade structure)			
Total Impervious Lot Coverage		14,065.2 SF	

Lot Coverage = $14,065.2 \text{ SF} \div 22,221.0 \text{ SF}$
 = 0.63296 or **63%** (55% Allowed)



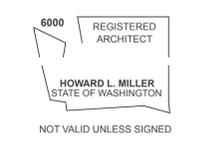


2 Shade Structure Top View



1 Shade Structure Floor Plan

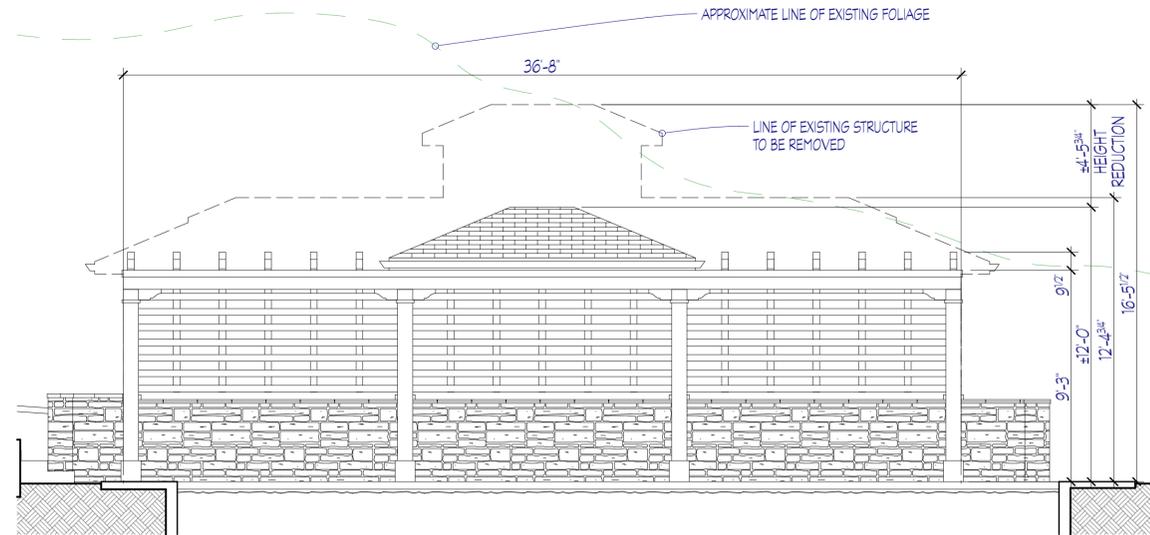
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Variance	10/6/2021	
REVISIONS		
ID	DESCRIPTION	DATE



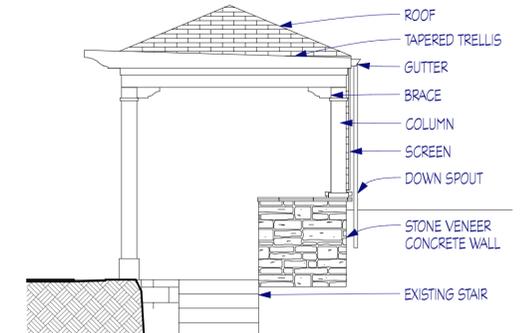
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Variance	10/6/2021

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ID	DESCRIPTION	DATE

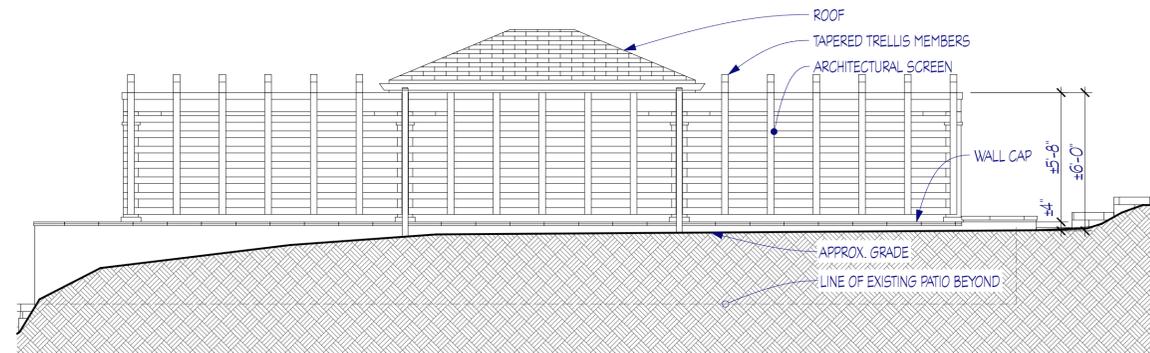
6000 REGISTERED ARCHITECT
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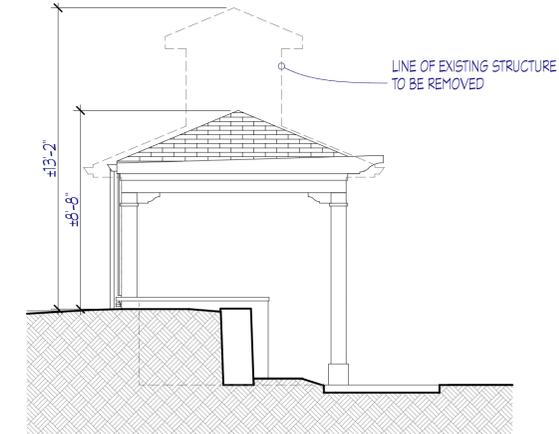
1 South Elevation
With Proposed vs Existing
Mass Comparison



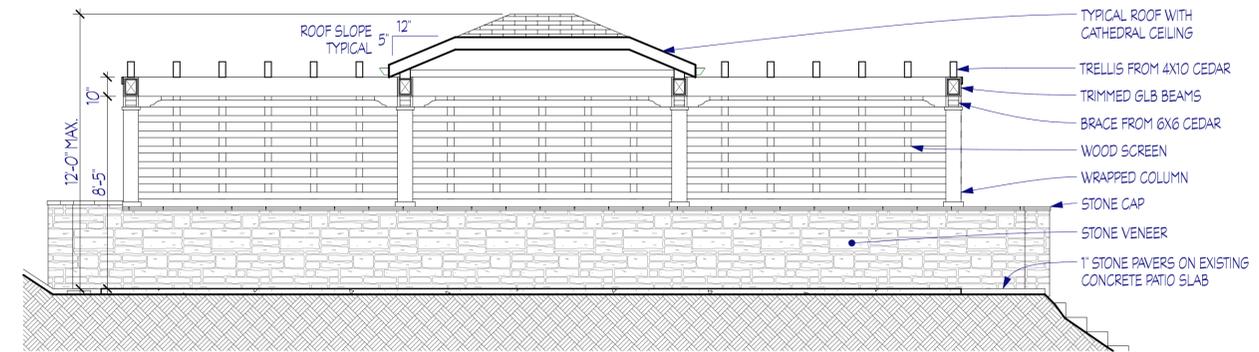
2 East Elevation



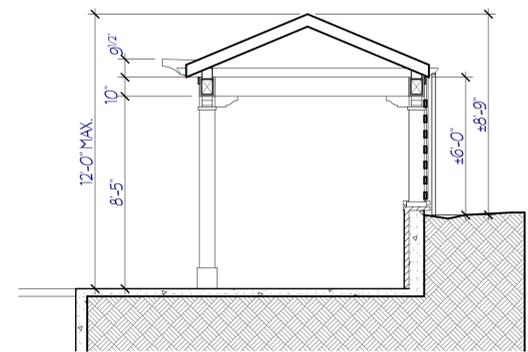
3 North Elevation



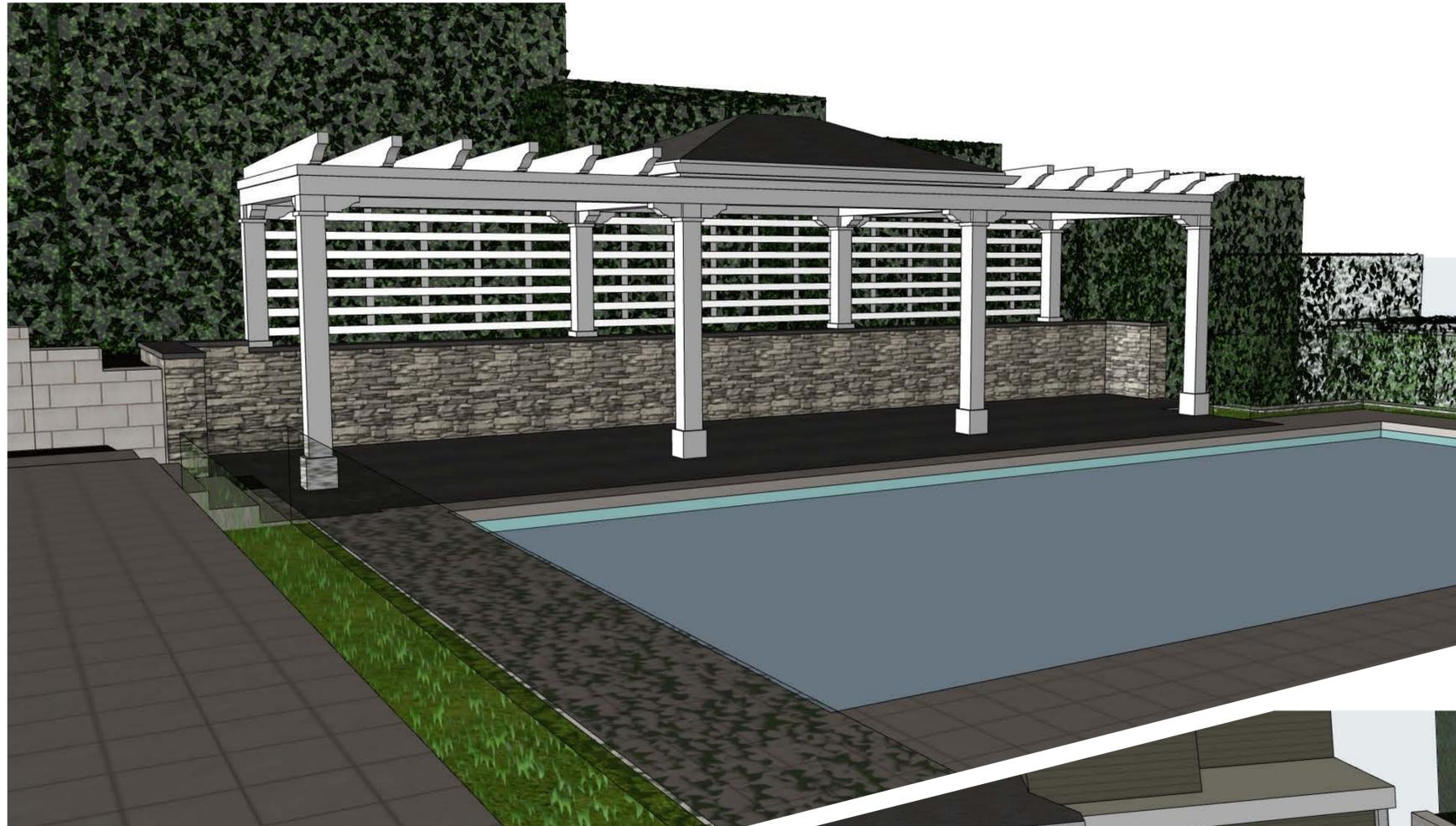
4 West Elevation
With Proposed vs Existing
Mass Comparison



5 Longitudinal Section



6 Cross Section



2 View from the house



1 Bird's eye view



1212 NE 65th St
 Seattle WA 98115
 206 523 1618
 tjp.us

Upland Shade Structure
 Michael & Marybeth Johnston
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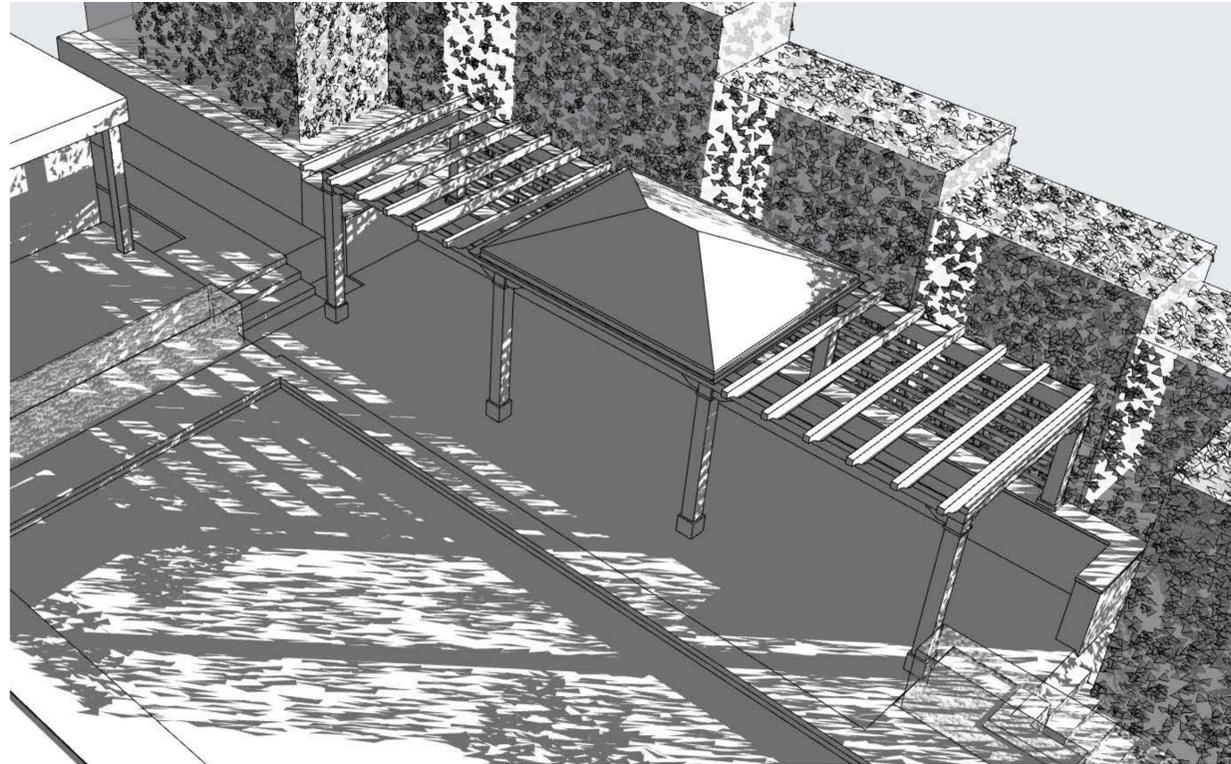
Color 3D Views

DRN: HLM CHK: ECM
 Variance 10/6/2021

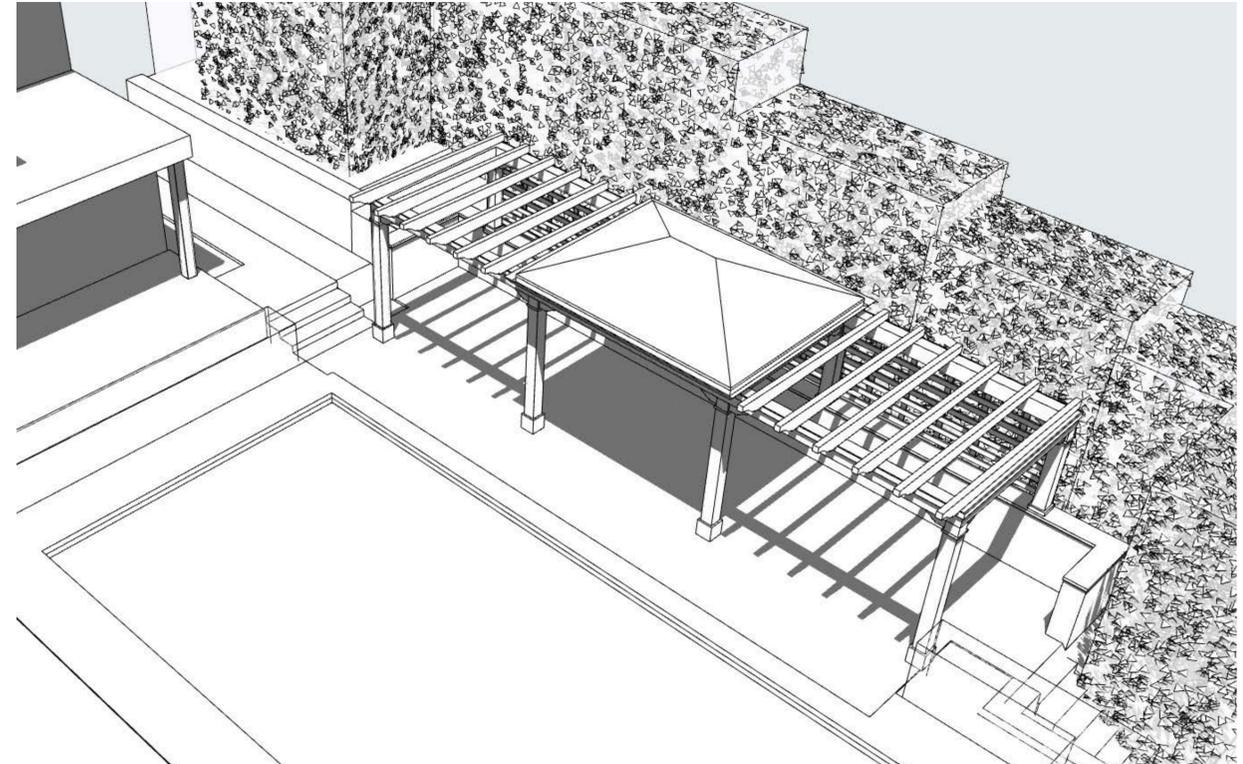
REVISIONS

ID	DESCRIPTION	DATE

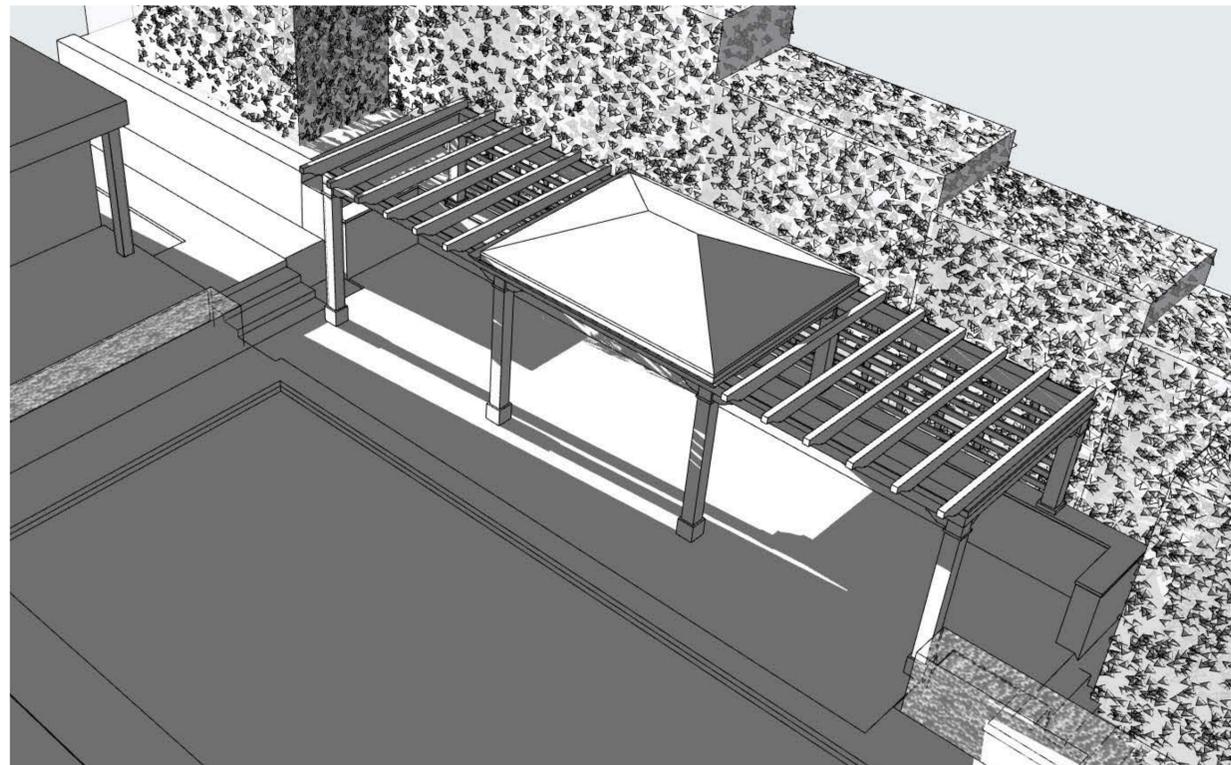




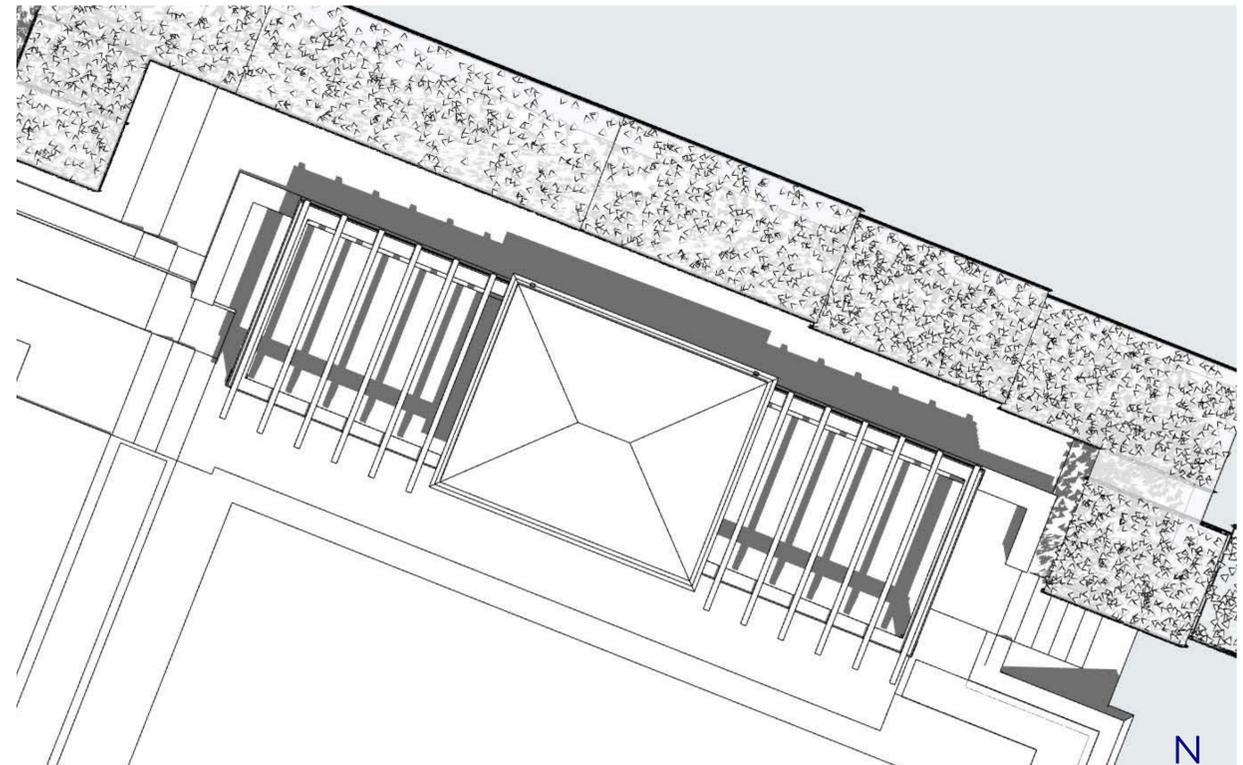
1 June 21 at 6:00AM



2 June 21 at 12:00PM



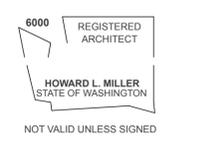
3 June 21 at 6:00PM

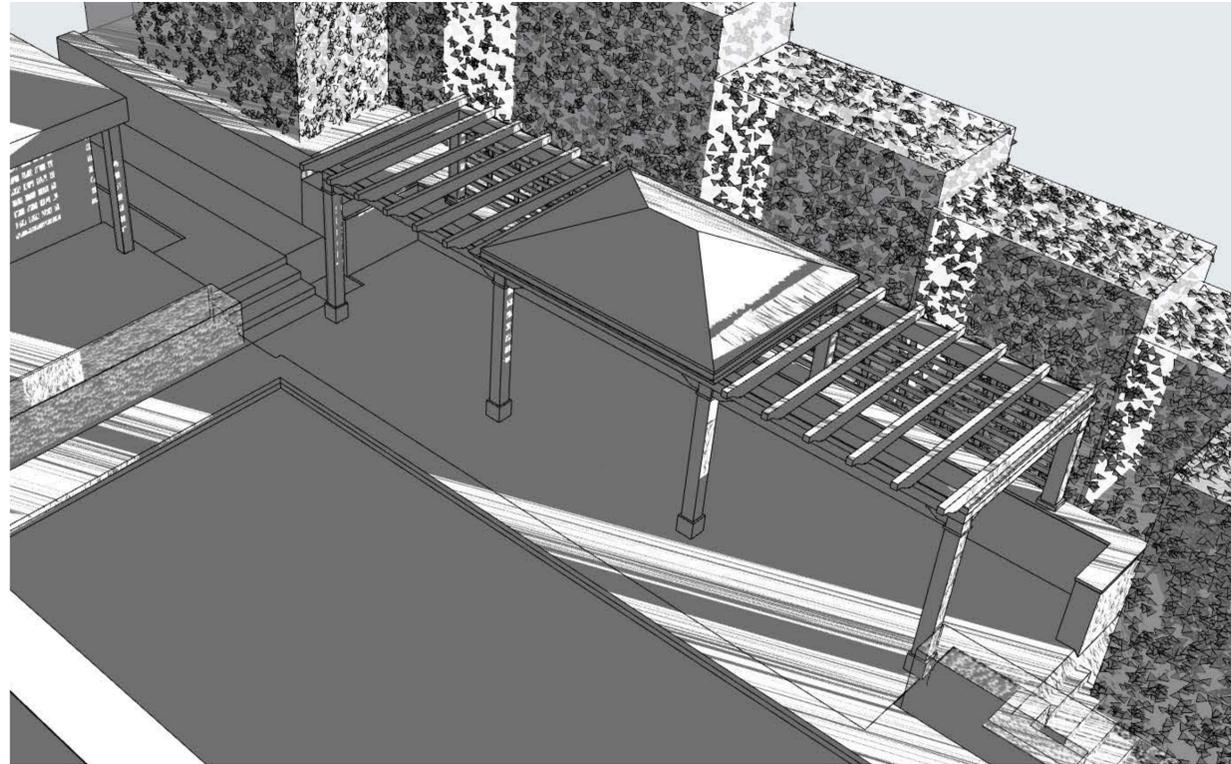


4 June 21 at 12:00PM shading plan view

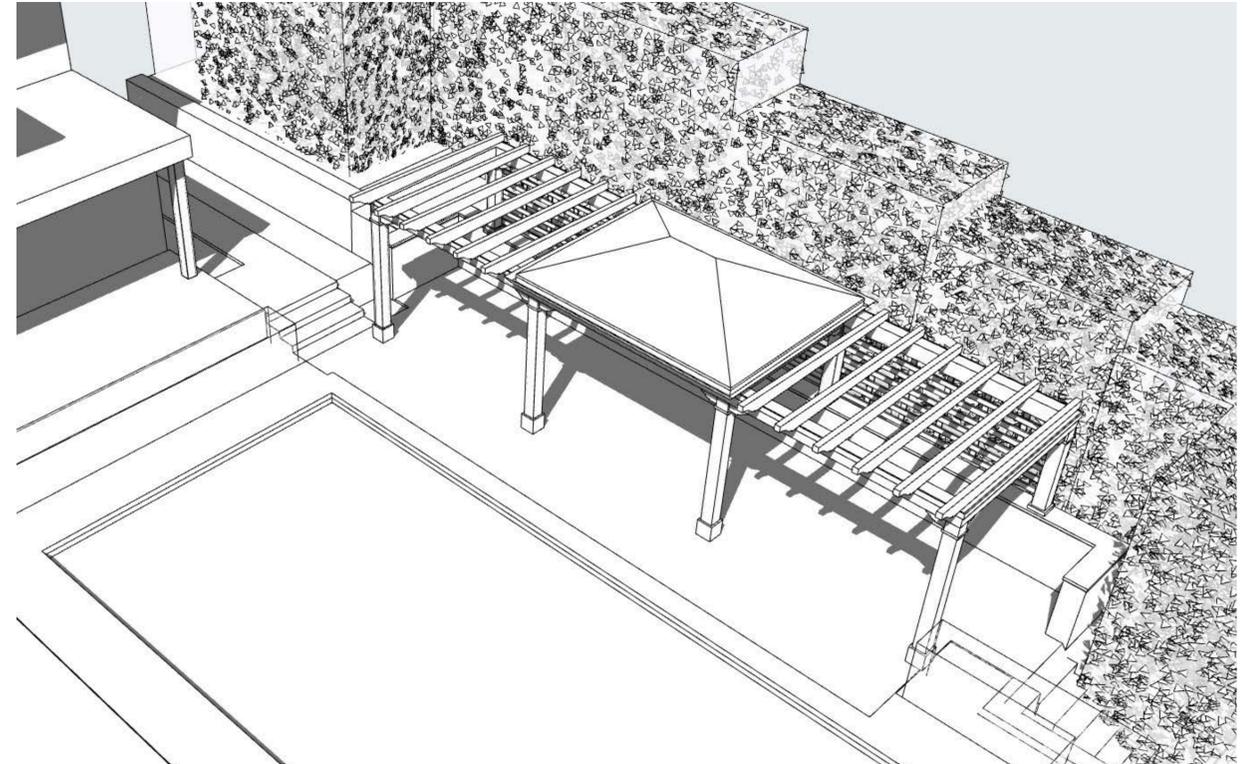
DRN: HLM	CHK: ECM
Variance	10/6/2021

REVISIONS		
ID	DESCRIPTION	DATE

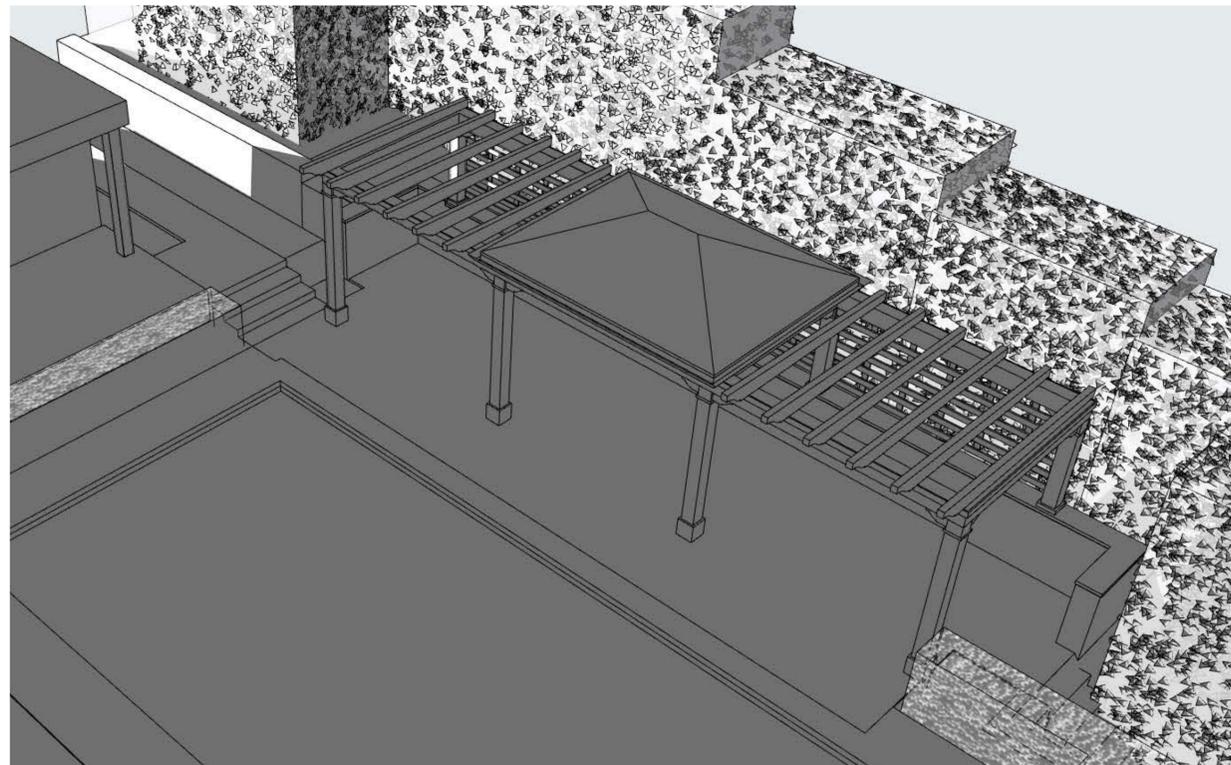




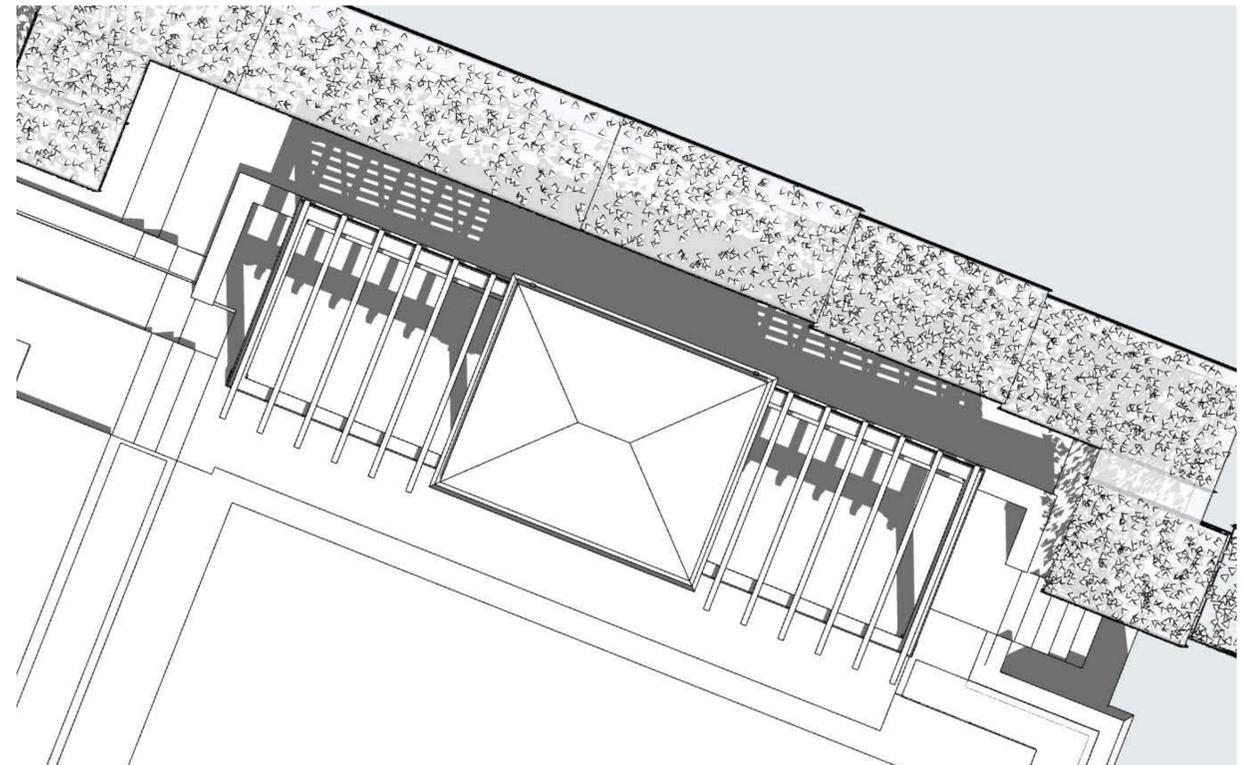
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2 September/March 20 at 12:00PM



3 September/March 20 at 6:00PM



4 September/March 20 at 12:00PM shading plan view

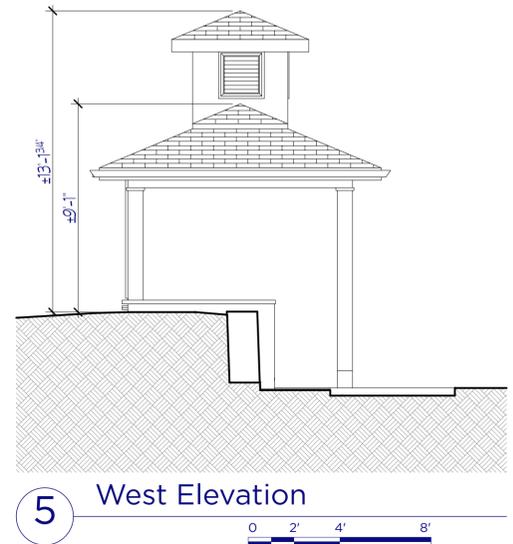
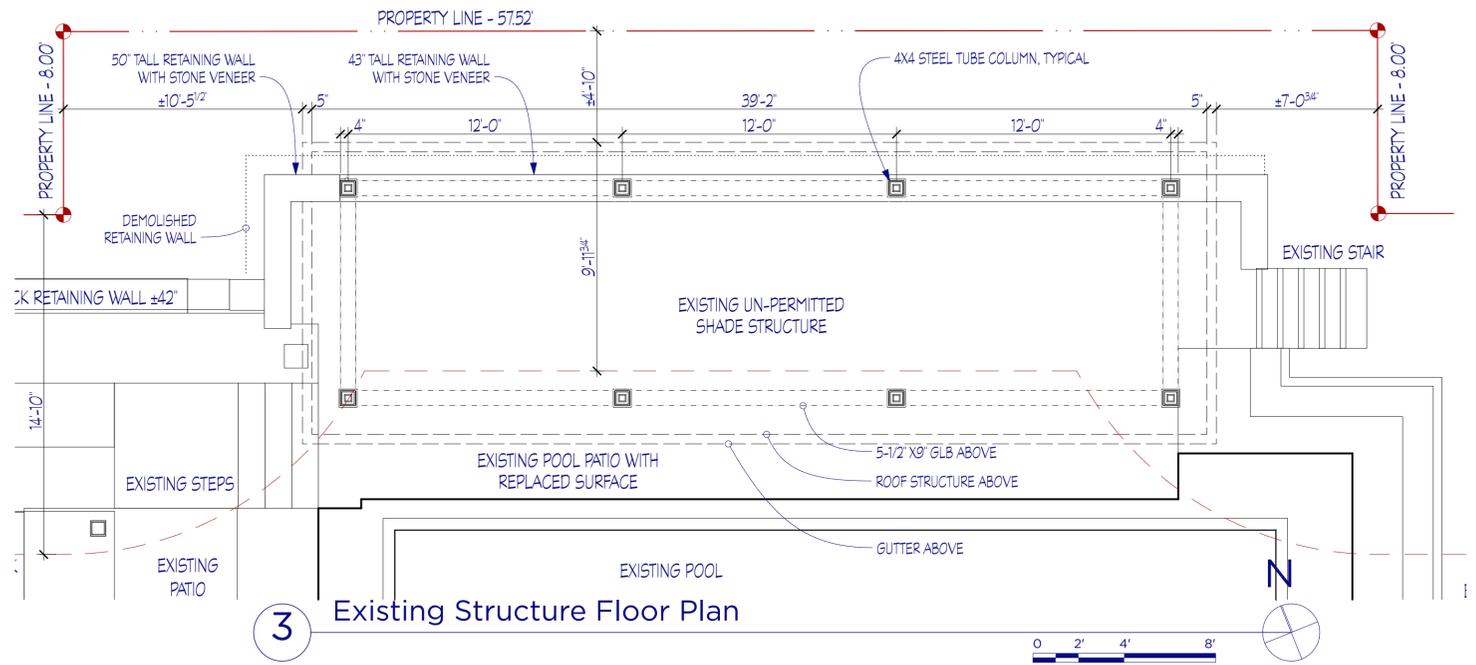
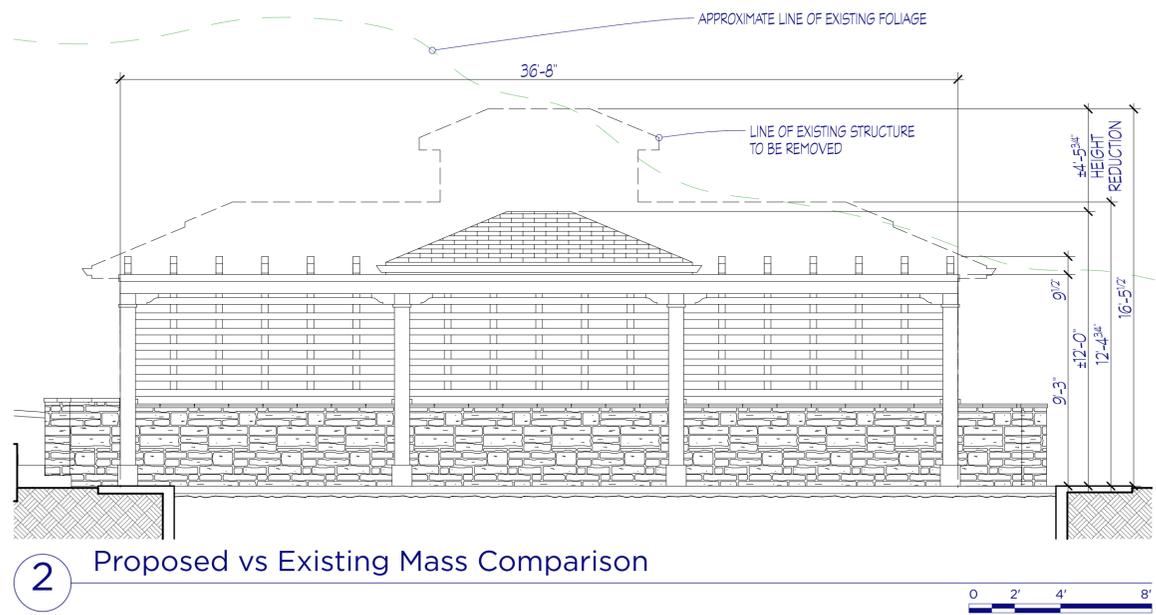
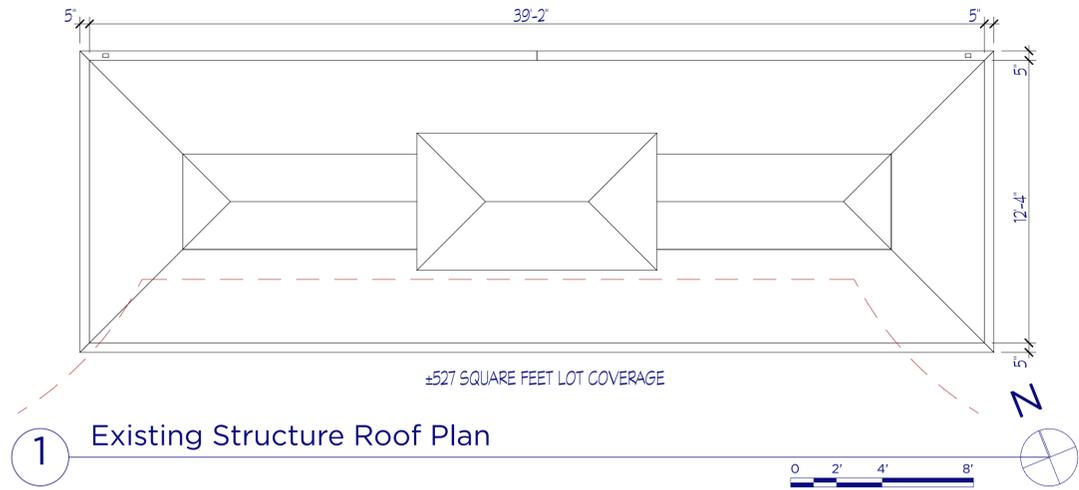
DRN: HLM	CHK: ECM
Variance	10/6/2021

REVISIONS		
ID	DESCRIPTION	DATE



REVISIONS		
ID	DESCRIPTION	DATE

Exhibit 9





1212 NE 65th St
Seattle WA 98115
206 523 1618
tjp.us

Upland Shade Structure
Michael & Marybeth Johnston
414 Upland Road Medina, WA 98039

Existing Un-Permitted Photos

DRN: HLM CHK: ECM
Variance 10/6/2021

REVISIONS		
ID	DESCRIPTION	DATE



Trenton Dykes
426 Upland Road
Medina, WA 98039

October 27, 2021

Mr. Steven Wilcox
Director of Development, Building Official
Medina City Hall
501 Evergreen Point Road
Medina, WA 98039

Dear Mr. Wilcox,

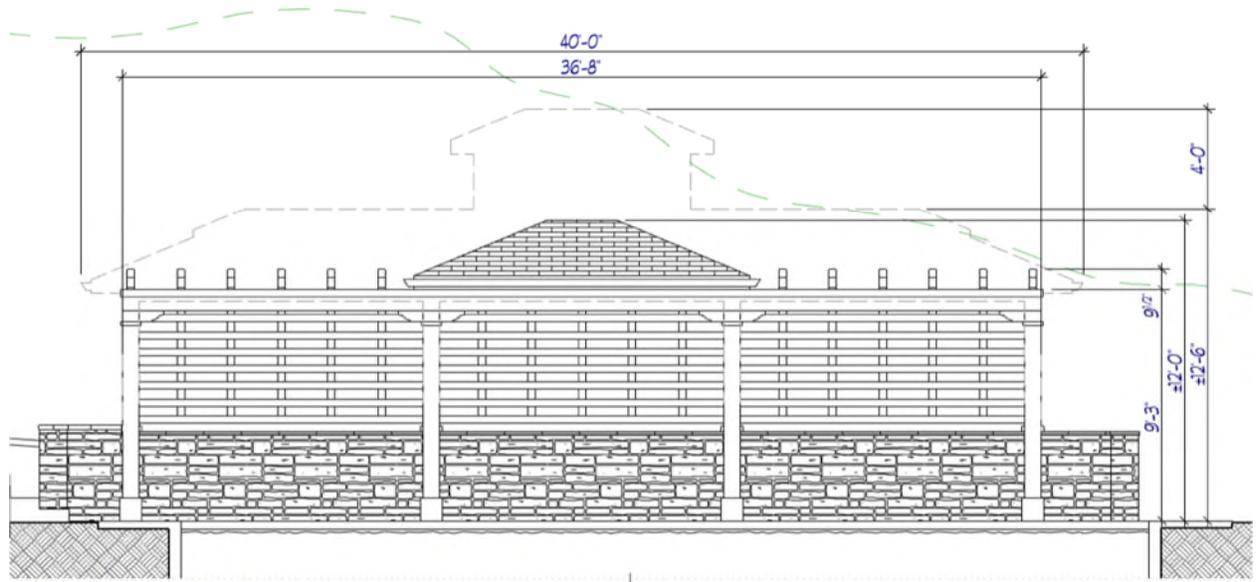
I am neighbors with Michael and Marybeth Johnston (whose residence is located at 414 Upland Road). My home is directly north of the Johnston's. I have discussed with Mr. Johnston their plan to re-work the newly constructed covered structure next to their pool by taking the existing structure down entirely, and then re-building an outdoor cabana structure that reduces the height and has a mix of covered roof and open-air trellis and no cupola, as illustrated on attached Exhibit A. This structure will be next to the border of our two properties. We also discussed the mutual desire to retain and maintain the privacy hedge in between our two properties along the pool area. Mr. Johnston has been communicative and responsive to all concerns I might have as a bordering neighbor. With these adjustments to their plan, I write in full support of the Johnston's variance request for the newly proposed outdoor cabana next to their pool. I believe this request is reasonable and urge you to grant them the variance. Please don't hesitate to contact me with any questions.

Thank you,

A handwritten signature in blue ink, appearing to read 'Trenton Dykes', with a long horizontal flourish extending to the right.

Trenton Dykes
206-227-5322

EXHIBIT A



1 South Elevation



Stephanie Keyser

From: Arne Josefsberg <arne_josefsberg@hotmail.com>
Sent: Thursday, October 28, 2021 3:26 PM
To: Stephanie Keyser
Subject: Johnston property variance request

Dear Ms. Keyser:

I recently learned of Michael and Marybeth Johnston's variance request for the structure constructed in their backyard this summer.

I live at 402 Upland Road, which is directly south of Johnston's home.

I understand the current structure will be modified with a removal of the Cupola and a reduction of the surface area.

I don't see the structure currently blocking our views and I assume for the purpose of my support of the project that this will continue to be the case.

Assuming the modifications of the structure mentioned above will be performed, I support the Johnston's variance request and have no concerns about the structure. Therefore, I think that the variance request should be granted.

Sincerely,

Arne Josefsberg

Stephanie Keyser

From: T. J. McGill <TJMcGill@eppcapital.com>
Sent: Tuesday, November 2, 2021 9:12 AM
To: Stephanie Keyser
Cc: Suzanne McGill
Subject: Johnston variance

Dear Ms. Keyser:

We live at 617 Evergreen Point Road in Medina and are familiar with the Johnston's Variance application for their poolside structure at 414 Upland Road in Medina.

We believe the structure in very good taste and is unobtrusive, a lovely design, and aesthetically pleasing. We are also aware that both their immediate neighbors support it. This is the type of minor variance that enhances the neighborhood and we are very supportive of it. We hope you approve the application.

Regards,

T. J & Suzanne McGill

Stephanie Keyser

From: candace doud <candydoud@msn.com>
Sent: Tuesday, November 2, 2021 11:25 AM
To: Stephanie Keyser
Subject: Johnston permit

Dear Ms Keyser,

I am a neighbor of Michael and Marybeth Johnston and live at 8925 Lake Washington Blvd NE in Medina.

I am writing to ask you to please approve a permit for construction of a pool house at their residence on Upland Dr. It will be a beautiful structure and not in any way diminish property values or cause any visual disturbance to their neighbors. Everything the Johnstons do is well done and in good taste.

I hope you will approve their permit.

Thank you,

Candace Doud

Sent from my iPhone

Sent from my iPhone

Stephanie Keyser

From: Terry Drayton <email@terrydrayton.com>
Sent: Tuesday, November 2, 2021 2:18 PM
To: Stephanie Keyser
Cc: Beth Drayton; Michael Johnston
Subject: Neighbor's Letter of Support - Johnston's Variance Application

Dear Ms. Keyser,

We live at 602 Upland Road. We are neighbors of Michael and Marybeth Johnston and have known them for more than 20 years since our children started at Medina Elementary.

We are familiar with the Johnston's Variance application for their poolside structure at 414 Upland Road in Medina. We believe it's a lovely design, appropriate for the neighborhood and are fully supportive of their application. We encourage you to approve it.

Sincerely,

Beth & Terry Drayton

Sent from my iPhone

(Please excuse typos, Siri and auto-correct)

Stephanie Keyser

From: Julie Nordstrom <janordstrom@gmail.com>
Sent: Tuesday, November 2, 2021 9:01 PM
To: Stephanie Keyser
Cc: Nordstrom, Erik
Subject: Building permit comments

Dear Ms. Keyser,

We live on Overlake Drive in Medina and are familiar with the Michael and Marybeth Johnston's Variance application for their poolside structure at 414 Upland Road in Medina. We believe the structure is suitable and appropriate for the neighborhood and their property and unconditionally support the permit approval.

We appreciate all the effort you put in to keeping Medina a city that residents are happy to call home.

Sincerely,

Julie and Erik Nordstrom

(206) 255-2499

Janordstrom@gmail.com

Stephanie Keyser

From: Perry Satterlee <perrystiles100@gmail.com>
Sent: Wednesday, November 3, 2021 9:59 AM
To: Stephanie Keyser
Subject: 414 Upland Road - Application

Dear Ms. Keyser,

We live on 7560 NE 28th Place in Medina and are familiar with the Johnston's Variance application for their poolside structure at 414 Upland Road in Medina. We believe the structure is reasonable, appropriate for the property, logical in design and location, and suitable for the neighborhood. We support it and hope you will approve the application.

Thank you for your time.

We hope you have a wonderful day!

All the best,

Melinda and Perry Satterlee

Stephanie Keyser

From: Katie Humphries <katie.humphries@me.com>
Sent: Wednesday, November 3, 2021 12:36 PM
To: Stephanie Keyser
Subject: Johnston house

Dear Ms. Keyser,

Hello there. We live at 425 86th Avenue, NE, in Medina and are familiar with the Johnstons' variance application for their poolside structure at 414 Upland Rd. in Medina. We believe the structure is in good taste and appropriate for the property. Additionally, they have not had a lot of work trucks and/or noise like some of my other neighbors. So, we support the variance and and hope you will approve the application.

Thank you.

Sincerely,

Katie Humphries