



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 6568
November 19, 2024
Consent Agenda**

AGENDA BILL INFORMATION

TITLE:	AB 6568: Accessory Structure Agreement (3072 71 st Avenue SE)	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Authorize the City Manager to execute an Agreement with James A. McDermet and Nancy Rock-McDermet to place an accessory building less than five feet from the rear property line adjacent to First Hill Park.	

DEPARTMENT:	Public Works
STAFF:	Jason Kintner, Chief of Operations Kellye Hilde, Public Works Deputy Director
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Agreement Between James A. McDermet and Nancy Rock-McDermet and the City of Mercer Island for Placement of an Accessory Building.
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda item is to authorize an Accessory Structure Agreement (Agreement) between the City of Mercer Island (City) and James A. McDermet and Nancy Rock-McDermet (Property Owners), for the Property Owners to place a small accessory building, specifically a tool shed, less than five feet from their rear property line adjacent to First Hill Park.

BACKGROUND

On September 26, 2024, the Property Owners contacted the City with a request to place a small tool shed, approximately 120 square feet, near the rear property line of their residence at 3072 71st Avenue SE. According to Section 19.02.020(C)(1)(b) of the Mercer Island Municipal Code (MICC), a rear yard depth of 25 feet is required for single-family residences. Section MICC 19.02.040(C)(3) further specifies that detached accessory buildings, such as a tool shed, are not permitted within required yard setbacks. However, an exception allows one detached accessory building, with a maximum floor area of 200 square feet and a height of no more than 12 feet, to be placed within the rear yard setback. For an accessory building to be located less than five feet from the rear property line, a joint agreement with the adjoining property owner(s) must

be executed, recorded with the King County Department of Records, and subsequently filed with CPD. The rear property line of the Property Owners' residence abuts First Hill Park, which is owned by the City.

ISSUE/DISCUSSION

The proposed tool shed, measuring 10 feet in width, 12 feet in length, and 10 feet 8 inches in height, will be positioned two feet from the rear property line adjacent to First Hill Park. This section of the park is naturally buffered by vegetation, ensuring that the shed's proximity to the shared property line will have no visual impact on park users.

The Agreement is the joint agreement between adjoining property owners pursuant to MICC 19.02.040(C)(3). The City is signing the Agreement in its proprietary capacity as owner of First Hill Park. Consequently, the Agreement is not a development permit, and Property Owners must separately obtain any permit required for the accessory building in addition to the Agreement.

Following the completion and recording of the required Agreement with King County, the Property Owners will be able to proceed with the shed's construction in accordance with applicable building codes. The City Attorney has reviewed the Agreement and finds it to be acceptable.

NEXT STEPS

Following the City Council's approval, staff anticipate the following steps:

- Final review of the Agreement in Exhibit 1 by the City Attorney.
- Execution of the Agreement and recording with the King County Department of Records.

RECOMMENDED ACTION

Authorize the City Manager or designee to execute an Agreement substantially in the form of Exhibit 1 with James A. McDermet and Nancy Rock-McDermet to place an accessory building less than five feet from the rear property line adjacent to First Hill Park.