

August 27, 2025

Tony Newton, Assistant Planner
Community Planning & Development
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040
Email: tony.newton@mercerisland.gov

Re: Response to Bolsons' objections
Planning Application #2506-170

Dear Mr. Newton:

This office represents James and Brooke Aldrich in their dispute with their neighbors, the Bolsons. While my clients adamantly disagree with the Bolsons' retelling of the events leading up to this plan, it is fortunately irrelevant. I write in support of the Aldriches' planning application #2506-170.

A. The permit meets the Mercer Island City Code.

According to MICC 19.15.170(A), when an applicant's rights become vested, this "guarantee[s] that an application will be reviewed and a development proposal can be developed (if a permit is issued) under regulations and procedures existing at one moment in time and regardless of changes that may have been made later and prior to final completion of a project or use." Washington courts measure when rights are vested by the date of the permit application. *Hull v. Hunt*, 53 Wn.2d 125, 130, 331 P.2d 856 (1958).

Here, the Aldriches applied for their permit on June 16, 2025. Thus, their development rights vested on this date.

B. The Aldriches meet the setback requirements regardless of which boundary line is used.

Additionally, the Aldriches' plans meet the setback requirements regardless of whether the adverse possession line or the platted line is used. The rear setback for the new addition is measured at 25 feet from the adverse possession line, which complies with MICC 19.06.110(C)(2)(h)(i) ("Front and rear yard setbacks may not be reduced to less than 10 feet each."). See Updated Plan, attached hereto as **Exhibit A**.

Additionally, the side yard setback from the original fence is 6.2 feet, which complies with MICC 19.06.110(C)(2)(h)(ii) because it is greater than 5 feet ("Side setbacks may not be reduced to less than five feet."). See Updated Plan, attached hereto as **Exhibit A**.

It is our hope that this matter can be resolved amicably and that my client's lawful application will be able to continue as planned. Please do not hesitate to contact me should you have any further questions.

Very truly yours,



Julie M. Pendleton

JMP/rm

CC: client