



CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT
9611 SE 36TH STREET | MERCER ISLAND, WA 98040
PHONE: 206.275.7605 | www.mercergov.org

Code Compliance Courtesy Notice

August 23, 2019

Property Owner(s): MILLER SHANE M
Subject Property: 7709 W Mercer Way, Mercer Island, WA 98040
Code Compliance Case: CE18-0017 **APN: 545130-0045**

Dear Shane,

The City of Mercer Island Community & Development Department is following up on a 2018 complaint regarding the replacement of a retaining wall near the bulkhead on your property. According to an email from you and a photo supplied by the complainant, wall being reconstructed on or about February 2, 2018.

In an email dated February 16, 2018, Don Cole, City of Mercer Island Building Official, emailed you regarding the prior correspondence between you and other City staff. Don stated his review, "confirmed that a permit is required for this work because work within land use critical areas is not exempt from permit [sic]." Mercer Island City Code (MICC) 17.14.010(105.2) *Work exempt from permit*. Exemptions from permit requirements related to the construction codes shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the construction codes or any other laws or ordinances of this jurisdiction. *Permit exemptions shall not apply to Areas of Flood Hazard and City Land Use Critical Areas* (emphasis mine). The area along the shoreline (within 25 feet of the ordinary high-water mark) is considered a critical area according to MICC 19.07.110(A)(4).

To avoid further enforcement action please perform the following correction(s) within thirty (30) days of the date on this notice.

- Apply for and receive approval for the building permit that is/was required to replace the retaining wall near the bulkhead. Work done inside of a critical area does not qualify for the normal permit exemption for walls under 4' tall.
- Respond to staff comments/questions during the plans review process in a timely manner.

City staff will follow up *after* September 22, 2019 to confirm the permit application process has been initiated. If you have questions about this letter or the enforcement process, please contact me at (206) 275-7712 or by email at Anthony.Myers@mercergov.org. Thank you for your cooperation.

Sincerely,

Anthony Myers
Code Compliance Officer
City of Mercer Island