

November 9, 2021

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Re: Shane Miller
Appeal number APL19-002
Code Enforcement File number CE18-0017
7709 W. Mercer Way
Mercer Island, WA 98040

Greetings,

I just returned from two months out-of-town with all mail forwarded to a PO box. In my mail I received a PUBLIC NOTICE OF OPEN RECORD APPEAL HEARING, regarding an appeal by Mr. Miller at 7709 W Mercer Way regarding Code Enforcement of his construction violations. I did not receive this NOTICE by any electronic mail which I had access to during my absence.

Although I was not informed in a timely manner, I want to provide critical input having been Mr. Miller's neighbor for fifteen years. If you are not the correct people to review my response, please forwards to the appropriate individual(s).

As I informed the City in my September 21, 2020 letter, copy attached, Mr. Miller has had numerous code violations and unpermitted construction for over a decade. He has been aware of these violations since the City of Mercer Island provided Courtesy Notices of Violations in 2015.

In 2016 Mr. Miller feigned to comply with the City's Courtesy Notice and requested a stay to finish the drawings. He never followed up. In 2018 and 2019 the City again requested he comply. In November 2019 he submitted incomplete permit documents and then requested another stay to complete them, which was granted until December 2020. I suggest the City be aware of this pattern and deny his appeal.

These violations are not just an inconvenience, hardship, or cost to Mr. Miller to correct, they provide a direct life-safety threat to his children and visitors, environmental threat to Lake Washington, and a financial threat to his neighbors.

The lack of guardrails and handrails is a safety hazard; the violation of the boat setback and trespass provides him an opportunity to claim adverse possession of his neighbor's waterfront (I have personal experience with this outcome by the City not enforcing their codes), his violation of excess fill, impervious paving limitations, and the construction of retaining walls over four-feet without engineering has already caused his retaining wall and stairways to settle. Since the property lines run diagonally across the slope any land movement has the potential to cause damage to others. Again, I have personally experienced this and the legal costs to resolve the cause.

Besides these technical reasons there are also parity and fairness reasons why Mr. Miller's appeal should be denied. For over a decade Mr. Miller has harassed us with false claims to the police, and to the City of Mercer Island for permitted and approved improvements to our property. He also threatened our family with obscenities and assaulted our contractors. This bullying behavior should not be rewarded with approval to violate the City's codes for over a decade when the remedy is no more of a hardship than doing it right in the first place; as we have done.

Finally, should this letter be convincing but arrive too late because the City already decided to approve the appeal, I offer that the Washington State Supreme Court LUPA decision (Land Use Petition Act) allows a jurisdiction 29 days to reverse its approval. I strongly urge denial of his appeal.

Sincerely,

A handwritten signature in black ink, appearing to read 'William F. Gartz', written in a cursive style.

William F. Gartz, AIA | NCARB
President | Managing Director
[Global Design Strategies](#)