

September 21, 2020

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**Re: Mr. Miller Permit Application 1410-199 and Code Violations  
7709 W. Mercer Way**

Greetings,

It has recently come to my attention that my neighbor, Mr. Miller, has applied for a permit (1410-199) for non-compliant site construction that has taken place over the past ten years. This is five years after the City of Mercer Island was made aware of his illegal and non-conforming work in a steep slope critical zone and shoreline setback.

Normally I am loath to file complaints about neighbors and prefer to work things out with them personally. I have had very positive neighbor relations in previous communities, including being elected council president for two years. However, in 2015 after seven years of harassment by Mr. Miller challenging our permitted and planned improvements, I finally had to inform the City of his illegal site construction. "*People who live in glass houses*" etc. Nevertheless, this past Winter/Spring I requested multiple times that Mr. Miller participate in mediation to resolve our disputes. Instead, he refused and then physically assaulted our contractor when our permitted driveway paving began this year.

In 2016 Mr. Miller feigned to comply with the City's Courtesy Notice of Violations and requested a stay to finish the drawings. He never followed up. In 2018 and 2019 the City again requested he comply. This past November 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 follow up to hold him accountable.

I reviewed his "Site Plan" dated November 26, 2019 (as a licensed architect I use the term loosely). I want to inform you of its false representation. His site plan omits the following site construction completed since 2009, which the City was informed of in 2015, *without geotechnical engineering, structural engineering, surveyed topography, or building permits*. All of his construction violates the City of Mercer Island codes and could not be permitted as built. Please see attached EXHIBITS.

1. Substantial site grading (cut and fill) was performed that exceeds allowable by code for critical slope areas. See Exhibit A.

2. A CMU (Concrete Masonry Unit) retaining wall was built without geotextile reinforcement on a critical slope site that exceeds four feet in height without structural design. See Exhibit A.
3. Substantial imported, uncompacted fill was placed behind the retaining wall, without geotextile reinforcement, exceeds allowable by code in a critical slope area. See Exhibits A and C.
4. An impervious patio at top of retaining wall was built at his lowest house level exceeds allowable impervious area on the site for critical slope areas. See Exhibits A and C
5. An impervious paved stairway/walkway from the patio to the shoreline was built without handrails, exceeds allowable impervious area for critical slope areas, and is now settling. See Exhibit A and B.
6. The unpermitted CMU patio and retaining wall failed and displaced downhill, requiring repaving. See Exhibit C.
7. A previously existing retaining wall at shoreline was increased two-three feet in height with wood lagging, filled, and supplanted by a four-foot fence all which exceeds the maximum height limit within twenty-five feet of shoreline. See Exhibits A and D
8. A playhouse structure was built in violation of shoreline setback requirements. See Exhibit A and D.
9. A boatlift was installed that violates ten-foot property-line setback and trespasses across the south property line. See Exhibit A, B and E.
10. The existing pier was resurfaced without upgrading material to transmit light as required by code. See Exhibit A and F. (The pier also violates current code setbacks at both north and south property lines.)
11. The slope at the shoreline was over excavated and a new rockery retaining wall was built within twenty-five feet of shoreline to create a sitting area. Construction was done during the prohibited October to April wet season causing illegal erosion. See Exhibit G.
12. New gate was installed over the driveway at house entry. Gate may trespass across property line due to disputed survey location of property line. (ESM vs Group 4). See Exhibit H.

As a licensed architect for over thirty-five years, and former Principal/shareholder at *Callison*, a large international architectural firm, I am familiar with negotiations between City officials and the design/construction industry to meet design objectives while maintaining code intent. Mr. Miller's frequent false complaints to the City about our improvements, in hundreds of emails over a decade, has caused us unnecessary delays, additional costs, and multiple reversals of approved accommodation by the City.

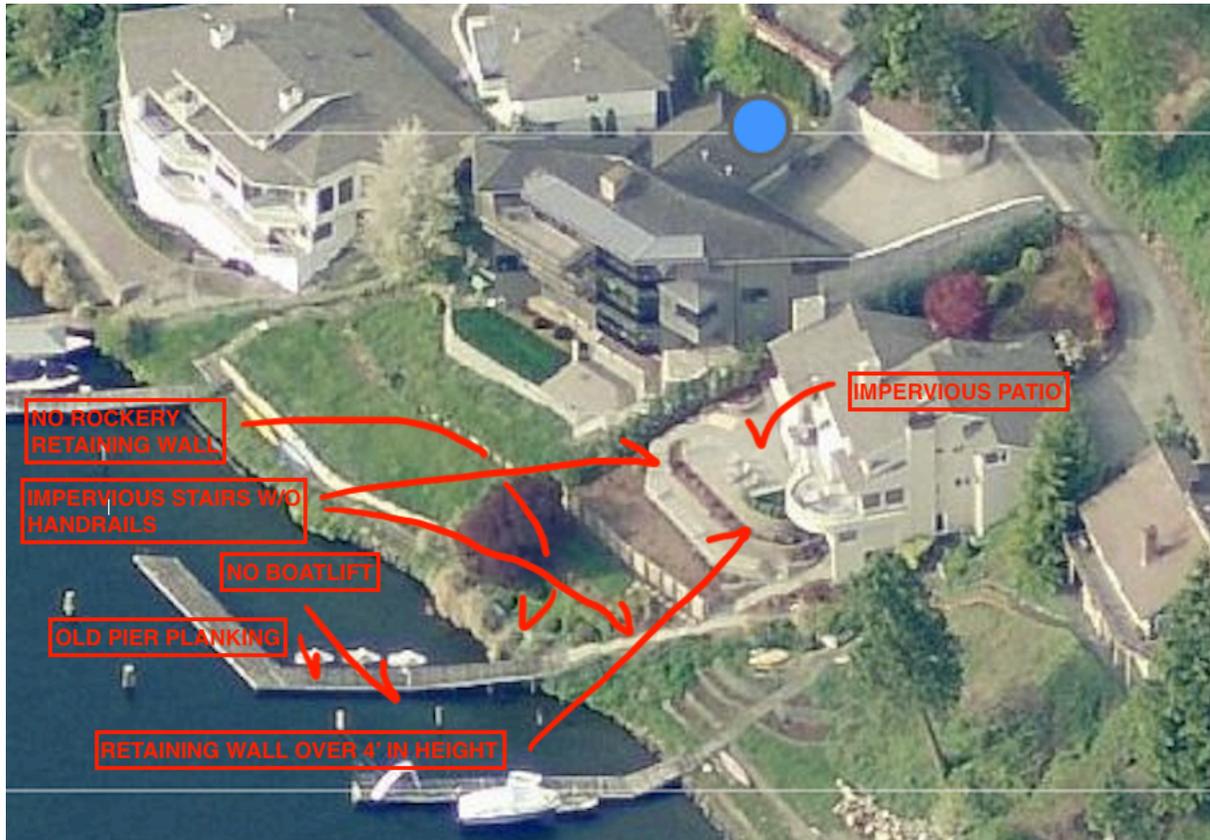
Therefore, I request to be informed of any variance for his construction. Mr. Miller should be held to the same standard of compliance to the letter of the code as we have been, and his violations that cannot meet code need to be removed or fines imposed. In addition, fines should be imposed for his shoreline construction between October and April in 2018 that resulted in erosion into Lake Washington, which he falsely denied in correspondence with the City. See Exhibit G.

Sincerely,



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

## EXHIBIT A



### GOOGLE EARTH IMAGE

(SATELITE IMAGE DATE IS UNKNOWN, BUT PROBABLY AROUND SPRING 2011, SHORTLY AFTER HIS PATIO, STAIRWAY, AND RETAINING WALLS WERE BUILT, BUT BEFORE HIS SHORELINE FENCE AND PLAYHOUSE);

**RETAINING WALL AND FILL OVER 4' IN HEIGHT AND  
IMPERVIOUS PATIO, ADDED ~ 2010 (SEE EXHIBIT C),  
IMPERVIOUS STAIRS W/O HANDRAIL, ADDED ~2010 (SEE EXHIBIT B),  
NO FENCE OR PLAYHOUSE AT SHORELINE, ADDED 2011 (SEE EXHIBIT D),  
OLD PIER PLANKING, REPLACED SPRING 2013 (SEE EXHIBIT F)  
NO BOATLIFT, ADDED FALL 2013 (SEE EXHIBIT B),  
NO ROCKERY AT SHORELINE, ADDED 2018 (SEE EXHIBIT G),**

## EXHIBIT B



PROPERTY  
LINE

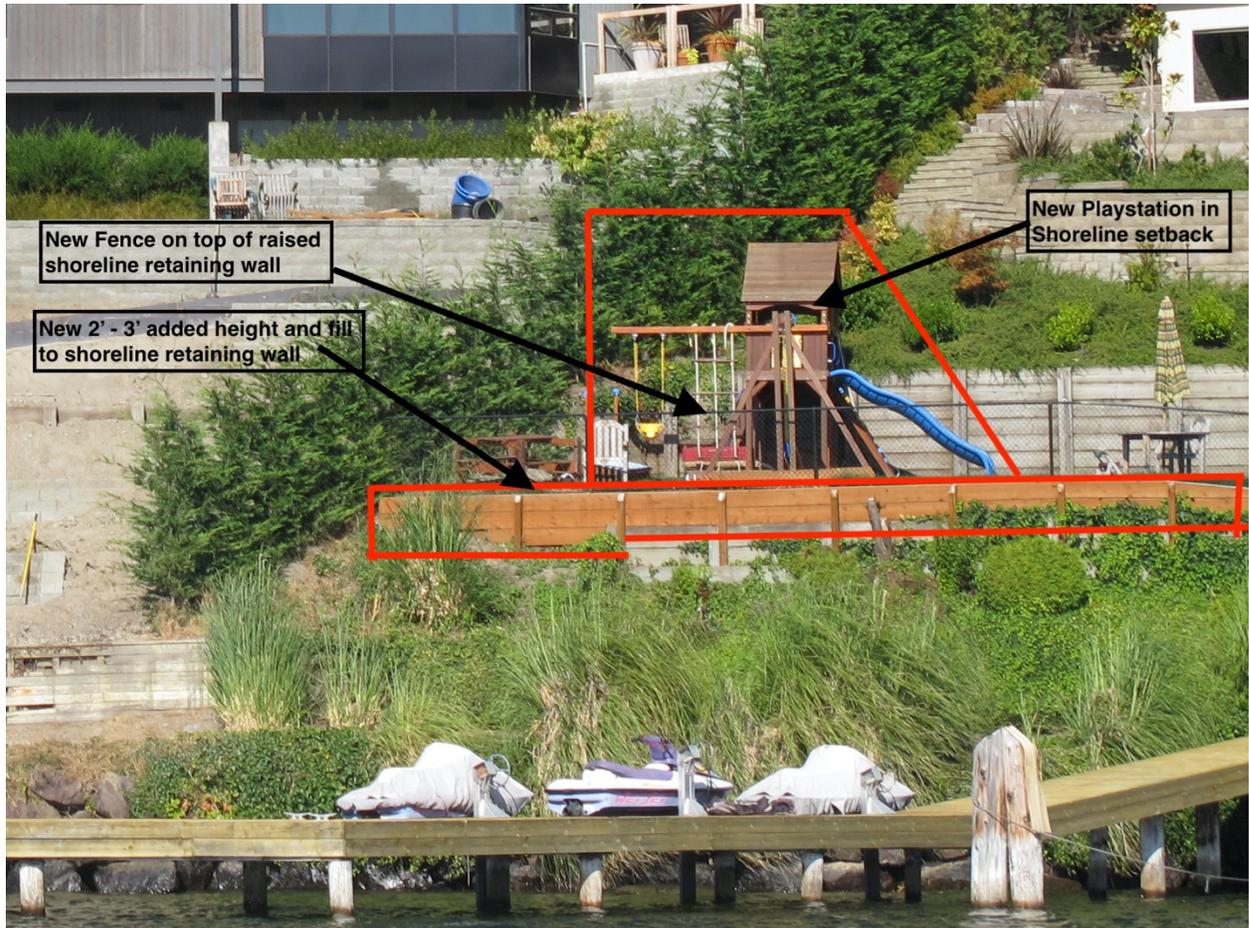
**9/5/2020 – FAILING IMPERVIOUS STAIRS W/O HANDRAILS;  
NEW BOAT LIFT ADDED IN FALL 2013 IN VIOLATION OF SETBACK AND  
TRESPASSING**

### EXHIBIT C



**7/22/2016 – RETAINING WALL, FILL, AND FAILED PAVING  
DUE TO GROUND MOVEMENT**

## EXHIBIT D



**9/6/2012 - INCREASED HEIGHT OF SHORELINE RETAINING WALL ABOVE 4', ADDED FILL, NEW FENCE ON TOP OF RETAINING WALL, AND NEW PLAYHOUSE STRUCTURE ALL WITHING 25' SHORELINE SET BACK.**



## EXHIBIT F



**5/15/2013 – NEW PIER PLANKING WITHOUT LIGHT TRANSPARENCY,  
NO BOAT LIFT, ADDED FALL 2013 WITHIN SETBACK AND  
TRESPASSES ON SOUTH SIDE**

## EXHIBIT G



**02/02/2018 – EXCAVATION AND ROCKERY CONSTRUCTION IN SHORELINE SETBACK DURING BANNED SEASON WITH NO EROSION CONTROL,**



**02/04/2018 – EROSION FROM EXCAVATION IN SHORELINE SETBACK DURING BANNED SEASON.**

## EXHIBIT H



**1/17/18 – NEW DRIVEWAY ENTRY GATE – POTENTIAL TRESPASS.**