

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



CITY USE ONLY

PROJECT#

APPEAL#

FEE

Date Received:

APPEAL

Received By:

SITE ADDRESS OF PROPERTY WHERE THE DECISION IS BEING APPEALED:

7422 E Mercer Way, Mercer Island, WA 98040

PROPERTY OWNER NAME:

Pearl Ren

ADDRESS:

7422 E Mercer Way

PHONE: 253-312-5677

E-MAIL: xiangping_ren@yahoo.com

APPELLANT NAME (if different from property owner):

ADDRESS:

PHONE:

E-MAIL:

APPELLANT ATTORNEY INFORMATION (if applicable):

Courtney Kaylor, McCullough Hill Leary PS

ADDRESS:

701 5th Ave, Ste 6600, Seattle, WA

PHONE: 206-812-3379

E-MAIL: courtney@mhseattle.com

What is the decision that you are appealing? Include any applicable project file number.

August 26, 2022 Stop Work Order for 7422 E Mercer Way, Permit 2104-111 & Permit 1909-076 (Attachment 1)

What are your reasons for appealing this decision? (Attach additional pages if necessary)

(You must indicate specifically that there were substantial errors, the decision is unsupported by the facts presented, the decision is in conflict with the standards for review of the action or there were irregularities in the procedure. Attachments or supporting information may be included.)

See Attachment 2

What is the outcome or changes in the decision that you are seeking? (Attach additional pages if necessary)

See Attachment 2

Signature:

Courtney Kaylor

Digitally signed by Courtney Kaylor
DN: cn=Courtney Kaylor, email=Courtney@mhseattle.com
Reason: I am the author of this document
Location: your signing location here
Date: 2022.09.08 16:21:48-0700
File PDF GENERATED: 11.1.0

Date: 09/08/2022

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ATTACHMENT 1

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

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STOP WORK ORDER

(SHALL BE ISSUED PURSUANT TO MICC 6.10.070)

Property Address: 7422 E Mercer Way, Permit 2104-111 & Permit 1909-076

This order is issued because: Demolition permit 1909-076 requires "Contractor to verify that no existing framing to remain relies on the components to be removed." This permit expired without any inspections. Site visit and photos reveal that the span conditions of at least two existing and remaining pile caps were modified during the demolition of the damaged boathouse. This Stop Work Order is limited to work on the southern finger pier under the subject permit. Do not occupy or use any portion of the shared dock within 5 feet of the this finger pier without approval and inspection.

DO NOT work at this address until you:

- Call (206) 275-7605 to schedule a pre-app meeting PRIOR to applying for the required permits.
- Obtain the Required Permit(s)
- Building Electrical Plumbing Right-of-Way Tree Removal
- Other Resolve discovery of framing condition with a revision to 2104-111

WARNING! DO NOT REMOVE THIS NOTICE

It is unlawful to conduct the activity or perform the work covered by the order, even if the order has been appealed, until the director has removed the copy of the order. Removal of such order without the authorization of the city, or the hearing examiner if the matter has been heard by the hearing examiner, is unlawful and a violation. Failure to comply with the terms of a stop work order subjects the person responsible for the code violation to civil penalties and costs as set forth in MICC 6.10, including a monetary penalty that shall accrue for each day that a violation of a stop work order occurs.

Right to Appeal

Pursuant to MICC 6.10.090(A), you have the right to appeal this Stop Work Order before a hearing examiner. Persons named in a notice of violation or stop work order, or any owner of the land where the violation for which such a notice or order is issued, may file with the city clerk a notice of appeal within 14 days of the service of the notice or order. Failure to appeal within 14 days shall render this Notice a final determination that the conditions described therein existed and constitute a code violation. Appeal forms can be found at <http://www.mercergov.org/files/AppealForm.pdf> or by visiting the Permit Center at the Mercer Island City Hall.

Posting Time/Date: _____

Issuing City Official: _____ Phone: _____

ATTACHMENT 2

What are your reasons for appealing this decision?

The Appellant (“Owner”) is the owner of the property at 7422 E. Mercer Way (“Property”). When she purchased the Property, it was developed with a boathouse and associated apron (“Boathouse”), among other improvements. The Boathouse was immediately adjacent to a dock shared with Owner’s neighbors to the south (“Shared Dock”). The Boathouse was destroyed when a tree fell on it. The Boathouse remains were demolished under demolition permit #1909-076 in 2020. The current work is to replace the Boathouse under building permit #2104-111. The Owner is adversely affected by the Stop Work Order (“Decision”) because it requires her to stop work on the Boathouse despite compliance with permit #2104-111. The Shared Dock and original Boathouse are depicted on this annotated 2019 photo from King County imap (taken after the Boathouse was destroyed by the tree but before it was demolished):



The owner appeals for the following reasons:

1. The Decision refers to a condition of permit #1909-076 requiring “Contractor to verify that no existing framing to remain relies on the components to be removed.” The evidence at hearing will show the contractor performed this verification.
2. The statement that “the span conditions of at least two existing and remaining pile caps were modified during the demolition of the damaged boathouse” is incorrect. The evidence at hearing will show that the demolition did not modify the span conditions of the pile caps for the Shared Dock. More specifically, on information and belief, the Decision is based on the mistaken assumption that the Shared Dock was constructed so that the dock caps shown in the photograph below rested on and relied for structural support on the Boathouse cap/pilings also shown in the photograph below. The evidence at hearing will show this assumption is not correct.
3. The Decision requires the Owner to “[r]esolve discovery of framing condition with a revision to 2104-111.” This corrective action should be modified to allow the Owner to address the Decision by (1) demonstrating that the demolition work did not modify the span conditions of the pile caps for the Shared Dock; or, in the alternative (2) demonstrating that the Shared Dock does not require structural support from any of the components of the Boathouse, including its caps or pilings; or, in the alternative (3)

submitting a separate permit application for any work deemed necessary following resolution of this appeal, since permit #2104-111 relates only to the Boathouse, but work performed in response to the Decision would be to the Shared Dock.



What is the outcome or changes in the decision that you are seeking?

Owner requests the following relief:

1. Withdrawal of the Decision or, in the alternative,
2. Modification of the Decision to allow the corrective actions identified above.