



CITY USE ONLY		
PROJECT NO.	RECEIPT NO.	FEE
Date Received:		
Received By:		

**SETBACK DEVIATION**

The purpose of a setback deviation is to increase protection of a critical area or critical area buffer. A setback deviation provides flexibility in designing a development proposal to allow for increased protection of critical areas or critical area buffer.

Front and rear setbacks may not be reduced to less than ten feet each and side setbacks may not be reduced to less than five feet.

**REVIEW PROCESS – TYPE II LAND USE REVIEW**

Type II reviews are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues. Type II reviews require public notification of application and the decision is made by the Code Official. Type II reviews do not require a pre-application meeting, letter of complete application, notice of application mailing and posting, public comment period, public hearing, or notice of decision.

**PRE-APPLICATION MEETING**

A Pre-Application Meeting is used to determine whether a land use project is ready for review, to review the land use application process, and to provide an opportunity for initial feedback on a proposed application. Some land use applications require a pre-application meeting – in particular: short and long subdivisions, lot line revisions, shoreline permits, variances, and critical area determinations. The City strongly recommends that all land use applications use the pre-application process to allow for feedback by City staff.

For more information on the Pre-Application Meeting process, please refer to the [Pre-Application Meeting Request Form](#).

**FEES**

Fees applicable to this project:

- Setback Deviation

Refer to the City of Mercer Island [Fee Schedule](#) for current permit fees.

**PROPERTY INFORMATION**

Property Address:	5928 77th Ave SE
Parcel Number(s):	242404-9037
Gross Lot Area(s):	15,510
Net Lot Area(s):	14,354
Zone:	R-12

Shoreline Environment Designation (if located within 200 feet of Lake Washington):

- Urban Residential  
 Urban Park

## CRITICAL AREAS ON PROPERTY

### GEOLOGICALLY HAZARDOUS AREAS

- Potential Landslide Hazard
- Erosion Hazard
- Seismic Hazard
- Steep Slope

### WATERCOURSES

- Type F
- Type Np
- Type Ns
- Piped
- Unknown

### WETLANDS

- Category I
- Category II
- Category III
- Category IV
- Unknown

## SUBMITTAL CHECKLIST

In addition to the items listed below, the code official may require the submission of any documentation reasonably necessary for review and approval of the land use application. An applicant for a land use approval and/or development proposal shall demonstrate that the proposed development complies with the applicable regulations and decision criteria.

- 1. **Development Application Form.** Provide a completed and signed [Development Application Form](#).
- 2. **Pre-Application Meeting.** [Pre-Application Meetings](#) are required for Type III & IV Land Use Permit Applications.
- 3. **Project Narrative.** The project narrative should describe the proposed development, including any anticipated phases.
- 4. **Criteria Compliance Narrative.** Detail how the application meets the review criteria for Setback Deviations in [MICC 19.06.110\(C\)](#). Refer to the [Code Compliance Matrix](#) Tip Sheet for preparing the narrative.  
The Criteria Compliance Narrative must include demonstration that the proposal meets the following criteria:
  - No use deviation shall be allowed;
  - The granting of the deviation will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated;
  - The granting of the deviation will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property;
  - The deviation is consistent with the policies and provisions of the comprehensive plan and the development code;
  - The basis for requesting the deviation is not the direct result of a past action by the current or prior property owner;
  - The setback deviation is associated with the approval of development of a single lot or subdivision that is constrained by critical areas or critical area buffers;
  - The building pad resulting from the proposed deviation will result in less impact to critical areas or critical area buffers; and
  - Yard setbacks shall not be reduced below the following minimums:
    - Front and rear setbacks may not be reduced to less than ten feet each;
    - Side setbacks may not be reduced to less than five feet.
- 5. **Title Report.** Less than 30 days old.
- 6. **Affidavit of Ownership.** An Affidavit of Ownership, signed before a notary.
- 7. **Affidavit of Agent Authority.** An Affidavit of Agent Authority, signed before a notary, if applicable.
- 8. **Development Plan Set.** Refer to the [Land Use Application Plan Set Guide](#) for preparing plans.

- 9. **Critical Areas Study.** A Critical Areas Study prepared by a qualified professional is required.
- 10. **SEPA Checklist.** A SEPA Checklist and separate SEPA Review Application is required unless the project is categorically exempt per [WAC 197-11-800](#).
- 11. **Arborist Report.** An Arborist Report prepared by a qualified professional is required, unless waived by the city arborist.
- 12. **Concurrent Review Form.** Provide a completed [Concurrent Review Form](#) if the applicant wishes to request consolidated review for two or more land use applications. Refer to [MICC 19.15.030\(F\)](#) for land use application reviews that may be consolidated.
- 13. **Fees.** Payment of required fees.

I HEREBY CERTIFY THAT I HAVE READ THIS APPLICATION AND SUBMITTAL CHECKLIST AND ALL REQUIRED APPLICATION MATERIALS ARE INCLUDED IN MY APPLICATION SUBMITTAL, UNLESS WAIVED BY THE CODE OFFICIAL. ALL INFORMATION SUBMITTED IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I ACKNOWLEDGE THAT WILLFUL MISREPRESENTATION OF INFORMATION WILL TERMINATE THIS APPLICATION. I UNDERSTAND THAT MY SUBMITTAL WILL BE REVIEWED FOR COMPLETENESS AND, IF FOUND TO BE COMPLETE, WILL BE PROCESSED PURSUANT TO THE PROVISIONS OF CHAPTER 19.15 MICC.

Signature

Date



3-3-2025

REGAN McELLEN

AS OWNER'S AGENT