



**TO:** **City of Mercer Island**  
Community Planning and Development  
9611 SE 36<sup>th</sup> St  
Mercer Island, WA 98040

**FROM:** **N5 Architecture**  
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**DATE:** **November 6, 2025**

**PROJECT #:** **CAO25-004**

**SITE ADDRESS:** **5236 W Mercer Way**

**REGARDING:** **Project and Setback Deviation Narrative**

**PROJECT NARRATIVE:**

The project includes construction of a new single-family dwelling with associated site work including excavation and grading for shoring, vehicular access and utilities. The site contains shoring that was installed under a previous permit and will be utilized for construction of the proposed dwelling.

The wetland and buffer will be cleared of invasive species and replanted with plant and trees species appropriate for wetland and wetland buffers and as approved by the city of Mercer Island.

The setback deviation at the north property line is further outlined in the Criteria Compliance Narrative below. The proposed setback deviation is from 10' required to 7'-0" to the outside face of the roof overhang. The dwelling north façade is setback 8'-0" from the north property line.

Please see the following pages for Setback Deviation Narrative.



**SETBACK DEVIATION NARRATIVE:**

*Setback Deviation pursuant to 19.06.110(C)*

1. **Purpose.** *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.*

2. **Criteria.** *A setback deviation shall be granted by the city only if the applicant demonstrates all of the following:*

a. **No use deviation shall be allowed;**

**Response:**

No use deviation proposed.

a. **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;**

**Response:**

The existing dwelling at 5228 W Mercer is approximately 40' north of the subject property north property line and the dwelling located at 5230, which is well west of the subject dwelling is +/-6' from the subject property north property line. The proposed 3' side yard reduction has no impact on the adjacent dwelling directly to the north.

b. **The granting of the deviation will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property;**

**Response:**

The dwelling directly to the north is +/-40' from the property line. The site is heavily wooded. The proposed 3' setback deviation will be, at best, difficult to decipher.

c. **The deviation is consistent with the policies and provisions of the comprehensive plan and the development code;**

**Response:**

It is. The development code specifically allows for this deviation to allow and encourage development outside of environmentally critical areas.

d. **The basis for requesting the deviation is not the direct result of a past action by the current or prior property owner;**

**Response:**

It is not. While legal grading and shoring took place under a previously expired permit when the buffer was 30'. The deviation request is to allow for the current 40' wetland buffer and structure setback adjacent to the wetland.



- e. *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;*

**Response:**

This is the case.

- f. *The building pad resulting from the proposed deviation will result in less impact to critical areas or critical area buffers; and*

**Response:**

It will as it minimizes disruption into the wetland setback via buffer averaging to accommodate the additional 10' structure setback from the 40' buffer.

- h. *Yard setbacks shall not be reduced below the following minimums:*

- i. *Front and rear setbacks may not be reduced to less than ten feet each;*

**Response:**

No reduction required for front and rear setbacks.

- ii. *Side setbacks may not be reduced to less than five feet.*

**Response:**

The proposed reduction is 3' for a side setback of 7'-0" to the north face of eave. The structure north façade is setback 8'-0" from the north property line.

Thank you for your time and effort. Please let me know if any further information is required.

Seth Hale  
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