Molly McGuire

From: Matt Goldbach <blkship@me.com>
Sent: Sunday, October 18, 2026 8:48 PM
To: Molly McGuire
Subject: Comments on RZN22-002
Attachments: 2026_10_18_20_39_35-hearing.pdf

Hi Molly

I have the following comments on RZN25-002....

1) I want to be a person of record at the Public Hearing on Oct 19, 2026

2) I am not in favor of the proposed ReZone or the process (poor public notice & timing). It is clear that the applicant & CPD do not want public involvement.

3) The applicant his been in violation of City Code since May of 2025. The violations were reported by residents early May 2025, the City took months verifying the reports and then sent curtsy notification to the applicant. after a few months the City sent notifications of violation to the applicant's (see attachment)..

Why are we having this Hearing? The applicant has not appealed the Notice of Violation and unless the City is acting in bad faith with the residents we should not be wasting time and money on this matter!!!

Best Regards

Matt Goldbach
Mercer Island Resident
blkship@me.com

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT
9611 SE 36TH STREET | MERCER ISLAND, WA 98040
PHONE: 206.275.7605 | www.mercergov.org

Notice of Violation

Pursuant to MICC 6.10.050, this Notice of Violation and Order to Correct is issued as follows:

Date of Notice Issuance: January 26, 2026

Location(s): 3801 E Mercer Way, Mercer Island WA 98040

Subject Property(s): 3801 E Mercer Way, Mercer Island WA 98040

King County Tax Parcel # 2655500137

City of Mercer Island Compliance Case #: CE25-0049

Notification is being given to the following responsible person or persons:

1. **Stroum Jewish Community Center (Samuel and Althea Stroum Jewish Community Center of Greater Seattle)**

   C/O Amy Lavin

   3801 E Mercer Way

   Mercer Island, WA 98040

One or more of the responsible persons named above are believed to be responsible for the following violations that have occurred or are occurring at the location(s) identified above:

1) **Violation of MICC 19.02.020(H)(1)(2):**

   1. *Vehicular access easements.* No structures shall be constructed on or over any vehicular access easement. A minimum five-foot yard setback from the edge of any easement that affords or could afford vehicular access to a property is required for all structures; provided, that improvements such as gates, fences, rockeries, retaining walls and landscaping may be installed within the five-foot yard setback so long as such improvements do not interfere with emergency vehicle access or sight distance for vehicles and pedestrians.

2. *Utility and other easements.* No structure shall be constructed on or over any easement for water, sewer, storm drainage, utilities, trail or other public purposes unless it is permitted within the language of the easement or is mutually agreed in writing between the grantee and grantor of the easement.

3. **Violation of MICC 19.02.050(E)(1)(a)(i)(ii)- *Fences and Gates*.**

   i. *Side and rear yards.* Fences and gates are allowed to a maximum height of 72 inches within required side or rear yards, provided the combined height of a fence and retaining wall or rockery for a fill slope authorized pursuant to subsection (D)(5) of this section shall not exceed a total height of 72 inches.

   ii. *Front yards.* Fences, gates, or any combination of retaining walls, rockeries and fences are allowed to a maximum height of 42 inches within required front yards.

Facts Supporting Violation(s):

- On May 23, 2025, the City received a complaint alleging that there are two (2) new fences running east to west across 97th Ave SE (one following the north property line of 9756 SE 40th St and the second parallel to the southern property line of 9655 SE 36th St) that measure 94 inches in height located at the subject properties.
- On May 29, 2025, City staff conducted a field inspection at the subject property and confirmed the alleged was correct.
- Multiple easements are located on 97th Ave SE and follow the roadway running from north to south, including a 10' Sewer Easement (Rec. No. 5096001), and 10' Utility Easement (Rec. No. 5166015).City Staff confirmed that the south fence encroached upon the subject easements by field investigation, the fence runs west to east across 97th Ave SE crossing over the subject easements.
- On June 18, 2025, a Code Compliance Courtesy Notice was issued to Amy Lavin, the SJCC Chief Executive Officer. This letter outlined the following corrective actions:
  - Remove or lower the fence located in any required yard setback, and;
  - Relocate the fence out of any easement area.
- On July 21, 2025, Code Compliance Planner Grace Manahan conducted a site visit and confirmed the outlined corrective actions were not completed.
  - **The fence is a violation(s) of city code as follows:**
    - **MICC 19.02.050(E)(1)(a)(i)(ii) – The fence is 94 inches in height which exceeds the allowed height limit in required yard setbacks.**
    - **MICC 19.02.020(H)(1)(2) – The fences are currently located over one or more easements, including access and utility easements.**
- On October 23, 2025, Code Compliance Officer Manahan conducted a follow up inspection and confirmed the fences remain in their original condition, including location and height.
- On January 26, 2026, Code Compliance Officer Manahan conducted another follow up

inspection and confirmed the fences remain in their original condition, including location and height.

The Responsible Person(s) are Ordered to Complete the Corrective Actions as Follows:

1) The responsible person(s) shall remove the fence from any easement area, and;

2) Remove or lower the fence located in any required yard setback.

3) The responsible person(s) may pursue an agreement in writing with the grantor and grantee of the subject easements to construct a fence over the utility and other easements per MICC 19.02.020(H)(2). The fences may not be constructed over any easement area until such agreement(s) is/are obtained.

The compliance date for completion of the Corrective Actions above is February 25, 2026.

If the violation is not corrected on or before February 25, 2026, and this notice is not appealed, the determination of violation is final, and daily penalties shall begin to accrue.

Pursuant to MICC 6.10.050, penalties for noncompliance with this Notice shall be as follows:

- Civil penalty in the amount of One Hundred dollars ($100) per day for each violation listed herein is hereby imposed and shall begin to accrue if Corrective Actions are not completed and the violations are not abated by the compliance date established above.
- Thirty days after the compliance date, civil penalty will increase to a rate of Two Hundred Fifty dollars ($250) per day for each unabated violation.
- Sixty days after the compliance date, civil penalty will increase to a rate of Five Hundred dollars ($500) per day for each unabated violation, up to a maximum total penalty of $50,000 for each violation.
- Hold on Future Permits. The director may place a hold on the issuance of future permits on a property if:
    - A notice of violation or stop work order has been issued; and
    - The appeal period has passed, or an appeal was brought but it was dismissed; and
    - The violation has not been corrected and/or penalties or fines have not been paid; and
    - The permits relate to the violation.
- A hold on future permits will prevent the issuance of any land use or building permit for the subject property, and for the person responsible on any other property within the City, until the violation is resolved, corrective actions are taken, and penalties are paid. The director may use their discretion to issue exceptions to this subsection for emergencies or hazardous situations, or other situation they deem reasonable.

Appeal Procedure:

- Pursuant to MICC 6.10.050(B)(5), any person identified in a notice of violation (or supplemental notice of violation) as a person responsible for a violation may appeal the same within 14 days of service, according to the procedures described in MICC 6.10.090. Failure to appeal the notice within 14 days shall render the notice a final determination that the conditions described therein existed and constitutes a code violation, that assessed and accrued civil penalties are due, and that the named party is liable as a person responsible. An Appeal form can be found at: https://www.mercerisland.gov/cpd/page/appeals\

If you would like to discuss the resolution of this code case or schedule a compliance inspection, please contact me by email at grace.manahan@mercerisland.gov Thank you for your cooperation.

Sincerely,
Grace Manahan
Code Compliance Planner
City of Mercer Island, Community Planning and Development