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PLEASE REPLY TO: Bellevue

(206) 455-1234

June 29, 1979

Mr. Ron Dickinson
City Attorney
Mercer Island City Hall
Mercer Island, Washington 98040

Dear Ron:

Please note the last paragraph of my appeal as I would appreciate your reviewing our contention. Please bear in mind that the main buildings are a sanctuary, office and classrooms. There is absolutely no doubt in my mind that the two play areas which are being relocated are accessory uses. Certainly every public school and church school has play areas far more extensive than this as accessory uses. Likewise the relocation of the outdoor sitting for occasional church classes and worship services is an accessory use. Likewise the caretaker's home.

The landscaping itself, I assume, can be done without any permit.

Please let me hear from you after you have had a chance to think this one over.

Sincerely,

INSLEE, BEST, CHAPIN,
UHLMAN & DOEZIE, P.S.

Richard U. Chapin

RUC:sp
Enclosure

6/29/79

IN THE CITY OF MERCER ISLAND
OF THE STATE OF WASHINGTON

In the Matter of the Application of) APPEAL TO CITY COUNCIL
HERZL-NER TAMID SYNAGOGUE)
)

1. Pursuant to the provisions of Section 21.03, Mercer Island Zoning Code, Herzl-Ner Tamid Synagogue hereby appeals to the City Council from a decision of the Planning Commission denying its application for what has been denominated as a conditional use for a non-commercial recreation area.

2. The requested structures and uses which have been defined as a non-commercial recreation area are as follows:

- a. Landscaping what is now a field.
- b. Replacing a single family residence with a new single family residence (caretaker's home).
- c. Relocating a paved play area from the adjacent parking lot, total asphalt approximately 42' by 64'.
- d. Creating a bark covered play area approximately 170 square feet.
- e. Repairing a brick barbeque.
- f. Relocation of the present outdoor open chapel area and the installation of log sitting for occasional school classes and religious services.

3. The reason for the appeal is that the Planning Commission denial is in error because a) it is not supported by facts, b) it is contrary to the weight of the evidence, c) it is based upon a fallacious interpretation of the zoning ordinance, and d) the facts meet the requirements of Sections 4.02(4) and 19.02 of the zoning code as specified in the staff report and recommendation for approval.

4. For the record it should be noted, that although staff

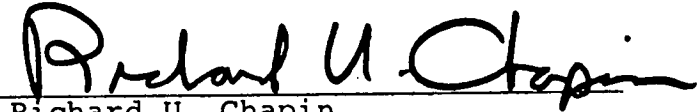
APPEAL TO CITY COUNCIL - 1

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1 apparently advised the applicant that it should apply for a
2 conditional use for a non-commercial recreational area, it is
3 the applicants position that, with the possible exception of
4 rebuilding the barbeque, all of the other buildings and uses
5 being requested are "accessory buildings and uses which are
6 incidental to that of the main building." (Section 4.01) and
7 do not require a conditional use permit or any other permit
8 except a building permit.

9 INSLEE, BEST, CHAPIN, UHLMAN & DOEZIE, P.S.

10 By



11 Richard U. Chapin
12 Attorneys for Applicant
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APPEAL TO CITY COUNCIL -2

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