

City of Burien
Dept of Community Development
Scott Greenberg, Director

September 6, 2009

Dear Mr. Greenberg;

I am writing regarding two related projects that are currently under construction within 120 feet of my residence.

The first project being constructed under permit # 08-1875 is a newly constructed garage. This garage is only 12 feet from the property line, which is a clear violation of city codes. City staff has told me that a mistake was made. Both you and the City attorney have apparently reviewed this mistake, but I see no attempt to remedy the situation.

I was told that because there was an old garage, a new garage would be allowed in the same location, but the codes relating to non-conforming structures clearly state that if a structure is voluntarily demolished, there is no exception. (19.55.030 para. 3B). In this instance, the old garage was voluntarily demolished and a completely new structure was built.

I am requesting that the property owner be required to file for a variance to allow this structure to be built closer to the property line than required by the Burien Municipal code.

The second project is currently in the early stages of construction on the same property but under permit#09-0835. My concern with this project is that no critical area review was required, although the property is clearly in a critical area.

The city staff's explanation is that the project was exempted from critical area review by virtue of an exception granted under BMC 19.40.070 para 2 F.

I interpret this section to say that accessory structures under limited conditions are exempt, and ADDITIONS to (EXISTING) STRUCTURES may also be exempt. Once again, it is clear that the exemption is intended for additions, not newly constructed structures. In this instance, the existing home (structure) was completely removed and a brand new structure is being constructed.

It is imperative that this project is halted immediately, and the required critical area review is commenced, including the required postings on site and public comment periods.

I find it incredible that the professional staff at the City of Burien would make two serious errors related to this one piece of property, and I expect a response to my concerns in a very timely manner.

Sincerely;

Randy Ingersoll
12133 Shorewood Dr. SW.
Burien, WA.

- CC: Mike Martin
- Sue Blazak
- Rose Clark
- Kathy Keene
- Lucy Krakowiak
- Joan McGilton ✓
- Sally Nelson
- Gordon Shaw
- Mr. David Enghahl
- Mr. Greg Kaminski

CFTR: 10/5/09



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September 23, 2009

Randy Ingersoll
Choice Homes, Inc.
12133 Shorewood Dr. SW
Seattle, WA 98146

RE: Raines Detached Garage

Mr. Ingersoll:

I am writing you in regard to the building permit that was issued for the Raines detached garage located at 12153 Shorewood Dr. SW (BLD 08-1875). You brought to the City's attention that according to Burien Municipal Code (BMC 19.55.030),

3. If the structure is damaged or destroyed, it may be reconstructed or repaired provided that:...

B. The damage or destruction was not due to abatement or voluntary demolition of the nonconforming structure; ...

the building permit for the detached garage should not have been issued. However, because the error resulting in issuance of the permit was not discovered until after demolition, the City will consider the garage a legal nonconforming structure, and any future improvements shall comply with nonconforming structure requirements found in BMC 19.55. We apologize for any inconvenience this has caused.

Sincerely,

Scott Greenberg, AICP
Community Development Director