

Catherine Lee

From: Matthew Kennedy <matthew@rainieradvocates.com>
Sent: Wednesday, January 2, 2019 11:13 AM
To: Catherine Lee
Subject: [EXTERNAL] PLN18-0186 Comments
Attachments: 190102 Ltr to City Shoreline re plat amendment.pdf; 190102 Ex ltr Short Plat Amendment App.pdf

Ms. Lee,

Attached please find my clients' comments in opposition to the proposed short plat amendment application identified above.

Please let me know if you have any questions, a copy of this correspondence and attachments are also being sent via USPS.

Happy New Year!

Regards,
Matt

Matthew M. Kennedy | Attorney
Rainier Legal Advocates|LLC

Seattle Office
12055 15th Ave NE, Suite A | Seattle, Washington 98125 | 206.552.0785 (tel)

Eastside Office
465 Rainier Blvd. N., Suite C | Issaquah, Washington 98027 | 425.392.8550 (tel)

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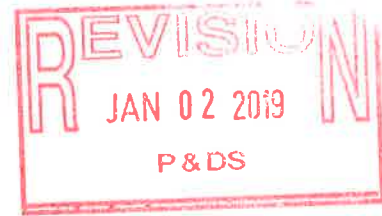
Morgan J. Wais (WA)
Matthew M. Kennedy (WA & OR)
Douglas W. Scott (WA) (Of Counsel)
rainieradvocates.com

VIA USPS & EMAIL

January 2, 2019

Catie Lee
Planning & Comm. Dev. Dept.
17500 Midvale Ave. N.
Shoreline, WA 98133

Re: PLN18-0186
Clients: **Khalil & Rona Masshoor**
1242 NE 188th St, Shoreline;
Norman Hill
1244 NE 188th St, Shoreline;
Megan Charbonneau & Scott. Wallace
1237 NE Perkins Way, Shoreline;
Deborah Harris & Joseph Robertson
1234 NE 188th St, Shoreline



Dear Ms. Lee,

This office represents the above named neighbors of parcel #2555900327 located at or near the intersection of NE Perkins Way and 15th Ave NE in Shoreline, Washington. What follows are the written comments of our clients objecting to application No. PLN18-0186 proposing to amend Short Plat No. 1176077, which is recorded at 7702170562.

In early 1977, the owner Lot 15 of the Fir View Terrace, 2nd Addition subdivided the lot into two parcels. One parcel, #2555900325, is currently owned by our clients the Masshoors ("Lot 1"). The other parcel, #2555900327, is owned by Mr. Didenko who has applied for the alteration to the 1977 short plat ("Lot 2").

The 1977 short plat identified several covenants meant to restrict the use of the two parcels. One of those restrictive covenants was a forty-foot (40') setback requirement from 15th Ave NE for buildings placed upon Lot 2. This is the restrictive covenant Mr. Didenko has applied to amend.¹

As you are aware, the City of Shoreline recently passed Ordinance No. 849 amending the procedures for alteration of existing plats. Shoreline incorporated the requirements of

¹ See attached Short Plat with listed 40' Setback, and application for subdivision requiring the same.

Please Reply to Seattle Office

Eastside Office

465 Rainier Blvd. North, Suite C
Issaquah, WA 98027
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425-392-2829 (Facsimile)

1 of 2

Seattle Office

12055 15th Ave NE, Suite A
Seattle, WA 98125
206-552-0785 (Office)

180 186

RCW 58.17, et seq. Of particular concern for our clients is RCW 58.17.215, mirrored in substantive part by the newly adopted SMC 20.30.425(B) which states:

"2. If the subdivision is subject to restrictive covenants which were recorded at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof."

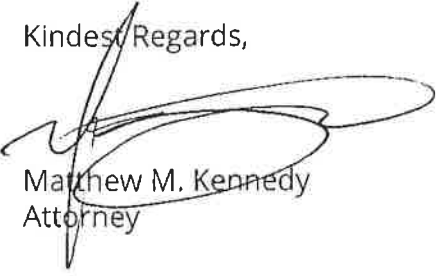
Mr. Didenko, the owner of Lot 2, seeks to alter a restrictive covenant requiring a 40' building setback from 15th Ave NE down to a 20' building setback. The proposed alteration would violate the restrictive covenant put in place in 1977. According to SMC 20.30.425(B)(2), Mr. Didenko requires the agreement of all parties subject to the restrictive covenant, in this case, the owners of Lot 1 - the Masshoors. Mr. Didenko has not submitted with his application for alteration anything from the Masshoors wherein they agree to terminate or alter the existing restrictive covenant.

To be clear, the Masshoors do not consent to Mr. Didenko's proposed alteration, have not agreed to any changes in the restrictive covenants, and hereby object to Mr. Didenko's proposed alteration for failure to obtain their consent or to comply with SMC 20.30.425(B).

Additionally, a number of motor vehicle accidents have occurred in recent years involving vehicles leaving the roadway at or near the intersection of 15th Ave NE and NE Perkins Way and striking adjacent structures. Therefore, a setback requirement greater than the statutory minimum for residential parcels especially makes sense in this particular location. Simply put, the closer a structure is to the roadway, the more likely it is to be struck by wayward automobiles. It is our clients' intent to provide documentary evidence of such accidents at the time of a public hearing regarding Mr. Didenko's proposed plat alteration.

Finally, to the extent not previously requested or scheduled, our clients formally request a public hearing on application PLN18-0186. Please advise this office of the date, time, and location of such public hearing.

Kindest Regards,



Matthew M. Kennedy
Attorney

Enclosures
Cc w/o Encl.: Clients

Please Reply to Seattle Office

Eastside Office

465 Rainier Blvd. North, Suite C
Issaquah, WA 98027
425-392-8550 (Office)

Seattle Office

12055 15th Ave NE, Suite A
Seattle, WA 98125
206-552-0785 (Office)

SHORT SUBDIVISION APPLICATION

KING COUNTY, WASHINGTON



BUILDING AND LAND DEVELOPMENT DIVISION
 400 King County Administration Building
 Seattle, Washington 98104

Telephone 344-7980

OWNER NAME		PROJECT		CITY		LOT	BLK
TROY HOME BUILDERS, INC		1311 PARK		SEATTLE		98101	684-1466
OWNER'S MAIL		OWNER		CITY		LOT	BLK
NORTHWEST ENGINEERING Co.		1155 N. 76 TH		SEATTLE		98103	828-6000
TRAC	LR	MC	TRP	RE	PAR LOT	DATE OF ACQUISITION	ACREAGE
NE	SB	5	24N	4E	N/A	MARCH 2, 1990	0.34 Ac
TOWN CODE		TOWN DISTRICT		SIGNATURE (I CERTIFY THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE)			
WC # 42		RONALD WENNER DISTRICT		R. S. Mautley			

DO NOT WRITE BELOW THE LINE



INDEX FILE	203E
BOOK	2
PAGES	RS 7200
RELATED FILE	

1176077

	ACTION	INITIALS	DATE
PRELIMINARY*	Approval	[Signature]	12-7-76

*PRELIMINARY APPROVAL IS FOR ONE YEAR (SEE STANDARD CONDITIONS)

CONDITIONS OF FINAL APPROVAL / REASONS FOR DISAPPROVAL

1. STANDARD CONDITIONS

B. The building setback from 15 Ave NE shall be 40 ft.

2. Obtain the approval of the Seattle-King County Health Department.
4. Complete the final recording forms.
5. These conditions for final approval shall be completed within one year from date of preliminary approval. An extension of one year may be granted upon written request.

400

SHORT PLAT NO 1176077

KING COUNTY, WASHINGTON

S. 5 T. 26 N. R. 4 E W.M.

FEB-17-77 10:13:16 7102170562 - E NF

Recording Number

This space reserved for recorder's use

RECORDED KING COUNTY
FEB 17 11 09 AM '77

Filed for record at the request of:

TRUMP HOME BUILDERS, INC.
Name

Return to:

Building & Land Development
W127 King Co. Courthouse
Seattle, Washington 98104

APPROVAL

Department of Planning and Community Development
Building and Land Development Division

Examined and approved this 14 day of

FEBRUARY, 1977

Edward B. [Signature]
Manager, Building & Land Development Division

Department of Public Works

Examined and approved this 8TH day of

FEBRUARY, 1977

[Signature]
Director

Department of Assessments

Examined and approved this 8 day of

February, 1977

HARLEY H. HOPPE

Assessor
[Signature]
Deputy Assessor

LEGAL DESCRIPTION TOTAL AREA:

Lot 15 in Block 5 of the plat of Fir View Terrace 2nd Addition as per plat recorded in Volume 47 of plats, page 27, records of King County;

Situate in County of King, State of Washington.

Subject to restrictive covenants imposed by Declaration of Protective Restrictions dated March 6, 1950, filed March 8, 1950 as File No. 3991694 and recorded in Volume 2921 of Deeds, page 17.

Subject to release of damage agreement under A.F. #6568823.

PARCEL 1:

That portion of Lot 15 in Block 5 of the plat of Fir View Terrace 2nd Addition as per plat recorded in Volume 47 of Plats, page 27, records of King County described as follows:

Beginning at the Southwest corner of said Lot 15, thence N 32°42'20" W 7.69 feet to the beginning of a curve to the left, thence along said curve to the left through a central angle of 9°04'59" an arc distance of 48.35 feet, thence N 48°12'41" E 115.00 feet, thence S 32°54'42" E 73.99 feet, thence S 57°17'40" W 110.00 feet to the Point of Beginning.

Containing 7229.16 Sq. Ft.

PARCEL 2:

That portion of Lot 15 in Block 5 of the plat of Fir View Terrace 2nd Addition as per plat recorded in Volume 47 of plats, page 27, records of King County described as follows:

Commencing at the Southwest corner of said Lot 15, thence N 57°17'40" E 110.00 feet to the Point of Beginning, thence N 32°54'42" W 73.99 feet, thence N 48°12'41" E 99.99 feet to the Southerly margin of Perkins Way, thence S 66°09'44" E along said Southerly margin 11.08 feet to the Westerly margin of 15th Avenue N.E. and a point on a curve to the right from which the center bears S 73°18'16" W 686.33 feet, thence along said Westerly margin and said curve to the right through a central angle of 7°08'27" an arc distance of 85.54 feet, thence S 57°17'40" W 75.94 feet to the Point of Beginning.

Containing 7518.03 Sq. Ft.

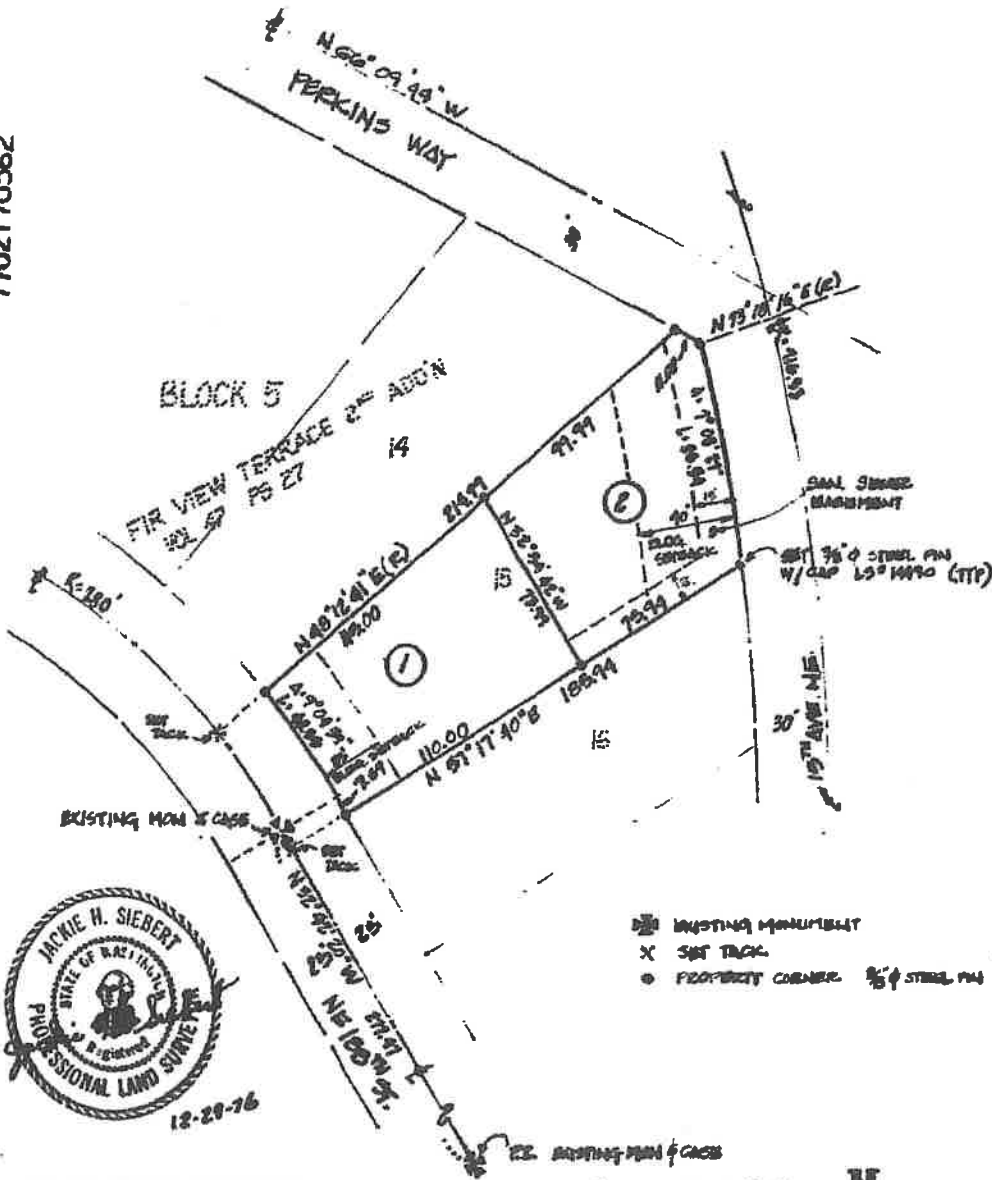
Map on File in Vault

Page 1 of 2

SF 5264

255570-1325

7702170562



- ⊠ EXISTING MONUMENT
- X SET TRACK
- PROPERTY CORNER 1/2" ⌀ STEEL PIN

Land Surveyor's Certificate:

This short plat correctly represents a survey made by me or under my direction in conformance with the requirements of appropriate state and county statute and ordinance.

12-29-76
Date

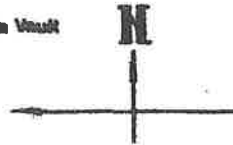
Jackie H. Siebert

Certificate No. 14490

Short Plat No. N16071

Map on File in Vault

Direction:



Scale:



DECLARATION:

Know all men by these presents that we, the undersigned, owner(s) in fee simple (and contract purchaser(s)) of the land herein described do hereby make a short subdivision thereof pursuant to RCW 58.17.080 and declare this short plat to be the graphic representation of same, and that said short subdivision is made with the free consent and in accordance with the desire of the owner(s).
In witness whereof we have set our hands and seals.

7702170562

TROPIC HOME BUILDERS, Inc. _____
Name _____ Name _____
by Richard S. Mantley Pres _____
Name _____ Name _____
Name _____ Name _____

STATE OF WASHINGTON, }
County of King } ss.



On this 29th day of December A. D., 1976
before me personally appeared Richard S. Mantley
to be the President of the corporation that
executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Paula A. Sweeney
Notary Public in and for the State of Washington, residing at Seattle

TL-35 R1 1/74

SAFECO Title Insurance Company - ACKNOWLEDGE - CORPORATION

STATE OF WASHINGTON }
County of _____ } ss.

On this day personally appeared before me _____

to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that _____ signed the same as _____ free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this _____ day of _____, 19____.

Notary Public in and for the State of Washington,
residing at _____

and