

**ENCLOSURE 2
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Furthermore, the 2.52 feet revision that City is requesting must be revisited. For details, please see Section 10.

10. Height discrepancy

The final figures that were used in City's advisory report is as follows:

The peak roof height: 324.04 feet (measured in the 3rd elevation survey)

The garage level original level foundation (FFE): 290.22 feet

Let's do some math now.

If you subtract 290.22 feet from 324.04 feet, you end up with 33.82 feet.

What this means is that from the garage level to the roof peak height is 33.82 feet (or 405.84 inches).

However in below image (from Attachment 7 of the City's advisory report), you will notice that physical measurement was conducted by building inspector and he concluded the following:

Garage level height	90 inches
Floor joist between Garage & 1 st floor	14 inches
1 st floor height	108 inches
Floor joist between 1 st and 2 nd floor	14 inches
2 nd floor height	108 inches
Total	334in.

In the below image, one will also notice that from the garage level (FFE) to the top of the roof is measured as 394 inches, meaning that the height of the truss/roof must be 60 inches. In the truss engineering report (City may have a copy of this report), the calculation of the truss is as follows:

$(4/12) \times 15 = 5$ feet (60 inches) => This is consistent with above finding.

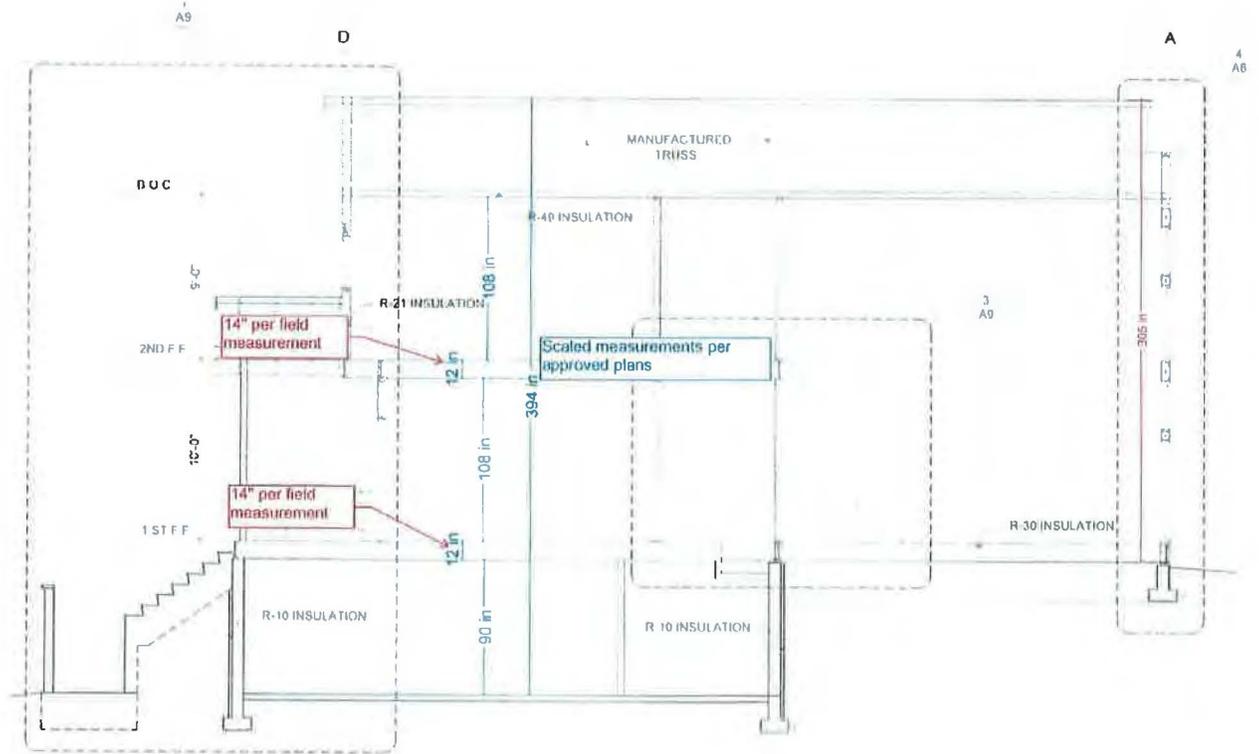
However, 405.84 inches of height that City claims as the overall height doesn't match the 394 inches which is calculated above. There exists 11.84 inches of discrepancy.

With garage level (FFE) of 290.22 feet as starting point, if we add 394 inches (or 32.83 feet), then the peak roof height is calculated to be 323.05 feet.

Therefore it is inaccurate to conclude that the peak roof height is 324.04 feet as found in the City's advisory report. In fact, the OLD structure had a peak height of 321.52 feet (See Section 9) and we can argue that the NEW structure has a peak height of 323.05 feet resulting in 1.53 feet of difference between the OLD

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and NEW structures.



Reference: Truss is NOT assembled or built by a contractor, rather Truss is manufactured at the factory with an engineering plan that is approved by the architect and the city.

11. Public comments

On Page 8 from City's advisory report, it states that neighbors were claiming that Lake Washington was visible prior to the existing roof being framed.

During the public comment period, there were no proofs/pictures that were submitted by the neighbors that prove that Lake Washington was visible. In addition to this, the City staff visited the neighbors on June 24, 2016 and analyzed the impact of the views. On both site visits, staff observed territorial view to the west, but DID NOT OBSERVE Lake Washington views. It also goes on to state that the City cannot confirm that the additional height blocks views of Lake Washington.

If Lake Washington view was obstructed because of my property, the neighbors would have complained immediately during the summer of 2014 (construction began), not during summer of 2016 (variance notifications were sent out to neighbors). To prove that height became an issue for the neighbors after

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variance notification, I am including couple of pictures that were taken during summer of 2016 with trees that were cut down at this time.



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I understand that this section may upset the neighbors and I apologize if I did. But I feel that my side of argument should be included in the appeal process. With this said, if I were in neighbor's shoes, I would also be upset about the fact that the property was built higher than allowed by the City's code. While I cannot agree with neighbors' claim that Lake Washington was visible prior to construction, when I reviewed neighbors' complaints, there were several legitimate concerns:

- A. That special grant should not be given without any valid reasons and that this sets a bad expectation for future constructions.
- B. That this situation should have been resolved during planning stage, not after the construction is completed.
- C. That the homeowner and the builder should not have built a property that is higher than allowed in any intentional manner as well as ignoring City's code and disrespecting neighbors.
- D. That the view to the west is impacted.

For comments A,B,C, please refer to Section 2,3,6.

For comment D, please refer to Section 12.

Once again, I would like to emphasize that my intention here is not to initiate any sort of conflict with my neighbors. I respect their positions/opinions and I hope that neighbors also understand the unfortunate circumstance that I am in.

On a positive note, I hope that my new construction and the new structure are having positive influence on the neighbor's property value when compared to the old structure that existed since 1986.

12. The view obstruction is minimal

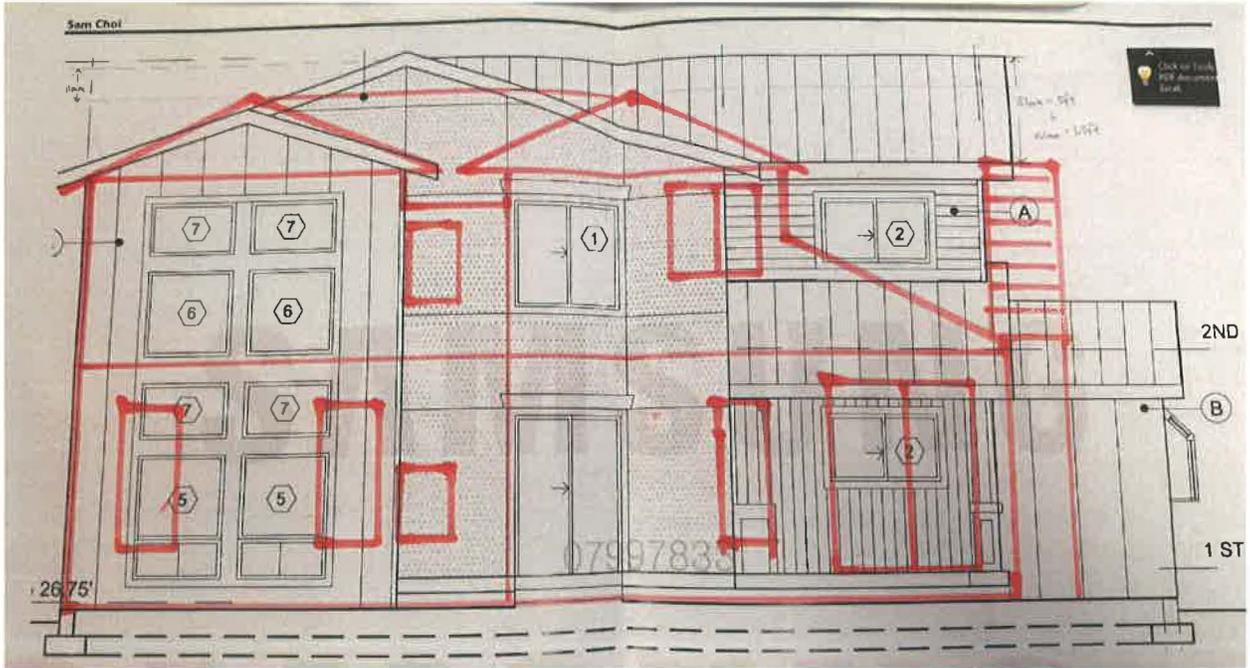
The black outline you see in below image is an architectural plan of the NEW property and the red outline is the 2D drawing of the OLD property that existed up until Aug 2013.

When the public comments were submitted and when the City visited neighbors' homes to inspect the westward view, the assumption back then was that the NEW property needed to be lowered by 4.35 feet. But we now know that that is no longer a valid assumption. In fact, from Section 10, we now know that the difference between the OLD and the NEW property is 1.53 feet. Below image represents the 1.53 feet of difference in height.

As you can see, the NEW structure still higher but the negative impact to the

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view is greatly diminished. Therefore I am optimistic and hopeful that neighbors will agree with me that 1.53 feet of height difference does not pose a major concern



13. Why I feel City's decision was unfair.

In the beginning, City claimed that my property was 4.35 feet higher than allowed. While next plan was to approve my variance in April 2016 but we now know why there was a change in City's direction. Eventually on Jan 2017, City's approved the variance but with a condition that I revise my property by 2.52 feet. As explained in Section 10, we can argue that 2.52 feet is now inaccurate and that the difference between NEW and OLD is closer to 1.53 feet.

However, my main reason for appealing City's decision is not to dispute the height differences. Would it be cheaper to lower the property by 2.52 feet as opposed to 4.35 feet? Absolutely! However the cost associated with not proportional to height thus it doesn't reduce the construction cost by half. Even if I was required to lower the property by 1.53 feet, the revision still requires the following:

- A. Another permit initiation
- B. Hiring of architect and plan for revision
- C. Civil engineer's structure survey
- D. Permit approval

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E. Hiring of contractor to execute

F. Other unforeseen challenges that may rise during tear down.

Conclusively, it cannot be said that the revision is a simple fix based on the height delta between NEW and OLD structure. It's more complicated than that.

14. Cost

Let's take a moment to review the resources that were required throughout this process. This only shows the dollar amount that I had to invest up until now. In addition, countless hours were spent in researching the root cause of the issue as well as preparing for the variance report, additional criteria report and the appeal letter and etc.

Application for permit	\$1118.42
Permit approval	\$5526.14
Elevation survey	\$1800
Variance sign	\$295
Variance application	\$5511.04
Hiring of engineer for supplemental data	\$550
Appeal process Fee	\$222.22
Total	\$15,022.82

While I have not yet officially discussed the implications mentioned in Section 13, I know that the revision implications are expected to result in "tens of thousands of dollars" and any additional investment will put me in an extremely difficult financial situation.

Closing

As one can see, this situation is extremely complex and I wish there was a simpler way to explain all the difficult circumstances. Hopefully, the hearing examiners and the neighbors can see why it took City such a long time to make a decision.

To summarize,

- The construction was necessary due to unfortunate fire and the intention was to re-build the structure while maintaining a similar design pattern
- The plan should have never been approved during planning review stage.
- If the plan was rejected, as it should have been by the planning department, the height would not have been an issue. Actually, the notice of the error would have resulted in a re-design of the property.
- The height issue was never raised during inspection

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- This issue stemmed from an honest mistake and it was never intentional. Because City also recognized this, City's original plan was to approve the variance in April 2016
- The structure matches the approved plans.
- OLD structure was also built 2.76 feet higher than allowed.
- There exists 11.84 inches of height discrepancy therefore it is inaccurate to conclude that peak roof height is 324.04 feet.
- The difference between the NEW and OLD structure is only 1.53 feet.
- Lake Washington view obstruction claim cannot be confirmed.
- While the NEW structure is 1.53 feet higher than OLD, westward view obstruction is minimal.
- Regardless of height, the major implication of City's decision is the fact that revision is required.
- \$15K has already been spent without a resolution and additional investment would put me in a difficult financial circumstance.

This whole process has been an emotional roller coast ride for me but I am still putting effort into this because I firmly believe that I have a legitimate case to present. Had I proceeded with a construction with a plan that was not approved or if the structure didn't match the approved building plan, I would have accepted City's decision. But that's clearly not the case here.

I hope not to be involved in a situation where City of Kirkland and I argue about which side should take the responsibility of rectifying the situation because I cannot agree that homeowner should be taking 100% of the responsibility given all the history and the supporting facts.

With this reason, along with all the aforementioned reasons, I am hopeful that hearing examiners come to a decision that allows me to maintain the structure as is.

For any questions/concerns, please don't hesitate to contact me and thank you for reviewing this matter carefully.

Sincerely

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