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Sumas Committee and Planning

20.32.100 lot area and width.

Minimum lot area for all uses except attached. Single family dwellings shall be six thousand sq. ft. and shall be increased as required so that no more than thirty-five percent of the lot area shall be covered by buildings. Minimum lot area for attached single-family dwellings shall be three thousand sq. ft. and shall be increased as required so that no more than thirty-five percent of the lot area of any end lot and forty-five percent of the lot area of any interior lot shall be covered by buildings.

My attached drawings of END LOT proposed fourplex plan and the INTERIOR LOT plan of a Duplex are for illustration purposes to show what the sq. ft. differences would be between the lots and to show the INEQUALITY of the code to require different sq. ft. percentages for building coverage of the same lot size. The END LOT has three sides of additional sq. ft. of lot coverage or easement between the lot property line and the street edge on Morton St. and Lawson St. and the alley side, this area is still the sole responsibility of the owner to maintain and upkeep as part of their property. The INTERIOR LOT has additional sq. ft. lot coverage or easement only between the property line and the street edge on Morton St. and the rear alley side, and yet according to 20.32.100 the INTERIOR LOT is allowed the greater percentage of forty-five percent for the building area coverage, even as it has the lower total landscape coverage.

The building area coverage for an END LOT is 35% according to code 20.32.100 whereas an INTERIOR LOT building area coverage is 45%. My corner lot has additional 10' x 60' of coverage on Morton st. from the property line to the edge of the street. On the front side of the lot on Lawson St. there is additional 10" x 135' of coverage between the property line and the edge of the street. On the alley side of the lot, there's 5'- 8' x 60' of additional coverage between the property line and the edge of the alley. The total extra coverage sq. ft. is 2250 sq. ft. The lot next to mine on Morton St. which is an interior lot has an additional 10" x 60" coverage on Morton St. side from property line to edge of street, and then on the alley side of the property has additional 5'- 8' x 60' coverage from property line to the edge of the alley. The total extra coverage is 900 sq. ft.

According to the code for INTERIOR LOT building area coverage is 45% of the lot sq. ft., the interior lot next to mine is 7200 sq.ft. x 45% = 3240 sq. ft. which gives 3960 for open space plus the additional coverage of 900 sq. ft. = 4860 sq. ft. of total open space. For the END LOT, the building area coverage is 35% of the 7200 sq. ft. = 2520 sq. ft. which gives 4680 sq. ft. for open space plus the additional coverage of 2250 sq. ft = 6930 sq. ft. of total open space. That's a difference of 2070 sq. ft. extra ground coverage from my corner lot to the total coverage of an interior lot of the same lot size.

I'm requesting that I would be able to use 43% of lot area coverage for the size of my proposed 4-plex apartment building since I would have a total landscape coverage of 4802 sq. ft. (See Drawing on the 4 Plex building) The difference between the building area coverage of 35% and the 43% coverage for the 7200 sq. ft. lots is 608 sq. ft. The 43% would make the

footprint of my building 92' x 34' with no 2nd. Flr. cantilever, compared to the plans that I submitted of the 4 Plex building 80' x 32' with a proposed 2nd. Flr. cantilever to the back.

When granted this change the additional parking requirement would not be impacted with the area needed even within the parameters of the lot dimensions. This would help to increase the sizes of the bedroom and garage on the main level as well as the space on 2nd. Flr.

I hope that this request can be granted without delay and further exploratory of my rights and Due Process as I will refer you to the following Case Laws;

(Rodrigues vs Ray Donovan, Dept. of Labor 769 f.2d 1344, 1348 (1985) All codes, rules, and regulations are for government authorities only, not human/creators in accord with God's laws. "All codes, rules, and regulations are unconstitutional and lacking in due process of Law....lacking due process (of law), in that they are void for ambiguity in their failure to specify the statues applicability to 'natural persons', otherwise depriving the same of fair notice, as their construction by definition of terms aptly identifies the applicability of such statues to "artificial or fictional corporate entities or 'persons", creatures of statute. Or those by contract employed as agents or representatives, departmental subdivisions, offices, officers, and property of the government, but not the 'Natural Person' or American Citizen Immune from such jurisdiction of legalism.

The Common Law is the real Law, the Supreme Law of the land. The codes, rules, regulations, policy and statues are "not the law" (Self v. Rhay, 61 Wn. 2d 261) They are the law of government for internal regulation, not the law of man, in his separate but equal station and natural state, a sovereign foreign with respect to government generally.

Norton vs. Shelby County 118 US 425p. 442 (1886) "An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed."

"It (the legislature or statutory laws) may not violate constitutional prohibits or guarantees or authorize others to do so." Lockard v. Los Angeles 33 Cal2d 553; Cert den 337 US 939 (1949)

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them" Miranda v. Arizona, 384 US 436. 491 (1966)

16 AM JURs 2d Sect 70 pages 403-405 "No public policy of a state can be allowed to override the positive guarantees of the U.S. Constitution." " Indeed, insofar as a statue runs counter to the fundamental law of the land (the Constitution & Bill of Rights), it is superseded thereby."

Yick Wo v. Hopkins, 118 US 356 (1886) " Sovereignty itself is, of course. Not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty remains with people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power. For the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself."

"All laws which are repugnant to the Constitution are null and void." Marbury vs Madison, 5 US (2 Cranch) 137, 174, 176, (1803)

I've stated a few of these case laws that have been held up and decided upon in the high courts of our land to display that we all have rights not given to us by the government but given to us by God and upheld by the Constitution and Bill of Right, as there are many more as well

that show rights upheld and their rulings in favor of the citizens, such as the 14th Amendment. I firmly believe in law and codes that help protect each other's rights to life, liberty and property. But I don't regard codes that show overreach, and inequality by the governing bodies into the freedoms of property owners who want to maximize the greatest potential for their property without causing harm or damage to their neighbors around them. What I'm proposing for my property with the increase of building coverage is not causing harm or damage to my neighbors around me, in fact it may be the opposite in increasing the values of their properties.

Thank You for your time and your consideration for my request and proposal for my project on my property.

Mark Koelsch