



## **CITY OF KIRKLAND**

**PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**  
**123 FIFTH AVENUE, KIRKLAND, WA 98033**  
**425.587.3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**To:** Hearing Examiner

**From:** Craig Salzman, CCEO  
Code Enforcement Officer

**Date:** July 26, 2012

**Subject:** HEARING FOR ROBERT VAN CUREN, NOTICE OF CIVIL VIOLATION FOR VIOLATION OF THE KIRKLAND PROPERTY MAINTENANCE CODE REGULATIONS, KMC 21.41.302.D.2, LOCATED AT 231 8<sup>TH</sup> AVE W, KIRKLAND; PLANNING DEPARTMENT FILE NO. COM12-00177

### **I. INTRODUCTION**

City of Kirkland staff ("staff") offer this staff report with regard to the above-referenced Code Enforcement matter. The person(s) responsible for the violation is Robert Van Curen.

### **II. ISSUES PRESENTED**

- A. Do the current conditions existing at the above address constitute a violation of the KMC 21.41.302.d.2 in that the weeds and grasses exceed 18 inches in height?
- B. Is Robert Van Curen responsible for correcting the violation and for any fines for the violation until corrected?

### **III. STATEMENT OF FACTS**

- A. The site is zoned RS 7.2
- B. The complaint was filed June 18, 2012, the first inspection was June 20, 2012. At that time grass and weeds were over two feet in height.
- C. A voluntary correction agreement was mailed to the owner on June 20, 2012, with a compliance date of June 29, 2012. The agreement was not returned.
- D. A Notice of Civil Violation was mailed to the owner and posted at the site on July 12, 2012.

#### **IV. LEGAL ANALYSIS**

- A. KMC KPMC 21.41.302.d.2 Exterior property areas: All premises and exterior property shall be maintained free from weeds and grass in excess of eighteen inches.
- B. Robert B. Van Curen is the registered owner of the property according to the King County Assessors' records, his mailing address according to City of Kirkland utility records is 1336 Ventura Ct., Enumclaw, WA 98022.
- C. If Mr. Van Curen fails to complete the vegetation removal in a timely manner, applicable code KMC 1.12.040 designates a monetary penalty of \$100 per day.

#### **V. CONCLUSION**

- A. The weeds are in excess of 18 inches in violation of the KPMC.
- B. Robert Van Curen is the person responsible for this property, he is the legal owner of the lot and has been sent notices regarding this issue.
- C. The City requests that if the Notice of Civil Violation is affirmed that monetary penalties of \$100.00 per day be imposed on the respondent setting a compliance date that allows a reasonable time for the removal, and thereafter commencing monetary penalties of \$100.00 per day until the assigned code enforcement officer certifies that the violation has been corrected in this matter.

Exhibit:

- A. Staff Report

Attachments:

1. Notice of Civil Violation
2. Affidavit of Service
3. Voluntary Agreement
4. Quit Claim Deed for address dated 10/06/95
5. Parcel Data for address
6. Pictures of the site



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**NOTICE OF CIVIL VIOLATION**

(Kirkland Municipal Code 1.12.040)

Date: July 12, 2012		Case Number: COM12-00177	
<b>Property Owner Information</b>		<b>Violation Information</b>	
Name: Robert Van Curen		Site Address: 231 8 <sup>th</sup> Ave W	
Address: 1336 Ventura Ct.		City, State, Zip: Kirkland, WA 98033	
City, State, Zip: Enumclaw, WA 98022		Parcel #: 3885800915	
Code Provision(s) Violated:	KMC KPMC 21.41.302.d.2 Exterior property areas; All premises and exterior property shall be maintained free from weeds and grass in excess of eighteen inches.		
Description of Violation:	Allowing weeds and grass to grow to over 18 inches on the property		
Inspection Dates:	July 12, 2012		
Date(s) of Violation:	July 12, 2012 and continuing until corrected		
Person(s) Responsible For:	Robert Van Curen		
Request for Voluntary Compliance:	Not completed		
Corrective Action and Compliance Date:	Reduce and maintain all weed and grass growth on the lot to less than 18 inches in height		
Hearing Date:	August 2, 2012		

**HEARING NOTICE:** On August 2, 2012 at 9:00 A.M. the Kirkland Hearing Examiner shall hold a hearing in City Council Chambers, 123 5<sup>th</sup> Avenue, Kirkland, WA, 98033, 2<sup>nd</sup> floor, Kirkland City Hall relating to the above issued Notice of Civil Violation. If the required corrective action is completed AND written approval is obtained from the issuing party at least 48 hours prior to the hearing, the hearing shall be cancelled and no monetary penalty assessed. If you choose NOT to complete the required corrective action by that time, the hearing shall continue as scheduled.

**HEARING EXAMINER HEARING:** At the hearing, staff may request the Examiner to issue an order assessing the monetary penalties in the amounts described below. All costs and expenses of abatement incurred by the City pursuant to KMC 1.12.060(D) and monetary penalties in the amount per day for each violation as specified in KMC 1.12.040(E) may be assessed against the person responsible for the civil violation as listed above.

- First violation..... \$100.00
- Second violation ..... \$200.00
- Third violation ..... \$300.00
- Additional violation in excess of three ..... \$500.00

*Payment of a monetary penalty pursuant to Chapter KMC 1.12.040 does not relieve the person to whom the Notice of Civil Violation was issued of the continued duty to correct the violation.*

ISSUED BY: Craig Salzman, CCEO, Code Enforcement Officer  
Phone: (425)587-3289 - Email: [csalzman@kirklandwa.gov](mailto:csalzman@kirklandwa.gov)

**METHOD OF SERVICE:**

- Hand Delivered
- Postal Mail
- Posted at Subject Property Site





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PLANNING AND COMMUNITY DEVELOPMENT**

123 Fifth Avenue, Kirkland, WA 98033

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**DECLARATION OF SERVICE**

I am an employee of the City of Kirkland, over eighteen years of age and competent to be a witness herein. On the date written below, I served copies of the Notice of Civil Violation upon the following parties by:

Robert Van Curen 1336 Ventura Ct. Enumclaw, WA 98022	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Posted on-site <input type="checkbox"/> Served to person
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: July 12, 2012

Craig Salzman, Code Enforcement Officer





# CITY OF KIRKLAND

Department of Planning and Community Development  
Code Enforcement  
123 5<sup>th</sup> Avenue, Kirkland, WA 98033  
(425)587-3225 – Fax: (425)587-3232  
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## VOLUNTARY CORRECTION AGREEMENT

(Kirkland Municipal Code 1.12.030)

Date: June 20, 2012	Case Number: COM12-00177
<b><u>Property Owner Information</u></b>	<b><u>Violation Information</u></b>
Name: Robert Van Curen	Site Address: 231 8 <sup>th</sup> Ave W
Address: 1336 Ventura Ct.	City, State, Zip: Kirkland, WA 98033
City, State, Zip: Enumclaw, WA 98022	Parcel #: 3885800915

Code Provision(s) Violated:	KPMC 21.41.301.2 Overgrown vegetation
Description of Violation:	Allowing the vegetation on the property to exceed 18" in height.
Person(s) Responsible For Violation:	Robert Van Curen
Corrective Action and Compliance Date:	Reduce all vegetation and weeds on the site to no more than 18" in height, excepting shrubs and trees on the site, and maintain all the vegetation and weeds on the site to no more than 18" by June 29, 2012

Please contact me to discuss this matter.

ISSUED BY: Craig Salzman, CCEO, Code Enforcement Officer  
Phone: (425)587-3289 - Email: [csalzman@kirklandwa.gov](mailto:csalzman@kirklandwa.gov)

By signing this agreement the person responsible for the violation agrees that: 1) If the terms are not met a monetary penalty may be assessed (\$100 per day or portion thereof minimum) commencing on the date set for compliance; 2) The city may abate the violation and recover its costs and expenses and assess a monetary penalty pursuant to KMC 1.12 if the terms of the voluntary correction agreement are not met; and 3) The right to an administrative appeal of the violation and/or the required corrective action is waived.

**Note:** The person responsible for the violation has the option of entering into this Voluntary Correction Agreement and achieving complete compliance; or responding to the complaint at a hearing in front of the Hearing Examiner. For more information, please contact your Code Enforcement Officer.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



FILED FOR RECORD AT REQUEST OF

Charles T. Paglialunga  
Attorney At Law  
Grand Central on the Park  
216 First Avenue South, Suite 260  
Seattle, Washington 98104

When Recorded Return to:  
CHARLES T. PAGLIALUNGA AT ABOVE ADDRESS

QUIT-CLAIM DEED

THE GRANTOR, ROBERT B. VAN CUREN, AS PERSONAL REPRESENTATIVE OF  
THE ESTATE OF DOROTHY M. VAN CUREN,

for and in consideration of GOOD AND VALUABLE CONSIDERATION

in hand paid, conveys and quit claims to, ROBERT B. VAN CUREN, a  
married person as his separate estate,

the following described real estate, situated in the County of  
King, State of Washington:

Lot 8 and the Southeasterly 20 feet of Lot 9 Block 15, Town of  
Kirkland, according to plat recorded in Volume 6 of plats page  
53, records of said county.

Dated: 10/6/95

Robert B. Van Curen  
Robert B. Van Curen

State of Washington ss.  
County of King

On this day personally appeared before  
me Robert B. Van Curen, to me known to be the  
individual/s described in and who executed the  
within and foregoing instrument, and  
acknowledged that he/she/they signed the same  
as his/her/their free and voluntary act and  
deed, for the uses and purposes therein  
mentioned.

Given under my hand and official seal  
this 6th day of October, 1995.

[Signature]  
Notary Public in and for the State of  
Washington, residing at Seattle, King County  
Washington.  
My appointment expires on: 10-15-98.

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960207-0826 12:25:00 PM KING COUNTY RECORDS 500

.00  
.00  
E1468814 07/07/96





**PARCEL DATA**

Parcel	388580-0915	Jurisdiction	KIRKLAND
Name	VANCUREN ROBERT	Levy Code	1700
Site Address	231 8TH AVE W 9803	Property Type	R
Residential Area	074-008 (NE Appraisal District)	Plat Block / Building Number	15
Property Name		Plat Lot / Unit Number	8-9
		Quarter-Section-Township-Range	<a href="#">SE-6 -25-5</a>

**Legal Description**

KIRKLAND ADD 8 & SELY 20 FT OF 9





