



CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
123 FIFTH AVENUE, KIRKLAND, WA 98033
425.587.3225 - www.kirklandwa.gov

To: Sue Tanner, Hearing Examiner

From: Craig Salzman, CCEO
Code Enforcement Officer

Date: March 15, 2012

Subject: HEARING FOR Randall Aadland, NOTICE OF CIVIL VIOLATION FOR VIOLATION OF THE Required Yards and Building Permits Required REGULATIONS, KZC 115.115 And, CHAPTER 21.06.205, KMC. LOCATED AT 14274 122nd Ave NE Kirkland; PLANNING DEPARTMENT FILE NO. COM11-00212

I. INTRODUCTION

City of Kirkland staff ("staff") offer this staff report with regard to the above-referenced Code Enforcement matter.

II. ISSUES PRESENTED

1. Is the accessory building located at 14274 122nd Ave NE, Kirkland, in violation of the Building and Zoning Codes cited above?
2. Are the owners Randy and Deanna Aadland responsible for correcting the existing violations at the above address?
3. Are the owners responsible for fines of \$100.00 until compliance is certified by Planning Department Staff?

III. STATEMENT OF FACTS

In August 2011 the City received a complaint that the owners of 14274 122nd Ave NE, Kirkland, the Aadlands, were doing work that would require permitting by the City. Upon investigation the owner confirmed that he had in fact expanded what had been a play structure. He had poured a concrete floor and enclosed the first floor to create enclosed storage space. He had also improved the siding and the roof on the second floor. City staff informed the owner that this work should have been reviewed and permitted by the City prior to it being undertaken. The structure has electrical power to it and is located within the required yard setback of the rear yard. Mr. Aadland has communicated with King County staff to determine if they would have allowed such a structure, their response states that this

type of structure would have required permits if constructed in the County at the time that it was built, 1989. The email exchange is attached as an exhibit. Ex. 1 On December 7, 2011 the City issued a Notice of Civil Violation, citing the above referenced codes, and establishing the hearing date. Ex. 2

IV. LEGAL ANALYSIS

Kirkland Municipal Code 21.06.205 and 21.06.215 regulate construction and when permits are required. Kirkland Zoning Code 115.115 defines required yards and what the setbacks are: KZC 5.10.775 contains the specific definition of required yards. KZC 17.10.010 establishes what the specific setbacks for the RSX Zone are. From the current building it is clear that the construction was done in August, after this area was annexed. The building is over one story high, exceeds 200 square feet in area, and is closer than five feet to the rear property line. All of these are violations of the above referenced Codes.

The building as built cannot be permitted, since it does not comply with the required yards section of the KZC. If it were built elsewhere in the yard it would require Building Permits to be built, as well as an electrical permit for the wiring, none were applied for or issued.

IV. CONCLUSION

It appears that the building was originally constructed in violation of the King County Codes in existence at the time of its construction in 1989. When it was expanded it was clearly in violation of the above Codes. It cannot be mitigated or accommodated with a variance or modification due to the conditions at the site. We recommend that the structure must be reduced in size and its location be adjusted so as to comply with the Kirkland Codes. In alternative the structure can be removed totally to bring the site into compliance. We ask that the Hearing Examiner set a reasonable date for compliance and that if compliance is not confirmed by City Staff by that date that the owners be held liable for fines of \$100.00 per day until compliance is certified.

EXHIBITS:

Exhibit 1 Notice

Exhibit 2 Photo of site



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 Code Enforcement
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NOTICE OF CIVIL VIOLATION
 (Kirkland Municipal Code 1.12.040)

Date: January 6, 2012 Property Owner Information Name: Randall Aadland Address: 14274 122 nd Ave NE City, State, Zip: Kirkland, WA 98034	Case Number: COM11-00212 ENF 11-189 Violation Information Site Address: 14274 122 nd Ave NE City, State, Zip: Kirkland, WA 98034 Parcel #: 387620-0250
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Code Provision(s) Violated:	KZC 115.115, KMC 21.06.205, KMC 21.06.210, KMC 21.06.215(1)(A)
Description of Violation:	1) Construction of a two story accessory structure, exceeding 120 square feet, within a required yard. 2) Construction of a two story accessory structure without a permit. 3) Construction of an accessory structure exceeding 200 square feet without a permit. 4) Installation of electrical wiring without an electrical permit.
Inspection Dates:	August 23, 2011
Date(s) of Violation:	February 6, 2012 and continuing until corrected
Person(s) Responsible For:	Randall Aadland
Request for Voluntary Compliance:	August 23, 2011
Corrective Action and Compliance Date:	By February 6, 2012 do one of the following; 1) remove any portion of the structure which is within the required yard and reduce the size of the structure to a one story building no larger than 200 square feet, or 2) remove any portion of the structure which is within five feet of the rear property line and reduce the size of the structure to a one story building no larger than 120 square feet, or 3) remove the structure completely. In addition to doing one of the above items, by February 6, 2012, an electrical permit must be obtained and an electrical inspection requested from the City for any remaining electrical wiring.
Hearing Date:	February 16, 2012

HEARING NOTICE: On February 16, 2012 at 9:00 A.M. the Kirkland Hearing Examiner shall hold a hearing in City Council Chambers, 123 5th Avenue, Kirkland, WA, 98033, 2nd 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

METHOD OF SERVICE:

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

