



CITY OF KIRKLAND

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

123 FIFTH AVENUE, KIRKLAND, WA 98033

425.587.3225 - www.kirklandwa.gov

To: Hearing Examiner

From: Craig Salzman, CCEO
Code Enforcement Officer

Date: October 2, 2012

Subject: HEARING FOR CLYDE STENSRUD, NOTICE OF CIVIL VIOLATION FOR REPEAT VIOLATIONS OF THE HOME OCCUPATION REGULATIONS, KZC 115.65, LOCATED AT 1529 10th ST. W., KIRKLAND; PLANNING DEPARTMENT FILE NO. COM12-00300

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 Clyde Stensrud.

II. ISSUES PRESENTED

- A. Is the owner, Clyde Stensrud, operating a home based occupation in violation of the Zoning Code regulating exterior storage?
- B. Is the owner responsible for multiple violations of this regulation?
- C. Can the City of Kirkland impose fines to be determined by the Hearings Examiner for the past violations and automatically impose fines of \$500.00 per day without another hearing for any further violations of this regulation?

III. STATEMENT OF FACTS

- A. The site is zoned WD II.
- B. The City has received multiple complaints of storage of 55 gallon drums and 5 gallon buckets on the site, in 12/11, 4/12 and 9/12. The City confirmed the exterior storage which is easily visible from 10th St. W.
- C. This is the second time a Notice of Civil Violation has been posted at the site. Both Notices directed the owner to not have exterior storage in the future. In the first case I obtained verbal compliance from the owner to remove the barrels and not store any more barrels on the site. I posted the Notice for this hearing twice, but mistakenly did not indicate the proper fines for a repeat violation.

IV. LEGAL ANALYSIS

- A. KZC 115.65 Home Occupations: 4. Standards for Home Occupations – A home occupation may be conducted if it:
 - b. Has no outside storage, including equipment stored on vehicles;
- B. The owner continues to violate this provision of the Code and has shown a blatant disregard for the previously issued Notice and his impact on the neighborhood.
- C. KMC 1.12.040 establishes monetary penalties. The examiner may double the monetary penalty schedule if the violation was a repeat violation. As this case has been.

V. CONCLUSION

- A. We ask that the Examiner confirm that this is a violation of the Kirkland Zoning Code, and that it is an on-going repeat violation.
- B. We ask that the owner be ordered to permanently cease all exterior storage at his residence.
- C. We ask that the owner be fined for 8 days of Violation from September 14 through September 21, 2012 for the current violation, a fine to be determined by the Hearings Examiner.
- D. We ask that any future violations be subject to an automatic fine of \$500.00 per day without the need to issue a Notice of Civil Violation.

Exhibit:

- A. Staff Report

Attachments:

- 1. Notice of Civil Violations
- 2. Affidavit of Service
- 3. Photos



CITY OF KIRKLAND
 Planning and Community Development
 Code Enforcement
 123 5th Avenue, Kirkland, WA 98033
 (425)587-3225 – Fax: (425)587-3232
www.kirklandwa.gov

NOTICE OF CIVIL VIOLATION
 (Kirkland Municipal Code 1.12.040)

Date: September 18, 2012 Property Owner Information Name: Clyde Stensrud Address: 1529 10 th St W City, State, Zip: Kirkland, WA 98033	Case Number: COM12-00102 Violation Information Site Address: 1529 10 th St W City, State, Zip: Kirkland, WA 98033 Parcel #: 1245500950
----------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------

Code Provision(s) Violated:	KZC 115.65.4.b Has no outside storage, including equipment stored on vehicles
Description of Violation:	Storing large drums and buckets on the site in the carport.
Inspection Dates:	April 3, 2012
Date(s) of Violation:	April 3, 2012
Person(s) Responsible For:	Clyde Stensrud
Request for Voluntary Compliance:	In previous case, COM11-00364
Corrective Action and Compliance Date:	Remove all exterior storage permanently from the property do not store any materials on the property unless stored inside the building immediately.
Hearing Date:	May 3, 2012

HEARING NOTICE: On May 3, 2012 at 9:00 AM 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





CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT

123 Fifth Avenue, Kirkland, WA 98033

Phone: 425.587-3225 – fax: 425.587.3232 ~ www.kirklandwa.gov

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:

Clyde Stensrud 1529 10 th St. W Kirkland, WA 98033	<input checked="" type="checkbox"/> U.S. Mail <input checked="" type="checkbox"/> Posted on-site <input type="checkbox"/> Served to person
---------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: September 18, 2012

Craig Salzman, CCEO







CALIFORNIA

BRAND

Acrylic Resurface

filler coat binder

100% acrylic latex
FOR ASPHALT & CONCRETE

CONTENTS: 55 GALLONS (208.2 Liters) 5 GALLONS (18.9 Liters)
 30 GALLONS (113.6 Liters)

4200 BLACK

Max. Coverage: 300 g / liter
MAXIMUM VISCOSITY: Based on 1% Calcium Hydroxide Solution @ 20°C

Acrylic Resurface

Playgrounds • Tennis Courts

Acrylic Resurface is an acrylic latex filler coat binder for asphalt and concrete surfaces. It is designed for use on playgrounds, tennis courts, and other outdoor surfaces. The product is easy to apply and provides a durable, long-lasting finish. It is available in various colors and finishes to meet your needs.

Application: Apply with a brush, roller, or sprayer. Allow to dry for 24 hours before use.

Preparation: Clean the surface thoroughly before application. Remove any dirt, oil, or loose material.

Storage: Store in a cool, dry place. Avoid freezing temperatures.

Health and Safety: Wear protective gear when handling. Avoid contact with skin and eyes. If contact occurs, wash immediately with water.