

April 9, 2010

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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STIPULATED REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E0400446**

TY AND BETH ELKINTON

Code Enforcement Appeal

Location: 24645 – 208th Avenue SE

Appellants: Ty and Beth Elkinton
represented by **Eric Solly**, President
Solid Plans, Inc.
12205 – 164th Avenue SE
Renton, Washington 98059
Telephone: (425) 235-7100
Email: solidplans@hotmail.com

King County: Department of Development and Environmental Services (DDES)
represented by **Holly Sawin**
900 Oakesdale Avenue SW
Renton, Washington 98055
Telephone: (206) 296-6772
Facsimile: (206) 296-6604

SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation: Stipulated enforcement with revised compliance schedule
Department's Final Recommendation: Stipulated enforcement with revised compliance schedule
Examiner's Decision: Stipulated enforcement with revised compliance schedule

EXAMINER PROCEEDINGS:

Pre-hearing conference:

January 28, 2010

Hearing:

Waived by the parties

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS OF FACT:

1. This matter involves the appeal of a code enforcement Notice and Order. The parties have stipulated to the Notice and Order being enforced by demolition of the subject unpermitted construction work under a revised compliance schedule. This stipulated settlement is in lieu of consideration of the Appellant's request for more time to obtain a building permit.
2. On June 30, 2009, the King County Department of Development and Environmental Services (DDES) issued a code enforcement Notice and Order to Appellants Ty and Beth Elkinton, finding a code violation on the subject RA-5-zoned property at 24645 – 208th Avenue Southeast in the unincorporated Maple Valley area. The Notice and Order cited the Elkintons and the property with the following violation of county code:
 - A. Construction of a 960 square foot garage with an attached 840 square foot carport without required permits, inspections and approvals.

The Notice and Order required correction of such violation by obtainment of the necessary permits for the structures or, alternatively, demolition and removal.

3. The Appellants through their consultant filed an appeal of the Notice and Order. The sole claim on appeal was a request for additional time to resolve the matter.
4. The parties now stipulate to enforcement by demolition under a revised compliance schedule, which is set forth in the order below.

CONCLUSIONS:

1. By stipulation, enforcement under this Notice and Order is agreed to be via the demolition alternative, under a revised compliance schedule.

DECISION:

As stipulated, the instant appeal is resolved by sustaining the Notice and Order, revised so that enforcement is via the demolition alternative under a revised compliance schedule set forth in the order below.

ORDER:

1. *By no later than **May 10, 2010***, a demolition permit for removal of the garage/carport structure addressed by the subject Notice and Order shall be obtained from DDES.
2. The demolition work shall be completed, with demolition debris removed from the premises to an approved disposal facility and final demolition permit approval obtained from DDES, *by no later than **120 days from the date of demolition permit issuance***.

3. DDES is authorized to grant deadline extensions for any of the above requirements if warranted, in DDES's sole judgment, by circumstances beyond the Appellants' diligent effort and control.
4. No fines or penalties shall be assessed by DDES against the Elkintons and/or the property if the above compliance requirements and deadlines (as may be extended by DDES) are met in full. If they are not, DDES may impose penalties as authorized by county code retroactive to the date of this decision.

ORDERED April 9, 2010.



Peter T. Donahue
King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL

The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

PTD:gao
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