

February 1, 2008

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

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**REPORT AND DECISION**

SUBJECT: Department of Development and Environmental Services File No. **E0400559**

**ROBERT D. & ELIZA DUNCAN**

Code Enforcement Appeal

Location: 3240 South 312th Street

Appellant: **Robert D. & Eliza Duncan**  
3240 South 312th Street  
Auburn, Washington 98001  
Telephone: (253) 941-9598

King County: Department of Development and Environmental Services (DDES)  
*represented by* **DenoBi Olegba**  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055-1219  
Telephone: (206) 205-1528  
Facsimile: (206) 296-6604

**SUMMARY OF DECISION/RECOMMENDATION:**

Department's Preliminary Recommendation:	Deny the appeal
Department's Final Recommendation:	Deny the appeal; extend time for compliance
Examiner's Decision:	Deny the appeal; extend time for compliance

**ISSUES/TOPICS ADDRESSED**

Construction of an accessory structure without required permits; placing a mobile home without required permits; occupancy of a substandard dwelling; accumulation of inoperable vehicles and storage of vehicles on unimproved surface; accumulation of rubbish and debris

**SUMMARY OF DECISION:**

The property owner's appeal of the notice of code violation is granted in part and denied in part, and additional time is granted for permitting the accessory structure and removal of the mobile home.

**EXAMINER PROCEEDINGS:**

Hearing opened: January 24, 2008  
Hearing closed: January 24, 2008

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:**

1. On September 26, 2007 the King County Department of Development and Environmental Services (DDES) issued a notice of King County code violation, civil penalty order, abatement order, notice of lien, duty to notify ("Notice and Order") to Robert and Eliza Duncan. The property subject to the Notice and Order is located at 3240 South 312th Street (Auburn) in unincorporated King County. Robert and Eliza Duncan are the owners of the subject property.

The Notice and Order alleged violation of the King County Code by constructing an accessory structure (carport) without required permits; placement of a mobile home without required permits; occupancy of a substandard dwelling (mobile home); accumulation of inoperable vehicles and vehicle parts, and parking of vehicles on unimproved surfaces; and accumulation of assorted rubbish, salvage and debris.

2. A timely appeal of the Notice and Order was filed by Robert and Eliza Duncan. The statement of appeal asserts that the mobile home is not substandard and that the Appellants are trying to get rid of the scrap and debris, but need additional time to do so, and additional time to investigate the legality of the mobile home.
3. The DDES Code Enforcement Office conducted a recent inspection of the site, and determined that the inoperable vehicles have been removed from the site and the accumulation of assorted rubbish, salvage and debris has also been removed. DDES recommends that violations four and five of the Notice and Order be stricken as having been resolved.
4. The unpermitted accessory structure (carport) remains onsite. The Appellants request additional time to explore the feasibility of obtaining permits and inspections for the structure. If it is not possible to do so, the Appellants agree to remove the structure.

5. The Appellants agree to remove the mobile home from the site, and request additional time to do so. Removal of the mobile home while the ground is wet would be difficult and could be harmful to the environment.
6. DDES recommends that the Appellants be allowed four months to explore the feasibility of permitting the accessory structure and obtain the required permits and inspections to legalize the structure. If that is not possible, DDES recommends that the Appellants be allowed an additional 45 days for demolition of the carport and removal of all demolition debris from the site.
7. The DDES Code Enforcement Officer concurs that removal of the mobile home should not occur while the property is wet. He recommends that the Appellants be granted until the end of July for removal of the mobile home. The Appellants concur that the DDES recommendation is reasonable.

#### CONCLUSIONS:

1. The appeal of violations four and five of the September 26, 2007 Notice and Order should be granted.
2. The Appellants should be allowed a reasonable period of time to obtain permits and inspections for the accessory structure (carport) placed upon the site without required permits. A reasonable period of time to obtain such permits and inspections is four months from January 24, 2008. If the permits and inspections cannot be obtained within that time, the Appellants should be allowed an additional 45 days for demolition of the carport and removal of all demolition debris from the site.
3. The Appellants should be allowed a reasonable period of time to remove the mobile home from the site during dry weather. A reasonable time to allow for the removal of the mobile home to be completed is through July 31, 2008.

#### DECISION:

The appeal by Robert and Eliza Duncan is granted in part and denied in part. Allegations four and five of the September 26, 2007 Notice and Order (accumulation of inoperable vehicles and vehicle parts; parking/storage of vehicles on non-impervious surfaces; and accumulation of assorted rubbish, salvage and debris) are stricken.

The time for compliance with the Notice and Order is extended as follows:

With respect to allegation one (construction of an accessory structure without required permits), the Appellants are granted until May 27, 2008 to obtain all required permits and inspections for legalization of the accessory structure. If the Appellants are unable to obtain the required permits and inspections by said date, the Appellants shall remove the accessory structure (carport) and all demolition debris from the premises not later than July 11, 2008.

The Appellants shall remove the mobile home from the site not later than July 31, 2008.

Failure to accomplish the foregoing requirements by the dates set forth shall result in civil penalties being incurred in the amounts set forth in the September 26, 2007 Notice and Order.

ORDERED this 1st day of February, 2008.

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James N. O'Connor  
King County Hearing Examiner *pro tem*

#### NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding code enforcement appeals. 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.)

#### MINUTES OF THE JANUARY 25, 2008, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E0400559.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were DenoBi Olegba representing the Department and Robert and Eliza Duncan the Appellants.

The following Exhibits were offered and entered into the record:

- Exhibit No. 1 DDES staff report to the Hearing Examiner for E0400559
- Exhibit No. 2 Copy of the Notice & Order issued September 26, 2007
- Exhibit No. 3 Copy of the Notice and Statement of Appeal received October 15, 2007
- Exhibit No. 4 Copies of codes cited in the Notice & Order
- Exhibit No. 5 Photographs of subject property numbered A through L, taken by DenoBi Olegba on July 10, 2007
- Exhibit No. 6 Correspondence from DDES to Appellants regarding E0400559
- Exhibit No. 6A Printout of DDES database file for E0400559
- Exhibit No. 6C Notes from January 31, 2007 site inspection
- Exhibit No. 7 Status report from DenoBi Olegba to Hearing Examiner sent December 20, 2007

JNOC :vsm  
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