

December 11, 2009

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

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E0400829**

STEVEN AVIS
Code Enforcement Appeal

Location: 24709—204th Place SE

Appellant: **Steven Avis**
PO Box 945
Maple Valley, Washington 98038
Telephone: (425) 432-6683

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:	Deny appeal, with revised compliance schedule
Department's Final Recommendation:	Deny appeal, with revised compliance schedule
Examiner's Decision:	Deny appeal, with further revised compliance schedule

EXAMINER PROCEEDINGS:

Hearing opened:	November 19, 2009
Hearing closed:	November 19, 2009

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. On September 3, 2009, the King County Department of Development and Environmental Services (DDES) issued a Notice and Order to Steven and Ann Avis and the subject property at 24709 204th Place SE in the unincorporated Maple Valley area. The Notice and Order found the following code violations on the property:
 - A. Construction of two storage sheds (a 725-square foot structure (Structure #2) inside the property line setback and a 500-square foot storage shed (Structure #1) within a well radius) without required permits, inspections and approvals and placement of a smaller, 140 square foot storage shed within the side-yard regulatory setback.
 - B. Use and occupancy of a detached garage constructed under building permit B03M0276 without final inspections and approvals.
 - C. Accumulation of inoperable vehicles and vehicle parts and parking/storage of vehicles on unimproved surfaces.
 - D. Accumulation of assorted rubbish, salvage and debris.
2. Steven Avis filed an appeal of the Notice and Order, essentially requesting an extension of time to perform the correction measures necessary for compliance. He requested an extension for permit obtainment until March 2010 due to financial limitations and an extension until June 1, 2010 for completion of compliance. The appeal also states a commitment to remove all of the rubbish, salvage and debris by the end of October 2009. Lastly, Mr. Avis states that the 500-square foot storage shed will be removed upon final inspection approval of the detached garage structure (building permit B03M0276), and the 140-square foot storage shed within the side-yard setback is portable and will be relocated to conform to the setback requirements.
3. The 725-square foot structure found to be placed inside the property line setback has been corrected so as to conform to the setback requirements and Appellant Avis acknowledges the requirement of a building permit for such structure.
4. The preponderance of the evidence in the record supports the Notice and Order findings of violation.

CONCLUSIONS:

1. The Notice and Order's findings of violation are correct; the Notice and Order is accordingly sustained and the appeal denied except with respect to adjustment of the compliance schedule.
2. The compliance schedule has been obviated, in part, by the time taken up by the appeal process. DDES and the Appellant have generally agreed upon a revised compliance schedule, which establishes a reasonable amount of time for correction activities necessary to bring the property into compliance and shall be implemented generally by the Examiner with some adjustments as to dates, as reflected in the following order.

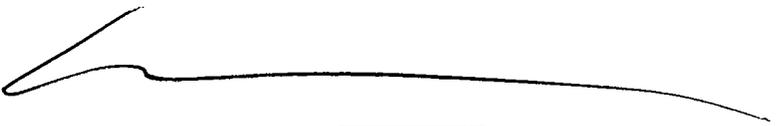
DECISION:

The Notice and Order is SUSTAINED and the appeal DENIED, provided that the COMPLIANCE SCHEDULE is REVISED as stated in the following order.

ORDER:

1. Renewal (extension/reinstatement) of expired building permit B03M0276 shall be obtained from DDES *by no later than* **March 15, 2010**.
2. Final inspection approval of the detached garage under permit B03M0276 shall be obtained *by no later than* **June 1, 2010**.
3. A condition of permit B03M0276 is the removal of the 500-square foot Structure #1 storage shed. Such removal from the property shall be effected prior to final inspection approval under permit B03M0276. Any demolition debris shall be removed from the property in accordance with applicable regulations.
4. A pre-application meeting with DDES for an Already Built Construction (ABC) permit for the 725-square foot building (Structure #2) shall have been scheduled by the Appellant or a representative *by no later than* **March 15, 2010**. If Public Health approval is required for such permit, a complete Public Health application shall be submitted to Public Health *by no later than* **April 12, 2010**. A complete ABC building permit application for Structure #2 shall be submitted to DDES *by no later than* **June 1, 2010**. Final inspection approval shall be obtained within the one-year permit validity.
5. As an alternative to obtainment of an ABC permit for Structure #2, a demolition permit shall be obtained for its demolition *by no later than* **May 10, 2010** and the structure demolished and demolition debris removed from the property *by no later than* **July 1, 2010**.
6. All inoperable vehicles and vehicle parts in exterior storage on the property shall be removed from the property or placed in interior storage *by no later than* **May 3, 2010**.
7. Any remaining junk, salvage and debris in exterior placement on the property shall be removed from the property or placed in interior storage in conformity with applicable regulations *by no later than* **March 1, 2010**.
8. DDES is authorized to grant deadline extensions for any of the above requirements if warranted, in DDES's sole judgment, by circumstances beyond the property owner's diligent effort and control. DDES is also authorized to grant extensions of work completion requirements for seasonal and/or weather reasons (potential for erosion, other environmental damage considerations, etc.).
9. No fines or penalties shall be assessed by DDES against Appellant Steven Avis and/or the property if the above compliance requirements and deadlines are complied with in full (noting the possibility of deadline extension pursuant to the above allowances). However, if the above compliance requirements and deadlines are not complied with in full, DDES may impose penalties as authorized by county code retroactive to the date of this decision.

ORDERED December 11, 2009.



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 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 NOVEMBER 19, 2009, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E0400829

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Holly Sawin, representing the Department and Steven Avis, the Appellant.

The following Exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services (DDES) staff report to the Hearing Examiner for E0400829
- Exhibit No. 2 Copy of the Notice & Order issued September 3, 2009
- Exhibit No. 3 Copy of the Notice and Statement of Appeal received September 14, 2009
- Exhibit No. 4 Copies of codes cited in the Notice & Order
- Exhibit No. 5 Photographs of the subject property taken by Holly Sawin on August 6, 2009
- Exhibit No. 6 2007 aerial photograph of subject property from King County GIS
- Exhibit No. 7 Permits Plus record of permits for the subject property

PTD:vsm
E0400829 RPT