

RESOLUTION R-3537

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND RELATING TO THE WAYNE T. McCANN HOME OCCUPATION APPLICATION (FILE IIA-89-27), AFFIRMING ON APPEAL THE DECISION OF THE KIRKLAND HEARING EXAMINER AND MODIFYING THE TIME WITHIN WHICH CERTAIN ACTIVITIES SHALL BE ABATED.

Whereas, Wayne T. McCann heretofore filed with the City of Kirkland an application for a Home Occupation Permit to continue operation of a business office and a storage and maintenance facility for a trucking business on a residential site located at 12410 N.E. 104th Street within an RSX Zone, and

Whereas, pursuant to Section 115.65 of the Kirkland Zoning Ordinance 2740, such applications are heard by the Kirkland Hearing Examiner, whose decision is final subject to appeal to the Kirkland City Council, and

Whereas, the Kirkland Hearing Examiner, following public hearing on said Home Occupation application, entered his decision May 25, 1989 to approve a limited Home Occupation for a business office denying a Home Occupation for the storage, maintenance and repair activities, and requiring the abatement of said activities within 60 days, and

Whereas, thereafter Wayne T. McCann timely filed his appeal to the Kirkland City Council who, pursuant to Section 150.80, et seq, Ordinance 2740, considered said appeal on the record of the hearing before the Hearing Examiner, together with written and oral arguments of the applicant and other parties of record during the course of the regular City Council meeting on July 18, 1989, and

Whereas, the City Council, following said hearing in open meeting, rendered its decision to affirm the decision of the Hearing Examiner, but to extend the time for abatement of the storage, repair and maintenance activities from 60 days to 24 months, now, therefore

Be it resolved by the City Council of the City of Kirkland as follows:

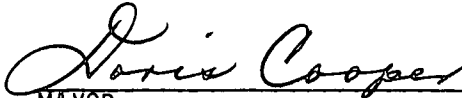
Section 1. The findings and conclusions of the Kirkland Hearing Examiner as contained in his decision dated May 25, 1989 and filed in the Kirkland Department of Planning and Community Development File No. II-A-89-27, "Wayne T. McCann Home Occupation application" are adopted

by the Kirkland City Council as though fully set forth herein.

Section 2. The decision of the Kirkland Hearing Examiner, as set forth in his decision filed in the above-referenced file on May 25, 1989, to approve a limited business office Home Occupation Permit subject to certain conditions, and to deny a Home Occupation Permit for the storage, repair and maintenance activities and facilities for the McCann Trucking business, is hereby affirmed. Provided, however, the time for complete abatement of all storage, maintenance, and repair activities on the site, as required by the Hearing Examiner, shall be extended from 60 days to 24 months, on condition that within said 60 days, the applicant sign an agreement with the City of Kirkland that after July 31, 1991, no storage, repair, or commercial maintenance activities, nor any other activities in violation of the use provisions of the applicable Kirkland Zone classification on said property, shall be conducted on the site located at 12410 N.E. 104th Street as described in Kirkland Department of Planning and Community Development File No. IIA-89-27. Said agreement shall be in a form sufficient to bind all future owners of the subject site and recordable with the King County Department of Records and Elections.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 1st day of August, 1989.

Signed in authentication thereof this 1st day of August, 1989.


MAYOR

ATTEST:


City Clerk