

RESOLUTION R -3622

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AFFIRMING THE DECISION OF THE HEARING EXAMINER GRANTING WITH CONDITIONS CERTAIN ZONING CODE AND SHORELINE MASTER PROGRAM VARIANCES, FILE NO. SV-IIA-90-2 (SHULMAN APPLICANT/APPELLANT).

Whereas, pursuant to Section 150.80, et seq., of Ordinance 2740 relating to appeals from Process IIA Hearing Examiner decisions, Applicant/Appellant in file no. SV-IIA-90-2 filed a written appeal as to a portion of the Hearing Examiner's decision relating to requested Zoning Code and Shoreline Master Program variances from the north side yard setback requirements of the Zoning Code and Shoreline Master Program respectively, and

Whereas, said appeal came before the City Council in regular open meeting on August 21, 1990, and

Whereas, attorneys for the Applicant/Appellant and the owner the property abutting the subject property to the north appeared and presented oral argument to the City Council, and

Whereas, the City Council after consideration of the record of hearing before the Hearing Examiner, the decision of the Hearing Examiner, the written Notice of Appeal submitted by the Applicant/Appellant, the written response submitted by the north abutting property owner, and the oral arguments of their respective counsel, voted unanimously to affirm the decision of the Hearing Examiner, now, therefore

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

Section 1. The decision of the Hearing Examiner in the matter of the Shulman variance application, file no. SV-IIA-90-2 is hereby affirmed with respect to the variances granted in said decision with regard to the north side yard setback

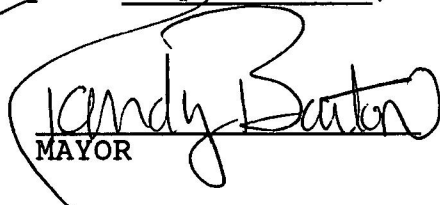


requirements of the Zoning Code and the Shoreline Master Program, as well as in all other respects.

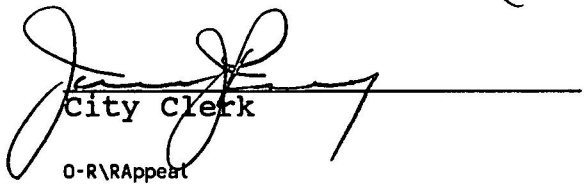
Section 2. Appeal to Shoreline Hearing Board. Pursuant to RCW 90.58.130 and WAC 173-14-170 and 173-14-174, any person aggrieved by the City's final decision on the Shoreline Substantial Development Permit and shoreline variances may seek review by the State Shoreline Hearings Board. All requests for review shall be concurrently filed with the Shoreline Hearings Board, the Department of Ecology and the State Attorney General within 30 days of the date the Department of Ecology receives the City's decision. The request for review must contain items required by WAC 461-08-055.

Section 3. Judicial review, Zoning Code variances only. Section 150.130 of the Zoning Ordinance, Ordinance 2740, allows the final decision of the City in granting or denying the requested variance to be reviewed in the King County Superior Court. The petition for review must be filed with the Court and served upon the City of Kirkland within 30 days following the post marked date when the City's final decision was distributed. If issues under the State Environmental Policy Act - SEPA - are to be raised in the judicial appeal, the "SEPA" appeal must filed with the King County Superior Court as a part of the application for judicial review of the Zoning decision.

Passed by Majority vote of the Kirkland City Council in Regular, open meeting this 4th day of September, 1990.


MAYOR

Attest:


City Clerk
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