

RESOLUTION NO. R-4192

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND; CONSIDERING AN APPEAL BY KIM KIRCHOFFNER AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE A-98-76; AND DENYING THE ISSUANCE OF A PROCESS IIA PERMIT AS APPLIED FOR IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. IIA-97-93 BY KIM KIRCHOFFNER BEING WITHIN AN RSX 7.2 ZONE.

WHEREAS, the Department of Planning and Community Development has received an application for a Process IIA permit, filed by Kim Kirchoffner, the owner of the property described in the application and located within an RSX 7.2 zone; and

WHEREAS, the Process IIA application for a setback variance and request to store an oversized vehicle in a residential zone was submitted to the Hearing Examiner, who held a hearing on the application on July 28, 1998; and

WHEREAS, the Hearing Examiner, after his public hearing and consideration of the recommendations of the Department of Planning and Community Development, adopted certain Findings, Conclusions, and Decision and denied the Process IIA permit subject to the specific conditions set forth in the decision; and

WHEREAS, the City Council, in regular meeting of November 17, 1998, and continued to January 5, 1999, held an appeal hearing and reviewed the record of the decision of the Hearing Examiner, as well as a timely filed appeal of the decision and passed Resolution 4169 denying the applicant's appeal; and

WHEREAS, the City Council on January 19, 1999, reconsidered its decision adopting R-4169 and directed the Hearing Examiner to hold a remand hearing for the limited purpose of determining the correct location of the west property line and the carport; and

WHEREAS, the Hearing Examiner, after his remand hearing on March 11, 1999 to consider additional survey information, issued new Findings, Conclusions and Recommendation on May 25, 1999; and

WHEREAS, the City Council, in regular meeting of July 6, 1999, held a continued appeal hearing on the new recommendation of the Hearing Examiner;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The City Council accepts the Hearing Examiner findings, Conclusions, and Recommendations (File No. A-98-76) ("Remand Recommendation"). The findings, conclusions, and decision of the Hearing Examiner, as filed in the Department of Planning and Community Development File No. IIA-97-93 and A-98-76, as supplemented by the Remand Recommendation, is adopted by the Kirkland City Council as though fully set forth herein; except that Department of Planning and Community Development Advisory Report Findings, Conclusions and Recommendations, Section I.B.2, is amended to read as follows:

The setback variance requested in File IIA-97-93 and appealed in A-98-76 is no longer necessary. Within 30 days following the date of the Notice of Decision of the City Council, the applicant shall submit a complete building permit application for the carport structure to the Fire and Building Department, in accordance with the 1997 Uniform Building Code (including structural engineering plans stamped and signed by a licensed Washington State professional structural engineer). Within 30 days following the date of building permit approval, the applicant shall bring the carport structure into compliance with all city codes.

Section 2. Appeal of the Hearing Examiner's decision on the Process IIA application for storage of an oversized vehicle in a residential zone shall be denied. The oversized recreational vehicle shall be

removed from the subject property within 14 days following the date of the Notice of Decision of the City Council.

Section 3. Nothing in this resolution shall be construed as excusing the applicant from compliance with any federal, state, or local statutes, ordinance, or regulations applicable to this project, other than as expressly set forth herein. Failure to comply with Section 1 and Section 2 will result in enforcement actions pursuant to the Uniform Building Code and Zoning Code.

Section 4. A certified copy of this resolution, together with the Findings, Conclusions, and Decision, and Remand Recommendation herein adopted shall be delivered to the applicant.

Section 5. Certified or conformed copies of this resolution shall be delivered to the following:

- (a) Department of Planning and Community Development of the City
- (b) Fire and Building Departments of the City
- (c) Public Works Department of the City
- (d) City Clerk for the City

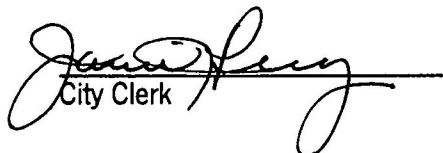
PASSED by majority vote of the Kirkland City Council on the 6th day of July, 1999.

SIGNED IN AUTHENTICATION thereof on the 6th day of July, 1999.



Mayor

Attest:



City Clerk