

February 22, 2007

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

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E0600093**

RYAN SPRING
Code Enforcement Appeal

Location: 20707 - 276th Avenue Southeast, Maple Valley

Appellant: **Ryan Spring**
P.O. Box 559
Hobart, Washington 98025
Telephone: (206) 356-6759

King County: Department of Development and Environmental Services (DDES)
represented by **Holly Sawin**
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
Telephone: (206) 296-6772
Facsimile: (206) 296-6604

SUMMARY OF DECISION/RECOMMENDATION:

Department's Preliminary Recommendation:	Deny appeal and extend date for compliance
Department's Final Recommendation:	Deny appeal and extend date for compliance
Examiner's Decision:	Deny the appeal; allow 90 days to file complete building permit application (subject to extension by DDES), or in the alternative allow 6 months to complete demolition and remove debris or reconvert structure to permitted use(s)

SUMMARY OF DECISION:

Code enforcement notice and order is affirmed and appeal is denied, with extension of time for compliance granted.

EXAMINER PROCEEDINGS:

Hearing opened: February 20, 2007
Hearing closed: February 20, 2007

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 December 12, 2006, the King County Department of Development and Environmental Services issued a notice of King County code violation, civil penalty order, abatement order, notice of lien, duty to notify (“Notice and Order”) to Ryan C. Spring. The property subject to the Notice and Order is located at 20707 – 276th Avenue Southeast in unincorporated King County. Ryan C. Spring is the owner of the subject property.

2. The Notice and Order alleged a violation of the King County Code resulting from the remodel of an existing garage into a second single-family residence on the property without required permits, inspections and approvals.

A timely appeal of the Notice and Order was filed by the Appellant. The statement of appeal does not contest the substance of the facts alleged in the Notice and Order, but requests additional time to comply with applicable King County codes.

3. The Appellant has remodeled a garage on the subject property into a residence without required permits. An accessory dwelling unit is not permitted on the subject property, although accessory living quarters are permitted. Approvals by the King County Department of Public Health are required for sewage disposal and a potable water supply to serve accessory living quarters.
4. A reasonable time to allow the Appellant to demonstrate substantial progress in obtaining the required permits is 90 days. If the Appellant does not obtain the required permits for accessory living quarters, a reasonable time to allow the appellant to remodel the structure in issue to a permitted structure, that does not require potable water supply and sewage disposal, or to demolish the structure and remove demolition debris is 6 months.

CONCLUSIONS:

1. The violations alleged in the Notice and Order have been shown to exist on the subject property. The Appeal of the Notice and Order should be denied.
2. A reasonable time period should be allowed the Appellant to comply with the King County Code to obtain the necessary permits and approvals for the remodeled structure, or, in the alternative, to demolish the structure or, in the alternative, to reconvert the structure into one that can be

permitted on the site. Ninety days is a reasonable time to allow the Appellant to demonstrate substantial progress in complying with the King County Code to the satisfaction of DDES; six months is a reasonable period of time to allow for the removal of the structure or reconversion of the structure to a permitted use.

DECISION:

The Notice and Order which is the subject of this proceeding is affirmed, and the appeal by Ryan C. Spring is DENIED.

The Appellant is permitted until **May 21, 2007**, to demonstrate substantial progress in obtaining permits necessary to comply with the King County Code. If the Appellant fails to demonstrate substantial progress in complying with the King County Code, the appellant is permitted until **August 21, 2007**, to demolish the structure in issue or reconvert it to an authorized use.

ORDERED this 22nd day of February, 2007.

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

TRANSMITTED via certified mail this 22nd day of February, 2007, to the following parties:

Ryan Spring
P.O. Box 559
Hobart, WA 98025

TRANSMITTED this 22nd day of February, 2007, to the following parties and interested persons of record:

Ryan Spring
P.O. Box 559
Hobart WA 98025

Deidre Andrus
DDES/LUSD
MS OAK-DE-0100

Elizabeth Deraitus
DDES/LUSD
MS OAK-DE-0100

Jo Horvath
DDES/BSD
MS OAK-DE-0100

Lamar Reed
DDES/LUSD
MS-OAK-DE-0100

Holly Sawin
DDES/LUSD
MS OAK-DE-0100

Toya Williams
DDES/LUSD
MS OAK-DE-0100

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 FEBRUARY 20, 2007, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E0600093.

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing was Holly Sawin representing the Department. There were no other participants in the hearing.

The following Exhibits were offered and entered into the record:

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| Exhibit No. 1 | DDES staff report to the Hearing Examiner for February 20, 2007 |
| Exhibit No. 2 | Copy of the Notice & Order issued December 12, 2006 |
| Exhibit No. 3 | Copy of the Notice and Statement of Appeal received December 26, 2006 |
| Exhibit No. 4 | Copies of codes cited in the Notice & Order |
| Exhibit No. 5 | Photograph (1 color copy) of the subject structure |

JNOC:ms/gao
E0600093 RPT