

**CITY OF KIRKLAND
HEARING EXAMINER FINDINGS,
CONCLUSIONS AND DECISION**

APPLICANT: Kirk Running

FILE NO: SPL07-00025

APPLICATION:

1. **Site Location:** 7004 122nd Avenue NE
2. **Request:** To subdivide one developed 13,416 square foot site (.30 acres) located in the single-family RSX 7.2 zone into two single-family lots. Since the site area is less than normally required for a two lot short plat in the RSX 7.2 zone (14,400 square feet), the lot size reduction provisions of Kirkland Municipal Code (KMC) 22.28.030 apply. The applicant proposes to retain an existing single family house, located on the west end of the site, on proposed Lot 1. (See Attachments 2a and 2b to Exhibit A.)
3. **Review Process:** Process IIB, Hearing Examiner conducts public hearing and makes a recommendation; City Council makes final decision (per KMC 22.28.030).
4. **Summary of Key Issues:** Compliance with established development regulations, removal of the existing carport, covered patio, storage structure, and walkways, and deviation from the minimum lot size requirements.

SUMMARY OF RECOMMENDATIONS:

Department of Planning and Development
Hearing Examiner:

Approve with conditions
Approve with conditions

PUBLIC HEARING:

The Hearing Examiner visited the site and held a public hearing on the application on November 15, 2007, in the Council Chambers, City Hall, 123 Fifth Avenue, Kirkland, Washington. A verbatim recording of the hearing is available at the City Clerk's office. The minutes of the hearing are available for public inspection in the Department of Community Development.

PUBLIC COMMENT:

A list of those who testified at the public hearing, and a list of the exhibits offered at the hearing are included at the end of this Recommendation. The testimony is summarized in the hearing minutes.

FINDINGS, CONCLUSIONS and RECOMMENDATION:

After considering the evidence in the record and inspecting the site, the Examiner adopts the **Findings of Fact and Conclusions** set forth in Section II of the Planning Department's Advisory Report as the Findings and Conclusions of the Hearing Examiner on this matter. The Examiner also adopts the **Recommendation** set forth in Section I.B of the Planning Department's Advisory Report as the Recommendation of the Hearing Examiner.

SUBSEQUENT MODIFICATIONS

Modifications to approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

CHALLENGES AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for challenges. Any person wishing to file or respond to a challenge should contact the Planning Department for further procedural information.

CHALLENGE

Section 152.85 of the Zoning Code allows the Hearing Examiner's recommendation to be challenged by the applicant or any person who submitted written or oral comments or testimony to the Hearing Examiner. A party who signed a petition may not challenge unless such party also submitted independent written comments or information. The challenge must be in writing and must be delivered, along with any fees set by ordinance, to the Planning Department by 5:00 p.m., _____, seven (7) calendar days following distribution of the Hearing Examiner's written recommendation on the application. Within this same time period, the person making the challenge must also mail or personally deliver to the applicant and all other people who submitted comments or testimony to the Hearing Examiner, a copy of the challenge together with notice of the deadline and procedures for responding to the challenge.

Any response to the challenge must be delivered to the Planning Department within seven (7) calendar days after the challenge letter was filed with the Planning Department. Within the same time period, the person making the response must deliver a copy of the response to the applicant and all other people who submitted comments or testimony to the Hearing Examiner.

Proof of such mail or personal delivery must be made by affidavit, available from the Planning Department. The affidavit must be attached to the challenge and response letters, and delivered to the Planning Department. The challenge will be

considered by the City Council at the time it acts upon the recommendation of the Hearing Examiner.

JUDICIAL REVIEW

Section 152.110 of the Zoning Code allows the action of the City in granting or denying this zoning permit to be reviewed in King County Superior Court. The petition for review must be filed within twenty-one (21) calendar days of the issuance of the final land use decision by the City.

LAPSE OF APPROVAL

Under Section 22.20.370 of the Subdivision Ordinance, the short plat must be recorded with King County within four (4) years following the date of approval, or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat.

Entered this 19th day of November, 2007.

Sue A. Tanner
Hearing Examiner

TESTIMONY:

The following persons testified at the public hearing:

From the City:
Ron Hanson, Project Planner

From the Applicant:
Kirk Running

EXHIBITS:

The following exhibits were offered and entered into the record at the public hearing:

- A. Department of Planning and Community Development Staff Advisory Report dated November 7, 2007, with 6 attachments
- B. Letter of November 11, 2007, to Ron Hanson from Michael and Sandra Smith

PARTIES OF RECORD:

Kirk Running, 6513 132nd Avenue NE, Kirkland, Wa. 98033
Marian Donnelly-Joss, 7033 122nd Avenue NE, Kirkland, Wa. 98033
Melinda Bronsdon, 12229 NE 64th Street, Kirkland, Wa. 98033
Al Wingert, 12204 NE 68th Place, Kirkland, Wa. 98033
Department of Planning and Community Development
Department of Public Works
Department of Building and Fire Services