

May 15, 2022

TM Squared, LLC  
16639 126<sup>th</sup> Ave NE  
Woodinville, WA 98072

King County  
Dept. of Local Services  
Permitting Division  
Code Enforcement  
35030 SE Douglas St., Ste.210

RE: Appeal letter to ENFR21-0765

TM Squared, LLC whose governing members are Michael Tenhulzen and Traci Tenhulzen, a married couple, purchased the property located at 14701 148<sup>th</sup> Ave NE, Woodinville WA 98072 with intent to build a primary residence in place of, or in addition to the existing primary structure 'Building A'. As long-time residential remodeling professionals, the buyers understood the condition of the property and were prepared to return it to zoning compliance with a quality representative of the Tenhulzen name.

Background:

Acquisition of the 1.28 acre RA-2.5 parcel on September 13, 2019 included 4 structures identified as 'Buildings A, B, C & D' with gravel drives and parking that far exceeded the maximum allowable impermeable surface for the zoning criteria.

'Building A' was an original 1 bedroom house converted to a taproom by a previous owner. An existing lease prevents conversion of 'Building A' back to a residence. A permit application for adding a qualifying residential structure to 'Building A' was submitted on December 11, 2020 to the King County Permitting Division. The building portion was approved May 25, 2021. Stormwater drainage approval remains underway as of the date of this letter.

'Building B' consisted of two 10x12 pre-built storage sheds with lighting, electric heat and covered outdoor structure. The structure was removed October of 2021 and repurposed on a private property with acreage in Snohomish County.

'Building C' is scheduled for demolition as a condition of allowable impervious surface on the property.

'Building D' was a heated wine tasting room, occupied by the previous owner. 'Building D' was a year-round wine tasting room, heated by electric baseboard. Both prior owners had occupied the space with personnel.

Our vision for this property has not waned since the concept was shared with LaDonna Whalen by phone on August 6, 2019 (over a month prior to title transfer of ownership on property). The result of that conversation led to the release of violations and fees accumulated by Larone Holdings, LLC of over \$230,000, making it possible for the lien to be removed from title so that the transaction could take place. Through every meeting with County officials, neighbors and community leaders, the vision has been to create a responsible and visually appealing residential structure and renewable landscape to bridge rural farmland to adjacent City of Woodinville Hollywood District wine bars and restaurants. It

was determined through the course of design that an addition to 'Building A' was the most appropriate solution for our new home.

Two prior property owners had established businesses on the property: John & Sharon Gunderson operated Jacks Tractors from 1990 to 2014, and Sal Leone operated Washington Wine & Beverage Co., Silver Lake Winery, Grapeworks Distilling, Fish Brewing and a food truck from 2014 to 2019. All of the structures were built by John Gunderson, then renovated by Sal Leone. To our knowledge, Jack's Tractors was never cited for a violation, despite increasing the property's impervious surfaces to nearly 55% (maximum allowable is 25%). Sal's modifications increased the net impervious to 58%.

Ever since taking ownership in September of 2019, improvements have been gradually underway to reduce impervious and beautify the street presence. Such items include: Replacing gravel walkway and cyclone fence along eastern road frontage with grape vines and boardwalk; Removal of billboard signage at eastern property frontage centerline; Removal of 'Building B' from eastern central area in anticipation of compliance with pending building permit issuance; Replacement of concrete slab with field turf between buildings C & D; and Creation of wetland buffer and planting County approved tree species at NW corner of property in accordance with wetland buffer delineation determined during building permit review process.

Responses to DLSP Abatement Order violations listed top of page 2:

1. Operation of an Adult Beverage Business without a business license is beyond the property owner's control. The existing tenant lease and 2016 King County Settlement Agreement were included in the purchase and sale agreement of the property on September 13, 2019. Given the beverage ordinance is not in effect, the settlement agreement should be the governing document.
2. Operation of an Eating and Drinking Place ceased when the food truck owned and operated by Good Brewing was permanently removed from the property March 30, 2022.
3. Conversion of a residence to a tap room without required permits was performed by the prior owner of the property. Prior to the purchase and sale of the property, a Release of Notice was received on July 31, 2019 indicating the violations have been corrected. Furthermore, permit ADDC20-0619 includes fees for inspection of 'Building A'.
4. Operation of contracting business does not meet requirements of home occupation business because the property's primary residence had been converted to a tap room by the prior owner; the inherited lease protects the tenant from eviction; and the Permitting Division has spent 17 months reviewing a permit for a single family residence that would otherwise make the business operations legal.
5. Conversion of accessory building to commercial use and habitable space was performed by prior owner of the property. Prior to the purchase and sale of the property, a Release of Notice was received on July 31, 2019 indicating the violations have been corrected.
6. Placement of a sign to the accessory building is beyond the property owner's control. The existing tenant lease allows for signage in compliance of King County signage codes.

Cause of harm with civil penalties and notice of lien to property:

- I. Decisions to violations #1 & #2 cause harm to TM Squared because rights granted a tenant under the terms of the lease supersede County code enforcement and are beyond landlord control.
- II. Decisions to violations #3, #4 & #5 cause harm to TM Squared because the work was done by prior owner(s) and the County provided a Release of Notice stating violations have been corrected.

Desired outcome by violation number:

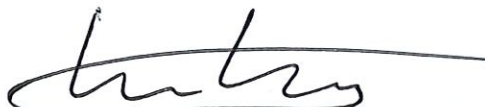
1. Operations governed by the Settlement Agreement.
2. No food truck is to be parked overnight on premises.
3. Subject to inspection per building permit ADDC20-0619.
4. Submittal and issuance of permit ADDC20-0619 is sufficient proof of intent to comply.
5. No change of use from prior ownership.
6. Subject to tenant compliance.

Respectfully,



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Michael Tenhulzen  
Member



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Traci Tenhulzen  
Member

