

**BENTON COUNTY BOARD OF ADJUSTMENT
REGULAR HEARING – OCTOBER 3, 2013 - 7 P.M.
PLANNING ANNEX – 1002 DUDLEY AVENUE
PROSSER, WA 99350**

THESE MINUTES ARE A SUMMARY OF THE BOARD OF ADJUSTMENT HEARING AND NOT A VERBATIM TRANSCRIPT

CALL TO ORDER

PRESENT: Aimee Bergeson
Brent Chigbrow
Dean Burows
Bob Page

ABSENT: None

STAFF PRESENT: Clark Posey, Senior Planner
Carel Hiatt, Recorder

APPROVAL OF MINUTES:

MOTION: It was moved by Dean Burows and seconded by Bob Page to approve the minutes of the August 8, 2013 Board of Adjustment Hearing. Motion carried.

Clark Posey, Planning Staff, read to the Board ex parte questions for all actions and those wishing to testify during the hearing on actions presented to the Board of Adjustment tonight were sworn in. Members stated that they had no ex parte communication with regards to any of the actions being presented to the Board tonight.

The Chairman opened the public portion of the Board of Adjustment Hearing.

CONSENT AGENDA:

Extension Request – CUP 12-03 – Nolan/Kim Murray
Extension Request – CUP 07-07 – Keith/Terry Burkhart

MOTION: Dean Burows made a motion which was seconded by Brent Chigbrow that the Consent Agenda Items –CUP 12-03 – Nolan/Kim Murray and CUP 07-07 Keith/Terry Burkhart for another one year extension in order to complete the conditions of approval be approved. Motion carried.

NEW BUSINESS:

CONDITIONAL USE PERMIT – CUP 13-09 – The applicant is applying for a conditional use permit for the operation of a custom carpet binding business in a detached 713 square foot building. Location: 10642 S 2058 PR SE Lot 2 of Short

Plat 442 in Section 9, Township 8 North, Range 30 East, W.M. Applicant: Kevin Jones.

The Planner summarized Conditional Use Permit - CUP 13-09 to the Board of Adjustment members and entered into the record Exhibit Nos. BOAM 1.1 to 1.8 and BOAR 1.1 to 1.5.

Mr. Burows asked if this action was being presented to the Board as Code Enforcement. The Planner replied that no formal citation was initiated, but a site visit was conducted on another business in operation in the same vicinity that had been permitted by the Board of Adjustment. At that time it was noted that the applicant was conducting a business without a conditional use being permitted by the Board of Adjustment. The applicant was informed that he would need to apply for a permit. The applicant was prompt in submitting the necessary paperwork to the Planning Department for review and decision making by the Board of Adjustment.

APPLICANT TESTIMONY:

KEVIN JONES - 10642 S 2058 PR SE - KENNEWICK, WA 99337 stated that he would like to be approved for the operation of a custom carpet binding business. The applicant stated to the Board that he was unaware of the necessity for a permit from Benton County as he had obtained all the documentation from the state. Upon notification that he was out of compliance he made it a point to submit for a conditional use permit.

The Chairman noted in the application it states that no customers would be coming to the applicant's place of business. The applicant replied that there would be very limited customer traffic. A majority of the receipting and delivery of product would be done by freight.

The Chairman asked the applicant if he planned on posting signage. The applicant stated only on his building and trucks. He would like to have a sign on Finley Road, but was informed that would be disallowed.

The Chairman asked the applicant if he had read and understood all the conditions of approval affixed to this conditional use permit. The applicant replied that he had read all the conditions and did not have any issues with any of the conditions.

The Chairman informed the applicant that until such time as a permit had been issued to him by Benton County he would not be allowed to conduct business from this site. The applicant understood Condition No. 1.

Mr. Burows asked the applicant how close he was to satisfying all the conditions of approval. The applicant replied that he would be able to meet all the conditions of approval today.

Mr. Page asked the applicant to outline on the aerial provided - BOAM 1.7 - how he would access this business.

Ms. Bergeson asked the applicant if he would pick up the carpet(s) from customers, bind them and then deliver back to the customer or would they come to his site and pick up the carpet. The applicant replied that most of the time he would deliver the finished product, but on occasion a customer may come to the business.

The Chairman asked the applicant if he could meet all the Fire Codes and Health Department requirements. The applicant replied that he could and had satisfied these two agencies requirements.

The Planner informed the Board that if the applicant had employees then restroom facilities would need to be provided. However, the applicant currently does not have any employees.

Mr. Burows asked the applicant if the majority of customers would be commercial businesses as opposed to the private customer. The applicant replied that to be correct.

The Chairman closed the public portion of the hearing.

Board of Adjustment discussion: The Board did not have any issues with this operation and then moved onto the Findings of Fact.

MOTION: Dean Burows moved and motion seconded by Bob Page that the Board of Adjustment, pursuant to the aforementioned controlling factors, finds that the application of Kevin Jones CUP 13-09 should be **approved with conditions** and that the Chairman, in conjunction with the Secretary of the Board of Adjustment, prepare and adopt written findings and conclusions that articulate and are consistent with the findings, conclusions and/or decisions made by the Board of Adjustment tonight. Motion carried.

The Chairman opened the public portion of the hearing.

CONDITIONAL USE PERMIT – CUP 13-10 – The applicant is requesting a conditional use permit for the operation of a plumbing business in a detached 800 sq. foot accessory building. The site is located at 10412 S 952 PR SE Kennewick, WA 99337 in the Northwest Quarter of the Southeast Quarter of the Northwest Quarter in Section 10, Township 8 North, Range 28 East, W.M. Applicant: Frank Blair.

The Planner summarized said action for the Board and entered into the record the following Exhibits: BOAM 1.1 to 1.7, BOAR 1.1 to 1.5. In addition, the Planner informed the Board of Adjustment members that CUP 13-10 was before them tonight as a result of Code Enforcement. The applicant had been running a home based plumbing business without first obtaining a conditional use permit from Benton County. The Planner continued to state that when the applicant was cited by Code Enforcement he applied to the Planning Department swiftly with the necessary documentation.

APPLICANT TESTIMONY:

FRANK BLAIR – 10412 S 952 PR SE – KENNEWICK, WA 99337 stated that he was unaware of the necessity of obtaining a permit through Benton County as he had obtained the necessary permits from the State. Upon hearing that he was out of compliance by the Code Enforcement Officer he filed for a Conditional Use Permit. He would like to operate a small plumbing business. No customers would come to the site as all work will be done off site. The shop would be for billing and equipment storage.

Mr. Burows asked in Exhibit No. BOAM 1.7 are the four vehicles his and used in the plumbing business.

The applicant replied that the trucks noted were not all his as one was a friend from Sunnyside who would offer assistance when the applicant was overrun with customers. Another vehicle was non-operational and will be sold shortly.

The Chairman asked the applicant if he had read and understood all the conditions of approval affixed to the conditional use permit. The applicant replied that he had and they were all acceptable.

The Chairman then asked the applicant how many of the conditions were already satisfied. The applicant replied that all the conditions were already completed.

The Planner interjected about the number of used hot water heaters still located on site. The applicant stated that all the hot water heaters have since been removed from the site.

Mr. Burows asked about the number of employees in the business. The applicant replied there were two with one being his daughter.

The Chairman asked about the hours of operation. The applicant replied Monday-Friday – 8 a.m. to 6 p.m. The Chairman asked the applicant about the Fire Marshal and Benton Franklin Health District requirements.

The Planner informed the Board that the only negative comment was the abundance of used hot water heaters located on site.

Mr. Burows asked the applicant about business growth. The applicant replied that he would like to retain the business size as is.

The applicant replied that he resides on a dead end gravel road with not a lot of basic traffic in the immediate vicinity where he resides, but where he lives the area was low profile which was adequate with the applicant.

PROPONENT/OPPONENT TESTIMONY/APPLICANT REBUTTAL: NONE

The Chairman closed the public portion of the hearing.

Board Discussion: Mr. Burows noted that the BCC states "No more than four (4) employees would be allowed in a home based business". He did not see that condition listed for this conditional use permit. He would like to add Condition No. 12 - That no more than four (4) employees are allowed for the duration of this permit.

Findings of Fact then completed.

MOTION: Dean Burows moved and motion seconded by Bob Page that the Board of Adjustment, pursuant to the aforementioned controlling factors, finds that the application of Frank Blair CUP 13-10 should be **approved with conditions and addition of Condition No. 12 which states "No more than four (4) employees be allowed for the duration of the plumbing business."** The Chairman, in conjunction with the Secretary of the Board of Adjustment, prepare and adopt written findings and conclusions that articulate and are consistent with the findings, conclusions and/or decisions made by the Board of Adjustment tonight. Motion carried.

PLANNING DEPARTMENT REPORTS AND DISCUSSION:

Dean Burows commented that another illegal plumbing business seemed to be in operation two houses down from the Mr. Blair's residence.

There being no more business, the Chairman closed the public portion of the hearing at 7:30 p.m.

APPROVED AND SIGNED THIS ~~7TH~~ DAY OF NOVEMBER, 2013 *12th day of December, 2013*

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BRENT CHIGBROW, CHAIRMAN - BENTON COUNTY BOARD OF ADJUSTMENT