

Benton County Planning Department

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**BENTON COUNTY BOARD OF ADJUSTMENT
REGULAR HEARING – DECEMBER 9, 2014 - 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**

The Chairman opened the Board of Adjustment Hearing.

CALL TO ORDER

PRESENT: Brent Chigbrow
Bob Page
Dean Burows

ABSENT: Aimee Bergeson

STAFF PRESENT: Clark A. Posey, Assistant Planning Manager
Carel Hiatt, Recorder

APPROVAL OF MINUTES:

MOTION: Bob Page made a motion which was seconded by Dean Burows to approve the November 6, 2014 Board of Adjustment minutes. Motion carried.

Clark A. Posey, Assistant Planning Manager, read to the Board ex parte communication questions pertaining to all actions before the Board tonight. The Board members stated that they had no ex parte communication with regards to any of the actions being presented before the Board tonight.

The Recorder then administered the Oath of Testimony to any of those present tonight at the Board hearing.

CONSENT AGENDA ITEMS:

- EXTENSION REQUEST – SP 10-05 – TRISH TRICKETT**
- EXTENSION REQUEST – CUP 12-06 – A.J. STILL**
- EXTENSION REQUEST – CUP 13-11 – PROSSER COMMUNITY CHURCH**

MOTION:

Dean Burows made a motion which was seconded by Brent Chigbrow that the Consent Agenda Items – SP 10-05 Trish Trickett, CUP 12-06 A.J. Still and CUP 13-11 – Prosser Community Church be approved for another one year extension. Motion carried.

NEW BUSINESS:

CONDITIONAL USE PERMIT – CUP 2014-008: The applicants are requesting approval to operate a glass window and glazing business to be located at 191616 E Game Farm Road, Kennewick in the Southwest Quarter of the Southwest Quarter of Section 19, Township 8 North, Range 30 East, W.M. Applicants: Mike/Melissa LaBeaf

The Assistant Planning Manager, Clark Posey – summarized said action for the Board of Adjustment members and then entered the following exhibits into the record by reference: BOAM 1.1 to BOAM 1.9 and BOAR 1.1 to BOAR 1.2. The site was outlined on the aerial provided.

APPLICANT TESTIMONY:

MIKE LABEAF – 191616 E GAME FARM ROAD – KENNEWICK, WA 99337 informed the Board why he was requesting a Business Type Activity at this residence for the operation of a glass/glazing business. He stated that the business would be operated at this site just until August of 2015 and then would be relocated back into the city. Majority of the business would be done at the job site, but the materials would be delivered to the applicant's residence. The applicant had three non-resident employees.

Mr. Chigbrow stated that written opponent testimony addressed the number of deliveries to the shop and pictures revealed the size of the trucks and damage done to the road.

Mr. LaBeaf replied that deliveries to the site were on Mondays and Wednesdays. The cul-de-sac was 110 feet, which was regulation width for emergency vehicles. The road damage was in existence, prior to his business being started at this location and was not the result of truck deliveries.

Mr. Chigbrow asked the applicant if he had read and understood the conditions of approval. The applicant replied he had and they were all acceptable.

Mr. LaBeaf informed the Board that it was his intention to only operate this glass/glazing business at this site until August of 2015 and then relocate into the city limits.

PROPONENT TESTIMONY: NONE

OPPONENT TESTIMONY:

JANET KERNS – 191708 E GAME FARM ROAD – KENNEWICK, WA 99337 outlined on the aerial the location of her residence. She submitted in a petition BOAH 1.4. Objections to this business are as follows: noise emanating from the shop, employees drive too fast for the area, damage to the road, and decrease in property values.

Mr. Chigbrow asked Ms. Kerns if the agricultural machinery, including trucks were of a concern.

Ms. Kerns replied that agriculturally related machinery including trucks did not access their cul-de-sac.

Mr. Chigbrow asked Ms Kerns if the business would be acceptable knowing that the applicant plans on relocating the business in August 2015.

Ms. Kerns' response was that the business would still be there in August, even though the applicant stated he would be moving by that time.

Mr. Chigbrow explained the Board of Adjustment procedures and Benton County Code Enforcement. He continued to state that the Board could not get involved in covenants as that were a civil matter.

Mr. Page asked how many residents were currently located on the cul-de-sac. Ms. Kerns replied there were eight.

JERRY BREWER – 190518 E GAME FARM ROAD – KENNEWICK, WA 99337 opposed this business due to the following: decrease in property values, noise, congestion, the cul-de-sac was not built to handle large semi-trucks, road damage – who was responsible, the applicant did not discuss this operation with any of the surrounding property owners and by allowing this business to be approved a precedence was being set.

Mr. Burows asked if any noise or traffic surveys had been done with regards to this business affecting the area.

Mr. Brewer replied that no studies had been done.

PATTI BURKES – 191406 E GAME FARM ROAD – KENNEWICK, WA 99336 –her residence was directly across from the applicants. She expressed concern over safety of her children in relationship to the trucks; the roads and cul-de-sac were not meant for large truck traffic. The applicant was currently involved in a lawsuit, so would that be settled by August allowing him to relocate his business as he stated.

BRUCE MOORE – 191712 E GAME FARM ROAD – KENNEWICK, WA 99337 expressed concern over the integrity of the community if this business were to be approved, safety, devaluation of personal property and setting a precedence as stated earlier if one business was approved then it would not be long before there would be another and another.

APPLICANT REBUTTAL: NONE

HEARING CLOSED

MOTION: Dean Burows made a motion which was seconded by Brent Chigbrow that the Board of Adjustment, pursuant to the aforementioned controlling factors, finds that the application of Mike/Michelle LaBeaf – CUP 2014-008 should be **approved** with the conditions as outlined in Staff Memo dated November 17, 2014 with the following added conditions: **Condition No. 14: The conditional use permit will be approved for a 12 month period only with no extensions permitted, Condition No. 15: The conditional use permit will be issued to the applicant only and is non-transferable to future owners of the property, Amend Condition No. 7: That the hours of operation begin at 8 a.m. not before and end at 4:30 p.m. Condition No. 16: That the number of non-resident employees would be limited to four only,** 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.

CONDITIONAL USE PERMIT – CUP 2014-009 – The applicant is requesting approval to operate a pre-school – Country Kidz Clubhouse – for up to eight children. The site is located at 26406 E Ruppert Road – Benton City – Red Mountain Estates, Lot 16, Block 1 in Section 33, Township 10 North, Range 27 East, W.M.

HEARING OPENED

The Planner summarized said action for the Board and entered into the record by reference the following exhibits: BOAM 1.1 to BOAM 1.9 and BOAR 1.1 to BOAR 1.17.

APPLICANT TESTIMONY: NICOLE HOOPER – 27406 E RUPPERT ROAD – BENTON CITY stated that she wanted to open a preschool for eight children at her residence. The applicant will be the sole employee.

The Planner informed the Board and the applicant that the approach would need to be paved according to Benton County Standards in April due to current weather conditions.

PROPONENT/OPPONENT TESTIMONY/APPLICANT REBUTTAL: NONE

HEARING CLOSED

MOTION:

Dean Burows made a motion which was seconded by Bob Page that the Board of Adjustment, pursuant to the aforementioned controlling factors, finds that the application of Nicole Hooper – CUP 2014-009 should be **approved** with the conditions as outlined in the Staff Memo dated November 21, 2014 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.

VARIANCE REQUEST – VAR 2014-004 – The applicant is requesting a variance of six (6) feet from the twenty-five (25) foot access easement setback which would leave a nineteen (19) foot setback from the access easement (BCC 11.16A.080) in order to construct a cover addition for an existing patio. Location: Northeast Quarter of the Northeast Quarter of section 8, Township 9 North, Range 28 East, W.M. of Willamette Heights Lot 63.

The Planner summarized said action to the Board and entered the following exhibits into the record by reference: BOAM 1.1 to BOAM 1.7, BOAR 1.1 to BOAR 1.4 and BOAH 1.1.

APPLICANT: THOMAS MARTY – 1921 ARTEMIS RIDGE – WEST RICHLAND, WA 99353 was unable to attend due to a personal matter. The Planner had informed the applicant that due to the circumstances he would discuss his variance request with the Board of Adjustment members.

PROPONENT/OPPONENT TESTIMONY/APPLICANT REBUTTAL: NONE

HEARING CLOSED

MOTION:

Bob Page made a motion which was seconded by Brent Chigbrow that the Board of Adjustment, pursuant to the aforementioned controlling factors, finds that the application of Thomas Marty – VAR 2014-2014-004 should be **approved** with the conditions as outlined in Staff Memo dated November 21, 2014 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.

PLANNING DEPARTMENT REPORTS AND DISCUSSION:

Clark Posey, Assistant Planning Manager on behalf of Benton County expressed a “thank you” for services rendered by the Members on the Board of Adjustment. The Board was now dissolved and being replaced by a Hearings Examiner System.

The Benton County Board of Adjustment Hearing was adjourned at 8:20 p.m.



12/20/2014

BRENT CHIGBROW, CHAIRMAN
BENTON COUNTY BOARD OF ADJUSTMENT

DATE

Recorder: Carel Hiatt