

**BENTON COUNTY BOARD OF ADJUSTMENT  
REGULAR HEARING – JULY 12, 2012 – 7 P.M.  
PLANNING ANNEX – 1002 DUDLEY AVENUE  
PROSSER, WA. 99350**

**CALL TO ORDER**

**PRESENT:** Dean Burows  
Bob Page  
Aimee Bergeson

**ABSENT:** Brent Chigbrow

**STAFF PRESENT:** Clark A. Posey, Senior Planner  
Carel Hiatt, Recorder

**APPROVAL OF MINUTES**

**MOTION:** It was moved and seconded that the Vice-Chairman approve the May 10, 2012 Board of Adjustment minutes as he presided over a portion of the hearing. However, these minutes will come before the Board of Adjustment again at the August 2, 2012 Board of Adjustment hearing as the Chairman also presided over a portion of the May 10, 2012 hearing. Motion carried.

**RECORDED VOTE:**

**YES:** Dean Burows, Bob Page, Aimee Bergeson  
**NO:** None  
**ABSENT:** Brent Chigbrow  
**ABSTAIN:** None

The public hearing was opened. Clark Posey, Planning Staff, read to the Board ex parte issue questions and those wishing to testify during the meeting were sworn in. The Board members did not have a conflict of interest with the agenda items.

**NEW BUSINESS:**

**VARIANCE REQUEST – VAR 12-02** – The applicant is requesting a variance to BCC 11.16A.080 (4), which is a side yard setback of ten (10) feet from the property line for any building. The variance would allow the applicants/owners approval to leave their storage building constructed only six (6) feet from the property line, making this variance four (4) feet. The parcel is located in the Rural Lands 5 Zoning District. Location: 18519 S 2198 PR SE, Kennewick on a lot located in the Southwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 15, Township 8 North, Range 30 East, W.M. Applicants: Carlos/Deysi Amaya – 18519 S 2198 PR SE Kennewick, WA 99337/P O Box 3294 Pasco, WA 99301.

Mr. Posey summarized this action for the Board and entered into the record Exhibit Numbers BOAM 1.1 to BOAM 1.18, BOAR 1.1 to BOAR 1.2, and BOAH 1.1.

**APPLICANT TESTIMONY:**

**Carlos/Deysi Amaya – 18519 S 2198 PR SE Kennewick, WA 99337/P O Box 294 – Pasco, WA 99301.** The applicants informed the Board that they were unaware of the zoning restriction prohibiting two dwellings on site. Both dwellings were already located on site when the

applicants purchased the property. The second dwelling has now been turned into a storage facility and will not be used as a dwelling. The applicants filled the septic tank full of concrete.

The Vice-Chairman Dean Burows asked the applicants if they understood all the conditions of approval affixed to this variance request.

The applicants replied that they did and would abide by such conditions of approval.

The Planner, Clark Posey, mentioned to the Board that if they so choose a condition could be added to this variance request, that if the storage unit does get converted into a dwelling unit in the future then the variance request would be declared null and void.

The applicants were accepting of the Board adding the new condition of approval to the variance request.

**NO PROPONENT OR OPPONENT TESTIMONY.**

The public portion of the hearing was closed and after Board discussion the Findings of Fact were completed.

**MOTION**

Bob Page moved and seconded by Aimee Bergeson thatt the Vice-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 decisions made by the Board of Adjustment to approve VAR 12-04 for Carlos/Deysi Amaya for a variance to 11.16A.080(4) to leave the existing storage building to be only six (6) feet from the property line, making this variance four (4) feet. The applicant will need to abide by the five (5) conditions of approval as outlined in the Staff Memo dated June 20, 2012 with an added Condition No. 6 stating "That if in the future this storage facility is turned into a dwelling then this variance request will be declared null and void. Motion carried.

**RECORDED VOTE:**

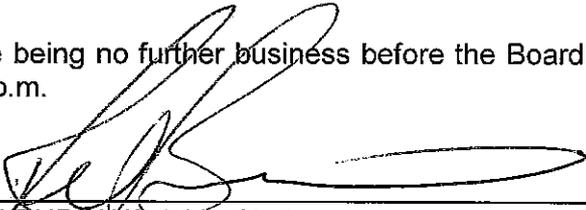
**YES:** Dean Burows, Bob Page, Aimee Bergeson

**NO:** None

**ABSENT:** Brent Chigbrow

**ABSTAIN:** None

There being no further business before the Board of Adjustment the Hearing was adjourned at 7:20 p.m.

  
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DEAN BUROWS, Vice-Chairman  
Benton County Board of Adjustment

9/13/12  
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Date Signed