

**BENTON COUNTY BOARD OF ADJUSTMENT  
REGULAR HEARING – DECEMBER 12, 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  
Dean Burows  
Bob Page

**ABSENT:** Brent Chigbrow

**STAFF PRESENT:** Clark A. Posey, Senior Planner  
Donna Hutchinson, Recorder

**APPROVAL OF MINUTES:**

**MOTION:** It was moved by Bob Page and seconded by Aimee Bergeson to approve the minutes of the October 3, 2013 Board of Adjustment Hearing. Motion carried.

Clark A. 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 Vice-Chairman opened the public portion of the Board of Adjustment Hearing in the absence of the Chairman.

**CONSENT AGENDA:**

**SP 10-05 – Applicant: Trish Trickett – extension request**

**SP 08-14 – Applicant: Walker Bear – extension request**

**CUP 12-06 – Applicant: A.J. Still – extension request**

**MOTION:** It was moved by Bob Page and seconded by Aimee Bergeson to approve the one year extension requests for SP 10-05/SP 08-14/CUP 12-06. Motion carried.

**NEW BUSINESS:**

**VAR 13-06** -The applicant is requesting an eight foot (8) variance to BCC 11.13.080(2) which is a setback of twenty-five (25) feet from the rear property line for the construction of a swimming pool, which would leave 17 feet from the edge of the property line to Reata Road. The application was deemed complete for processing on November 14, 2013. Location: 85411 Badger View Drive – Kennewick on Lot 12 of the Final Plat of Reata Place in the southwest Quarter of Section 4, Township 8 North, Range 28 East, W.M. Applicant: Cody Bender.

The Planner summarized VAR 13-06 for the Board of Adjustment and entered into the record by reference Exhibits BOAM 1.1 to 1.10 and BOAR 1.1 to BOAR 1.2.

**APPLICANT TESTIMONY: CODY BENDER – 85411 E BADGER VIEW DRIVE – KENNEWICK, WA 99338** – The applicant explained to the Board that he was requesting a variance to install a 20 foot by 40 foot swimming pool. The reason for the size request was to construct a diving board. He shifted the pool as close to the residence as possible and still maintain a five foot walkway. The far corner of the pool crosses over the 25 foot setback off of his property line. He pointed out his site plan on Exhibit BOAR 1.2

Mr. Burows asked the applicant if he had read and understood all the conditions of approval pertaining to this variance request. The applicant replied that he had and question Exhibit No. 1.5 – comments from the Badger Mountain Irrigation District (BMID). The applicant informed the Board that he would accommodate BMID request to be provided full access to their meter.

Mr. Burows informed the applicant that the conditions of approval are noted on page 5 and 6 of the Staff Memo of which there were only four. The applicant responded that the four conditions were acceptable.

Mr. Page questioned the plot plan noted in Exhibit BOAR 1.2 located next to the pool drawing was a box labeled "S". The applicant replied that the "S" stated where the "SPA" would be located.

Mr. Burows asked the applicant about footage for a sidewalk around the pool. The Planner responded that it would need to be five feet according the Building Code requirements.

#### **NO PROPONENT/OPPONENT TESTIMONY OR APPLICANT REBUTTAL.**

The Vice-Chairman closed the public portion of the hearing. Board discussed testimony presented, completion of the Findings of Fact and made the following motion.

**MOTION:** Mr. Page made a motion which was seconded by Ms Bergeson that the Board of Adjustment, pursuant to the aforementioned controlling factors, finds that the application of Cody/Charmaine Bender – VAR 13-06 should be **approved with conditions as noted in the November 21, 2013 Staff Memo.** 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/or decisions made by the Board of Adjustment tonight. Motion carried. The motion passed with all in favor.

**CUP 13-11/EA 13-23** - The applicant is proposing to operate a church in an existing structure with the addition of a 10,000 square foot pre-engineered metal building to be used as a multi-purpose room. Location: 5305 Hicks Road – Grandview on Lot 1 of Short Plat 1522 in Section 31, Township 9 North, Range 24 East, W.M.: Applicant: Columbia River Steel/Construction, Inc.

The Planner summarized CUP 13-11 for the Board of Adjustment and entered into the record by reference Exhibits BOAM 1.1 to 1.17 and BOAR 1.1 to BOAR 1.5.

**APPLICANT TESTIMONY: RANDY FOX – 12008 S GRIFFIN ROAD – PROSSER, WA 99350** stated that the land was donated to them and wants to utilize it as a church facility, youth program, young adult bible studies, etc.

Mr. Burows asked about the amount of demolition to be done with regards to the entry way to the facility. The applicant responded that a majority of the work would be cosmetic.

Mr. Burows asked about the plans for construction on the new building. The applicant replied that Columbia River Steel/Construction would be handling that aspect. The new facility would be for the multipurpose room, stage and auditorium.

Mr. Burows noted on the plot plan that there are two houses already existing on site. Will anyone be living in them? The applicant replied that one was a caretaker quarters. It was undecided as to the usage of the other residence as the current zoning classification only allows for one residence per five acres.

Mr. Burows asked the applicant if he had read the conditions of approval and were there any questions pertaining to these conditions. The applicant responded that the conditions were acceptable.

Mr. Burrows noted to the applicant Condition Nos. 1 and 2 which states that the facility would not be allowed to be operated without all the required conditions of approval being satisfied.

Mr. Burows asked about the square footage of the existing building. The applicant stated that the building was 20,000 square feet and was complete with an existing sprinkler system. The applicant continued to state that the conditional use permit would be done in phases, which was also submitted to the Planning Department.

Mr. Page noted that no restroom facilities would be constructed in the new building. The applicant replied that to be correct as there would be enough restrooms in the other existing buildings already located on site.

Mr. Burows informed the applicant that a phasing plan was not submitted with the application to the Planning Department, so all the conditions of approval would need to be satisfied; prior to occupancy of the structures. The applicant thought that he had turned in the phasing plan to the Planning Department as noted on Exhibit No. BOAR 1.5. Mr. Burows commented that the phasing plan was not included in the conditions of approval. That being said the applicant would need to complete all the conditions of approval and phases, prior to occupancy of the building.

The Planner replied that the new building would need to be completed, prior to occupancy. The other structures are already located on site and could be occupied upon approval from the Benton County Fire Marshal.

Mr. Page asked the applicant if the Board approved this conditional use permit tonight what would be a start date and completion date on this project. The applicant stated that all three phases should be completed within five years. The accessory building should be completed within a year to 18 months with construction beginning tomorrow.

Mr. Burrows clarified that if the Board was basing this conditional use permit not on the phasing, but on new construction that once the applicant meets all the imposed conditions of approval and the new building would be up and passes all the codes; then a conditional use permit would be issued. However, if it takes more than a year to meet all the conditions of approval then this application will need to be presented to the Board of Adjustment again for review and potential approval for an extension.

Mr. Page asked again if construction began tomorrow then the completion date would be eight months or longer. The applicant anticipates eight months.

Ms. Bergeson asked in the phasing would the new construction be in the first or last phase of this conditional use permit. The applicant replied that the first phase of construction/reconstruction would be the new building, the hallways in the existing building and then the classrooms.

**NO PROPONENT, OPPONENT OR APPLICANT REBUTTAL.**

The Vice-Chairman closed the public portion of the hearing. Board discussed testimony presented, completion of the Findings of Fact and made the following motion.

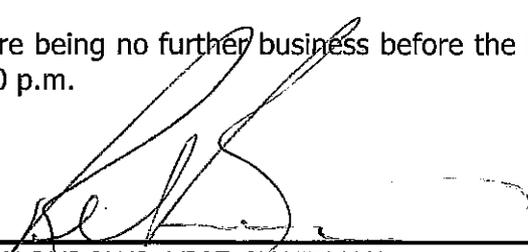
The Board of Adjustment discussed the testimony presented and then moved on to the findings of fact and following motion.

**MOTION:** Mr. Page made a motion which was seconded by Ms Bergeson that the Board of Adjustment, pursuant to the aforementioned controlling factors, finds that the application of Columbia River Steel/Construction, Inc. /Prosser Community Church – CUP 13-11 should be **approved with conditions as noted in the October 23, 2013.** 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/or decisions made by the Board of Adjustment tonight. Motion carried. The motion passed with all voting in favor.

**PLANNING DEPARTMENT REPORTS AND DISCUSSION:**

January 9, 2014 would be the next Board of Adjustment hearing date as the regular hearing date would be January 2, 2014.

There being no further business before the Board of Adjustment the meeting was adjourned at 7:50 p.m.

  
DEAN BUROWS, VICE CHAIRMAN

  
DATE SIGNED