

RECONSIDERATION:

Reconsideration of the April 7, 2011 - Board of Adjustment decision to deny SP 11-02 – Roberta Kenyon Lydell/Dwight Lydell.

Mr. Posey stated that the background on this reconsideration for SP 11-02. On April 7, 2011 the Benton County Board of Adjustment conducted an open record hearing on Special Permit Application 11-02. On May 18, 2011 the Board of Adjustment issued a written decision denying the application for SP 11-02. On June 9, 2011 the Benton County Planning Department received a letter from Attorney John S. Ziobro who was the attorney for the applicant requesting that the Board of Adjustment reconsider their decision pursuant to BCC 11.52.089(c)(1).

Mr. Posey continued by stating further clarification if the Board could track the dates down. Mr. Ziobro sent us reconsideration, but the Planning Department did not receive that. Upon further clarification with the Benton County Prosecuting Attorney talking to Mr. Ziobro we let them send it to us again and agreed that we would present this to the Board. It was only fair that we did not receive it and present it to the Board of Adjustment. So, if the Board looks at the dates the Board would know that the dates do not coincide with what our requirements are, but the decision was to go ahead and rehear it or bring it back for reconsideration.

The Chairman asked the members if they had a chance to read Mr. Ziobro's letters and is there any comments on those letters.

Mr. Burows replied that he was unwilling to give a vote for reconsideration.

Mr. Page asked what was the original number of events that the applicant was planning on conducting.

The Chairman thought the number was 50.

Mr. Page noted a maximum of 30 and for a residential area that was still 2/3 of a year.

The Chairman replied that the decision was made on the dead end road for safety reasons. The Fire Marshal stated at that meeting as asked by the Chairman could you turn a truck around down there. The Fire Marshal replied that it was not ideal, but you could turn a truck around. The attorney stated that the Fire Marshal replied that it was adequate. However, the Chairman did not remember hearing the word adequate. Decision was made on safety issue of getting the vehicles in and out.

Mr. Burows replied that the Board did take that into consideration, but the law states that it would be up to the applicant to provide and facts that they could meet the requirements of the use permit, which has never been presented here at all. So, without any factual information from the applicants, from their attorneys it is still the same.

The Chairman replied that he did not see anything different.

Mr. Page replied that nothing had changed.

Mr. Burows did not want the assumption of Mr. Ziobro thinking that the Board arbitrarily singled an individual out without comparing compatible uses in the area. He did not feel that the Board had done that. The Board had been fair in looking at it and moving forward with that process.

MOTION: Mr. Burows made a motion and seconded by Mr. Page not to reconsider Special Use Permit Application – SP 11-02 as no relevant changes had been presented to the Board of Adjustment since the last decision made on this action. Motion carried.

The Planner stated that being said then any additional information submitted to the Board of Adjustment with request for reconsideration will not be included into the record for the Board's decision on Special Use Permit Application – SP 11-02.

The Chairman and the Board agreed.

NEW BUSINESS:

VARIANCE REQUEST – VAR 11-02 – The applicant is requesting a variance from BCC 11.08.040 side yard setback of six (6) feet from the required 10 foot side yard setback to construct a 28 foot x 24 foot addition onto an existing shop. The site is located at 212604 E 22nd Avenue, Kennewick on Lot 18 of Block 1 Kirby Kove Homesites in the Southwest Quarter of Section 10, Township 8 North, Range 30 East, W.M. Applicant: Troy L. Simms – 212604 E 22nd Avenue – Kennewick, WA 99337.

The Chairman opened the public portion of the hearing. The Planner summarized said action for the Board and entered into the record all Exhibits contained in Exhibit E and discussed the conditions as set forth by the Benton Franklin Health District.

The Chairman asked the Planner if the existing shop noted on the applicant's drawing was it permitted. The Planner replied that he was unaware if a permit had been issued for the shop.

The Chairman asked if the applicant was present in the audience.

NOTE: The applicant Troy L. Simms was not present for this hearing item.

Mr. Page asked about the square footage required for the drainfield and if there was adequate footage to accommodate the addition onto the existing shop.

The Planner informed the Board that the applicant would need to obtain approval from the health district with regards to drainfield and shop.

MOTION: Mr. Page made a motion seconded by the Chairman that Variance Request – VAR 11-02 be continued to the September 1, 2011 Board of Adjustment Hearing – 7 p.m. Planning Annex – 1002 Dudley Avenue – Prosser, WA and instructs Planning Staff to do the following: (1) send a letter to the applicant informing him about the extension, (2) the applicant needs to address the Benton Franklin Health District's concerns and (3) applicant to provide a letter to the Planning Department to be forwarded to the Board of Adjustment regarding the Benton Franklin Health District. The hearing will remain open for the taking of testimony. Motion carried.

SPECIAL USE PERMIT – SP 11-06 – The applicant is requesting a special use permit for the operation of a quilting business and a varied consignment business. The site is located at 18401 Griffin Road, Grandview in the Northwest Quarter of the Northwest Quarter of Section 29, Township 9 North, Range 24 East, W.M. Applicant: Rose Mary Waterman – 18401 Griffin Road – Grandview, WA 98930-9154.

The Chairman opened the public portion of the hearing on SP 11-06. The Planner summarized said action and entered into the record all exhibits noted in Exhibit E and BOAH 1.1 – Large aerial of the site done in 2008.

Mr. Burows asked if the applicant would be conducting a Farmer's Market.

APPLICANT TESTIMONY: ROSE MARIE WATERMAN – 18401 GRIFFIN ROAD – GRANDVIEW, WA 98930-9154 stated that she wanted to run a quilting business to include the selling of produce grown on site and resale of consignment items. The shop will be small in nature and customers would be few in number per day.

The Chairman asked about the quilting class size.

The applicant stated that the classes would be maybe once a month with only 2-4 people in attendance. She also informed the Board that she had obtained the necessary licenses from the State of Washington.

Mr. Burows asked the applicant if the produce would be grown on site sold on site with no refrigeration units leading into a Farmer's Market. The applicant replied that to be correct.

The Chairman asked the applicant where the shop would be located in relationship to the barn noted in BOAM 1.11. The applicant replied on the far north side of the barn and it would only be utilizing 25x25 feet.

The Chairman asked if the applicant had read and understood the conditions of approval affixed to the special use permit.

Mrs. Waterman replied that the conditions of approval were adequate. She did have a question with regards to the Benton Franklin Health District's comments.

The Chairman noted the comments from the Benton Franklin Health District would need to be addressed seeing classes will be conducted on site.

Mrs. Waterman replied that an appointment would be set up with the Health District to discuss their requirements and notification would be forwarded to the Planning Department.

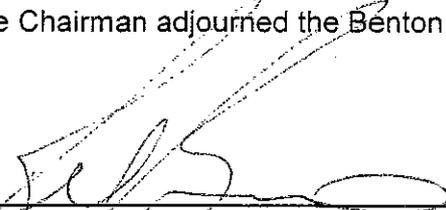
PROPONENT/OPPONENT TESTIMONY/APPLICANT REBUTTAL: NONE

MOTION: Mr. Burows made a motion, seconded by Mr. Page that the Board of Adjustment, pursuant to the aforementioned controlling factors, finds that the application of Rose Mary Waterman SP 11-06 should be approved with the conditions as outlined in the staff report dated, June 27, 2011 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 OR DISCUSSION:

SP 10-13 – VLADIMIR/MARIYA TARASYUK – applicant continues to operate without satisfying the conditions of approval. The one-year will expire on September 2, 2011. Special Use Permit SP 10-13 will be placed on the Benton County Board of Adjustment's September 1, 2011 agenda.

The Chairman adjourned the Benton County Board of Adjustment Hearing at 7:45 p.m.



BRENT CHIGBROW, CHAIRMAN
BENTON COUNTY BOARD OF ADJUSTMENT

RECORDER: CAREL HIATT