

**WHITMAN COUNTY
BOARD OF ADJUSTMENT
May 9, 2019
PUBLIC HEARING
VAR 19-03**

MEMBERS:

**Jim Lemon, Chairman
Larry Cochran
Rick Finch**

STAFF: Alan Thomson, Whitman County Planner; Katrin Kunz, Whitman County Assistant Planner; Elinor Huber, Clerk.

AUDIENCE: Betty Child, Port Orchard; Garold Jesse, Port Orchard; Chris Boyd, Palouse; Tyler Hensley, Pullman; Amanda Hensley, Pullman; Stania Lockeman, Palouse; Tom Boyd, Pullman; Madisyn Beaudoin, Pullman; Jeff Motley, Pullman; Roy Druffel, Pullman; Elinor Huber, Clerk.

7:00 p.m. – Jim Lemon opened **VAR 19-03**. Tonight we have a variance and two conditional use permits. I think we will start with the variance. Just a little housekeeping before we get started. This is a meeting where all parties get a chance to talk and present information concerning their conditional use permits, their requests, and variance information.

However, there is one condition, if you wish to talk, you need to come up to this chair, state your name and address. That is every time you talk because it has to be on the recording. The minutes need to be factual in case there is ever an appeal or another hearing. The other thing is I appreciate, is if there are a lot of you that we don't get into a discourse of repeating the same things over and over.

Does any member in the audience see any reason that any member on the Board should not hear the hearing, the conditional use request or the variance request? Is there anybody on the Board that sees a conflict of interest with any of the applicants?

Rick Finch – I would like to just note that we, my family has a relationship with Norm Druffel and Sons. They farm our ground. We have a lease arrangement. I have no involvement in this particular transaction and it has nothing to do with my family's land.

Jim Lemon – In the Findings of Fact. Does everyone have a copy that wants one? Okay, we will start the hearing with the Findings of Fact. If anybody in the audience or on the Board has a question or wants to make a correction, be recognized and come up to the chair, state your name, and ask your question.

We will start with **VAR 19-03**. Is Betty Child here? Please come up here in case we have questions.

Applicant: *Betty Child*

Request: *A variance from the Agricultural District 1,500-foot view shed restriction.*

FINDINGS OF FACT

1. The applicant, Betty Child is requesting a variance from the 1,500-foot viewshed restriction of Section 19.10.060 of the Whitman County Code for a new house. (See **Exhibit 1**, Application.)
2. The site is located approximately 2 miles south of St. John, on the north side of Lancaster Road, in the NE ¼ of Section 11, Township 18 N., Range 41 E., W. M., Whitman County, Washington. (See **Exhibit 2**, Vicinity map.)
3. According to Section 19.10.060 (B) – Certification Approval of the County Code, the Agricultural District viewshed requirements for new houses are as follows:

Issuance of a Rural Housing Certificate shall be granted when a proposal meets all of the following conditions:

1. *Approval of Residence Location.*
 - a. *New rural residences may be sited in locations which meet requirements for a viewshed site or meet requirements for a residential group.*
 - b. *Viewshed Site – Definition. A proposed residential building footprint which is located at least 1,500 feet horizontally from the nearest residence or certified residential site; or is located within 1,500 feet of one or more existing residences or certified residential sites but not visible from any of said residences or certified residential sites.*
4. *The location of the new residence is on an existing parcel at a former home site. The proposed new house is approximately 850' (line of sight) distance to an existing residence on Stubbes Road that is located to the south west. The applicant proposes to construct a 40' by 68' new triple-wide manufactured home in the south west corner of the approximately 300-acre parcel. Currently there are no buildings on the parcel but the site used to be a home site until the 1960's when the old house was torn down. Today the driveway, a full grown tree, and the old well are still there. Due to the parcel configuration, the locations of the road access point and the old tree, the applicant wishes to reduce the distance to the nearest house from 1,500' to approximately 850'. This will allow them to take as little active farm land out of production as possible and to keep the original homestead site for the family. This configuration will require a variance from the Board of Adjustment. (See **Exhibit 3**, Aerial, and **Exhibit 4**, site plan.)*
5. *The project parcel is surrounded by farm land. There will be at least 100' foot setback to the western property line and to the right-of-way line of Lancaster Road. All other planned outbuildings like a barn, a shop, and a garage will keep at least a 20' setback to the property lines and 35' to the right-of-way. The adjacent landowner to the west was notified by the Planning Department and signed a waiver for the 200' setback requirement. The neighbors to the south west that own the 2-acre parcel with the house in the viewshed do not have any objections and stated that in a letter to the Planning Department and the Board of Adjustment. Staff has determined this variance will not be detrimental to public welfare or adjacent property uses. (See **Exhibit 5**, Assessor's map, and **Exhibit 6**, Letter from adjacent landowner.)*

Jim Lemon – Has there been anything else sent in?

Katrin Kunz – I think there was another approval letter but it was to the rural housing certificate. So, no objections.

6. *The granting of a variance from the Agricultural District 1,500-foot viewshed restriction will not constitute a grant of special privilege because the code allows for a variance. Section 19.06.020 (1) reads as follows: The Board of Adjustment shall hear and decide all applications for variances from the requirements of this title, PROVIDED that any variance granted shall be subject to such conditions as will insure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the standards and limitations applied to other properties in the use district in which the subject property is situated.*
7. *This variance request is consistent with the Whitman County Comprehensive Plan.*
8. *All adjacent landowners within 300 feet of the property were notified by U.S. mail of the variance request. At the time of this hearing, no written comments have been received by Whitman County Planning concerning this application.*

Jim Lemon – I guess we should put in the one letter from the closest neighbor?

Katrin Kunz – I think it was the closest neighbor.

Rick Finch – That was Exhibit 6?

Katrin Kunz – No, it is a different one.

Jim Lemon - Exhibit 6 is from the Treis's stating that they are aware of this project and they have no concerns. In fact they state, *"We intend to express our permission for the minimum separation requirement to be reduced."*

Katrin Kunz – Right, that was the landowners of the house there.

The Board shall discuss the following points during the Hearing:

- A) *That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning standards is found to deprive the subject property of rights and privileges enjoyed by other properties under identical zone classifications: All members voted yes.*
- B) *That the granting of the variance will not be detrimental to the public health, safety, and welfare or be injurious to other properties and improvements in the vicinity of the subject property. All members voted yes.*

- C) That the variance is not required solely due to actions by the applicant which prevent direct compliance with use standards applicable to the subject property. All members votes yes.
- D) That the variance is not required simply for economic benefit constituting a grant of special privilege to the subject property. All members voted yes.
- E) In case of a landowner seeking a variance from the 1,500-foot viewshed restriction of Section 19.10.060, the parcel under consideration
 1. was in existence at the time of the passage of this ordinance; and
 2. has not been subdivided since the passage of this ordinance; and
 3. no prior variance has been granted for an existing RHC for that particular viewshed.

Rick Finch – We would have to ask planning about if there had been any other variance.

Katrin Kunz – No.

Jim Lemon – So this is first and original?

Katrin Kunz – Yes.

Larry Cochran – When was this ordinance passed?

Alan Thomson – 2007.

Jim Lemon – All members votes yes for #3. At this time I would ask for a motion.

MOTION by Rick Finch and seconded by Larry Cochran to accept the Findings of Fact and the points of hearing we discussed. Motion passed.

Staff Recommendations:

Unless information becomes available at the hearing that contradicts the findings of fact, or information received to date, and the Board agrees that the application meets the above criteria, it would be consistent for the Board to approve this variance request.

MOTION by Larry Cochran and seconded by Rick Finch to grant **Variance 19-03** to the applicant. Motion passed.

7:14 p.m. – Meeting closed.

These minutes have been read and approved by the Planning Department.

Name	Title	Date
<u>Katrin Kunz</u>	<u>Assistant Planner</u>	<u>5/13/2019</u>