

**WHITMAN COUNTY
BOARD OF ADJUSTMENT
08/08/2019
PUBLIC HEARING
MINUTES**

MEMBERS:

Jim Lemon – Chair
Larry Cochran – Member
Rick Finch – Member

STAFF:

Alan Thomson – County Planner
Ginny Rumiser – Clerk

7:02 p.m. – Jim Lemon – Called the meeting to order and explained the hearing procedures.

7:06 p.m. – Opened public hearing for **VAR 19-05**

Applicant: Rebecca and David Pfeifer

Request: A variance from the Agricultural District setback requirements.

Jim Lemon – Is there any member of the Board who sees a conflict of interest in hearing the matter or wish to make a disclosure concerning the matter in hand? Seeing none, is there any member of the audience who sees any member of the Board as having a conflict of interest in hearing the matter in hand? Seeing none, I will continue on.

FINDINGS OF FACT

1. The applicants, Rebecca and David Pfeifer, requests a variance from the Agricultural District setback requirements. (See **Exhibit 1**, Application).
2. The 5.09-acre parcel is located at 5051 State Route 270, Pullman, WA 99163, in the SW ¼ of Section 3, Township 14 N., Range 45 E., W.M., Whitman County, Washington. (See **Exhibit 2**, Vicinity map, and **Exhibit 3**, Short Plat).
3. According to Section 19.10.040 of the County Code, the Agricultural District setback requirements are as follows: The minimum setback for all non-residential structures shall be twenty (20) feet on all sides.

4. The applicant proposes to construct a new shop building with an attached accessory dwelling unit. The parcel is located east of Pullman, south of SR 270, at the south end of the parcel. Due to the locations of the driveway and the existing buildings and due to the topography, the applicant wishes to reduce the rear setback from the southern property line. No other location qualifies for a new building on the parcel. This configuration will require a variance from the Board of Adjustment. (See **Exhibit 4**, Aerial site plan).
5. The project parcel is surrounded by farmland to the east, south, and west, and horse stables and the animal hospital to the north. There will be a 0' to 3' setback to the southern property line. The adjacent landowner, USDA, was notified by the applicant who explained the proposal in person. USDA does not have any objections and stated that in a letter to the Planning Department. Staff has determined this variance will not be detrimental to public welfare or adjacent property uses. (See **Exhibit 5**, Aerial photo and **Exhibit 6**, Letter from USDA).

Rick Finch – I have a question about that. The letter from USDA discussed some seepage from a spring and it sounded to me like they were wanting to give you notice that they were not taking any responsibility for water coming onto or impacting this building. Are there issues with this going forward with the building permit? What's your take on that?

David Pfeifer – 5051 SR 270, Pullman, WA 99163. No, I contacted them for water runoff because we did have some runoff and I just wanted to make them aware. And what runoff is there, that is where the 0 – 3 foot setback is, is we're going to be putting in drainage for the building to mitigate what runoff is there.

Rick Finch – Okay, so you will be taking care of the mitigation.

David Pfeifer – Yes.

Rick Finch – You don't have any issues with that, Alan?

Alan Thomson – No, none at all. There will be an engineered report that shows that that has been taken care of.

Rick Finch – Okay.

6. The granting of a variance from the Agricultural District side and rear setback requirement 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 US mail of the variance request. At the time of this hearing, no written comments have been received by Whitman County Planning concerning this notification.

Jim Lemon – Is that still current?

Alan Thomson – Yes.

Jim Lemon – I will entertain a motion.

Motion by Rick Finch and seconded by Larry Cochran to approve the Findings of Fact as written and published.

7:13 p.m. – Motion carried.

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;

Jim Lemon – So say the Board?

Rick Finch – Yes.

Larry Cochran – 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;

Jim Lemon – So say the Board?

Rick Finch – Yes.

Larry Cochran – Yes.

- c) That the variance is not required solely due to actions by the applicant which prevent direct compliance with the use standards applicable to the subject property;

Jim Lemon – So say the Board?

Rick Finch – Yes.

Larry Cochran – Yes.

- d) That the variance is not required simply for economic benefit constituting a grant of special privilege to the subject property.

Jim Lemon – So say the Board?

Rick Finch – Yes.

Larry Cochran – Yes.

CONDITIONS:

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.

Jim Lemon – Are there any other recommendations at this time, or is this it?

Alan Thomson – This is it.


Motion by Larry Cochran and seconded by Rick Finch to approve the conditions.

7:15 p.m. – Motion carried.

Motion by Rick Finch and seconded by Larry Cochran to grant VAR 19-05.

7:15 p.m. – Motion carried.

These minutes have been approved by Planning Staff:

	<u>COUNTY PLANNER</u>	<u>8/12/19</u>
Name	Title	Date