Whitman County Board of Adjustment

Larry Cochran, Member
Rick Finch, Member
David Swannack, Member
Ryan Kile, Member

BOARD OF ADJUSTMENT PUBLIC HEARING
VAR 22-01
Thursday, July 28, 2022
Conducted by ZOOM at 7:00 PM

Zoom Meeting link: https://us06web.zoom.us/j/84210982578

Applicant: Merritt Land Company, c/o Danette Merritt and Darrin Merritt
Request: A variance from the Agricultural District setback requirements.

MEMBERS:
Larry Cochran – Chairman
Rick Finch – Vice-Chair
Ryan Kyle – Member
David Swannack – Member

STAFF:
Alan Thomson – County Planner
Grace Di Biase – Assistant County Planner
Tina Layne – Clerk

Attendees: Danette Merritt

7:00 p.m. – Larry Cochran opened the Public Hearing VAR 22-01 for Merritt Land Company.

Applicant: Merritt Land Company, c/o Danette Merritt
Request: A variance from the Agricultural District setback requirements.

Larry Cochran – The Board of Adjustment is now in session. We have one hearing for a variance. I’m Larry Cochran, we have Rick Finch, David Swannack, and Ryan Kyle. So I’ll read it for the record. And we have Danette Merritt. Board of Adjustment public hearing Variance 22-01 for Thursday July 28, 2022. The applicant is Merritt Land Company in care of Danette Merritt and Darren Merritt who request a variance from the Agricultural District setback requirements.

Read the Findings of Fact.
FINDINGS OF FACT

1. On June 29, 2022, Merritt Land Company requested a variance from the Agricultural District setback requirements. (See Exhibit 1, application).

2. The site is on a 113-acre agricultural land parcel, immediately east of Rosalia city limits in the Agricultural District. The parcel is located in the SW ¼ of Section 14, Township 20 N., Range 43 E., W. M., Whitman County, Washington. (See Exhibit 2, vicinity map, Exhibit 3, aerial).

3. The Agricultural District setback requirements are as follows: Section 19.10.040(A) – Setback Requirements: The minimum setback for all non-residential structures shall be twenty (20) feet on all sides, provided that a minimum setback of thirty-five (35) feet shall be required adjacent to the right-of-way of any state or county roadway designated as a primary or secondary arterial in the Comprehensive Plan. (See Exhibit 4, Chapter 19.10.040(A)).

4. The applicant proposes to construct a new 40'x120' shed for stalling horses on their agricultural land adjacent to their 2-acre residential parcel addressed as 301 Pandora Road, Rosalia, WA 99170. Due to the high-sloping topography of the land south of the residential parcel, the applicant would be unable to safely construct their shed 20 feet away from the property line shared with their residential parcel. A variance is required from the Board of Adjustment to reduce the rear setback. (See Exhibit 5, site plan).

5. The agricultural parcel is situated east of the Town of Rosalia, borders the applicants' residential parcel, and is surrounded by farmland on all other sides. The applicant requests that the rear setback to the residential parcel's property line be reduced from 20 feet to 5 feet. Both the agricultural parcel and residential parcel are owned by Merritt Land Company, and both the property owners, Danette Merritt and Darrin Merritt, are in support of the request and provided a letter to the Planning Department stating there are no objections. Staff has determined this variance will not be detrimental to public welfare or adjacent property uses. (Exhibit 6, letter from Merritt Land Company).

Larry Cochran – So my question is, if the same people own the residence and own the farmland, it's an LLC so why we have to do the variance?

Grace Di Biase – We have to do the variance because they are two separate properties and you are required to follow the setback requirements to property lines despite the same ownership. So that's why they have applied for the variance.

Ryan Kyle – Would a boundary line adjustment been easier to move the boundary line back on the residential property.

Grace DiBiase – No, they are building on an agricultural land parcel and the shared property line still requires a setback of 20 feet.
Ryan Kyle – Sure

Grace Di Biase – They are not building on the residential parcel.

Ryan Kyle – Yeah, no I understand that, but couldn’t they have done a boundary line adjustment and moved back onto the agricultural property? Or would they have had to have a survey done for that?

Grace DiBiase – They would have had to have a survey done. A variance was a more logical approach.

Ryan Kyle – Kay.

Grace DiBiase – Thank you for your questions, are there any more questions? Alright, please proceed.

Larry Cochran – continued reading

6. The building site is not located within a floodplain nor is there a wetland present on the property. (See Exhibit 7, flood plain map, Exhibit 8, wetland map).

Larry Cochran – If that was a flood plain we’d all be in trouble.

7. The granting of a variance from the Agricultural District rear setback requirement will not constitute a grant of special privilege because the code allows for a variance in Section 19.06.020 Variances.

8. This variance request is consistent with the Whitman County Comprehensive Plan.

9. The public was notified of a variance hearing request in the Whitman County Gazette on Thursday, July 7, 2022. On the same day, the legal advertisement was placed at the entrance of the Public Works Department for the public to view. Written comments on the variance are due by 5:00 PM on Thursday, July 28, 2022, and no comments have been received. (See Exhibit 9, Notice to the Gazette).

Grace Di Biase – Correct no comments have been received.

Larry Cochran – continued reading

10. All landowners within 300 feet of the site were notified by certified mail of the variance application and Board of Adjustment Hearing. The written comment period for the variance ends at 5:00 PM on Thursday, July 28, 2022. No comments have been received. (See Exhibit 10, Affidavit of Mailing and Exhibit 11, Notice of Board of Adjustment Public Hearing).

Larry Cochran – Is that still correct?

Grace Di Biase – That is still correct.
11. At the time of this hearing no written comments have been received by Whitman County Planning concerning this notification.

Larry Cochran – Any questions? If not we’ll go on to the questions and it has to be unanimous.

The Board shall discuss the following points during the Hearing:

yes or no  
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;

Larry Cochran – So say the board.
Rick Finch – Yes
Ryan Kyle – Yes
David Swannack – Yes
Larry Cochran - Yes

yes or no  
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;

Larry Cochran – So say the board.
Rick Finch – Yes
Ryan Kyle – Yes
David Swannack – Yes
Larry Cochran - Yes

yes or no  
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;

Larry Cochran – So say the board.
Rick Finch – Yes
Ryan Kyle – Yes
David Swannack – Yes
Larry Cochran - Yes

yes or no  
D) That the variance is not required simply for economic benefit constituting a grant of special privilege to the subject property.

Larry Cochran – So say the board.
Rick Finch – Yes
Ryan Kyle – Yes
David Swannack – Yes
Larry Cochran – Yes
Larry Cochran – continued reading

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.

Larry Cochran – Motion to approve.  
David Swannack – I’ll make that motion.  
Ryan Kyle – I’ll  
Rick Finch – Go ahead Ryan  
Ryan Kyle – I’ll second  

Larry Cochran – It’s been moved by David Swannack, and seconded by Ryan Kyle to approve variance, whatever the number is.

Grace Di Biase – 22-01  

Larry Cochran – 22-01. All those in favor say aye.  

Rick Finch – Aye  
Ryan Kyle – Aye  
David Swannack – Aye  

Larry Cochran – Apposed?  
Motion carries, variance is approved.  

Grace Di Biase – Thank you gentleman for your time. Congrats Danette, you will be receiving your variance request.  

Danette Merritt – Great, thank you so much.  

Larry Cochran – Anything else to come to the board? Hopefully not beings as we’re going on a cruise.  

Grace Di Biase – Not at this time, no, we do not.  

Larry Cochran – Kay, thanks everyone for participating.  

7:10PM-Adjourned  

These minutes have been proofed and approved by Planning Staff:  

Grace Di Biase Assistant Planner 8/10/22  

Name Title Date