



Agenda
Board of Adjustment Meeting
Thursday, November 10, 2016
City Hall Council Chamber | 505 Swift Boulevard

Board Members: Chair Lowery, Vice-Chair Watson and Board Members Haggerty, Kobus and Boring

Liaisons: Staff Liaison Senior Planner O'Neill

Regular Meeting - 6:00 p.m. (City Hall Council Chamber)

Welcome and Roll Call

Approval of Agenda: (Approved by Motion)

Approval of Minutes: (Approved by Motion)

Minutes from the April 21, 2016 Board of Adjustment Meeting

Minutes from the September 15, 2016 Board of Adjustment Meeting.

Public Hearing Explanation:

Unfinished Business - Public Hearing:

New Business – Public Hearing:

- I. BA2016-102, Variance from Richland Municipal Code (RMC) Section 23.38.070 together with a variance from (RMC) Section 23.38.020(b)(1).

Communications:

Adjournment

The next Board of Adjustment Meeting is December 15, 2016

Richland City Hall is ADA accessible with special parking and access available at the entrance facing George Washington Way. Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the Board of Adjustment Meeting by calling the City Clerk's Office at 942-7388.



BOARD OF ADJUSTMENT AGENDA ITEM COVERSHEET

Meeting Date: 11/10/2016

Agenda Category: Approval of Minutes

Prepared By: Rick Simon, Development Services Manager

Subject:

Minutes from the April 21, 2016 Board of Adjustment Meeting

Department:

Community & Development Services

Recommended Motion:

Approve the minutes of the April 21, 2016 Board of Adjustment Meeting.

Summary:

Attachments:

1. April 21, 2016 Board of Adjustment Meeting Minutes



MINUTES
BOARD OF ADJUSTMENT MEETING
City Hall – 550 Swift Boulevard – Council Chamber
Thursday, April 21, 2016
6:00 PM

Call to Order:

Chairman Lowry called the meeting to order at 6:00 p.m.

Attendance:

Present: Board members Watson, Haggerty and Kobus and Chairman Lowry. Also attending were Development Services Manager Rick Simon, Sr. Planner Shane O'Neill and Recorder Pam Bykonen.

Approval of Agenda:

Chair Lowry presented the April 21, 2016 meeting agenda for approval.

The April 21, 2016 meeting agenda was approved as presented.

Approval of Minutes:

Chair Lowry presented the meeting minutes of the January 21, 2016 meeting for approval.

A motion was made by Board Member Haggerty and seconded by Board Member Kobus to approve the meeting minutes of the January 21, 2016 meeting as written.

Motion carried unanimously.

PUBLIC HEARING

New Business

- 1. APPLICANT: Edgar Magana**
BA20165-100

Chairman Lowry opened the Public Hearing at 7:10 PM.

Mr. O'Neill presented the staff report for a variance at 1029 Cedar Avenue. The applicant, Mr. Magana, wishes to convert a carport to a garage within the side yard setback.

Board members asked staff clarifying questions regarding the application.

Chairman Lowry closed the Public Hearing at 7:12 PM.

Discussion:
None.

A motion was made by Board Member Haggerty and seconded by Board Member Kobus that the Board of Adjustment concur with the Findings and Conclusions set forth in the staff report and approve a variance from RMC 23.18.040 to allow for conversion of a carport to a garage within 4 feet of a side property line subject to the condition that the carport include rain gutters to catch runoff and direct it away from the adjoining lot.

Motion carried unanimously.

Communications:

ADJOURNMENT:

The April 21, 2016 Richland Board of Adjustment Regular Meeting was adjourned at 7:16 p.m.

PREPARED BY: Lynne Follett, Recorder, Planning and Development

REVIEWED BY:

Rick Simon, Secretary
Richland Board of Adjustment



BOARD OF ADJUSTMENT AGENDA ITEM COVERSHEET

Meeting Date: 11/10/2016

Agenda Category: Approval of Minutes

Prepared By: Rick Simon, Development Services Manager

Subject:

Minutes from the September 15, 2016 Board of Adjustment Meeting.

Department:

Community & Development Services

Recommended Motion:

Motion to approve the Minutes of the September 15, 2016 Board of Adjustment Meeting.

Summary:

Attachments:

1. September 15, 2016 Board of Adjustment Meeting Minutes



MINUTES
BOARD OF ADJUSTMENT MEETING
City Hall – 550 Swift Boulevard – Council Chamber
Thursday, September 15, 2016
6:00 PM

Call to Order:

Vice-Chairman Watson called the meeting to order at 6:02 p.m.

Attendance:

Present: Vice-Chair Watson and Board members Haggerty and Kobus. Also attending were Development Services Manager Rick Simon, Sr. Planner Shane O'Neill and Recorder Lynne Follett.

Approval of Agenda:

Vice-Chair Watson presented the September 15, 2016 meeting agenda for approval. The agenda was approved as presented.

Approval of Minutes:

Meeting minutes for the April 21, 2016 meeting were not available for review. Approval of the minutes was tabled until the next meeting.

Public Hearing:

New Business

1. **APPLICANT: Bennett Wallace**
BA2016-101

Vice-Chair Watson opened the Public Hearing at 6:08 PM.

Mr. O'Neill presented the staff report for a variance at 71 Willis St. The applicant, Mr. Wallace, wishes to construct a garage that will encroach into the twelve (12) foot property boundary.

Vice Chair Watson opened the public comment period Board members asked staff clarifying questions regarding the application.

Vice-Chair Watson closed the Public Hearing at 6:20 PM.

Discussion:

None.

A motion was made by Board Member Haggerty and seconded by Board Member Kobus that the Board of Adjustment concur with the Findings and Conclusions set forth in the staff report and approve Variance File No. BA2016-101 to permit the construction of a garage within 12 feet of a flanking street setback requirement as presented in the site plan submitted with the variance application.

Motion carried unanimously.

Communications:

ADJOURNMENT:

The Board of Adjustment Regular Meeting was adjourned at 6:25 p.m.

PREPARED BY: Lynne Follett, Recorder, Planning and Development

REVIEWED BY:

Rick Simon, Secretary
Richland Board of Adjustment



BOARD OF ADJUSTMENT AGENDA ITEM COVERSHEET

Meeting Date: 11/10/2016

Agenda Category: New Business – Public Hearing

Prepared By: Shane O'Neill, Senior Planner

Subject:

BA2016-102, Variance from Richland Municipal Code (RMC) Section 23.38.070 together with a variance from (RMC) Section 23.38.020(b)(1).

Department:

Community & Development Services

Recommended Motion:

Motion to concur with the Findings and Conclusions set forth in the staff report and approve Variance file No. BA2016-102 to allow an increased fence height and reduced accessory structure setbacks in the front yard of 1015 Meadow Hills Drive.

Summary:

BA2016-102 is a request for variance from Richland Municipal Code (RMC) Section 23.38.070 to allow for construction of a six-foot fence/wall in a residential front yard area together with a variance from (RMC) Section 23.38.020(b)(1) to allow placement of accessory structures within a front yard area.

The subject front yard fence height and accessory structure setback variance request is described in the attached staff report.

Attachments:

1. BA2016-102 - Hilderbrant Variance



STAFF REPORT

TO: BOARD OF ADJUSTMENT
FILE NO.: BA2016-102

PREPARED BY: SHANE O'NEILL
DEVELOPMENT SERVICES

MEETING DATE: NOVEMBER 10, 2016

GENERAL INFORMATION

APPLICANT: DAVID HELDERBRANT

REQUEST: VARIANCE FROM RICHLAND MUNICIPAL CODE (RMC) SECTION 23.38.070 TO ALLOW FOR CONSTRUCTION OF A SIX-FOOT FENCE/WALL IN A RESIDENTIAL FRONT YARD AREA TOGETHER WITH A VARIANCE FROM (RMC) SECTION 23.38.020(B)(1) TO ALLOW PLACEMENT OF ACCESSORY STRUCTURES WITHIN A FRONT YARD AREA.

LOCATION: 1023 & 1015 MEADOW HILLS DRIVE

ZONING: R-1-10 SINGLE FAMILY RESIDENTIAL

SITE
DESCRIPTION: TWO LOTS TOTALING 43,612FT², DEVELOPED WITH ONE SINGLE FAMILY RESIDENCE

ADJACENT USES: SINGLE FAMILY RESIDENCES ARE LOCATED TO THE NORTHWEST, NORTH AND NORTHEAST; ADJACENT LAND TO THE WEST, SOUTH AND EAST IS VACANT

SPECIFIC CODE REQUIREMENTS

23.38.070(B)(1) Fences.

&

23.38.020(B)(1) Accessory buildings in residential zoning districts

(Continued on pg. 2)

23.38.070 Fences.

Fences are permitted as follows:

A. Open Fences (fences constructed of panels/sections with at least 50 percent open spaces such as non-slatted chain link, wrought iron, picket or rail fencing).

1. Six feet high, anywhere on the lot; provided, that they shall be no closer to a street right-of-way than the building setback line in the same zone, except as provided for in subsections (E) and (F) of this section.
2. Four feet high, anywhere on the lot and within adjoining street right-of-way to within one foot behind sidewalk or five feet behind back of curb; provided, that they do not form sight obstructions at intersections or at curves.
3. Open fences constructed in conjunction with public playgrounds, public utilities and other public installations shall be no closer than 10 feet to the curb line, but such fences may be any height necessary for safety and security.

B. Other Fences.

1. Six feet high, anywhere on the lot; provided, that they shall be no closer to the street right-of-way than the building setback line in the zone, except as provided in subsections (E) and (F) of this section.
2. Three feet high, anywhere on the lot and within adjoining street right-of-way to within one foot behind sidewalk or five feet behind back of curb; provided, that they do not form sight obstructions at intersections, or at curves.

23.38.020 Accessory buildings in residential zoning districts.

B. Detached accessory buildings not meeting the main building setbacks are subject to the following requirements:

1. Detached accessory buildings shall be erected or altered so as not to be nearer to any street lot line than the minimum depth required for a front yard in the district.
2. Detached accessory buildings built adjacent to the front half of an adjoining lot shall comply with applicable side yard requirements of the underlying zoning district.
3. Detached accessory buildings under 200 feet may be located adjacent to the primary structure provided all building and fire codes are met. Those sheds less than 200 feet located in the side yard shall maintain a minimum five-foot clearance to the property line or primary structure from the leading edge of the shed; see diagram below.
4. When a detached accessory building is built adjacent to the back half of the adjoining lot or is 75 feet or more from any right-of-way line bounding the lot, the following setbacks shall apply:
 - a. If the accessory building is 120 square feet or less in floor area and 10 feet or less in height, a one-and-one-half-foot setback is required from the side and rear property lines.
 - b. Accessory buildings over 10 feet in height and those between 120 square feet and 600 square feet in floor area shall be set back a minimum of three feet from the rear and side property lines.

- c. Any accessory building exceeding 600 square feet in floor area shall be set back a minimum of five feet from the rear and side property lines.

REASON FOR REQUEST

The applicant, Mr. David Hilderbrant, desires to install a six-foot tall fence/wall within the front yard area of a vacant parcel addressed 1015 Meadow Hills Drive. Mr. The variance request also involves allowing reduced front yard setbacks for unpermitted accessory structures placed in the front yard area. Specifically, the structures include a 220 square foot freestanding, unenclosed pergola 9-feet in height and a three-foot tall outdoor kitchen feature. The outdoor kitchen sits two feet from the front property line and the pergola sits ten feet from the front property line, where a 20-foot setback is required by Code.

The Hilderbrants own and have resided in the single-family home at 1023 Meadow Hills Drive for the past ten years. Mr. Hilderbrant recently purchased the vacant parcel adjacent to his home with the intent to use it as an extension of his yard. This comes as the result of the site's topography. Lying at the foot of Little Badger Mountain, the west two-thirds of the site rises up sharply, making much of the land area difficult to use for typical residential yard purposes. The full scope of his plans for the vacant parcel involve professionally landscaping the vacant parcel including a pergola structure, outdoor kitchen, storage shed and flat work. A preliminary concept illustration of the end product is provided herein as Exhibit 10. Regarding the plan to construct accessory structures on the vacant site, the Planning Department has issued a letter to the Benton County Assessor's Office authorizing the vacant parcel to be consolidated with 1023 Meadow Hills Drive. Consolidating the parcels will provide the owner with the opportunity to install accessory structures on the vacant parcel.

Municipal fencing regulations (above) limit fences in front yard areas to a maximum height of 3-feet provided the fence material is solid and up to 4-feet tall when the fence material is at least 50% transparent. With regard to fence placement, the front yard area in the R-1-10 zone is defined as the first twenty (20) feet as measured inside of the front property line. The applicant has explained he intends to place the new fence/wall on the front property line; not extending to the edge of sidewalk.

In this instance the applicant proposes a combination of a 3-foot tall solid block fencing with an additional 3-foot tall aluminum picket above, for an overall height of six feet. A caveat to the proposal is that the applicant wishes to install a six-foot tall solid block wall along the north side property line to serve as a wind barrier. The request is to place the wall along each side property line and along the front property line; fully enclosing the front yard area of the vacant parcel.

The site lies on a residential subdivision boundary between Crested Hills Phase 9 and Crested Hills Phase 4. The vacant parcel is the only portion of Crested Hills 4 that crosses over to the south site of Meadow Hills Drive.

Because fencing height and placement regulations are primarily designed to ensure traffic safety by way of providing adequate line of sight visibility, it is important to describe the circumstances of Meadow Hills Drive and adjacent land southeast of the site. Parcels to the southeast of the site were created in 2005 via Short Plat # 2920 (Exhibit 6). Lot 1 of the short plat contains an access easement leading from Meadow Hills Drive to Lot 2. Although currently vacant, it is important to note that Lot 1 of Short Plat # 2920, which fronts Meadow Hills Drive, contains buildable area sufficient to site a home, but significant hillside grading would be required. Access to Lot 1 is designated by way of easement, to be located against the east line of the subject site. This implies driveway access to the short plat lots will be against the proposed 6-foot wall, a condition which is typically avoided. After reviewing the proposed wall City Engineering Department staff indicated the wall as proposed would provide adequate traffic sight visibility.

Meadow Hills Drive extends a mere 200-feet to the east before transitioning from a 54-foot-wide public right-of-way into a 20-foot-wide private driveway/public access easement serving lots belonging to Crested Hills 8. East of the site, Meadow Hills Drive contains no south/eastbound roadway intersections for a distance of 1,400 feet where it eventually intersects with Morency Drive. The proposed fence would not affect sight visibility at the intersection of city streets.

Meadow Hills Drive is currently a fragmented section of roadway and does not service high volumes of traffic. There are however, plans to extend Meadow Hills Drive north connecting with West Cliffe Phase 9 at Sicily Lane. Once this happens higher traffic flows are expected on Meadow Hills Drive.

STAFF FINDINGS

Conformance with Section 23.18.040. The following are Staff's findings relative to the requirement for the granting of a variance as set forth in Richland Municipal Code (RMC) Sections 23.70.110, Applications and 23.70.140, Findings.

1. Special conditions and circumstances exist which are peculiar to the subject property and not applicable to other properties in the same zoning district.

The configuration of the site is fairly typical, the property boundaries are rectangular with a single public roadway frontage. The most significant condition warranting special consideration is one of topography. A steep hill, shown in the attached set of site photos, rises sharply upward from the site. Based on staff measurements using GIS steep slopes occupy approximately 26,021 ft² or 60% of the 43,612 ft² site. Existing site grade drastically reduces the land area available for typical residential yard uses like casual enjoyment. The property owner purchased 1015 Meadow Hills Drive (24,312 ft²) to provide additional flat yard area; even in doing so gained approximately 6,500 ft² of additional flat yard space.

2. Literal interpretation of the ordinance would deny the applicant rights commonly enjoyed by other properties in the district.

Pergola

Literal interpretation of the R-1-10 zoning district setback requirements would restrict the existing pergola from being placed in a front yard area. The minimum 20-foot front setback requirement restricts any structure over three feet in height from being placed in a front yard. In this case the lack of flat buildable area at 1023 Meadow Hills Drive is an atypical constraint which most home sites do not experience. Applying strict front yard setbacks would significantly subtract from the already small amount of space available for use on the 1015 Meadow Hills Drive lot; thereby negating the owner's plan to expand their yard area available for accessory structures.

Fence/Wall

Municipal fencing regulations impose a 3 to 4 foot fence height limit for fences along the front property line or anywhere within the front yard area. Strict application of the regulations would reduce the height of the proposed wall; thereby negating the owner's plan to establish a secured yard area serving as the functional equivalent of a rear yard.

3. The special conditions and circumstances do not result from actions of the applicant.

The primary physical constraint being the natural topography of the site, was not created by anyone. Superimposing property lines running into a steep hillside is an action taken by the original developer, Milo Bauder. The rear lot line of the site is also the edge boundary of the entire subdivision. This means that the rear property line of the subject site was most likely the result of the original parent parcel shape and dimensions, a difficult condition to predict prior to platting.

4. The requested variance will not confer a special privilege to the applicant that is denied others in the same use district.

There would be no granting of a special privilege if the requested variance is approved by way of transference. The request can be summarized as one to transfer the unavailable rear yard of a home site to the side of the home which qualifies as front yard area by Code.

5. Justification for granting the variance.

With ownership of a single-family residential property in an urban environment comes the reasonable expectation of having a place for the peaceful enjoyment of a private yard area. The Hilderbrant's parcel lacks sufficient land area flat enough to serve this purpose. In an effort to recover an available yard area they purchased the adjacent vacant parcel to use as an outdoor living space. Provided the increased fence height is permitted, it follows that the same area would be made available for privileges

inherent to a residential rear yard. The vacant 1015 Meadow Hills Drive site is so constrained by topography that it has remained undeveloped; it may be that the highest and best use of the site is reflected in the applicant's yard design concept.

6. The variance is the minimum necessary to make reasonable use of the property.

Given the limited land area available for useable yard area no reasonable alternate location exists on-site for the placement of accessory structures other than that lying at the base of the hillside, the bulk of which lies within a front yard area. Generally, the Zoning Code addresses two categories of fences; they are fences 3-4 feet in height and fences up to six-feet in height. The variance application at hand involves a request for a six-foot tall fence in a front yard area. Although the request aligns with the general fencing categories in the fencing section of the Zoning Code, the option does exist for the Board to recommend an alternate fence height and/or design.

7. The variance would be consistent with the general purpose and intent of the Code and would not be injurious to the surrounding neighborhood or detrimental to the public welfare.

Fence height limits within front yard area are strongly linked to providing traffic safety by way of visibility at the intersection of private driveways and the public right-of-way. The location of the site is unique in terms of topography affecting the development of lots to the south along Meadow Hills Drive which rise up well above the road grade. Placement of a wall in the front yard of the site would not negatively affect the street scape or line-of-sight visibility for future driveways on neighboring parcels.

In the opinion of staff, the 50% transparent design of the proposed fence/wall is a reasonable accommodation of the intent behind fence height limitations when compared to a solid fence or wall in the same location. The front yard fence transparency will contribute to aesthetic appeal, while allowing adequate air flow, sufficient to maintain the character of the vicinity. Screening the front yard with the fence/wall will secure the site from public view thereby helping to ensure the content of the yard does not detract from the appeal of the neighborhood. Since the pergola and outdoor kitchen were present during site inspections, staff can confidently state that the design and construction quality of these structures are such that they do not degrade the character of the neighborhood.

If the front yard area of 1015 Meadow Hills Drive is granted a variance to be fully enclosed with a six-foot fence it follows that the owners be granted to apply privileges inherent to rear yards to this front yard area.

RECOMMENDED CONDITIONS:

1. A City of Richland placement permit for the existing pergola must be obtained.
2. City of Richland mechanical and plumbing permits for the outdoor kitchen must be obtained prior to proceeding with additional work on the outdoor kitchen.
3. An encroachment permit approved by the Energy Services Department must be obtained for the outdoor kitchen prior to proceeding with additional work on the outdoor kitchen.
4. A six-foot tall solid block wall may be placed on the north (side) property line up to the front property line of 1015 Meadow Hills Drive.
5. A fence/wall consisting of a three-foot-tall block wall with an additional three feet of aluminum or wrought iron picket above may be installed interior to the front property line of 1015 Meadow Hills Drive and along the south (side) property line.
6. An approved placement permit must be obtained for the fence/wall prior to beginning construction. The height and placement of the fence/wall is subject to modification by the Public Works and Energy Services Departments during permit review.

RECOMMENDED MOTION:

I move that the Board of Adjustment concur with the Findings and Conclusions set forth in the staff report and **APPROVE** a variance from Richland Municipal Code Section 23.38.070(B)(1) and 23.38.020(B)(1) to allow construction of a six-foot-tall wall/fence up to the front property line and to locate a freestanding pergola and outdoor kitchen within the front yard area of 1015 Meadow Hills Drive subject to the conditions listed above.

EXHIBIT LIST:

- Exhibit 1 – Vicinity map
- Exhibit 2 – Site map
- Exhibit 3 – Zoning map
- Exhibit 4 – Proposed fence plan
- Exhibit 5 – Site and vicinity photos taken October 26, 2016
- Exhibit 6 – Short Plat #2920
- Exhibit 7 – Site layout (accessory structures)
- Exhibit 8 – Crested Hills 4 & 9 plat map
- Exhibit 9 – Public notice
- Exhibit 10 – Variance application

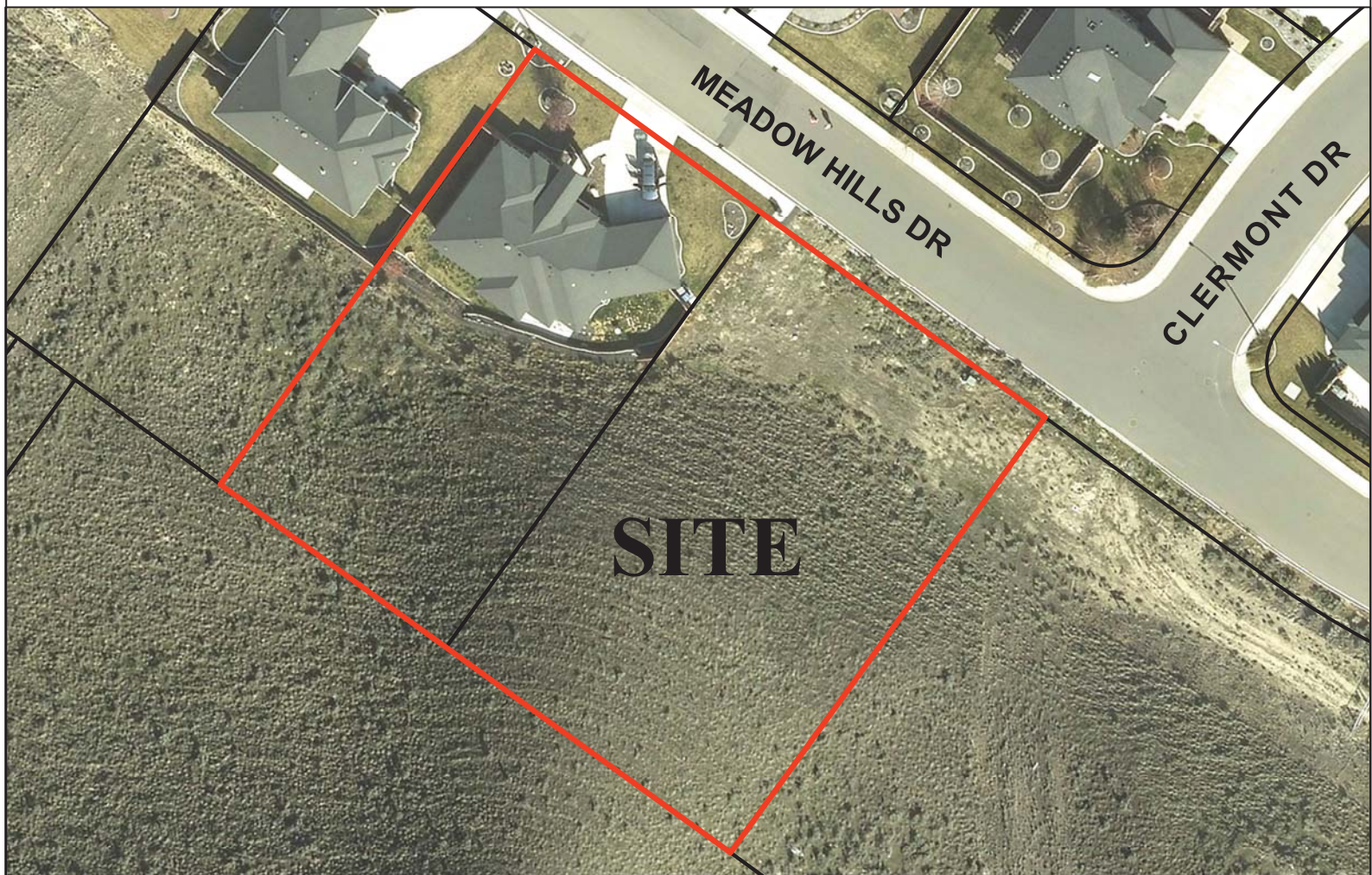
Vicinity Map

Item: Fence Height Variance
Applicant: David Helderbrant
File #: BOA 2016-102



Site Map

Item: Fence Height Variance
Applicant: David Helderbrant
File #: BOA 2016-102



Zoning Map

Item: Fence Height Variance
Applicant: David Helderbrant
File #: BOA 2016-102

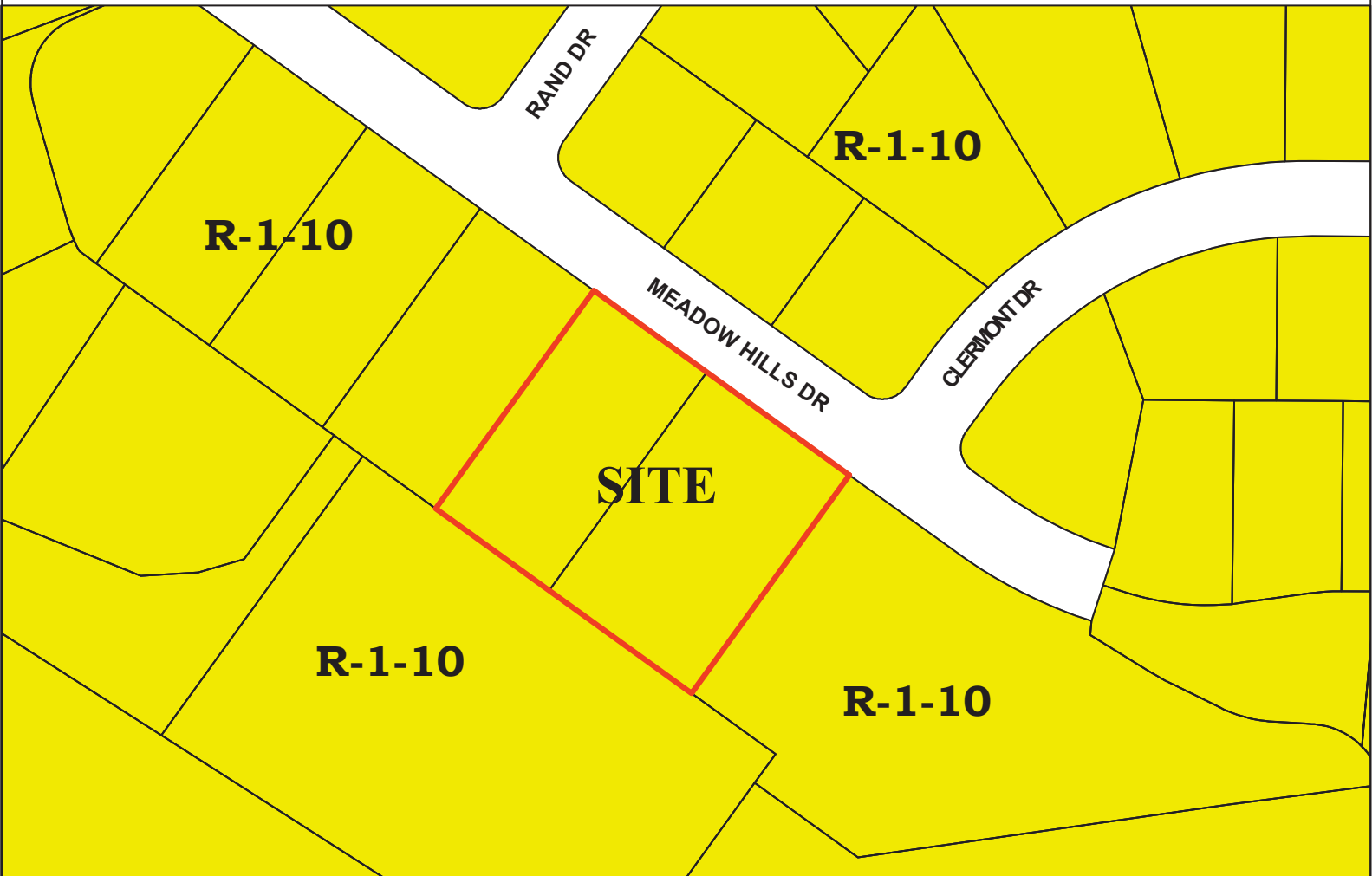


Exhibit 4

[illegible]

Looking North/Northwest



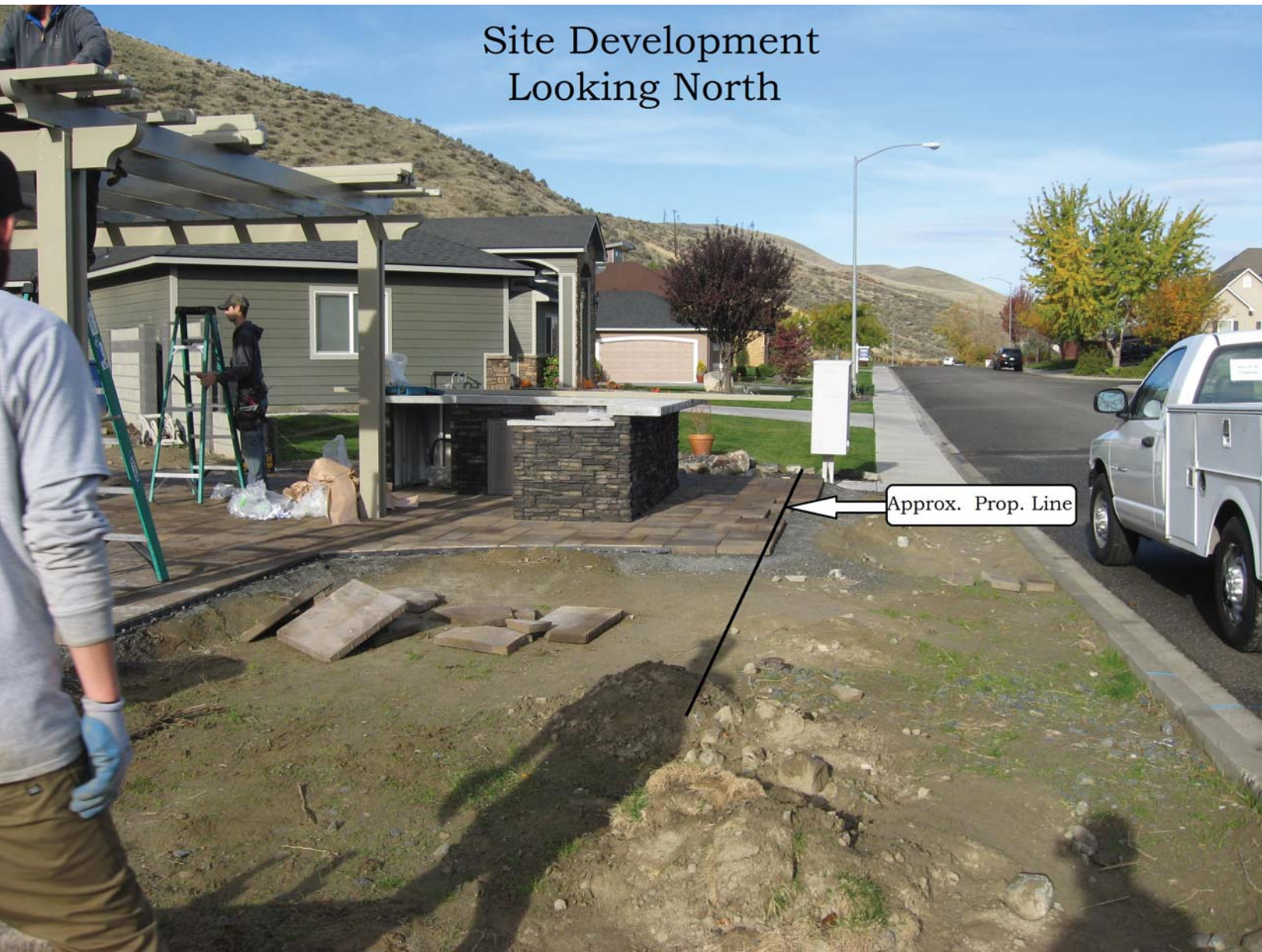
Looking West



Looking South



Site Development Looking North



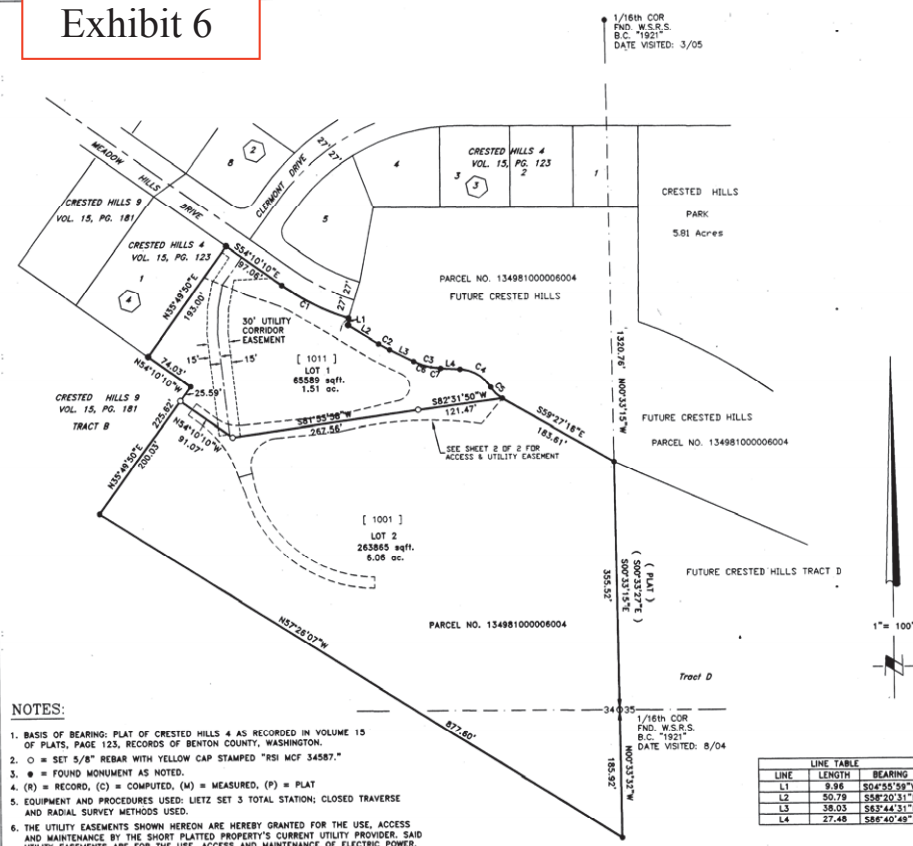
Home On Site
(1023 Meadow Hills Drive)



Looking East

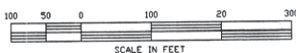


Exhibit 6



NOTES:

1. BASIS OF BEARING: PLAT OF CRESTED HILLS 4 AS RECORDED IN VOLUME 15 OF PLATS, PAGE 123, RECORDS OF BENTON COUNTY, WASHINGTON.
2. ○ = SET 5/8" REBAR WITH YELLOW CAP STAMPED "RSI MCF 34587"
3. ● = FOUND MONUMENT AS NOTED.
4. (R) = RECORD, (C) = COMPUTED, (M) = MEASURED, (P) = PLAT
5. EQUIPMENT AND PROCEDURES USED: LIETZ SET 3 TOTAL STATION; CLOSED TRAVERSE AND RADIAL SURVEY METHODS USED.
6. THE UTILITY EASEMENTS SHOWN HEREON ARE HEREBY GRANTED FOR THE USE, ACCESS AND MAINTENANCE BY THE SHORT PLATTED PROPERTY'S CURRENT UTILITY PROVIDER, SAID UTILITY EASEMENTS ARE FOR THE USE, ACCESS AND MAINTENANCE OF ELECTRIC POWER, TELEPHONE, CABLE AND OTHER DEFINED UTILITIES, TO AND OR THROUGH SAID TRACT.
7. ADDRESS NUMBERS (NOTED IN BRACKETS) ARE SUBJECT TO CHANGE BY THE CITY OF RICHLAND AT THE TIME OF BUILDING PERMIT ISSUANCE, WHEN THE EXACT LOCATION OF ACCESS ONTO EACH LOT IS DETERMINED.
8. NO BUILDING PERMITS FOR ANY OF THE PROPOSED LOTS SHALL BE ISSUED FOR ANY STRUCTURE REQUIRING POTABLE WATER AND/OR SANITARY SEWER UNTIL AN APPROVED ROAD DESIGN AND WATER AND SEWER DISTRIBUTION SYSTEM THAT WILL PROVIDE SERVICES TO ALL OF THE LOTS WITHIN THIS SHORT PLAT HAS BEEN DESIGNED, SUBMITTED AND ACCEPTED BY THE CITY OF RICHLAND ENGINEERING DEPT. NO CERTIFICATE OF OCCUPANCY SHALL BE ISSUED FOR ANY STRUCTURE UNTIL SAID SYSTEM IS CONSTRUCTED AND ACCEPTED BY THE CITY. UTILITY INFORMATION IS AVAILABLE THROUGH THE CITY OF RICHLAND.
9. HOMES CONSTRUCTED AS PART OF THIS SHORT PLAT THAT ARE ABOVE THE ELEVATION OF 800 FEET (HWD '29 ADJUSTED) WILL NEED TO INSTALL A DOMESTIC WATER PRESSURE TANK IN ORDER TO PROVIDE THEIR STRUCTURE WITH ADEQUATE DOMESTIC WATER PRESSURE. CONTACT THE CITY OF RICHLAND ENGINEERING DEPARTMENT PRIOR TO CONNECTING TO THE WATER SYSTEM.
10. FUTURE HOMEOWNERS WITHIN THE PROPOSED SHORT PLAT WILL HAVE TO PLACE THEIR GARBAGE CANS AT LOCATIONS ACCEPTABLE TO THE CITY OF RICHLAND SOLID WASTE COLLECTION VEHICLES.



CURVE	DELTA	LENGTH	RADIUS	CHORD	DIST CHORD BEARING
C1	18°05'15"	106.39	337.00	105.94	S63°12'47"E
C2	9°24'00"	17.72	188.00	17.71	S61°02'31"E
C3	22°58'17"	40.03	100.00	39.77	S79°12'40"E
C4	54°51'28"	32.66	55.00	50.67	N59°15'05"W
C5	27°37'34"	23.36	48.43	23.13	S45°28'13"E
C6	19°01'11"	26.31	100.00	26.14	S71°15'07"E
C7	07°55'06"	13.82	100.00	13.81	S82°43'16"E

SURVEYOR'S CERTIFICATION

I, MICHAEL C. FOWLER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF WASHINGTON, (REG. 34587) HEREBY CERTIFY THAT THE SHORT PLAT AS SHOWN HEREON IS BASED ON AN ACTUAL FIELD SURVEY OF THE LAND DESCRIBED AND THAT ALL CORNERS AND DIMENSIONS ARE CORRECTLY SHOWN AND THAT SAID SHORT PLAT IS STAKED ON THE GROUND AS INDICATED HEREON.

DATE 12/16/05



LINE	LENGTH	BEARING
L1	9.96	S04°55'59"W
L2	50.79	S58°20'31"E
L3	58.03	S53°44'31"E
L4	27.48	S58°40'49"E

SHORT PLAT NO. 2920

PREPARED UNDER SHORT PLAT ORDINANCE NO.103
SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M.
CITY OF RICHLAND, BENTON COUNTY, WASHINGTON

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE EAST HALF OF SECTION 34, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M., CITY OF RICHLAND, BENTON COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:
BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 34 AND BEING THE TRUE POINT OF BEGINNING; THENCE S.00°33'32"E, ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 185.92 FEET; THENCE LEAVING SAID EAST LINE N.57°26'07"W, A DISTANCE OF 87.60 FEET TO THE SOUTHEASTERN CORNER OF TRACT "B", PLAT OF CRESTED HILLS PHASE 9, AS RECORDED IN VOLUME 15 OF PLATS, PAGE 181 RECORDS OF BENTON COUNTY, WASHINGTON; THENCE N.35°49'50"E, ALONG THE SOUTHEASTERN LINE OF SAID TRACT "B" A DISTANCE OF 225.62 FEET TO THE NORTHEASTERN CORNER OF SAID TRACT "B"; THENCE N.54°10'10"W, ALONG THE NORTHEASTERN LINE OF SAID TRACT "B" A DISTANCE OF 74.03 FEET TO THE SOUTHEASTERN CORNER OF LOT 1, BLOCK 4 OF THE PLAT OF CRESTED HILLS PHASE 4, AS RECORDED IN VOLUME 15 OF PLATS, PAGE 123, RECORDS OF BENTON COUNTY, WASHINGTON; THENCE N.35°49'50"E, ALONG THE SOUTHEASTERN LINE OF SAID LOT 1 A DISTANCE OF 193.00 FEET TO THE NORTHEASTERN CORNER OF SAID LOT 1 AND BEING ON THE SOUTHWESTERN RIGHT OF WAY MARGIN OF MEADOW HILLS DRIVE; THENCE S.54°10'10"E, ALONG SAID MARGIN A DISTANCE OF 97.06 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 180°15'1", A RADIUS OF 337.00 FEET AND AN ARC DISTANCE OF 106.39 FEET TO A POINT OF TANGENT; THENCE LEAVING SAID MARGIN S.04°55'59"W, A DISTANCE OF 9.96 FEET; THENCE S.58°20'31"E, A DISTANCE OF 50.79 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 09°24'00", A RADIUS OF 188.00 FEET AND AN ARC DISTANCE OF 17.72 FEET TO A POINT OF TANGENT; THENCE S.63°44'31"E, A DISTANCE OF 58.03 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 22°58'17", A RADIUS OF 100.00 FEET AND AN ARC DISTANCE OF 40.03 FEET TO A POINT OF TANGENT; THENCE S.58°40'49"E, A DISTANCE OF 27.48 FEET TO A POINT OF CURVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 54°51'28", A RADIUS OF 55.00 FEET AND AN ARC DISTANCE OF 50.67 FEET TO A POINT OF REVERSE CURVE; THENCE ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 27°37'34", A RADIUS OF 48.43 FEET AND AN ARC DISTANCE OF 23.13 FEET TO A POINT OF TANGENT; THENCE S.59°27'16"E, A DISTANCE OF 183.61 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 34; THENCE S.00°33'15"E, ALONG SAID EAST LINE A DISTANCE OF 355.52 FEET TO THE TRUE POINT OF BEGINNING.
SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.
CONTAINING 7.56 ACRES.

ACKNOWLEDGEMENT

STATE OF WASHINGTON } S.S.
COUNTY OF BENTON }

THIS IS TO CERTIFY THAT ON THIS 16 day of December, 2005, PERSONALLY APPEARED BEFORE ME, MILO B. BAUDER AND DONNA L. BAUDER, TO ME KNOWN TO BE THE INDIVIDUALS IN AND WHO EXECUTED THE FOREGOING "OWNERS CERTIFICATE", AND ACKNOWLEDGED TO ME THAT THEY SIGNED THE SAME AS THEIR VOLUNTARY ACT AND DEED, IN WITNESS THEREOF I HAVE SET MY HAND AND OFFICIAL SEAL THIS DAY AND FIRST ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

RESIDING AT: 411 E. Main St., Richland, WA 99354

MY COMMISSION EXPIRES: 9/1/09

OWNERS CERTIFICATE

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE INDIVIDUALS IN THE TRACT OF LAND DESCRIBED HEREON, THAT WE HAVE CAUSED SAID LAND TO BE SURVEYED AND SHORT PLATTED INTO LOTS AS SHOWN, AND THAT THE EASEMENTS ON THE SHORT PLAT ARE HEREBY GRANTED FOR THE USES SHOWN HEREON.
MILO B. BAUDER
DONNA L. BAUDER

APPROVALS

I HEREBY CERTIFY THAT THE TAXES ON THE LAND DESCRIBED HEREON HAVE BEEN PAID TO AND INCLUDING THE YEAR 2005.

Duane A. Davidson by Kyle J. 12-19-05

BENTON COUNTY TREASURER 1-3498-00-006-004

DATE 12-19-05

THE APPROVED SHORT PLAT IS HEREBY APPROVED BY AND FOR THE CITY OF RICHLAND

DATE 12/16/05

AUDITOR'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF ROGERS SURVEYING AT 800 W.

THIS 19 DAY OF Dec, 2005 A.D., AND RECORDED IN VOLUME 1 OF

SHORT PLATS, AT PAGE 2920, RECORDS OF BENTON COUNTY, WASHINGTON.

12/16/05

Bethie Gagnier by Delia M. 2005-043377

BENTON COUNTY AUDITOR Fee Number

REV 12-15-05

CLIENT	MILO BAUDER	JOB	15105
PROJECT	SHORT PLAT		
SEC. 34, T.9 N., R.28 E., W.M., BENTON CO. WA.			
DRN. BY MCF	SCALE 1" = 100'	F. B. NO. NONE	SHEET 1
APPROVED MCF	DATE 5-11-05	VERSION -ACAD2002	FILE 15105.DWG
		OF 2	

Z3-003

Exhibit 7

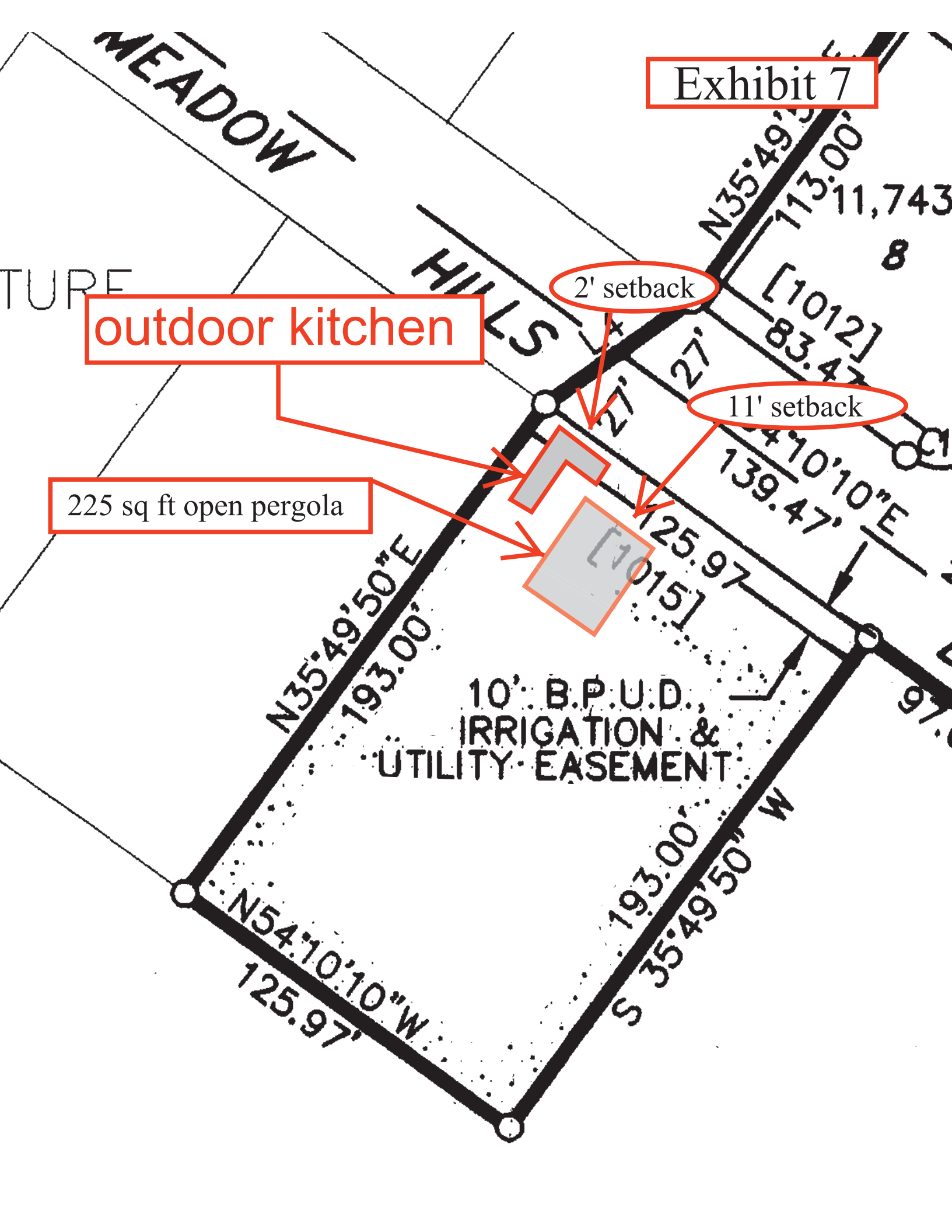
outdoor kitchen

225 sq ft open pergola

2' setback

11' setback

10' B.P.U.D.
IRRIGATION &
UTILITY EASEMENT





City of Richland Board of Adjustment **Notice of Public Hearing**

Notice is hereby given that the Richland Board of Adjustment on **Thursday, November 10, 2016, at 6:00 p.m.** in the Council Chamber at Richland City Hall (505 Swift Blvd.) will conduct a public hearing and review on the application of:

Applicant: David Helderbrant (BA2016-102)
Request: Variance from Richland Municipal Code (RMC) Section 23.38.070 to allow construction of a six (6) foot tall fence/wall within a residential front yard area together with a variance from (RMC) Section 23.38.020(B)(1) to allow placement of accessory structures within a front yard area.
Location: 1015 Meadow Hills Drive
Legal: Lot 1, Block 4, Crested Hills 9 together with the adjacent Lot 1, Block 4, Crested Hills 4

Any persons having interest in this matter are invited to attend and be heard at the public hearing. Written comments may be mailed to Shane O'Neill, Senior Planner, Development Services Division, P.O. Box 190, Richland, WA 99352. Comments may also be faxed to 942-7764 or sent by e-mail to soneill@ci.richland.wa.us. All written comments received prior 5:00 p.m. on November 4, 2016 will be provided to the Board of Adjustment prior to the hearing. Any comments received after November 4th will be presented to the Board of Adjustment at the hearing.

Copies of the staff report will be available for review in the Richland Development Services Center, 840 Northgate Drive, as of Monday, November 7th, 2016.



Exhibit 10

VARIANCE APPLICATION

File No.: BA 2016-102

APPLICANT INFORMATION

Name <u>David Heldebrant</u>			
Address <u>1023 Meadow Hills Drive</u>			
City <u>Richland</u>		State <u>WA</u>	Zip <u>99352</u>
Phone Number <u>509-628-0079</u>	Fax Number		E-mail/Other <u>heldebrant@gmail.com</u>
Relationship to property <u>owner of land & adjacent property.</u>			

OWNER OR AUTHORIZED AGENT INFORMATION (if other than applicant)

Name			
Address			
City		State	Zip
Phone Number	Fax Number		E-mail/Other
Relationship to property			

Location of Property (address or general description):

Adjacent lot to 1023 Meadow Hills. Lot is 1015 meadow hills drive
that is being incorporated into 1023.

Legal Description

Lot <u>X</u>	Block	Plat
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Project briefly describe the variance being requested:

Project briefly describe the variance being requested:

Justification attach additional sheets as necessary:

- a. **Describe the physical conditions and circumstances of the property (lot shape, slope, building location, easements, etc.) and how they affect the project for which the variance is being requested:**

The variance requested is for fence height and location of a kitchen and pergola for 1015 Meadow Hills Drive. This lot is being incorporated with applicant's adjacent home 1023 Meadow Hills Drive. A satellite image (attached with this application) of the lot and adjacent property show the location of the two lots. Here it can be seen that the lot is situated curbside at the base of a hill at the intersection of Claremont and Meadow Hills where there are no other home sites or usable land on the hillside of the street. The lot is being converted into a side/backyard, which will be fenced in and professionally landscaped.

The request for the variance is for adjustments in the fencing requirements (height) and the location of an outdoor kitchen and pergola for a side/backyard (see attached landscaping plans with highlighted sections of fence). We have also provided pictures of the adjacent properties to show the location and neighborhood views.

- b. **Describe how the conditions and circumstances are peculiar to the property; do not apply to other properties in the use district, and how a special privilege will not be conferred by granting of the variance:**

As shown in the satellite image and other photos, this property sits at the end of a secluded street along a hillside where there are no adjacent properties to the east or behind the lot to where a neighbor could build a home. This is quite different from a home in the middle of a development where neighbors would be adjacent on up to 3 sides. Our current home has a negligible backyard as the house sits a mere 5' from the steep hill. The purchase of 1015 was to provide a backyard albeit on the side of our current home. 1015 Meadow Hills is listed as 0.44 acres of land, with only 0.25 acres that are flat and usable as the hill takes up a substantial amount of the land.

The lone adjacent property to the east is a private driveway of a 7-acre parcel that goes up the mountain to a secluded view lot above Crested Hills Park. An owner of this property would not build a home curbside without a view on Meadow Hills rather than on the view lot on the 7 acres above. The steep private driveway up the hill to the clearing can be seen in the attached satellite image. Thus, there are no neighbors that are directly adjacent to the property where a requested variance in fence height would impact any neighboring properties. There are few properties that would have

a comparable site layout and we do not believe that granting an increase in fence height for a lot against a hillside at the end of a street with no neighboring homes provides any special privilege.

Further, the location of the pergola and outdoor kitchen were selected for to protection from the wind from the fence on the north side of the property. If the kitchen and pergola were placed in a backyard there are no city code requirements for their location. Our new backyard has been defined by the city to be a side or front yard and thus subject to city code, which mandates the location of both to be 20' from the curb. As we do not technically have a usable backyard, our property is unique in that the side yard is our backyard, which now makes us subject to city code requirements that other properties are not subject to.

c. Describe how literal interpretation of the zoning ordinance affects your rights (ability to use the property):

The city code limits fence height near the curb to no more than 4' (2' solid, 2' transparent fencing) if the fence is built within 20' from the street. The applicants are applying for a variance to increase the fence height street side by 2' to a total of 6' (3' solid, 3' transparent fencing) still keeping with city code of 50% of the fence being transparent. If we are to apply for a permit to build a 6' fence, city code states that the fence line must be 20' from the curb, which as shown in the attached plans, would reduce space by approximately 33%, greatly limiting the available land for this back/side yard.

The 20' limit on a 6' fence also prohibits us from building a fence upwind to provide wind protection for the outdoor kitchen and entertainment area. Meadow Hills Drive is a wind tunnel, routinely getting 10-15 mph stronger winds than central Richland. The wind travels west to east down the street (from the current home down to 1015) often at 30-50 mph gusts in spring and fall. The applicants often get debris and trash from neighbors' trashcans that are blown over upwind hitting our home. This trash and construction debris has historically accumulated in the lot and is routinely picked up by us. A 4' half transparent fence would provide little protection from any debris or trash, meaning the landscaped property would be continuously littered with trash or harmful debris on windy days. The city code limiting the height of the fence means we are likely to end up littered with garbage that is more than a nuisance, it could be lethal to our dogs if empty bottles of household cleaning supplies or other chemicals end up in the backyard where they could ingest them. Further, a 4' open fence at the upwind portion of the lot would limit the number of days a year we can use the yard due to lack of wind protection.

The wind protection was the reason to place the outdoor kitchen and pergola where they are, downwind from the fence at the north end. The kitchen and pergola currently sit 132" (11') and 202" (16.8') from the edge of the curb as seen in the attached PDF landscaping document. City code for a front yard states these objects should be 20' from the curb, but we are unaware of any limitations if these objects are placed in a backyard. If the kitchen and pergola were to be placed 20' from the curb as per city code for a front yard (not backyard) they would be subject to the 30-50 mph winds down the street, and the kitchen and pergola would be hit routinely with debris and trash which can hurt occupants but also damage the kitchen and pergola. This literal interpretation of city code pertains to front yards not backyards as we are planning to be utilizing this space as. We have been informed that the city defines this land as a front yard, which places codes and requirements on this land that other comparable backyard layouts would not be subject to. We ask that a variance be granted to consider this lot as a backyard due to the unique location of our property where we are unable to utilize the land up the hill in a meaningful way. Further, we have no adjacent neighbors which this would impact in any way.

d. Did any of the conditions and circumstances of the property described above result from your actions? Yes No Explain:

No.

e. Explain how the requested variance is the minimum necessary to make reasonable use of the property:

The primary reasons the applicants are requesting the highlighted sections be granted a variance to increase from 4' (50% transparent fencing) to 6' are for safety and wind protection.

With regards to safety, the applicants have three dogs (one of which can jump a 4' fence) and we have a local pack of coyotes that have been observed right outside our current backyard. These coyotes can jump a 4' fence, which puts our pets and potentially our children at risk. Further, the applicants are installing an outdoor natural gas fire pit and kitchen with an entertainment area. Vandals and thieves could easily scale a 4' fence. The added 2' of fence provides piece of mind and safety.

With regards to wind protection, as stated before, Meadow Hills Drive is a wind tunnel with routine 30-50 mph winds in spring and fall. The applicants would like to have a variance for one section of a 6' solid fence primarily at the western side of the lot to provide wind protection. According to code, a 6' fence cannot be closer than 20' to the curb (highlighted section on attached plans). It should be noted that only the upwind section (nearest our home) would have a solid fence to provide a windbreak to enable use of

the outdoor kitchen area. This would not impede any views from neighbors, as the curbside would still be visible to them. The requested variance for the curbside fence and downwind section would be 3' solid and 3' transparent fencing (50% transparent) similar to current city code albeit 2' higher.

For us to have a 6' fence according to city code would necessitate that the fence would be 20' from the curb, which as shown in the attached plans, would reduce the usable land by approximately 33%. This limitation greatly reduces the use of the land, and reducing its value. As stated before, 1015 Meadow Hills is listed as 0.44 acres of land, with only 0.25 acres that are flat and usable, with the rest being the steep hillside. The fencing requirement to have a 6' fence that far back from the curb means our 0.44-acre lot would be limited to 0.17 acres of usable land.

As per the outdoor kitchen and pergola, if these objects were in an area that is defined as a backyard there are no requirements on location from the curb as long as they are behind a fence. In this case, the lot is being defined by the city as a side/front yard, which puts different code requirements on this property that other properties are not subject to. As mentioned above, the location of the kitchen and pergola were selected to provide wind protection for the area so that half of the year the outdoor area is usable. If the locations are required to be 20' from the curb then the kitchen and entertainment area would be subject to 30-50 mph winds continuously, which reduces the available days we could use the property. Also, this location subjects people to hazards of flying debris during moderately windy days, as there is no wind protection in the middle of the land.

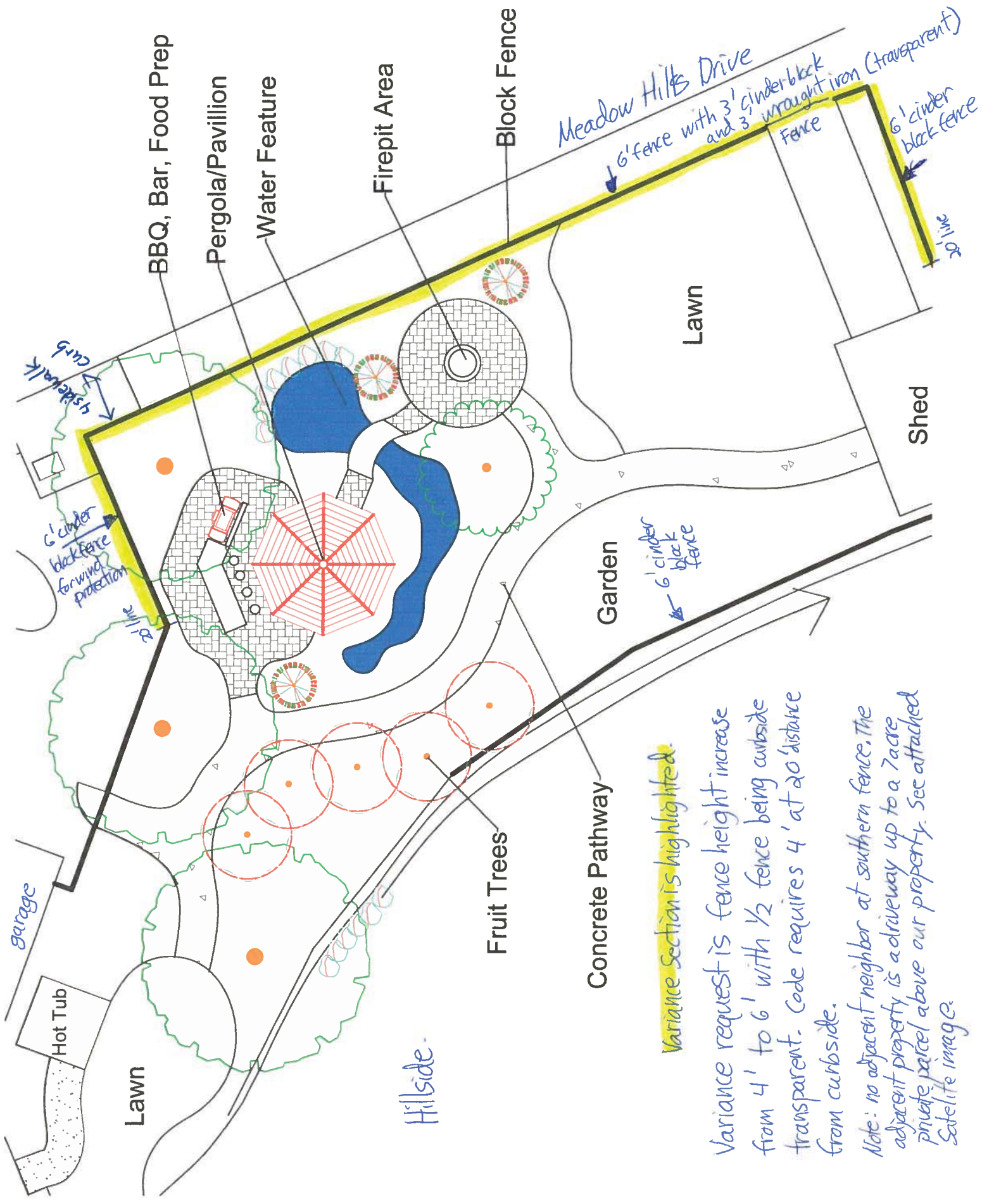
f. Explain how the requested variance will be in harmony with the purpose and intent of the zoning ordinance will not be injurious to the neighborhood, or detrimental to the public welfare:

The requested fence variance will not impact the neighborhood or be detrimental to public welfare, rather the opposite. This backyard is being built to provide a gathering place for our neighborhood and all of our neighbors are welcomed at any time. The professionally landscaped back/side yard is the first thing the neighborhood sees when they arrive at our street from Claremont. The higher yet still transparent fence allows views of a welcoming outdoor garden and entertainment area that greets neighbors and visitors to our street. This visible yard improves the quality and aesthetic appeal of the neighborhood, likely increasing property values of nearby homes.

Further, our Home Owners Association has not only approved of the plans, but indicated that our landscaping "will add a beautiful and unique dimension to our Crested Hills community." We provide a copy of the

approval letter from our HOA in this application. As all of our neighbors and HOA have approved and are supportive of the project, we feel that there is no detriment to the neighborhood or public welfare in this variance request.

CURRENT HOME (UP TO MEADOW HILLS)



Variance Section is highlighted.

Variance request is fence height increase from 4' to 6' with 1/2 fence being curbside transparent. Code requires 4' at 20' distance from curbside.

Note: no adjacent neighbor at southern fence. The adjacent property is a driveway up to a 7-acre private parcel above our property. See attached Satellite image.