



Agenda
Board of Adjustment Meeting
Thursday, July 16, 2015
City Hall Council Chamber | 505 Swift Boulevard

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

Liaisons: Staff Liaison Development Services Manager Simon

Regular Meeting – 7:00 p.m.

Welcome and Roll Call

Approval of Agenda: (Approved by Motion)

Approval of Minutes: (Approved by Motion)

Public Hearing Explanation:

Unfinished Business - Public Hearing:

New Business – Public Hearing:

- I. BA2015-101, Variance to Construct a Garden Shed Within Five (5) Feet of a Side Property
LOCATION: 1400 SANFORD AVENUE
APPLICANT: RICHLAND ALLIANCE CHURCH

Communications:

Adjournment

The next Board of Adjustment Meeting is August 13, 2015

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BOARD OF ADJUSTMENT AGENDA ITEM COVERSHEET

Meeting Date: 07/16/2015

Agenda Category: New Business – Public Hearing

Prepared By: Rick Simon, Development Services Manager

Subject:

BA2015-101, Variance to Construct a Garden Shed Within Five (5) Feet of a Side Property

LOCATION: 1400 SANFORD AVENUE

APPLICANT: RICHLAND ALLIANCE CHURCH

Department:

Community & Development Services

Recommended Motion:

Motion 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 Sections 23.42.050 to allow for construction of a detached accessory building to be located five feet from the rear property line on the Richland Alliance Church property located at 1400 Sanford Avenue, subject to the two recommended conditions included in the staff report.

Summary:

The Applicants desire to build a detached shed on their property in order for them to be able to store their lawn equipment and gasoline. They also desire to maintain as much of their parking and outdoor play areas as possible and so seek to locate the shed on the north side of the church building in an area that is along the edge of the paved parking area.

Under the municipal code, rear yard is defined as the area lying between the rear lot line and the exterior wall of a building. In this case, the church fronts on Symons Street on the south, Potter Avenue on the east and Sanford Avenue on the west. As the north line of the property is the only one that does not contain street frontage, it has to be considered a rear yard.

The code requires detached accessory buildings to be located in the rear yard; separated from the main building by 10 feet and setback from the property line a minimum of 10 feet. In this case, the shed would be located in a rear yard, and could meet one but not both of the 10 foot setback requirements from the property line and the main building. The space between the building and the property line available for the shed placement is approximately 27 feet.

Attachments:

1. BA2015-100 Staff Report



STAFF REPORT

TO: BOARD OF ADJUSTMENT
FILE NO.: BA2015-100

PREPARED BY: RICK SIMON
DEVELOPMENT SERVICES

MEETING DATE: MARCH 19, 2015

GENERAL INFORMATION

APPLICANT: CHRIS HAAS

REQUEST: VARIANCE FROM RICHLAND MUNICIPAL CODE (RMC) SECTION 23.42.300 SPECIFIC TO THE PLACEMENT OF SWIMMING POOLS ON RESIDENTIAL LOTS. THE REQUEST IS TO CONSTRUCT A POOL WITHIN THE FRONT HALF OF A LOT AND TO CONSTRUCT A 6 FOOT FENCE ENCLOSING THE POOL THAT WOULD BE LOCATED IN A FRONT YARD.

LOCATION: 1641 PENNY LANE

ZONING: R-1-10 SINGLE FAMILY RESIDENTIAL

SITE DESC.: 15,324 SF LOT, DEVELOPED, WITH A SINGLE FAMILY RESIDENCE.

ADJACENT USES: SINGLE FAMILY RESIDENCES ARE LOCATED OR ARE UNDER CONSTRUCTION ON ALL SIDES OF THE SITE.

SPECIFIC CODE REQUIREMENTS

RMC 23.42.300 Swimming Pools

All private swimming pools located in an AG, SAG, R-1-12, R-1-10, R-2, R-2S and R-3 zone capable of holding 24 inches or more of water shall be located in the back half or rear yard of the lot, or shall be located a minimum of 75 feet from a street right-of-way; except that this provision shall not apply to hot tubs as defined in RMC 23.06.500

RMC 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 nonslatted 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.

C. Fence height shall be measured above the highest grade within two feet of the fence line.

D. Fences and hedges shall be constructed and maintained in accordance with the requirements of Chapter [12.11](#) RMC, Intersection Sight Distance.

E. Fences up to six feet high may be built inside the property line and adjacent to arterial streets on lots having access to other streets when provisions for other such fencing are included in approved subdivision plats in accordance with RMC [24.08.140](#) and [24.16.260](#) or when special approval is granted by the administrative official. When fences are constructed under this provision, the following requirements shall apply:

1. The adjacent strip of land between the fence and the back of the adjacent sidewalk shall be improved by the property owner concurrent with installation of fencing;
2. The property owner shall provide a treatment plan for the strip of land as part of the building permit application process;
3. The treatment plan shall provide for minimum treatment with grass, decorative rock, wood, bark, or any combination of such materials or similar materials in a manner that will minimize disturbance by natural elements or pedestrians. Xeriscaping with native plants and other low maintenance landscaping materials is encouraged;
4. Fence installation and treatment of the strip of land shall be completed within six months after a permit is obtained;
5. Trees or shrubs may be planted on or behind the centerline (fence side) of the strip of land and shall be continuously maintained in a manner that will not interfere with normal pedestrian and vehicular uses on the adjacent sidewalk and street;
6. No vehicular access is allowed through any such fences except for occasional maintenance purposes;
7. Where no sidewalk or curb is required on an arterial street or highway, any required landscape treatment need not extend further than seven and one-half feet toward the street from the fence; provided, however, that the administrative official may waive, wholly or in part, the requirement of landscape treatment after finding that special circumstances exist which justify such a waiver.

F. For corner lots and lots with triple-street frontages, solid fencing on the flanking street over three feet in height and open fencing over four feet in height must be set back five feet from the property line or 10 feet from the back of the sidewalk if existing, whichever is greater. This is not applicable to the primary front yard.

REASON FOR REQUEST

The Applicant is in the process of constructing a single family residence on a triangularly shaped lot and proposes to construct a swimming pool. The home is on the wider, or southerly portion of the lot, leaving the northern, narrower portion of the lot available for the pool. The proposed placement of the pool does not meet the standards set forth in RMC 23.42.300, which requires the pool to be placed either in the rear yard, the back half of the lot or be setback a minimum of 75 feet from the street.

Under the municipal code, rear yard is defined as the area lying between the rear lot line and the exterior wall of the residence. The back half of the lot is calculated by drawing a line that is parallel to the front lot line and extending it through from the mid-point of the rear lot line. The rear yard, back half of lot and area lying at least 75 feet from the Penny Street right-of-way are shown on the attached exhibit.

The applicant also proposes to construct a six foot, vinyl fence enclosing the pool. A portion of this fence would be located along the front property line and would not meet the 20 foot setback requirement mandated under RMC 23.38.060(B)(1).

STAFF FINDINGS

Conformance with Section 23.70.140. 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 this subject lot is unusual. It contains some 237 feet of frontage along Penny Lane, which is more than twice the length of street frontage that other lots in the neighborhood have, even though at 15,324 square feet in area, it is no larger than the average lot size in the neighborhood. The combination of the curve in the road and the triangular shape of the lot create a circumstance that is not common to other residential lots of a similar size.

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

Literal interpretation of the pool setback requirement would mandate that the pool be placed in the rear yard behind the house. While there does physically exist enough room for the pool to be constructed in this location, it would be crowded against the property lines and leave little opportunity for a patio around the pool or even for access into and out of the pool.

The apparent purpose of pool setbacks recognize that private swimming pools become a center of activity and so require location of the pool to the portion of the yard that would generally provide the most separation from the neighbors. A second reason is that a pool can be an attractive nuisance, attracting young children to what can be a hazardous situation. Placement of the pool in a rear yard would generally make the pool less visible and therefore more secure.

In this case, given the configuration of the lot, placement of the pool in accordance with the regulations would actually place the pool closer to two of the three adjacent lots. The proposed pool placement would increase the separation between the pools and the adjacent properties at 1647 Penny Lane and 1640 Heidi Place. In the case of the third neighboring lot, 1643 Heidi Place, the distance from the proposed pool to the adjacent lot would not be significantly different than if it were placed behind the residence.

The other issue of providing security for the pool can be addressed through the construction of a six foot fence around the pool. The applicant's plans for landscaping along the street right-of-way together with the fencing would provide both a physical and visual barrier.

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

The applicant was not responsible for the configuration of his lot. The applicant's residence is no larger than other homes in the neighborhood. The pool regulation imposes a greater burden on this lot, due to its unusual configuration, than other lots in the neighborhood and in the R1-10 zone.

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. Swimming pools are a fairly common accessory to single family residences. Granting of the variance would provide the applicant with the ability to enjoy a pool, which is a right conferred to home owners in single family residential zones.

5. Justification for granting the variance.

The variance would allow the applicants to place the pool in a location that makes the most sense for both their enjoyment of the pool as well as maximizing the separation between the pool and the neighboring properties. The proposed fencing and landscaping around the pool would provide for security and would provide a visual barrier so that the pool would not be visible from the public right-of-way.

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

The proposed placement of the pool is the most beneficial location, not only for the applicant, but also for the surrounding neighbors. This is evidenced by the fact that the distance from the pool to the adjacent properties would be increased with the granting of the variance. Additionally, the neighbor across the street at 1642 Penny Lane has voiced support for the granting of the variance application. (See the attached correspondence from Paul Chartrand.) A second neighbor has asked that the proposed landscaping be installed concurrently with the pool construction (see comments from AJ and Patti Fahnestock).

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.

RMC 23.18.010(B) describes the R-1-10 zoning districts as follows:

The single-family residential – 10,000 (R-1-10) is a residential zone classification requiring a low density of population, providing protection against hazards, objectionable influences, building congestion, and lack of light, air, and privacy. Certain essential and compatible public service facilities and institutions are permitted in this district. This zoning classification is intended to be applied to some portions of the city that are designated low-density residential (zero to five dwellings per acre) under the city of Richland comprehensive plan.

The variance would provide for the applicant to enjoy the benefit of a swimming pool in the same fashion that any of his neighbors could. The placement of a fence and landscaping along the right-of-way would provide the security and visual barrier that needs to be provided around a pool for liability reasons.

One of the reasons for fencing to be setback from the edge of the right-of-way is to ensure that the fencing does not become a sight distance obstruction for vehicles travelling on the adjacent street. In this case, Public Works staff reviewed the fencing proposal and determined that the placement of the fence five feet behind the sidewalk would not create a sight distance restriction for vehicles travelling on Penny Lane.

Staff maintains this proposal would not be injurious to the surrounding neighborhood or detrimental to the public welfare.

RECOMMENDED CONDITIONS:

1. The pool shall be located as depicted on the site plan.
2. A six foot vinyl fence shall be installed to enclose the pool and shall be located no closer than five feet from the public sidewalk.
3. The landscaping along the street right-of-way and around the pool, as depicted on the site plan, shall be installed concurrently with the construction of the fence and shall be maintained in good condition.

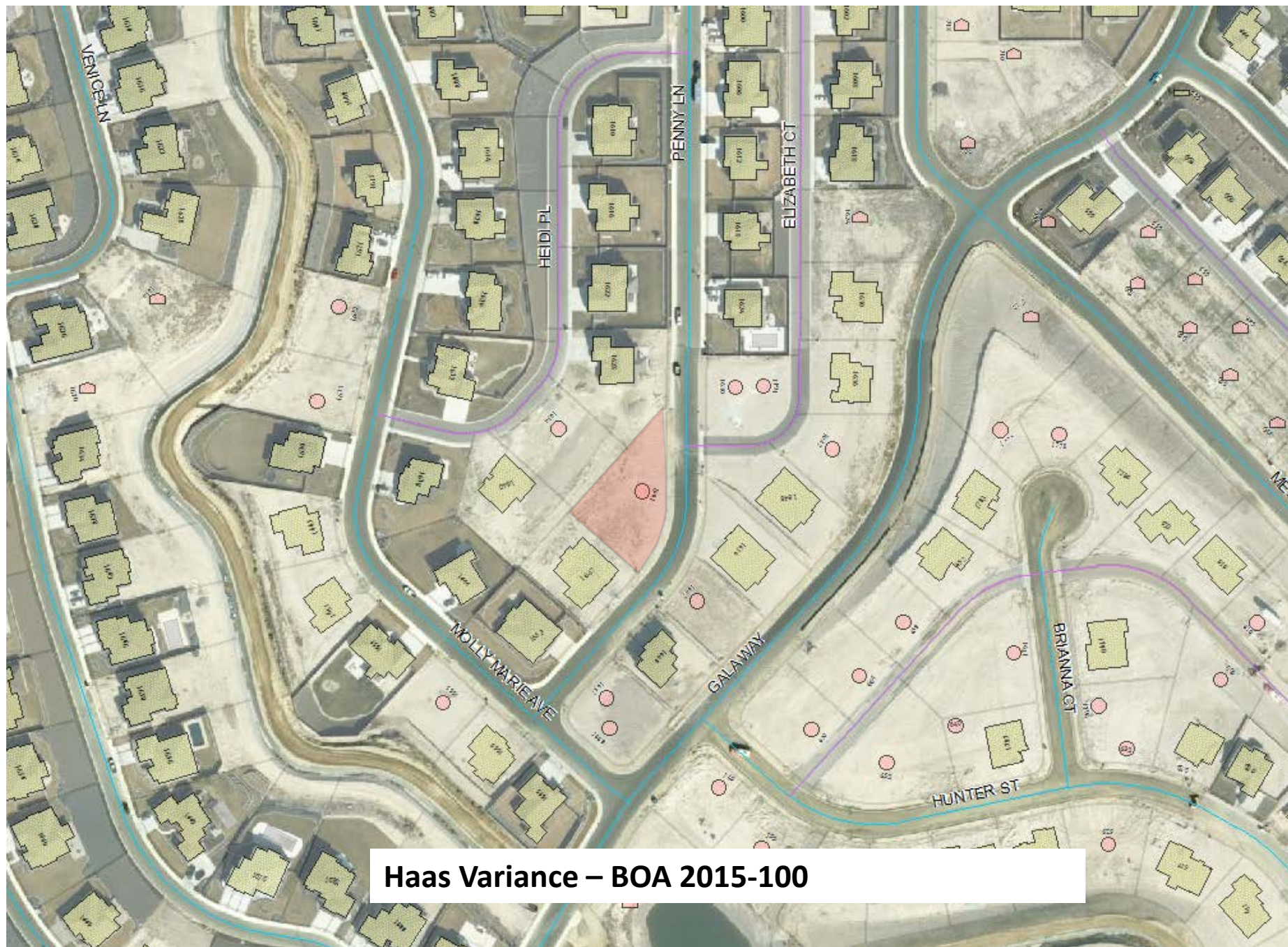
RECOMMENDED MOTION:

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 Sections 23.42.300 and 23.38.060(B)(1) to allow for construction of a swimming pool in the front half of a residential lot and for the pool to be enclosed with a six foot fence located within the required front yard for the home located at 1641 Penny Lane as depicted on the site plan, subject to the recommended conditions included in the staff report.

EXHIBITS

1. Vicinity Map
2. Application
3. Notice of Application & Public Hearing
4. RMC 23.70.110 Variances
5. Depiction of Code Definitions of Rear Yard & Back Half of Lot
6. Correspondence from Neighboring Property Owners
 - a. Paul Chartrand
 - b. AJ & Patti Fahnestock
7. Site Photos

EXHIBIT (1)



Haas Variance – BOA 2015-100

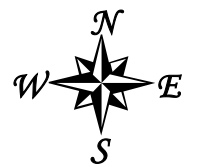


EXHIBIT (2)



Planning & Development Services Division • Planning Section
840 Northgate Drive • Richland, WA 99352
General Information: 509/942-7794 • Fax 509/942-7764

VARIANCE INFORMATION AND APPLICATION

To the applicant: Applications for variance from the Richland Zoning Ordinance (Richland Municipal Code, Title 23) are heard and decided by the Board of Adjustment, a body of five voluntary members appointed by the Mayor and confirmed by the City Council.

The Board holds its regular meeting on the third Thursday of each month. **Variance applications must be received at least 20-days prior to the Board meeting.**

To be considered at the March 19th 2015 meeting, the variance application must be received on or before 3/3/15 at the Development & Permit Services Division, Current Planning Section, located at 840 Northgate Dr., Richland, Washington.

A variance application must include the following:

1. **Filing fee.**
2. **Completed and signed application form.**
3. **Plot plan** including:
 - a. Easily read scale drawing, and
 - b. Be either one (1) copy on an 8-1/2" x 11" sheet or ten (10) copies if a larger size, and
 - c. Show lot boundaries, location and dimensions of existing buildings, fences, or other structures, driveways, and proposed construction.
4. **Floor plan** where use of existing buildings is involved, a floor plan showing existing conditions and proposed changes is required. The drawing must meet the same dimension guidelines as plot plans.
5. **Ownership report** because variances are considered at a public hearing, notices of the hearing are given to surrounding and nearby properties. The Richland Zoning Ordinance requires that the applicant submit a report from a title insurance company showing:
 - a. The ownership of record of the property involved, and
 - b. An accurate legal description of the property involved, and
 - c. A list of names and addresses of all owners of record of property within 100-feet of the property involved, and
 - d. An accurate key map showing the property involved, delineating property within 100-feet of the property involved, and with properties numbered to correspond with the ownership report.
6. **Optional attachments**, such as photographs, may be helpful to illustrate subjects under discussion. Materials submitted cannot be returned and are retained for the case file.

VARIANCE APPLICATION

File No.: _____

APPLICANT INFORMATION

Name Brent Martell			
Address 2228 Robertson Dr.			
City Richland		State WA	Zip 99354
Phone Number 509-727-0590	Fax Number		E-mail/Other brentm@premierlandscapinginc.com
Relationship to property Contractor			

OWNER OR AUTHORIZED AGENT INFORMATION (if other than applicant)

Name Chris Haas			
Address 1641 Penny Lane			
City Richland		State WA	Zip 99352
Phone Number 509-392-3790	Fax Number		E-mail/Other Chris.haas@terragraphics.com
Relationship to property Owner			

Location of Property (address or general description):

1641 Penny Lane, Richland, WA 99352

Legal Description

Lot 13	Block	Plat Lexington Heights, Phase S
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Project briefly describe the variance being requested:

Pool placement

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:

Very small backyard & very large side yard. RMC 23.06.500
says it has to be 75ft from street. Our side yard is really
our backyard.

- 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:

This is a very unusual lot being the small backyard
and very large side yard being it is on the curved road.

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

Because of the 75ft set back it does not allow me
to ~~put~~ install a pool on my side yard in which I
call my backyard or back half of my lot.

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

We bought our lot believing we would be able to
install a pool in this area. We check the ^{utility} set backs but ~~not~~ we
~~did not~~ did not know about RMC 23.06.500

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

We have bought a very large lot to allow us to
make use of our side yard & install a pool.

- 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:

We are installing trees on the street side to
screen our side yard and keeping the pool as low
as possible to keep us private from the public.

I DECLARE UNDER PENALTY OF THE PERJURY LAWS THAT THE INFORMATION I HAVE PROVIDED ON THIS FORM/APPLICATION IS TRUE, CORRECT AND COMPLETE.


Applicant Signature

3/3/15
Date

Owner or Authorized Agent Signature(s)

Date

FOR OFFICE USE ONLY

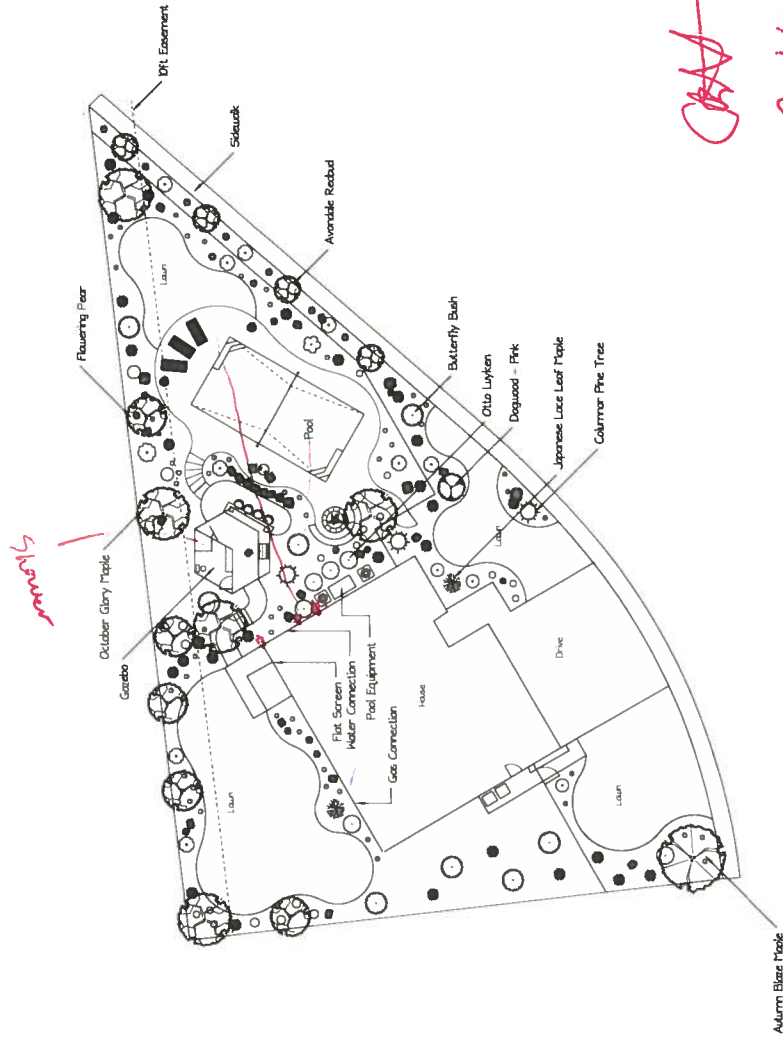
Approved by

Date

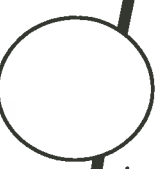
1. Filing fee.
2. Completed and signed application.
3. Plot plan.
4. Floor plan.
5. Ownership Report.

Optional attachments

Haas Residence



~~OK~~
2-16-15
B.S.



Haas Residence
1641 Penny Lane
Richland, WA 99352

PREMIER
LANDSCAPING & DESIGN
(509) 835-1100
www.premierlandscaping.com

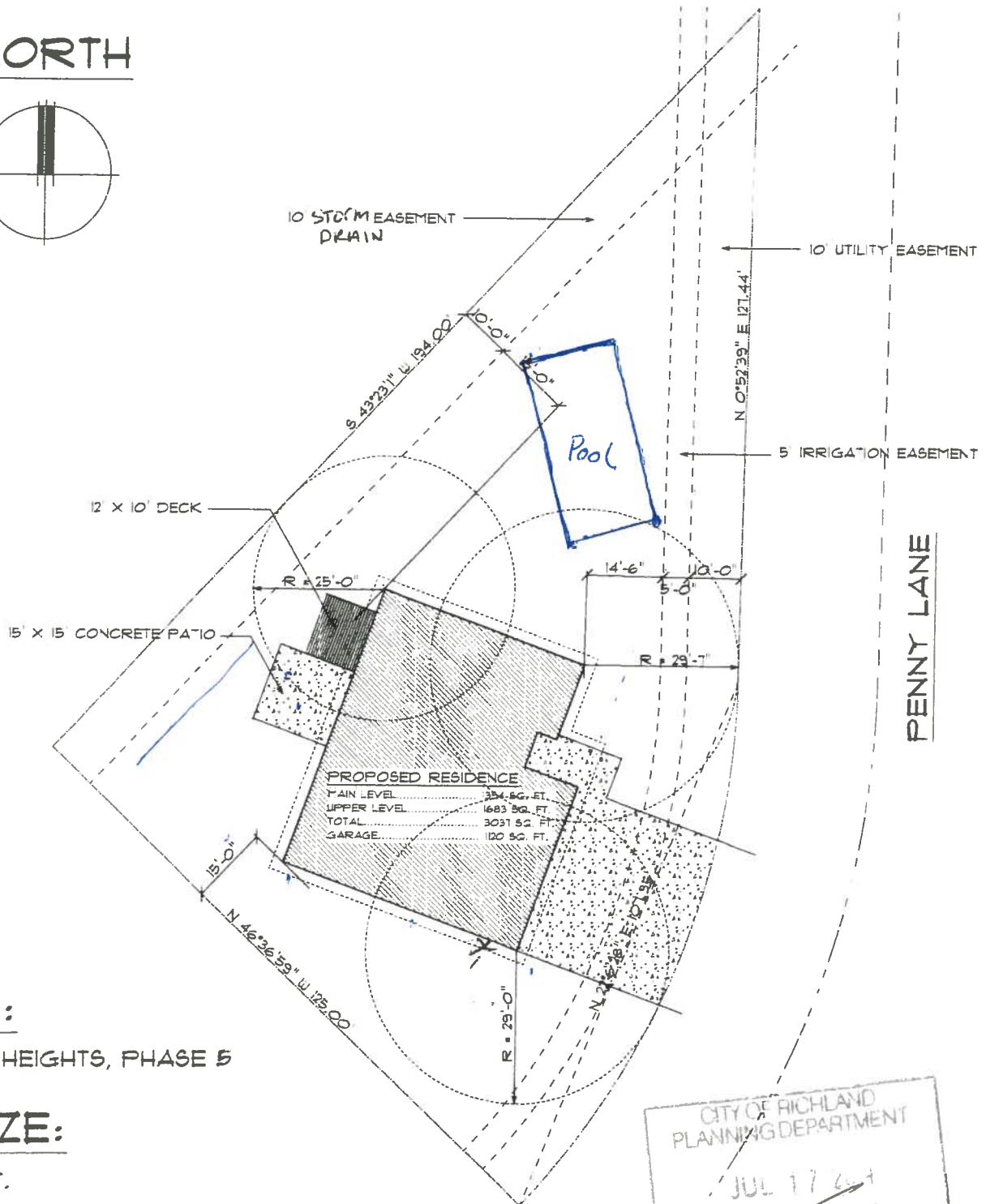
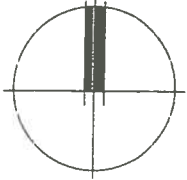
This is a preliminary drawing of a proposed landscape design. It is not a final plan and is subject to change without notice. The client is responsible for obtaining all necessary permits and approvals. The designer is not responsible for any construction or maintenance of the landscape.

Design By
BPM

Date
Feb-13-2015

1" = 40'-0"

NORTH



1" = 30'

LEGAL:

LEXINGTON HEIGHTS, PHASE 5
LOT 13

LOT SIZE:

15,332 SQ. FT.

PARCEL I.D.:

1-2798-416-0000-013

ADDRESS:

1641 PENNY LANE,
RICHLAND, WA.

14-01442

H-23 Ftp-2535 CON-10.572



EXHIBIT (3)

CITY OF RICHLAND

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Richland Board of Adjustment on Thursday, March 19, 2015, 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: Chris Haas (BA2015-100)
Request: Variance from Richland Municipal Code (RMC) Section 23.42.300 to allow for construction of an in-ground swimming pool in the front half of a lot.
Location: 1641 Penny Lane
Legal: Lot 13, Lexington Heights Phase 5

Any persons having interest in this matter are invited to attend and be heard at the public hearing. Written comments may be mailed to Rick Simon, Development Services Division, P.O. Box 190, Richland, WA 99352. Comments may also be faxed to 942-7764 or sent by e-mail to rsimon@ci.richland.wa.us. All written comments received prior 5:00 p.m. on March 19th will be presented to the Board of Adjustment at the hearing.

Copies of the staff report and recommendation will be available for review in the Richland Development Services Center, 840 Northgate Drive, starting Friday, March 13, 2015.

Rick Simon, Secretary
Richland Board of Adjustment

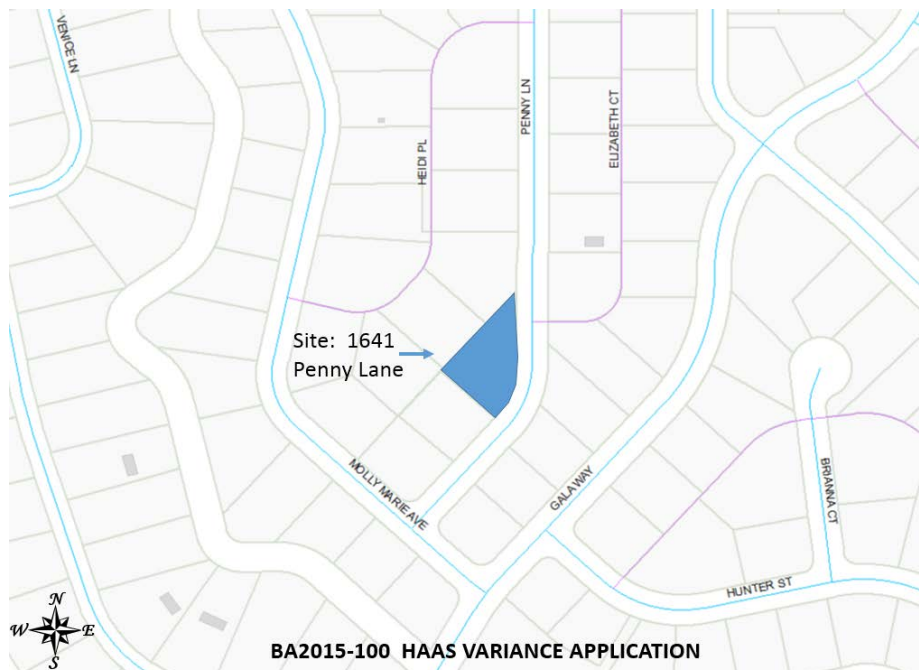


EXHIBIT (4)



23.70.110 Variances – Applications.

A variance from the terms of this title shall not be granted by the board of adjustment unless and until a written application for variance is submitted demonstrating:

A. That special conditions and circumstances exist which are peculiar to the land, structures, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

B. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.

C. That the special conditions and circumstances do not result from the actions of the applicant.

D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same district. [Ord. 28-05 § 1.02].

23.70.120 Variances – Application – Plans.

The application shall be accompanied by a report from a title insurance company showing ownership of record of the property involved, an accurate legal description of the property involved, and a list of the names and addresses of all owners of record of property within 100 feet of the proposed variance, and such fees as are required by this title. In addition, the report shall include an accurate key map showing the property involved and delineating the property within 100 feet of the proposed variance. Each parcel falling wholly or partly within the 100-foot distance shall be numbered to correspond with the ownership report.

The application shall also be accompanied by a plot plan of the property showing location and dimensions of existing and proposed improvements and proposed location of accessory facilities such as automobile parking areas. If new building construction is involved, tentative plans and sketches shall also be submitted. Where use of existing buildings is involved, a floor plan showing existing conditions and proposed changes shall be submitted. [Ord. 28-05 § 1.02].

23.70.130 Variances – Notices – Hearings.

Written notice of public hearing shall be addressed through the United States mail to the property owner requesting the variance and to the owners of record of all property within 100 feet of the exterior boundaries of subject property pursuant to the title insurance company report required by RMC [23.70.120](#). Notice of the time and place of the hearing shall also be published at least once in the official newspaper of the city. Both published and mailed notices shall be given at least 10 days in advance of the public hearing. [Ord. 28-05 § 1.02].

23.70.140 Variances – Findings.

The board of adjustment shall make findings that the requirements of RMC [23.70.110](#) have been met by the applicant for the variance. The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, structure, or buildings. The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this title, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. [Ord. 28-05 § 1.02].

23.70.150 Variances – Limitations – Conditions.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

The board of adjustment shall not grant a variance under any circumstances to allow a use not permissible under the terms of this title in the district involved, or any use expressly or by implication prohibited by the terms of this title in said district. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this title.

The board of adjustment may prescribe a time limit within which the action for which the variance is granted shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the variance. In the event that no specific time limit to begin or complete an action for which the variance is granted is identified, the action shall be completed within two years from the date the variance was granted. Said time limits may be extended by the board of adjustment for good cause shown. [Ord. 28-05 § 1.02; Ord. 04-09].

23.70.160 Decisions of the board of adjustment.

In exercising the above mentioned powers, the board of adjustment may, so long as such action is in conformity with the terms of this title, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

The concurring vote of a majority of the members of the board of adjustment shall be necessary to reverse any order, requirement, decision or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variation in the application of this title.

The board shall render a decision on all applications at a public meeting no later than 30 days after hearing of an application. The applicant shall be notified of the decision in writing. [Ord. 28-05 § 1.02].

23.70.170 Appeal from board of adjustment.

A. Appeals from variance decisions shall be made in accordance with RMC [19.70.060](#) (Judicial appeals).

B. Appeals from decisions on special use permits and appeals from an administrative interpretation or decision shall be made in accordance with Chapter [19.70](#) RMC (Closed Record Decisions and Appeals). [Ord. 28-05 § 1.02].

EXHIBIT (5)



EXHIBIT (6)

Simon, Rick

From: Paul Chartrand <Paul.Chartrand@rsd.edu>
Sent: Tuesday, March 10, 2015 7:54 AM
To: Simon, Rick
Subject: Variance at 1641 Penny Lane

Good Morning,

I would like to add my comments to the variance application at 1642 Penny Lane. I am the neighbor directly across the street at 1648 Elizabeth Ct. I think that the Haas family should be allowed to build their pool on the own property. Granted it is on the side of the house, but as long as it is fenced, it will be just fine. Their lot is an odd shape and the only way it will fit is to build it on the side of the house. I think the letter you sent out is a little misleading as it is not in the front of the house, but on the side. Let them build it!

Paul Chartrand
1648 Elizabeth Ct
Richland, WA 99352
509-531-7412.

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

Simon, Rick

From: Patti Fahnestock <pattijo64@aol.com>
Sent: Friday, March 13, 2015 4:30 PM
To: Simon, Rick
Subject: BA2015-100

Dear Mr. Rick Simon, I'm writing to you about the variance which might allow the homeowners at 1641 Penny Lane to install a pool in their side yard. My husband and I live next door, and would like the homeowners to be required to plant all the trees the same week the pool is installed. We are concerned that without the trees the appearance of the neighborhood and the home values in the neighborhood would be negatively affected. Thank you for your attention to our concerns.

Sincerely,
AJ and Patti Fahnestock

EXHIBIT (7)





Not to Scale
Photo
3-13-15

From Heidi Place Looking Southeast to Haas Residence



