

City of Richland Resolution No. 100-20 temporarily designates virtual locations for all municipal meetings. This meeting will be held remotely via Zoom. Members of the public may attend this meeting by selecting the Zoom link or by calling the phone numbers provided.



Agenda
Board of Adjustment Meeting
Thursday, September 16, 2021
Join the Zoom meeting [here](#)
Public Telephone Access: (206) 337-9723 or (253) 215-8782
Meeting ID No. 963 3435 4152

Board Members: Vice-Chair Van Hoff and Board Members Bricker, Gray, Nuzum and Raffa

Liaisons: Staff Liaison: Planning Manager Stevens

Regular Meeting - 6:00 p.m.

Welcome and Roll Call

Election of Officers:

Approval of Agenda: (Approved by Motion)

Approval of Minutes: (Approved by Motion)

November 21, 2019 Meeting Minutes

Public Hearing Explanation:

New Business - Public Hearing:

- I. BA2021-101 Applewood Estates HOA - Variance for Fence Height

Communications:

Adjournment

The next Board of Adjustment Meeting is as needed.

Richland City Hall is ADA accessible. Requests for sign interpreters, audio equipment, and/or other special services must be received 48 hours prior to the meeting by calling the City Clerk's Office at 942-7389.



BOARD OF ADJUSTMENT AGENDA ITEM COVERSHEET

Meeting Date: 9/16/2021

Agenda Category: Approval of Minutes

Prepared By: Lynne Follett, Administrative Assistant II

Subject:
November 21, 2019 Meeting Minutes

Department:
Development Services

Recommended Motion:
Approve the minutes of the Board of Adjustment meeting held on November 21, 2019.

Summary:
Meeting minutes

Attachments:
1. 2019.11.21 DRAFT BoA Mtg Mins



**MINUTES
BOARD OF ADJUSTMENT MEETING**
City Hall – 625 Swift Boulevard – Council Chamber
THURSDAY, NOVEMBER 21, 2019
6:00 PM

Call to Order:

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

Attendance:

Present: Chair Lowry and Board members Richards, Gray, and Van Hoff. Also attending were Planning Manager Stevens and Administrative Assistant II Follett.

Member Richards moved and member Van Hoff seconded the motion to excuse member Boring.

Approval of Agenda:

Chair Lowry requested approval of the meeting agenda.

BOARD MEMBER GRAY MOVED AND BOARD MEMBER VAN HOFF SECONDED THE MOTION TO APPROVE THE AGENDA. MOTION PASSED UNANIMOUSLY.

Approval of Minutes:

Chair Lowry presented the meeting minutes of the September 19, 2019 meeting.

BOARD MEMBER RICHARDS MOVED AND BOARD MEMBER VAN HOFF SECONDED THE MOTION TO APPROVE THE MINUTES OF THE SEPTEMBER 19, 2019 MEETING. MOTION PASSED 4-0.

Public Hearing:

Chairman Lowry asked the recorder to read the Public Hearing Explanation. At the conclusion, Chairman Lowry opened the Public Hearing at 6:05 p.m.

New Business

1. APPLICANT: MORGAN NEAL, TRI-CITIES EQUESTRIAN CENTER SUP2019-103

Chairman Lowry introduced the item and asked Planning Manager Stevens if the project had been duly noticed as required. Mr. Stevens indicated the proper noticing of the project and public hearing. Mr. Stevens also noted all public comments received were included in the meeting packet.

As part of the staff report Mr. Stevens explained that after the previous action by the Board and further work to reconfigure stalls and buildings on the property, Mr. Neal felt he needed to request a variance from RMC 23.42.190B and RMC 23.42.190C. Mr. Stevens further provided the Board with requirements and findings for approval of this type of variance. Included in his presentation, Mr. Stevens detailed the surrounding uses, historical uses in the area and reasons that support the finding of approval for this variance. At the conclusion of the presentation, several Board members asked questions about potential land uses around the subject property.

Mr. Morgan Neal, owner of the Tri City Equestrian Center, 1530 Hall Road, read a statement he prepared regarding his request. During his comments, Mr. Neal clarified that the previous variance covered only the northern and eastern boundaries of the properties and that he is requesting the same variance apply to the southern and eastern boundaries.

Pat Foster, 2128 Beach Avenue, spoke in support of Mr. Neal's variance request. She also pointed out the newly installed monument placed by the city on the adjacent property designating WE Johnson Park as a horse park.

Larisa Smith, 3143 Primrose Street, also spoke in support of the variance. She shared her personal experience boarding her horses on Mr. Neal's property.

Lori Ramonas, 4411 King Drive, spoke in support of the variance and provided details about the upgrades made by Mr. Neal has made and stressed the importance of having the Equestrian Center for the equestrian community.

George Hagen, 2638 Eagle Watch Loop, spoke in support and urged the Board to approve the request.

Chairman Van Hoff closed the public hearing at 6:29 p.m. and opened the item for board discussion. A brief discussion ensued.

MEMBER GRAY MOVED AND MEMBER VAN HOFF SECONDED THE MOTION TO APPROVE THE VARIANCE REQUEST. MOTION PASSED UNANIMOUSLY.

COMMUNICATIONS:

Mr. Van Hoff asked for historical and procedural information from staff related to 'after the fact' use variances. Staff and Board members discussed the requirements and approval criteria.

Mr. Van Hoff offered thanks to Mr. Stevens for the well-prepared packets.

Mr. Stevens informed Board member there would be no action for consideration in December.

ADJOURNMENT:

CHAIRMAN LOWRY adjourned the meeting at 6:47 p.m.

PREPARED BY: Lynne Follett, Administrative Assistant II – Development Services

REVIEWED BY: Mike Stevens, Planning Manager – Development Services



BOARD OF ADJUSTMENT AGENDA ITEM COVERSHEET

Meeting Date: 9/16/2021

Agenda Category: New Business - Public Hearing

Prepared By: Mike Stevens, Planning Manager

Subject:

BA2021-101 Applewood Estates HOA - Variance for Fence Height

Department:

Development Services

Recommended Motion:

Motion to approve variance No. BA2021-101 authorizing the Applewood Estates estate wall along Keene Road to be constructed to a maximum height of eight (8) feet.

Summary:

The applicant is requesting a variance from RMC 23.38.070 in order to authorize the existing CMU block estate wall on Keene Road, to be increased from six (6) feet in height to eight (8) feet in height. The Board should note that because the application was filed by the homeowner's association on behalf of several (up to 23) affected properties and because the site affects multiple properties, the application does not explain the variance request in great detail or from a single perspective

Attachments:

1. BA2021-101 FULL Staff Report - Applewood Estates Wall



STAFF REPORT

TO: BOARD OF ADJUSTMENT
FILE NO.: BA2021-101

PREPARED BY: MIKE STEVENS
DEVELOPMENT SERVICES

MEETING DATE: SEPTEMBER 16, 2021

GENERAL INFORMATION

APPLICANT: APPLEWOOD ESTATES HOMEOWNER'S ASSOCIATION

REQUEST: VARIANCE TO RMC 23.38.070 IN ORDER TO ALLOW THE HEIGHT OF THE EXISTING ESTATE WALL ALONG KEENE ROAD TO BE INCREASED TO A MAXIMUM OF EIGHT (8) FEET

LOCATION: SOUTHWEST SIDE OF KEENE ROAD BETWEEN SHOCKLEY ROAD AND WESTCLIFFE BLVD

ZONING: R-1-10 (LOW-DENSITY RESIDENTIAL)

SITE DESC: APPLEWOOD ESTATES, TRACTS 1 & 2, TOGETHER WITH APPLEWOOD ESTATES DIVISION 2, TRACT B

ADJACENT USES: THE SITE IS BORDERED BY THE KEENE ROAD RIGHT-OF-WAY TO THE NORTHEAST AND SINGLE-FAMILY HOMES TO THE SOUTHWEST.

REASON FOR REQUEST

The applicant is requesting a variance from RMC 23.38.070 in order to authorize the existing CMU block estate wall on Keene Road, to be increased from six (6) feet in height to eight (8) feet in height. The Board should note that because the application was filed by the homeowner's association on behalf of several (up to 23) affected properties and because the site affects multiple properties, the application does not explain the variance request in great detail or from a single perspective.

RICHLAND MUNICIPAL CODE PROVISIONS

Richland's municipal code section regulating fences offers a maximum fence/wall height of six (6) feet, as measured from the highest grade elevation within two (2) feet of the fence/wall.

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 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.

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 (see diagram below).

SITE DESCRIPTION

Comprised of three tracts, the site extends 2,480 linear feet (0.48-miles) along the southwest side of Keene Road between Shockley Road and Westcliffe Blvd. A block wall runs along the shared property line bordering the rear lot line of the adjacent residential lots. Based on City GIS mapping software, the subject wall appears to extend approximately seven (7) feet beyond the private residential parcels into the tracts comprising the 'site'.

The 40-foot-wide tracts contain a topographic depression serving as a stormwater management feature. The northerly portion of Tract A (near the Shockley Road intersection) contains a patch of cattails, indicating a high level of soil moisture year-round. Vegetation on-site is well managed by way of periodic mowing. Overall, the tracts are in good condition from an aesthetic perspective. A portion of one tract contains a perpendicular stem serving as a pedestrian access point leading into the residential neighborhood. The existing estate wall ranges in height from approximately 5.5 feet to 6.5 feet. The variable height is a common design feature of long fences and walls, resulting from topographic differences.

The following exhibits illustrating the site are provided to the Board:

- Exhibit 2 – Site plan submitted by the applicant
- Exhibit 3 – Vicinity map prepared by staff
- Exhibit 4 – Site photos taken by staff

ANALYSIS

Over the past year, residents of Applewood Estates and HOA representatives have periodically contacted City Planning staff to inquire about increasing the height of the existing block wall located along the southwest side of Keene Road; spanning between Shockley Road and Westcliffe Blvd. The stated reason for the request was to help mitigate the increasing noise levels generated by vehicle traffic on Keene Road.

During those conversations, Planning staff was unable to offer a code-based solution due to the six (6) foot fence/wall height limit in RMC 23.38.070. On more than one occasion, the conversations ended with staff recommending the HOA use the Variance process described in RMC 23.70 to gain site-specific approval for an increased estate wall height. An email from the HOA supplementing the application (Exhibit 1) clarifies the request to allow the wall height to be increased to a maximum of eight (8) feet.

It is true that traffic on Keene Road has increased significantly since 2001 when Applewood Estates Division 1 was approved for home construction. Precisely to what degree traffic has increased has not been calculated for the purposes of this report. Due to the estate walls' location along a busy roadway and not dividing between residential lots, the increased wall height is unlikely to stand-out as an anomaly nor will the taller wall obstruct the view from any property other than the one adding on to the wall.

If approved, the variance will provide each affected homeowner with the option to increase the height of the wall segment adjoining their parcel on an individual voluntary-basis. Since each adjacent homeowner will have the choice to increase the height of their adjoining wall segment, no one property owner will suffer from adverse impacts.

PUBLIC NOTICE

Application Date:	June 14, 2021
Combined Notice of Application & Hearing Mailed:	July 23, 2021
Combined Notice of Application & Hearing Posted:	July 23, 2021
Public Hearing:	September 16, 2021

A combined notice of application and notice of hearing was provided through posting of the property, mailing of notice to property owners within 300 feet of the site and publication in the *Tri-City Herald*.

AGENCY COMMENTS

At the time this report was prepared, the City received no comments from other public agencies.

PUBLIC COMMENTS

At the time this report was prepared, the City received one public comment. This comment (Exhibit 6), from Michael and Rene Horibe, supports the variance request and lists various reason why approval is warranted.

STAFF FINDINGS

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 site is comprised of tracts serving as a linear buffer between the Keene Road right-of-way and the rear yards of homes belonging to the Applewood Estates neighborhood. The tracts are held in homeowner's association ownership and therefore are not controlled by any one individual. Homes with lower wall heights experience less noise attenuation which is a condition resulting from the land topography prepared by the developer. Variance approval would apply only to those properties adjacent to the estate wall and not to other properties in the neighborhood.

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

Literal interpretation of the maximum fence/wall height limits the subject estate wall to six (6) feet. In locations where the top of the wall falls below the line of sight from the home to the road, the degree of peaceful enjoyment available to the resident is diminished as compared to nearby properties located in the interior of the neighborhood.

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

The special conditions and circumstances, as identified by staff include the sites' location being along a perimeter of the neighborhood; bordering an arterial roadway. Though affected homeowners did not contribute to this circumstance, this was ultimately the same circumstance in existence at the time each homeowner decided to purchase the site or home. The change in conditions is one of increased traffic volumes and noise over the years.

This location differs from other neighborhood perimeters in that other perimeters do not adjoin such high-intensity roadways as Keene Road. Additionally, the site is not a home site. Instead, the site is a common ownership tract managed by the homeowner's association. The site is an atypical scenario for variance requests as there is no neighboring occupant to perceive the impact(s) of a taller wall. Applicants requesting to increase the height of their adjoining walls are the only ones who will be impacted by their choice to do so.

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

Granting the variance will apply uniformly to the common tracts and will affect 23 residential properties equally. Complaints about the wall height come mostly from those properties where the existing wall is under six feet tall. The likely outcome of increasing the wall height is that the wall will have a consistent height closer to the six (6) foot limit imposed by the zoning code. In staff's opinion, granting the variance would not confer a special privilege to any one property. Each variance application must be reviewed on its own merits and requirements based upon these criteria.

5. Justification for granting the variance.

The variance would allot individual property owners the opportunity to reduce the noise levels experienced in their homes by way of deflection. Property owners may increase the height of their wall(s) on their own accord. Keene Road is an arterial roadway, locally known to serve high traffic volumes during peak hours. Planning staff observed segments of the wall below six feet in height. Said segments allow for a direct line-of-sight from vehicles traveling on Keene Road and homes behind the wall, respectively. This observation serves as physical evidence of the need for additional noise attenuation where applicable. Noise experienced in these homes is an impact particular to the site and the height of the adjacent wall(s).

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

The requested variance appears to be the minimum necessary to grant relief. Allowing the estate wall to be reconstructed to a maximum height of eight (8) feet infers a two-foot height increase above the codified six (6) foot limit. The two-foot height increase is the minimum increase to make a practical difference in noise attenuation. A one-foot increase would have a negligible effect on noise reduction.

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.

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

SUGGESTED CONCLUSIONS OF LAW

1. The Board of Adjustment has jurisdiction to hold a public hearing and issue a decision for the proposed Special Use Permit and Zoning Variance.
2. The proposed Variance is consistent with the goals and policies of the City's Comprehensive Plan.

SUGGESTED FINDINGS OF FACT

1. The Applewood Estates Homeowner's Association has applied for a Variance in order to authorize the estate wall along the southwest side of Keene Road to exceed six-feet in height.
2. The subject property is located on the southwest side of Keene Road, Richland, WA and is described as Tracts 1 & 2, Applewood Estates together with Tract B, Applewood Estates Division 2; Assessor's Parcel Numbers: 1-27981020007000 & 1-27981030010000.
3. The subject site is approximately 2.3 acres in size, comprised of a linear rectangle and a small off-set stem; cumulatively forming a "T"-shaped trapezoid.

4. On more than one occasion, residents of Applewood Estates have contacted City Planning staff with complaints about the noise-levels generated by traffic on Keene Road.
8. Pursuant to RMC 19.20.040, Joint public hearings, the City has determined that the Board of Adjustment is the authorized review body for Variance review proceedings.
9. The site is zoned Single-Family Residential by the City's official zoning map and is designated as Low-Density Residential by the City's Comprehensive Plan.
10. The site is not located within the jurisdiction of the City's Shoreline Master Program and does not contain any critical areas regulated by RMC 22.10.
11. All public notification requirements were met.
12. No comments from public agencies were received.
13. No public comments from citizens were received.
14. The plat of Applewood Estates borders Keene Road. Keene Road is a principal arterial roadway
15. The requirement for the granting of a variance are set forth in Richland Municipal Code (RMC) Sections 23.70.110, Applications and 23.70.140, Findings

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 to RMC 23.38.070 authorizing the Applewood Estates estate wall along Keene Road to be constructed to a maximum height of eight (8) feet subject to all of the conditions below.

RECOMMENDED CONDITIONS:

1. No portion of any wall segment shall exceed eight (8) feet in height as measured from the adjoining grade immediately at the base of the wall to the highest point of the wall; and
2. Additions to the existing wall shall be constructed with materials identical to the existing wall; and
3. Additions to the existing wall shall be constructed in a craftsman-like manner; having all blocks securely fastened; and
4. City of Richland building permits are required for all fences/walls greater than seven (7) feet in height.

EXHIBIT LIST:

- Exhibit 1 – Variance application
- Exhibit 2 – Site plan by applicant
- Exhibit 3 – Vicinity map
- Exhibit 4 – Site photos
- Exhibit 5 – Public notice & affidavits
- Exhibit 6 – Public Comment (Horibe)



Exhibit 1

BA2021-101

VARIANCE APPLICATION

Note: A Pre-Application Meeting is required prior to submittal of an application.

PROPERTY OWNER INFORMATION

☐ Contact Person

Owner: Applewood Estates Homeowners Association

Address: 595 Keene Rd, Richland, WA 99352 (mailing: PO Box 2015, Richland, WA 99352)

Phone: 509-430-1872

Email: applewood_hoa@hotmail.com

APPLICANT/CONTRACTOR INFORMATION (if different)

☐ Contact Person

Company: Applewood Estates Homeowners Association

UBI#: 602 169 146

Contact: Tony Valdez, Board President

Address: 1369 Scarlet Place, Richland, WA 99352

Phone: 509-430-1872

Email: applewood_hoa@hotmail.com

DESCRIPTION OF REQUESTED VARIANCE

Applewood Estates requests a variance to Richland Municipal Code 23.38.070 regarding the allowed height of residential fences. Applewood Estates is currently bordered by a brick wall spanning the length of the community on its north side, all along Keene Road. Given the significant increase in traffic, noise, air pollution and lack of privacy along this road over the years since this wall was built, the homeowners and association feel that homeowners should be given the option to raise their portion of the wall above the current standard of six feet, as anything less does not significantly reduce the problems of noise and lack of privacy. This variance request would cover the length of the wall along Keene Road. If granted, each homeowner would be responsible to obtain a city no-cost permit and follow building guidelines regarding footing engineering and aesthetics approved by the HOA Architectural Control Committee.

PROPERTY INFORMATION

Parcel #: 127981020007000 and 127981030010000

Legal Description: Section 27 Township 9 Range 28 Quarter NE Plat APPLEWOOD ESTATES TRACT 1 and TRACT 2

Current Zoning: R-1-10

Current Land Use Designation: Low Density Residential

APPLICATION MUST INCLUDE

1. Completed application and filing fee
2. Floor Plan (if necessary)
3. Site Plan
4. Title Report showing ownership, easements, restrictions and accurate legal description of the property involved
5. Other information as determined by the Administrator

VARIANCE – Answer the following as thoroughly as possible.

Describe the extraordinary conditions or unusual circumstances which exist on your property that would justify deviation from the standard (such as topographic features, parcel size and slope, drainage etc.):

The wall was originally built in the early 2000s, when traffic along Keene was not nearly what it is now. Since then, traffic and noise have significantly increased, creating extremely unpleasant conditions for the homeowners whose properties border Keene Road. As cars are driving by, not only is the noise directly bouncing off the homes due to the inadequate height of the wall, drivers along Keene can see into the backyards. Cars are in full view of homeowners from their backyards. This is an extreme lack of privacy, as well as a noise issue. With increase in development, there also comes an increase in foot traffic and crime. There are some locations where the wall is lower than six feet and easy to access homeowner back yards.

Were the special conditions and/or circumstances caused directly by you (the applicant)?:

The short answer is no. However, the block wall was built by the original land developers before giving it to the homeowner's HOA. The builder was Star Construction and in some locations, the block wall is only 5 feet in height.

Describe how the literal interpretation of the provisions of this title would deprive you of rights commonly enjoyed by other properties in the same district under the terms of this title:

Within the community of Applewood Estates exist other walls bordering residential properties that already exceed six feet. The wall along Westcliffe Blvd is entirely above six feet, and reaches eight feet in spots. Although this wall was built as a result of a lawsuit, the city still allowed the extra height nonetheless. We feel the city should thus also allow the same for the homeowners only a few blocks away along Keene Road. Other block walls on the north side of Keene Rd have raised their block wall at or above eight (8) feet.

Explain why granting the variance will not confer on you (the applicant) any special privilege that is otherwise denied by this title to other lands, structures or buildings in the same district:

Other residences in the same district do not live along the main arterial route that is Keene Road. The properties bordering Keene road are suffering from unique and extremely unpleasant conditions that other properties not bordering Keene do not have to deal with. Additionally, the previously mentioned examples of other walls that exceed six feet show that other properties are indeed NOT being denied this privilege.

Provide any other information you would like to add that supports your request:

In some locations, the block wall has 13-15" inch concrete footings and 33-35" inch concrete column support which is sufficient for 2-3 extra blocks to be added. In other locations, the block wall is unstable and would need to be required by city permit requiring additional support and footings.

If granted, each homeowner would be responsible to obtain a city no-cost permit and follow building guidelines regarding footing engineering and aesthetics (stair-step down) approved by the HOA Architectural Control Committee.

I authorize employees and officials of the City of Richland the right to enter and remain on the property in question to determine whether a permit should be issued and whether special conditions should be placed on any issued permit. I have the legal authority to grant such access to the property in question.

I also acknowledge that if a permit is issued for land development activities, no terms of the permit can be violated without further approval by the permitting entity. I understand that the granting of a permit does not authorize anyone to violate in any way any federal, state, or local law/regulation pertaining to development activities associated with a permit.

I hereby certify under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I have read and examined this permit application and have documented all applicable requirements on the site plan.
2. The information provided in this application contains no misstatement of fact.
3. I am the owner(s), the authorized agent(s) of the owner(s) of the above referenced property, or I am currently a licensed contractor or specialty contractor under Chapter 18.27 RCW or I am exempt from the requirements of Chapter 18.27 RCW.
4. I understand this permit is subject to all other local, state, and federal regulations.

Note: This application will not be processed unless the above certification is endorsed by an authorized agent of the owner(s) of the property in question and/or the owner(s) themselves. If the City of Richland has reason to believe that erroneous information has been supplied by an authorized agent of the owner(s) of the property in question and/or by the owner(s) themselves, processing of the application may be suspended.

Applicant Printed Name: Applewood Estates HOA - Tony Valdez, President

Applicant Signature:  eSigned via SeamlessDocs, Inc.
Key: aa990ce915416a84b07c15254ebe375c _____ Date May 15, 2021 .

ONeill, Shane

From: Applewood Estates HOA <applewood_hoa@hotmail.com>
Sent: Monday, August 16, 2021 3:27 PM
To: O'Neill, Shane
Subject: Re: BA2021-101 Variance Request

To Mr. Shane O'Neill:

It was good talking with you today on the phone. I apologize if the variance was not specific to an actual requested height. After searching HOA records, the board agreed during the April 15, 2021 board meeting to request a variance from the City for the allowance of a block wall to be above six (6) feet and no more than **eight (8) feet in height**.

The HOA Architectural Control Committee ACC also set a guideline that if the variance was approved by the City, homeowners who wanted to raise their block wall above six feet would be required to obtain a City permit and also stagger the end blocks for a blended aesthetic look.

Tony Valdez, President
Applewood Estates Homeowners Association

PO Box 2015
Richland, WA 99352
509-430-1872 Cell Phone

This message and any attachments are intended only for the use of the addressee and may contain information that is privileged and confidential. If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any dissemination of the communication is strictly prohibited. If you have received this communication in error, notify the sender immediately by return e-mail and delete the message and any attachments from your system.

From: O'Neill, Shane <soneill@CI.RICHLAND.WA.US>
Sent: Monday, August 16, 2021 11:55 AM
To: Applewood Estates HOA <applewood_hoa@hotmail.com>
Subject: BA2021-101 Variance Request

Hello,

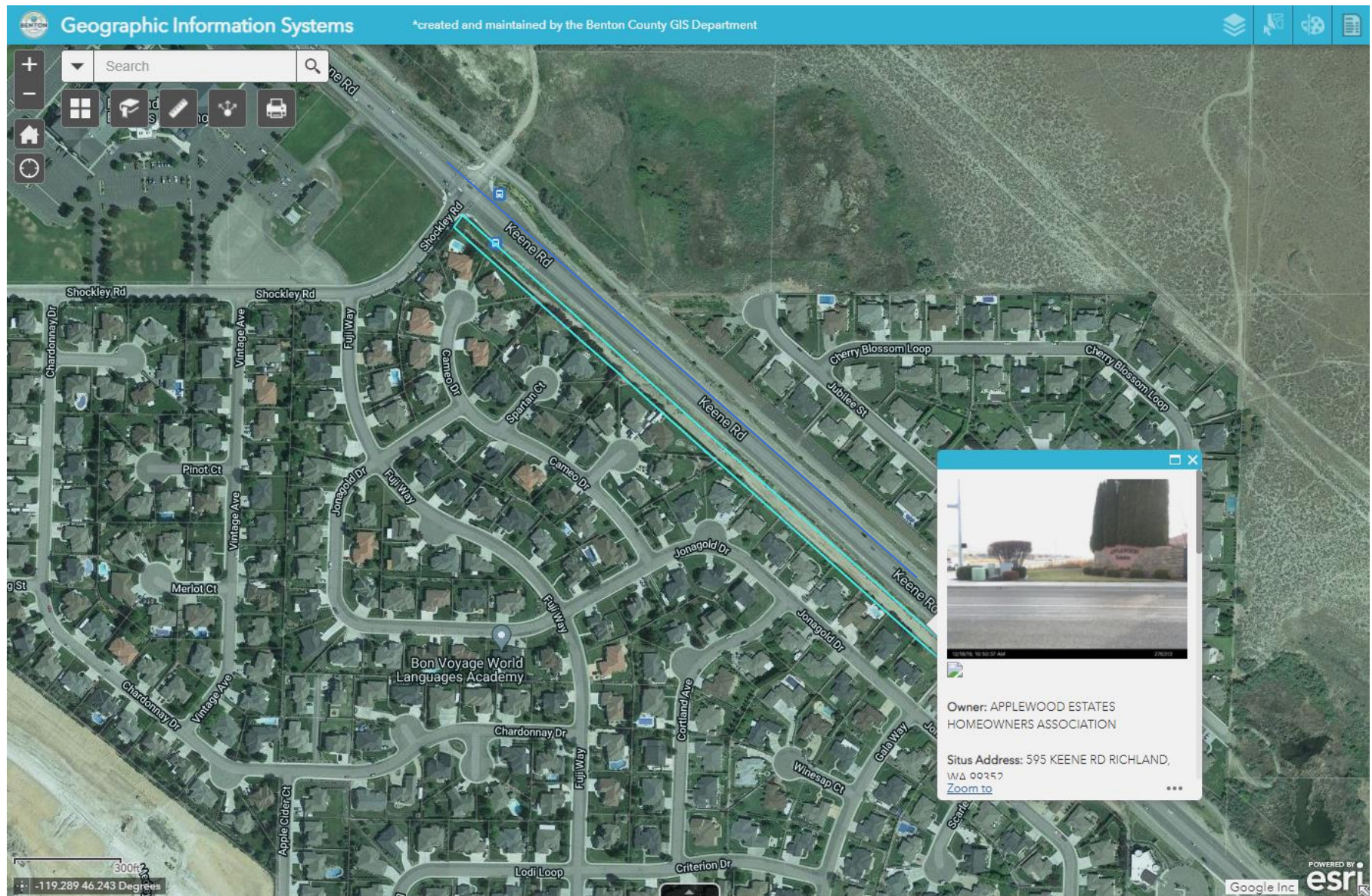
In order to properly prepare the City's staff report I must be able to specifically describe your variance request. In reviewing the application form (attached) I do not find indication of the requested wall height. How tall is the HOA requesting the wall be increased to?

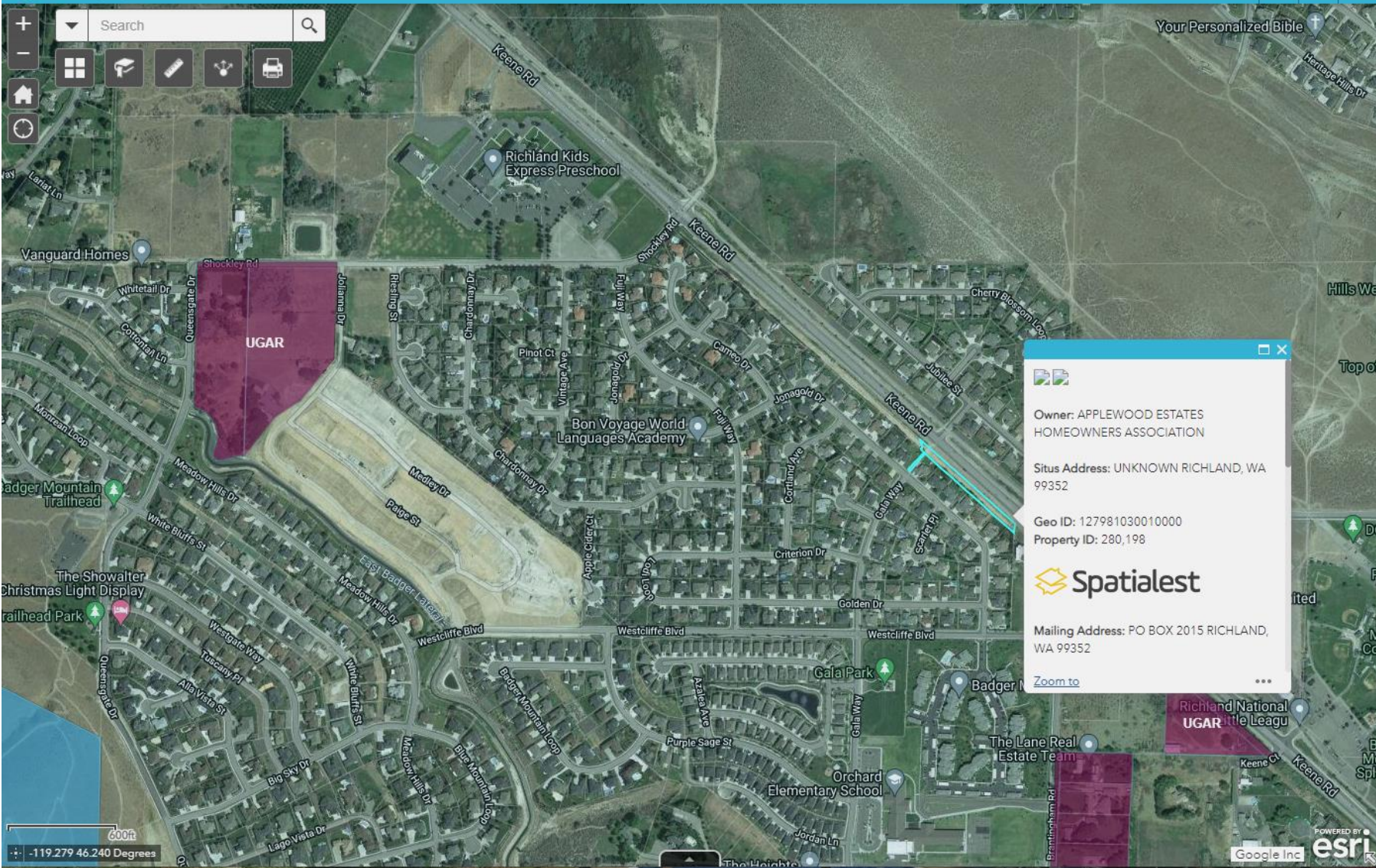


Shane O'Neill
Senior Planner
625 Swift Blvd., MS-35 | Richland, WA 99352
(509) 942-7587

Disclaimer: Emails and attachments sent to or from the City of Richland are public records subject to release under the Washington Public Records Act, Chapter 42.56 RCW. Sender and Recipient have no expectation of privacy in emails transmitted to or from the City of Richland.

Exhibit 2





Owner: APPLEWOOD ESTATES
HOMEOWNERS ASSOCIATION

Situs Address: UNKNOWN RICHLAND, WA
99352

Geo ID: 127981030010000
Property ID: 280,198

Mailing Address: PO BOX 2015 RICHLAND,
WA 99352

[Zoom to](#)

...

600ft
-119.279 46.240 Degrees

Exhibit 3 Vicinity Map

Item: Zoning Variance (Fence/Wall Height)
Applicant: Applewood Estates HOA
File #: BA2021-101



APPLEWOOD
Estates

APPLEWOOD
Estates

Looking South



Looking North





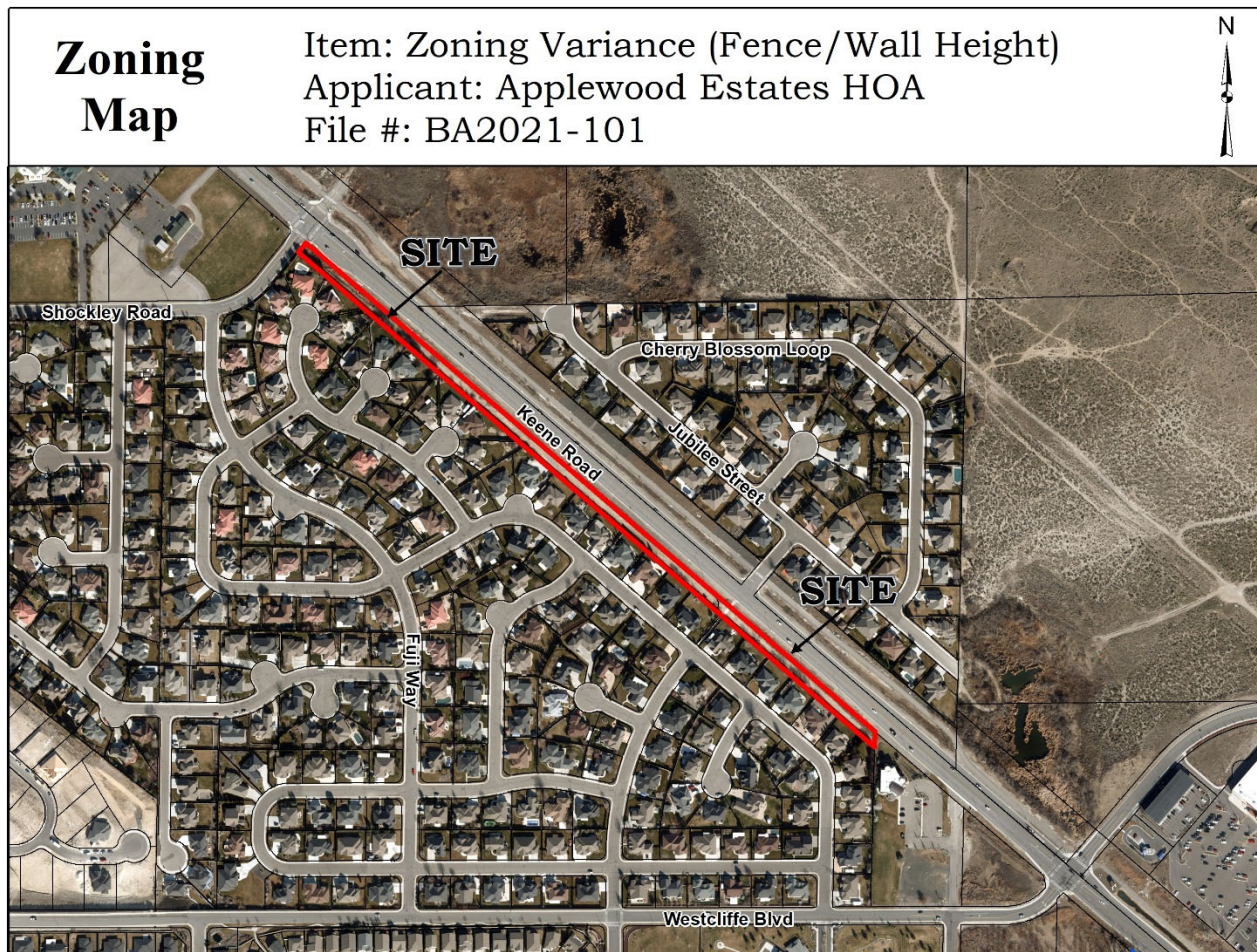


CITY OF RICHLAND NOTICE OF APPLICATION AND PUBLIC HEARING (BA2021-101)

Notice is hereby given that the Applewood Estates Homeowners Association has filed an application for a variance to RMC 23.38.070 (Fences) in order to increase the height of residential fences bordering Keene Road in the Applewood Estates subdivision to a maximum height of eight (8) feet. The subject properties are assigned the following Assessor's parcel numbers: 127981020007000 and 127981030010000.

The Richland Board of Adjustment will conduct a virtual public hearing and review of the application at 6:00 p.m., Thursday, September 16, 2021. All interested parties are invited to participate in the virtual public hearing by visiting the City of Richland website (www.ci.richland.wa.us).

Any person desiring to express their views or to be notified of any decisions pertaining to this application should notify Mike Stevens, Planning Manager, 625 Swift Boulevard, MS #35, Richland, WA 99352. Comments may also be emailed to mstevens@ci.richland.wa.us. Written comments should be received no later than 5:00 p.m. on Thursday, September 2, 2021 to be incorporated into the staff report. Comments received after that date will be entered into the record at the hearing.



AFFIDAVIT OF POSTING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, **Shane O'Neill**, who, being first duly sworn upon oath deposes and says:

1. I am an employee in the Planning Division of the Development Services Department for the City of Richland.

2. On the 19th day of August, 2021, I posted the attached NOTICE OF PUBLIC HEARING, File Number BA2021-101 in the following location:

The southerly corner of the intersection of Shockley Road and Keene Road, Richland WA, Benton County Tax Parcel # 1-27981020007000



Signed: Shane O'Neill

SIGNED AND SWORN to before me this 19th day of August, 2021, by Shane O'Neill.



Signature of Notary

October L. Follett

Printed Name

Notary Public in and for the State of Washington,

Residing in Richland

My appointment expires: 11-1-21

AFFIDAVIT OF MAILING

STATE OF WASHINGTON)
) ss.
COUNTY OF BENTON)

COMES NOW, October Lynne Follett, who, being first duly sworn upon oath deposes and says:

- I am an employee in the Planning & Development Department for the City of Richland.
- On the 23rd day of August 2021, I mailed a copy of the attached NOTICE OF PUBLIC HEARING to the attached list of individuals via regular USPS or E-mail on the date indicated above. The Notice of Public Hearing is related to a request for a variance to RMC 23.38.070 (Fences) in order to increase the height of residential fences bordering Keene Road in the Applewood Estates subdivision.

October Lynne Follett
Signed: October Lynne Follett

SIGNED AND SWORN to before me this 23rd day of August, 2021 by Jennifer Schuster.



Jennifer Schuster
Notary Public in and for the State of Washington,

Print Name: Jennifer Schuster

Residing at 1025 Swift Blvd

My appointment expires: 4-25-23

Parcel Number	Property Address	Mailing Address
1-27981012482002	475 Keene Rd	NOOR KHURANA I LLC 7332 RICKY RD PASCO, WA 99301
1-27981000005000	None	City of Richland 625 Swift Blvd., MS-09 Richland, WA 99352
1-26982000005001	None	City of Richland 625 Swift Blvd., MS-09 Richland, WA 99352
1-27981070003001	1351 Jubilee St	RICHARD LEWIS 1351 JUBILEE ST RICHLAND, WA 99352
1-27981070003002	1343 Jubilee St	JIMMY & MARLENE JARRETT 1343 JUBILEE ST RICHLAND, WA 99352
1-27981070003003	1335 Jubilee St	STUART & RITA KRETZSCHMAR 1335 JUBILEE ST RICHLAND, WA 99352
1-27981070003004	1327 Jubilee St	DEAN & MARY GANO 1327 JUBILEE ST RICHLAND, WA 99352
1-27981070003005	1319 Jubilee St	BETTY PARADISE 1319 JUBILEE ST RICHLAND, WA 99352
1-27981070003006	1311 Jubilee St	JOSE & AURELIA CONTRERAS 1311 JUBILEE STREET RICHLAND, WA 99352
1-27981070003007	1303 Jubilee St	CONRAD GILBERT & RICHARDA SANNICOLAS-GILBERT 1303 JUBILEE ST RICHLAND, WA 99352
1-27981050000001	1299 Jubilee St	DANA HOLMES 1299 JUBILEE ST RICHLAND , WA 99352
1-27981050000002	1291 Jubilee St	WILLIAM & MICHELLE BLAINE 1291 JUBILEE ST RICHLAND, WA 99352
1-27981050000003	1287 Jubilee St	PEGGY ELLEN MCDOW TRUSTEE 1287 JUBILEE ST RICHLAND , WA 99352
1-27981050000004	1281 Jubilee St	SCOTT & LINDA AKRIDGE 1281 JUBILEE ST RICHLAND , WA 99352

1-27981050000005	1275 Jubilee St	SEBBASTIAN & DIANE IZZO 1275 JUBILEE ST RICHLAND, WA 99352
1-27981050000006	1269 Jubilee St	DWIGHT & JANICE MARQUART 1269 JUBILEE ST RICHLAND, WA 99352
1-27981050000007	1263 Jubilee St	MARJORIE A GARDNER 1263 JUBILEE ST RICHLAND, WA 99352
1-27981070001001	1257 Jubilee St	DARREL & BARBARA BORTON 1257 JUBILEE ST RICHLAND, WA 99352
1-27981070001002	1251 Jubilee St	CHARLES & ALENKA PLESHA 1251 JUBILEE ST RICHLAND, WA 99352
1-27981070001003	1245 Jubilee St	ALLYN & JUDITH SNOWHITE 1245 JUBILEE ST RICHLAND, WA 99352
1-27981070001004	1239 Jubilee St	MYLES MCCARTNEY 1239 JUBLIEE ST RICHLAND , WA 99352
1-27981050005000	None	City of Richland 625 Swift Blvd., MS-09 Richland, WA 99352
1-22984000006000	None	City of Richland 625 Swift Blvd., MS-09 Richland, WA 99352
1-22984000009003	596 Shockley Rd	BETHEL CHURCH 600 SHOCKLEY RD RICHLAND, WA 99352
1-22984000005000	598 Shockley Rd	BETHEL CHURCH 600 SHOCKLEY RD RICHLAND, WA 99352
1-27981020007000	595 Keene Rd	APPLEWOOD ESTATES HOMEOWNERS ASSOCIATION PO BOX 2015 RICHLAND, WA 99352
1-27981030010000	1400 & 1430 Jonagold Dr	APPLEWOOD ESTATES HOMEOWNERS ASSOCIATION PO BOX 2015 RICHLAND, WA 99352
1-27981040004001	1482 Jonagold Dr	ERIC DEFOE 1482 JONAGOLD DR RICHLAND, WA 99352
1-27981030008008	1474 Jonagold Dr	VINH NGUYEN & LE NGAN 1474 JONAGOLD DR RICHLAND, WA 99352

1-27981030008007	1468 Jonagold Dr	FELICIA NAJERA-PAXTON 1468 JONAGOLD DR RICHLAND, WA 99352
1-27981030007016	1475 Jonagold Dr	JAMES & SEBASTJANA LONGMIRE 1475 JONAGOLD DR RICHLAND, WA 99352
1-27981030007015	1469 Jonagold Dr	JOHN MAHONEY 1469 JONAGOLD DR RICHLAND, WA 99352
1-27981030008006	1456 Jonagold Dr	AARON & STEPHANIE PEDERSEN 1456 JONAGOLD DR RICHLAND, WA 99352
1-27981030008005	1444 Jonagold Dr	ROBERT & TERESA HARRINGTON 1444 JONAGOLD DR RICHLAND, WA 99352
1-27981030007014	1443 Jonagold Dr	CHARLES & LINDA KIRKBRIDE 1443 JONAGOLD DR RICHLAND, WA 99352
1-27981030008004	1438 Jonagold Dr	MILTON & JANET PETERSEN TRUSTEES 1438 JONAGOLD DR RICHLAND, WA 99352
1-27981030007013	1306 Scarlet Pl	LIONEL & KAREN HAWORTH 1306 SCARLET PL RICHLAND, WA 99352
1-27981030007012	1352 Scarlet Pl	JAMES & ROBIN HAY 1352 SCARLET PL RICHLAND, WA 99352
1-27981030007006	1307 Scarlet Pl	CHERYL WHITE 1307 SCARLET PL RICHLAND , WA 99352
1-27981030007007	1335 Scarlet Pl	CODY & LISA FREEZE 1335 SCARLET PLACE RICHLAND , WA 99352
1-27981030008003	1426 Jonagold Dr	RENEE & MICHAEL HORIBE 1426 JONAGOLD DRIVE RICHLAND , WA 99352
1-27981030008002	1414 Jonagold Dr	JOHN & JANICE MURPHY 1414 JONAGOLD DR RICHLAND, WA 99352
1-27981030008001	1406 Jonagold Dr	NINA WILLIAMS & JOSEPH WY SOCK 1406 JONAGOLD DR RICHLAND, WA 99352

1-27981030007005	1308 Gala Way	ALBERT E & JANICE JACOBS TRUSTEES 1308 GALA WAY RICHLAND, WA 99352
1-27981030007004	1320 Gala Way	RANDALL & KATHY LEE 1320 GALA WAY RICHLAND, WA 99352
1-27981030006015	1309 Gala Way	SUSAN WIBLE 1309 GALA WAY RICHLAND, WA 99352
1-27981020001035	1394 Jonagold Dr	JAMES & LORI LACHUT TRUSTEES 1030 N CENTER PARKWAY KENNEWICK, WA 99336
1-27981020001033	1386 Jonagold Dr	GEORGE & SHEILA SILVER 1386 JONAGOLD DR RICHLAND, WA 99352
1-27981030006016	1385 Jonagold Dr	RICHARD & DIANE PRATT 1385 JONAGOLD DR RICHLAND, WA 99352
1-27981020001032	1378 Jonagold Dr	RICHARD & KIMBERLY CONLEY 1378 JONAGOLD DR RICHLAND, WA 99352
1-27981020002004	1377 Jonagold Dr	LAWRENCE & MAVIS HUMPHREYS 1377 JONAGOLD DR RICHLAND, WA 99352
1-27981020001031	1370 Jonagold Dr	JAMES & DORIS LABBERTON 1370 JONAGOLD DR RICHLAND, WA 99352
1-27981020002002	1369 Jonagold Dr	BRIAN & SARAH SIMONS 1369 JONAGOLD DR RICHLAND, WA 99352
1-27981020001030	1362 Jonagold Dr	STUART COLE 1362 JONAGOLD DR RICHLAND, WA 99352
1-27981020003004	1355 Jonagold Dr	KE MA & HUAYI WEI 1355 JONAGOLD DRIVE RICHLAND, WA 99352
1-27981020001029	1354 Jonagold Dr	MARK PETERSON & COLETTE DEHAAN 1354 JONAGOLD DR RICHLAND , WA 99352
1-27981020001028	1346 Jonagold Dr	KRISTIN COOK 1346 JONAGOLD DR RICHLAND, WA 99352

1-27981020003005	1337 Jonagold Dr	KEITH & WENDI TRAPPETT 1337 JONAGOLD DR RICHLAND, WA 99352
1-27981020001027	1338 Jonagold Dr	RYAN & SHAWNA BRINKLEY 1338 JONAGOLD DR RICHLAND, WA 99352
1-27981020003003	1329 Cortland Ave	STEPHAN & GLENDA SCHLAHTA 1329 CORTLAND AVE RICHLAND, WA 99352
1-27981020001026	1330 Jonagold Dr	COURTLAND & LINDA SMITH 1330 JONAGOLD DR RICHLAND, WA 99352
1-27981020003006	1321 Jonagold Dr	DANIEL & BETTINA FOLEY 1321 JONAGOLD DR RICHLAND, WA 99352
1-27981020001025	1294 Cameo Dr	JOLSON & MERILYN KEY 1294 CAMEO DR RICHLAND, WA 99352
1-27981020001024	1282 Cameo Dr	RACHEL & BRADLEY NOAH 1282 CAMEO DR RICHLAND, WA 99352
1-27981020001023	519 Rome Ct	DAVID & PATRICIA HUBBARD 519 ROME CT RICHLAND, WA 99352
1-27981020001022	507 Rome Ct	GREGORY HILL 507 ROME CT RICHLAND, WA 99352
1-27981020001021	506 Rome Ct	GREGORY & DELICIA OLSEN 506 ROME CT RICHLAND, WA 99352
1-27981020001020	520 Rome Ct	THOMAS & GLORIA BOWLIN 520 ROME CT RICHLAND, WA 99352
1-27981020001019	532 Rome Ct	ALEJANDRA RAMOS 532 ROME CT RICHLAND, WA 99352
1-27981020001018	547 Spartan Ct	AMY BRIGHTFUL 547 SPARTAN CT RICHLAND, WA 99352
1-27981020001017	535 Spartan Ct	MICHAEL & ANDREA THELEN 535 SPARTAN CT RICHLAND, WA 99352
1-27981020001016	521 Spartan Ct	MICHAEL & RHONDA BUSHMAKER 521 SPARTAN CT RICHLAND, WA 99352

1-27981020001015	522 Spartan Ct	LORETTA SLETTENE 522 SPARTAN CT RICHLAND, WA 99352
1-27981020001014	534 Spartan Ct	CHARLES & MARILYN GROFF 534 SPARTAN CT RICHLAND, WA 99352
1-27981020001013	1236 Cameo Dr	KEVIN & CAROL BOWLIN 1236 CAMEO DR RICHLAND, WA 99352
1-27981020001012	1222 Cameo Dr	JANICE OLSEN 1222 CAMEO DR RICHLAND, WA 99352
1-27981020001011	1216 Cameo Dr	MARK & SANDRA FITZHUGH 1216 CAMEO DR RICHLAND, WA 99352
1-27981020001010	1210 Cameo Dr	FELIX & MARRA SILVA 1210 CAMEO DR RICHLAND, WA 99352
1-27981020001009	1202 Cameo Dr	KATHRYN CLARK 1202 CAMEO DR RICHLAND, WA 99352
1-27981020001008	1209 Cameo Dr	VERNON & LISA ANNE HAWKS 1209 CAMEO DR RICHLAND, WA 99352
1-27981020001007	1215 Cameo Dr	KURT & CAROLYN AMMANN 1215 CAMEO WAY RICHLAND, WA 99352
1-27981020001006	1223 Cameo Dr	QUANG DANG HO 1223 CAMEO DR RICHLAND, WA 99352
1-27981020001001	1206 Fuji Way	REBECCA MAKI 1206 FUJI WAY RICHLAND, WA 99352
1-27981030006008	450 Winesap Ct	JOHN AIROLDI 450 WINESAP CT RICHLAND, WA 99352
1-27981030006014	406 Winesap Ct	NORRIS JOHNSON 406 WINESAP CT RICHLAND, WA 99352

Stevens, Mike

From: Renee Horibe <ocrhoribe@gmail.com>
Sent: Wednesday, September 1, 2021 3:16 PM
To: Stevens, Mike
Subject: BA2021-Applewood Estates HOA
Attachments: HOA Application - Fence Variance Increase.pages

Mr. Stevens,

September 1, 2021

We are residents of Applewood Estates, and our back yard sits along the border of Keene Road. We are asking the Board of Adjustment to approve the application #BA2021-101 to increase the height of residential fences bordering Keene Road for the following reasons:

- Since first moving here four years ago, there has been a significant increase in traffic volume and traffic noise.
- When the 2021 Pavement Preservation Project on Keene Road began, the workers started the first day at 9pm until 3:30 am. One of the City engineers confirmed that "Keene Road is a major thoroughfare" by explaining it would be very difficult and expensive to accomplish the Project during the day due to the volume of traffic on Keene Road.
- Residents of Applewood, Cherrywood and all other residential areas parallel to Keene Road endure a constant barrage of ever-growing traffic noise from construction vehicles, delivery trucks, 18-wheel semi-trucks, and personal vehicles. It sounds like we live next to a freeway.
- There are 18-wheel delivery trucks regularly driving past our home as late as 2am. Even with our windows closed, the trucks wake us.
- Opening our windows for fresh air is not an option due to noise and the odor of exhaust fumes. Certainly, we expected some noise and exhaust because of the proximity to Keene Road, but the noise has increasingly gotten worse. The noise can sometimes be detected by the people we speak to on the phone while we are inside the house. The traffic noise also interferes with our ability to hold cell phone conversations while in the backyard. Many times we cannot sit outside to enjoy our back yard because of the traffic noise.
- We also have a consistent problem with street racing down Keene Road; especially on the weekends beginning around 9pm and throughout the night. Not only are their modified exhaust systems extremely loud, but racing motorcycles and passenger vehicles endanger all the residents that must travel Keene Road regularly.
- Extending the height of the walls would alleviate some of the dust constantly entering our yards and homes; caused by wind and the flow of traffic on the dusty roads.
- Applewood Estates residents have privacy concerns due to the elevation of Keene Road in relation to their privacy walls. People using the public pathway and drivers on the road have the ability to look down into backyards and windows facing Keene Road. Approving the application to increase the height of the walls would provide needed privacy and curtail some of the noise that keeps us from using our yards and enjoying our homes.

Thank you for considering these concerns and the Applewood Estates HOA application #BA2021-101.

Yours truly,

Michael and Renee Horibe
1426 Jonagold Drive
Richland, WA 99352
OCRHORIBE@gmail.com