

City of Selah
Planning Commission Minutes
of
May 4, 2010

Selah Council Chambers
115 W. Naches Ave.
Selah, Washington 98942

A. Call to Order

The meeting was called to order to by Chairman Munson at 6:00 p.m.

B. Roll Call:

Members Present: Commissioners Quinnell, Roberts, Smith, Torkelson, and Munson.

Members Absent:

Staff Present: Dennis Davison, Community Planner, Diana Turner, Secretary.

Guests: Demyan & Ludmila Dubinetsky
Paul Bussoli

C. Agenda Changes None.

D. Communications

1. Oral - Demyan Dubinetsky had three questions for the Commission. He asked if there were going to be windows on the north side. The second question asked if there would be a fence on the north side and third questions was if there would be a property survey on the lot.

Chairman Munson stated that tonight the discussion would be on a variance of the setback requirements.

2. Written - Letter from Lee and Judy Russell

E. Approval of Minutes

Chairman Munson called for a motion on the minutes of the Planning Commission meeting of April 6, 2010.

Commissioner Roberts moved to approve the minutes, Commissioner Smith seconded. Minutes were approved with voice vote 5/0.

F. Public Hearing

1. Old Business None
2. New Business

a. **BUSSOLI VARIANCE (FILE #915.63.10-01)**

Chairman Munson opened the public hearing for the variance and asked staff to read the report.

Mr. Davison presented the staff report.

The proponent is Paul Bussoli, B & B Enterprise and the location is at 309 North Tenth Street.

The proposal is to construct a duplex residence located in the Two-Family Residential (R-2) Zone. The requested variance would permit the duplex to be constructed fifteen (15) feet from the East (Rear) property line and the structure would face South. Once constructed the duplex would meet all other required setbacks. If constructed as proposed, the East property lot line which is presently the rear lot line, would appear as a side yard with a setback of fifteen (15) feet from the property line. The North lot line which is presently a side lot line would appear as a rear lot line with a rear yard area of fourteen (14) feet.

The present lot configuration, with the required front yard lot line facing West was created many years ago with a metes and bounds description (property was never platted).

The site and adjacent parcels to the North, South and West are zoned Two-Family Residential (R-2). To the East is zoned One-Family Residential (R-1). Current land use is predominately single-family residences with the exception of duplexes at the intersection of North 10th Street and Pear Avenue.

The site and adjacent parcels to the North, South and West are designated Moderate Density Residential (up to twelve dwelling units per acre). To the East is Low-Density Residential (5 units per ac.)

Selah Municipal Code, Chapter 10.30.030 Variances/Administrative Adjustments: This Chapter provides that variance(s) may be granted from the requirements of the Code when the applicant can demonstrate:

- (1) The property was acquired in good faith;
- (2) By reason of irregular shape or by reason of existing topographic conditions;
- (3) Or other peculiar or exceptional conditions; that the strict application of the requirements of this Code would result in a real and unnecessary hardship.

All public/private utilities are available.

The site abuts North 10th Street, a local access street, along the West lot line.

OTHER FINDINGS:

1) Utilizing the proposed configuration would maximize the useable rear yard area of each dwelling unit.

The purpose and intent of required setbacks is to maintain light, air and open space between structures. In this instance a reduced rear yard setback is a trade-off to having a wider side yard setback.

Balancing the proposed rear yard setbacks (15 ft.) against the benefit of having a larger yard area behind each dwelling unit appears to benefit both the residents and the community as a whole.

Staff recommends approval of the variance subject to the following minimum setbacks:

- North property line - Minimum fourteen (14) foot setback
- South property line - Minimum twenty-four (24) foot setback
- East property line - Minimum fifteen (15) foot setback
- West property line - Minimum twenty (20) foot setback

Chairman Munson called for questions from the Commissioners

Commissioner Roberts asked what the height regulations for the area?

Mr. Davison stated the height limitation is 35'.

Commissioner Smith asked if this lot was surrounded by R-1?

Mr. Davison stated that everything surrounding the lot is zoned R-2 but is single family homes.

Commissioner Smith asked if there were any duplexes in the area.?

Chairman Munson stated that there were some duplexes on the corner of Pear.

Commissioner Smith asked if there was any slope to the property?

Mr. Davison stated that the lot and surrounding property are all flat land.

Chairman Munson called for comments from the proponent.

Paul Bussloi stated as far as the concern of the people on the rear of the building there would not be a window to the east. Being twenty or fifteen feet away would not matter. The people on N 9th Street would not have to worry. He stated that he could have the duplexes designed so that there would not be windows on the north side that would be able to see into his property. He stated that he wanted the variance so the units could have a decent size of garage and unit and a back yard to the duplexes of about 14'. Also, he stated that basically the units will be sold. He does not want rental units. He wants to work with his neighbors.

Chairman Munson called for questions from the Commissioners.

Commissioner Roberts asked why the 20' when it used to be 15'.

Mr. Davison stated that it provided for a usable back yard for the units.

No further questions were received. Chairman Munson called for a motion.

Commissioner Quinnell moved to grant the variance with the setbacks as listed in the staff report.

North property line-Minimum fourteen (14) foot setback.
South property line - Minimum twenty-four (24) foot setback
East property line - Minimum fifteen (15) foot setback
West property line - Minimum twenty (20) foot setback

Chairman Munson read the Finding and Decisions.

This matter having come for public hearing before the City of Selah Planning Commission on May 4th 2010 for the purpose of considering an application from B&B Enterprises (Paul Bussoli) for a rear yard setback variance to reduce the required rear yard setback from twenty (20) feet to fifteen (15) feet located at 309 North 10th Street in the Two-Family Residential Zone (R-2) under Selah Code, Chapter 10.08.090 (Table 8-3).

Members of the Commission present were Munson, Quinnell, Roberts, Smith and Torkelson.

Legal notification pursuant to Selah Municipal Code was given on the 25th day of April, 2010. All persons present were given the opportunity to speak for or against the proposed variance.

LAND USE FINDINGS

1. The Commission adopts the staff findings and report as to the existing use, zoning and optimal land use designation of the subject and adjacent property.
2. The proposed variance is compatible with the use of adjacent land.
3. The proposed variance is compatible with the zoning of adjacent land.
4. The proposed variance is compatible with the optimal land use designation contained in the City's comprehensive land use plan.

PUBLIC OPINION

5. The owners of adjacent lands expressed both approval / disapproval of the proposed variance.
6. The majority of persons offering comments were in favor of the proposed variance.

SPECIFIC FINDINGS APPLICABLE TO A VARIANCE

7. The proposed variance will or will not, as indicated below, meet the criteria contained in the City of Selah Zoning Ordinance, Chapter 10.30.030.

CRITERIA	YES	NO	N/A
a. The property was acquired in good faith.	<u> X </u>	<u> </u>	<u> </u>
b. By reason of irregular shape or existing topographic conditions or other peculiar or exceptional conditions the strict application of the ordinance would result in a real and unnecessary hardship.	<u> </u>	<u> </u>	<u> X </u>
c. The variance will not be detrimental to adjacent property.	<u> X </u>	<u> </u>	<u> </u>
d. The variance will alleviate a hardship that approaches confiscation of the property.	<u> </u>	<u> </u>	<u> X </u>

ENVIRONMENTAL REVIEW

8. The proposal is categorically exempt from environmental review per Selah Code, Chapter 11.40.

CONCLUSIONS

Based upon consideration of the above factors and the specific criteria applicable to a variance the proposal is consistent with the criteria, purpose and intent of the zoning ordinance.

CONTROLLING FACTORS

The Commission determines that findings 1 - 8 to be the controlling factors in its deliberations on the proposed variance.

DECISION

The Commission based on the findings, conclusions and controlling factors finds that the proposal **IS** in furtherance of the public health, safety or a contribution either to the general welfare of the people in the area or at large; therefore, the variance should be approved with the following conditions

The required setbacks shall be as follows:

- North property line-Minimum fourteen (14) foot setback.
- South property line - Minimum twenty-four (24) foot setback
- East property line - Minimum fifteen (15) foot setback
- West property line - Minimum twenty (20) foot setback

Motion to approve by: Quinell, seconded by Munson.

Vote: 5 to 0

G: General Business

- 1. Old Business - None
- 2. New Business - None

H. Reports/Announcements

- 1. Chairman - None
- 2. Commissioners - None
- 3. Staff - None

I. Adjournment

Chairman Munson moved to adjourn the meeting, Commissioner Smith seconded the motion. The meeting was adjourned the meeting at 6:55 pm.


Chairman