

City of Colville

ZONING BOARD OF ADJUSTMENT

May 7, 2015

9:00 a.m. – City Hall

MINUTES

The Zoning Board of Adjustment met on Thursday, May 7, 2015, in the Council Room at City Hall. Chairman Chris Montgomery called the meeting to order at 9:00 a.m. with a quorum present.

MEMBERS PRESENT: Saundra Wilma, Pearl Mance, Daron Tate, and Chris Montgomery. One vacancy exists. STAFF PRESENT: City Planner RJ Keetch and Recording Secretary Susan Davis. OTHERS PRESENT: Ryan Warner, Hewes Marine Company.

MINUTES OF PREVIOUS MEETING

The minutes of the previous meeting of August 4, 2014 had been distributed to each member prior to the meeting. Pearl Mance moved and Daron Tate seconded the motion to approve the minutes as written. Roll Call Vote: Pearl Mance – yes; Saundra Wilma – abstained; Chris Montgomery – yes; Daron Tate – yes. Motion passed.

PUBLIC HEARING

Subject: Variance Application #01-15  
Applicant: Hewes Marine Company, Inc.  
Location: 2600 N. Highway  
District: C-3 (General Commercial)  
Request: Application for a variance from minimum landscaping and screening standards outlined in Chapter 64, Sections 17.64.100 and 17.64.160 of the Colville Zoning Ordinance

Chairman Chris Montgomery convened the scheduled public hearing to consider Variance Application #01-15 by Hewes Marine Company, Inc. The Chairman reviewed the request for a variance from minimum landscaping and screening standards outlined in Chapter 64, Sections 17.64.100 and 17.64.160 of the Colville Zoning Ordinance and outlined the hearing procedure. None of the Board members had a conflict of interest with the appearance of fairness requirements. There were no objections from the audience to any of the Board members participating in the hearing process. None of the Board members had engaged in communications with either proponents or opponents outside the hearing on the issue to be heard. The Chairman declared the public hearing open at 9:04 a.m. and requested the staff report.

City Planner RJ Keetch explained that Hewes Marine Company submitted a Variance application pertaining to the boat manufacturing facility at 2600 N. Highway (Exhibit A). He reviewed the applicant's request as outlined in the staff report which had been distributed to each Board member and the applicant prior to the meeting (attached hereto and made a part of these minutes). As illustrated on attached Map A (Exhibit B), Mr. Keetch explained that the applicant is requesting five (5) variances from the Colville Municipal Code (CMC) as follows:

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- Variance #1: Requirements for a site obscuring fence at least 6 feet high around an **existing** storage yard per CMC 17.64.160.B. (Exhibit E)
- Variance #2: Requirement for a site obscuring fence at least 6 feet high around a **proposed** storage yard per CMC 17.64.160.B. (Exhibit E)
- Variance #3: Requirement for an industrial use to provide at least a 6 foot site obscuring fence adjacent to the commercial use to the north per CMC 17.64.160.A. (Exhibit E)
- Variance #4: Requirement for an industrial use to provide at least a 6 foot site obscuring fence adjacent to a residential use per CMC 17.64.160.A. (Exhibit E)
- Variance #5: Requirement for industrial sites to provide landscape screening adjacent to residential uses per CMC 17.64.100.B.1. (Exhibit F)

Mr. Keetch pointed out that the site was annexed to the City in 2006. The buildings, landscaping, screening and other development features at this site were primarily developed prior to 2006 per Stevens County standards. Expansion of the buildings at the site and conditions imposed per the 2014 Conditional Use Permit require that landscaping and screening standards be addressed. Surrounding land uses were illustrated on attached Map B. (Exhibit C)

Staff analyzed the requests pursuant to the variance criteria contained in CMC Chapter 17.88. (Exhibit G). A variance may be approved in whole or in part, with or without conditions, if all of the criteria can be met in an affirmative manner. Based on suggested findings of fact on Pages 3 through 7 of the staff report, Mr. Keetch stated that staff recommends the following:

- Variance #1: Denial  
Variance #2: Denial  
Variance #3: Approval if Variance #2 is denied  
Variance #4: Approval  
Variance #5: Approval

Public notification was provided as required and there were no public comments received on the issue being heard. (Exhibit H)

Board members questioned whether the expansion of the existing facility includes any changes to the south side of the property. Mr. Keetch responded that there are no changes proposed in this area, which was developed while the property was under the jurisdiction of Stevens County and prior to annexation to the City in 2006. It does not appear that Stevens County had screening requirements at the time of construction. Photos of the existing site conditions were attached. (Exhibit D)

Ryan Warner, representing Hewes Marine Company, reviewed the site limitations on the south side of the facility and confirmed that expansion of the plant does not include any changes to this area. Relative to Variance #4 & #5, he stated that they are requesting to vary from the required screening/buffering primarily due to the lack of adequate space for snow storage from plowing the private road.

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Mr. Warner provided clarification regarding Variance #1 & #2. He explained that since submitting the variance application, Hewes Marine Company has decided to install a site obscuring fence around the **proposed** storage yard at the north end of the new building and to make the chain link fence around the **existing** storage yard on the west side of the property site obscuring as well.

Relative to Variance #3, Mr. Warner explained that in lieu of installing a 6 foot high site obscuring fence adjacent to the commercial use to the north, Hewes Marine Company is proposing to landscape the area along Tara Drive as shown on the attached landscape plan. It is their feeling that the landscaping would provide a natural visual buffer between adjacent uses and the greenbelt area, which serves as the on-site storm water retention/detention area. Ryan explained that this area remains moist and boggy most of the year and they have no plans to develop it further.

From a staff perspective, RJ Keetch added that he feels the proposed landscaping along the north and west sides of the site, along with the site obscuring screening around the storage yards, is adequate.

Chris Montgomery brought up the "City of Colville" sign located on the subject property and questioned whether consideration had been given to relocating the sign. He was concerned about the visibility of the sign. Mr. Warner suggested that the landscape scheme could be altered to take into account the visibility of the sign. He stated there are no plans to remove the sign at this time. RJ Keetch advised that it appears the sign was installed by the Chamber of Commerce. It was his understanding that there has been some discussion about possibly relocating the sign to the state highway right-of-way but it has not been pursued at this time. Although no action is required by this Board regarding the sign, Mr. Montgomery explained that he is in charge of the local flag program and requested that if the sign is moved in the future that thought be given to including "flag sockets" in the installation.

There were no petitions or communications to be presented on the issue being heard. There were no members of the public present to comment on the request. Ryan Warner stated that the applicant has no objections to the staff's recommendations. The public testimony portion of the hearing was closed at 9:24 a.m. and opened to Board discussion and voting.

Board discussion followed and based on the documents and testimony presented, some modifications were made to the suggested findings of fact as a basis for action. It was recognized that there are special conditions and circumstances that are not the result of the applicant. There is a storm water retention/detention area which serves as a greenbelt that is moist approximately nine months during the year, making it unsuitable for development. The Board felt as long as the greenbelt area remains unchanged that the proposed landscape buffer along Tara Drive would appear to be reasonable. If future development is ever proposed in the greenbelt area the applicant would have to come back to Building & Planning Department staff for review and approval. The existing building, which was constructed while under the jurisdiction of Stevens County, provides minimal or no setbacks on the south side of the facility. Along with the building, parking and the building HVAC system are too close to the private drive, which does not allow for reasonable screening immediately adjacent to the building where it would be most appropriate.

Chris Montgomery moved and Sandra Wilma seconded the motion that the Board deny Variance #1 & #2 and adopt the staff findings of fact on Page 3 of the staff report, as follows:

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

Staff Findings:

**There are no special conditions or circumstances.**

- 2) 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.

Staff Findings:

**A literal interpretation would not deprive the applicant of rights commonly enjoyed by other properties.**

- 3) That the special conditions and circumstances do not result from the actions of the applicant.

Staff Findings:

**Conditions are a result of applicant actions.**

- 4) 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.

Staff Findings:

**Approval of a variance would confer a special privilege.**

- 5) 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.

Staff Findings:

**The site obscuring screening standards for storage yards are intended to provide a visual buffer for those traveling our public streets/highways and those occupying adjacent less intensive land uses (residential/office/commercial). The granting of this variance would not be in harmony with the intent of the CMC or the adopted 2011 Colville Comprehensive Plan.**

- 6) That the Variance is the minimum Variance that will make possible the reasonable use of the land, building, or structure.

Staff Findings:

**This is the minimum allowable process required to waive the abovementioned CMC standards.**

Roll Call Vote: Pearl Mance – yes; Sandra Wilma – yes; Chris Montgomery – yes; Daron Tate – yes.  
Motion carried unanimously.

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Chris Montgomery moved and Sandra Wilma seconded the motion to approve Variance #3 and adopt the staff findings of fact on Pages 4 & 5 of the staff report, modified as follows:

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

Staff Findings:

**There are special conditions or circumstances that exist due to the existing greenbelt that results in extensive water retention nine months, more or less, of the year.**

- 2) 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.

Staff Findings:

**A literal interpretation could possibly deprive the applicant of rights commonly enjoyed by other properties.**

- 3) That the special conditions and circumstances do not result from the actions of the applicant.

Staff Findings:

**Conditions are natural to the area and are not a result of applicant actions.**

- 4) 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.

Staff Findings:

**Approval of a variance would not confer a special privilege under the circumstances at the time of the hearing.**

- 5) 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.

Staff Findings:

**The site obscuring screening standards for storage yards are intended to provide a visual buffer for those traveling our public streets/highways and those occupying adjacent less intensive land uses (residential/office/commercial). The granting of this variance may still be in harmony with the intent of the CMC and the adopted 2011 Colville Comprehensive Plan as the applicant has proposed landscaping as a visual buffer along Tara Drive. The applicant has agreed not to change the current use of this area without coming back to the City of Colville Building & Planning Department staff for review and approval.**

- 6) That the Variance is the minimum Variance that will make possible the reasonable use of the land, building, or structure.

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Staff Findings:

**This is the minimum allowable process required to waive the abovementioned CMC standards.**

Roll Call Vote: Pearl Mance – yes; Sandra Wilma – yes; Chris Montgomery – yes; Daron Tate – yes. Motion carried unanimously.

Chris Montgomery moved and Daron Tate seconded the motion to approve Variance #4 & #5 and adopt the staff findings of fact on Pages 6 & 7 of the staff report, modified as follows:

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

Staff Findings:

**There are special conditions or circumstances that exist due to the development of the property while it was still within the jurisdiction of Stevens County; and at the time of annexation into the City of Colville neither Stevens County or the City of Colville required any screening or buffering. It appears at that time Stevens County had no screening or buffering ordinance. As a result, the lack of screening and buffering appears to be a grandfathered use for the applicant.**

- 2) 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.

Staff Findings:

**A literal interpretation would deprive the applicant of rights commonly enjoyed by other properties annexed into the City of Colville because the applicant is not making any changes to this area.**

- 3) That the special conditions and circumstances do not result from the actions of the applicant.

Staff Findings:

**Conditions are a result of the lack of a screening and buffering ordinance in Stevens County at the time of construction and the applicant is not changing this area. The existing private drive that serves a residence to the east of the subject property predates the construction of the Hewes building on the south portion of the subject property. The Hewes building, parking and building HVAC system are too close to the private drive and don't allow for reasonable screening immediately adjacent to the building where it would be most appropriate. Further, the inclusion of screening and buffering in this area would impose an unreasonable burden on the applicant due to complications and limitations that would severely restrict snow removal from the private drive.**

- 4) 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.

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Staff Findings:

**Approval of a variance would not confer any special privilege due to findings 1, 2 & 3 above.**

- 5) 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.

Staff Findings:

**The site obscuring screening standards for storage yards are intended to provide a visual buffer for those traveling our public streets/highways and those occupying adjacent less intensive land uses (residential/office/commercial). The granting of this variance would be in harmony with the intent of the CMC and the adopted 2011 Colville Comprehensive Plan because the applicant is not proposing any changes to this area.**

- 6) That the Variance is the minimum Variance that will make possible the reasonable use of the land, building, or structure.

Staff Findings:

**This is the minimum allowable process required to waive the abovementioned CMC standards.**

- 7) **This variance is justified based on findings 1 through 6 above.**

Roll Call Vote: Pearl Mance – yes; Sandra Wilma – yes; Chris Montgomery – yes; Daron Tate – yes.  
Motion carried unanimously.

COMMUNICATIONS & PUBLIC PRESENTATIONS: There were none.

OLD BUSINESS: There was no Old Business to be presented.

NEW BUSINESS: There was no New Business to be presented.

REPORTS

Staff advised that there is currently a vacancy on the Board and encouraged members to urge potential candidates to apply for the position.

ADJOURNMENT

As there was no further business, Pearl Mance moved and Daron Tate seconded the motion to adjourn. The meeting was adjourned at 10:17 a.m.