

KITTITAS COUNTY BOARD OF ADJUSTMENT

April 12, 2006 – 7:00 PM – Commissioners Auditorium

MINUTES

I. Call to Order.

With a quorum present Chairman Roy Chance called the regular meeting of the Board of Adjustment to order at 7:00 p.m. with the introduction of the Board and Staff.

II. Roll Call

Those present: Roy Chance, Dick Kloss, Frank Jones

Also present: Community Development Services Staff Planner Noah Goodrich and Scott Turnbull, Clerk of the Board Susan Barret and 3 people representing public and appellant interests.

III. Minutes

Frank Jones moved to approve the minutes as written. Richard Kloss seconded and the motion carried with a 3/0 poll of the board.

IV. Petitions and Communications

The Clerk has nothing new to report.

V. Appearance of Fairness Disclosure

Board of Adjustment Members had nothing to disclose.

VI. Unfinished Business.

A. Thomas Conditional Use Permit (C-05-09)

The chair opened the hearing to the Findings of Fact and Conclusions of Law for the Thomas Conditional Use Permit. Attached hereto and incorporated herein is a copy of those findings.

The chair opened the hearing to deliberation and motion.

Richard Kloss moved to approve the Thomas Conditional Use Permit (C-05-09) findings of fact and conclusions of law. The motion was seconded by Frank Jones. The motion was approved by a 3/0 poll of the Board.

NEW BUSINESS

A. Ward Variance (V-06-02) Appeal

The Chair opened the hearing to the Ward Variance (V-06-02) Appeal by reading the Administrative Appeal Process into the record. Attached hereto and incorporated herein is a copy of that document. Those to testify were sworn in by the chairman.

The Appellant Presentation- Terry Blattman read into the record his letter submitted as **Exhibit A**. The appellant stated that he did not feel the Planning Department took the snow load into consideration when granting this variance. Mr. Blattman asked for a condition to be placed on the variance to make sure that the proposed building be engineered to mitigate the snow falling onto his property.

Planning Official Presentation - Staff Planner Noah Goodrich identified his witness and read into the record his staff report. Attached hereto and incorporated herein is a copy of that staff report.

The witness, **Thomas Ward**, gave his testimony and was questioned by the board.

There was much discussion as to who has the authority to grant variances; the boundaries of the Board of Adjustments authority; much discussion as to the physics of snow falling from the proposed buildings roof; whether or not this variance is injurious to the appellant and the appellants' property.

The Board felt that legal direction was needed to establish authority for boundary line variance decisions. A motion was called for and in discussion of the motion **Chance** read from the rules of procedure to establish the authority, asserting that the Planning Department does have the authority to make this administrative decision. **Jones** stated that his belief is that variances rest with the Board of Adjustment.

Frank Jones moved to continue this hearing to Wednesday, April 19, 2006 in the Commissioners Auditorium so that in the interim Kittitas County legal council may be consulted to answer the question: does the Kittitas County Development Services have the authority to make decisions on boundary line variances. Richard Kloss seconded and the motion passed with a 2/1 poll of the board with Roy Chance voting against.

Chance stated that this issue is not settled and discussion must be continued on April 19, 2006.

The meeting was continued to Wednesday, April 19, 2006 in the Commissioners Auditorium

Susan Barret, Clerk of the Board