

CITY OF PULLMAN
BOARD OF ADJUSTMENT
Special Meeting Minutes
February 27, 2006

The City of Pullman Board of Adjustment held a special meeting at 7:30 p.m. on Monday, February 27, 2006, in Council Chambers, City Hall, 325 SE Paradise, Pullman, Washington with Chairperson Mike Kallaher presiding.

ROLL CALL: Present: Finch, Kallaher, Vohnhof, Yrazabal
Absent:
Excused: Harbour
Staff: Dickinson and Landers

KALLAHER Called the meeting to order at 7:30 p.m. and took roll.

MINUTES Vohnhof moved to accept the minutes as prepared by staff. Finch
Regular Minutes of seconded and the motion passed unanimously.
January 30, 2006

REGULAR BUSINESS Kallaher re-opened the public input portion of the public hearing.
Continuation of Public Hearing on an Appeal filed by Kathy Wilson regarding a Notice of Violation with respect to 645 SE Taylor Street

Brian McGinn of Winston & Cashatt, PS Stated that he was the attorney representing Mr. Lester in his appeal of Notice of Violation A-05-04. Acknowledged that it has been rather difficult to obtain documentation in support of his appeal. Explained that Mr. Lester had purchased this property in 2002 and that the property had been represented as a pre-existing rental triplex. Believed that this property has been a triplex since the 1950's and also believes that the property may have been changed from a R1 zone to a R2 zone before 1961. Described that this is not a classic case of a violation and that there is a lack of public impact. Summarized that prior to Mr. Lester purchasing the property, it was seriously neglected. Noted that once he had purchased the property, it was cleaned up, and he had hired a professional lawn care service to maintain the property.

Requested that the Board take his client's circumstances into consideration and requested that if they deny Mr. Lester's appeal, they

defer enforcement pending the opportunity to apply for a rezone (or variance, if possible) or have the City perform a study of residential rental properties to determine whether this property should be included in an area-wide rezone.

J. Craig Lester
545 SE High Street

Stated that there are other structures that are very similar to his structure in this area. Expressed that this property was represented and sold as a triplex. Questioned why his property was being singled out.

Dean Bloomfield
19221 SR 194

Stated that he owns the property at 745 SE Taylor Street which is on the same side of the street as the property in question. Expressed that his property was built as a four-plex in the 1940's.

DICKINSON

Entered into the record Mr. Brian McGinn's Memorandum in Support of Appeal dated February 27, 2006 as Exhibit 7, photos of the subject property and nearby developments as Exhibit 8 A-J, Memorandum from Pete Dickinson to the Board of Adjustment dated January 26, 2006 as Exhibit 9, and Memorandum from Pete Dickinson to the Board of Adjustment dated February 22, 2006 as Exhibit 10.

Joe Campero
815 SE Taylor

Stated that he is familiar with the property in question and that his in-laws live a few houses down from this property and have since the 1940's.

Gail Kincaid
835 SW Alcora Drive

Commented that she works for Beasley Realty and her company was the initial listing agent when Mr. Lester purchased the property. Noted that the property was disclosed to her as a triplex at the time of listing. Admitted that she had not verified with the Planning Department the zoning of the property. Commented that many local realtors don't verify the zoning with the Planning Department.

J. Craig Lester
545 SE High Street

Commented that he has always verified the zoning on parcels he lists for sale.

Gary Schell
915 SE Skylark Court

Informed the Board that he owns property within the same area as the property in question and is concerned with the zoning issues that have evolved within this neighborhood.

FINCH

Suggested that the Board recommend this violation be considered a legal conforming use.

VONHOF

Stated that he is unsure about whether the city records are completely accurate being that the owner filled out the building permit applications and that they may not always have the right information. Expressed that he would like to see additional documentation in writing.

- YRAZABAL** Stated he was struggling with a decision in this case as well.
- VONHOF** Entertained the notion of delaying enforcement action so that the owner could seek a rezone or variance.
- Laura McAloon
City Attorney Stated that Board members must set their emotions aside and make factual findings in this case based on the record before them. Asserted that the buyer of the property has the burden to ensure the property is compliant with pertinent zoning rules. Advised that granting special treatment for the appellant by directing the deferral of enforcement action would be overstepping the Board's authority in this matter.
- VONHOF** Stated that based on the advice of the city attorney, he was inclined to deny the appeal. Yrazabal, Finch and Kallaher expressed agreement with Vonhof's statement.
- MOTION** Moved that in order for staff to prepare a draft Resolution denying Mr. Lester's appeal, the public hearing be continued to April 3, 2006. Yrazabal seconded and the motion passed unanimously.
- REGULAR BUSINESS** Dickinson stated that the applicant for this proposal was Sandra Turner. Described that the property is located at 210 NW Olsen Street on Sunnyside Hill and that Ms. Turner would like to establish a bed and breakfast within the R2 zone there. Stated that planning staff was in favor of this proposal with the condition that this permit not be transferable to another party.
- Public Hearing on a
Conditional Use
Permit for a Bed and
Breakfast at 210 NW
Olsen Street
Sandy Turner
410 SW Crestview
#A-3 Expressed that having her own bed and breakfast has been a life long dream of her and her sister's. Commented that she has appreciated all of the help planning staff has provided throughout this process.
- Dave Gibney
700 NE Reaney #24 Commented that he is the Gladish Community Center's President and on behalf of the Center, supports her solution to the parking situation for this bed and breakfast. Expressed that he is pleased with her approach to utilizing this home.
- DICKINSON** Entered in the record Staff Report 06-2 with Attachments A through E as Exhibit 1 and photographs from Dave Gibney as Exhibit 2 A-E.
- MOTION** With regards to Resolution BA-2006-1, Vonhof moved to accept Findings of Fact 1 through 17 as prepared by staff. Finch seconded and the motion passed unanimously.
- MOTION** Yrazabal moved to approve Conclusions 1 through 9 as prepared by staff. Finch seconded and the motion passed unanimously.

MOTION

With regards to Resolution BA-2006-1, Vonhof moved that the Board of Adjustment approve the proposed conditional use permit subject to the condition that said permit not be transferable to another party. Finch seconded and the motion passed unanimously by roll call vote.

KALLAHER

Adjourned the meeting at 9:07 p.m.

ATTEST:

Chairperson

Planning Director

Secretary