



## Board of Adjustment Meeting Minutes

**Note: December 20, 2011 Meeting Was Cancelled Due to Lack of Quorum**

A regular meeting of the Okanogan County Board of Adjustment was held on January 17, 2012 at 7:30 p.m. in the Commissioners' Hearing Room, 123 5th Avenue North, Okanogan, Washington.

**BOARD OF ADJUSTMENT MEMBERS** present included: Chair Steve Kunkel, Vice Chair Harlan Warner, Board Member Dan DeWeert, Board Member Loren Holthaus, Board Member George Hoksbergen, and Board Member Dave Hanna.

**OKANOGAN COUNTY STAFF** in attendance included: Director of Planning Perry Huston, Planner II Randy Johnson and Administrative Secretary Sharon McKenzie.

**APPELLANT/APPLICANTS OR THEIR REPRESENTATIVES** in attendance: Catrena Lyon, Kerry Lyon, Kurt Danison and Dallas Darwood

**OTHERS** in attendance: Steve Lyon, Mark Clark, Brenda Wilcox, Carol Pain, and Jordan Jessee.

The meeting was called to order by Chair Steve Kunkel at 7:30 p.m.

### Approval of the Agenda

The Board moved to approve by consensus the January 17, 2012 agenda as amended.

### Approval of November 15, 2011 Meeting Minutes

Board Member Hoksbergen moved to approve the November 15, 2011 meeting minutes as presented. Board Member DeWeert seconded the motion. Motion was passed.

### **Public Hearing: Item #1**

#### ❖ Lyon VAR 2011-8

Chair Kunkel asked Planner II Randy Johnson to present the project summary of the Lyon VAR 2011-8. Planner II Johnson explained the application was submitted by Kerry and Catrena Lyon for a variance from zoning regulations in order to have commercial uses on a .57 acre, non-conforming lot in the "downtown" area of Malott, WA. He explained Malott is an unincorporated town. He said the County Assessor's records show that there are

presently or have been historically commercial enterprises operating on parcels in the vicinity of the subject property. These parcels are less than one acre in size. He said the proposed purpose is to open a market/store to serve the residents of the Malott area as well as the traveling public.

Planner II Johnson said the property is located at the northwest corner of the intersection of Old Hwy 97 and the B&O Road.

Planner II Johnson explained the Lyons have already completed a parcel consolidation. He noted the area is in the flood plain but the location of the proposed business is outside the flood plain. He noted there was a store at that location many years ago.

Chair Kunkel asked the Proponent to come forward to speak to the issue.

Kerry and Catrena Lyon residing in Malott said they want to start a business which includes a general store. They explained they will be applying for a license to sell beer and wine and for the sale of Lottery tickets.

Addressing the question of what structure is currently on the property, the Lyons clarified they would be living in the current structure but the front half will be the store.

Chair Kunkel asked if anyone wished to testify.

Kurt Danison residing in Okanogan stated he assisted the Lyons in the preparation of their application. He reviewed the four criteria the Board Members need to consider in approving or denying a variance. He stated, as noted in the Staff Report, there would be no special privileges granted since there are already businesses existing with the same situation. He said with regard to special circumstances, other properties in the immediate vicinity are in a similar situation. He said the lot is what the Lyons have with no way to expand. He said the variance would not be detrimental to the public welfare or injurious to the property or improvements since the proposed use is not inconsistent with current local uses. Mr. Danison said the project would be of economic benefit as it would provide revenue for the County. Mr. Danison stated he supports the idea.

Chair Kunkel asked if anyone else wished to testify. There being no further testimony, Chair Kunkel closed the hearing to public testimony. Chair Kunkel asked if there were any questions or discussion from the Board. There being none, he said he would entertain a motion.

Board Member DeWeert moved to approve **Lyon VAR 2011-8** subject to the Finding of Fact, Conclusions of Law, and Conditions of Approval. Vice Chair Warner seconded the motion. Motion passed.

## **Public Hearing: Item #2**

### **❖ Resolution 2011-5 Darwood Impound Yard CUP 2011-5**

Chair Kunkel asked the Board Members if they had reviewed **Resolution 2011-5 Darwood Impound Yard CUP 2011-5**. It was noted that in the documents, the CUP number should be corrected to CUP 2011-9 and since consideration for the Resolution is now in 2012, the Resolution number needed to be changed to 2012-1.

There was discussion on the clarity of Item 7 of the Conclusions of Law. Director Huston said Staff will look at the wording and change it so that is was not redundant. He said the statement is correct but may not be worded well.

Chair Kunkel asked if there were any questions from the Board. There being none, Chair Kunkel said he would entertain a motion.

Vice Chair Warner moved to approve **Resolution 2012-1 Darwood Impound Yard CUP 2011-9** subject to the noted corrections. Board Member DeWeert seconded the motion. Motion passed.

### **Public Hearing: Item #3**

#### **❖ Resolution 2011-6 Donald Scheideman VAR 2011-7**

Chair Kunkel asked the Board Member if they had reviewed **Resolution 2011-6 Donald Scheideman VAR 2011-7**. It was noted the Resolution is being considered in 2012 and the Resolution number should be changed to 2012-2.

There was discussion on the date referred to in Attachment C, Item 1 and Attachment B, Item 2. Planner II Johnson explained the dates. The September 29, 2011 date is the receipt of the application and October 3, 2011 is the vesting date. It was noted the wording may be a bit confusing.

Chair Kunkel asked if there were any questions from the Board. There being none, Chair Kunkel said he would entertain a motion.

Board Member DeWeert moved to approve **Resolution 2012-2 Donald Scheideman VAR 2011-7** subject to the noted correction. Board Member Holthaus seconded the motion. Motion passed.

### **Board of Adjustment Business**

The Board Members requested an update from Director Huston regarding their concern on meetings being cancelled due to a lack of a quorum. Director Huston said for the Board of County Commissioners and the Planning Commission, the State statute is clear on what constitutes a quorum but the statute is not clear in the case of the Board of Adjustment meetings. He said there appears to be some latitude. He said if the Board so chooses, he would continue further investigation with Municipal Research.

Director Huston noted if the Board wishes to do something differently, it must be done by adoption into the Board of Adjustment rules. He noted any change must be very specific. could be reviewed by the Prosecuting Attorney's office.

The Board discussed changing the number for a quorum to three and require three affirmative votes. The Board instructed Director Huston to continue researching the options.

Addressing the question of new information on the Morgan and Son CUP appeal, Director Huston stated the hearing date is set for April 14<sup>th</sup>, 2012.

Chair Kunkel adjourned the meeting 8:02 PM.

## Summary of Motions

*The Board moved to approve by consensus the January 17, 2012 agenda as amended*

*Board Member Hoksbergen moved to approve the November 15, 2011, meeting minutes as presented. Board Member DeWeert seconded the motion. Motion was passed.*

*Board Member DeWeert moved to approve Lyon VAR 2011-8 subject to the Finding of Fact, Conclusions of Law, and Conditions of Approval. Vice Chair Warner seconded the motion. Motion passed.*

*Vice Chair Warner moved to approve Resolution 2012-1 Darwood Impound Yard CUP 2011-9 subject to the noted corrections. Board Member DeWeert seconded the motion. Motion passed.*

*Board Member DeWeert moved to approve Resolution 2012-2 Donald Scheideman VAR 2011-7 subject to the noted correction. Board Member Holthaus seconded the motion. Motion passed.*

Respectfully submitted,  
Sharon S. McKenzie  
Administrative Secretary