



DEPARTMENT OF COMMUNITY DEVELOPMENT
Joan Davenport, AICP, Director

Planning Division

Joseph Calhoun, Manager

129 North Second Street, 2nd Floor, Yakima, WA 98901

ask.planning@yakimawa.gov · www.yakimawa.gov/services/planning

**NOTICE OF APPEAL OF ADMINISTRATIVE OFFICIAL'S DECISION & PUBLIC HEARING
March 16, 2022**

City File #: APP#001-22

This notice is being provided to parties of record, the applicant, and the appellant that a timely appeal was filed by Jamie Villanueva, on Matthew and Cynthia Sears, on February 1, 2022 for the Administrative Official's Decision on ADJ#022-21. The decision approved, with conditions, the placement of a new garage at a maximum height of 12 feet tall located at 2604 W. Chestnut Ave., Yakima, WA 98902.

In accordance with YMC § 16.08.018(D), "The [Planning] division shall:

1. Set a reasonable time and place for the hearing of the appeal; and,
2. Provide a notice of appeal and public hearing to the official whose decision is being appealed and parties entitled to notice of the decision, including posting of property and published notice at least ten days prior to the hearing."

Appeal Hearing: The Hearing Examiner will hold a public hearing on **April 14, 2022 at 9:00 a.m.** in the City Council Chambers at 129 N. 2nd Street, Yakima, WA, 98901. In accordance with YMC 16.08.018(G) "*Testimony given during the appeal shall be limited to those points cited in the appeal application.*" At the conclusion of the hearing, the Hearing Examiner will issue his written decision within ten working days unless a longer period is mutually agreed to by the applicant and the examiner. The decision of the examiner will be final unless appealed to the legislative body.

For further information or assistance you may contact Trevor Martin, AICP, Senior Planner, at (509) 575-6162, or email to: trevor.martin@yakimawa.gov.

A handwritten signature in black ink, appearing to read "T. Martin", written over a horizontal line.

Trevor Martin, AICP
Senior Planner

Enclosures: Appeal Application and Site Plan



DEPARTAMENTO DE DESARROLLO COMUNITARIO

Joan Davenport, AICP, Directora

Division de Planificación

Joseph Calhoun, Gerente

129 Norte Calle 2ª, 2º Piso, Yakima, WA 98901

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**AVISO DE APELACIÓN DE LA DECISIÓN DEL FUNCIONARIO ADMINISTRATIVO Y
AUDIENCIA PÚBLICA
16 de marzo, 2022**

No. de Archivo: APP#001-22

Esta notificación se proporciona al apelante, el solicitante, y personas registradas para avisarles que Jaime Villanueva, en nombre de Matthew and Cynthia Sears, presento una apelación oportuna el 1ro de febrero, 2022 sobre la decisión administrativa del archivo ADJ#022-21. La decisión administrativa aprobó, con condiciones la instalación de un garaje nuevo con una estatura máxima de 12 pies localizado en 2604 W. Chestnut Ave., Yakima, WA 98902.

De acuerdo al Código Municipal YMC § 16.08.018(D), "La división [de Planificación] deberá:

1. Establecer un tiempo y lugar razonable para la audiencia pública de apelación; y,
2. Proporcionar un aviso de apelación y audiencia pública al funcionario cuya decisión se está apelando y a las partes con derecho a recibir notificación de la decisión, incluyendo la publicación del aviso en la propiedad en cuestión y la publicación oficial del anuncio al menos diez días antes de la audiencia."

Audiencia de Apelación: El Examinador de Audiencias llevara a cabo una audiencia pública el **14 de abril 2022 a las 9:00 a.m.** en la Sala del Concejo Municipal ubicado en el 129 North 2nd Street, Yakima, WA 98901. De acuerdo con el Código Municipal YMC 16.08.018(G), "*El testimonio dado durante la apelación se limitara a los puntos citados en la solicitud de apelación.*" Al final de la audiencia pública, el Examinador de Audiencias imitara su decisión por escrito dentro de diez días hábiles a menos que un periodo más largo se acuerde mutuamente entre el Examinador y apelante. La decisión del Examinador será definitiva a menos que sea apelada al cuerpo legislativo.

Para más información o asistencia puede contactar a Trevor Martin, AICP, Planificador, al (509) 575-6162 o por correo electrónico a: trevor.martin@yakimawa.gov

Trevor Martin, AICP
Planificador Senior

Adjuntos: Aplicación de Apelación y Plan del Sitio

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Supplemental Application For:

APPEAL

Yakima Urban Area Zoning Ordinance Chapter 15.16/Chapter 16.08

CITY OF YAKIMA
PLANNING DIV.

PART II – SUPPLEMENTAL APPLICATION

1. THIS APPLICATION IS AN APPEAL OF:

- Administrative Official's Decision Hearing Examiner's Decision
- Subdivision Administrator's Decision SEPA Determination
- Other: _____

2. FILE NUMBER(S) OF PROPOSAL BEING APPEALED: ADJ#022-21

3. DESCRIPTION OF ACTION BEING APPEALED:

We are appealing the decision not allowing us to proceed and build a two story garage.

4. REASON FOR APPEAL - Describe the specific error(s) or issues(s) upon which the appeal is based, including an explanation of why the decision is not consistent with the Yakima Urban Area Plan, The Yakima Urban Area Zoning Ordinance, or other provisions of law. (Reference the section, paragraph, and page of the provision(s) cited.) (Attach if lengthy):

See attached letter & Exhibits

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CITY OF YAKIMA
PLANNING DIV.

APPEAL LETTER

Matthew & Cynthia Sears

2604 W. Chestnut Ave

Yakima, WA. 98902

January 31, 2022

Trevor Martin, AICP, Senior Planner

129 North Second Street, 2nd Floor, Yakima, WA 98901

Re: Administrative Adjustment ADJ#022-21

Dear Trevor,

We are formally appealing the decision to not allow us to continue with our plans to build a two story garage located at 2604 W. Chestnut Ave in Yakima. We are dismayed by the decisions that were made concerning this adjustment, feeling that this decision was made based upon unfounded comments from the public. We believe this decision is not consistent with the Yakima Urban Area Plan as Goal 2.3: Residential uses states that this policy is to preserve and enhance the quality, character, and function of Yakima's residential neighborhoods, which we are trying to achieve by demolishing an old, unstable garage, and replacing it with our current needs of a two story garage.

To address the public comments addressed to this Administrative Adjustment, we have attached exhibits to this formal appeal letter. In addressing the comments submitted by Ms. MacKintosh regarding her solar panels, we find the reasoning behind her disapproving of our plans to be unfounded. In Exhibit A you could clearly see the position of the sun relative to the property in question. Ms. MacKintosh would have no problem having her solar panels access to the sun as they sit to the north side of her roof. You can see the tip of the old garage peaking out at the corner of the picture and by adding an additional story would have no effect on the solar panels. You could also see Exhibit B where it clearly shows the shade line to the current existing garage. Relative to the sun, the shade provided by the existing garage shows it is approximately two feet below her roof line. As you can see the shade provided from the existing trees projected onto Ms. MacKintosh's house, you can clearly see that if they were to become any taller, the shade would follow up her roof, adjacent to her panels. The Sun is clearly above all of the structures in the surrounding area. Note that these pics were taken in the middle of winter, so as summer rolls around, Ms. MacKintosh would have even more sunshine as the sun would shift higher and above Ms. MacKintosh's house. We believe her claims are unfounded and written in haste. As to her comments about viewing into her yard, we clearly submitted plans that do not have any windows facing her adjoining property. If need be, we are willing to delete the proposed deck to solve this problem. In exhibit C, we clearly topped the existing trees about 18 feet down as to let Ms. MacKintosh have more access to the sun for her solar panels. We did this in good faith not thinking it would be a problem. Before we topped them, Ms. MacKintosh clearly had no access to the sun on her solar panels until the afternoon.

As to address the concerns from Mr. Call, I would like to question his authority. In Exhibit D, it clearly shows he was allowed to obtain the necessary permits for a two story garage. His comments about his concern with the visibility of a two story garage from the street are egregiously out of line here. Why was Mr. Call allowed to obtain the necessary permits for a two story garage (or did he)? Was he approved because of a conflict of interest regarding his position on the land use committee? Was there some loop or favoritism involved in obtaining his permits? It would be interesting to see the justification for his two story garage he was allowed to build. You can see by Exhibit B that his windows on his 2nd story clearly has views into the adjacent property. Is this a double standard whereas Mr. Call can have what he wants because of his position? We clearly see neighbors have been updating their residences in the surrounding areas. We have observed Ms. MacKintosh has updated her dwelling and garage with new Hardie plank siding and trim. How do you define "preserving the historical district" by clearly installing new products on a residence to make it look up to date and of more value? We clearly see his comments as a total and blatant disregard for the needs of Matthew & Cynthia Sears. His comments against our Administrative Adjustment are totally not even close in line with what he was allowed to do. We hope you can review this appeal and issue a sound, just, and equal decision regarding this matter.

Thank you,



Jaime Villanueva.

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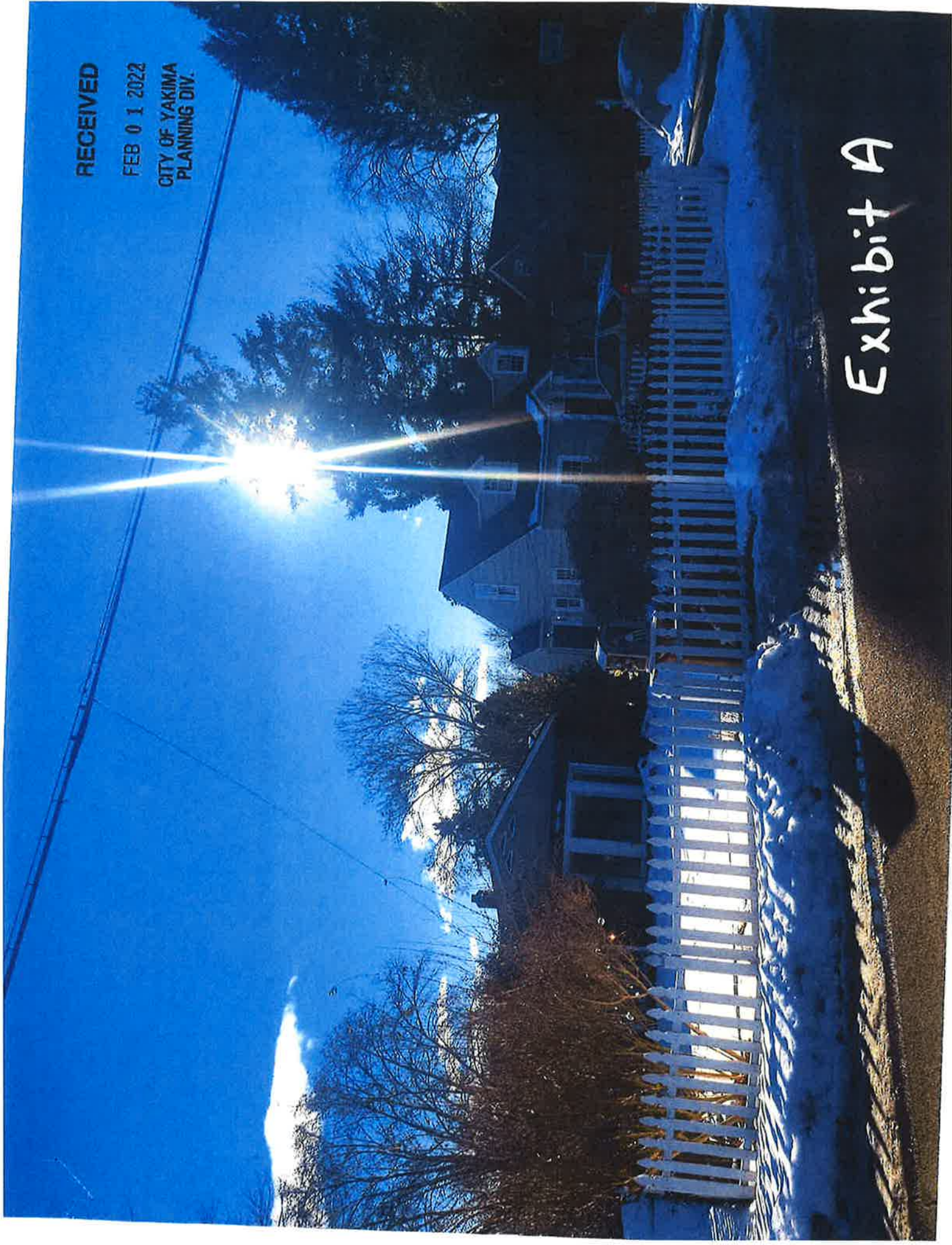
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PLANNING DIV.

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Exhibit A

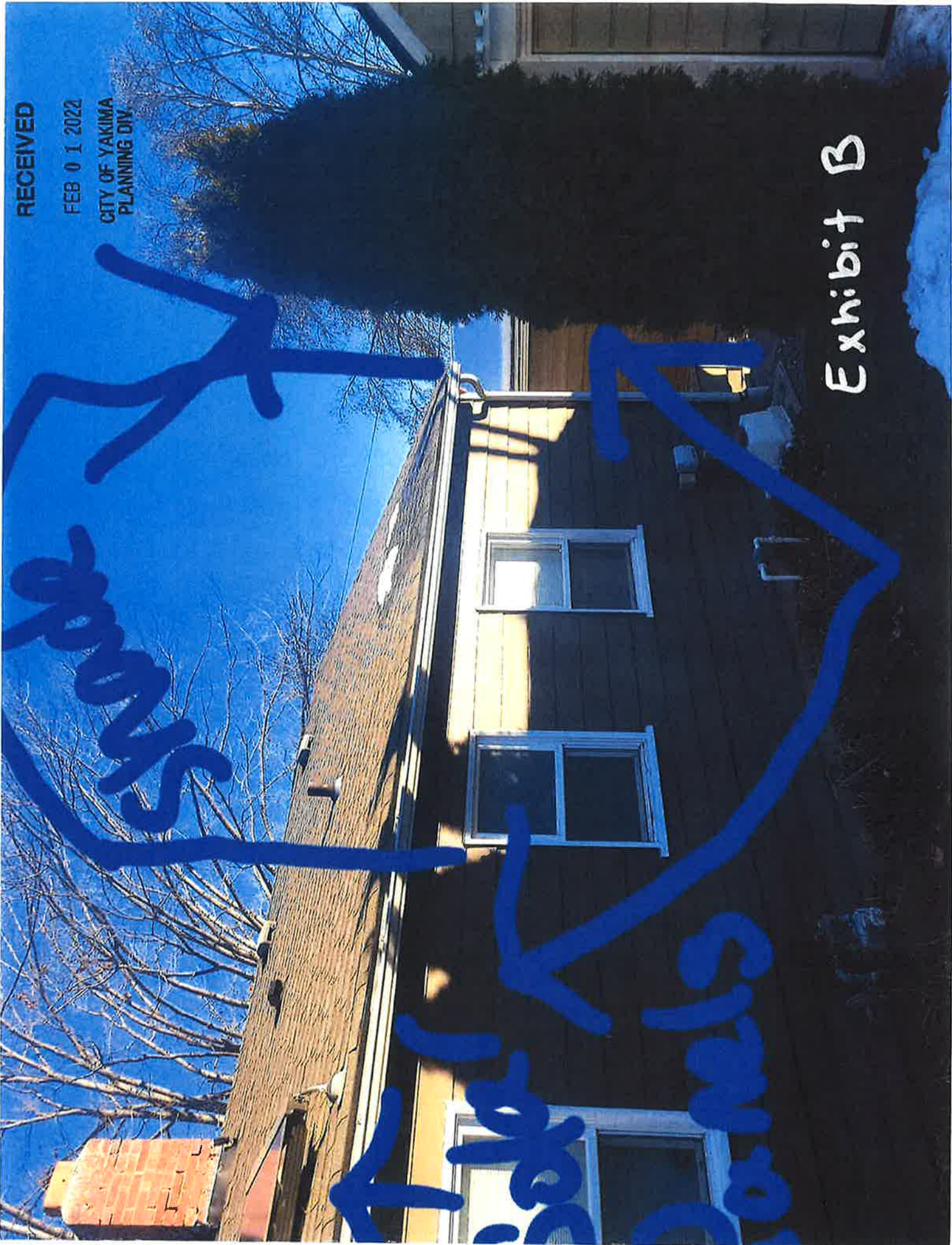


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Exhibit B



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Exhibit C

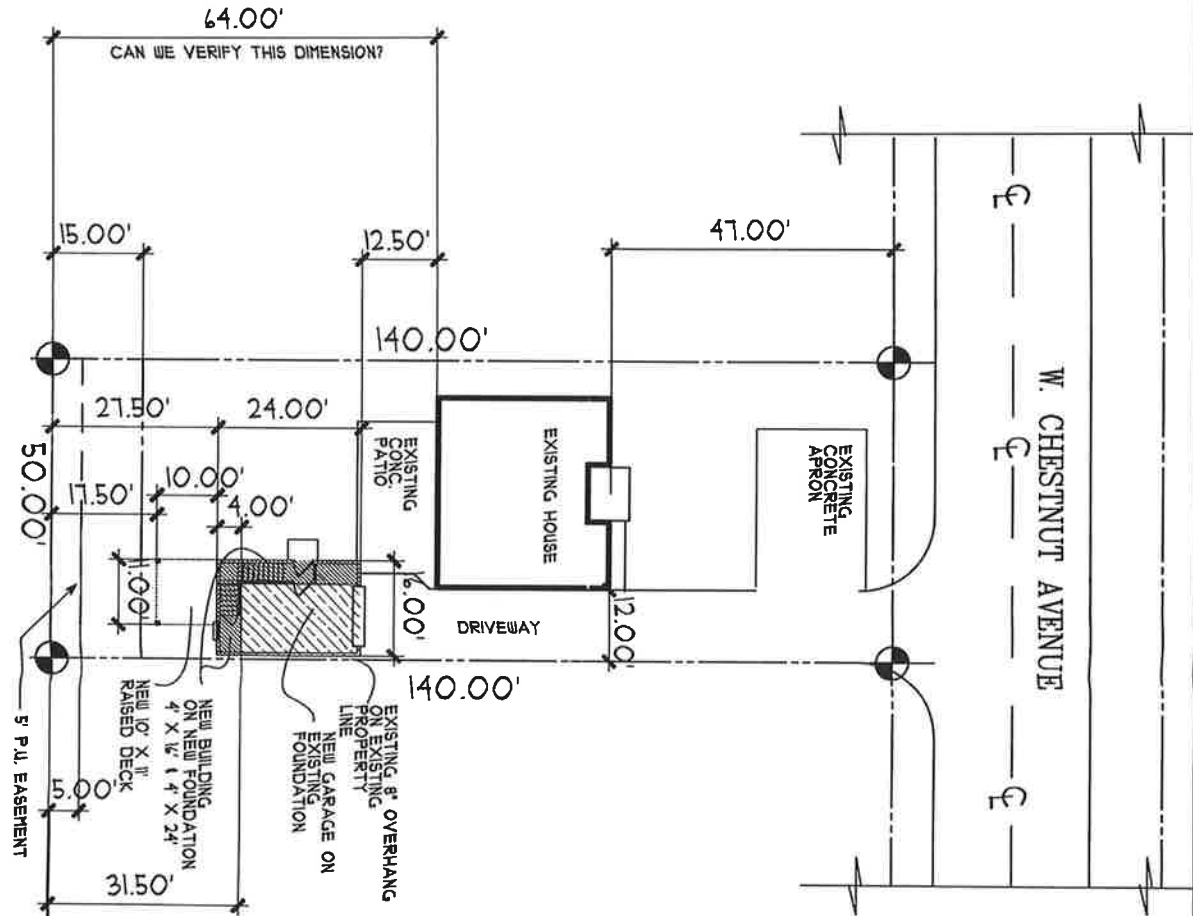
Mr. Callaway's allowed
a two story structure



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Exhibit D

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 NOV 01 2021
 CITY OF YAKIMA
 COMMUNITY DEVELOPMENT



SITE DATA (SQ. FT.)
1000 - TOTAL LOT AREA
850 - EXISTING HOUSE
384 - NEW GARAGE
1900 - PAVED AREAS
(447%) - TOTAL COVERAGE



SITE PLAN
 SCALE 1" = 20'

WESTERN BUILDING DESIGN, LLC CUSTOM RESIDENTIAL & COMMERCIAL DESIGN MARTY SCHOOLCRAFT OWNER/DESIGNER	PARCEL # 181323-34429 2604 W. CHESTNUT
	CUSTOM DESIGNED FOR: MATT & CYNTHIA SEARS JAIME VILLA NUEVA NEW VILLAGE HOMES (509) 314-9542
1015 S. 40TH AVE. SUITE 14 YAKIMA WA 98908	PH. 509.944.8010 INFO@WESTERNBUILDINGDESIGN.NET