



COMMUNITY DEVELOPMENT DEPARTMENT
Bill Preston, P.E., Director

Trevor Martin, AICP, Manager
Planning Division

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

Phone (509) 575-6183 • Fax (509) 575-6105 • Email: ask.planning@yakimawa.gov

NOTICE OF APPEAL OF ADMINISTRATIVE OFFICIAL'S DECISION & PUBLIC HEARING

September 12, 2024

City File #: APP#003-24

This notice is being provided to parties of record, the applicant, and the appellant that a timely appeal was filed by Jesus Aguilar on July 11, 2024, for the Administrative Official's Decision on YMC §§ 5.01.060 & 15.04.020 – Business license—Denial, revocation, or refusal to renew—Grounds—Appeals. The subject property is located at 302 W. Chestnut Ave., Yakima, WA 98901.

In accordance with YMC §§ 14.50.010(C) and 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."

Notice of Public Hearing: The Hearing Examiner will hold a public hearing on **October 10, 2024, at 9:00 a.m.** in the City Council Chambers at 129 N. 2nd Street, Yakima, WA, 98901. In accordance with YMC § 14.50.010(F) and 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.

Final Decision: In accordance with YMC §§ 14.50.020(A) and 16.08.018(H), "Except as otherwise provided, all appeal decisions by the hearing examiner shall be final and conclusive on all parties unless appealed to the legislative body pursuant to [YMC Chs. 14.50 and 16.08]."

For further information or assistance, you may contact Trevor Martin, AICP, Planning Manager, at (509) 575-6042, or email to: trevor.martin@yakimawa.gov.

Trevor Martin, AICP
Planning Manager

Enclosures: Appeal Application



DEPARTAMENTO DE DESARROLLO COMUNITARIO
Bill Preston, P.E., Director

Trevor Martin, AICP, Gerente
Division de Planificación

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

Tel. (509) 575-6183 • Fax (509) 575-6105 • Email: ask.planning@yakimawa.gov

AVISO DE APELACIÓN DE LA DECISIÓN DEL FUNCIONARIO ADMINISTRATIVO Y AUDIENCIA PÚBLICA
12 de septiembre 2024

No. de Archivo: APP#003-24

Esta notificación se proporciona al apelante, el solicitante, y personas registradas para avisarles que Jesus Aguilar, presento una apelación oportuna el 11 de junio, 2024, sobre la decisión administrativa sobre YMC §§ 5.01.060 & 15.04.020 - Licencia comercial - Negación, revocación o negación de renovación - Motivo - Apelación. La propiedad está localizada en 302 W. Chestnut Ave., Yakima, WA 98901.

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 **10 de octubre 2024 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 § 14.50.010(F) y YMC 16.08.018(G), el testimonio dado durante la apelación se limitará 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.

Decisión Final: De acuerdo con el Código Municipal YMC § 14.50.020(A) y YMC 16.08.018(H), "A excepción de lo contrario, todas las decisiones de apelación del examinador de audiencia serán definitivas y concluyentes para todas las partes a menos que se apelen ante el cuerpo legislativo conforme a [YMC Chs. 14.50 y 16.08]."

Para más información o asistencia puede contactar al Departamento de Planificación, al (509) 575-6183 o por correo electrónico a: ask.planning@yakimawa.gov.

Trevor Martin
Gerente de Planificación

Adjuntos: Aplicación de Apelación



COMMUNITY DEVELOPMENT DEPARTMENT

Code Administration Division

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

(509) 575-6126 • Fax (509) 576-6576

codes@yakimawa.gov • www.buildingyakima.com

RECEIVED

JUL 11 2024

**CITY OF YAKIMA
PLANNING DIV.**

APPEAL APPLICATION

Application #: APP# 003-24

Notice, Order or Decision issued under the Yakima Municipal Code

Appellant Information

Name: Jesus Aguilar Mailing Address: 732 Summitview Ave

City: Yakima State: WA Zip Code: 98902

Phone #: 509-759-4667 & 509-961-3139 - Juanita Email: Aguilartow509@yahoo.com

Information for Action Being Appealed

Site Address: 302 W. Chestnut Ave

Parcel #(s): 18132441440

Code Case #: 240417

Describe the action being appealed (decision of the code official, notice, or order): _____

Violations: 15.04.020

Reason for the appeal - Describe the specific error(s) or issues(s) upon which the appeal is based, including an explanation of how the true intent of the Yakima Municipal Code or rules legally adopted thereunder have been incorrectly interpreted, how the provisions of the code do not fully apply, or how the requirements of the code are adequately satisfied by other means (attach separate page if lengthy):

See attached forms

I certify that the information on this application are true and correct to the best of my knowledge.

[Signature]
Appellant's Signature

7.11.24
Date



1814 South 11th Street
Union Gap, WA 98903
Principal Place of Business

302 W. Chestnut Ave
Yakima, WA 98902
YPD & WSP Vehicle Storage
Location

July 11, 2024

City of Yakima
Community Development Department
129 N. Second Street
Yakima, WA 98901

Re: Appeal Against Violation of 15.04.020 Land Use Classification
CA240417

Dear Ms. Hickman and Mr. Armenta:

I am writing to formally appeal the violation notice issued against my business, Aguilar Towing, regarding the land use classification under Section 15.04.020. My City Business license was approved for storing "Washington State Patrol (WSP) and Yakima Police Department (YPD) Cars on the 302 W. Chestnut Ave location for less than 30 days at a time" ONLY. This letter also confirms that the 302 W. Chestnut Ave location is used solely for storing YPD and WSP vehicles only. The inoperable vehicles are due to collisions involving YPD and WSP. Unfortunately, some of these vehicles come with extensive body damage and some parts are not intact because of the severity of the collisions/impact. However, I try to keep the parts of the vehicles that are not intact close to the vehicle(s) they belong to. Nonetheless, I do not run a tow company from this address. The flat beds are used to transport YPD and WSP vehicles to the 302 W. Chestnut Ave location.

Aguilar Towing operates a tow company at 1814 S. 11th Street, Union Gap, WA 98903, and we have always strived to comply with all applicable regulations and zoning requirements. See attached Form MCS-150 which supports the principal place of business.

Upon receiving the violation notice, To the best of my ability, I conducted a thorough review of the relevant codes and the specific circumstances surrounding the alleged violation. I believe there may have been a misunderstanding or misinterpretation of our operations and their alignment with the permissible land use for the designated area. If there is a license and/or permit that was overlooked and/or fulfilled, please let me know what license and/or permit is required.

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JUL 11 2024

CITY OF YAKIMA
PLANNING DIV.



1814 South 11th Street
Union Gap, WA 98903
Principal Place of Business

302 W. Chestnut Ave
Yakima, WA 98902
YPD & WSP Vehicle Storage
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The following points outline my appeal:

1. **Compliance with Zoning Requirements:** Our business activities with YPD and WSP including vehicle storage for 30 days only, have been carefully planned and approved by YPD, WSP and the City (*See attached Vehicle Transport/Disposal Addendum signed by City official, planning manager, Mr. Calhoun*) to ensure minimal impact on the surrounding environment and community. We have adhered to the zoning regulations, including maintaining proper signage (requested by WSP), noise control, and cleanliness.
2. **Efforts to Address Concerns:** In response to any concerns raised by the community, I will take whatever steps is necessary to address them promptly. This includes implementing additional measures to ensure compliance with all land use regulations and minimizing any potential disruptions to the neighborhood.

I kindly request a review of the circumstances surrounding this violation and reconsideration of the notice. I am more than willing to cooperate and/or provide any additional information or documentation that may be required to support my appeal.

Thank you for your attention to this matter. I look forward to your favorable response and am confident that a resolution can be reached that acknowledges our commitment to compliance and community service.

Yours sincerely,

Aguilar Towing
Jesus Aguilar

Project Name: AGUILAR'S TOWING - HE APPEAL

Site Address: 302 W CHESTNUT AVE

File Number(s): APP#003-24

Proposal: Appeal of Violations: 15.04.020 (Code case #CA240417)

VICINITY MAP



Map Disclaimer: Information shown on this map is for planning and illustration purposes only. The City of Yakima assumes no liability for any errors, omissions, or inaccuracies in the information provided or for any action taken, or action not taken by the user in reliance upon any maps or information provided herein.

Date Created: 9/12/2024

