



City of Longview

1525 Broadway
Longview, WA 98632
www.ci.longview.wa.us

Minutes

Agenda

Appeal Board of Adjustment

Tuesday, June 11, 2019

4:30 PM

Longview Council Chambers

1. **CALL TO ORDER**

Vice Chairman Peters called the regular meeting of the Longview Appeal Board of Adjustments to order at 4:30 p.m. in the City Hall Council Chambers, 1525 Broadway, Longview, WA.

*Present: Vice Chairman Roger Peters, Tracy Goldsmith, Dan Petersen, Steven Dahl
Excused: Chairman Mark Backstrom*

Staff Present: Adam Trimble, Planner; Sean Kelly, Assistant City Attorney; James McNamara, City Attorney; John Brickey, Community Development Director/Building Official; Ken Hash, City Engineer, Jeff Cameron, Public Works Director and Nancy Vandehey, Administrative Assistant

2. **APPROVAL OF MINUTES**

**19-000211 MINUTES OF THE MARCH 12, 2019 MEETING OF THE ABA
MINUTES OF THE APRIL 9, 2019 MEETING OF THE ABA**

Recommended Action: Motion to accept the minutes as presented.

A motion was made by Steven Dahl, seconded by Tracy Goldsmith, that the minutes be accepted and approved.

3. **AUDIENCE PARTICIPATION OF CORRESPONDENCE**

3.1 Oral Communications

Persons in the audience may discuss business not scheduled on this agenda or any item of interest within the jurisdiction of the Appeal Board of Adjustment. This Board will listen to all communication, but in compliance with the Washington Open Public Meetings Act, will not take any action on items that are not listed on the agenda.

No oral communications were received.

3.2 Written Communications.

Correspondence for the Appeal Board of Adjustment received after preparation of this agenda.

A letter dated June 11, 2019, was received from Barrett & Carolyn Kochis, 2133 Nichols Blvd., Longview.

4. **DECLARATION OF EX-PARTE COMMUNICATIONS AND APPEARANCE OF FAIRNESS**

The Declaration of Ex-Parte Communications and Appearance of Fairness Doctrine was read into the record by Adam Trimble and there was no comments from the audience.

5. PUBLIC HEARINGS

19-000195 ABA 2019-3 HARLIE'S HOOPS SHORELINES HEIGHT VARIANCE

REQUEST:

Shorelines Variance to allow a building height exceeding the 15' maximum height allowed for non-water oriented recreational buildings in the Urban Conservancy shorelines designation. The proposal will construct a 21-26 ½ foot tall covered basketball court adjacent to the Elks Memorial building at 2121 Kessler Blvd in Lake Sacajawea Park.

RECOMMENDED ACTION:

Adopt the analysis and findings of the staff report and grant a Shorelines variance for the construction of a roof structure and basketball court approximately 60' x 90' and 26 1/2' tall at the roof peak at Lake Sacajawea Park adjacent to the Elks Memorial building, 2121 Kessler Boulevard.

Adam Trimble gave a presentation explaining the Shoreline variance.

Jim McNamara explained the City Ordinance 3402 regarding park use.

A discussion was had about camping not being allowed within the park as the park closes at night.

Adam Trimble presented the staff report, which included the following findings and recommendations:

-The proposal meets the criteria under WAC 173-27-170 (Review Criteria for Variance Permits) based upon the information presented in the staff analysis.

-The R-1 Residential District permits the proposed use.

-The use has been found to have no significant impact on critical areas and has completed environmental review under SEPA.

Staff recommends that the Appeal Board of Adjustment adopt the analysis and findings of the staff report and grant a Shorelines variance for the construction of a roof structure and basketball court approximately 60' x 90' and 26' tall at the roof peak at Lake Sacajawea Park adjacent to the Elks Memorial building, 2121 Kessler Boulevard.

Board discussion with staff included the park master plan, title search for ownership of view, other possible locations, hardship to applicant, security measures, future ownership and maintenance, and unhappy neighbors with a view of a basketball court when their previous view was unblocked.

Public Comments:

Jennifer DesArmo, applicant, spoke in favor of project and why this project is important to her and the community.

Laura Cotton was not against the project but had serious concerns about the homeless issues in and near the park and security issues and hope that it will be locked.

Gary Cotton spoke against the project being covered. When the weather is bad, it will be a magnet for the homeless.

Jeff DesArmo spoke in favor of project and locking the facility.

Steve Peterson is in favor of the project but has concerns with the homeless taking over and home values going down.

Pastor Dave Martin spoke in favor of the project and a cover is important because of the area rain.

Carolyn Kochis spoke against the project as it is just a giant warehouse and has concerns with property values. She suggested other locations for inside basketball courts. She questioned the location of where the project could be built.

Adam Trimble addressed her questions about where this project could be built.

Jennifer Wills spoke for the project and cautioned that the discussion should be about the height variance not the homeless.

John Brickey reminded the board that they are acting in a quasi-judicial role for a variance on height and if they go outside of the scope of height, they may be stepping outside of the bounds of authority for who might use or how the court may be used. If approved it would go onto Ecology and permitting. It would not go back to Council. If appealed, it would go to Superior Court.

Barret Kochis spoke against the project for security and aesthetics of the lake.

Steve Schline spoke in favor of the project and it checks all the boxes for JH Kelly to offer support in such forms as possible construction management, supplies and direct labor.

Vice Chairman asked Sean Kelly for an opinion on if it would be appropriate for the board to consider the effects of the homelessness as matter of potential substantial detriment effect. Mr. Kelly agreed with Mr. Brickey that the difference in height is what they should be looking at for direct effect and it would be the Superior Court decision to look beyond that scope. He based that directly off the text written and not based off any court law reference.

Carolyn Kochis asked if a picture was placed in the paper for the general population.

Jennifer DesArmo has been attending council meetings and presenting pictures for over a year.

Bryce DeArmo spoke in favor reading the poster statement from R.A. Long.

Board discussion included it being a worthy cause, restrictions on time, security issues, and a desire for council to draft an ordinance defining the use for this facility.

A motion was made by Dan Peterson, seconded by Steven Dahl, to adopt the findings of the staff report and grant a Shorelines variance for the construction of a roof structure and basketball court approximately 60' x 90' and 26' tall at the roof peak at Lake Sacajawea Park adjacent to the Elks Memorial building at 2121 Kessler Boulevard. The motion carried by the following vote:

Ayes: Vice Chairman Roger Peters, Dan Petersen, and Steven Dahl

Nays: Tracy Goldsmith

6. OTHER BUSINESS

Jeff Cameron introduced Ken Hash, City Engineer, hired in May to the board.

7. ADJOURNMENT

With no further business to discuss, the meeting of the Appeal Board of Adjustments was adjourned at 6:08 pm.