



Hearing Examiner Agenda

October 13, 2025 at 6:00 PM

City Hall Council Chambers – 210 W. 6th Ave and Virtual [ZOOM](#)

[LINK](#)

If you are unable to attend in person and wish to comment, please visit [ZOOM LINK](#).

The public can also submit comments by either filling out an online form at <https://www.go2kennewick.com/FormCenter/Planning-Dept-Forms-9/Hearing-Examiner-Public-Hearing-Comments-137> or by mail to Attn: Melinda Didier, Hearing Examiner Recorder, PO Box 6108, Kennewick, WA 99336. **Comments and Zoom registrations must be received no later than 4:00 p.m. the last business day before the hearing.**

1. CALL TO ORDER

2. CONCLUSION

3. PROCEDURAL INFORMATION

4. PUBLIC HEARING -

- a. A. Variance (VAR-2025-0002), a variance request to allow 6-foot high commercial fences, located at 519 W. Columbia Drive & 526 N. Fruitland Street, Kennewick, WA 99336. The site is zoned Urban Mixed Use (UMU). Applicant and property owner is Andrew Harding, 529 W. Columbia Drive, Kennewick, WA 99336.

Procedure for Participation

- Please register and sign in to Zoom if you wish to receive a copy of the decision when it is issued and if you plan to give testimony virtually.
- When recognized by the Examiner, state your name, address and whether you are representing only yourself or others.
- All remarks, comments, and questions should be addressed to the Hearing Examiner and not to the audience or parties. You may offer written comments or other items (such as photographs) to the Hearing Examiner as an exhibit for the permanent record.
 - Please provide at least three copies of each item submitted: one copy for the Hearing Examiner, one for the Official Record, and one for Staff).
 - During an Appeal Hearing, if the appellant and the applicant are different parties, then a fourth copy of all documentation is requested.



COMMUNITY PLANNING DEPARTMENT

**STAFF REPORT AND RECOMMENDATION TO
THE HEARING EXAMINER**

FILE No: VAR-2025-0002

Staff Report Date:	September 30, 2025
Public Hearing Date and Location:	October 13, 2025
Report Prepared By:	Steve Donovan, Planning Manager
Report Reviewed By:	Matt Halitsky, Senior Planner
Summary Recommendation:	The City of Kennewick RECOMMENDS that Variance VAR-2025-0002 be DENIED.
Summary of Request:	A variance request for a 6-foot-high commercial fence in the front yards.
Location of Request:	519 W Columbia Drive and 526 N Fruitland Street, Parcel Number 1-3699-402-0012-004 and 1-3699-402-0012-005.
Legal Description:	<p>N.P.I CO'S AMENDED PLAT OF KENNEWICK, THE NORTH 200 FEET OF TRACT L, LYING SOUTHWESTERLY OF STATE HIGHWAY, AND EXCEPT THE SOUTH 5 FEET OF THE WEST 139.39 FEET THEREOF, LESS STATE HIGHWAY 6-22-51. SUBJECT TO PUD EASEMENT 8-23-60. LESS PORTION TO AVENUE #801501, 9-4-79. LESS THAT PORTION DEDICATED TO CITY FOR ROAD RIGHT OF WAY, AF#2004-003581 (2/3/04).</p> <p>N.P.I. CO'S AMENDED PLAT OF KENNEWICK: THE WEST 79.39 FEET OF THE SOUTH 225 FEET OF TRACT L, DEFINED AS FOLLOWS: BEGINNEING AT THE SOUTHWEST CORNER OF SAID TRACT: THENCE EAST ALONG THE SOUTH LINE THEREOF 79.39 FEET: THENCE NORTH PARALLEL WITH WEST LINE THEREOF 225 FEET: THENCE WEST PARALLEL WITH SAID SOUTH LINE 79.39 FEET, MORE OR LWSS TO THE INTERSECT WEST LINE THEROF: THENCE SOUTH ALONG WEST LINE TO POINT OF BEGINNING.</p>

IRRIGATION DITCH EASEMENT NORTH END.
 PUD EASEMENT 8-5-60.

Property Owner: Andrew Harding
 529 W Columbia Drive
 Kennewick, WA 99336

Applicant: Same as Above

Approval Criteria:

1. Kennewick Municipal Code Section 18.54.050 – Findings for Variance

Application Processing Dates:

Application Submittal	September 23, 2025
Determination of Completeness Issued	September 23, 2025
Notice of Application	September 24, 2025
Property Posting Sign	September 24, 2025
Date of Published Notice of Public Hearing	September 28, 2025
Date of Posting Hearing Notice On-Site	September 24, 2025
Date of Mailed Notice of Public Hearing	September 24, 2025

Exhibits:

1. Staff Report
2. Applicant’s Application Materials
3. Staff’s Site Plan Comments
4. Notice of Public Hearing Affidavit, Mailing List and Notice

Applicable Findings:

Below are the required findings to approve a variance:

18.54.050: - Findings for Variance.

The Hearing Examiner shall approve an application for a variance only when all the following conditions are found:

- (1) The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property, on behalf of which the application was filed, is located; and
- (2) That such variance is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
- (3) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

Analysis:

History

Mr. Harding has already started constructing the fence that exceeds the four-foot requirement.

Mr. Harding was notified that he needed a commercial fence permit, during that review it was determined that the fence does not meet the requirements of Kennewick Municipal Code Sections 18.80.040(3)(a)(iii) and 18.09.2250.

Both sections read as follows:

18.80.040(3)(a)(iii) Maximum height of a fence, wall or hedge in the front yard is four feet and a wall or fence materials must be consistent with the building materials.

18.09.2250: - Yard Front.

Yard, Front means a required setback extending across the full width of a lot lying between front lot line to the front building line in depth. Front yard width shall be measured at right angles to the front of the lot.

Staff informed Mr. Harding of the fence requirements and the decision criteria for a variance. Mr. Harding determined that it was in his best interest to request a variance for the fence height.

Staff Review

The following are staff's responses to each of the required findings:

- (1) Approval of the variance will grant a special privilege that surrounding property owners do not have. The City has not permitted adjacent property owners to have a commercial fence higher than six feet. The neighboring fences that are out of compliance were constructed prior to the current zoning regulations being adopted.
- (2) No special circumstances due to the size, shape or topography of the site warrant the approval of the variance. The site, along with the adjacent properties, are flat lots.
- (3) Staff cannot prove or disprove that granting the variance is materially detrimental to public welfare or injurious to the property or improvements in the vicinity or zone.

The requested variance must meet all the above findings in KMC 18.54.310 for approval.

It is staff's opinion that the applicant has not met the required findings for approval. **The City of Kennewick hereby RECOMMENDS DENIAL of Variance VAR-2025-0002.**

September 23, 2025

Andrew & Stephanie Harding
529 W. Columbia Dr.
Kennewick, WA 99336
HardingMotorCompany@gmail.com
509-952-4510

City of Kennewick
Planning Department
210 W. 6th Ave.
Kennewick, WA 99336

Dear Planning Department,

Subject: Variance Request for Fence Height and Location at 529 W. Columbia Dr., Kennewick. I respectfully request a variance from the City of Kennewick's zoning regulations regarding fence height and location for a proposed 6-foot-tall wrought iron ornamental fence at my property, 529 W. Columbia Dr., Kennewick. This fence is necessary to address critical security concerns and to comply with my insurance provider's requirement for a 6-foot fence to maintain coverage. The proposed fence, with 89.72% visibility, exceeds the standard height limit of 4 feet on the Fruitland side and may require an adjustment to setback requirements. I believe this request meets the City's criteria for granting a variance, as outlined below:

1. **No Grant of Special Privilege:** The variance will not constitute a special privilege inconsistent with limitations on other properties in the vicinity. The proposed fence's open, ornamental design with 89.72% visibility aligns with the aesthetic and functional character of neighboring properties, many of which feature similar fencing for security purposes.
2. **Special Circumstances:** This variance is necessary due to an increasing volume of vandalism theft and vagrancy we have come to work and found homeless people sleeping in our inventory. Additionally, my insurance provider mandates a 6-foot fence to continue coverage, a requirement that cannot be met under current regulations. These circumstances necessitate the variance to afford my property the same use rights and safety privileges as others in the vicinity and zone.
3. **No Detriment to Public Welfare or Neighboring Properties:** The granting of this variance will not be materially detrimental to the public welfare or injurious to nearby properties or improvements. The wrought iron fence's high visibility (89.72%) ensures minimal impact on sightlines, and we purposely excluded it from the Fruitland St. Columbia drive area maintaining safety for pedestrians and vehicles. In addition, we are installing a "Do not enter, not an exit" sign for the gate at east end of our property as it already has limited visibility due to the curvature of Columbia Drive. The fences ornamental design complements the neighborhood's aesthetic, and its construction will adhere to all applicable building standards.

We are committed to working with the City to ensure compliance with all other regulations and to address any concerns from neighbors or the Planning Department. We have already coordinated with public utilities and Emergency services to ensure 24/7 access i.e. Knox locks. Attached, please find supporting site plans, fence data, and a letter from our insurance carrier for your review. I am available for a hearing or to provide additional information as needed. Thank you for considering this variance request. I look forward to your response and appreciate your time and attention.

Sincerely,
Andrew & Stephanie Harding



April 1, 2025

Harding Enterprises LLC
Andrew Harding
529 W Columbia Dr
Kennewick, WA 99336

Dear Andy,

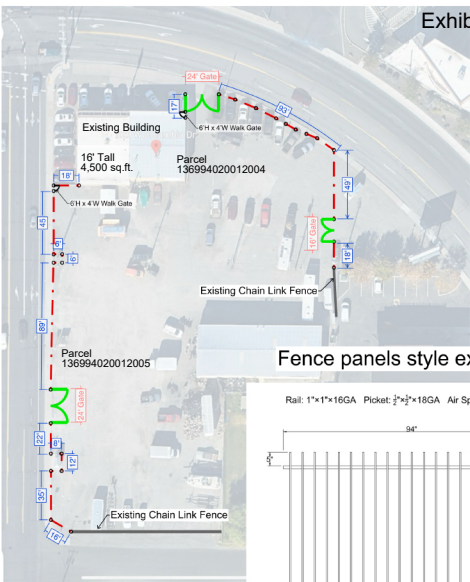
In attempting to obtain renewal quotes for your dealership business the insurance carriers are requiring you to increase the security around your lot due to the increased exposure with the sale of boats. They have stated that in order to include coverage for theft and vandalism they will require that you erect at least a 6 foot tall fence around the lot.

If you have any questions or concerns please do not hesitate to reach out to me.

Sincerely,

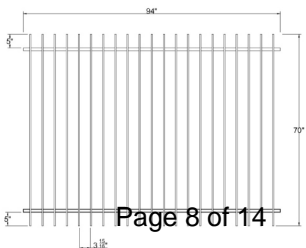
Clint Taggart

Clint Taggart
Commercial Advisor
(303) 447-7244
ctaggart@acrisure.com



Fence panels style example

Rail: 1" x 1" x 16GA Picket: 1/2" x 3/4" x 18GA Air Space: 3 15/16"

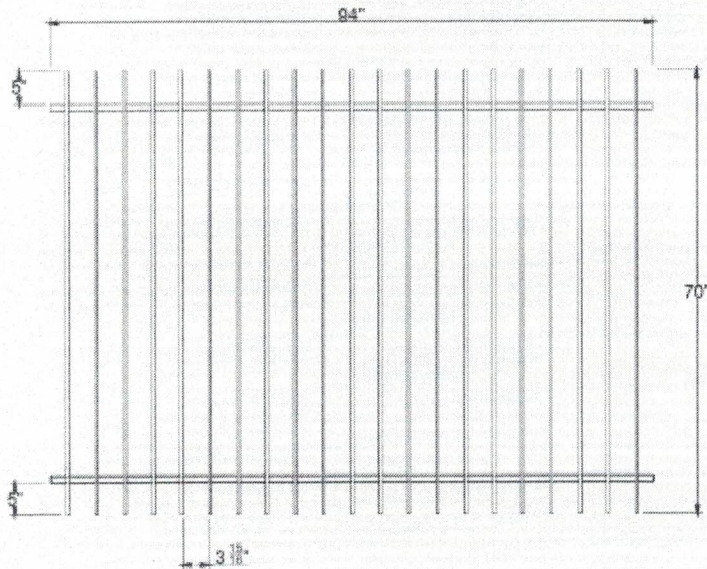




Based upon the following equation, the ECO-ETEB7094-2R panels have an 89.72% visibility rating.

ECO-ETEB7094-2R

Rail: 1"x1"x16GA Picket: 1/2"x1/2"x18GA Air Space: 3 15/16"



$$\text{Visibility Percentage} = \frac{\text{Total Width of Gaps}}{\text{Total Width of Gaps} + \text{Total Width of Pickets}} \times 100$$

22 Gaps * 3-15/18" per gap = 84.33 total width of gaps

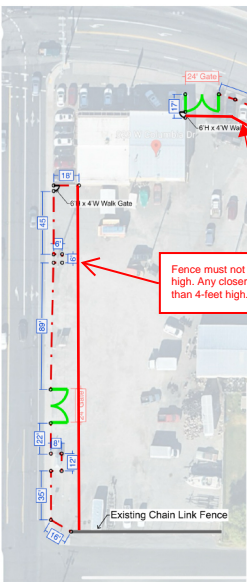
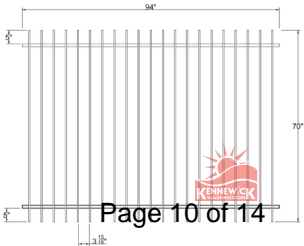
$$\frac{84.33}{94} \times 100 = 89.72\% \text{ Visibility}$$

The fence is required to be setback the same distance as the existing building currently is, that distance is 26-feet from the property lineback of the sidewalk. SD

Fence must not extend beyond these lines in order to be 6-feet high. Any closer to the street requires that the fence be no more than 4-feet high. SD

Fence panels style example

Rail: 1"×1"×16GA Picket: 1/2"×2"×18GA Air Space: 3 15/16"





NOTICE OF MAILING

I, Steve Donovan, on 9/24, 2025
mailed 24 copies of Notice of Public Hearing
for VAR-2025-0002
to Property owners with 300 feet of the site.

as shown on the attached list.



Signature

37
VIRK GROUP 1 INC
526 W COLUMBIA DRIVE
KENNEWICK WA 99336

37
PERSINGER JASON & SABRINA
5023 MARIOLA LANE
PASCO WA 99301

37
OLSON PHILLIP & LINNEA
8926 W KLAMATH AVENUE
KENNEWICK WA 99336

37
503 W COLUMBIA DRIVE LLC
525 W GRANDE RONDE
KENNEWICK WA 99336

37
KEWADE OF TRI CITIES LLC
4113 S IRBY CT
KENNEWICK WA 99337

37
KEWADE LLC
PO BOX 6824
KENNEWICK WA 99336

37
RAY POLAND & SONS INC
PO BOX 6772
KENNEWICK WA 99336

37
TTB INVESTMENTS LLC
3019 DUPORTAIL #226
RICHLAND WA 99352

37
SANT CONSTRUCTION
4709 CATHEDRAL DRIVE
PASCO WA 99301

37
MENDOZA PROPERTIES LLC
518 W COLUMBIA DRIVE
KENNEWICK WA 99336

37
HARDING ANDREW JACK
529 W COLUMBIA DRIVE
KENNEWICK WA 99336

37
POLAND TRUSTEE RUBY M
PO BOX 6772
KENNEWICK WA 99336

37
RAY POLAND & SONS INC
PO BOX 6772
KENNEWICK WA 99336

37
URM STORES INC
PO BOX 3365
SPOKANE WA 99220

37
DURFEE TRUSTEES ALFRED L & LINDA L
214 E ALBANY AVENUE
KENNEWICK WA 99336

37
MOHAMED ABDELKEDER G
65 HAROLD AVENUE
BURBANK WA 99323

37
EPIC RENTALS LLC
2318 S 1ST STREET
YAKIMA WA 98901

37
COFFIN DARRYL & RHONDA
4850 S ELY STREET
KENNEWICK WA 99337

37
KEWADE LLC
4113 S IRBY CT
KENNEWICK WA 99337

37
MORAN DANIEL
628 N WALDERMAR AVENUE
PASCO WA 99301

37
URSUA JAIME TORRES & MARIA
510 S FRUITLAND STREET
KENNEWICK WA 99336

37
OCHOA JESUS
530 W ENTIAT AVENUE
KENNEWICK WA 99336

37
GONZALEZ JAVIER GALVEZ
528 W ENTIAT AVENUE
KENNEWICK WA 99336

37
VERGARA FILIBERTO M & MARIA M
1508 ARBOR STREET
RICHLAND WA 99352



NOTICE OF PUBLIC HEARING – OCTOBER 13, 2025, 6:00 P.M.

Proposal: The applicant is requesting a variance of Kennewick Municipal Code Section 18.80.040 (3)(a)(iii), that only allows for 4-foot-tall fence in the front yard. The applicant is requesting a 6-foot-tall fence on the north and west sides of the property. The proposal is located at 519 W Columbia Drive and 526 N Fruitland Street. **SITE MAP ON BACK**

Open Record Hearing: The City of Kennewick Hearing Examiner will conduct an open record hearing at **6:00 p.m. on October 13, 2025 at 210 W 6th Avenue, City Hall Council Chambers**. The meeting will be conducted in a hybrid format, which allows in person or virtual participation. To participate in the meeting virtually, use the link found at www.go2kennewick.com/244/Hearing-Examiner.

Environmental Documents and/or Studies Applicable to this Proposal: N/A

Determination of Completeness: The application was determined complete on September 23, 2025 for processing.

Project Permits Associated with this Proposal: N/A

Preliminary Determination of Regulations Used for Project Mitigation: Title 18 (Zoning), and Title 4 (Administrative Procedures) of the Kennewick Municipal Code.

Estimated Date of Decision: Within 10 business days of the Hearing Date of October 13, 2025.

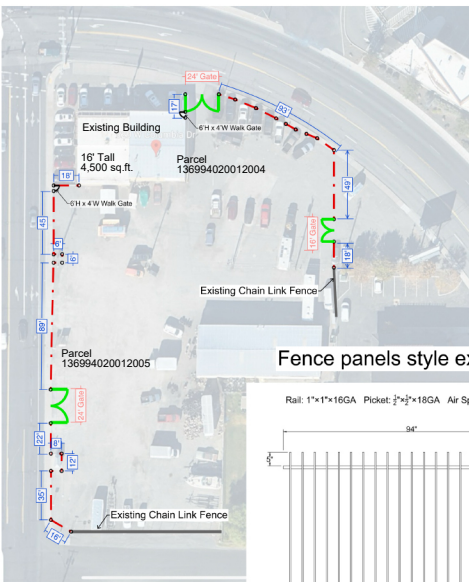
To Receive Notification of the Decision: Contact the Development Services Division at 210 W. 6th Avenue, Kennewick, WA 99336 or via telephone at (509) 585-4280.

Appeal: Any person aggrieved by the decision of the Kennewick Hearing Examiner on this proposal may appeal to the Superior Court of Benton County within twenty-one (21) days of the date of decision.

Steve Donovan, Planning Manager

The City of Kennewick welcomes full participation in public meetings by all citizens. No qualified individual with a disability shall be excluded or denied the benefit of participating in such meetings. If you wish to use auxiliary aids or require assistance to comment at this public meeting, please contact Steve Donovan at (509) 585-4361 or through the Washington Relay Service Center TTY by dialing 711, at least ten days prior to the date of the meeting to make arrangements for special needs.

210 W. 6th Avenue / PO Box 6108, Kennewick, WA 99336



Fence panels style example

Rail: 1"×1"×16GA Picket: $\frac{1}{2}$ "× $\frac{3}{4}$ "×18GA Air Space: 3 $\frac{15}{16}$ "

