

RESOLUTION NO. 580

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ACKNOWLEDGING THE CITY COUNCIL'S LACK OF JURISDICTION OVER THE APPEAL OF WITHDRAWN APPLICATIONS CUP 01-05 AND VAR 01-07, REMANDING THE MATTER TO THE HEARING EXAMINER FOR FURTHER ACTION VACATING HIS APPROVAL OF THE APPLICATIONS, FOR PROPERTY LOCATED AT 9017 N. HARBORVIEW DRIVE, GIG HARBOR, WASHINGTON.

WHEREAS, applicants Steve and Janis Denton submitted applications for a conditional use permit (hereinafter the “CUP”) and variance for property located at 9017 Harborview Drive, Gig Harbor, Washington; and

WHEREAS, the City Hearing Examiner issued a written decision approving the CUP and variance on October 3, 2001; and

WHEREAS, Greg Hoeksema filed an appeal of the City Hearing Examiner’s decision;

WHEREAS, the City Council held a closed record hearing on the appeal and after deliberations, voted to reverse the Hearing Examiner’s decision; and

WHEREAS, on January 23, 2002, while the appeal was still pending and prior to entry of the City Council’s findings of fact and conclusions on the appeal, the Dentons withdrew their applications altogether; and

WHEREAS, the withdrawal of the CUP and variance applications has left the City Council without jurisdiction to take further action on the appeal; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Denton conditional use permit and variance (CUP 01-05 and VAR 01-07) applications have been withdrawn. The City Council vacates its previous vote on the appeal, and has no jurisdiction to act further on the appeal of Greg Hoeksema.

Section 2. Because the Dentons have withdrawn the applications, the City Council hereby remands the matter to the City Hearing Examiner, to vacate his decision approving the applications.

Section 3. Because the Dentons have an issued building permit, the Dentons must submit revised applications within three months of January 28, 2002.

RESOLVED by the City Council this 11th day of February, 2002.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE