



City of Stevenson

Board of Adjustment

Granting of Variance (VAR2009-01) for R&D Short Plat (SP2008-02) 1-28-09

DISCUSSION

The Stevenson Board of Adjustment held a public hearing on January 28th, 2009 and considered the request from Mr. & Mrs. Stafford to vary the setback and minimum lot size of 6,000 square feet for one lot within the proposed R&D Short Plat, a two-lot short plat. The proposal asked the Board of Adjustment to allow a 5,227 square foot lot which will be served by public water and sewer in the R1- Single Family Residential Zone.

After considering public testimony and the staff report prepared by Ben Shumaker, the Board of Adjustment makes the following Findings of Fact:

1. The Board of Adjustment finds that Lot 6 of Block 5, Roselawn Extension has asserted a prescriptive right to use a gravel driveway crossing over a portion of the proposed R&D Short Plat, by virtue of a long-established use of this driveway.
2. The Board of Adjustment finds that this asserted prescriptive right, together with the unique size and shape, present special circumstances and hardships which, if SMC 16.02.190 and SMC 17.18.040 are strictly applied, would deprive the subject property of the rights and land division privileges enjoyed by other property in the vicinity and under identical zoning district classifications.
3. The Board of Adjustment finds that the granting of this variance to minimum lot size and clarification of applicable setback standard, as conditioned, will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zoning district in which this proposal is situated.
4. The Board of Adjustment finds that the granting of this variance to minimum lot size, and clarification of applicable setback standard, as conditioned, will not be detrimental to the purposes of SMC 17, and will not conflict with the goals and policies of the Stevenson Comprehensive Plan.
5. The Board of Adjustment finds that neighbor's asserted prescriptive use of the gravel driveway is not a self-imposed hardship on the applicants and that the lot size requested is as large as it functionally can be due to its unique size and shape considering the need to accommodate the prescriptive use.
6. The Board of Adjustment finds that the following conditions are necessary to ensure that this proposal is not detrimental or injurious to the purposes of SMC 17 and the Stevenson Comprehensive Plan, the neighborhood, the R1 Zone, the public welfare or the public transportation system.

CONDITIONS

1. The gravel driveway on the proposed Lot 2 shall be relocated into a separate “private access tract” and identified on the face of the final plat.
2. Access to the proposed Lot 2 shall only be allowed from the private access tract, and this requirement shall be added as a note on the face of the plat.
3. For the purposes of calculating density and dimensional standards, the common lot line between the private access tract and the proposed Lot 2 shall be considered a side lot line without projections otherwise allowed under SMC 17.38.080, and an explanatory note shall be added to the face of the plat.
4. The Staffords shall reach an agreement with the owners of Lot 6, Block 5, Roselawn Extension to develop a shared access and maintenance agreement for the private access tract. This agreement shall be for the exclusive benefit of the proposed Lot 2 and Lot 6 Block 5, Roselawn Extension. Such agreement must be filed for record with the Skamania County Auditor and referenced on the face of the plat prior to final approval.
5. To accommodate the provision of emergency services, access to the private access tract must be unrestricted to emergency vehicles, and no gate shall restrict such access without providing the City with a key or combination to any locks. This requirement shall be included in the road maintenance agreement.

DECISION

The Stevenson Board of Adjustment, based on the Findings-of-Fact and conditions of approval, grants a variance to the minimum lot size for one lot in the proposed R&D Short Plat within the R1- Single-Family Residential Zone. The minimum lot size for this lot shall be 5,227 square feet.

The Board of Adjustment, based on the Findings-of-Fact and conditions of approval, grants a variance by clarifying that the common lot line between the proposed Lot 2 and the shared access tract shall be considered a side lot line, however projections will not be permitted within the setback.