



# City of Stevenson

Phone (509) 427-5970  
Fax (509) 427-8202

7121 E Loop Road, PO Box 371  
Stevenson, Washington 98648

## Board of Adjustment - Variance Request

Wednesday, March 01, 2023

6:00 PM

### A. Preliminary Matters

1. **Establish Meeting Chair:** Board members are asked to assent to a single member serving as chair for the meeting's proceedings.
2. **Public Comment Expectations:**

In Person: Attendees at City Hall should follow current CDC and State guidance regarding use of masks, social distancing, and attendance.

Webinar: <https://us02web.zoom.us/j/85637388112> Conference Call: +1 253 215 8782 or +1 346 248 7799 ID #: 856 3738 8112

Commenters must raise their hand and be acknowledged by the Chair. Individual comments may be cut off after 3 mins. Disruptive individuals may be required to leave the meeting. Persistent disruptions may result in the meeting being recessed and continued at a later date.

Tools: \*6 to mute/unmute & \*9 to raise hand

3. **Public Comment Period:** (For items not located elsewhere on the agenda)

### B. New Business

4. **Variance Request:** (VAR2023-01 Girtle Wall Height)

- a. Appearance of Fairness Disclosures
- b. Presentation by Staff

- c. Presentation by Applicant
- d. Public Hearing
  - 1. Comments in Favor
  - 2. Comments in Opposition
  - 3. Comments Neither in Favor nor Opposition
  - 4. Close Public Hearing
- e. Board Deliberation
- f. Decision

**E. Adjournment**



# City of Stevenson

## Planning Department

(509)427-5970

7121 E Loop Road, PO Box 371  
Stevenson, Washington 98648

**TO: Planning Commission**  
**FROM: Ben Shumaker**  
**DATE: March 1<sup>st</sup>, 2023**  
**SUBJECT: Girtle Wall Height Variance (VAR2023-01)**

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### **Introduction**

The Stevenson Board of Adjustment is asked to grant a variance to the dimensional standard of SMC 17.38.060 controlling the height of walls located within front yards. The standard is 48" above the sidewalk. The requested variance would allow a wall as tall as 80" above the sidewalk.

### **Staff Recommendation**

The Board of Adjustment should grant this variance based on the findings and conclusions in Attachment 2.

### **Standard**

SMC 17.38.060 – Front Setback-Projections Restricted. "Eaves, cornices, chimneys, platforms, porches and similar projections may extend into the required front setback for a distance of not more than two feet. Stairs and steps may be located anywhere within a front setback. Fences and *walls may be placed anywhere within a front setback, but shall be limited to a maximum height of forty-eight inches above the adjacent sidewalk elevation* (or edge of right-of-way if no sidewalk exists)." [*emphasis added*]

### **Controlling Policies**

SMC 17.46.020 – Board of Adjustment—Powers and Duties. "Consistent with Chapter 2.14 of the Stevenson Municipal Code, the Board of Adjustment shall have the following powers and duties as they relate to this title:...

2. To hear and decide upon applications for variances from the terms of this title;..."

SMC 2.14.010 – Created—Powers and Duties. "There shall be a board of adjustment for the City, known as the "City of Stevenson Board of Adjustment"...

- A. The Board of Adjustment shall be empowered to hear and decide:...
  2. Variances. Applications for variances from the terms and provisions of the land use regulatory codes of the City when such power has been assigned by ordinance of the City Council, provided that any variance granted shall be subject to such conditions as the Board of adjustment deems necessary and that no variance shall be granted unless the Board of Adjustments [sic] finds that:
    - a. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated;
    - b. The strict application of the land use regulation is found to deprive subject property of rights and privileges enjoyed by other property in the vicinity and under identical zoning district classifications, because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings;
    - c. 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 zoning district in which subject property is situated;
    - d. The granting of the variance will not be detrimental to the purposes of the land use regulatory code from which the variance is requested, and will not conflict with the goals and policies of the comprehensive plan;

- e. The hardship creating the need for a variance is not self-imposed and that the variance requested is the minimum variance which will alleviate the hardship.
- B. In deciding any of the matters delegated by the City Council, the Board of Adjustment shall prepare a written record of the case findings of fact upon which the action is based."

**Guiding City Policies**

SMC 17.08.020 – General Intent. It is the intent of the City Council to provide uniform, equitable and reasonable standards to govern the usage of land and structures in the interest of public health, safety and the general welfare.

SMC 17.12.030 – Administration Commensurate with the Comprehensive Plan. It shall be the duty of the Planning Commission, Board of Adjustment, City Council and Zoning Administrator to interpret and/or administer the provisions of this title in such a way as to carry out the intent and purpose of the comprehensive plan. Where zoning regulations are not clear, or where there are inconsistencies within this title, the comprehensive plan shall be referred to for interpretation and guidance.

SMC 17.15.020(E) – SR Suburban Residential District. The Suburban Residential District (SR) is intended to provide minimum development standards for a variety of uses and provide a transition area where service levels are less than urban and where low-density residential uses coexist with uses otherwise characteristic of more rural areas.

**2013 Stevenson Comprehensive Plan**

The following provisions of the Comprehensive Plan provide context for the Planning Commission determination.

**Community & Schools**

- 1.17 Provide a clean, visually attractive community

**Urban Development**

- 2.12 Facilitate and encourage the use off innovative building types and land development patterns that encourage conservation of energy and other resources.
- 2.14 Ensure development review processes are prompt, predictable, open, and uncomplicated.
- 2.15 Minimize the impacts of abutting conflicting land uses by subjecting the more intensive land use or the site being developed to special site development standards.

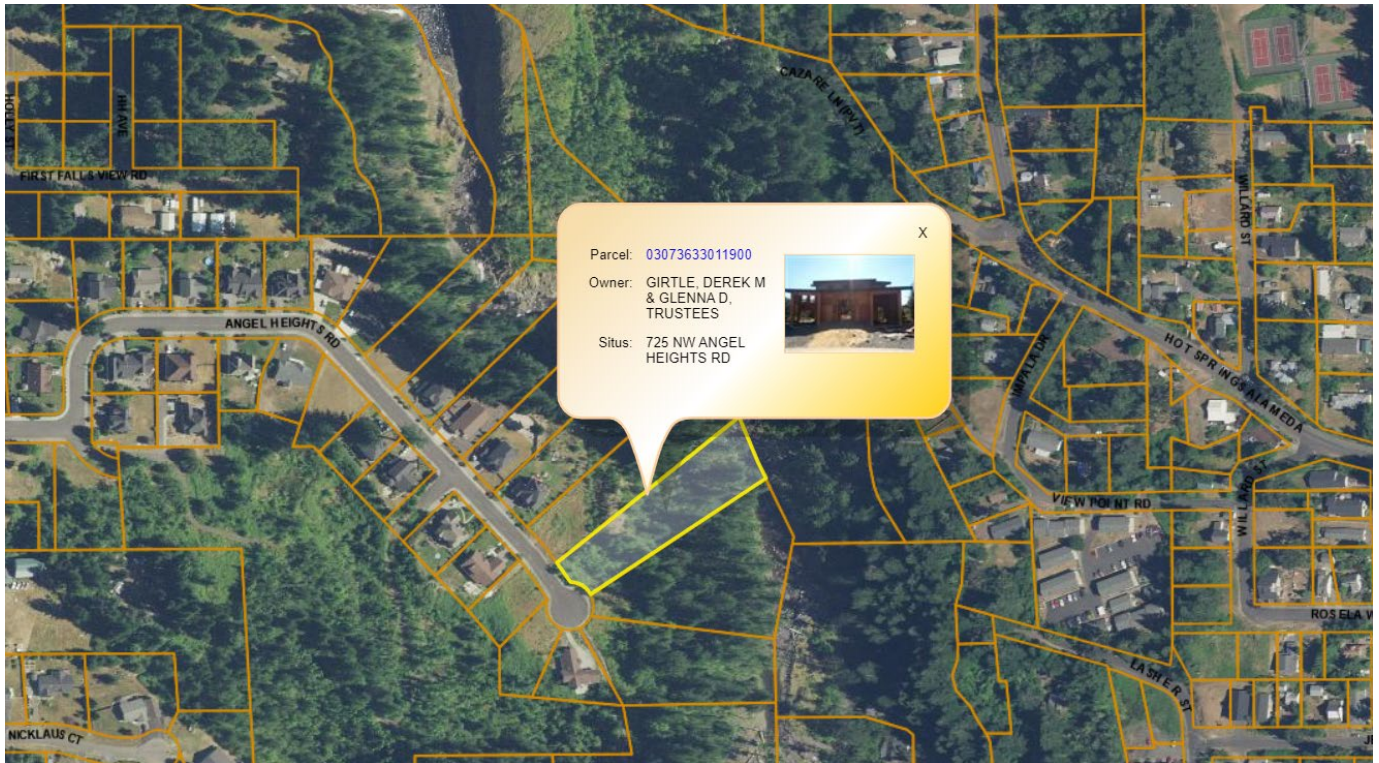
**Housing**

- 3.6 Review and carefully consider the immediate and long term effects of fees, charges, regulations, and standards on dwelling costs.
- 3.8 Review all development proposals for compatibility with surrounding established residential areas. Policies related to land use, transportation, public facilities, and utilities should seek to maintain and enhance the quality of these areas.

**Site Characteristics**

Owner/Applicant: Derek &Glenna Girtle/Thomas Owens (Design Consultant)  
 Purpose: To allow a retaining wall within the front yard setback which exceeds 48" in height above the adjacent sidewalk.  
 Location: 725 NW Angel Heights Road (Tax Lot 03-07-36-3-3-0119-00)  
 Lot size: 56,982 sq ft

	<b>Zoning</b>	<b>Land Use</b>
<b>Subject Property</b>	SR Suburban Residential	Single-Family Residential (under construction)
North	SR Suburban Residential	Single-Family Residential
South	SR Suburban Residential	Vacant Property
East	County Residential 1 (R1)	Vacant Property
West	SR Suburban Residential	Single-Family Residential



### **Background**

The proponent requests the city allow the continued existence of a retaining wall built without the benefit of a permit. The wall was constructed in association with the construction of a new home and provides a more level area in the home's front yard. Ranging from 28" to 80" (6'8"), the wall exceeds the 48" maximum height-above-sidewalk standard of SMC 17.38.060. The wall was not identified in the permit request for the home and a neighborhood complaint brought it to the City's attention. When informed of the need, the proponents promptly submitted all permit applications, including this variance, a building permit, and a right-of-way use permit. Based on the proponents' swift action, no punitive measures have been initiated by the City.

### **Departmental Coordination**

The project is being reviewed by both the Building Department and the Public Works Department. The Public Works Department's review requires City Council approval for portions of the wall within the public right-of-way. Their reviews/approvals are independent of the Board of Adjustment's review and no coordination is necessary.

### **Homeowners' Association Coordination**

The project is proposed within a subdivision having covenants, codes, and restrictions (AFN 2005-158875 and AFN 2005-159551). City legal counsel concludes, based in part on *Viking Properties, Inc., v. Holm*, 155 Wn.2d 112, 120 (2005) that cities in Washington state have no authority to enforce private covenants. As a result, no coordination with the homeowners' association has been initiated.

### **Community Input**

Notice was mailed to nearby property owners on February 16<sup>th</sup>, posted on the City website and facebook page February 21<sup>st</sup>, and published in the *Skamania County Pioneer* on February 22<sup>nd</sup>. In response to the notices, the City received the written comments included in Attachment 4.

NOTE: Two errors/omissions related to the notice: 1) the project description was inaccurate, referencing a previous variance request to a rear yard setback and 2) on-site notices were not posted. If the Board of Adjustment has procedural due process concerns, it may continue the public hearing and delay a decision until accurate notices are provided.

## **Alternatives**

1. Approve the first request subject to the findings, conditions, and conclusions in Attachment 2.
2. Deny the request based on its inability to meet the criteria of SMC 2.14.010(B)(2) (Attachment 3).
3. Delay a decision until procedural due process concerns are addressed.
4. Take some other course of action as a Board.

Prepared by,

Ben Shumaker  
Community Development Director

### Attachment

- Application (18 pages)
- Draft Approval (2 pages)
- Draft Denial (2 pages)
- Community Input (1 page)

# VARIANCE APPLICATION



Mail: PO Box 371, Stevenson, Washington 98648 Email: [planning@ci.stevenson.wa.us](mailto:planning@ci.stevenson.wa.us) Phone: (509)427-5970

**Applicant/Contact: THOMAS OWENS (Design Consultant)**

Mailing Address: P.O. BOX 221 Cascade Locks OR 97014

Phone: 503-740-0840 E-Mail Address: [tomo@gorge.net](mailto:tomo@gorge.net)

**Property Owner: Derek & Glenna Girtle**

Mailing Address: 5637 SW 87th Avenue

Phone: 503-781-1574 E-Mail Address: [derekgirtle@gmail.com](mailto:derekgirtle@gmail.com)

If There are Additional Property Owners, Please Attach Additional Pages and Signatures as Necessary

## Submittal Requirements

*Applicants must provide the following information for all Variance Applications.  
The City will not accept applications without the required information.*

- Application Fee (\$600.0) \_\_\_\_\_
- Agreement to Pay Outside Consulting Fees (When applicable)
- Completed Application Signed by the Applicant and Requesting Property Owners or their Representatives
- Descriptions of Any Existing Restrictive Covenants or Conditions
- Two (2) Copies of a Site Plan, Clearly Showing the Following
  - YES Location and Dimensions of all Existing and Proposed Structures
  - YES Floor Plan fo any Structure Involved with a Variance Request
  - YES North Arrow and Scale
  - YES Location and Dimensions of any Drainfiels, Public Utilities, Easements, Rights-of Way or Streets within or adjacent to any Affected Lot
  - YES Location and Dimensions of all Parking Areas
- Narrative Discussing How the Proposal Meets the 5 Criteria Listed Below
- A List of the Names and Mailing Addresses of All Property Owners Within 300 Feet of the Subject Property (Obtainable Through the Skamania County Assessor's Office)
- Any Other Information Requested by the Planning Director to Aid the Planning Commission in Evaluating the Variance Request

*add*



A Variance is an authorization from the Board of Adjustment to a property owner to depart from the literal requirements of the provisions of SMC 17-Zoning or SMC 16.02-Short Plat & Short Subdivisions because the strict enforcement of their provisions would cause the owner undue hardship in view of the facts and conditions applying to the specific parcel of property. A Variance will be granted by the Board of Adjustment when it finds that:

1. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located;
2. The strict application of the land use regulation is found to deprive the subject property of rights and privileges enjoyed by other property in the vicinity and under identical zoning district classifications, because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings;
3. 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 zoning district in which the subject property is located.
4. The granting of the variance will not be detrimental to the purposes of the land use regulatory code from which the variance is requested, and will not conflict with the goals and policies of the comprehensive plan;
5. The hardship creating the need for a variance is not self-imposed and that the variance requested is the minimum variance which will alleviate the hardship.

The following information is required for all Variance Applications. Applications without the required information will not be accepted. Site plans are to be submitted on 8½"x11" or 11"x17" paper, and drawn to a standard engineering scale (e.g. 1"=10', 1"=20', ¼"=1', etc.).

### Property Information

Property Address (Or Nearest Intersection): **725 Angel Heights Road Stevenson WA 98648**

Tax Parcel Number **03073633011900** Zoning: Residential Lot Area: 4,050 SQFT

Water Supply Source:  X City Sewage Disposal Method:  X City

Use of Lot:  X Single-Family

**Brief Narrative of Request; The original Design of the home called for a circle driveway. Once the lot was cleared and grades set the slope of the street proved to be extremely steep for the circle drive concept. The circle drive was abandoned. The existing curb cut was used at a slope of 8" of rise from street to the garage floor this approach made a safer street access as well. Using a natural stone wall to prevent erosion. the wall is compliant with up to 4ft tall (292 sq ft) of surface area. Note the taller area with slope is behind the actual setback the total surface area 25 ft long X 0"to 32" tall=35sq' (positive comments)**

As the property owners of the real property described in this proposal, our signatures indicate our approval of this proposal, with the understanding that the proposal is subject to review, approval, and/or denial under SMC Title 2.

I/we hereby provide written authorization for the City to reasonably access to the subject property to examine the proposal and carry out the administrative duties of the Stevenson Municipal Code.

Incomplete applications will not be accepted. • Ensure all required submittals are included.

Signature of Applicant:

Date: 29/12/22

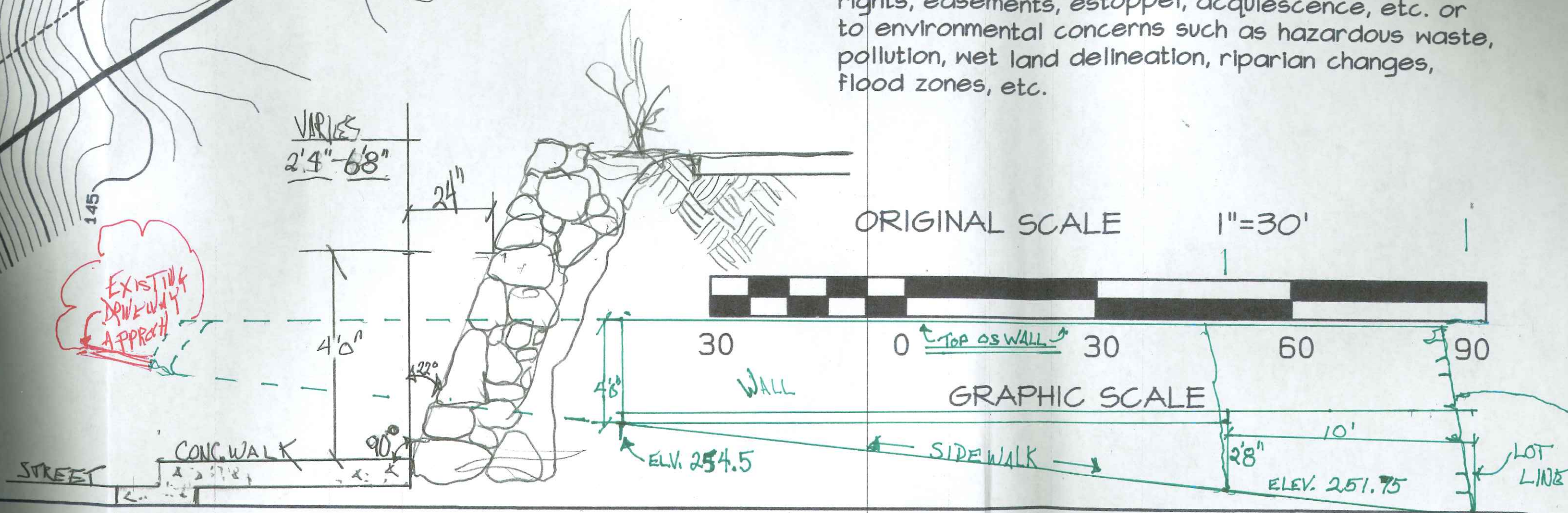
Signature of Property Owner:

Date: 30 Dec 2022

For Official Use Only:  
Date Application Received: \_\_\_\_\_ Date Application Complete: \_\_\_\_\_



This is not a legal document. Elevations assumed. Bell Design Co. makes no warranty as to matters of unwritten title such as adverse possession, prescriptive rights, easements, estoppel, acquiescence, etc. or to environmental concerns such as hazardous waste, pollution, wet land delineation, riparian changes, flood zones, etc.



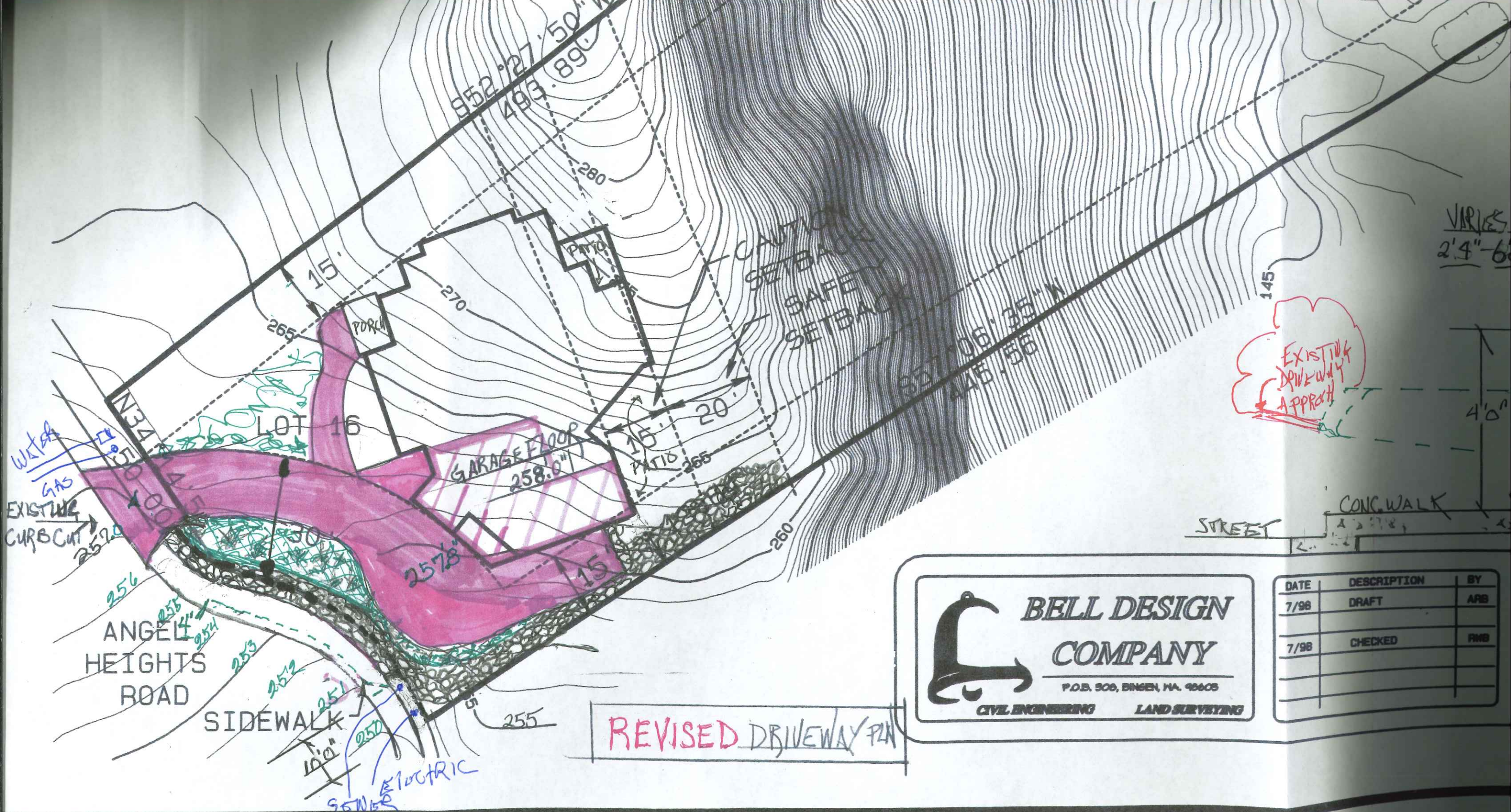
**DESIGN COMPANY**  
 LAND SURVEYING

DATE	DESCRIPTION	BY
7/98	DRAFT	ARB
7/98	CHECKED	RMB

**SETBACK EXHIBIT**  
**FOR DEREK & GLENNA GIRTLE**  
 STEVENSON, WASHINGTON

SHEET: 1 OF 2  
 PROJECT: 21B296  
 DATE: Nov 2021

O:\2021\B296\T02 - SURVEY STAKING\



VARIES  
2'4"-6'

EXISTING  
DRIVEWAY  
APPROACH

4'0"

CONC. WALK

STREET

**BELL DESIGN  
COMPANY**  
P.O. BOX 300, BINGEN, MA. 01005  
CIVIL ENGINEERING    LAND SURVEYING

DATE	DESCRIPTION	BY
7/98	DRAFT	ARB
7/98	CHECKED	FMB

REVISIED DRIVEWAY PLAN



Mary Corey <mary@ci.stevenson.wa.us>

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## 725 NW Angel Heights Road

4 messages

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**Ben Shumaker** <ben@ci.stevenson.wa.us>

Wed, Nov 23, 2022 at 10:43 AM

To: derekgirtle@icloud.com, teamevol.llc@gmail.com

Cc: carolyn@ci.stevenson.wa.us, Sarah Kellie <kellie@co.skamania.wa.us>, complaints@ci.stevenson.wa.us

Hello-

Please see the attached letter concerning a retaining wall constructed without a permit at the above address.

Thank you,


*BEN SHUMAKER*

*COMMUNITY DEVELOPMENT DIRECTOR*

*CITY OF STEVENSON, WASHINGTON*

*(509) 427-5970*

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 **WorkingOutsidePermit\_RetainingWall(CS22-025).pdf**  
85K

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**'Derek Girtle' via complaints** <complaints@ci.stevenson.wa.us>

Wed, Nov 23, 2022 at 3:41 PM

Reply-To: Derek Girtle <derekgirtle@icloud.com>

To: Ben Shumaker <ben@ci.stevenson.wa.us>

Cc: teamevol.llc@gmail.com, carolyn@ci.stevenson.wa.us, Sarah Kellie <kellie@co.skamania.wa.us>, complaints@ci.stevenson.wa.us

Hi Ben

Thank you for your email and we apologize for not understanding what needed to be done for this issue. Tom is actively working on this and we will submit our response next week.

Thank you for your consideration and appreciate you working with us on this.

Best  
Derek

Sent from my iPad

On Nov 23, 2022, at 10:43 AM, Ben Shumaker <ben@ci.stevenson.wa.us> wrote:

[Quoted text hidden]

---

 **WorkingOutsidePermit\_RetainingWall(CS22-025).pdf**  
85K

To: mary@ci.stevenson.wa.us

Sent from my iPhone

Begin forwarded message:

**From:** Derek Girtle <derekgirtle@icloud.com>  
**Date:** November 23, 2022 at 3:41:58 PM PST  
**To:** Ben Shumaker <ben@ci.stevenson.wa.us>  
**Cc:** teamevol.llc@gmail.com, carolyn@ci.stevenson.wa.us, Sarah Kellie <kellie@co.skamania.wa.us>, complaints@ci.stevenson.wa.us  
**Subject: Re: 725 NW Angel Heights Road**

Hi Ben

[Quoted text hidden]

---

 WorkingOutsidePermit\_RetainingWall(CS22-025).pdf  
85K

---

**Mary Corey** <mary@ci.stevenson.wa.us>  
To: Team Evolution <teamevol.llc@gmail.com>

Mon, Jan 9, 2023 at 3:56 PM

Got it.

[Quoted text hidden]

--

Mary Corey, CMC  
City of Stevenson  
Deputy Clerk/Treasurer I  
(509) 427-5970 Ext 201



Mary Corey <mary@ci.stevenson.wa.us>

---

**Fwd: 725 NW Angel Heights Road - Girtle**

2 messages

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**Team Evolution** <teamevol.llc@gmail.com>

Mon, Jan 9, 2023 at 3:50 PM

To: mary@ci.stevenson.wa.us

Sent from my iPhone

Begin forwarded message:

**From:** Dev Bell <devbell@belldesigncompany.com>  
**Date:** December 23, 2022 at 9:25:40 AM PST  
**To:** Ben Shumaker <ben@ci.stevenson.wa.us>  
**Cc:** Heather Scannell <heather@transform-design-group.com>, Team Evolution <teamevol.llc@gmail.com>  
**Subject:** RE: 725 NW Angel Heights Road - Girtle

Thanks Ben

I appreciate the clarity. I think now the property owners can better understand the situation and determine their best course of forward action. Variance or re-construction – either option is viable.

BTW – what on earth or you doing working today??? Its Christmas this weekend. Have a merry one!!

Warm regards



**DEV BELL, PE**

*Vice President*

**P:** 509-493-3886

**E:** devbell@belldesigncompany.com

**W:** www.belldesigncompany.com

**A:** 900 W Steuben St, Box 308 Bingen, WA 98605

**From:** Ben Shumaker [mailto:ben@ci.stevenson.wa.us]  
**Sent:** Friday, December 23, 2022 8:47 AM  
**To:** Dev Bell <devbell@belldesigncompany.com>  
**Cc:** Heather Scannell <heather@transform-design-group.com>; Team Evolution <teamevol.llc@gmail.com>  
**Subject:** RE: 725 NW Angel Heights Road - Girtle

Hi Dev-

The wall, as-constructed, is not permissible based on the 48" limitation.

Your clients have a decision to make whether they modify the project to meet that limitation or request a variance.

It is my understanding that that the proponent believes it is impossible to remove the top 32" to meet that limitation.

If this understanding is correct, then yes, the remaining pathway for approval is to obtain permission from the Board of Adjustment to vary the dimensional standard of SMC 17.38.060.

Apologies also, I failed to put in my last email that your submittal satisfied the City's previous request for information by 12/25.

We now ask the applicants to indicate their intended path forward (plan revision or variance request) by 12/31 and submit related follow-up documents by 1/15.

Thank you,

*BEN SHUMAKER*

*(509) 427-5970*

**From:** Dev Bell <devbell@belldesigncompany.com>  
**Sent:** Thursday, December 22, 2022 2:07 PM  
**To:** 'Ben Shumaker' <ben@ci.stevenson.wa.us>  
**Cc:** 'Heather Scannell' <heather@transform-design-group.com>; 'Team Evolution' <teamevol.llc@gmail.com>  
**Subject:** RE: 725 NW Angel Heights Road - Girtle

Thanks Ben.

In order to clarify my understanding of the City's position on the situation – Is it the City's official position that the wall needs to go through a variance process because of SMC 17.38.060?

Warm regards



**DEV BELL, PE**

*Vice President*

**P:** 509-493-3886

**E:** *devbell@belldesigncompany.com*

**W:** *www.belldesigncompany.com*

**A:** 900 W Steuben St, Box 308 Bingen, WA 98605

**From:** Ben Shumaker [mailto:ben@ci.stevenson.wa.us]

**Sent:** Thursday, December 22, 2022 1:46 PM

**To:** Dev Bell <devbell@belldesigncompany.com>

**Cc:** Heather Scannell <heather@transform-design-group.com>; Team Evolution <teamevol.llc@gmail.com>

**Subject:** RE: 725 NW Angel Heights Road - Girtle

Thanks, Dev.

Tom, as discussed, I am unable to administratively approve the portions of the wall that exceed 48" above the sidewalk. City permission will need to come from the 5-member Board of Adjustments as a Variance. The application form is attached and includes the 5 findings the Board must make.

Typically, the biggest struggle applicants have is convincing the board of the 2<sup>nd</sup> and 5<sup>th</sup> criteria. When that struggle looks too great, I recommend they redesign to comply with the regulation. With this application, I'm not making that recommendation to you. I think your narrative can rely on what you were saying about the bedrock creating a special circumstance preventing bringing the grade down. That is clearly not self-imposed and the conversation should quickly move toward a description of why your request is the minimum necessary to alleviate the hardship.

The site plan and wall elevations are adequate to present the request.

If you have questions as you prepare the narrative, feel free to run them past me.

Thank you,

*BEN SHUMAKER*

*(509) 427-5970*

**From:** Dev Bell <devbell@belldesigncompany.com>  
**Sent:** Wednesday, December 21, 2022 4:54 PM  
**To:** 'Ben Shumaker' <ben@ci.stevenson.wa.us>  
**Cc:** 'Heather Scannell' <heather@transform-design-group.com>; 'Team Evolution' <teamevol.llc@gmail.com>  
**Subject:** RE: 725 NW Angel Heights Road - Girtle

Ben

Here are the revised site plans as prepared by Tom Owens of Team Evolution. Tom and I discussed the issue regarding the 24-inch setback from the back of the sidewalk. Here is what I found; along the frontage of the cul-de-sac the ROW is 2' behind the back edge of the sidewalk. The attached plan shows that the portions of retaining wall located inside the ROW is in no place higher than 48-inches.

Let us know if you have any additional questions.

Warm regards



**DEV BELL, PE**

*Vice President*

**P:** 509-493-3886

**E:** [devbell@belldesigncompany.com](mailto:devbell@belldesigncompany.com)

**W:** [www.belldesigncompany.com](http://www.belldesigncompany.com)

**A:** 900 W Steuben St, Box 308 Bingen, WA 98605

**From:** Dev Bell [mailto:devbell@belldesigncompany.com]  
**Sent:** Tuesday, December 20, 2022 9:39 AM  
**To:** 'Ben Shumaker' <ben@ci.stevenson.wa.us>  
**Cc:** 'Heather Scannell' <heather@transform-design-group.com>; 'Team Evolution' <teamevol.llc@gmail.com>  
**Subject:** RE: 725 NW Angel Heights Road - Girtle



Ben

I stand corrected. Tom mentioned that it was his understanding that a wall or fence located within 2' from the back edge of the sidewalk could not be taller than 48-inches. I re-read SMC 17.38.060 and now I see that the only reference to 2-ft regards encroachment into the ROW for decks, porches, etc. Retaining walls can be located anywhere in the ROW as long as they are not over 48" tall. Tom will need to clarify his understanding of the 2-ft setback from the back edge of the sidewalk since I now see that I was not able to find an actual reference to this statement. Please forgive me for the misquote.

Warm regards



**DEV BELL, PE**

*Vice President*

**P:** 509-493-3886

**E:** [devbell@belldesigncompany.com](mailto:devbell@belldesigncompany.com)

**W:** [www.belldesigncompany.com](http://www.belldesigncompany.com)

**A:** 900 W Steuben St, Box 308 Bingen, WA 98605

**From:** Ben Shumaker [<mailto:ben@ci.stevenson.wa.us>]

**Sent:** Tuesday, December 20, 2022 8:41 AM

**To:** Dev Bell <[devbell@belldesigncompany.com](mailto:devbell@belldesigncompany.com)>

**Cc:** Heather Scannell <[heather@transform-design-group.com](mailto:heather@transform-design-group.com)>; Team Evolution <[teamevol.llc@gmail.com](mailto:teamevol.llc@gmail.com)>

**Subject:** RE: 725 NW Angel Heights Road - Girtle

Thanks, Dev.

I will await the submittal. As I prepare for the review, can you please tell me what relevance you place on the 24" proximity. That distance doesn't immediately pop anything in my memory, and I want to be prepared to review as quickly as possible.

*BEN SHUMAKER*

**From:** Dev Bell <devbell@belldesigncompany.com>

**Sent:** Tuesday, December 20, 2022 7:45 AM

**To:** ben@ci.stevenson.wa.us

**Cc:** 'Heather Scannell' <heather@transform-design-group.com>; 'Team Evolution' <teamevol.llc@gmail.com>

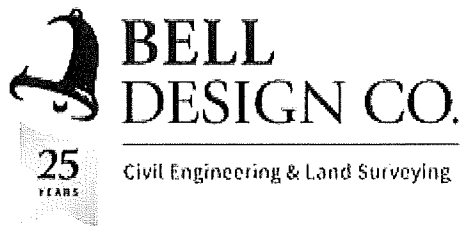
**Subject:** 725 NW Angel Heights Road - Girtle

Ben

Tom Owens of Team Elevation has been briefing me on the situation regarding the rock wall along the back edge of the sidewalk on Angel Height along the frontage of Derek and Glenna Girtle's residence. I've reviewed the ordinance cited in the attached action notice. This email is to let you know that I will be working with the home owner to resolve this situation. At first glance I do not believe that it will be necessary to change the rock wall location or height in order to meet the City's requirements. However, Tom Owens will be submitting a revised site plan that shows the situation in more detail. I've observed photos of a large crane situated atop the wall during construction of the new home providing evidence of the wall's structural capability. So my concern for the wall's structural integrity is very minimal. Tom feels that in no location is the wall over 48-inches tall when it is located within 24-inches from the back edge of the sidewalk. If this is the case the requirements of SMC 17.38.060 may not be violated. Regardless, I'll be providing engineering oversight, as required, to help resolve any significant issues that are present.

Merry Christmas and Happy Holidays

Warm regards



**DEV BELL, PE**

*Vice President*

**P:** 509-493-3886

**E:** [devbell@belldesigncompany.com](mailto:devbell@belldesigncompany.com)

**W:** [www.belldesigncompany.com](http://www.belldesigncompany.com)

**A:** 900 W Steuben St, Box 308 Bingen, WA 98605

**From:** Team Evolution [mailto:teamevol.llc@gmail.com]  
**Sent:** Wednesday, December 14, 2022 6:39 PM  
**To:** DEV BELL <devbell@belldesigncompany.com>  
**Cc:** Heather Scannell <heather@transform-design-group.com>; Team Evolution <teamevol.llc@gmail.com>  
**Subject:** Fwd: 725 NW Angel Heights Road

Hi, Dev--here's the letter we received from Skamania County about Girtle's retaining wall. Thanks!

----- Forwarded message -----

**From:** Ben Shumaker <ben@ci.stevenson.wa.us>  
**Date:** Wed, Nov 23, 2022 at 10:43 AM  
**Subject:** 725 NW Angel Heights Road  
**To:** <derekgirtle@icloud.com>, <teamevol.llc@gmail.com>  
**Cc:** <carolyn@ci.stevenson.wa.us>, Sarah Kellie <kellie@co.skamania.wa.us>, <complaints@ci.stevenson.wa.us>

Hello-

Please see the attached letter concerning a retaining wall constructed without a permit at the above address.

Thank you,

*BEN SHUMAKER*

*COMMUNITY DEVELOPMENT DIRECTOR*

*CITY OF STEVENSON, WASHINGTON*

*(509) 427-5970*

---

3 attachments





**BELL  
DESIGN CO.**

Civil Engineering & Land Surveying

image004.jpg  
7K

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**Mary Corey** <mary@ci.stevenson.wa.us>  
To: Team Evolution <teamevol.llc@gmail.com>

Mon, Jan 9, 2023 at 3:54 PM

Got them!

[Quoted text hidden]

--

Mary Corey, CMC  
City of Stevenson  
Deputy Clerk/Treasurer I  
(509) 427-5970 Ext 201



---

## Fwd: Rock Wall

1 message

---

**Tom Owens** <tomo@gorge.net>  
To: mary@ci.stevenson.wa.us

Mon, Jan 9, 2023 at 3:51 PM

Sent from my iPhone

Begin forwarded message:

**From:** Tom Owens <tomo@gorge.net>  
**Date:** November 18, 2022 at 1:02:42 PM PST  
**To:** Heather Scannell <heather@transform-design-group.com>  
**Subject: Rock Wall**

Sent from my iPhone

Begin forwarded message:

**From:** Ben Shumaker <ben@ci.stevenson.wa.us>  
**Date:** November 17, 2022 at 1:27:26 PM PST  
**To:** tomo@gorge.net  
**Cc:** Mary Corey <mary@ci.stevenson.wa.us>  
**Subject: FW: Rock Wall**

Hi Tom-

See below.

I am following up with the other City departments with jurisdiction over this issue.

Minimally, I will be asking for an updated site plan showing retaining walls and other aspects of your proposal that may have been excluded from the original site plan.

I will send out a more complete list when I hear back from others.

Thank you,

*BEN SHUMAKER*

*(509) 427-5970*

**From:** Mary Corey <mary@ci.stevenson.wa.us>  
**Sent:** Thursday, November 17, 2022 10:21 AM  
**To:** Ben Shumaker <Ben@ci.stevenson.wa.us>  
**Subject:** Fwd: Rock Wall

Can you take this?

----- Forwarded message -----

From: **Leonard Damian** <leonard.damian@gmail.com>

Date: Thu, Nov 17, 2022 at 10:19 AM

Subject: Rock Wall

To: <complaints@ci.stevenson.wa.us>

I would like to know the rock wall installed across the street from my address at the new SFD being built at 725 NW Angel Heights Road.

Specifically, the following Ordinance:

• **17.38.060 - Front setback-Projections restricted.**

**SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD (DOCX) OF SECTIONSEMAIL SECTION**

Eaves, cornices, chimneys, platforms, porches and similar projections may extend into the required front setback for a distance of not more than two feet. Stairs and steps may be located anywhere within a front setback. Fences and walls may be placed anywhere within a front setback, but shall be limited to a maximum height of forty-eight inches above the adjacent sidewalk elevation (or edge of right-of-way elevation if no sidewalk exists).

(Ord. 894 (part), 1994).

Additionally, I understand that any wall greater than 4 feet in height requires additional engineering. The wall along the sidewalk exceeds 4' within this setback.

I am curious how this is allowed.

Thank you,

Leonard Damian

--

Mary Corey, CMC

City of Stevenson

Deputy Clerk/Treasurer I

(509) 427-5970 Ext 201



City of Stevenson  
 PO Box 371  
 Stevenson, WA 98648  
 (509) 427-5970

Girtle Derek & Glenna  
 5637 SW 87th Ave  
 Portland, OR, 97225

Account Information			
Cust #:	1501		
Date:	01/10/2023	Due:	02/09/2023
Invoice #:	871		
For:	Building Permits		
Permit:	VAR2023-01		

Item	Taxed	Quantity	Amount	Total
Variance - Planning Fees - 01/10/2023	N	1.0000	600.00	600.00
VAR2023-01 Girtle			Non Taxed:	600.00
			Taxed:	0.00
			Tax @ 0.00%:	0.00
			Payments:	0.00
			<b>Total:</b>	<b>600.00</b>

Receipt: 12338                      01/10/2023  
Acct #:     1501  
City Of Stevenson  
7121 E. Loop Rd.  
PO Box 371  
Stevenson, WA 98648  
(509) 427-5970

---

Girtle Derek & Glenna  
5637 SW 87th Ave  
Portland, OR 97225

Building Permits  
Memo: VAR2023-01 Girtle  
Inv#:     871    Amt Paid:     600.00  
VAR2023-01 Girtle

Non Taxed Amt:	<u>600.00</u>
Total:	600.00
Chk: 1040	<u>600.00</u>
Ttl Tendered:	600.00
Change:	0.00

Issued By:     Mary C.  
                  01/10/2023 11:56:45





## City of Stevenson Board of Adjustment

### Girtle, Tax Lot 03-07-3-3-0119-00 Granting of Variance (VAR2023-01) 3-1-2023

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#### **Proposal**

The Stevenson Board of Adjustment held a public hearing on March 1<sup>st</sup>, 2023 to consider a request from Derek and Glenna Girtle to vary the 48" maximum height standard for walls located in the front setback (SMC 1738.060). The wall is located on Tax Lot 03-07-36-3-3-0119-00, 725 NW Angel Heights Road. The proposal asks for approval of a wall with a maximum height of 80".

#### **Findings of Fact:**

1. The Board of Adjustment reviewed this application for a Variance after a public hearing on March 1<sup>st</sup>, 2022.
2. The geological history of this property creates the following special circumstances:
  - a. Bedrock is shallow on this property and was encountered at an elevation higher above the adjacent sidewalk than at similar lots elsewhere in the district and vicinity.
  - b. The property is not flat along its width. The slope of the adjacent sidewalk along the front property line is greater than that of similar lots elsewhere in the district and vicinity.
3. The proposal allows for a consistent front-yard elevation across the front property line and a manageable slope between the retaining wall and the home's foundation.

#### **Conditions of Approval**

1. Prior to final inspection of the project, the proponent shall record this variance approval with the Skamania County Auditor. A copy of the recorded document shall be provided to the City for its records.

#### **Conclusions of Law**

Based on these findings and conditions, the Board of Adjustment finds this proposal consistent with all relevant criteria and grants this variance to SMC 17.38.060.:

- a. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated;

- b. The strict application of the land use regulation is found to deprive subject property of rights and privileges enjoyed by other property in the vicinity and under identical zoning district classifications, because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings;
- c. 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 zoning district in which subject property is situated;
- d. The granting of the variance will not be detrimental to the purposes of the land use regulatory code from which the variance is requested, and will not conflict with the goals and policies of the comprehensive plan;
- e. The hardship creating the need for a variance is not self-imposed and that the variance requested is the minimum variance which will alleviate the hardship.

DRAFT



## City of Stevenson Board of Adjustment

### Girtle, Tax Lot 03-07-3-3-0119-00 Denying Variance (VAR2023-01) 3-1-2023

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#### **Proposal**

The Stevenson Board of Adjustment held a public hearing on March 1<sup>st</sup>, 2023 to consider a request from Derek and Glenna Girtle to vary the 48" maximum height standard for walls located in the front setback. The wall is located on Tax Lot 03-07-36-3-3-0119-00, 725 NW Angel Heights Road. The proposal asks for approval of a wall with a maximum height of 80".

#### **Findings of Fact:**

1. The Board of Adjustment reviewed this application for a Variance after a public hearing on March 1<sup>st</sup>, 2022.
2. The geological history of this property results in the following special circumstances:
  - a. Bedrock is shallow on this property and was encountered at an elevation higher above the adjacent sidewalk than at similar lots elsewhere in the district and vicinity.
  - b. The property is not flat along its width. The slope of the adjacent sidewalk along the front property line is greater than that of similar lots elsewhere in the district and vicinity.
3. The presence of these circumstances were self-imposed by the subdivider of the Angel Heights Subdivision when the site's development neglected to provide for lots where development would result in consistent front-yard elevations across the front property line and a manageable slopes between the retaining wall and the home's foundation.

#### **Conclusions of Law**

Based on these findings and conditions, the Board of Adjustment denies this variance request because it unable to find consistency between the proposal and this criteria:

- e. The hardship creating the need for a variance is not self-imposed and that the variance requested is the minimum variance which will alleviate the hardship.



Ben Shumaker &lt;ben@ci.stevenson.wa.us&gt;

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**Concerning: Variance Request: at 725 NW Angel Heights Road**

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kniestes@gmail.com <kniestes@gmail.com>  
To: planning@ci.stevenson.wa.us

Wed, Feb 22, 2023 at 1:10 PM

I cannot attend the scheduled meeting but want to voice my concerns.

Please let me know if there is a more appropriate method to provide input.

**Opposed to requested variances for [lot 725 NW Angel Heights Rd](#)**

Offering my opposition to the granting of any variances for the indicated property.

The neighborhood has generous sized lots that have been built on without requiring special considerations.

As the neighborhood buildout nears completion it is not appropriate to start making exceptions to rules & regulations that other property owners have not had issues following.

Current neighborhood is a collection of homes nicely spaced with lots of open area surrounding each house.

Providing a feeling of nature and that allows wild animals to roam through the area unhindered.

Why risk messing up a neighborhood now?

It is my hope you will deny any variance.

Thank you,

Sam Kniesteadt

[747 NW Angel Heights Rd](#)

[Stevenson, WA 98648](#)

503-778-0773