

PLANNING COMMISSION  
MEETING

November 15, 1984

School District Board Room  
400 No. Sherwood Blvd.

- I. Approval of Minutes
- II. Public Hearing  
Variance Request, Willis Spangler
- III. Minor Land Partition,  
Willis Spangler



P.O. Box 167  
Sherwood, Oregon 97140  
625-5522 625-5523

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Sherwood Planning Commission will hold a public hearing on Thursday, November 15, 1984 at 7:30 p.m. in the School District Board Room, 400 No. Sherwood Blvd. on the following application:

Request for minor partition and lot size variance on property located on the corner of N.W. Main Street and N.W. Railroad Street currently occupied by the Sherwood Public Library and Old Town Furniture Restoration.

The public is invited to attend.

Polly Blankenbaker,  
Recorder

Publish November 8, 1984

## PLANNING STAFF REPORT

**TO:** City of Sherwood  
Planning Commission

**DATE TYPED:** November 7, 1984

**FROM:** Benkendorf & Associates,  
Sally Rose, Consulting Planner

**HEARING DATE:** November 15, 1984

**SUBJECT:** Minor Partition  
Variance to Minimum  
Lot Size Requirement

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### I. PROPOSAL DATA

**Applicants:** Willis and June Spangler and Ethyl Bixby.  
These property owners are being represented by Mr. Al Olson, realtor.

**Request:** Minor Partition in a Community Commercial (CC) Planning Designation Area. Variance to the Lot Dimension Requirements.

**Location:** A 100 foot x 59 foot parcel with City Library and Old Town Furniture Restoration at the corner of S.W. Railroad and Main Street

### II. BACKGROUND INFORMATION

The Spanglers and Ms. Bixby own the two buildings situated on this parcel which is Lot 5, Block 2, Sherwood Addition. The two existing structures (the Library and Furniture Restoration) share a common wall (see "Existing Lot" drawing submitted by applicant). The owners of the lot and buildings wish to partition the lot at the common wall, through the depth of the lot, in order to "create two commercial outlets that can be bought or sold and owned in fee simple" (see applicant's submittal narrative). The owners are prohibited, under strict compliance and City regulations, to sell either

building individually. The ability to sell property is a property right. Therefore, the owners are seeking a minor partition in order to divide the existing parcel between the two buildings, and a variance to the lot dimension requirements since the necessary partition will result in two lots which don't meet this standard. The two new parcels would measure approximately 34.5' x 100' (Parcel #1, Library) and 24.5' x 100' (Parcel #2, Furniture Store and parking lot).

Mr. Olson has submitted the following information for the applicants:

- o One 8½" x 11" page of narrative describing the proposal and titled "Proposed Minor Partition and Variance".
- o One 8½" x 11" drawing with narrative at the bottom.
- o One 8½" x 11" drawing.
- o One 8½" x 11" copy of the Assessors Map showing surrounding property.

### **III. FINDINGS OF FACT**

- A. The subject lot is approximately 5,900 sq.ft. The requested minor partition will result in two lots measuring approximately 34.5' x 100' and 24.5' x 100'. (Approximately 3,450 sq.ft. and 2,450 sq.ft. respectively). Each lot will contain one building.
- B. The property is within an area designated Community Commercial. The minimum lot size in this area is 5,000 sq.ft. and the minimum lot width is 40'.
- C. The present lot was created and the existing structures were built many years before the City of Sherwood adopted planning standards.
- D. There is a parking lot approximately 1,212 sq.ft. in size between the back of the furniture restoration business and the alley.

- E. The existing lot abuts NW Railroad Street which is an improved city street. NW Main Street abuts the west side of the existing lot and there is an alleyway behind the existing lot.
- F. The lot and buildings have necessary city services. There is a 6" sewer line in the alley. There is a 4" water line underneath the sidewalk on NW Railroad Street and a 2" line in Main Street. There is a storm water system catch basin in Railroad Street. The businesses have police and fire protection.
- G. The owners have owned the subject lot and buildings for approximately 12 years.
- H. The requested partition and variance will not alter the fact that other uses or new structures must comply with all applicable City Standards.
- I. Other lots in this vicinity are smaller than the minimum lot dimensions set forth for the Community Commercial Planning Designation.

#### **IV. REVIEW CRITERIA**

- A. Chapter 3, Section 3.00D of the Community Development Code sets forth the findings the Planning Commission is to make in reviewing an application for a Minor Partition.
- B. Chapter 2, Section 2.11F of the Community Development code sets forth the lot dimension standards in the Community Commercial Planning Designation Area.
- C. Chapter 2, Section 8.03 A - E of the Community Development Code sets forth the findings the Planning Commission is to make in reviewing an application for a variance.

## **V. STAFF RECOMMENDATIONS AND CONCLUSIONARY FINDINGS**

Based upon the Findings of Fact and Conclusionary Findings for approval set forth below, the staff recommends **approval with conditions of a minor partition and variance of lot demension standards** in a Community Commercial Planning Designation Area on Lot 5, Block 2, Sherwood Addition.

### **A. Minor Partition**

1. NW Railroad Street serves the subject property and therefore, the partition does not require the creation of a street or road.
2. The granting of the requested variance, as illustrated in the applicants submittal will bring the proposal into compliance with the applicable requirements of the Planning District Area.
3. There are adequate public facilities and services to serve the property.
4. The partition will not affect development on adjoining property.

### **B. Variance**

1. The fact that two buildings with a common wall were built on one lot prior to the existence of City Standards to the contrary is an exceptional circumstance over which the applicants have no control.
2. The variance is necessary for the preservation of the property owners' right to sell the individual buildings.
3. The variance will not be materially detrimental to the City's Code or to property in the vicinity, since the existing situation has existed for many years.

4. The hardship is not self-imposed because the lot was created and the buildings constructed prior to the applicants' ownership. The requested variance is the minimum necessary.
5. The hardship does not arise from a violation of this ordinance because the situation existed prior to adoption of the ordinance.

**C. Conditions**

The Planning Commission can attach conditions to an approval in order to assure that the purposes of the Community Development Code are met. Staff recommends that the following conditions be imposed:

1. Before the partition and variance will become affective, the applicant shall have a survey and legal description completed by a licensed surveyor and recorded with the Washington County Clerk's office. A copy of the legal description and the receipt of filing shall be submitted to the City.
2. The above legal description shall include an easement for stairway access from Parcel 2 to Parcel 1 as illustrated on the applicant's Proposal drawing.
3. The above legal description shall also include an easement to allow Parcel 1 the use of the parking lot located on Parcel 2.

# **APPROVED MINUTES**



Sherwood Planning Commission  
Minutes  
November 15, 1984

The meeting of the Sherwood Planning Commission was called to order by the Chairman, Arthur J. Horne, Jr., at 7:35 p.m. Planning Commission members Clarence Langer, Jr., Mo Turner, Cathy Navarra, Dwight Minthorne and Dave Crowell were present. Mary Dorman of Benkendorf & Assoc. was also present.

Clarence Langer made a motion to approve the minutes of September 6, 1984. Mo Turner seconded the motion. Motion passed unanimously.

Mr. Horne opened the public hearing for a request for a variance to the lot dimension requirements and a minor land partition being made by Willis and June Spangler and Ethyl Bixby with regard to the property located at the corner of S. W. Railroad and Main Streets. Mr. Al Olson explained that he was representing Mr. Spangler and Mr. Spangler has an offer from an insurance agent to purchase the portion of the building that is now occupied by the Old Town Furniture Restoration. The property is one tax lot which includes all of Lot 5 and a part of Lot 6. Mr. Olson stated that this minor partition would create two tax lots with a common wall agreement and would allow Mr. Spangler to sell these two parcels, which are separated by a common wall, to different individuals. Mr. Olson also stated that there was parking behind the building and there would be an easement for stairs and parking.

Mr. Turner was concerned as to any fire restrictions that might prevent this. Mr. Olson stated that the fire department had inspected the property and made a report to the City. The Planning Commission members then reviewed the proposed plot maps.

Mr. Crowell asked if these were two completely separate buildings. Mr. Olson felt that they were built as two separate buildings because they have totally different roof lines. Mr. Spangler stated that at one time he eliminated the wall but put it back at a later time. He further stated that when he purchased the property he bought two buildings on one lot. Discussion was held as to whether this should be considered as one building or two and whether or not the wall between the buildings was a bearing wall.

Mr. Minthorne asked what a common wall agreement stated. Mr. Olson explained that it states that the wall is half owned by each property and maintenance is the responsibility of the individual owners.

Dave Crowell made a motion to approve the request for a

variance made by Willis Spangler with the conditions that were attached to the staff report. Cathy Navarra seconded the motion. Motion passed unanimously.

Dave Crowell made a motion to approve the minor land partition request made by Willis Spangler with the conditions attached to the staff report. Clarence Langer seconded the motion. Motion passed unanimously.

The Planning Commission asked Mary Dorman whether anything had been done with the clear vision area requirements. Ms. Dorman stated that Sally Rose had been told by staff that they did not want her to proceed with this matter until after the results of Measure 2 had been obtained.

Discussion was held as to the closure of Edy Rd. to truck traffic.

Meeting adjourned at 8:25 p.m.

  
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Mary L. Holland,  
Minutes Secretary