

CITY OF GEARHART PLANNING COMMISSION

From: Carole Connell, City Planner & Chad Sweet, City Administrator

Re: Approval request for a Variance

CITY STAFF REPORT

June 1, 2017

City File # 17-006V 288 1st Vacation Rental Parking Variance

Application Purpose: An application for approval of a Variance seeking relief from vacation rental off-street parking requirements in order to allow for the use of the garage as two approved parking spaces.

Property Owner: Muffie LaTourette and Maria Black
2004 NW Irving Street # 1
Portland, OR 97209

Applicant: Same as Owner

Location: 288 1st Street; Tax Lots 9700 & 9702 Map 06N9W Section 09AA

Completeness: 04-14-17

Notice Mailed: 05-18-17

Notice Published: 05-18-17

Initial hearing: 06-08-17

120-day deadline: 08-12-17

Exhibits: Applicant's application, narrative, site plans & photos
Gearhart Volunteer Fire Dept. letter 4-13-17
Gearhart Building Inspector letter 5-04-17
Gearhart City Manager: email 4-17-17
Gearhart Police Chief: letter 1-24-17
Gearhart Public Works: no comment
Public Notice response: none

Applicable Criteria: GZO Section 3.1 Low Density Residential Zone R-1
GZO Section 7.030 Vacation Rental Permit Standards and Procedures 1)
Maximum Occupancy Calculations a.2) Off Street Parking; and 4) Off-
Street Parking Requirements
GZO Section 9.010 Variances
GZO Article 13 Application, Notice and Hearing Procedures

I. FINDINGS

- A. Proposal: The purpose of the request is to allow for the use of the existing garage for two of the required four off-street spaces to meet occupancy and parking requirements for a 4-bedroom vacation rental dwelling.
- B. Site information: The subject parcel has frontage on both Marion Avenue and 1st Street. 1st Street is a local street with no sidewalk. The dwelling and its front door face 1st Street, but due to an uphill slope and lack of space between the dwelling and the pavement, there is inadequate area for parking on 1st Street. A “No Parking” sign is posted on 1st Street.

Marion Avenue is a collector street that accommodates heavier traffic volumes than a local street. The pavement width is 22 feet, the sidewalk is 5.5 feet wide, the gravel strip is 8.5 feet wide and the ROW width is 60 feet. The garage and driveway on the east side of the dwelling provides parking and vehicle access onto Marion Avenue. On the north side of the residence there is a septic tank and drain field, lawn and landscaping. There is a slight uphill slope from Marion Avenue to the rear yard of the house.

- C. Plan and Zone Standards: The site is designated Residential by the Gearhart Comprehensive Plan and is designated Low Density Residential R-1 by the Gearhart Zoning Ordinance. The GZO Article specifies 7 Vacation Rental Standards and Procedures.
- D. Agency Coordination: The proposal was referred to city departments.

The Fire Chief said “the garage is large enough to qualify as a two-car garage and suggested a yearly random inspection be required to confirm the garage is not being used for storage, has not been altered and still meets the minimum requirement for a two-car garage (fee for inspection to be determined).”

The City Building Official said “the residence currently has 16’ 6” spaces (sic) in front of the garage which would meet the requirements for two 8’ x 16’ compact vehicles allowed when four parking spaces are required. If the garage is in fact not being used as storage, and adequate space and vehicle access exist in the garage, I believe a variance would be appropriate in this case.”

The City Manager said (in summary) the permit application shows a request for a permit allowing up to four bedrooms but the Clatsop County Health Authority has not verified the septic capacity yet. The home has two adequate spaces to park in the driveway. The 16’6 inch wide garage door is one-foot six inches too narrow to accommodate two

standard spaces inside the garage. It's not clear how the garage "bump-outs" will help with this situation. He said people may find it inconvenient to park in the garage when they arrive if cars are parked in the driveway because then they would use the parking on the right-of-way. He said ascetically use of the garage would allow for the lawn and landscaping to remain as is, making for a more residential feel.

The City Manager measured the driveway width again on 5-30-17 and determined it is 16' wide.

The Police Chief said in summary the police department has had to respond to this residence on a number of occasions for parking issues on 1st Street and no parking signs have been installed.

E. GZO Section 3.1 R-1 Zone

The purpose of the Low Density Residential R-1 zone is to provide for low density single family development with a maximum density of four dwelling units per acre. These areas are characterized by residential qualities and provide for other uses which are consistent with residential neighborhoods such as churches, schools and community uses.

FINDINGS: The single family residence is a permitted use in the R-1 Zone. Surrounding uses are single family dwellings, city tennis courts, a water treatment facility and a city park.

F. GZO Section 6.130 Off-Street Parking Requirements

A single family residence is required to have a minimum of two off-street parking spaces that are either graveled or paved. The parking space shall be located on the same lot with the dwelling.

FINDINGS: The subject dwelling is a permitted use in the zone and meets the requirement of two off-street parking spaces for a single family dwelling. Currently there are four paved spaces, two of which are on the lot in the driveway and two are in the garage.

Further, in section accordance with Section 6.150 Off-Street Parking and Loading – General Provisions:

1. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and

loading space required by this ordinance. Should the owner or occupant of a lot or building change the use to which the lot or buildings is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

FINDINGS: The parking was satisfied for the original single family dwelling because the minimum of two spaces were provided. The recently adopted vacation rental standards increased the parking requirements. The existing parking on the site is not in conformance with the vacation rental requirements because four outside spaces are now required.

G. GZO Article 7 Vacation Rental Standards and Procedures

Section 7.030 Maximum Occupancy Calculation

2) Off-Street Parking: One outside parking space per bedroom is required. A standard parking space shall be a minimum of 9' x 18', except that a 9' x 15' space is permitted for existing structures where the structure is only 15' from the property line. For uses requiring four or more spaces, up to fifty percent of the spaces may be compact in size. A compact space shall be a minimum of 8' x 16', or 15' in depth where the structure is only 15' from the property line. Residential parking spaces are not required to be marked.

FINDINGS: The vacation rental permit requests a 4-bedroom occupancy which requires a minimum of 4 outside, off-street parking spaces that may not include the garage. The 4 bedroom occupancy has been approved by DEQ.

The existing driveway provides two 8'x 23" stalls that are outside. Those stalls do not meet the allowed 9'x15" reduced standard for an existing structure but do meet the compact dimension (8'x 15") allowed for 50% of the required 4 spaces.

Therefore, if approved the garage must accommodate two standard spaces each a minimum of 9'x 18'. The dimensions for the garage spaces are about 8' x 24' 8". Although once inside the garage widens to an estimated 26'8", but there is a center pole to guide two cars straight inside. It's not clear from the photos that a car has additional usable width inside the garage. Of the four proposed spaces all meet the minimum depth but none clearly meet the standard 9' width required for at least 50% of the four spaces.

Section 4. Off-Street Parking Requirements

- a. The approved off-street parking spaces must remain available for renters. A parking diagram of the approved parking spaces must be provided to renters and be available in a prominent location within the dwelling. Parking stalls

shall meet the minimum standards of Section 7.030 (1) (a) (2) above, and are not required to be paved.

- b. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Off-street means within private property boundaries.

FINDINGS: The proposed parking plan is required to be posted for renters and all spaces are to be available. The proposal does not meet the outside location requirements and does not clearly meet the minimum width for two of the four spaces.

H. GZO Section 9.040 Variance of Off-Street Parking and Loading Facilities

A Variance to requirements of this ordinance with respect to off-street parking and loading facilities may be authorized as applied for or as modified by the City Planning Commission, if, on the basis of the application, investigation and evidence submitted by the applicant all three (3) of the following expressly written findings are made:

Approval Criteria

1. That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the requirements of this Ordinance; and

FINDINGS: Present traffic volumes at the site or in the vicinity have not been quantified. Future traffic volumes on the proposed collector street are projected to increase as described in the draft Gearhart Transportation System Plan (TSP).

The subject four parking spaces are tightly arranged. A four-bedroom vacation dwelling could attract multiple families. The prohibition of parking on 1st Street, the tightly spaced stalls, the inconvenience of tandem spaces and the projected increase in traffic volumes on Marion Avenue could result in negative impacts on traffic flow in the area. The required spaces could reasonably be provided on the north side of the site.

The applicant finds the vacation home has continuously operated adequately with the existing parking arrangement and it is a less desirable solution to remove the landscaping and replace the area north of the driveway with two side-by-side standard width graveled parking stalls.

2. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free flow of traffic on the street; and

FINDINGS: The physical circumstances on the site prohibit parking on the south and west sides of the parcel due to inadequate land area and slope. If it is determined that the current parking arrangement materially interferes with the free flow of traffic, the applicant could create two additional off-street parking spaces on the north side of the dwelling to assure that guests will not be forced to park or load in the Marion Avenue right-of-way if the garage is blocked by vehicles.

At the time this report was published no comments were submitted to the City in response to the public notice regarding the Variance request. Currently there is no evidence that use of the garage for vacation rentals interferes with the free flow of traffic on Marion Avenue. Transportation planners studying Gearhart project there will be an increase in the volume of traffic, bicyclists and pedestrians on Marion Avenue, a relatively heavily used street designated a collector street.

3. That the granting of the variance will not create a safety hazard or any other condition inconsistent with the general purpose of this ordinance or policies contained within the Comprehensive Plan.

FINDINGS: The City Police Chief determined that previous parking on 1st Street was a safety hazard therefore a “No Parking” sign was posted in front of the subject dwelling. It is anticipated that traffic volumes on Marion Avenue will increase, however no evidence has been provided that parking and loading on the Marion Avenue side is currently a safety hazard.

The following Comprehensive Plan policy requires development to be compatible with the residential character of Gearhart.

- *“The City will recognize the importance of the City’s residential neighborhoods and the need to protect them from the negative impacts of the transient rental of property, and to discourage increased levels of traffic and similar disruptions;” and;*

FINDINGS: The City adopted standards and procedures for vacation rental dwellings to protect residential neighborhoods from the negative impacts of the transient rental of property and to discourage increased levels of traffic and similar disruptions. For 38 years the dwelling has been used as a vacation

dwelling for the owner or their renters. There is no evidence that use of the dwelling has resulted in increased levels of traffic or similar disruptions due to the existing parking arrangement. However, traffic volumes are projected to increase on this street.

The site was developed for a 4-bedroom dwelling that included a minimum of two parking stalls. The stall widths were approved less than 9' wide. At the time of construction parking requirements were based on a single family's use. Vacation use by multiple families can attract multiple vehicles. Use of an existing vacant garage for parking may be reasonable if the garage remains available for two vehicles. But it may be inconvenient and impractical to expect vacationers to consistently arrange the use of their cars during their stay so as to not park in the Marion Avenue right-of-way.

The applicant proposes to adapt their existing circumstances to the new vacation rental standards by continuing to use their existing driveway and vacant garage for four off-street parking spaces. The applicant finds that use of a vacant garage is reasonable and that development of two additional spaces is a financial hardship that would also negatively impact the existing landscaping and privacy between dwellings.

I. GZO Article 13 Application, Notice and Hearing Procedures

The variance application was filed, the notice was mailed and published and a public hearing by the Planning Commission is scheduled for June 8, 2017.

II. SUMMARY CONCLUSION

The existing parking spaces are tightly arranged and require renters to assure the garage is consistently available for parking. There is no evidence that the existing four spaces create a safety hazard, or disrupt the free flow of traffic on Marion Avenue. Traffic volumes, bicyclists and pedestrian travel on Marion Avenue are projected to increase.

III. RECOMMENDATION

The Planning Commission shall determine if the three parking variance criteria have been met.

If the Planning Commission finds the literal interpretation of the requirement is unreasonable or unenforceable and the Variance approval criteria can be met then staff recommends an approval be subject to the following conditions:

1. This approval is subject to issuance of the pending Vacation Rental Dwelling Permit.

2. A yearly random inspection will be performed by the City to confirm the garage is not being used for storage, has not been altered and still meets the minimum requirement for a two-car garage (fee for inspection to be determined).

APPEAL

In accordance with the Gearhart Zoning Code Section 13.060, the decision of the Planning Commission may be appealed to the City Council within 15 days of the date the final order is signed. The notice of appeal filed with the City shall contain the information described in Section 13.060.