

CITY OF GEARHART PLANNING COMMISSION

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

Re: Approval request for a Variance

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CITY STAFF REPORT

June 1, 2017

City File # 17-007V STR Carson 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 use of the garage for one parking space

Property Owner: Bob & Claire Carson  
705 Boyer  
Walla Walla, WA

Applicant: Same as Owner

Location: 226 Ridge Drive; Tax Lot 2500 Map 06N10W Section 10BA

Completeness: 05-03-17

Notice Mailed: 05-18-17

Notice Published: 05-18-17

Initial hearing: 06-08-17

120-day deadline: 09-02-17

Exhibits: Applicant's application, site plans & photos  
Gearhart Volunteer Fire Dept.: no comment  
Gearhart Building Inspector: letter 5-4-17  
Gearhart City Manager: email 5-26 & 5-31-17, and photos  
Gearhart Police Chief: comments 5-4-17  
Gearhart Public Works: no comment  
Letter from Charlie & Ruth Kero, 5-31-17

Applicable Criteria: GZO Section 3.1 Low Density Residential Zone R-1  
GZO Section 6.130 Off-Street Parking Requirements  
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 9.040 Variance of Off-Street Parking and Loading Facilities

## GZO Article 13 Application, Notice and Hearing Procedures

### I. FINDINGS

- A. Proposal: The purpose of the request is to allow use of the existing garage for one of the required three off-street spaces to meet occupancy and parking requirements for a 3-bedroom vacation rental dwelling.
- B. Site information: The subject parcel has frontage on Ridge Drive a narrow local street with no sidewalks. The street ROW width is 30 feet and the pavement width is 18 feet. The site is flat and fully landscaped. The existing hedge in the front yard between the dwelling and the street is partially located in the street right-of-way. The drain field is south of the dwelling in the side yard. An estimated 9 feet of the driveway apron is also in the right-of-way.
- 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: City departments were notified and responded as follows:

The City Building Official said “the applicants are proposing to utilize their garage as one of the required off-street parking spaces. During my inspection of the dwelling, the garage did have a vehicle parked inside and was clearly not being used as storage. Since the owners in fact use the garage for parking, and the substantial impact it would have on their yard, landscaping, and privacy hedges to create another off-street parking space, I believe a variance would be appropriate in this case.”

The City Police Chief illustrated on the applicant’s aerial site plan that the hedge is located in the street right-of-way where utilities are located.

The City Administrator said (summarized) the permit application provides three parking stalls of adequate size if one in the garage is approved. He said the three bedroom dwelling could attract more than one family and people may find it inconvenient to park in the garage when they arrive if cars are already parked in the driveway. The front hedge has grown and is encroaching in the right-of-way whereas in the past it was smaller and there was additional space for parking. He said aesthetically use of the garage would allow for the lawn and landscaping to remain as is, making for a more residential feel.

On May 30, 2017 the City Administrator measured the site and found the driveway length is 18 feet from the garage to the property line. From the property line to the street is 9 feet and the gravel parking area in front of the home is less than 9 feet wide.

Again on June 1 the City Administrator took photos (see attached) illustrating the property pin in relation to the hedge. The photo also illustrates an illegally parked car in the roadway.

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 site is zoned low-density residential R-1 and the subject dwelling is a permitted single family residential use.

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. See Section 7.030 below for vacation rental parking requirements that override the standard parking requirements for a single family dwelling.

FINDINGS: The subject dwelling met the zone requirement for two off-street parking spaces when the house was built because it had a two-car garage. Subsequent to a remodel there are now three paved spaces, one in the garage and two in the driveway. The applicant estimates the driveway depth is 18'. An estimated 9 feet of that dimension is in the ROW. Therefore the two driveway spaces are not entirely on the property.

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 garage spaces were provided. The recently adopted vacation rental standards increased and override the parking requirements requiring one space per bedroom. The existing parking on the site is not in conformance with the vacation rental requirements because three 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 3-bedroom occupancy which requires 3 off-street parking spaces that are outside and may not include the garage. The allowance for compact spaces does not apply because the property has less than four spaces proposed.

The application indicates the two exterior driveway spaces are 9' x 18'. The City Administrator's measurement confirmed from the garage door to the property line is 18 feet and the total driveway width is 17' rather than 18' as denoted on the application. On 5-31-17 the applicant stated the driveway length is 20 feet contradicting the 18' measurement in the application. Regardless, neither of the outside stalls meets the allowed reduced 9' x 15' width for an existing structure because one space is 8 feet wide and both spaces are 9 feet deep on the property (with an additional 9 feet in the ROW). The applicant proposes to provide one 14' x 22' stall in the garage which meets the minimum 9' x 18' standard stall size, but does not meet the outside requirement.

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 does not meet the required outside location requirements and does not fully comply with the parking space dimensional standards. The proposed parking plan is required to be posted for renters and all spaces are to be available.

If the Planning Commission determines the proposal complies with the Off-Street Parking Variance approval criteria below, a condition of approval should be placed on the permit that the garage shall be continuously available for one parking space and a parking diagram must be provided to renters and posted in a prominent location within the dwelling. Further, the condition should grant the City authority to randomly inspect the garage to assure the required one parking space is available.

#### 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:

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: Ridge Drive is a local street with a 30' ROW and a pavement width of 18.5 feet. Current traffic volumes on the street are not known. The street connects to 5<sup>th</sup> Street. The draft Gearhart Transportation System Plan (TSP) indicates that traffic volumes in the city are projected to increase. Further, 5<sup>th</sup> Street from Summit Drive to the highway is proposed to provide a highway crossing for bicycles, pedestrians and emergency evacuation. An increase in traffic on 5<sup>th</sup> Street could increase traffic on Summit and Ridge Drive.

The physical circumstances on the site would require partial removal of established landscaping and an established hedge between the front of the house and Ridge Drive in order to create an outside parking space wholly on the property.

The site was originally developed for a 4-bedroom dwelling with a two-car garage and a driveway onto Ridge Drive. The dwelling was remodeled by incorporating one of the two garage parking spaces into the interior living area. The applicant plans to advertise their dwelling as a 3-bedroom rather than 4 bedroom rental due to the parking limitations on the site. The applicant finds a literal interpretation of the parking requirements would be a hardship to either limit the occupancy to two bedrooms, or to remove a portion of the hedge to create one additional parking stall.

It is reasonable to consider use of the garage space and trimming or removing a portion of the wide hedge for one additional parking space even if it is in the right-of-way.

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 narrowness of Ridge Drive may constrain the flow of traffic if additional vehicles are parked in the street. If renters arrive and the driveway spaces are taken they will be forced to park in the street until a car can be moved into the garage. Evidence has been provided by a neighbor that the free flow of traffic is impeded by vehicles parking in the street rather than on the side of the street due to the hedge location in the right-of-way. At a minimum it is reasonable to consider trimming or removing a portion of the wide hedge in the ROW for one additional parking space even though it is not on the property.

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: It has been determined that vehicles currently park in the street (see photo) and may be a safety hazard now and in the future as traffic increases. A letter from Charlie and Ruth Kero, 298 Ridge Drive states that “parking at the Carson property has been a problem for thru traffic with cars and boat impeding the roadway. The reason appears to be a hedge that is 3 plus feet into the city right-of-way. We have a 7 foot wide parking strip in front of our house. The Carson’s strip is only 3 feet. We would have no objection to the variance if the hedge was trimmed back and cars could park off the side of the street.”

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;”*

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. A neighbor resident indicates parking at the Carson’s has been a problem for thru traffic due to vehicles impeding the roadway because of the hedge location in the street right-of-way.

It may be inconvenient and impractical to expect vacationers to consistently arrange the use of their cars during their stay by utilizing the garage space. A new outside space could reasonably be provided adjoining the existing driveway spaces. But if the Commission determines that garage space is an acceptable alternative, at a minimum the hedge and landscaping currently in the ROW should be removed to eliminate illegal parking on the existing pavement in front of the dwelling.

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 three bedroom dwelling may attract multiple families. The inconvenience of consistently arranging vehicles to use the garage stall may be impractical. The narrow street width and the hedge constrain street parking adjoining the property and currently disrupt the free flow of traffic on Ridge Drive. Traffic volumes, bicyclists and pedestrian travel on the connecting 5<sup>th</sup> Street are projected to increase.

III. RECOMMENDATION

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

If the Planning Commission finds the Variance approval criteria can be met with revised or additional findings and the request can be approved 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. The property's existing hedge and landscaping that is within the Ridge Drive ROW shall be removed and continuously maintained as to not grow back into the ROW.
3. 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 one-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.





Illegal parking

Railroad tie, approximate property boundary

Found SE corner  
Property Marker  
Behind mailbox, next  
to railroad tie.





# Map



## Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation. Photos may not align with taxlots.

