

June 23, 2017

We, the applicants, hereby appeal the 8 June 2017 denial of our permit for a VRD off-street parking variance at 226 Ridge Drive in Gearhart, City file # 17-007V.

Prior to a City Council appeal hearing, we respectfully request that the Planning Commission reconsider their ruling based on the following:

1. We were not able to be at the hearing due to family and professional obligations in Colorado. We were informed that the absence of persons appealing is unusual. (While on the Walla City Planning Commission for 6 years, it was not uncommon for a petitioner to be absent from a hearing.)
2. We have been informed that considerable discussion occurred regarding our hedge. By the time of reconsideration (possibly as early as Thursday, 13 July) that portion of the hedge overhanging the ROW will have been removed.
3. There appears to be confusion on the size of the 2 parking spaces between our garage and the ROW. On our initial application for a vacation rental permit, the drawing shows north parking 9 feet wide and south parking 8 feet wide. We were informed by mail dated 1 June and received 5 June (3 days before the hearing) that our driveway is too narrow. By the time of a reconsideration (again, perhaps as early as 13 July), the hedge will be shortened by at least 1 foot, and the parking space for 2 vehicles will be at least 18 feet wide (and 18 feet long, none in the ROW).
4. Our petition may not have adequately addressed the burdens and hardships (aesthetic, practical, and economic problems) associated with an attempt to add a third parking space in the front yard. Attached are photos of our landscaped front yard; I will bring more photos to reconsideration hearing.
 - A. Anywhere in the front yard requires removal of beautiful and well established plants, reduction of privacy, and modification of the sprinkler system.
 - B. The SE corner of the yard would make parking within a few feet of a neighbor's home, potential disturbance of the drain field, and a long walk to our house when raining.
 - C. Immediately south of the existing driveway requires moving the waterline and backflow preventer.

We would appreciate the opportunity to elaborate on all of these points, show pictures to support our appeal, and answer questions from the Planning Commission.

The notice of denial was dated 13 June, postmarked 14 June, and received on 21 June. Attached is a scan of the \$250 check being mailed tomorrow. Hopefully the check will be there before the 28 June deadline for this appeal.

Bob and Clare Carson

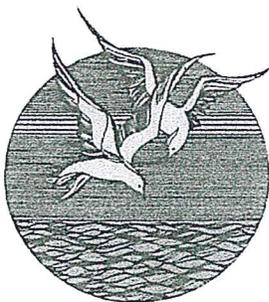
705 Boyer

Walla Walla, WA 99362

Bob cell 509-520-7647

Clare cell 509-240-7230





CITY OF GEARHART

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BEFORE THE PLANNING COMMISSION OF THE CITY OF GEARHART

IN THE MATTER OF A PERMIT) FINAL FINDINGS
FOR A VRD PARKING VARIANCE) AND ORDER

CITY FILE #17-007V Carson Vacation Rental Parking Variance

DENIAL of a Variance to 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 99362

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.
- 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. Again on June 1 the City Administrator took photos and measurements illustrating the property pin in relation to the street and hedge.

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'. Further, in 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 two outside spaces are provided where three are 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 smaller 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 measurements confirmed from the garage door to the property line is 18 feet and the total driveway width is 17' rather than 18' needed for two 9' wide stalls. The applicant proposes to provide one 14' x 22' stall in the garage which exceeds the standard stall size.

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 is about 1 foot less than the combined parking space width standard of 18 feet for two 9' wide stalls. The proposed parking plan is required to be posted for renters and all spaces are to be 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 5th Street. The draft Gearhart Transportation System Plan (TSP) indicates that traffic volumes in the city are projected to increase. Further, 5th 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 5th Street could increase traffic on Summit Drive 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 for a 3-bedroom vacation rental. 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 Planning Commission finds Ridge Drive is narrower than most thru-streets in the vicinity. On this street the lot depth of the parcels is also shorter than standard. These dimensions create a situation where the land area in front of the homes on this street combined with the narrow street-right-of-way result in reduced land area for vehicle parking.

The Planning Commission finds evidence was provided by Charlie and Ruth Kero who live two houses to the north that "...parking at the Carson property has been a problem for thru traffic with cars and boat impeding the roadway..." The Commission finds a 3-bedroom vacation dwelling may attract more than 3 vehicles per stay which will force parking on the narrow street. In addition, the anticipated future increase in traffic in Gearhart will further exacerbate conflicts with vehicle parking in the roadway. Therefore the Commission finds the site specific circumstances warrant enforcing the requirement for a minimum of three outside off-street parking spaces.

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 Planning Commission finds the narrowness of the street and the limited depth of front yards on Ridge Drive constrains the flow of traffic when 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 and a boat parking in the street in front of the Carson dwelling. Therefore the Commission finds that the granting of the variance will result in the parking or loading of vehicles on a public street that interferes with the free flow of traffic and that an additional outside space should be required.

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 Planning Commission determined that vehicles currently park in the street at the subject dwelling due to limited off-street parking, which is a potential safety hazard now that will be exacerbated in the future as traffic increases.

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.

The Commission finds 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. The Commission finds there is evidence of negative impacts on the Ridge Drive residential neighborhood from vehicles parking in the street in front of the applicant's dwelling. The Commission finds it is reasonable to require one additional outside space adjoining the existing driveway spaces.

III. DECISION

Based on the findings in this decision on June 8, 2017 the Planning Commission decided to DENY the subject vacation rental parking variance.

Signed: Virginia A. Dideum
Virginia Dideum, Planning Commission President

Date: 6/13/2017

DATE MAILED: 06/14/17

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.

MEMORANDUM

October 5, 2017

To: Gearhart Planning Commission
From: Carole Connell, City Planner

Subject: File #17-007V Carson Reconsideration of Variance Denial – 226 Ridge Drive

On June 8, 2017 the Planning Commission denied the Carson's request to allow one parking space in their garage for their 3-bedroom dwelling. An appeal of that decision to City Council is pending. The applicant requested reconsideration of their application because they were not able to attend the initial hearing. On July 13, 2017 the Planning Commission agreed to reconsider the variance request.

The applicant's reconsideration statement and the Planning Commission findings and decision notice for denial is attached. No comments have been received in response to the public notice for the October 12, 2017 reconsideration hearing. The Police Chief said on 7-13-17 that the hedge has been trimmed about 3 – 4 feet so now there is plenty of room to park in front of the house.

The Commission has two options:

1. Affirm the June 8, 2017 Planning Commission decision to deny the parking variance; or
2. Approve the parking variance and direct staff to prepare findings and a decision notice in support of approval.

To: Gearhart Planning Commission

3 October 2017

From: Bob and Clare Carson, 226 Ridge Drive

Subject: Reconsideration of using garage as one off-street parking space

First, thank you very much for meeting with us on July 13th and listening to our appeal to reconsider granting a variance to allow our garage to count as a third parking space on our property. We look forward to meeting with you on October 12th. In order to expedite matters, we would like to summarize below some key points that we believe are important. We will be in Gearhart for at least five days before the hearing should any of you have questions or need verification of the parking plan.

Our driveway can accommodate two cars and our garage can easily provide one additional parking space to allow our guests to use the three available bedrooms. Our managers at Beachhouse Vacation Rentals have informed us that we would get very few rentals if only two bedrooms are available. This would be a financial burden. We did not buy the house 6 years ago to make a profit. In order to be able to afford the house, we need to rent some days in order to pay a portion of the taxes, insurance, and maintenance. Our large extended family of Hankels and Leahys lives in the area and we enjoy connecting with them often.

The garage is the only reasonable option for the third parking space. Creating a third parking space anywhere in the yard would also be a financial burden because we would need to not only dig/take out trees, shrubs, and fence and/or hedge and lay down gravel or concrete, but also modify our sprinkler system.

In addition, making another parking space anywhere in the yard would also necessitate destroying part of the beautiful, somewhat formal garden, and would reduce the privacy afforded by the fence and/or hedge. A parking space in the yard would be unsightly to at least one of our neighbors. In particular, the southeast corner of the yard is immediately adjacent to a neighbor's house.

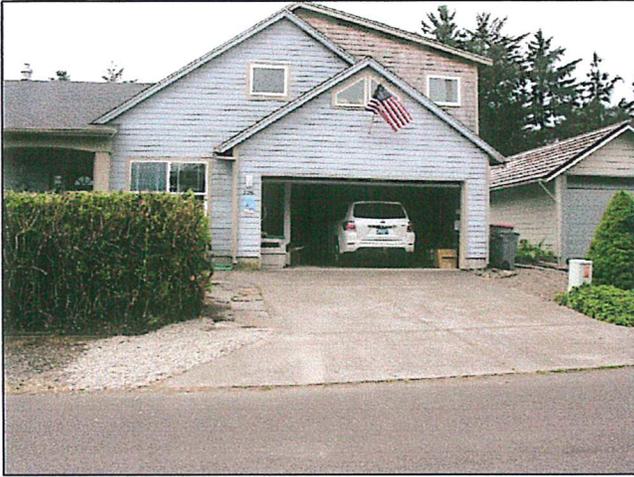
Our 1.5-car garage has plenty of room for a vehicle and is quite convenient for loading/unloading luggage, groceries, etc., especially when it is raining. We do not use the garage for storage, or anything other than parking; we are willing to allow inspections for verification.

Finally, we try to be good citizens and good neighbors. We regularly help our older neighbors, particularly with yard work. We immediately cut back our hedge when one neighbor considered it too wide.

Using the garage to park a car is a reasonable use of the property and is the best solution for us and our neighbors. Parking in the garage will eliminate aesthetic, practical, and economic problems/hardships/burdens. Thank you for reconsidering our request.

Bob [cell 509-520-7647]

Clare [cell 509-240-7230]



garage



front yard, inside hedge, looking south



front yard, outside hedge, looking south



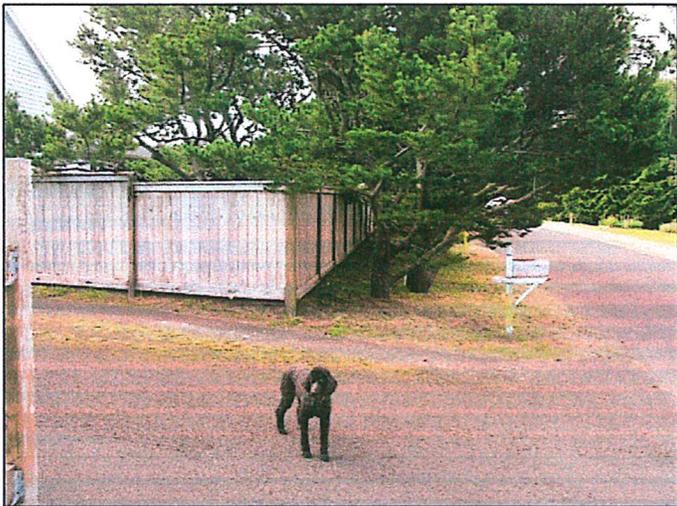
front yard, outside hedge, looking north



back yard, inside fence, looking south



back yard, inside fence, looking north



back yard, outside fence, looking south



back yard, outside fence, looking north