

RESOLUTION NO. P.C. 30-82

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF THE DALLES DENYING VARIANCE NO. 18-82, A REQUEST TO VARY THE SETBACK STANDARDS AND TO ALLOW THE USE OF THE WEST HIGH SCHOOL PARKING LOT FOR OFF-STREET PARKING.

I. Recitals

(A) The Planning Commission of the City of The Dalles has heretofore, on November 4, 1982, conducted a public hearing to consider Variance #18-82 relating to the following described property:

IN-13-3CB, Tax Lot #7400

(B) Said property is located within the R-3 Multiple Family Residential Zoning District.

(C) The existing building has a 2 foot side yard setback and a zero foot rear yard setback.

(D) There is no off-street parking on the property. Sixteen parking spaces would be required for the proposed maximum capacity of 64 seats inside the church.

(E) Section 19.000 (Variances) of The Dalles Zoning Ordinance requires that the Commission may grant a variance only in the event that five criteria are met.

II. RESOLUTION: Now, therefore, be it Found, Determined, and Resolved by the Planning Commission of the City of The Dalles as follows:

A. In all respects as set forth in Recitals, Part 'I' of this Resolution.

B. The applicant requesting approval of a Variance is hereby denied for the following reasons:

1. Failure of the applicant to prove that the Variance is necessary to achieve the preservation of a property right which is substantially the same as that which the owners of other property possess in the same zoning district or vicinity inasmuch as:

(a) The applicant stated that the property was purchased with the knowledge that the structure is non-conforming.

(b) Denial of the variance does not preclude the use of the property. The property could be used for single family residential. Residential is the predominant land use.

2. Failure of the applicant to prove that the Variance would not be materially detrimental to the purposes of the zoning ordinance, or to the property in the zoning district or vicinity in which the property is located in that:

(a) The applicant was not granted exclusive use of the High School west parking lot by the School District, and there was testimony that the High School Skill Center would be used sometimes concurrently with the Liberty Full Gospel Church. Therefore, there would be occasions when some or all of the church patrons would add to on-street parking on Union and Tenth Streets.

(b) The intersection of Union and Tenth Street is already a problem area due to congestion and visibility limitations created by on-street parking, according to the Chairman of the City Traffic Safety Commission.

(c) There are already other uses adjacent to the property, namely a seven unit apartment and a two family dwelling with inadequate off-street parking facilities. Patrons of the church on the west side of Union also contribute to on-street parking.

(d) Effective use of the school parking lot by church patrons can not be assured. The distance from the church building to the school parking lot (entrance on Union 450 feet away, and closest parking space 275 feet away) would likely discourage its use, and therefore add to on-street parking adjacent to the intersection of two arterial streets.

3. Failure of the applicant to prove that the variance would not conflict with the objectives of the Comprehensive Plan. Policy No. 6 of the Housing Goal states:

Off-street parking should be required for each use in a residential area commensurate with the demand created by the use. Variances should be considered for rehabilitated and redeveloped residences when it can be shown that the parking needs are less than required by ordinance or that arrangements other than on-site have been made for parking.

C. The Secretary of the Commission shall (a) certify to the adoption of this Resolution and (b) forthwith transmit a copy of said Resolution to the City Council of the City of The Dalles.

ADOPTED AND APPROVED THIS 18th DAY OF November , 1982.



Chairman, Planning Commission

I, Jack Lesch, Secretary to the Planning Commission of the City of The Dalles, do hereby certify that the foregoing Resolution was passed at a Regular Meeting of the Planning Commission of the City of The Dalles, held on the 18th day of November, 1982, by the following vote:

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| AYES: | COMMISSIONERS: | Elliott, Northrop, Ward, Donnell, Matthew |
| NOES: | COMMISSIONERS: | none |
| ABSENT: | COMMISSIONERS: | Honald |
| ABSTAIN: | COMMISSIONERS: | none |

ATTEST:


Secretary, Planning Commission