

STAFF REPORT

CASE NO. AND HEARING DATE: Variance 2-94-Plan Dir Rev 4-27-94

APPLICANT: Marvin/Ellen Morey
1715 Arthur St.
Klamath Falls, Or 97603

REQUEST: Applicant requesting a variance to vary side yard setback from 5 feet down to 0 feet and rear yard set back from 5 feet down to 0 feet.
The development is for a two car garage approximately 864 feet in size.

AUTHORITY: Subsections A&B of Section 43.030 of Article 43.

PROJECT LOCATION: Site located east side of Arthur St. and approximately 90 feet south of Shasta Way.

LEGAL DESCRIPTION: Located in portion of Section 3 of TS 39, R 9,
Tax Lot 400

ACCESS: Arthur St, which is a paved street.

S.C.S. Class: N/A

TIMBER SITE RATE: N/A

UTILITIES:

WATER: City Of K-Falls

SEWER: South Suburban Sanitary Dist.

FIRE DIST: KCFD #1

POWER: PP&L

EXHIBITS:

- A. Staff Report
- B. Site Plan
- C. Accessor Map
- D. Ltr from City utilities
- E. Ltr from Aubrey Young

CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:

Notice was sent out to surrounding property owners as well as to Agencies of concern.

A Variance shall be granted only upon finding by the review authority that it satisfies the following criteria:

- A. That the literal enforcement of this Code would result in practical difficulty or unnecessary hardship.
The difficulty or hardship arises from the property's size. By placing the proposed garage in the SE corner of lot, applicant can utilize existing driveway.

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B. That the condition causing the difficulty was not created by the applicant.

In this case the existing driveway allows property owner to better utilize the SE corner of his lot and have better access to Arthur St and not be an additional cost to the property owner.

C. That the granting of the Variance will not be detrimental to the public health, safety and welfare or to the use and enjoyment of adjacent properties and will not be contrary to the intent of this code

In review of application for variance, it would appear not to be detrimental to the adjacent properties or public as the driveway is existing and is in use for egress and ingress. In the surrounding area there are similar uses and close to the property lines.

RECOMMENDATION: Order:

In review of the application it appears that the existing driveway is where one enters property and allows better utilization of property. Similar uses in the surrounding properties. All exhibits and other contents of this file have been incorporated into this review for decision.

Planning Director, based on the findings and conclusions of the staff report and information supplied by applicant finds in favor of the applicant;

- and 1. therefore grants variance for the set backs to the rear and side of 3 feet only, and;
2. applicant should make sure that the eaves of garage do not hang over onto neighbors property.

Dated this 27th day of April 1994

Carl Shuck
Carl Shuck, Planning Director

Klamath County Land Development Code provides that this decision may be appealed no later than 7 days following mailing of this decision. Appeal information may be obtained at the Klamath County Planning Dept.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 2nd day
of may A.D., 19 94 at 1:27 o'clock P M., and duly recorded in Vol. M94
of Deeds on Page 13730

FEE \$none

Evelyn Biehn
By Dawn Mulenbarger County Clerk

Return: Commissioners Journal