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01-25-94A00 42 RCVD

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STAFF REPORT

CASE NO. AND HEARING DATE: Variance 8-94-Plan Dir Rev 8-24-94

APPLICANT: Mary Nork  
1315 Kane St.  
Klamath Falls, Or 97603

REQUEST: Applicant requesting a variance to vary side yard setback from 10 feet down to 5 feet. The development is for an addition onto existing house. The addition is to be 24x31, or approximately 768 sq ft.

AUTHORITY: Subsections A&B of Section 18.030 of Article 43.

PROJECT LOCATION: Site located on east side of Kane St. and approximately 120 feet south of Shasta Way.

LEGAL DESCRIPTION: Located in portion of Section 2 of TS 39, R 9,  
Tax Lot 1600

ACCESS: Kane St. which is a paved street.

S.U.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 Fire Dist #1
- E. Photos
- F. Ltr Dated 07/18/94 - from D. Nork to M. Nork

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 addition on north side of property applicant would not be able to utilize driveway for the intent of use. Also applicant would lose the existing driveway.

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 driveway and not lose their parking area. Also by placing new addition on north side of property line would 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 as existing use will continue to be the same.

In the surrounding area there are similar residential uses.

**RECOMMENDATION:**

Order:

In review of the application it appears that the proposed use allows applicant 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;

therefore grants variance for the set back to the side to allow down to 5 feet only, and;

that applicant should make sure that the eaves of addition do not hang over onto neighbors property.

Dated this 24th day of August 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 25th day of Aug A.D., 19 94 at 9:42 o'clock A M, and duly recorded in Vol. M94 of Deeds on Page 26514.

FEE none

Evelyn Biehn County Clerk

By Evelyn Biehn

Commissioners Journal