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12-29-94 ATT: 14 RCVD

STAFF REPORT

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CASE NO. AND HEARING DATE: Variance 11-94

Planning Director Review 12-28-94

APPLICANT: Erwin McFeilly
3503 Summers Lane.
Klamath Falls, OR 97603

REQUEST: Applicant is requesting a variance to vary side yard setback from 15 feet down to 6 feet to allow an addition to his living room in line with an existing bayed out section of home already extending out the same distance.

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

PROJECT LOCATION: The site is located on the southeast corner of Denver Avenue and Summers Lane.

LEGAL DESCRIPTION: Located in portion of Section 11BC of Township 39, Range 9EWM, Tax Lot 1600.

ACCESS: Summers Lane

UTILITIES:

WATER: City of K-Falls

FIRE DIST: KCFD #1

SEWER: South Suburban Sanitary Dist.

POWER: Pacific Power

EXHIBITS:

- A. Staff Report
- B. Site Plan
- C. Assessor's Map
- D. KCFD No. 1 Memo 11-30-94

CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:

Notice was sent out to surrounding property owners as well as to agencies of concern. No negative response has been received to date.

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 in that the applicant wishes to add an addition to his living room which faces Denver Avenue. The only direction for him to go to expand his living room is toward Denver Avenue.

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

In this case, the condition causing the difficulty was not created by the applicant as the home has been there for many years including location of the living room area.

- 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 this application, it appears that it would not be detrimental to the public health, safety and welfare or to the use and enjoyment of adjacent properties. This addition would not cause a visual obstruction at the intersection of Summers Lane and Denver as it will not encroach into the front setback facing Summers Lane. The USBR Drain adjoins this parcel to the east, thereby not affecting driveway visual clearance of the next resident to the east. No negative response has been received from any of the 10 surrounding property owners notified of this request.

RECOMMENDATION:

Order:

The Planning Director, based on the above review criteria being satisfied, hereby approves the request of side yard setback reduction from 15 feet to 6 feet in the matter of Variance 11-94.

Dated this 28th day of December, 1994

Carl Shuck
Carl Shuck, Planning Director

NOTICE OF APPEAL RIGHTS

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

STATE OF OREGON: COUNTY OF KLAMATH ss.

Filed for record at request of _____
of _____ Dec _____ A.D., 19 94 at Klamath County
of _____ at 11:14 o'clock A.M., and duly recorded in Vol. 494 day
_____ Deeds _____ on Page 39064
By Evelyn Biehn County Clerk
By Paula M. Miller

FEE none