

STAFF REPORT

CASE NO. AND HEARING DATE: Variance 6-95 - Planning Director Rev. 6-28-95

APPLICANT: Ronald Stemler
2210 White Avenue
Klamath Falls, OR 97601

REQUEST: Applicant is requesting a variance to reduce side yard setbacks from the required 10 feet down to six feet on the north side and down to 8 feet on the south side to allow an addition to the existing single family dwelling.

AUTHORITY: Subsections A&B of Section 43.030 of Article 43 of the Klamath County Land Development Code.

PROJECT LOCATION: The site is located at 1606 Wiard Street, approximately 280 feet north of Shasta Way on the west side of Wiard Street.

LEGAL DESCRIPTION: Located in portion of Section 35CD of Township 38, Range 9EWM, Tax Lot 8700. Tax Acct. 3809-35CD-8700.

ACCESS: Wiard Street

PLAN/ZONE: Urban Residential/RS

UTILITIES:

WATER: City of K-Falls

SEWER: South Suburban Sanitary Dist.

FIRE DIST: KCFD #1

POWER: Pacific Power

EXHIBITS:

- A. Staff Report
- B. Site Plan
- C. Assessor's Map
- D. Statements from 16 surrounding/adjacent property owners in support.

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 from any of the notified parties.

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

The difficulty or hardship arises as the existing structure already sits within 8 feet of the south property line. The proposed addition would follow the same line to the west. A double car garage is proposed on the northerly side of the existing home. The proposed project would enhance this area which consists of single family dwellings. Statements in support of the proposal have been received from 16 surrounding/adjacent property owners including the most affected parcels to the north and south which demonstrates that the use and enjoyment of the adjacent properties will not be contrary to the intent of the Code.

In review of application for variance, it would appear not to be detrimental to the adjacent properties or to the public. No negative response was received from any of the 18 surrounding property owners notified of this proposal.

RECOMMENDATION:

Order:

The Planning Director, based on the findings and conclusions of the staff report and information supplied by the applicant, hereby approves the requested Variance.

Dated this 28th day of June, 1995



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 Klamath County the 30th day
of June A.D., 19 95 at 1:47 o'clock P.M., and duly recorded in Vol. M95
of Deeds on Page 17140

FEE No Fee

Bernetha G. Letsch, County Clerk

By Annette Mueller

Return: Commissioners Journal