

**STAFF REPORT**

**CASE NO. AND HEARING DATE:** Variance 12-95 - Planning Director Rev. 10-25-95

**APPLICANT:** Tom and Valerie Wyland  
4327 Austin Street  
Klamath Falls, OR 97603

**REQUEST:** Applicant is requesting a variance to reduce side setback from 10 feet to 6 feet to allow a carport addition on the south side of the property.

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

**PROJECT LOCATION:** 4327 Austin Street.

**LEGAL DESCRIPTION:** Located in portion of Section 10CD of Township 39, Range 9EWM; Tax Acct. 3909-10CD-5100.

**ACCESS:** Austin 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

**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 from the property's size and location of the lawfully existing dwelling. By placing the carport addition as proposed, it will allow the applicant to utilize the existing driveway.

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 20 surrounding property owners including the most affected property owner to the south.

#### 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 with one condition added:

Condition: No structure shall be built or placed within a utility or access easement.

Dated this 25th day of October, 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 26th day  
 of October A.D., 1995 at 2:01 o'clock P M., and duly recorded in Vol. M95  
 of Deeds on Page 29295.

FEE No Fee

By Bernetha G. Letsch, County Clerk  
Annette Mueller