

STAFF REPORT

CASE NO. AND HEARING DATE: Variance 1-96 - Planning Director Rev. 2-28-96

APPLICANT: Firstmark, Inc. by Robert Dunn
P.O. Box 380
Gasquet, CA 95543

REQUEST: Variance 1-96 is a request to vary Land Development Code standard for required off-street parking for an assisted care facility from 1.5 spaces per dwelling unit to 1 space per two dwelling units.

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

PROJECT LOCATION: 2437 Kane Street, approximately 450 feet south of South 6th Street on Kane Street between Wiard Street and Homedale Road.

LEGAL DESCRIPTION: Located in portion of Section 2DB, Township 39, Range 9EWM; Tax Acct. 3909-2DB-2500.

ACCESS: Kane Street

PLAN/ZONE: Urban Residential/RH

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. Supporting Documentation Submitted by Applicant
- E. KCFD No. 1 Memo 2-19-96

CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:

Notice was sent out to 20 surrounding property owners as well as to 7 agencies of concern. No negative response has been received from any of the notified parties. A response was received from KCFD No. 1 stating that the District has no objection, providing the street is not obstructed by parked vehicles and that they require access to all buildings by approved all-weather surface roadways.

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.

Literal enforcement of the Code would cause unnecessary hardship because the applicant would have to incur paving expenses for areas that would never be used. This finding is made based on other facilities of the same type as exhibited by information submitted by the applicant.

Based on typical use and parking patterns of 8 other comparable assisted living facilities elsewhere in Oregon which were developed by the applicant, it is found that the suggested parking ratio of one space per two dwelling units is sufficient for the proposed use. The applicants state in their 1-22-96 letter that the median age of residents occupying such a facility will be 85 with less than 1% owning or driving their own vehicle. Staffing for the facility will require no more than six employees at any given time.

It is found that our Code doesn't specifically address an assisted living facility parking requirement, therefore; the Planning Director per Section 68.020(E) finds that a compromise can be made between multifamily and residential care parking requirements. The fact that our Code doesn't specifically address this use is not the fault of the applicant.

It is also found that by allowing this reduction in parking, more space could be devoted to landscaped open space for the use and enjoyment of the tenants.

In review of this application, 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.

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 in parking standard subject to the following conditions:

1. The 18 parking spaces delineated on the site plan shall be adhered to and not be reduced to less than 18.

2. Should the occupancy of the facility change to anything other than the assisted care facility outlined in the application, a new site plan approval shall be required to address parking needs based on a revised use.
3. The requirements of Klamath County Fire District No. 1 in their 2-19-96 memo attached hereto shall be complied with.

Dated this 28 day of February, 1996

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 Klamath County the 1st day
of February A.D., 19 96 at 9:35 o'clock A M., and duly recorded in Vol. M96
of Deeds on Page 5673

FEE No Fee

Return: Commissioners Journal

By Bernetha G. Letsch County Clerk
Bernetha G. Letsch