

'96 DEC 23 P3:35

PARTITION STAFF REPORT/DISPOSITION**APPLICATION NO./AGENDA DATE:** VAR 9-96 Planning Director Review 10-23-96**APPLICANT/REPRESENTATIVE:** Nancy Farmer
1752 Arthur Street
P.O. Box 7417
Klamath Falls, OR 97603**REQUEST:** Variance 9-96 to reduce front setback from 20 feet to 10 feet for a porch addition and to 15 feet for a carport, and variance from required 5-foot side setback down to 3 feet.**LOCATION:** 1752 Arthur Street.**DESCRIPTION:** Portion Section 3BA, T.39S, R.9EWM, Tax Lot 3300; Tax Acct. 3909-3BA-3300.**ACCESS:** Arthur Street**ZONE/PLAN:** RH/Urban Residential**UTILITIES:** WATER: City of Klamath Falls FIRE: KCFD #1**SEWER:** SSSD**ELECTRIC:** Pacific Power**EXHIBITS:**

- A. Staff Report
- B. Site Plan
- C. Assessor's Map
- D. KCFD No. 1 Letter 9-27-96
- E. Randon Adams Letter Received 10-17-96

CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:

Notice was sent out to 9 surrounding property owners as well as to 4 agencies of concern. One negative response was received from the adjoining property owner to the north. A response was received from KCFD No. 1 indicating they have no concerns with the proposal.

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 of the location of the existing dwelling which is already less than the required setback sitting 15 feet from the front property line. The condition causing difficulty was not created by the applicant. The carport is proposed to be constructed to the front of the existing covered walkway to the existing garage and is the only logical location for a carport.

In review of this application, it would appear not to be detrimental to the adjacent properties or to the public. Nine surrounding property owners were notified of this request. One negative response was received from the adjoining property to the north (Ex. E). His concerns were reviewed and made part of the record. As indicated on the site plan, there would still be approximately nine feet between the proposed carport and the garage on the parcel to the north thereby meeting the requirement of distance between buildings.

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 23rd day of October, 1996

Carl Shuck
Carl Shuck, Planning Director

APPEAL RIGHTS

You are hereby notified this decision of the Planning Director may be appealed to the Klamath County Board of Commissioners by filing with the Planning Department a NOTICE OF APPEAL as set out in Article 33 of the Code, together with the required fee within SEVEN DAYS of the date of mailing of this decision. Appeals must be received by the Planning Department no later than 5:00 p.m. on the seventh day or next business day if the seventh day falls on a weekend or holiday. Failure to file a NOTICE OF APPEAL within the time provided will result in the loss of your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 23rd day
of October A.D., 1996 at 3:35 o'clock P.M., and duly recorded in Vol. M96
of Deeds on Page 33594.

Bernetha G. Letsch County Clerk
By Kathleen Rosa

FEE No fee