

VARIANCE STAFF REPORT/DISPOSITION

APPLICATION NO./AGENDA DATE: VAR 3-98 Planning Director Review 6-24-98

APPLICANT/REPRESENTATIVE: William and Barbara McDonald
4661 Thompson Street
Klamath Falls, OR 97603

REQUEST: Variance 3-98 to reduce required side setback from ten feet to two on the east side to allow a garage addition.

LOCATION: 4661 Thompson Street, between Hope and Gettle Streets.

DESCRIPTION: Portion Section 2CD, T.39S, R.9EWM, Tax Acct. 3909-2CD-1200.

ACCESS: Thompson Street

ZONE/PLAN: RS/Urban Residential

UTILITIES: WATER: City of Klamath Falls FIRE: KCFD No. 1

SEWER: SSSD

ELECTRIC: Pacific Power

EXHIBITS:

- A. Staff Report
- B. Site Plan
- C. Assessor's Map
- D. KCFD No. 1 Letter 6-4-98

CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:

Notice was sent out to 22 surrounding property owners as well as to 3 agencies of concern. No negative response was received from any of the notified parties. KCFD No. 1 submitted a letter indicating they are not willing to approve this without further information about the use and equipment of the shop and a letter from the neighbor expressing their viewpoint and that the shop may require a rated wall. 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.

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Literal enforcement of the Code would cause unnecessary hardship because of the location of the existing garage already present within two feet of the property line. Applicants wish to construct a 20'x24' addition to and in line with the existing garage structure. The condition causing the difficulty was not created by the applicant. The location of existing improvements and small size of the lot is what causes the difficulty.

In review of this application, it would appear not to be detrimental to the adjacent properties or to the public. Twenty-two surrounding property owners and three agencies were notified of this request. No negative response was received from any of the notified parties including the most affected property owner to the east. The applicants have indicated communication with that property owner about the proposal has resulted in no opposition.

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 subject to:

1. Applicant shall get written clearance from Klamath County Fire District No. 1 addressing their concerns outlined in their June 4, 1998, letter prior to site plan approval.
2. Site plan approval in accordance with Land Development Code Article 41 within two years of the approval date set out below or the Variance approval shall expire.

Dated this 24th day of June, 1998

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 24th day of June A.D., 19 98 at 2:41 o'clock P.M., and duly recorded in Vol. M98 of Deeds on Page 22074.

FEE No Fee

Return: Commissioners Journal

Bernetha G. Letsch, County Clerk

By *Kathleen Kras*