

VARIANCE STAFF REPORT/DISPOSITION

APPLICATION NO./AGENDA DATE: VAR 5-98 Planning Director Review 6-24-98

APPLICANT/REPRESENTATIVE: Philip and Judy Neill
3827 Thicket Court
Klamath Falls, OR 97601

REQUEST: Variance 5-98 to reduce required side setback from five feet to zero on the west side to allow a pool enclosure.

LOCATION: 3827 Thicket Court off Old Fort.

DESCRIPTION: Portion Section 15A, T.38S, R.9EWM, Tax Acct. 3809-15A-900.

ACCESS: Thicket Court

ZONE/PLAN: RL/Urban Residential

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

SEWER: Septic

ELECTRIC: Pacific Power

EXHIBITS:

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

CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:

Notice was sent out to 9 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 stating they have no objection to 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.

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Literal enforcement of the Code would cause unnecessary hardship because of the location of existing improvements and mainly the topography and shape of the property. Applicants wish to site a lap pool directly behind their garage on the level area of the lot and enclose it. The variance is necessary for the enclosure structure which will be constructed to or within one foot of the property line. The condition causing the difficulty was not created by the applicant. The topography and pie shape 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. Nine 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 west. A sharp slope arises to the west which precludes development there by the adjoining property owner. This proposal should have minimal impact on any of the surrounding neighbors.

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. 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 25TH day
of JUNE A.D., 19 98 at 9:36 o'clock A M., and duly recorded in Vol. M98
of DEEDS on Page 22177.

FEE \$NONE

By Bernetha G. Letsch, County Clerk
Bernetha G. Letsch