

VARIANCE STAFF REPORT/DISPOSITION

APPLICATION NO./AGENDA DATE: VAR 2-98 Planning Director Review 6-24-98

APPLICANT/REPRESENTATIVE: Ben Brown for Bible Baptist Church
4849 South Sixth Street
Klamath Falls, OR 97603

REQUEST: Variance 2-98 to reduce required side setback from 15 feet to 5 feet on the east side to allow the addition of a new, larger auditorium to the Bible Baptist Church facility.

LOCATION: 4849 South Sixth Street, northwest corner of South Sixth Street and Wiard Street.

DESCRIPTION: Portion Section 2BD, T.39S, R.9EWM, Tax Acct. 3909-2BD-2600 and 2700.

ACCESS: So. 6th and Wiard Streets

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
- E. Norman Letter 5-28-98
- F. City of Klamath Falls Comments 6-10-98

CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:

Notice was sent out to 23 surrounding property owners as well as to 6 agencies of concern. One negative response was received from the Norman family who reside to the east across Wiard Street. The Normans feel the Church addition will result in a negative impact upon their view from their home. KCFD No. 1 submitted a letter requiring fire code review prior to obtaining a building permit. The City of Klamath Falls says everything is okay as long as the 6" C1 main is not covered or encroached upon. 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. The difficulty or hardship may arise from the property's size, shape or topography, or from the location of lawfully existing buildings or improvements.
- 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 facilities on the property and to logically tie-in with existing flow and layout, the proposed orientation of the addition is logically placed. The condition causing the difficulty was not created by the applicant. The location of existing improvements and physical surroundings 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-three surrounding property owners and six agencies were notified of this request. The Normans feel the proposed structure would impact their view. With five feet still remaining to the Church property line, the 60 foot Wiard Sreet road right-of-way, and the 25 foot front setback of the Normans, there would still exist 90 feet between the front of the Norman's home and the Church. This distance provides adequate site distance and clearly meets the Land Development Code requirement for 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 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. The site plan review process shall include notification to Klamath County Fire District No. 1 and compliance with requirements of that agency. The City's 6" C1 main shall not be covered or encroached upon.

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 22179

FEE NONE

By Bernetha G. Letsch, County Clerk
Kathleen Rose