

VARIANCE STAFF REPORT/DISPOSITION

APPLICATION NO./AGENDA DATE: VAR 14-98

PD Review 9-23-98

APPLICANT/REPRESENTATIVE:

John A. WILSON, M.D.
5775 Sunset Ridge Rd.
Klamath Falls, OR 97601

REQUEST: to vary KCLDC requirement to allow sideyard setback to be reduced from 5' to 1 1/2' to allow construction of a 22 x 22 carport.

LOCATION: 5775 Sunset Ridge Rd.

ZONING: R-5

UTILITIES:

WATER+SEPTIC: On-site

FIRE: KCFD #1

ELECTRIC: Pacific Power

EXHIBITS:

- | | |
|-----------------|-----------------|
| a. staff report | c. KCBD comment |
| b. application | d. |

NARRATIVE AND RECOMMENDATION:

The applicant requests approval for variance to the required sideyard setback to allow construction of a new carport within 1 1/2 feet of the property line.

Notice was sent out to 11 property owners and three agencies. No negative response was received from any of the contacted parties.

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 to the use and enjoyment of adjacent properties and will not be contrary to the intent of this Code.

98 SEP 23 P2:57

Literal enforcement of the Code would cause unnecessary hardship because of the location of existing construction and topographic constraint. If the required setbacks are applied, the enjoyment of the property and ability to improve could be compromised.

Review of the application does not reveal any detrimental effect to the use and enjoyment of adjacent properties. No negative response has been received to this application.

Staff recommends the Director approve the request conditioned on:

1. Article 41 Site Plan Approval shall be obtained within two years of the date set out below or this approval shall be void.
2. Buildings less than 3' from a property line must be 1 hour rated construction.

DISPOSITION: APPROVED THIS 23rd DAY OF SEPTEMBER, 1998

Carl Shuck

Carl Shuck, Planning Director

APPEAL RIGHTS:

This decision must be appealed to the Board of County Commissioners with seven days of the date of execution. For specifics, please contact the Planning Department at once or your right to appeal may be compromised.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Planning Department the 23rd day
of September A.D., 19 98 at 2:57 o'clock P. M., and duly recorded in Vol. M98
of Deeds on Page 34916

FEE None

Bernetha G. Letsch, County Clerk

By Kathleen Ross

Commissioners Journal