

VARIANCE STAFF REPORT/DISPOSITION

APPLICATION NO./AGENDA DATE: VAR 9-99

PD Review 6-23-99

APPLICANT/REPRESENTATIVE:

Jeff MITCHELL
32912 Rivers Dr..
Chiloquin, OR 97624

REQUEST: to vary KCLDC requirement for side yard setback to be reduced from 10' to 3' to allow construction of detached garage

LOCATION: 35735 Agency Lake Loop Rd., T.A. 3507-7CD-100**ZONING:** R-1**UTILITIES:****WATER+SEPTIC:** On-site**FIRE:** C/AL RFPD**ELECTRIC:** Pacific Power**EXHIBITS:**

- a. site plan
- b. application

- c. EHS memo 5-5-99
- d. KCPW Memo 5-3-99

- e. photos
- f. applicant narrative in support 6-18

NARRATIVE AND RECOMMENDATION:

The applicant requests approval for variance to the required setbacks to allow construction of a detached garage.

Notice was sent out to 10 property owners and 3 agencies. No negative response was received from any of the contacted property owners.

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.

Exhibit AFile # Var 9-99

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NARRATIVE:

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-Literal enforcement of the Code would cause unnecessary hardship. *The proposed garage, if not located within the required sideyard setback, would conflict with the placement of the Pacific Power service conduit. Additionally, there is a conflict with the root systems of two large pines. These conflicts require the garage to be located in an alternative location. Literal enforcement would unnecessarily compromise the property owner's ability to improve their property.*

-The home was constructed in 1998. *Pacific Power dictated the location of the underground service conduit. Accordingly, the current owner did not create the current condition.*

-Review of the application does not reveal any detrimental effect to the use, enjoyment and viewsheds of adjacent properties. *No negative response has been received to this application from adjacent property owners..*

Staff recommends the Director approve the request conditioned on:

1. Article 41 Site Plan Approval for the detached garage shall be obtained within two years of the date set out below or this approval shall be void.

DISPOSITION: APPROVED THIS 23rd DAY OF JUNE, 1999

Carl Shuck

Carl Shuck, Planning Director

APPEAL RIGHTS:

This decision may 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.

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