

**VARIANCE STAFF REPORT/DISPOSITION**

**APPLICATION NO./AGENDA DATE:** VAR 11-99      Planning Director Review 8-11-99

**APPLICANT/REPRESENTATIVE:**      **Vincent Herr**  
3928 Valinda Way  
Klamath Falls, OR 97603

**REQUEST:** Variance 11-99 to vary required side setback from 5 feet down to 0 feet to accommodate a 10'x40' carport along the northern side property line

**LOCATION:** 3928 Valinda Way, west side of Valinda Way, north of Harlan Drive

**LEGAL DESCRIPTION:** Portion NE1/4 SW1/4 Sec. 12, T.39S, R.9EWM, Tax Acct. 3909-12CA-6400.

**ACCESS:** Valinda Way      **ZONE/PLAN:** RM/Urban Residential

**UTILITIES:**

**WATER:** City  
**FIRE DIST:** KCFD #1

**SEWER:** SSSD  
**POWER:** Pacific Power

**EXHIBITS:**

- A. Staff Report
- B. Site Plan
- C. Assessor's Map
- D. SSSD Letter 6-2-99
- E. KCFD No. 1 Comments 4-1-99
- F. City of K-Falls Comments (1-6)
- G. Public Works Comment
- H. Florence Boring Letters of 6-1-99 and 6-21-99

**NARRATIVE AND RECOMMENDATION:**

The applicant requests approval for variance to the required setbacks to allow a carport addition on the north side of the existing home.

Notice was sent out to 19 property owners and 6 agencies. No negative response was received from any of the contacted parties. The most affected property owner to the north submitted two letters in support of the proposal with suggested conditions to mitigate runoff problems and site obstruction from her driveway. The proposed structure will be open sided mainly providing cover for vehicles and will not extend closer to the front property line than the existing residence. A visual obstruction will not be created.

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

Literal enforcement of the Code would cause unnecessary hardship because of the size of the property and location of lawfully existing dwelling. 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. The front of the carport shall not extend beyond the existing front building line of the house
3. The carport shall be fitted with a gutter and downspout attached in such a way that the runoff is confined to the subject property and shall not be permitted to run onto neighboring properties.
4. The carport roof and its guttering system shall be confined to the Herr property.

**DISPOSITION: APPROVED THIS 11th DAY OF AUGUST, 1999**

  
 Carl Shuck, Planning Director

#### APPEAL RIGHTS:

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

**Return to Commissioner's Journal**

State of Oregon, County of Klamath  
 Recorded 8/12/99, at 2:14 p. m  
 In Vol. M99 Page 32567  
**Linda Smith,**  
 County Clerk Fee \$ n/c re