

VARIANCE STAFF REPORT/DISPOSITION

APPLICATION NO./AGENDA DATE: VAR 13-99 Planning Director Review 8-25-99

APPLICANT/REPRESENTATIVE: **Harry Groat**
5231 Miller Avenue
Klamath Falls, OR 97603

REQUEST: Variance 13-99 to vary required side setback from ten feet down to eight feet to allow a home addition to the northeast side of the existing home.

LOCATION: 4231 Miller Avenue, north side of Miller Avenue between Wiard Street and Homedale Road.

LEGAL DESCRIPTION: Portion SW1/4 NE1/4 Sec.2, T.39S, R.9EWM; Tax Acct. 3909-2AC-4500.

ACCESS: Miller Avenue

ZONE/PLAN: RS/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 8-2-99
- E. KCFD No. 1 Comments 8-2-99
- F. City of K-Falls Comments (1-6)

NARRATIVE AND RECOMMENDATION:

The applicant requests approval for variance to the required setbacks to allow a home addition on the northeast 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.

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.

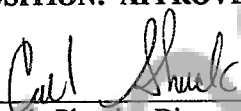
Literal enforcement of the Code would cause unnecessary hardship because of the size of the property and location of lawfully existing dwelling already eight feet from the property line. The addition will be in line with the existing home. If the required setbacks are applied, the enjoyment of the property 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.

DISPOSITION: APPROVED THIS 25th 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.

State of Oregon, County of Klamath
Recorded 8/27/99, at 9:18 a m.
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Linda Smith,
County Clerk Fee\$ NF

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