

VARIANCE STAFF REPORT/DISPOSITION**APPLICATION NO./AGENDA DATE:** VAR 17-99 Planning Director Review 11-24-99**APPLICANT/REPRESENTATIVE:** **Harold Bentley**
2544 Hope Street
Klamath Falls, OR 97603**REQUEST:** Variance 17-99 to vary required side setback from 10 feet down to one foot to accommodate a cover over existing porch.**LOCATION:** 2544 Hope Street, northwest corner of Boardman Street and Hope Street.**LEGAL DESCRIPTION:** Portion NE¼ SW ¼ Sec.2, T.39S, R.9EWM; Tax Acct. 3909-2CA-8000.**ACCESS:** Hope Street**ZONE/PLAN:** RS/Urban Residential**UTILITIES:**WATER: City
FIRE DIST: KCFD #1SEWER: SSSD
POWER: Pacific Power**EXHIBITS:**

- A. Staff Report
- B. Site Plan
- C. Assessor's Map
- D. SSSD Letter 10-29-99
- E. KCFD No. 1 Comments 11-1-99
- F. Letter from Reba Beinke 7-1-99

NARRATIVE AND RECOMMENDATION:

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.

Exhibit A**File #** Var 17-99

The applicant requests approval for variance to the required setbacks to allow a cover over his existing porch which was built prior to his ownership when the side setback requirement in the RS zone was five feet. The difficulty in meeting the required setback is caused by the small size of the parcel and the location of the existing improvements. The porch cover will also alleviate unnecessary hardship to the applicant as he states due to age and health, it is a hardship and health and safety issue to have to shovel the snow and contend with ice on the patio.

Granting of the variance will not be detrimental to the public health, safety, use, and enjoyment of adjacent properties. The most affected property owner to the north has submitted a letter in support of the application. Also, the structure will not be enclosed therefore alleviating the concern of emergency access to that portion of the property.

Notice was sent out to 25 surrounding property owners and to 4 agencies. No negative response was received from any of the contacted parties.

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 structure shall not be enclosed at any time.

DISPOSITION: APPROVED THIS 24th DAY OF NOVEMBER, 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 11/29/99, at 8:20 a.m.
 in Vol. M99, Page 46854
 Linda Smith,
 County Clerk Fee \$ NC