

VARIANCE STAFF REPORT

APPLICATION NO./AGENDA DATE: VAR 9-92, Planning Director Review: 10-28-92

APPLICANT/REPRESENTATIVE:

APP: Monty E. Stevens
52620 Hwy 62
Fort Klamath, OR 97626

REQUEST: to vary front yard setback from 25 feet (LDC sec. 62.040) to 0 feet to erect a canopy between the Hwy 62 right of way and existing store front.

LOCATION: west of the Crater Lake Hwy in central Fort Klamath community.

LEGAL DESCRIPTION: por. NE 1/4 NE 1/4 Sec. 21, T 33S R 71/2E T.A.
3307-V21AA-01100

ACCESS: Hwy 62

ZONE/PLAN: CT/Commercial Transportation

UTILITIES:

WATER: well

FIRE: DNA

SEWER: septic

ELECTRIC: Pacific Power

EXHIBITS

- a. staff report
- b. plot plan
- c. Assessors Map

NARRATIVE AND RECOMMENDATION:

The applicant has applied for a variance to the front yard setback on a commercial developed property in Fort Klamath. The store is already encroaches 19 feet into the required 25 foot setback, however it is recognized the store was built in the late 40s, long before setback requirements and before the Highway was built to its present width. The owners intent is to provide an area that will not be wet or icy and safer for patrons leaving their vehicles and coming into the store.

Staff recommends the Director approve this request as it will not make the situation any less in conformance than it already is and will enhance the safety and convenience of a pre-existing commercial use.

RELEVANT REVIEW CRITERIA

Applications for variance from Code standards are considered pursuant to L.D.C. section 43.030.

- A. That a 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 welfare or to the use and enjoyment of adjacent properties and will not be contrary to the intent of this code.

Staff believes the applicant has made a case for conformance to the criteria as set out above through his application and the pre-application conferences and recommends approval of the request.

ORDER:

Based on the above criteria and findings, I hereby approve Variance 9-92 for Monty Stevens.

Carl Shuck 10/28/92
 Carl Shuck, Planning Director Date

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 10th day
 of Nov. A.D., 19 92 at 10:27 o'clock A M., and duly recorded in Vol. M92,
 of Deeds on Page 26563.

FEE none Evelyn Biehn County Clerk
 By Daniel Muelender

Return: Commissioners Journal

VAR 9-92 STEVENS