

STAFF REPORT

CASE NO. AND HEARING DATE: Variance 1-93-Plan Dir Rev 3-24-93

APPLICANT: Payless Shoesource
3231 E. 6th Street
Topeka, KS 66607

REQUEST: Applicant requesting a variance to vary an existing easement from 30' down to 24' due to curbs and parking stalls that overhang into existing easement.

AUTHORITY: Subsections A&B of Section 43.030 of Article 43.

PROJECT LOCATION: Site located west side of Washburn and south of where the entry is to Wal-Mart.

LEGAL DESCRIPTION: Located in portion of Section 9 of TS 39, R 9,

ACCESS: Washburn Way, a paved street.

S.C.S. Class: N/A

TIMBER SITE RATE: N/A

UTILITIES:

WATER: City Of K-Falls

SEWER: South Suburban Sanitary Dist.

FIRE DIST: KCFD #1

POWER: PP&L

EXHIBITS:

- A. Staff Report
- B. Site Plan
- C. Contract for sale and lease, dated 2/1/93

CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:

Notice was sent out to surrounding property owners as well as to Agencies of concern.

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.
The difficulty or hardship arises from the property's size, and shape of easement. Also there curbs and parking stalls that overhang into existing easement.

- B. That the condition causing the difficulty was not created by the applicant.
In this case the easement appears to be what has caused the reason or difficulty in that a 24 foot easement was granted.
- 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
In review of application for variance, it would appear not to be detrimental to the adjacent properties or public as the easement is existing and is in use for egress and ingress.

RECOMMENDATION:

Order:

In review of the application it appears that the existing easement is approximately 24 feet because of curbs and parking stalls and therefore cannot be a 30 foot easement.

All exhibits and other contents of this file have been incorporated into this review for decision.

Planning Director, based on the findings and conclusions of the staff report and information supplied by applicant finds in favor of the applicant and therefore grants variance for the above requests..

Dated this 24th day of March 1993

Carl Shuck
Carl Shuck, Planning Director

Klamath County Land Development Code provides that this decision may be appealed no later than 7 days following mailing of this decision.
Appeal information may be obtained at the Klamath County Planning Dept.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 25th day
of March A.D., 19 93 at 9:24 o'clock A.M., and duly recorded in Vol. M93
of Deeds on Page 6048

FEE none

Evelyn Biehn County Clerk

By Debra M. Anderson

Return: Commissioners Journal