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09-23-93P01:45 RCVD

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STAFF REPORT

CASE NO. AND HEARING DATE: Variance 6-93-Plan Dir Rev 9-22-93

APPLICANT: Estill/Judith M. McDowell  
4775 South Sixth St.  
Klamath Falls, Or 97603

REQUEST: Applicant requesting a variance to reduce rear yard setback from 25' down to 5' due to configuration of lot and existing development.

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

PROJECT LOCATION: Site located north side of South Sixth St approximately 300 +/- feet west of Wiard St.

LEGAL DESCRIPTION: Located in portion of Section 2 of TS 39. R 9.  
Tax Lot 3600

ACCESS: South Sixth St. 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. Assessor Map
- C. Site Plan

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 the 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 18 foot easement is utilized for access.

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 proposed expansion will be built to the north and will not interfere with the existing easement for egress and ingress. This variance will also allow for applicant to have adequate parking for their business. There are other commercial uses in area where they extend well into the 25 foot setback.

RECOMMENDATION:

Order:

In review of the application it appears that the existing easement is approximately 18 feet and because of the location of it and existing buildings applicant has but one area to build in, that being to the north.

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

Planning Director, based on the findings and information provided by applicant finds in favor of the applicant and therefore grants variance of the above request.

Dated this 22nd day of September 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 \_\_\_\_\_ the 23rd day  
of Sept. A.D., 19 93 at 1:45 o'clock PM., and duly recorded in Vol. M93  
of \_\_\_\_\_ Deeds \_\_\_\_\_ on Page 24552.

FEE none

Evelyn Biehn County Clerk  
By Pauline Muelendore