

05-26-94A11:38 RCVD

## STAFF REPORT

CASE NO. AND HEARING DATE: Variance 3-94-Plan Dir Rev 5-25-94

APPLICANT: Robert Rice  
22177 Hwy 140 E  
Dairy, OR 97625

REQUEST: Applicant requesting a variance to vary front yard setback from 25 feet down to 16 feet, 10 inches. The development is to allow applicant to add onto existing building. Proposed addition is approximately 1920 sq feet.

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

PROJECT LOCATION: Site located within the Community of Dairy, north side of Klamath Falls-Lakeview Hwy, State Hwy 140.

LEGAL DESCRIPTION: Located in portion of Section 34 of TS 38, R 11,1/2,  
Tax Lot 700

ACCESS: St Hwy 140 E.

S.C.S. Class: N/A

TIMBER SITE RATE: N/A

## UTILITIES:

WATER: Ind Well

SEWER: Ind Septic

FIRE DIST: Bonanza Fire Dist.

POWER: PP&L

## EXHIBITS:

- A. Staff Report
- B. & B-1 Site Plan
- C. Accessor Map

## 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 shape.  
The shape of applicants property is irregular shaped, and therefore allows for the applicant to build to the east.  
By placing the addition to the east side of property of the lot, applicant can utilize existing access points off of highway. Also applicant will be able to utilize existing scales to weigh in commercial vehicles.  
The area of property to the west has a slight topography problem and would not allow for a uniform extension off of existing building.

B. That the condition causing the difficulty was not created by the applicant.

In this case, the existing shape of parcel and the existing building dictates the reason for the request for the variance. The variance also allows better usage of property. 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.

In review of application for the variance, it would appear not to be detrimental to the adjacent properties or public as the addition meets most of the required setbacks. The variance is for a front yard set back only.

There are other existing uses in the surrounding area where the buildings are on property lines or over said property lines. (See Ex B-1)

#### RECOMMENDATION:

##### Order:

In review of the application it appears that the existing building and shape of parcel is why the applicant needs to add on the to the east side of property. Also allows for better utilization of property.

There are similar uses in the surrounding area on properties. 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 set back for the front yard from 25 feet down to 16 feet 10 inches.

Dated this 25th day of May 1994

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 26th day of may A.D., 19 94 at 11:38 o'clock AM., and duly recorded in Vol. M94, of Deeds on Page 16739.

FEE none

Evelyn Biehn County Clerk

By Dorinda M. Anderson

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