

CASE NO. AND HEARING DATE: Variance 1-95-Plan Dir Rev 3-22-95

APPLICANT: Elmer Baird
5637 Cottage
Klamath Falls, Or 97603

REQUEST: Applicant requesting a variance to vary front yard setback from 25 feet down to 17 feet, a difference of 8 feet. The development is for a new manufactured home. The manufactured home is 26 x 60.

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

PROJECT LOCATION: Site located north side of Cottage Ave.
Approximately 300 +- feet west of Madison St.

LEGAL DESCRIPTION: Located in portion of Section 2 of TS 39, R 9,
Tax Lot 601

ACCESS: Cottage St, which is a paved county street.

S.C.S. Class: N/A

TIMBER SITE RATE: N/A

UTILITIES:

WATER: City Of K-Falls

SEWER: South Suburban

FIRE DIST: KCFD #1

POWER: PP&L

EXHIBITS:

- A. Staff Report
- B. Site Plan
- C. Accessor Map
- D. LTR FROM FIRE DIST #1

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 a water problem. The water problem is a high water table running from the north end of property to the south end and where the manufactured home would be placed. By allowing for the variance, this would allow for the placement of a new 26 x 60 manufactured home.

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

In this case the existing water, underground, collected at a point on the lot. The collection point was at the north end of where the manufactured home would have been placed in order to meet the required setbacks. The applicant has also placed in a french drain in order to drain off water at point of collection. The applicant had to move the manufactured home towards to the front of lot in order to stay out of the point of collection of water. (See Site Plan Ex B.)

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 new 26 x 60 manufactured home is an improvement to the old mobile home that applicant replaced.

In the surrounding area there are other mobile homes scattered up and down Cottage Ave. Most of the mobile homes are older and are of the single wide variety.

Also, in the surrounding area there are similar uses and close to the property lines than what is required by the land development code..

RECOMMENDATION:

Order:

In review of the application it appears that the existing use is permitted by zoning and the Land Development Code.

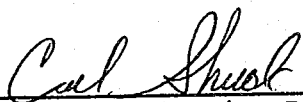
All public utilities are in.

There are similar uses on the surrounding 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;
therefore grants variance for the set backs to the front property line. The set back being from 25 feet down to 17 feet, a difference of 8 feet.

Dated this 23rd day of March 1995



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 24th day of March A.D., 19 95 at 11:50 o'clock A. M., and duly recorded in Vol. M95 of Deeds on Page 6986

FEE none

By Bernetha G. Letson County Clerk

Commissioners Journal