

**STAFF REPORT**

**CASE NO. AND HEARING DATE:** Variance 4-94 - Planning Director Rev. 5-24-95

**APPLICANT:** Ed Simmons  
3472 Denver Park  
Klamath Falls, OR 97603

**REQUEST:** Applicant requesting a variance to vary side yard setback from 10 feet down to 5 feet and rear setback from 25 feet down to 18 feet to allow an addition to the existing dwelling.

**AUORITY:** Subsections A&B of Section 43.030 of Article 43 of the Klamath County Land Development Code.

**PROJECT LOCATION:** The site is located on the west side of Dener Park, approximatley 75 feet north of Denver Avenue.

**LEGAL DESCRIPTION:** Located in portion of Section 11 of Township 39, Range 9EWM, Tax Lot 2200. Tax Acct. 3909-11BD-2200.

**ACCESS:** Denver Park.

**UTILITIES:**

**WATER:** City of K-Falls

**SEWER:** South Suburban Sanitary Dist.

**FIRE DIST:** KCFD #1

**POWER:** Pacific Power

**EXHIBITS:**

- A. Staff Report
- B. Site Plan
- C. Assessor's Map
- D. KCFD No. 1 Memo 5-8-95

**CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:**

Notice was sent out to surrounding property owners as well as to agencies of concern. No negative response has been received from any of the notified parties.

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.
- 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.

The difficulty or hardship arises from the property's size and location of the lawfully existing dwelling. By placing the addition as proposed, it will allow the applicant to tie into the existing structure in a more orderly fashion as far as floorplan layout.

In review of application for variance, it would appear not to be detrimental to the adjacent properties or to the public. No negative response was received from either the adjacent property owner to the south or west who would be most affected. Klamath County Fire District No. 1 has indicated in their response memo of 5-8-95 that they have no concern with the proposal.

#### RECOMMENDATION:

##### Order:

The Planning Director, based on the findings and conclusions of the staff report and information supplied by the applicant, hereby approves the requested Variance.

Dated this 24<sup>th</sup> day of May, 1995

  
 Carl Shuck, Planning Director

#### NOTICE OF APPEAL RIGHTS

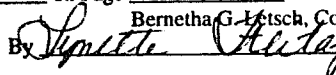
The Klamath County Land Development Code provides that this decision may be appealed to the Board of County Commissioners no later than 7 days following mailing of this decision. Appeal information may be obtained at the Klamath County Planning Department.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 25th day  
 of May A.D., 19 95 at 3:22 o'clock P M., and duly recorded in Vol. M95,  
 of Deeds on Page 13894.

RETURN: Commissioners Journal

FEE None

By  Bernetha G. Letsch, County Clerk