

STAFF REPORT

CASE NO. AND HEARING DATE: Variance 6-95 - Planning Director Rev. 6-28-95

APPLICANT: Aubrey and Ginger Harris
900 Kane Street
Klamath Falls, OR 97603

REQUEST: Applicant requesting a variance to reduce rear setback from 20 feet down to 9 feet to allow placement of a home facing Cottage Avenue on proposed Parcel 1 of LP 39-95.

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

PROJECT LOCATION: The site is located to the west of 2024 Wiard Street, northwest corner of Cottage and Wiard.

LEGAL DESCRIPTION: Located in portion of Section 2BD of Township 39, Range 9EWM, Tax Lot 1100. Tax Acct. 3909-2BD-1100.

ACCESS: Cottage Avenue

PLAN/ZONE: Urban Residential/RM

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.

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:

Ex A

- 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 as the access to Parcel 1 is off of Cottage Avenue and applicants wish to have the front of their house face Cottage Avenue. Also, the home to be moved to the property is already owned by the applicant therefore resulting in unnecessary hardship for the applicant to meet the required setback.

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 any of the 25 surrounding property owners notified of this proposal including the most affected property owners to the north and west.

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 _____ day of June, 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 _____ 30th _____ day
of _____ June _____ A.D., 19 95 at 1:48 o'clock _____ P.M., and duly recorded in Vol. _____ M95
of _____ Deeds _____ on Page 17142

Bernetha G. Letsch County Clerk

By _____

FEE No Fee

Return: Commissioners Journal