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STAFF REPORT 08-02-95P02:05 RCVD

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CASE NO. AND HEARING DATE: Variance 10-95-Plan Dir Rev

APPLICANT: Dorman Turner 4804 Cottage Ave Klamath Fails, Or 97603

REQUEST: Applicant requesting a variance to vary front yard setback from 20 feet down to 10 feet, a difference of 10 feet, and a side yard set back of 5 feet on all side yards and also a 5 foot setback on all rear yards for lots 6-9 of 1st addition to Country Green, Tract 1269

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

PROJECT LOCATION: Site located south of Keller Rd and east of Alt Way, all lots within Tract 1269.

LEGAL DESCRIPTION: Located in portion of Section 13 of TS 39, R Tax Lot 100 ACCESS: Alt Way, which is a paved county street. 9,

TIMBER SITE RATE: N/A S.C.S. Class: N/A

UTILITIES:

WATER: City Of K-Falls

SEWER:South Suburban

POWER: PP&L

FIRE DIST: KCFD #1 EXHIBITS:

A. Staff Report

B. Copy of lots 6-9 of Tract 1269

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:

That the literal enforcement of this Code would result in Α. practical difficulty or unnecessary hardship. The difficulty or hardship arises from the existing easements on existing lots. The existing easements are for telephone, drainage, and other utilities. The buildable area including the easements allow for an average of approximately 4200 sq feet. The existing lots indicate the average building area as approximately 6300 sq ft. The variance would allow for approximately 6800 sq ft. This variance would allow for a house and a garage to be built on lot.

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

In this case the existing utilitie easements within the subdivision created a difficulty to build or place manufactured houses and garage on lot.

That the granting of the Variance will not be detrimental to C. 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 this variance would allow similar use as that of the orginal Country Green subdivision, Tract 1085.

In the surrounding area there are other mobile homes and manufactured homes within the orginal subdivision Tract 1085. The use within Tract 1269 will be similar to the uses in Tract 1085.

RECOMMENDATION:

Order:

In review of the application it appears that the proposed use is permitted by zoning and the Land Development Code. All public utilities are in.

There are similar uses on the surrounding properties. The variance as proposed will not be detrimental to adjacent properties or public, the difficulty is an hardship to the owner and was not created by the applicant and the granting of this variance will not be contrary to the intent of the code.

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 the applicant finds in favor of the applicant; therefore grants variance for the set backs to the front property line, side property lines and rear as indicated above.

Dated this 24d __day of August 1995

Planning Director Carl

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 2nd	day
of <u>Aug</u> A.D., 19	95_at_2:05	o'clock M., and duly recorded in vol	<u>, </u>
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