

STAFF REPORT

CASE NO. AND P.D. REVIEW DATE: VAR 14-95 - NOVEMBER 22, 1995

APPLICANT, ADDRESS: GROUND/RAMIREZ c/o TRU-LINE SURVEYING
2333 Summers Ln.
Klamath Falls, OR 97603

REQUEST: Variance application to allow maximum cul-de-sac length of 700' (KCLDC sec. 71.100 D) to be varied to a length of 1000' to allow LP 50-95 and 51-95 to be approved.

AUTHORITY: Article 43

PROJECT LOCATION: east of the second Pine Grove Rd., 3/8 mile north of Mallory Dr., Pine Grove.

LEGAL DESCRIPTION: parcels 2 & 3, LP 45-91

ACCESS: Pine Grove Rd.

PLAN/ZONE: RURAL/R-1

AGENCIES/PARTIES/NOTIFIED/RESPONDING:

To date, responses as shown on the exhibit list below, were received in response to the notice mailed October 24, 1995 to the following:

12 property owners	Pine Grove I.D.
Public Works	Pine Grove Highlands R.D.
Health Services	

NARRATIVE:

The applicants propose adjacent land partitions utilizing the same east-west road for mutual access. The maximum cul-de-sac length is 700' per the code. The length depicted is 1000'. The application before the Director is the request to vary the maximum length to allow the proposed partitioning to be approved.

EXHIBITS:

- | | |
|-----------------------------------|----|
| a. Staff Report | d. |
| b. Application package & exhibits | e. |
| c. | |

CODE REQUIREMENTS & ORDER:

Article 43, Section 43.040 sets out the requirements for review of Variance requests.

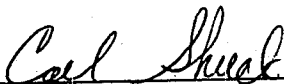
A Variance shall be reviewed against the following criteria:

1. The literal enforcement of this code would result in practical difficulty or unnecessary hardship to the owner. The difficulty or hardship may arise from the property's size, shape or topography, or from the location of lawfully existing buildings or improvements;
2. The condition causing the difficulty was not created by the applicant;
3. The granting of the variance will not be detrimental to the use and enjoyment of adjacent properties, and will not authorize uses or activities not permitted by the zoning applied to the property;
4. The granting of the Variance will not be contrary to the intent of this Code;

The applicants, through their representative, Tru-Line Surveying, argue the six parcels proposed by LP 50-95 and LP 51-95 will be further divided and access can be provided through subsequent activity.

The Planning Director, based on the conclusions and findings of the staff report and information supplied, finds in favor of the applicants and allows the requested Variance.

Dated this 22 day of NOVEMBER, 1995



Carl Shuck, Planning Director

NOTICE OF APPEAL RIGHTS

The Klamath County Land Development Code provides this decision may be appealed to the Board of County Commissioners no later than 7 days following the date of mailing of this decision. For information as to your appeal rights and procedure contact the Planning Department.

STATE OF OREGON: COUNTY OF KLAMATH : ss.

Filed for record at request of Klamath County the 24th day
of November A.D., 19 95 at 1:56 o'clock P. M., and duly recorded in Vol. M95
of Deeds on Page 32195.

FEE No Fee

By Annette Mueller
Bernetha G. Letsch, County Clerk

Commissioners Journal