

VARIANCE STAFF REPORT**APPLICATION NO./AGENDA DATE:** VAR 4-96

PD Review 5-22-96

APPLICANT/REPRESENTATIVE:

ADKINS CONSULTING ENGINEERS FOR ERNST BROS. L.L.C.
2950 Shasta Way
Klamath Falls, OR 97603

REQUEST: to vary KCLDC requirements for Tract 1318 to vary setback requirements of the RCR zone to reflect the existing conditions at the Gilchrist Townsite.

LOCATION: Gilchrist Townsite

ZONING: RCR

UTILITIES:

WATER+SEWER: private system

FIRE: Crescent RFD

ELECTRIC: Midstate

EXHIBITS:

- a. staff report
- b. application

NARRATIVE AND RECOMMENDATION:

The applicant requests approval for variance to the setback requirements of the RCR zone. The existing setbacks have been lived with since 1938 and, in reality, cannot be changed. As this is a long existing situation, variance from the current setback requirements is warranted for the existing improvements.

Staff recommends the Planning Director review the Approval Criteria as set out in Article 43, pg. IV-8 and consider the attached Order.

96 MAY 23 P 3:47

BEFORE THE PLANNING DIRECTOR
KLAMATH COUNTY

15063

IN THE MATTER OF VARIANCE CASE 4-96
FOR ERNST BROS. AS RELATED TO TRACT 1318

NARRATIVE:

This application came before the Planning Director on MAY 22, 1996 and was considered per the review criteria set out in Article 43 of the Land Development Code. The applicant requested the Planning Director grant a variance to minimum roadway setback standards as required by Sections 62.040 of the Land Development Code. Preliminary Tract 1318, when filed, will necessarily create conditions NOT in conformance with current setback standards.

FINDINGS:

Upon consideration of the applicants testimony received, exhibits submitted and evidence entered by the Staff, the Planning Director finds for approval based on the following as applied to the review criteria in Section 43.030:

1. The literal enforcement of this code would create unnecessary hardships to the owners of this proposed tract. Parcelization would be impossible if strict compliance to the Code is required. The existing improvement setbacks already exist and have been in place since 1937.
2. The condition was not created by the current owners, but by their predecessors in 1937, prior to the Code.
3. The granting of this variance will only entitle owners/successors the same property rights as others in Klamath County in title to properties under the same zoning classification.

ORDER:

Therefore, Variance Case 4-96 to allow the existing setbacks is approved for the improvements within Preliminary Tract 1318 as approved by the Planning Commission on FEBRUARY 27, 1996, is GRANTED.

Dated this 22nd day of May, 1996

Carl Shuck
Planning Director

APPEAL RIGHTS

You are notified this decision may be appealed to the Board of County Commissioners within seven days of the date of mailing. To insure your right to appeal contact the Planning Department immediately.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 23rd day
of May A.D., 19 96 at 3:47 o'clock P M., and duly recorded in Vol. M96
of Deeds on Page 15062.

FEE \$ No Fee Return: Commissioners Journal By Bernetha G. Letsch, County Clerk