

20546

Vol. 1796 Page 19199

PARTITION STAFF REPORT/DISPOSITION

APPLICATION NO./AGENDA DATE: VAR 5-96 Planning Director Review 6-26-96

APPLICANT/REPRESENTATIVE: Don Hall
1538 Hope Street
Klamath Falls, OR 97603

REQUEST: Variance 5-96 to vary 30-foot wide easement requirement down to 15 feet in conjunction with Land Partition 23-96.

LOCATION: West side of Hope Street northerly of Shasta Way.

DESCRIPTION: Lots 69 and 70 of Lewis Tracts; Tax Acct. 3809-35CD-2300 and 2400.

ACCESS: Hope Street **ZONE/PLAN:** RM/Urban Residential

UTILITIES: WATER: City of Klamath Falls FIRE: KCFD #1

SEWER: SSSD

ELECTRIC: Pacific Power

EXHIBITS:

- A. Staff Report
- B. Partition Map
- C. Assessor's Map
- D. County Surveyor Comments 6-3-96

CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:

Notice was sent out to 22 surrounding property owners as well as to 6 agencies of concern. No negative response has been received from any of the notified parties. A response was received from the County Surveyor recommending the variance for easement width be granted.

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.

25 JUN 27 P 3:30

19200

Literal enforcement of the Code would cause unnecessary hardship because of the location of existing dwellings on proposed Parcels 1 and 2. The condition causing difficulty was not created by the applicant.

In review of this application, it would appear not to be detrimental to the adjacent properties or to the public. No negative response was received from any of the 22 surrounding property owners.

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 in easement width.

Dated this 26th day of June, 1996

Carl Shuck
Carl Shuck, Planning Director

APPEAL RIGHTS

You are hereby notified this decision of the Planning Director may be appealed to the Klamath County Board of Commissioners by filing with the Planning Department a NOTICE OF APPEAL as set out in Article 33 of the Code, together with the required fee within SEVEN DAYS of the date of mailing of this decision. Appeals must be received by the Planning Department no later than 5:00 p.m. on the seventh day or next business day if the seventh day falls on a weekend or holiday. Failure to file a NOTICE OF APPEAL within the time provided will result in the loss of your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 27th day
of June A.D., 1996 at 3:30 o'clock P. M., and duly recorded in Vol. M96
of Deeds on Page 19199

FEE No Fee Return: Commissioners Journal

By Bernetha G. Letsch, County Clerk
C. H. Russell