

VARIANCE STAFF REPORT**APPLICATION NO./AGENDA DATE: VAR 11-96****PD Review 1-22-97****APPLICANT/REPRESENTATIVE:**

LOYAL NETH
8109 Rocking Horse Ln.
Klamath Falls, OR 97603

REQUEST: to vary KCLDC requirements to legalize 18 x 24 accessory building constructed w/o permits 18" (5' required) from rear lot line adjacent to proposed extension of the Southside Expressway.

LOCATION: 8109 Rocking Horse Ln., Rolling Hills **ZONING:** R-1

UTILITIES:

WATER+SEPTIC individual systems

FIRE: KCFD #1

ELECTRIC: Pacific Power

EXHIBITS:

- a. staff report
- b. application
- c. KCFD No. 1 Memo 1-6-97

NARRATIVE AND RECOMMENDATION:

The applicant requests approval for variance to the required rear yard setback, 5', to legalize an existing accessory structure located 18" from rear lot line.

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

**BEFORE THE PLANNING DIRECTOR
KLAMATH COUNTY**

**IN THE MATTER OF VARIANCE CASE 11-96
FOR LOYAL NETH**

NARRATIVE:

This application came before the Planning Director on JANUARY 22, 1997 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 the minimum rear yard setback, 5', and allow an existing illegally constructed accessory building to maintain a setback of 18".

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 existing building. Construction, due to the location of pre-existing outbuildings and well, would be impossible if strict compliance to the Code is required.
2. The condition was not created by the current owners, but by strict literal enforcement of Code standards as applied to the pre-existing structures and well.
3. The granting of this variance will only affect the owners/successors of the subject property and will not grant special privileges to others in Klamath County in title to properties under the same zoning classification.

ORDER:

Therefore, Variance Case 11-96 to allow the decreased rear yard setback is GRANTED.

Dated this 22 day of January, 1997



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 January A.D. 19 97 at 11:48 o'clock A. M., and duly recorded in Vol. M97
of Deeds on Page 2005

FEE No Fee

Return: Commissioners Journal

by Bernetha G. Letsch, County Clerk
