

## AMENDED ORDER

## VARIANCE STAFF REPORT/DISPOSITION

APPLICATION NO./AGENDA DATE: VAR 1-97 Planning Director Review 3-26-97

APPLICANT/REPRESENTATIVE: Edward Givens  
4221 Altamont Drive  
Klamath Falls, OR 97603

REQUEST: Variance 1-97 to reduce front setback from required 25 feet down to 11 feet for a frame house which will replace the existing mobile home that presently sits 10 feet from the front property line; reduce rear setback from 25 feet down to 23 feet where present mobile home is 22'6"; and reduce distance requirement between buildings from 6 feet down to 18" eave to eave where there is currently 3 feet between the garage and mobile home.

LOCATION: 4221 Altamont Drive, southeast corner of Altamont Drive and Bristol Avenue.

DESCRIPTION: Portion Section 10DC, T.39S, R.9EWM, Tax Lot 3300; Tax Acct. 3909-10DC-3300.

ACCESS: Altamont Drive

ZONE/PLAN: RS/Urban Residential

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

SEWER: SSSD

ELECTRIC: Pacific Power

## EXHIBITS:

- A. Staff Report
- B. Site Plan
- C. Assessor's Map
- D. KCFD No. 1 Letter 2-27-97
- E. Public Works Memo 3-4-97

## CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:

Notice was sent out to 16 surrounding property owners as well as to 6 agencies of concern. A response was received from KCFD No. 1 indicating they have no concerns provided the 18-inch clearance is not between separate properties which is not the case.

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.

Literal enforcement of the Code would cause unnecessary hardship because of the location of the existing mobile home, outbuilding, and amenities. By siting a frame home on the existing mobile home location, setback requirements are not being further compromised. 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. Sixteen surrounding property owners were notified of this request. No negative response has been received.

#### AMENDED RECOMMENDATION:

##### Order:

The Planning Director, based on the findings and conclusions of the staff report and information supplied by the applicant, hereby approves the Variance for the distance between garage and proposed house. The Variance for the front yard setback shall be reduced from 25 feet down to 10 feet and rear yard from 25 feet down to 22 feet, 6 inches. This amended recommendation is approved because the applicant indicated there is a unnecessary hardship to the applicant in that he would have to replace an existing sidewalk that he can utilize in conjunction with the proposed house. The hardship would be an additional cost to applicant. The applicant is fully aware of Altamont Drive's future improvement. Planning staff sent a letter dated 3-4-97 from Public Works that Altamont Drive is to be improved in the future. Mr. Givens discussed this letter and issue with Planning staff and was not concerned with the back side of the Altamont Drive sidewalk being five feet from his property line.

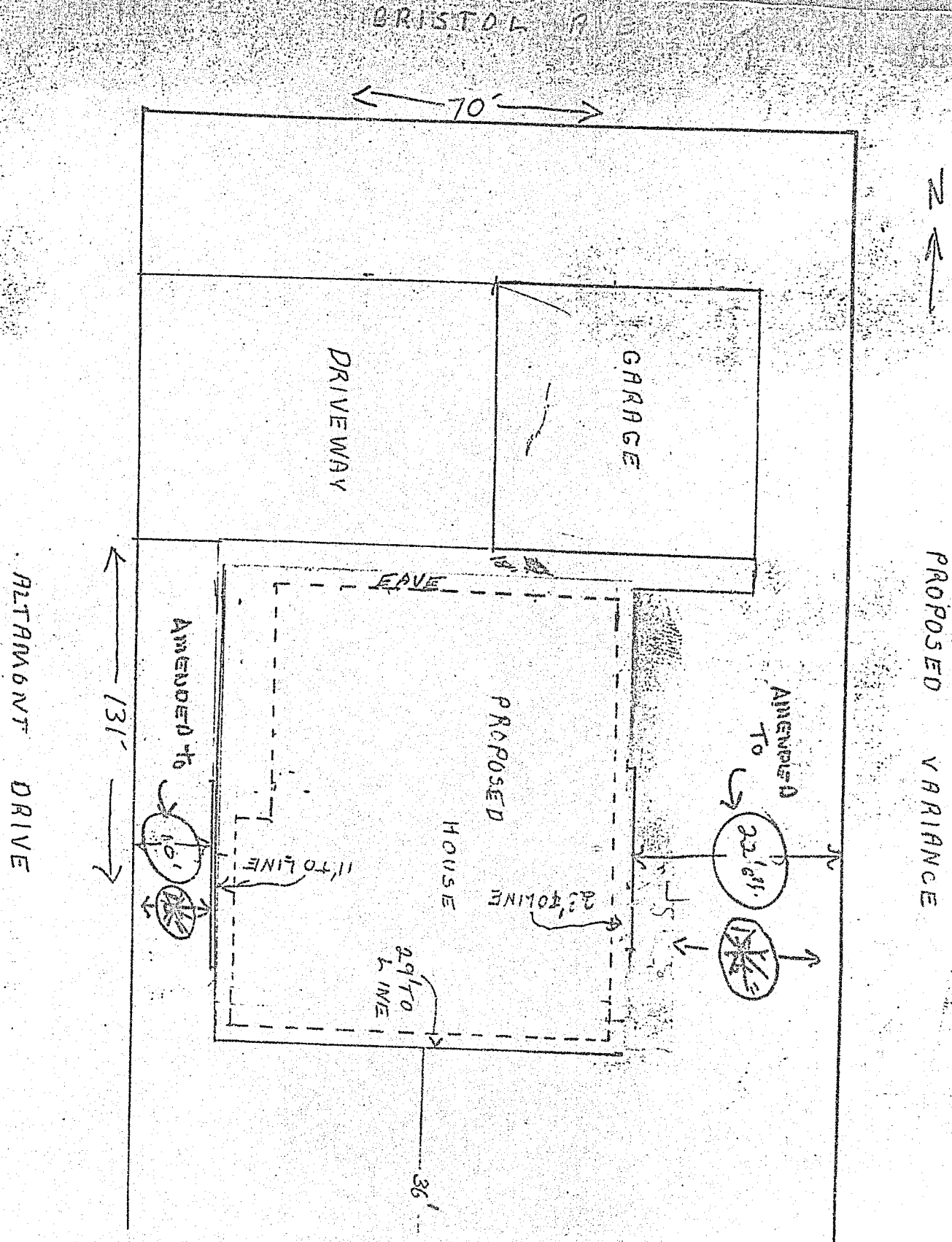
Dated this 1st day of April, 1997

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 2nd day  
of April A.D., 19 97 at 1:14 o'clock P. M., and duly recorded in Vol. M97  
of Deeds on Page 9628.

FEE

No Fee

by Bernetha G. Letsch, County Clerk  
Kathleen Rose