

VARIANCE STAFF REPORT/DISPOSITION

APPLICATION NO./AGENDA DATE: VAR 4-97 Planning Director Review 6-6-97

APPLICANT/REPRESENTATIVE: Ned and Lisa Baldwin
4434 Peck Drive
Klamath Falls, OR 97603

REQUEST: Variance 4-97 to reduce rear setback from required 20 feet to 17 feet.

LOCATION: 3137 Barnes Way.

DESCRIPTION: Portion Section 12BA, T.39S, R.9EWM, Tax Acct. 3909-12BA-2000.

ACCESS: Barnes Way

ZONE/PLAN: RM/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 5-27-97
- E. Joe and Carolyn Taylor Note

CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:

Notice was sent out to 5 surrounding property owners as well as to 6 agencies of concern. No negative response was received from any of the notified parties. A response was received from KCFD No. 1 indicating they have no concerns with the proposal.

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 property size. The condition causing difficulty was not created by the applicant.

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

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.

Dated this 6th day of June, 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 Planning Director the 11th day
of June A.D., 19 97 at 1:56 o'clock P. M., and duly recorded in Vol. M97
of Deeds on Page 17916

FEE No Fee

By Bernetha G. Leisch, County Clerk
Rathun R. 11/22/97