

VARIANCE STAFF REPORT/DISPOSITION

APPLICATION NO./AGENDA DATE: VAR 15-97 Planning Director Review 12-24-97

APPLICANT/REPRESENTATIVE: Steven Pettit
1839 Melanie Court
Klamath Falls, OR 97601

REQUEST: Variance 15-97 to reduce front setback from required 25 feet down to 10 feet to legalize placement of existing structure.

LOCATION: 1839 Melanie Court, Green Knoll Estates.

DESCRIPTION: Portion Section 22CC, T.38S, R.9EWM, Tax Acct. 3809-22CC-400.

ACCESS: Melanie Court

ZONE/PLAN: R-1/Rural

UTILITIES: WATER: Well

FIRE: KCFD No. 1

SEWER: Septic

ELECTRIC: Pacific Power

EXHIBITS:

- A. Staff Report
- B. Site Plan
- C. Assessor's Map
- D. Environmental Health Services Memo 12-2-97
- E. KCFD No. 1 Letter 12-4-97

CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:

Notice was sent out to 7 surrounding property owners as well as to 3 agencies of concern. No negative response was received from any of the notified parties.

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.

97 DEC 24 P1:49

Literal enforcement of the Code would cause unnecessary hardship because the structure is existing. To cause the applicant to move the home would be unreasonable. Applicants wish to "legalize" the placement of their home. As the lot is located at the end of a cul-de-sac, it doesn't appear that it would cause a visual obstruction to passing vehicles.

The condition causing the difficulty was not created by the applicant. The north side of the property has slope/topographic constraints making a further setback unfeasible/prohibitive.

In review of this application, it would appear not to be detrimental to the adjacent properties or to the public. Seven 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 24th day of December, 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 the 24th day
of December A.D., 19 97 at 1:49 o'clock P.M., and duly recorded in Vol. M97
of Deeds on Page 42008.

Return: Commissioners Journal

FEE No Fee

By Bernetha G. Letsch, County Clerk
Kathleen Ross