

VARIANCE STAFF REPORT/DISPOSITION

APPLICATION NO./AGENDA DATE: VAR 1-98 Planning Director Review 2-25-98

APPLICANT/REPRESENTATIVE: Gull Industries, Inc.
P.O. Box 24687
Seattle, WA 98124

REQUEST: Variance 1-98 to reduce required side setbacks from 25 feet to five feet on the west side (Alameda Avenue side) and down to one foot on the east side (along the Eastside Bypass) to allow upgrade/modernization of existing gas station.

LOCATION: Northeast corner of Shasta Way and Alameda Avenue.

DESCRIPTION: Portion Section 34DC, T.38S, R.9EWM, Tax Acct. 3809-34DC-800.

ACCESS: Alameda Ave. and Shasta Way **ZONE/PLAN:** CG/General Commercial

UTILITIES: WATER: City of Klamath Falls FIRE: KCFD No. 1

SEWER: SSSD **ELECTRIC:** Pacific Power

EXHIBITS:

- A. Staff Report
- B. Site Plan
- C. Assessor's Map
- D. City of Klamath Falls Letter 11-4-97, D-1 MEMO Dtd 2-17-98
- E. KCFD No. 1 Letter 1-30-98
- F. ODOT LTR 2-23-98

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. KCFD No. 1 requires the attached specifications for gasoline pump stations (See Ex. E); however, no change in the fuel tanks is expected.

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.

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Literal enforcement of the Code would cause unnecessary hardship because of the location of existing improvements and mainly the triangular shape of the property. Applicants wish to upgrade and modernize the existing gas station including construction of a new convenience store, improved traffic flow, and a new fueling area with modern equipment and under a new canopy. The existing underground storage tanks will continue to be used.

The condition causing the difficulty was not created by the applicant. The lot shape is what causes the difficulty.

In review of this application, it would appear not to be detrimental to the adjacent properties or to the public. Five surrounding property owners and six agencies 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 subject to:

1. Commercial site plan approval in accordance with Land Development Code Article 14 within two years of the approval date set out below.

Dated this 25th day of February, 1998



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 25th day of February A.D., 19 98 at 2:55 o'clock P. M., and duly recorded in Vol. M98 of Deeds on Page 6119.

Return: Commissioners Journal

Bernetha G. Letsch, County Clerk

FEE No Fee

By Kathleen Krael