

VARIANCE STAFF REPORT/DISPOSITION

APPLICATION NO./AGENDA DATE: VAR 6-98 Planning Director Review 7-22-98

APPLICANT/REPRESENTATIVE: **Marvin and Leah Stump**
1241 Lakeshore Drive
Klamath Falls, OR 97601

REQUEST: Variance 6-98 to reduce required front setback from 25 feet to 20 feet to allow garage/hobby room.

LOCATION: 1241 Lakeshore Drive, approximately one mile westerly of Moore Park.

DESCRIPTION: Portion Sec.25CA, T.38S, R.8EWM, Tax Lots 1200 and 1301.

ACCESS: Lakeshore Drive **ZONE/PLAN:** RS/Urban Residential

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

SEWER: Septic ELECTRIC: Pacific Power

EXHIBITS:

- A. Staff Report
- B. Site Plan
- C. Assessor's Map
- D. KCFD No. 1 Comments 7-7-98
- E. Env. Health Comments 6-23-98

CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:

Notice was sent out to 8 surrounding property owners as well as to 4 agencies of concern. No negative response was received from any of the notified property owners or contacted agencies. 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. The difficulty or hardship may arise from the property's size, shape or topography, or from the location of lawfully existing buildings or improvements.
- 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 topography of the site. Adherence to required setbacks would require excessive excavation of a 55% slope to the rear of the property and would also block access to the septic tank. The condition causing the 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. Eight surrounding property owners and four agencies were notified of this request. Klamath County Fire Dist. No. 1 has no concerns over the proposal. The Environmental Health Services submitted their routine response requiring compliance with on-site sewage disposal requirements when establishing a use where domestic sewage wastes will be generated.

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. Site plan approval in accordance with Land Development Code Article 41 within two years of the approval date set out below or the Variance approval shall expire.

Dated this 22nd day of July, 1998

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 22nd day of July A.D., 19 98 at 2:47 o'clock P. M., and duly recorded in Vol. M98 of Deeds on Page 26735.

Return: Commissioners Journal

FEE No Fee

By Bernetha G. Letsch, County Clerk