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Vol. M98 Page 27266
Vol. M98 Page 26739

VARIANCE STAFF REPORT/DISPOSITION

APPLICATION NO./AGENDA DATE: VAR 8-98 Planning Director Review 7-22-98

APPLICANT/REPRESENTATIVE: Ken Schwartz
1765 Wiard Street
Klamath Falls, OR 97603

REQUEST: Variance 8-98 to reduce required front setback from 25 feet to 10 feet to allow addition to existing caretaker cottage. *not needed 7-24-98 PS*

LOCATION: 2849 Crosby Street, north side of Crosby Avenue, approximately 60 feet west of Avalon Street.

DESCRIPTION: Portion NW1/4 SW1/4 Sec.3, T.39S, R.9EWM; Tax Acct. 3909-3CB 201.

ACCESS: Crosby Avenue

ZONE/PLAN: IH/Heavy Industrial

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. KCFD No. 1 Comments 7-7-98
- E. SSSD Comments 7-6-98
- F. Kenneth Carr Letter 7-9-98

CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:

Notice was sent out to 9 surrounding property owners as well as to 5 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.

Literal enforcement of the Code would cause unnecessary hardship because of the location of the existing facilities on the property and to logically tie-in with existing flow and layout, the proposed orientation of the addition is logically placed. The condition causing the difficulty was not created by the applicant. The location of existing improvements and physical surroundings 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. Nine surrounding property owners and five agencies were notified of this request. Both Klamath County Fire Dist. No. 1 and South Suburban Sanitary District Commented that they have no concerns over the proposal. The property owner also submitted a letter in support of the application.

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, 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 26739.
Return: Commissioners Journal By Bernetha G. Letsch, County Clerk
FEE No Fee INDEXED D ✓ ✓

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 24th day of July A.D., 19 98 at 3:06 o'clock P.M., and duly recorded in Vol. M98 of Deeds on Page 27266.
Return: Commissioners Journal By Bernetha G. Letsch, County Clerk
FEE No Fee Re-recorded

