

## VARIANCE STAFF REPORT/DISPOSITION

APPLICATION NO./AGENDA DATE: VAR 11-98

PD Review 8-26-98

## APPLICANT/REPRESENTATIVE:

Denton TALBERT  
HC 30 Box 124.  
Chemult, OR 97731

REQUEST: to vary KCLDC requirement to allow front yard setback to be reduced from 25' to 0' (Sec. 62.040) for two proposed mini-warehouse units.

LOCATION: east of Hwy 97, south of the Store, Beaver Marsh ZONING: CT

## UTILITIES:

WATER+SEPTIC: NR

FIRE: Chemult

ELECTRIC: Pacific Power

## EXHIBITS:

- a. staff report
- b. application
- c. ODOT letter 8-10-98

## NARRATIVE AND RECOMMENDATION:

The applicant requests approval for variance to the required front yard setback, 25', to allow the construction of two mini-warehouse facilities, buildings "C" & "E" on the site plan.

Notice was sent out to ten property owners and four agencies. No negative response was received from any of the contacted 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 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 existing Mid-State transmission lines/easements that straddle the property. The applicant wishes to utilize the space not encumbered by the existing lines.

Review of the application does not reveal any detrimental effect to the use and enjoyment of adjacent properties. No negative response has been received to this application

Staff recommends the Director approve the request conditioned on:

1. Article 41 Site Plan Approval shall be obtained within two years of the date set out below or this approval shall be void.

**DISPOSITION; APPROVED THIS 26th DAY OF AUGUST, 1998**

  
Carl Shuck, Planning Director

**APPEAL RIGHTS:**

This decision must be appealed to the Board of County Commissioners with seven days of the date of execution. For specifics, please contact the Planning Department at once or your right to appeal may be compromised.

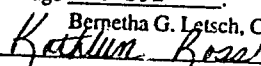
STATE OF OREGON: COUNTY OF KLAMATH: ss.

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Filed for record at request of Klamath County the 26th day  
of August A.D., 19 98 at 1:44 o'clock P.M., and duly recorded in Vol. M98  
of Deeds on Page 31392

FEE No Fee

Return: Commissioners Journal

By  Bernetha G. Letsch, County Clerk