

VARIANCE STAFF REPORT/DISPOSITION

APPLICATION NO./AGENDA DATE: VAR 16-98 Planning Director Review 9-23-98

APPLICANT/REPRESENTATIVE: **Kay Marie McCarty**
3147 Boardman Avenue
Klamath Falls, OR 97603

REQUEST: Variance 16-98 to reduce required rear setback from 25 feet down to 21 feet for new manufactured home.

LOCATION: 3147 Boardman Avenue, north side of Boardman Avenue between Avalon Street and Altamont Drive.

DESCRIPTION: Portion NE1/4 SW1/4 Sec.3, T.39S, R.9EWM; Tax Acct. 3909-3CA-6700.

ACCESS: Boardman Avenue

ZONE/PLAN: RS/Urban Residential

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 8-27-98
- E. City Water Dept. Comments 8-3-98
- F. SSSD Comments 8-27-98
- G.

CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:

Notice was sent out to 20 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.

98 SEP 23 P2:57

Literal enforcement of the Code would cause unnecessary hardship because of the location of the existing utilities which served the home being replaced. 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. Twenty surrounding property owners and four agencies were notified of this request. Klamath County Fire Dist. No. 1 commented they have no concerns with the proposal. The City Water Dept. commented they have no comment. SSSD commented that if this will be a second home on the existing lot, then a system development fee of \$312.50 will be required. If this replaces an existing home then there will be no fee.

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 23rd day of September, 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 Planning Department the 23rd day
of September A.D., 19 98 at 2:57 o'clock P M., and duly recorded in Vol. M98
of Deeds on Page 34918.

FEE None

Commissioners Journal

By Bernetha G. Letsch Bernetha G. Letsch, County Clerk