

**VARIANCE STAFF REPORT/DISPOSITION**

**APPLICATION NO./AGENDA DATE:** VAR 17-98    Planning Director Review 12-23-98

**APPLICANT/REPRESENTATIVE:**    Mark Kerns and Carolyn Stuck  
6040 Climax Avenue  
Klamath Falls, OR 97603

**REQUEST:** Variance 17-98 to reduce front and rear setbacks by 1 ½ feet each to 23 ½ feet varied from 25 feet required by Code to allow placement of a manufactured home.

**LOCATION:** 6040 Climax Avenue, south side of Climax Avenue between Ogden and Patterson Streets.

**DESCRIPTION:**    Portion SW1/4 NW1/4 Sec. 1, T.39S, R.9EWM; Tax Acct. 3909-1BC-2701.

**ACCESS:** Climax 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 11-30-98
- E. SSSD Comments 12-1-98
- F. City Comments 1-5

**CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:**

Notice was sent out to 16 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.

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Literal enforcement of the Code would cause unnecessary hardship because of the size of the parcel. 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 five agencies were notified of this request. Agency comments were as follows:

- Klamath County Fire Dist. No. 1 commented they have no concerns with the proposal.
- South Suburban Sanitary District will require a system development fee of \$312.50 and the connection of the sewer must be inspected by District staff.
- The City of Klamath Falls agencies have no concerns with the proposal.

# 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 December, 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 the 23rd day  
of December A.D., 19 98 at 11:54 o'clock A. M., and duly recorded in Vol. M98  
of Deeds on Page 46986.

FEE No Fee

By Bernetha G. Letsch County Clerk  
K. L. L. L.