

## VARIANCE STAFF REPORT/DISPOSITION

APPLICATION NO./AGENDA DATE: VAR 5-99

PD Review 2-24-99

## APPLICANT/REPRESENTATIVE:

Ty WITT, M.D.  
7669 Tingley Ln.  
Klamath Falls, OR 97603

REQUEST: to vary KCLDC requirement to allow side and rear yard setbacks to be reduced from 25' to 0' to allow construction of a 120 x 50 metal gymnasium on 3.93 acres.

LOCATION: 7669 Tingley Ln., T.A. 3909-21-1800

ZONING: EFU-C

## UTILITIES:

WATER+SEPTIC: On-site

ELECTRIC: Pacific Power

## EXHIBITS:

- a. site plan
- b. application

- c. KCFD #1 memo 2-3-99
- d.

## NARRATIVE AND RECOMMENDATION:

The applicant requests approval for variance to the required setbacks to allow construction of a gymnasium on the property line.

Notice was sent out to 8 property owners and 5 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.

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Literal enforcement of the Code would cause unnecessary hardship because of the location of existing construction, large trees and topographic constraint. If the required setbacks are applied, the enjoyment of the property and ability to improve could be compromised.

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.
2. Buildings less than 3' from a property line must be 1 hour rated construction.
3. Compliance with KCFD #1 requirement for review of an assembly type building.

DISPOSITION; APPROVED THIS 24<sup>th</sup> DAY OF FEBRUARY, 1999

*Carl Shuck*

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.

Filed for record at request of KLAMATH COUNTY COMMISSIONERS the 25TH day  
of FEBRUARY A.D., 99 at 11:53 o'clock A M., and duly recorded in Vol. M99  
of DEEDS on Page 6575  
COMMISSIONERS JOURNAL

Linda Smith, County Clerk

FEE

NO FEE

by Kathleen Rose