

**VARIANCE STAFF REPORT/DISPOSITION****APPLICATION NO./AGENDA DATE:** VAR 1-99      Planning Director Review 2-24-99**APPLICANT/REPRESENTATIVE:**      **Ralph Patterson**  
3304 Crosby Avenue  
Klamath Falls, OR 97603**REQUEST:** Variance 1-99 to vary required front setback from 25' to 20' to allow existing development.**LOCATION:** 3304 Crosby Avenue, south side of Crosby Avenue, west of Altamont Drive.**DESCRIPTION:**      Portion NE1/4 SW1/4 Sec.3, T.39S, R.9EWM; Tax Acc. 3909-3CA-1600.**ACCESS:** Crosby Avenue      **ZONE/PLAN:** CG/General Commercial**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. City Comment

**CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:**

Notice was sent out to 15 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.

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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. This application is intended to legalize existing development. Agency comments were as follows:

- Klamath County Fire Dist. No. 1 commented they have no concerns with the proposal.
- 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 24th day of February, 1999



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 COMMISSIONERS the 25TH day  
of FEBRUARY 99 A.D., at 11:53 o'clock A M., and duly recorded in Vol. M99  
of DEEDS on Page 6581  
COMM. JOURNAL

Linda Smith, County Clerk

FEE NO FEE

by

Kathleen Ross