

**VARIANCE STAFF REPORT/DISPOSITION**

**APPLICATION NO./AGENDA DATE:** VAR 7-99 Planning Director Review 4-28-99

**APPLICANT/REPRESENTATIVE:** George Warner  
1140 Madison  
Klamath Falls, OR 97603

**REQUEST:** Variance 7-99 to vary required side setback from 10 feet down to 5 feet to accommodate a 30'x30' pole barn to shelter tractor/equipment, boat, lawn tractor, etc.

**LOCATION:** 1140 Madison, west side of north end of Madison Street

**LEGAL DESCRIPTION:** Portion NE1/4 SE1/4 Sec.35, T.38S, R.8EWM; Tax Acct. 3809-35DA-500.

**ACCESS:** Madison Street **ZONE/PLAN:** RS/Urban Residential

**UTILITIES:**

**WATER:** Well  
**FIRE DIST:** KCFD #1

**SEWER:** Septic  
**POWER:** Pacific Power

**EXHIBITS:**

- A. Staff Report
- B. Site Plan
- C. Assessor's Map
- D. Environmental Health Comments 4-13-99
- E. KCFD No. 1 Comments 4-1-99
- F. City of K-Falls Comments (1-6)

**NARRATIVE AND RECOMMENDATION:**

The applicant requests approval for variance to the required setbacks to allow placement of a pole barn structure to shelter tractor/equipment, RV, boat, misc. equipment.

Notice was sent out to 11 property owners and 4 agencies. No negative response was received from any of the contacted parties. KCFD No. 1 did raise concern with perceived highly combustible materials being stored within the structure creating a higher fire risk. The proposed structure will be open sided mainly providing cover for the vehicles/equipment mentioned above.

A Variance shall be granted only upon finding by the review authority that it satisfies the following criteria:

Exhibit 4  
File # Var 7-99

- 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 topography of the lot which slopes gradually then sharply to the west and also due to the location of existing buildings/improvements. 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.

**DISPOSITION: APPROVED THIS 28<sup>th</sup> DAY OF APRIL, 1999**

Carl Shuck  
Carl Shuck, Planning Director

#### APPEAL RIGHTS:

This decision must be appealed to the Board of County Commissioners within 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 the 29TH day  
of APRIL A.D., 1999 at 1:51 o'clock P. M., and duly recorded in Vol. M99  
of DEEDS on Page 16128

Linda Smith, County Clerk

FEE

RET: COMM. JOURNAL

by Linda Smith