

**VARIANCE STAFF REPORT/DISPOSITION**

**APPLICATION NO./AGENDA DATE:** VAR 15-99      Planning Director Review 10-27-99

**APPLICANT/REPRESENTATIVE:**      **Ed Clough**  
1902 Terrace  
Klamath Falls, OR 97601

**REQUEST:** Variance 15-99 to vary required side setback from 25 feet to 6 feet to allow placement of an ATM machine on the west side of the property.

**LOCATION:** Southeast corner of South Sixth Street and Madison Avenue, 5800 South Sixth Street.

**LEGAL DESCRIPTION:** Portion NW ¼ SW ¼ Sec. 1, T.39S, R.9EWM; Tax Acct. 3909-1CB-2600.

**ACCESS:** South Sixth Street and Madison Avenue      **ZONE/PLAN:** CG/General Commercial

**UTILITIES:**

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

**SEWER:** SSSD  
**POWER:** Pacific Power

**EXHIBITS:**

- A. Staff Report
- B. Site Plan
- C. Assessor's Map
- D. SSSD Letter 6-2-99
- E. KCFD No. 1 Comments 4-1-99
- F. ODOT Comment 10-4-99

**NARRATIVE AND RECOMMENDATION:**

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 to the owner. 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 to the use and enjoyment of adjacent properties and will not be contrary to the intent of this Code.

The applicant requests approval for variance to the required setbacks to allow an automatic teller machine to be located on the west side of the BP Gas Station facility. The need for the ATM at this location is for better visibility and access from traffic on South Sixth Street and Madison Avenue. Also, the proposed location will avoid conflict with traffic flow and movement of semi trucks and other large vehicles moving in and out of the gas card lock system behind the mini mart. The proposed location of the ATM will not cause a visual obstruction to traffic on South Sixth Street or Madison Avenue. If the ATM were placed on the mini mart building, it would not be as productive/convenient as a drive-up unit.


Notice was sent out to 7 surrounding property owners and to 5 agencies. No negative response was received from any of the contacted parties.

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 27th DAY OF OCTOBER, 1999**



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  
Recorded 10/28/99, at 8:43 a.m.  
In Vol. M99 Page 42987  
Linda Smith,  
County Clerk Fee \$ NC