

VARIANCE STAFF REPORT/DISPOSITION

APPLICATION NO./AGENDA DATE: VAR 18-99 Planning Director Review 11-24-99

APPLICANT/REPRESENTATIVE: Landrum Joint Venture
2949 Onyx Avenue
Klamath Falls, OR 97603

REQUEST: Variance 18-99 to reduce required front setback from 25 feet down to 17 feet to facilitate expansion of existing business.

LOCATION: 2949 Onyx Avenue, southwest corner of Onyx Avenue and Avalon Street.

LEGAL DESCRIPTION: Portion SW¼ NW ¼ Sec.10, T.39S, R.9EWM; Tax Acct. 3909-10BC-100.

ACCESS: Onyx Avenue

ZONE/PLAN: IH/Industrial

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 10-29-99
- E. KCFD No. 1 Comments 11-1-99

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.

Exhibit A
File # Var 18-99

The applicant requests approval for variance to the required setbacks to allow an addition to the Fremont Mill production facility. The design of and required length of the production line prohibits shortening the building thereby causing difficulty and unnecessary hardship to the property owner if the 25 foot setback was enforced.

Notice was sent to 4 surrounding property owners and to 4 agencies. No negative response was received from any of the contacted parties.

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. KCFD No. 1 plan review is required for any business/building expansion.

DISPOSITION: APPROVED THIS 24th DAY OF NOVEMBER, 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 11/29/99, at 8:20 a.m.
In Vol. M99 Page 46858
Linda Smith,
County Clerk Fee\$ NC