

## VARIANCE STAFF REPORT/DISPOSITION

APPLICATION NO./AGENDA DATE: VAR 19-99 Planning Director Review 12-22-99

APPLICANT/REPRESENTATIVE: **Dave Kinnan/Nelson's TV**  
3004 Altamont Drive  
Klamath Falls, OR 97603

REQUEST: Variance 19-99 to reduce rear setback from 25 feet down to 2 feet, side setback from 25 feet down to 1.5 feet, and front setback from 25 feet down to 5 feet to allow an addition at the west<sup>N. E. A. T.</sup> end of the building.

LOCATION: 3004 Altamont Drive, southwest corner of Hilyard Avenue and Altamont Drive.

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

ACCESS: Hilyard Avenue and Altamont Drive ZONE/PLAN: CN/Neighborhood Commercial

### UTILITIES:

WATER: City  
FIRE DIST: KCFD #1

SEWER: SSSD  
POWER: Pacific Power

### EXHIBITS:

- A. Staff Report
- B. Site Plan-B-1 AMENDED SITE PLAN
- C. Assessor's Map
- D. SSSD Letter 6-2-99
- E. KCFD No. 1 Comments 4-1-99
- F. Public Works Dept. Comments 12-2-99
- G. Shulmire Letter 11-3-99
- H. Kerns Letter 11-3-99
- I. Mueller Letter 11-3-99

### 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.

Exhibit A  
File # Var 19-99

- 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 addition to the west end of the existing building. The narrow size of the property is what creates the hardship and by building the addition at the west end of the existing building, there will not be any visual obstruction to traffic at the Hilyard/Altamont intersection. Also because this is an isolated commercially zoned parcel surrounded by residential zoning, the required setbacks are greater than what would normally be called for in commercial zoning. The most affected property owners to the north, west, and east have submitted letters in support of the proposal.

Notice was sent out to 11 surrounding property owners and to 7 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 22<sup>nd</sup> DAY OF DECEMBER, 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.

Return to Commissioner's Journal

State of Oregon, County of Klamath  
Recorded 12/27/99, at 9:52 a.m.  
In Vol. M99 Page 50520  
**Linda Smith,**  
County Clerk Fee\$ NC