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BEFORE THE HEARINGS OFFICER
FOR KLAMATH COUNTY, OREGON

In the Matter of
REQUEST FOR VARIANCE

for

PEARL AND CHARLES HARTLEY

) NO. 14-83
)
) FINDINGS OF FACT, DECISION
) AND ORDER
)
)
)

THIS MATTER came on for a hearing before the Klamath County Assistant Hearings Officer, JAMES R. UERLINGS, on August 4, 1983, at 1:30 p.m. in the Klamath County Commissioners' Hearing Room. The hearing was held pursuant to notice given in conformity with the Klamath County Development Code and related ordinances. The applicant, PEARL HARTLEY, appeared in person as did the applicant's son, and agent, BRIAN COLE.

The following exhibits were offered, received into evidence, and made a part of the record: Exhibits "A" through "E".

FINDINGS OF FACT:

1. The applicants are the owners of the subject property and intend to obtain a variance in order to place a single-wide mobile home upon the subject property which is known as Tax Lot 3100, SE $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 2, Township 39, Range 9, Klamath County, Oregon.

2. The property is currently zoned Suburban Residential, with an Urban Residential plan designation. Adjacent zoning is Suburban Residential, and Medium Density Residential,

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1 with some commercial highway in the area.
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3 3. The dimensions of the subject property are
4 80' x 235' consisting of .6 acre, rectangular in shape. Access
5 to the property is provided via private driveway to South Sixth
6 Street,

7 4. Utilities are provided by Pacific Power and Light,
8 Pacific Northwest Bell, CP National Gas and McCaw Cablevision.

9 5. The applicants desire this request in order to
10 allow the son of the owners, who are elderly and retired, to
11 move a single-wide mobile home onto the property. The site
12 upon the property where the single-wide mobile home is to be
13 placed contained a single-wide mobile home in the past and all
14 utility hookups are still present. The applicants' son is
15 single and currently owns a single-wide mobile home and has no
16 need for the double-wide mobile home. An old shed, several old
17 vehicles, equipment, and other junk upon the property will be
18 removed. A tall fence is located on the East and South of the
19 property and will thereby screen the area from adjacent property.
20 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

21 See Exhibit "AA" attached hereto and incorporated by
22 this reference.

23 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS:

- 24 1. See Findings of Fact 1-5 above.
25 2. A literal enforcement of this Code would result
26 in a practical difficulty or an unnecessary hardship to the
applicant. This difficulty arises from personal circumstances

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1 of the applicant which would result in a greater private expense
2 than public benefit from strict enforcement requiring the
3 applicant to purchase a double-wide mobile home and install
4 it on the property.

5 3. The condition causing the difficulty was not
6 created by the applicant.

7 4. The granting of this variance will not be mater-
8 ially detrimental to the public health, safety and welfare or
9 to the use and enjoyment of adjacent properties and will not be
10 contrary to the intent of this Code.

11 STATE-WIDE PLANNING GOALS AND CRITERIA:

12 See Exhibit "BB" attached hereto and incorporated by
13 this reference.

14 CONCLUSIONS OF LAW AND DECISION:

15 A. This request for variance satisfies all applicable
16 Klamath County Development Code criteria and policies governing
17 such.

18 B. This request for variance is in conformity with
19 the Klamath County Comprehensive Land Use Plan.

20 C. This request for variance is consistent with and
21 complies with the applicable State-wide Planning Goals and
22 all requirements of State law.

23 D. The following conditions are deemed necessary
24 in order to protect the health, safety and welfare of the citizens
25 of Klamath County:

- 26 1. That the applicant follow the plot plan;

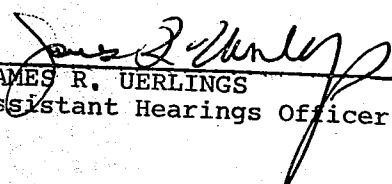
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1 B. That the shed, old vehicles, equipment and
2 other junk be removed from the site prior to placing the mobile
3 home there.

4 THEREFORE, it is hereby ordered that the variance
5 be granted.

6 DATED this 10 day of August, 1983.

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11 JAMES R. UERLINGS
12 Assistant Hearings Officer
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KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

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SECTION 43.003 - REVIEW CRITERIA

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

A. That a 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, from the location of lawfully existing buildings and improvements, or from personal circumstances which would result in greater private expense than public benefit of strict enforcement.

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.

COMPREHENSIVE PLAN POLICIES AND STATE
LAND USE GOALS 1 - 14

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GOAL NO. 1 - Citizen Involvement

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

1. "The County shall provide for continued citizen involvement opportunities."

State Goal Issues:

A public hearing on this matter has been set for August 4, 1983. Notice has been sent to surrounding property owners, concerned public agencies and to the Herald and News.

GOAL NO. 2 - Land Use Planning

- ☒ Complies ☐ Does not comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

State Goal Issues:

The property is zoned RS, a zone permitting mobile homes. Section 88.001 E (3) of the Land Development Code allows single-wide mobile homes in the urban area subject to the variance procedure and a finding that the mobile home "will be compatible with the surrounding neighborhood."

GOAL NO. 3 - Agricultural Lands

- ☐ Complies ☐ Does not Comply
☐ Complies with conditions
☒ Not applicable

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Relevant Policies:

State Goal Issues:

The property is within the Klamath Falls urbanized area and is surrounded by commercial and residential development. All needed urban utilities and services are available to this parcel.

GOAL NO. 4 - Forest Lands

- ☐ Complies ☐ Does not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

The property is within the Klamath Falls urbanized area and is surrounded by commercial and residential development. All needed urban utilities and services are available to the property.

GOAL NO. 5 - Open Space, Scenic and Historic Areas, and Natural Resources

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- ☐ Complies ☐ Does not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

There are no inventoried scenic, historic, or natural resources on or adjacent to this property. Placement of the mobile home would not affect the views from neighboring properties.

GOAL NO. 6 - Air Water and Land Resource Quality

- ☐ Complies ☐ Does not Comply
☐ Complies with Conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

Allowing a single-wide mobile home rather than a double-wide would not affect air, water, or land resource quality.

GOAL NO. 7 - Natural Disaster and Hazards Area

- ☐ Complies ☐ Does Not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

There are no known fire, flood, or geologic hazards affecting the area.

GOAL NO. 8 - Recreation Needs

- ☐ Complies ☐ Does Not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

A smaller size mobile home would not have a special impact on recreational needs.

GOAL NO. 9 - County Economy

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- ☐ Complies ☐ Does not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

Allowing for a single-wide mobile home would result in substantial savings for the applicant, but would not affect the economy or employment in the Klamath Falls area.

GOAL NO. 10 - Housing

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

1. "Residential property shall be zoned to allow the full range of housing types and densities of the Comprehensive Plan."

State Goal Issues:

The variance would allow the applicant to continue living in his mobile home which is now in a mobile home park. Only one person would be living in the mobile home, making a larger one unnecessary.

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GOAL NO. 11 - Public Facilities and Services

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

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Relevant Policies:

State Goal Issues:

The variance would not affect the need for or availability of public utilities or services to the property.

GOAL NO. 12 - Transportation

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

The variance would not affect access to the property or change the traffic pattern of the area.

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GOAL NO. 13 - Energy Conservation

- ☒ Complies ☐ Does Not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

State Goal Issues:

Since the mobile home is intended for a single-person household, allowing a single-wide would require less energy to install and maintain.

GOAL NO. 14 - Urbanization

- ☐ Complies ☐ Does not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

The variance would not affect urban expansion or the provision of urban services to the area.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record .

this 11th day of August A.D. 19 83 at 1:25 o'clock P.M., and
duly recorded in Vol. M83, at Deeds on Page 13347

By Evelyn Biehn County Clerk