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2 In the Matter of Request for)  
3 Variance No. 13-83 for )  
4 Delpha Kerns, Applicant )  
5 \_\_\_\_\_ )

Klamath County Planning  
Findings of Fact and Order

6 A hearing was held on this matter on July 21, 1983, pursuant  
7 to notice given in conformity with Ordinance No. 45.1, Klamath  
8 County, before the Klamath County Hearings Officer, Jim Spindor.  
9 The applicant was present. The Klamath County Planning Department  
10 was represented by Jonathan Chudnoff. The Hearings Reporter was  
11 Sharon Cosand.

12 Evidence was presented on behalf of the Department and on  
13 behalf of the applicant. There were no adjacent property owners  
14 present.

15 The following exhibits were offered, received, and made a  
16 part of the record:

17 Klamath County Exhibit A, Staff Report  
18 Klamath County Exhibit B, Assessor's Map  
19 Klamath County Exhibit C, Plot Plan  
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21 The hearing was then closed, and based upon the evidence  
22 submitted at the hearing, the Hearings Officer made the following  
23 Conclusions of Law:

24 CONCLUSIONS OF LAW:

25 1. A literal enforcement of the Klamath County Land  
26 Development Code would result in an unnecessary hardship for  
27 the applicant in that applicant already owns a single-wide mobile  
28 home and it would be an economic hardship to require her to  
purchase a wider mobile home.

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1        2. The condition causing the above mentioned hardship was  
2 not created by the applicant.

3        3. The granting of this variance will not be detrimental  
4 to the public health, safety and welfare, or to the use and  
5 enjoyment of adjacent properties, and will not be contrary to the  
6 intent of this Code.

7        4. The granting of the variance is consistent with the goals  
8 of the LCDC.

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11        FINDINGS OF FACT:

12        The requested variance has been granted based on the follow-  
13 ing findings of fact:

14        1. The applicant requests a variance to allow a single-  
15 wide mobile home (14' x 70') on the property in question. The  
16 property is 100' by 135½' and is rectangular in shape. The  
17 property in question is zoned suburban residential and the plan  
18 designation is urban residential.

19        2. The applicant testified that it would be an economic  
20 hardship on her to have to sell the mobile home which she  
21 presently has to purchase a wider one.

22        3. The applicant purchased her mobile home prior to her  
23 purchase of the property in question and, therefore, did not  
24 cause the above mentioned hardship.

25        4. No one testified in opposition to the granting of the  
26 variance and there was no evidence presented that there would be  
27 any detrimental effect to the public health, safety or welfare, or  
28 any detrimental effect on abutting property owners.

The Hearings Officer, based on the foregoing Findings of Fact, accordingly orders as follows:

That real property described as

"being generally located in the Third Addition to Altamont Acres, south of Hilyard Avenue and approximately 190' west of Altamont Drive, and more particularly described as being located in Section 10, Township 10, Range 9, Tax Lot 2101, Klamath County, Oregon,"

is hereby granted a Variance in accordance with the terms of the Klamath County Zoning Ordinance No. 45.1, and, henceforth, will be allowed a single-wide mobile home in the RS (Suburban Residential) zone.

Entered at Klamath Falls, Oregon, this 10th Day of

August, 1983.

KLAMATH COUNTY HEARINGS DIVISION

E. D. Spindler

Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record

this 11th day of August A.D. 1983 at 1:25 o'clock P.M., and  
duly recorded in Vol. M83, of Deeds on page 13359.

EVELYN BIENH, County Clerk

By Bernice A. Letcher

Commissioners Journal

No Fee