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2 In the Matter of Request for)
3 Variance No. 12-83 for)
4 Keith Harris, Applicant)
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Klamath County Planning
Findings of Fact and Order

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

Evidence was presented on behalf of the Department and on behalf of the applicant. There were adjacent property owners present.

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

Klamath County Exhibit A, Staff Report
Klamath County Exhibit B, Photo
Klamath County Exhibit C, Assessor's Map
Klamath County Exhibit D, Plot Plan
Klamath County Exhibit E, Letter from Planning Department
Applicant's Exhibits 1-3, Photos
Opponent's Exhibits 1-5, Photos

The hearing was then closed, and based upon the evidence submitted at the hearing, the Hearings Officer made the following Conclusions of Law:

CONCLUSIONS OF LAW:

1. A literal enforcement of the Klamath County Land

83 AUG 15 PM 2 16

1 Development Code would result in an unnecessary hardship for the
2 applicant in that the only portion of the applicant's property
3 on which a wood canopy of the nature contemplated can be placed
4 requires the granting of this variance.

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

7 3. The granting of this variance will not be detrimental
8 to the public health, safety and welfare, or to the use and the
9 enjoyment of adjacent properties, and will not be contrary to the
10 intent of this Code, so long as the conditions set forth herein-
11 below are followed.

12 4. The granting of this variance is consistent with the
13 goals of the LCDC.

14 5. The granting of this variance is subject to the following
15 conditions:

16 CONDITIONS:

17 a. The applicant shall shake the roof of the canopy in
18 question so that it matches the roof of applicant's residence; and

19 b. The applicant shall put a gutter on the canopy so that
20 there shall be no draining from the canopy onto the adjoining
21 property or the cement wall which separates the adjoining property
22 from the applicant's; and

23 c. The applicant shall obtain written approval from the
24 Klamath County Building Department with regard to the canopy in
25 question and shall give a copy of said approval to the Klamath
26 County Planning Department within two months from the date of this
27 order.

28 FINDINGS OF FACT:

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

3 1. The applicant requests a variance to reduce the setback
4 on the east side of their property from 5' to 2" to allow a wood
5 canopy to be attached to the residence. The property in question
6 is in the medium density residential zone. The residence in
7 question is in the immediate area of at least six other residences.

8 2. The applicant is in need of a wood canopy to keep wood
9 dry after having a wood heating system installed in 1981 to
10 conserve electricity.

11 3. The canopy in question was erected in the only practical
12 area to have wood storage considering the location of the resi-
13 dence and the wood stove therein. The residence was built by
14 someone other than the applicant and, therefore, the applicant
15 is not the cause of the above mentioned hardship.

16 4. An adjoining property owner testified in objection to
17 the granting of this variance because they felt the canopy, as it
18 exists, was visually objectionable and further that the canopy,
19 as it exists, drains onto the cement wall separating their property
20 from the applicant, and onto their driveway. From my view of the
21 property, I find that all of the residences in the area, including
22 the applicants, to have shake roofs and that the condition requir-
23 ing the canopy to be shaken will make it so that it is not visually
24 objectionable, and further, the condition with regard to draining
25 will solve the other objection by the adjoining property owner.

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

28 That real property described as:

"being generally located at 7019 Sierra Place,
and more particularly described as Lot 20, Block 1,
Sunset East, 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 wood canopy attached to the house in the RM (Medium
Density Residential) zone.

Entered at Klamath Falls, Oregon, this 12th Day of
August, 1983.

KLAMATH COUNTY HEARINGS DIVISION

[Signature]

Hearings Officer

STATE OF OREGON,)
County of Klamath)
Filed for record at request of

RETURN:
Commissionery Journal

on this 15 day of Aug A.D. 1983
at 2:16 o'clock P M, and duly
recorded in Vol. M83 of DEEDS
page 13660

EVELYN BIEHN, County Clerk

By *[Signature]* Deputy

Fee no fee