BEFORE THE HEARINGS OFFICER 28871 KLAMATH COUNTY, OREGON Vol. M83 Page 107 1 In the Matter of Request for) 2 Klamath County Planning 3 Variance No. 18-83 for Findings of Fact and Order Shella M. Owens, Applicant 4 5 A hearing was held on this matter on September 15, 1983, 6 pursuant to notice given in conformity with Ordinance No. 45.1, 7 Klamath County, before the Klamath County Hearings Officer, 8 Jim Spindor. The applicant was present. The Klamath County 9 Planning Department was represented by Jonathan Chudnoff. The 10 Hearings Reporter was Karen Alberto. 11 Evidence was presented on behalf of the Department and on 12 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, Plot Plan Klamath County Exhibit C, Assessor's Map 19 20 The hearing was then closed, and based upon the evidence submitted at the hearing, the Hearings Officer made the following 21 22 Conclusions of Law: 23 CONCLUSIONS OF LAW: 1. A literal enforcement of the Klamath County Land Develop-24 ment Code would result in an unnecessary hardship for the appli-25 cant in that applicant is the owner of a single wide mobile home 26 which is suitable for placement on the property in question. 27 2. The condition causing the above mentioned hardship was not 28

- 2h 1 Hd 62 42
- 13 SEP 29

1 created by the applicant.

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16763 3. The granting of this variance would 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.

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

FINDINGS OF FACT:

The requested variance has been granted based on the follow-10 ing findings of fact: 11

1. The applicant requests the variance to allow a single 12 wide mobile home in the Klamath Falls urban area. The zone in 13 question is suburban residential. 14

2. The property in question is .59 acres and is triangular 15 || in shape being 172.9' by 188.3' by 31.4' by 250.6'. 16

3. The applicants own and live in a mobile home which is 17 now located in a mobile home park on South Sixth Street, they 18 would like to move it onto this lot. The variance would allow the 19 applicants to retain their present mobile home, saving the expense 20 of purchasing one larger than their needs. 21

4. The area is a mixture of houses and mobile homes. 22 5. No one testified in opposition to the granting of the variance, and there was no evidence presented that there would 23 be any detrimental effect on the public health, safety or welfare, 24 or any detrimental effect on abutting property owners. 25 26 The Hearings Officer, based on the foregoing Findings of

27 Fact, accordingly orders as follows: 28

That real property described as Variance 18-83 Page 2

18754 "being generally located at 3618 Cannon Avenue, and 1 more particularly described as Tax Lot 1400, located 2 in the NW¼, SE¼ of Section 3, Township 39, Range 9, 3 is hereby granted a Variance in accordance with the terms of the 4 Klamath County Zoning Ordinance No. 45.1, and, henceforth, will 5 6 be allowed a single wide mobile home in the Klamath Falls urban area in the RS (Suburban Residential) zone. 8 Entered at Klamath Falls, this _____ Day of Sept. 9 10 1983. 11 12 KLAMATH COUNTY HEARINGS DIVISION 13 14 8-9 Juden Hearings Officer 15 16 STATE OF OREGON,) 17 County of Klamath) Filed for record at request of 18 19 on this 29th day of Sept. A.D. 19_83 20 _ o'clock _ P M, and c recorded in Vol. M83 of Deeds 21 Page_16762 EVELYN BIEHN, County Clerk 22 By from Am th' Deputy 23 Fee None 24 25 26 27 28 Variance 18-83 Page 3