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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

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1
2 In the Matter of Request for)
3 Variance No. 16-83 for)
4 William Mowdy, Applicant)
5

Klamath County Planning
Findings of Fact and Order

6 A hearing was held on this matter on September 15, 1983,
7 pursuant to notice given in conformity with Ordinance No. 45.1,
8 Klamath County, before the Klamath County Hearings Officer,
9 Jim Spindor. The applicant was present. The Klamath County
10 Planning Department was represented by Jonathan Chudnoff. The
11 Hearings Reporter was Karen Alberto.

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, Plot Plan
19 Klamath County Exhibit C, Assessor's Map
20 Klamath County Exhibit D, Photo
21

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

25 CONCLUSIONS OF LAW:

26 1. A literal enforcement of the Klamath County Land Develop-
27 ment Code would result in an unnecessary hardship for the appli-
28 cant in that the residence already existing on the lot in question
is situated so that the proposed carport cannot be constructed

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1 without the granting of this variance.

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

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

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

10 FINDINGS OF FACT:

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

13 1. The applicant requests a variance to reduce the side yard
14 setback from 5' to 1' in order to construct a carport adjacent to
15 the existing residence. The property in question is located in
16 the suburban residential zone.

17 2. The carport will allow direct sheltered access from the
18 back door of the house to the car. Possible locations for such
19 a carport are limited due to the location and layout of the exist-
20 ing house and driveway.

21 3. The requested carport will be the same height as the
22 existing residence. The property immediately adjacent to the
23 carport is an open pasture owned by someone other than the appli-
24 cant; there are no dwellings affected by the variance.

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,
28 or any detrimental effect to abutting property owners.

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

3 That real property described as
4 "being generally located at 3526 Bisbee, and more
5 particularly described as Lot 16, Block 7, Altamont
6 Acres, Klamath County, Oregon,"
7 is hereby granted a Variance in accordance with the terms of the
8 Klamath County Zoning Ordinance No. 45.1, and, henceforth, will
9 be allowed to construct a carport adjacent to the house in the
10 RS (Suburban Residential zone.

11 Entered at Klamath Falls, this 28th Day of Sept.,
12 1983.

13
14
15 KLAMATH COUNTY HEARINGS DIVISION

16
17 Dr. J. S. Gordon
18 Hearings Officer

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

22 on this 29th day of Sept. A.D. 19 83.
23 at 1:47 o'clock :P M, and duly
24 recorded in Vol. M 83 of Deeds
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26 **EVELYN BIEHN**, County Clerk

27 By Ann Smith Deputy

28 Fee None

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