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2 IN THE MATTER OF THE)
3 APPEAL OF VARIANCE NO.)
4 17-83 FOR KENNY WALLS)

Findings of Fact and Order

5 A hearing on this matter was held on November 14, 1983,
6 before the Klamath County Board of Commissioners. Under review
7 was a Variance granted by the Hearings Officer which would have
8 allowed a 28' x 32' garage, approximately sixteen (16) feet high,
9 to be built four feet from the applicant's south property line.
10 The usually required setback for accessory buildings over twelve
11 feet high is twenty-five (25) feet.

12 The original Variance review was held before the Hearings
13 Officer on September 15, 1983. In addition to the applicant's
14 testimony as to his need for the proposed building and the lack
15 of alternative sites for it on his property, two neighbors spoke
16 in opposition to the Variance. The Hearings Officer found that
17 due to the location of the existing house on the lot, there was
18 no room for a structure of the size proposed without a Variance.
19 He found no detrimental effects on abutting property owners.

20 The decision was appealed by Clark and Rita Pederson,
21 owners of the property to the south of the applicant's. The
22 appeal contended that the proposed garage was of an industrial
23 type inappropriate in a residential area; that the large
24 structure four feet from the Pederson fence would reduce the
25 resale value and appeal of the Pederson home; and that the
26 proposed garage, because of its size, would block most of the
27 view from that side of the Pederson home.

28 The Board of Commissioners heard testimony on the appeal

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1 from Mr. Pederson and Mr. Ellis, neighboring property owners, and
2 from Mr. Walls. The Board of Commissioners also incorporated
3 into the record the testimony and exhibits from the original
4 hearing. Having considered the matter, it was the decision of
5 the Board of Commissioners to overturn the decision of the
6 Hearings Officer and deny the Variance. The decision was based
7 on the Findings in the Planning Department Staff Report addressing
8 L. C. D. C. Goals and Guidelines and on the evidence and testimony
9 presented at the hearings of September 15 and November 14, 1983.
10 The Board of Commissioners finds that, as proposed, the garage
11 would have adverse effects on the adjacent property to the south.
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DONE AND DATED THIS 12th DAY OF December, 1983.

KLAMATH COUNTY BOARD OF COMMISSIONERS

Nell Kuonen, Chairman

Roger Hamilton
Roger Hamilton, Commissioner

Carroll Zorn Gerbert
Carroll Zorn Gerbert, Commissioner

Return:
Commissioner Journal

APPROVED AS TO FORM
BOIVIN & BOIVIN

BY [Signature]

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

on this 16th day of Dec. A.D. 19 83
at 9:19 o'clock A M, and duly
recorded in Vol. M83 of Deeds
Page 21446

EVELYN BIEHN, County Clerk

By [Signature] Deputy

Fee None

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