

02401

1 In the Matter of Request for)  
2 Variance No. 23-83 for ) Klamath County Planning  
3 Richard and Merlena Scott ) Findings of Fact and Order  
4 )

5 A hearing was held on this matter on January 5, 1984, pursu-  
6 ant to notice given in conformity with Ordinance No. 45.1, Klamath  
7 County, before the Klamath County Hearings Officer, Jim Spindor.  
8 The applicant was present. The Klamath County Planning Department  
9 was represented by Jonathan Chudnoff. The Hearings Reporter was  
10 Karen Alberto.

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

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

16 Klamath County Exhibit A, Staff Report

17 Klamath County Exhibit B, Plot Plan

18 Klamath County Exhibit C, Assessor's Map

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

22 CONCLUSIONS OF LAW:

23 1. A literal enforcement of the Klamath County Land Develop-  
24 ment Code would result in an unnecessary hardship for the appli-  
25 cants in that only a single family member will be residing in the  
26 mobile home in question and, therefore, a double-wide mobile home  
27 would be needlessly large and expensive.

28 2. The condition causing the above-mentioned hardship was

1 not created by the applicant.

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

6 4. The granting of this Variance is consistent with the  
7 goals of the LCDC.

8 FINDINGS OF FACT:

9 This 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 .49 acres and is rectangular  
15 in shape being 80 feet by 365.7 feet.

16 3. The mobile home is to be occupied by a single person,  
17 and a double-wide mobile home would be needlessly large and  
18 expensive. There are other single-wide mobile homes on this block.

19 4. No one testified in opposition to the granting of this  
20 Variance, and there was no evidence presented that there would  
21 be any detrimental effect on the public health, safety or welfare,  
22 or any detrimental effect on abutting property owners.

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

25 That real property described as  
26 "being generally located at 5523 Cottage Avenue, and  
27 more particularly described as Lot 75, Pleasant Home  
28 Tracts #2, Klamath County, Oregon,"  
is hereby granted a Variance in accordance with the terms of the  
Variance 23-83  
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1 Klamath County Zoning Ordinance No. 45.1, and, henceforth, will  
2 be allowed a single-wide mobile home in the Klamath Falls urban  
3 area in the RS (Suburban Residential) zone.

4 Entered at Klamath Falls, Oregon, this 1 Day of January,  
5 1984.

6  
7  
8 KLAMATH COUNTY HEARINGS DIVISION

9 B. E. Spindler  
10 Hearings Officer

11  
12 RETURN: COMMISSIONERS JOURNAL

13  
14  
15  
16 STATE OF OREGON, )  
County of Klamath )

17 Filed for record at request of

18 on this 12th day of Jan A.D. 19 84  
19 at 1:22 o'clock P M, and duly  
20 recorded in Vol. X94 of Deeds  
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21 **EVELYN BIEHN**, County Clerk

22 By [Signature] Deputy

23 Fee None