

34379

BEFORE THE HEARINGS OFFICER

Vol. 1184 Page 4012

KLAMATH COUNTY, OREGON

1
2 In the Matter of Request for)
3 Variance No. 1-84 for)
4 Donald W. Morris, Applicant)
5

Klamath County Planning
Findings of Fact and Order

6 A hearing was held on this matter on February 16, 1984, and
7 continued to a hearing on March 1, 1984, pursuant to notice given
8 in conformity with Ordinance No. 45.1, Klamath County, before the
9 Klamath County Hearings Officer, Jim Spindor. The applicant was
10 present. The Klamath County Planning Department was represented
11 by Jonathan Chudnoff. The Hearings Reporter was Karen Alberto.
12

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

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

18 Klamath County Exhibit A, Staff Report

19 Klamath County Exhibit B, Plot Plan

20 Klamath County Exhibit C, Assessor's Map

21 Klamath County Exhibit D, Response from Mr. and Mrs. Alston

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

25 CONCLUSION OF LAW:

26 1. The granting of the requested variance would be detri-
27 mental to the use and enjoyment of adjacent properties and would
28 be contrary to the intent of this code.

FINDINGS OF FACT:

11 AM 10 11
1984 MAR 13

1 The requested use has been denied based on the following
2 findings of fact:

3 1. The variance is in conjunction with C.U.P. 4-84 and
4 would allow for a single-wide mobile home on a lot in the Klamath
5 Falls urbanized area. The proposed mobile home is for a single,
6 elderly person who neither needs nor can afford a double-wide
7 mobile home. In addition, the yard is not big enough to accommo-
8 date a larger home.

9 2. The property is 90' x 128.7' and rectangular in shape,
10 being approximately .27 acres. The property is zoned Suburban
11 Residential.

12 3. The block in question is developed entirely with single
13 family houses and this would be the first mobile home. Because
14 the house stretches across most of the lot, the mobile home would
15 not be visible from the street. Solid board fences and trees
16 would make this small mobile home unobtrusive to the adjacent lots
17 east and west of the Morris property. (See Exhibit "G")

18 4. The Public Works Director has submitted a copy of the
19 original plat of Summers Lane homes and pointed out that there is
20 a restriction of "one residential building per lot." A copy of
21 this restriction is contained in Exhibit "F."

22 5. Further, Exhibit "I" is a copy of a "Declaration of
23 Conditions and Restrictions" which is on file with the Klamath
24 County Clerk and which states on page 1, lines 20-22:

25 "No building shall be erected, altered, placed or
26 permitted to remain on any lot other than one
27 detached single family dwelling not to exceed two
28 and one half stories in height and a private garage
for not more than two cars."

6. Placement of a mobile home in an area which has been

1 designated for none, and which in fact has none, would not be
2 compatible with the surrounding neighborhood.

3 7. Objections were raised by several persons in the
4 surrounding neighborhood, stating that there were no mobile homes
5 in the area, and that they objected to putting the mobile home
6 on this property because it would change the nature of the
7 neighborhood and would violate the above mentioned restrictive
8 conditions which apply to this property.

9 8. The applicant admitted that he was made aware of the
10 above mentioned restrictive conditions which applied to this
11 property at the time he purchased the property.

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

14 That real property described as
15 "being generally located on the north side of Onyx
16 Avenue, east of Summers Lane, and more particularly
17 described as Lot 8 of Summers Lane Homes, Klamath
County, Oregon,"

18 is hereby denied a Variance in accordance with the terms of the
19 Klamath County Zoning Ordinance No. 45.1, and, henceforth, will
20 not be allowed a single-wide mobile home in the Klamath Falls
21 urban area in the Suburban Residential (RS) zone.

22
23 Entered at Klamath Falls, Oregon, this 12th Day of MARCH
24 1984.

KLAMATH COUNTY HEARINGS DIVISION

[Signature]

Hearings Officer

25
26
27 Return: Commissioners Journal

28 Variance 1-84
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STATE OF OREGON: COUNTY OF KLAMATH:ss
I hereby certify that the within instrument was received and filed for
record on the 13th day of March A.D., 1984 at 10:11 o'clock A.M.
and duly recorded in Vol. M84, of Deeds on page 4012.

Fee: \$ None

EVELYN BIEHN, COUNTY CLERK

by: *[Signature]*, Deputy