

04331

## BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

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1 In the Matter of Request for)  
 2 Variance No. 2-84 for ) Klamath County Planning  
 3 Vicki O'Bryant, Applicant ) Findings of Fact and Order  
 4

5 A hearing was held on this matter on March 15, 1984, pursuant  
 6 to notice given in conformity with Ordinance No. 45.2, 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  
 24 Development Code would result in an unnecessary hardship for the  
 25 applicant in that she now owns and lives in a single wide mobile  
 26 home and would like to keep it rather than buy a double wide.

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

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

5 4. The granting of this variance is consistent with the goals  
6 of the LCDC.

7 FINDINGS OF FACT:

8 This requested variance has been granted based on the follow-  
9 ing findings of fact:

10 1. This request is in conjunction with a previously approved  
11 Conditional Use Permit No. 6-84, which was approved on February 27,  
12 1984, which allowed the applicant to place a mobile home behind  
13 her grandfather's house. Ms. O'Bryant now owns and lives in a  
14 single wide mobile home and would like to keep it rather than buy  
15 a double wide.

16 2. The property in question is in the Suburban Residential  
17 zone. The property is 99 feet by 207 feet, being approximately  
18 .47 acre and is rectangular in shape. No one testified in opposi-  
19 tion to the granting of the variance, and there was no evidence  
20 presented that there would be any detrimental affect to the public  
21 health, safety or welfare, or any detrimental affect to abutting  
22 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 4663 Frieda Street, and  
27 more particularly described as the east 25 feet of  
28 Lot 80 and Lot 81 of Lewis Tracts, Klamath County,  
Oregon,"

1 is hereby granted a Variance in accordance with the terms of the  
2 Klamath County Zoning Ordinance No. 45.2, and, henceforth, will  
3 be allowed a single wide mobile home in the RS (Suburban Residential)  
4 zone.

5 Entered at Klamath Falls, Oregon, this 30<sup>th</sup> Day of  
6 March, 1984.

7 KLAMATH COUNTY HEARINGS DIVISION

8 *[Signature]*

9 Hearings Officer

10 STATE OF OREGON, )

11 County of Klamath )

12 Filed for record at request of

13 on this 30th day of March A.D. 19 84  
14 at 2:59 o'clock P M, and duly  
15 recorded in Vol. M84 of Deeds  
16 Page 5080

17 **EVELYN BIEHN, County Clerk**

18 By *[Signature]* Deputy

19 Fee None

20  
21 Return: Commissioners Journal