

BEFORE THE HEARINGS OFFICER  
KLAMATH COUNTY, OREGON

Vol. 188

Pg

R. 7907

1 In the Matter of Request for)  
2 Variance No. 4-84 for )  
3 Melody Parsons, Applicant )  
4 )

Klamath County Planning  
Findings of Fact and Order

5 A hearing was held on this matter on May 3, 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  
12 on behalf of the applicant. There were no adjacent property  
13 owners 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 unnecessary hardship for the applicant  
25 in that she now owns a single-wide mobile home and would like to  
26 keep it rather than buying a double-wide mobile home.

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

1 3. The granting of this Variance would not be detrimental  
2 to the public health, safety and welfare, or to the use and  
3 enjoyment of adjacent properties, and will not be contrary to the  
4 intent of 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  
9 following findings of fact:

10 1. This request is in conjunction with Conditional Use  
11 Permit No. 17-84 which has been conditionally approved, and which  
12 allowed the applicant to place a mobile home on the property in  
13 question. The applicant now owns a single-wide mobile home and  
14 purchased it prior to having knowledge that she would be using  
15 it on this property and does not have sufficient funds to trade  
16 this in and buy a double wide.

17 2. The property in question is in the Suburban Residential  
18 zone. The property is approximately 4.8 acres in size and  
19 rectangular in shape. No one testified in opposition to the  
20 granting of the Variance, and there was no evidence presented  
21 that there would be any detrimental effect to the public health,  
22 safety or welfare, or any detrimental effect to abutting property  
23 owners.

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

26 That real property described as  
27 "being generally located at 5210 Avalon Street, and  
28 more particularly described as Lot 14 of Altamont  
Small Farms, being a portion of the SW $\frac{1}{4}$ , NW $\frac{1}{4}$  of

1 Section 15, Township 39, Range 9, Tax Lot 900,  
2 Klamath County, Oregon,"

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

7 Entered at Klamath Falls, Oregon, this 9<sup>th</sup> Day of May,  
8 1984.

9 KLAMATH COUNTY HEARINGS DIVISION

10 D. D. Snyder  
11 Hearings Officer  
12  
13  
14  
15  
16  
17  
18

19 Return: Commissioners Journal  
20

STATE OF OREGON: COUNTY OF KLAMATH:ss

I hereby certify that the within instrument was received and filed for  
record on the 14<sup>th</sup> day of May A.D., 19 84 at 9:26 o'clock A M,  
and duly recorded in Vol M84, of Deeds on page 7907.

EVELYN BIEHN, COUNTY CLERK

by: D. D. Snyder, Deputy

Fee: \$ None