

45059

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)

Variance No. 14-84 for)

Bert and Susan Teamey, Applicants.)

Klamath County Planning
Findings of Fact and Order

A hearing was held on this matter on December 20, 1984, pursuant to notice given in conformity with Ordinance No. 45.2, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. The applicants were represented by Nina Pence.

The Klamath County Planning Department was represented by Jonathan Chudnoff. The Hearings Reporter was Judy Whitaker.

Evidence was presented on behalf of the Department and on behalf of the applicants. There were no adjacent property owners present.

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

Klamath County Exhibit A, Staff Report

Klamath County Exhibit B, Plot Plan

Klamath County Exhibit C, Assessor's Map

Klamath County Exhibit D, Comment from Pacific Northwest Bell

Klamath County Exhibit E, Comment from City Planner

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

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1 CONCLUSIONS OF LAW:

2 1. A literal enforcement of the Klamath County Land
3 Development Code would result in an unnecessary hardship for the
4 applicant in that the placement of the original houses and a
5 garage limit the amount of space available for parking and
6 driveway.

7 2. The condition causing the above-mentioned hardship
8 was not created by the applicants.

9 3. The granting of this variance would not be detrimental
10 to the public health, safety, and welfare, or to the use and
11 enjoyment of adjacent properties and will not be contrary to the
12 intent of this code.

13 4. The granting of this variance is consistent with the
14 goals of the L.C.D.C.

15 FINDINGS OF FACT:

16 This requested variance has been granted based on the
17 following findings of fact:

18 1. This request was to reduce the required number of
19 parking spaces for a dental office from 20 to 19 and to reduce
20 the required driveway width from 15 feet to 10 feet.

21 2. The property in question is in the general commercial
22 zone and is rectangular in shape, being approximately 100' x 135'.

23 3. The applicants are converting a house into a dental
24 office while retaining a second house on the property as a rental.
25 The location of the two houses and a garage limits the amount of
26 space available for parking and a driveway.

27 4. With a staff of no more than six and no more than six
28 patients at a time, the requested number of parking spaces will

1 be adequate for the business.

2 5. With regard to the reduction in driveway space, the
3 testimony confirmed that with this being a dental office, there
4 will be no need for any vehicles which would not fit through a
5 ten-foot driveway.

6 6. The approval of these variances would not cause visual
7 or other obstructions on Gettle Street. The five parking spaces
8 in front of the building intrude partway into the 80-foot Gettle
9 Street right of way. However, there is a 25-foot clearance
10 between the parking spaces and the traveled way, which is enough
11 room to turn around in without backing into the traffic.

12 7. No one testified in opposition to the granting of
13 this variance and no evidence was presented that there would be
14 any detrimental effect to the public health, safety, or welfare,
15 or any detrimental effect to abutting property owners.

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

18 That real property described as
19 "being generally located at the northwest corner
20 of Crosby and Gettle, and more particularly
21 described as being located on Lots 19 through 22,
22 Block 1, St. Francis Park,"
23 is hereby conditionally granted variances in accordance with the
24 terms of the Klamath County Zoning Ordinance No. 45.2, and,
25 henceforth, will be allowed to reduce parking spaces for a dental
26 office from 20 to 19 and to reduce driveway width from 15 feet
27 to 10 feet.

28 Entered at Klamath Falls, Oregon, this 9th day of
January, 1985.

KLAMATH COUNTY HEARINGS DIVISION

Jim Spinder

Jim Spinder, Hearings Officer

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Return: Commissioners Journal

STATE OF OREGON: COUNTY OF KLAMATH:ss
I hereby certify that the within instrument was received and filed for
record on the 15th day of January A.D., 1985 at 9:20 o'clock A M,
and duly recorded in Vol. M85, of Deeds on page 837.

Fee: \$ None

EVELYN BIEHN, COUNTY CLERK
by: *[Signature]*, Deputy