

BEFORE THE HEARINGS OFFICER  
KLAMATH COUNTY, OREGON

49517

Vol. 188 Page 8370

1 In the Matter of Request for )  
2 Variance No. 9-85 for )  
3 H. L. and Leslie Lucas )

4 A hearing was held on this matter on May 16, 1985, pursuant  
5 to notice given in conformity with Ordinance No. 45.2, Klamath  
6 County, before the Klamath County Hearings Officer, Bradford J.  
7 Aspell. The applicant was present. The Klamath County Planning  
8 Department was represented by Jonathan Chudnoff. The Hearings  
9 Reporter was Judy Whitaker.

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

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

15 Klamath County Exhibit A, Staff Report  
16 Klamath County Exhibit B, Plot Plan  
17 Klamath County Exhibit C, Assessor's Map  
18 Klamath County Exhibit D, Photograph  
19 Klamath County Exhibit E, City Planner's Comments

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

23 CONCLUSIONS OF LAW:

24 1. A literal enforcement of the Klamath County Land Develop-  
25 ment Code would result in an unnecessary hardship for the appli-  
26 cant, that the lot is long 138 feet and narrow 71 feet, and the  
27 application of the rear yard setback would make development of  
28 the garage the size and configuration requested by applicant

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1 impossible.

2 2. The condition causing the above-mentioned hardship was  
3 not created by the applicant.

4 3. The granting of this variance would not be detrimental  
5 to the public health, safety and welfare or to the use and enjoy-  
6 ment of adjacent properties, and will not be contrary to the intent  
7 of the Code, and the granting of this variance is consistent with  
8 the goals of the Land Conservation and Development Commission.  
9

10 FINDINGS OF FACT:

11 The requested variance has been granted based upon the  
12 following findings of fact:

13 1. This request is to reduce the required rear yard setback  
14 from 20 feet to 2 feet in order to build a 32 foot by 24 foot  
garage.

15 2. The property in question is designated urban in the  
16 Comprehensive Land Use Plan and is zoned Medium Density Residential  
17 (RM). The property in question consists of a rectangular lot  
18 71 feet by 135 feet of approximately 9,585 square feet located at  
19 the corner of Frieda Street and Etna Street, shown in Exhibit B.  
20 The applicants did not previously partition or subdivide the  
21 property, although they installed the mobile home presently on  
22 the site.

23 3. The applicant proposes a 24 foot by 32 foot garage within  
24 2 feet of the rear property line. The required rear yard setback  
25 for new construction is 20 feet from the rear property line and  
26 the side yard setback is 5 feet. This lot being a corner lot  
27 could have been improved with the front yard facing either Frieda  
28 Street or Etna Street. If the mobile home on the subject property

1 fronted Frieda Street, the requested variance here would be not 18  
2 feet, but instead 3 feet as the rear yard would then become a side  
3 yard.

4 4. There is no other place on applicant's property where  
5 such a garage could be built without substantially affecting or  
6 limiting applicant's view from their mobile home without the  
7 requirement of a variance. That the size and construction of the  
8 proposed garage is not unreasonable given applicant's uses. The  
9 proposed garage is to be built adjacent to a neighbors garage, and  
10 it would not have adverse affects on the use and enjoyment of  
11 other properties.

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

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

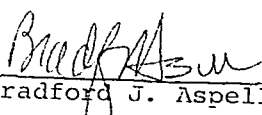
18 That real property described as:

19 "being generally located at 1405 Etna Street, and  
20 more particularly described as the south half of  
Lot 11, Empire Tracts,"

21 is hereby granted a Variance in accordance with the terms of the  
22 Klamath County Zoning Ordinance No. 45.2, and, henceforth, will  
23 be allowed a reduction in rear yard setback from 20 feet to 2 feet  
24 in the Medium Density Residential (RM) zone.

25 Entered at Klamath Falls, Oregon, this 5 Day of June, 1985.

26 KLAMATH COUNTY HEARINGS DIVISION

27   
28 Bradford J. Aspell, Hearings Officer


Variance 9-85  
Page 3

STATE OF OREGON: COUNTY OF KLAMATH:ss

I hereby certify that the within instrument was received and filed for  
record on the 6th day of Juen June A.D., 19 85 at 9:15 o'clock A M,  
and duly recorded in Vol M85, of Deeds on page 3370.

Fee: \$ NONE Return: Commissioners Journal

EVELYN BLEHN, COUNTY CLERK

by: , Deputy