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Vol. 1186 Page 11976

BEFORE THE HEARINGS OFFICER  
KLAMATH COUNTY, OREGON

In the Matter of Request for )  
Variance 6-86 for Michael D. ) Klamath County Planning  
Shackleford ) Findings of Fact and Order

A hearing was held on this matter on June 5, 1986, pursuant to notice given in conformity with Ordinance No. 45.2, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. The applicant was present. The Klamath County Planning Department was represented by Kim Lundahl. The Hearings Reporter was Janet Libercajt.

Evidence was presented on behalf of the Department and on behalf of the applicant. 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, Letter from Health Services

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

CONCLUSIONS OF LAW:

1. A literal enforcement of the Klamath County Land Development Code would result in an unnecessary hardship for the applicant in that the size and shape of the property is such that it cannot house a mobile home of the size required by the Code.

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

3        3. The granting of this Variance would not be detrimental  
4 to the public health, safety and welfare, or to the use and  
5 enjoyment of adjacent properties, and will not be contrary to the  
6 intent of this Code.

7        4. The granting of this Variance is consistent with the  
8 goals of the L.C.D.C.

9 FINDINGS OF FACT:

10        The Variance has been granted based on the following Findings  
11 of Fact:

12        1. This request is to permit a 14 foot wide mobile home on  
13 the property instead of the required 20 foot wide mobile home.  
14 This request is in conjunction with Conditional Use Permit 22-86.

15        2. The property is located west of Riverside Drive, 100  
16 feet north of Cable Avenue. The lot in question is approximately  
17 50 feet by 130 feet. The size and shape of the property will not  
18 allow a 20 foot mobile home if the Klamath County Land Development  
19 Code is to be complied with in other respects.

20        3. Notice of this hearing was sent to surrounding property  
21 owners, to concerned public agencies, and published in the  
22 Herald & News, a Klamath Falls newspaper.

23        4. No one testified in opposition to the granting of this  
24 Variance, and no evidence was presented that there would be any  
25 adverse affects to abutting property owners or the surrounding  
26 area by the granting of the Variance.

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

Variance 6-86/Shackelford  
Page 2

1 That real property described as 11978  
2 "Being generally located west of Riverside Drive, 100 feet  
3 north of Cable Avenue, and more particularly described  
4 as Lot 5, Block 1 of Riverview, Klamath County, Oregon,"  
5 is hereby granted a Variance in accordance with the terms of the  
6 Klamath County Zoning Ordinance No. 45.2, and, henceforth, will  
7 be allowed a 14 foot wide mobile home to be placed instead of  
8 the required 20 foot wide mobile home.  
9 Entered at Klamath Falls, Oregon, this 8<sup>th</sup> Day of July,  
10 1986.  
11  
12 KLAMATH COUNTY HEARINGS DIVISION  
13 Jim Spindor  
14 Jim Spindor, Hearings Officer  
15

STATE OF OREGON: COUNTY OF KLAMATH: ss.  
Filed for record at request of \_\_\_\_\_ the 8<sup>th</sup> day  
of July A.D., 19 86 at 3:28 o'clock P. M., and duly recorded in Vol. M86  
of Deeds on Page 11976.  
FEE None  
EVELYN BLEHN County Clerk  
By Bernetha H. Fetsch

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22 Commissioners Journal  
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Variance 6-86/Shackleford  
Page 3