

BEFORE THE SENIOR'S OFFICE OF ELLIOTT COUNTY, KANSAS

In the Matter of a Application for Variance) Variance Application No. 5-67
and Application for Conditional Use Permit) CUP 5-67
See Order and JURIS DECIS.

) FINDINGS OF FACT, CONCLUSIONS
OF LAW AND DECISION

The matter came before William H. Gentry, Hearing Officer of Elliott County, Kansas, on May 26, 1967 in the Elliott County Commissioner's Hearing Room. The Hearing was held pursuant to Notice given in conformity with the Elliott County Land Development Code and related ordinances.

George Ulrey, one of the applicants, represented himself at the hearing. The Elliott County Planning Department was represented by Carl Shuck and the recording secretary was James Libraut. The Elliott County Planning Department file and all evidence thereto were incorporated in the record as evidence. The County Hearing Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decisions:

1. The subject property is located west of State Highway 56 and Lawrence Drive and south of Auburn Avenue. It is Elliott County Assessor's Tax Lot 1300 in Section 5, Township 39, Range 9 E., K.M. The subject parcel contains approximately 1.10 acres.
2. The subject property is located in a residential area. The property lying directly to the subject property is generally developed for single family residences. Immediately across the street from the subject property are two small single wide mobile homes and several small farm houses.
3. The subject property is owned by the Ulreys.
4. The Ulreys are requesting a Conditional Use Permit to site a mobile home on the subject property which to avoid Major Boundary Residential and the a variance from the development standards contained in the Elliott County Land

Development Code Section 50.002 is to site a mobile home which is less than 30 feet in width on the subject property.

5. The Planning Officer personally viewed the subject property on May 4, 1987. No response was received from the neighbors related to any of the neighboring businesses nor did any person other than the applicant appear at the subject building to testify. The findings contained in the staff report prepared for CIP 9-87 are incorporated herein by this reference.

6. The applicant does not own the mobile home which the applicant desires to place on the subject property.

ELGIN COUNTY LAND DEVELOPMENT CODE CRITERIA:

1. Land Development Code Section 50.002 provides that a mobile home may be sited in the subject zone by obtaining a Conditional Use Permit.
2. Section 14.002 sets forth the criteria for granting a Conditional Use Permit.
3. Section 50.001 sets forth the development standards for placing of a mobile home within the Urban Growth Boundary.

ELGIN COUNTY ZONING AND STANDARDS CONCERN:

The Goals and policy findings of the Elgin County Planning Department's Staff Report to CIP 9-87 are hereby adopted and incorporated herein by this reference.

ELGIN COUNTY SITE FINDINGS AND CONCLUSIONS:

1. With respect to the criteria for the granting of a Conditional Use Permit to site a mobile home in a low density residential zone, the following Findings and Conclusions are made:
 1. The low density residential zone allows siting of a mobile home in that zone subject to a Conditional Use Permit.

B. The subject parcel is larger than most existing parcels in the area. The land located directly north of the subject parcel and across Auburn Street is subdivided into lots which are approximately 20 feet wide and 110 feet deep, thereby containing approximately 1/4 acre. The property located south of Auburn Street is generally developed for single family residential use. Several lots directly across the street from the subject property contain single wide small white houses. Most of the other lots contain town houses which are very small in size. The property located west of the subject property is approximately 1 acre in size and contains one large single family residence. The property located south of the subject property is approximately 6/10 of an acre in size. It contains no residence but was granted a Conditional Use Permit for the sitting of a mobile home. (See Conditional Use Permit #U-25). The eastern boundary of the property is bordered by Evergreen Drive which is bordered to the west by Highway 97. The property has good drainage and city water service. A mobile home can be sited on this property in full conformance with all of the set back requirements and other development standards contained in the code. The location, design and operating characteristics of the proposed sit, a mobile home, on the subject property are in conformance with the Klamath County Comprehensive Plan.

C. The sitting of a mobile home on the subject property will be compatible with the development on abutting properties and the surrounding neighborhood. As stated above, this lot is larger than those located across Auburn Street which contain small houses and mobile homes. The property located south of the subject property has been granted a Conditional Use Permit to sit a mobile home. The sitting of a mobile home on the property subject to the standards of Section 34 of the Land Development Code will be compatible with and will have

no significant adverse effect on the use of abutting properties and the surrounding neighborhood.

2. With respect to the application for a variance from the provisions of Section 84 which regulate the size of a mobile home within the Urban Growth Boundary, the following Findings and Conclusions are made:

1. The applicant has not purchased the mobile home which he apparently desires to place on the property. The mobile home which the applicant desires to place on the property is approximately 16 feet wide and 70 feet in length. Elkhorn County Land Development Code requires that a mobile home placed within the Urban Growth Boundary be not less than 20 feet in width.

2. Other than the loss opportunity to purchase the subject mobile home, the applicant will not suffer any practical difficulty or unnecessary hardship because of the denial of the variance requested. There is no evidence that any condition exists with respect to the property that caused a difficulty not created by the applicant. The code does require a minimum size for the mobile home, but that condition and requirement applies to all land within the Elkhorn Falls Urban Growth Boundary. No evidence has been presented which will suffice findings in favor of a variance to the requirements of Section 84 to be granted to this request.

CONCLUSIONS OF LAW AND ORDER

1. The Request for a Variance to place a mobile home on the subject property which does not comply with the rules with requirements of Section 84 of the Land Development Code is denied.
2. The request for a Conditional Use Permit to place a mobile home on the property is found to be consistent with the policies and criteria of the Elkhorn County Land Development Code is granted.

324

3. The applicant, in erecting a mobile home on the subject property, shall comply with all development standards and criteria set forth in the Elko County Land Development Code and any other county or state ordinances or laws regulating the development of this property.

Elko, Nevada
This 26th day of May, 1987.


~~Dennis Gray
Planning & Zoning
Officer~~

SOS

Conformance with Relevant Florida County Policies:

Citizen Involvement:

The County shall provide for continued citizen involvement. The Planning Department shall advise as to surrounding property owners and agencies of concern. Notice will be published in the Herald and news and posted in public places.

Land Use Planner:

Planning shall be consistent with the land use plan. The site is zoned Low Density Residential, and per Land Development Code Section 51.005, Paragraph C, No. 6, a mobile home is a conditional use at this time.

Criteria for approval are per Article 44, Section 44-103G-3.

1. That the use is conditionally permitted at the time it is proposed to be issued.
2. That the location, size, design, and operating characteristics of the proposed use are in conformance with the County Comprehensive Plan.
3. That the location, size, design and operating characteristics of the proposed development will be compatible with and will not have significant adverse effects on the appropriate development and use of adjoining properties and the surrounding neighborhood. Consideration shall be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to health effects, if any, upon desirable neighborhoods; characteristics and compatibility to the generation of traffic and the capacity of surrounding streets; and to any other relevant aspect of the development.

Mr. Name and Land Resource Quality:

Policy: Minimum lot sizes and/or maximum residential densities shall be established that will determine the need for a sewage disposal system. Site location, design and constraints for septic tanks shall also be established.

The site is 1.10 acres. Soil test report requirements for planning the proposed agricultural use shall be met.

SECRET

~~Conformance with Relevant Bronx County Policies Committee~~

Public Facilities:

The site has electricity and telephone service. Water, and sewer facilities. The site is located in Parkchester B. I.

~~Page 5~~
~~The proposed site is conditionally permitted by the Soil District
Planning Board.~~

~~The site meets the criteria of the low toxicity industrial zone
(see plan plan).~~

~~The site is 1.16 acres and the two areas to be compatible
with the surrounding neighborhood must be covered while
used in the area (see plan).~~

~~There is off street loading, which would able to carry the
kind of traffic that would be generated from the proposed site.
A public road is available for access to the site.~~

~~Based on the above, staff recommends:~~

~~STATE OF OREGON COUNTY OF CLACKAMAS~~

~~Planning Commission
P.O. Box 1000, 1010 Main Street, Room 100
Doddridge Building, Clackamas, Oregon 97015
Telephone 503-256-4411~~

~~AB. 9 R. 6 1000 1010 Main Street, Room 100
Doddridge Building, Clackamas, Oregon 97015
Telephone 503-256-4411~~

~~WE DO RECOMMEND~~

[Signature]