

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a)	Variance No. 10-87
Variance for GORDON VEITCH and)	FINDINGS OF FACT,
ALICE VEITCH)	CONCLUSION OF LAW
)	AND DECISION

This matter came before Hearings Officer William M. Ganong on July 2, 1987 in the Klamath County Commissioner's Hearing Room. The Hearing was held pursuant to the Notice given in conformity with the Klamath County Land Development Code and related ordinances. Gordon Veitch and Alice Veitch were present at the hearing and represented themselves. The Klamath County Planning Department was represented by Mr. Kim Lundahl and the Recording Secretary was Donna Verling. The Klamath County Planning Department file and all contents thereof were incorporated in the record as evidence. The County Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT:

1. The Applicants have requested a Variance from the front yard setback requirement of Klamath County Land Development Code Section 66.003 (A)(1) from 25 feet to 5 feet to allow for the construction of a detached carport. The subject property is located in the Rocky Point area of Klamath County and is Klamath County Tax Assessor Account No. 3606-10CB-1100. The subject lot contains approximately 15,000 square feet. The Hearings Officer viewed the subject property with Planning Department Staff. The Applicants have submitted a plot plan which shows the location of

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the existing house and outbuildings located on the subject property and the location of the proposed carport.

2. The proposed location of the carport is currently heavily wooded with noncommercial species of timber and other brush. Although the area of the subject carport is only approximately 40 feet wide, the existing timber and brush is so dense that it is very difficult to see through that area.

3. The findings of the Klamath County Planning Department Staff report are hereby adopted and incorporated herein by this reference.

4. Initially, the Klamath County Department of Health Services was concerned about this application because it thought that the location of the proposed carport was over the drainfield which serves the Applicant's house. However, the Applicants testified that the drain field is located westerly of their house and the proposed carport is located easterly of the house. The location of the existing drain field eliminates the only other potential location for this carport on the subject property.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Klamath County Land Development Code Section 43.004 sets forth the criteria which must be addressed in reviewing an application for a Variance.

KLAMATH COUNTY LAND USE GOALS AND POLICIES COMPLIANCE

The Goals and Policy Findings on the Klamath County Planning Department Staff Report are hereby adopted and incorporated herein by this reference.

KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSIONS

The following Findings and Conclusions are made concerning the review criteria set forth in Section 43.004 of the Land Development Code.

1. The literal enforcement of the code section requiring a front yard setback of 25 feet would create an unnecessary hardship for the Applicant. The plot plan submitted by the Applicant demonstrates that because of the location of the Applicant's septic drain field, there is no other location on the subject property for the placement of this carport without obtaining a Variance. The purpose for front yard setbacks is to provide lateral vision for traffic using adjoining streets. In this case, there is no lateral vision on the proposed site because of the existence of the dense vegetation located at that site. When that vegetation is cleared by the Applicant and the carport constructed, the lateral vision of traffic on H Street will be improved. The Applicants testify that they intend that the carport be open and therefore traffic using H Street will be able to see any animals or other pedestrians which might be approaching H Street from the Applicant's property in the general vicinity of the carport.

2. The condition causing the need for the Variance was not created by the Applicant. The Applicant's lot contains approximately 15,000 square feet, but it also contains existing outbuildings and accessory improvement such as the existing

drainfield which eliminates the placement of the carport on this property without obtaining the Variance.

3. The granting of this Variance will not be detrimental to the public health, safety and welfare and, in fact, will improve public safety. It will not impact the enjoyment of adjacent properties and is not contrary to the intent of this code. The property most affected by the subject request is the house and land located immediately east of the subject property. The owner of that property was contacted and received notice of the Hearing but has not objected or offered any comment concerning the subject request. The elimination of the dense vegetation from the site of the proposed carport will alleviate some wildfire danger from the vegetation becoming dry during the latter part of the summer. The placement of the carport in the location proposed by the Applicant will maintain clear access ways for fire and police protection to the other buildings located on the Applicant's property. There is no evidence in the record whatsoever that would indicate that the construction of the proposed carport will in any way impact the public health, safety, welfare or the use and enjoyment of adjacent properties.

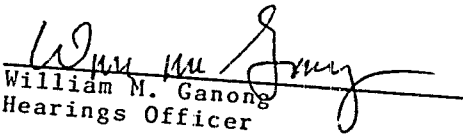
ORDER

The subject application for a Variance from the front yard setback requirements of the Klamath County Land Development Code from 25 feet to 5 feet for the construction of a carport on the land described above is hereby granted. The Applicant shall comply with all requirements of the Klamath County Department of

12901

Health Services, Klamath County Land Development Code and Klamath
County Building Ordinances.

DATED this 15th day of July, 1987.


William M. Ganong
Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 20th day
of July A.D. 19 87 at 4:26 o'clock P M., and duly recorded in Vol. M87
of Deeds on Page 12897.

FEE NONE

Return: Commissioners' Journal

Evelyn Biehn, County Clerk

By 

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