

In the Matter of the Request for) VARIANCE NO. 16-87
a Variance for JONAS A. CALLAHAM) FINDINGS OF FACT, CONCLUSIONS
and OPAL F. CALLAHAM.) OF LAW AND DECISION

This matter came before William M. Ganong, the Hearings Officer of Klamath County, Oregon, on August 6, 1987 in the Klamath County Commissioner's Hearing Room. The Hearing was held pursuant to Notice given in conformity with the Klamath County Land Development Code and related ordinances. Opal Callaham was present and was represented by her daughter Roberta Graham. The Klamath County Planning Department was represented by Carl Shuck and the Recording Secretary was Karen Burg. 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 Order:

FINDINGS OF FACT:

1. The Applicants have requested a Variance from the provisions of Klamath County Land Development Code Section 84.001 (E) (3). The Applicants desire to place a mobile home which is 12 feet by 60 feet in size on a lot located inside the Klamath Falls Urban Growth Area. The lot is located on Hope Street near Klamath Falls, Oregon and is more particularly described as Klamath County Tax Assessor Account No. 3909-2BD-7000.
2. The Findings of Fact contained in the Klamath County Staff Report are adopted hereby and incorporated herein by this reference.

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3. The subject mobile home is a 1973 Fleetwood Mobile Home and was purchased by the applicants approximately one year ago. It is presently located in a mobile home park. Said mobile home park is in the flight path of the main runway to Kingsley Field and the noise generated by the jets using said flight path greatly disturbs the applicants.

4. The subject property is owned by Kenneth Free, Sr. and the property will be rented by the applicants from Mr. Free.

5. The Planning Department Staff provided an exhibit showing that there are seven other single wide mobile homes located in the block along both sides of Hope Street, between South 6th Street and Climax Street.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

Klamath County Land Development Code Section 43.003 sets forth the criteria which must be addressed in reviewing an application for a Variance. Klamath County Land Development Code Section 84.001 (E) provides that mobile homes located inside the Urban Growth Boundary must contain not less than 800 square feet and must be not less than 20 feet in width.

KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSIONS

The following Findings of Facts and Conclusions are made concerning the review criteria set forth in Section 43.003 of the Land Development Code:

A. The literal enforcement of the code section regulating the size of mobile homes located within the Klamath Falls Urban Growth Boundary would create an unnecessary hardship for the applicants. The plot plan submitted by the applicants

demonstrates that the subject lot is of adequate size and shape to place the mobile home in conformance with the setback requirements of the Klamath County Code Section. The exhibits submitted by the Klamath County Planning Department shows that there are already a number of other smaller single wide mobile homes located in this area. The applicants own this mobile home and are greatly disturbed by the noise created by the flight path to the Kingsley Field Airport at its present location. There is no public benefit that would result in the strict enforcement of the code provisions.

B. The condition causing the difficulty was not created by the applicant. The applicant already owns this mobile home and they need to move the mobile home in order to escape the noise created by the jet flyway. The subject lot is properly zoned for mobile homes, however, the applicant's mobile home does not meet the standards of the code.

C. The granting of the Variance will not be detrimental to the public health, safety and welfare or the use and enjoyment of adjacent property and will not be contrary to the intent of this code. The plot plan submitted by the applicant demonstrates that the subject lot is of an adequate size and shape to properly site this mobile home. The property is served by public water and sewer systems and is located within Fire District No. 1 and contains other public services required by the code. There are already seven other single wide mobile homes located in the immediate vicinity of the subject property. The addition of this


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mobile home to the subject property will not impair the use and enjoyment of adjacent property.

ORDER

The subject application for a Variance from the minimum size requirements for mobile homes located in the Klamath Falls Urban Growth Boundary as described above is hereby granted. The applicant shall comply with other requirements of the Klamath County Land Development Code, Building Codes and the requirements of the Klamath County Department of Public Health Services.

DATED this 18th day of August, 1987.


William M. Ganong
Hearings Officer

Klamath County Land Development Code Section 24.007 provides:

"An Order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of the Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Dept. the 25th day
of August A.D., 1987 at 9:15 o'clock A M., and duly recorded in Vol. M87
of Deeds on Page 15250

FEE NONE

Return: Commissioners' Journal

Evalyn Biehn, County Clerk
By 