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BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

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In the Matter of the Request for)
 a Variance for JOHN KOBERG and)
 CAROL KOBERG.)

VARIANCE NO. 15-87
 FINDINGS OF FACT, CONCLUSIONS
 OF LAW AND DECISION

This matter came before William M. Ganong, the Hearings Officer on August 6, 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. The applicants, John Koberg and Carol Koberg, were present at the hearing and represented themselves. 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 Decision:

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 44 feet in size and containing approximately 528 square feet as a second residence for relatives on a lot located inside the Klamath Falls Urban Growth Area. The lot is located at 3939 Bisbee Street, Klamath Falls, Oregon and is more particularly described as Klamath County Tax Assessor Account No. 3909-01 AC-1500. Said lot is approximately 21,868 square feet in size. The subject property is zoned RS, Suburban Residential.

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2. At the time the Applicants filed the application for a Variance, the Applicants intended that Mr. Koberg's mother would reside in said mobile home. However, during the pendency of this application, Mr. Koberg's mother passed away.

3. An Exhibit produced by the Klamath County Planning Department shows that there are seven other single or double wide mobile homes in the same block along Bisbee Street as the subject property.

4. The Findings of Fact contained in the Klamath County Staff Report are adopted hereby and incorporated herein by this reference.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

The criteria for the granting of a Variance are set forth in Klamath County Land Development Code Section 43.003 and will be further addressed hereafter. The siting requirements for placing a mobile home within the Klamath Falls Urban Growth Boundary are contained in Section 84.001 (E) (3). Said section provides in part that the mobile home sited within the Urban Growth Boundary must be not less than 20 feet in width and contain not less than 800 square feet.

Klamath County Land Development Code Section 51.005 (B) provides that an additional mobile home may be placed on property for use by a person related to the owner of the property if the subject lot is greater than 20,000 square feet in area.

KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSIONS

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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 requiring a that a mobile home placed inside the Urban Growth Boundary contain not less than 800 square feet and be not less than 20 feet in width would create an unnecessary hardship for the Applicants. The plot plan submitted by the Applicants demonstrates that the subject lot can easily accommodate this additional mobile home. The exhibits presented by the Klamath County Planning Department demonstrate that there are a number of other mobile homes including single wide mobile homes located in the immediate vicinity of the subject property. Because of the existence of other single wide mobile homes in the area no public benefit would result from the strict enforcement of said code sections.

B. The condition causing the need for the Variance was not caused by the Applicants. The Applicants' lot contains sufficient area to safely place the subject mobile home on a lot which already contains the Applicants' conventionally built home. The need for the Variance was created by the adoption of the Klamath County Land Development Code which limits the size of mobile homes which can be sited inside the Urban Growth Boundary.

C. The granting of the Variance will not be detrimental to the public health, safety and welfare in this case. The existence of public water and sewer facilities to the subject property, its location to the fire district, and the adequate size of the lot,

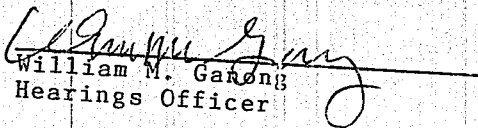
of the lot, all demonstrate that there will be no detriment to the public health, safety and welfare. The existence of other mobile homes in the area including single wide mobile homes demonstrates that the siting of an additional mobile home on this property will not be contrary to the intent of this code nor to the use and enjoyment of adjoining properties.

ORDER

The subject application for a Variance from the size restrictions of the Klamath County Land Development Code concerning the placement of mobile homes within the Klamath Falls Urban Growth Boundary to place the mobile home described hereinabove is hereby granted. Provided, however, that the granting of this Variance is subject to the Applicants using said mobile home in conformance with all other provisions of the Klamath County Land Development Code, Building Codes and the requirements of the Klamath County Department of Public Health Services. This Order is granted subject to the Applicants, at all times, providing the Klamath County Planning Department with written notice of the names and relationship to the Applicants of the occupants of the subject home. If the Applicants violate any provision of the Klamath County Land Development Code, including the provision that this additional mobile home be occupied only by a relative of the Applicants, the Planning Director is directed to schedule a public hearing before the the Hearings Officer whereat the Hearings Officer will reconsider this Order and may revoke the Variance hereby granted.

DATED this 18th day of August, 1987.

15258


William M. Garong
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 this 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., 19 87 at 9:15 o'clock A M., and duly recorded in Vol. M87
of Deeds on Page 15254

FEE NONE

Return: Commissioners' Journal

Evelyn Biehn, County Clerk

By 