

79102

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

Vol. 1481 Page 16392

| | |
|------------------------------------|-------------------------------|
| In the Matter of the Request for) | Variance No. 17-87 |
| a Variance for BOB BANES and) | FINDINGS OF FACT, CONCLUSIONS |
| CATHY Y. BANES) | OF LAW AND DECISION |

This matter came before William M. Ganong, the Hearings Officer of Klamath County, Oregon, on August 20, 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. The applicants represented themselves at the hearing. 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 front yard setback requirement in this residential zone from 25 feet to 10 feet. The subject property is located on the north side of Delaware Street and West of Altamont Drive. It is Klamath County Tax Account No. 3909-3CD-2600. The applicants intend to rent the front portion of said property from Carol Stephens, the property owner. The subject parcel is approximately 105 feet by 200 feet in size. There is a conventionally built home located on the rear one-half of the subject property. The applicants desire to place a 12 feet by 54 feet mobile home in the front portion of the property.

87 SEP 3 PM 3 43

2. The Planning Staff Report indicates that there are four other single wide mobile homes and two double wide mobile homes in the general area. The subject parcel is twice as wide as the lots on either side of it and has in the past had a mobile home located on the pad which the applicants' mobile home will occupy. The applicants' mobile home, however, is longer than the prior mobile home that was located on the property and therefore cannot meet the frontyard setback requirement.

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

4. The applicants testified that the front edge of the mobile home will be approximately 19 feet from the edge of the paved surface of Delaware Street.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

The criteria for reviewing an application for a Variance are set forth in Klamath County Land Development Code Section 43.003.

KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSIONS

The following Findings of Fact and Conclusions are made pursuant to Klamath County Land Development Code Section 43.003

A. A literal enforcement of this code will result in a practical difficulty or unnecessary hardship and the strict enforcement of the code would not result in great public benefit. The applicants have a mobile home which they must move from the current location. The subject property has the necessary pad and hookup for a mobile home in place. The applicants' mobile home is longer than the prior mobile home located on the property and will

extend beyond the required setback requirements of the code. However, in this case there doesn't appear to be any public benefit resulting from the strict enforcement of the code.

B. The condition causing the difficulty was not created by the applicant. Obviously, the applicant could look for other lots on which to place their mobile home. However, the applicants are going to do everything they can to place the mobile home as far back from the street as possible, including placing it against or very near the existing fence which dissects the subject property.

C. The granting of this Variance will not be detrimental to the public health, safety and welfare or to the use and enjoyment of adjacent properties. As stated in Findings of Fact above, there are other single wide mobile homes and double wide mobile homes located in this residential neighborhood. The residence located on the back one-half of the property is served by a driveway which provides access to it and which will not in any way be impacted by the placement of the subject mobile home. This lot is a double wide lot and will provide adequate side setbacks and offstreet parking for the mobile home and the applicants' automobile. The subject property is supported by public services and utilities required in this suburban residential area and the addition of this mobile home will not adversely impact the provision of those public services.

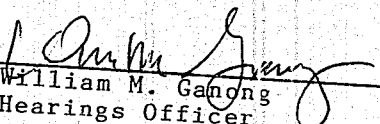
ORDER

The subject application for a Variance from the front yard setback requirements of the Klamath County Code as more particularly described above is granted. This Variance is granted

16395

to the Banes and may not be assigned to or used by any other persons. It is subject to the Banes complying with all other requirements of the Klamath County Land Development Code, Building Ordinances and the requirements of Klamath County Department of Health Services. In addition, this Variance is subject to the applicants prohibiting the parking of any motor vehicles between the mobile home and Delaware Street.

DATED this 4th day of September, 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 9th day
of September A.D., 19 87 at 3:43 o'clock P. M., and duly recorded in Vol. M87
of Deeds on Page 16392

FEE

NONE

Return: Commissioners' Journal

By Evelyn Biehn, County Clerk
