

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for) VARIANCE NO. 23-87
a Variance for ROBERT ELLISON) FINDINGS OF FACT, CONCLUSIONS
OF LAW AND DECISION

This matter came before William M. Ganong, the Hearings Officer of Klamath County, Oregon, on November 19, 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. Robert Ellison was represented by Sam Crawford. 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 application is for a Variance from the mobile home siting standards of the Klamath County Land Development Code to place a single wide mobile home containing 500 square feet on a lot zoned RS and located inside the Klamath Falls urban growth boundary.
2. The subject lot is located on Climax Avenue near Ogden Street and is Klamath County Assessor's Tax Lot No. 43-3909-1BC-270.
3. The proposed mobile home will replace a double wide mobile home. The previous placement of the double wide mobile home required a variance from the set back requirements of the

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code. The proposed mobile home will not require any set back variances.

4. There are several other mobile homes in the neighborhood, including at least one other single wide mobile home.

5. The subject parcel is currently over grown with weeds.

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:

1. The literal enforcement of the Code would result in unnecessary hardship. The size of the lot is such that the siting of a large mobile home requires set back variances. Therefore, in order to place a mobile home on this lot a variance is required. The denial of a variance would unnecessarily limit the use of the lot without providing any public benefit.

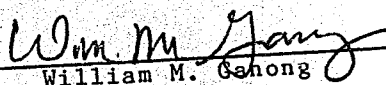
2. A variance is required to place a mobile home on this lot. A large mobile home requires a set back variance. A smaller mobile home requires a mobile home siting variance. This problem is created by the size and shape of the lot, not by the Applicant.

3. There are other mobile homes, including single wide mobile homes in the subject neighborhood. The granting of this variance will not be detrimental to the public health or safety or to the enjoyment of adjacent properties.

ORDER

The subject application for a Variance from the mobile home siting standards of the Klamath County Land Development Code is granted.

DATED this 2nd day of December, 1987.

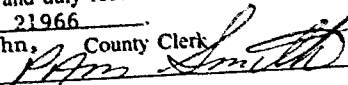

William M. Ganong
Hearings Officer

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."

ELLISON - Variance - Page 3

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 8th day
of December A.D. 19 87 at 9:26 o'clock A M., and duly recorded in Vol. M87
of Deeds on Page 21966
By Evelyn Biehn County Clerk 

FEE NONE
Return: Commissioners' Journal