

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for) VARIANCE NO. 1-88
a Variance for ALFRED L. and) FINDINGS OF FACT, CONCLUSIONS
VICKIE L. HILLARD.) OF LAW AND DECISION

This matter came before William M. Ganong, the Hearings Officer of Klamath County, Oregon, on April 7, 1988 in the Klamath County Commissioner's Hearing Room. The Hearing was held pursuant to Notice given in conformity with the Klamath Land Development Code and related ordinances. Vickie Hillard was present and represented the Applicants. The Klamath County Planning Department was represented by J. Kim Lundahl 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. This application is for a Variance from the "flag pole" standards of Klamath County Land Development Code Section 61.002. The subject parcel is located on Harlan Drive, Klamath Falls and is Klamath County Assessor's tax lot No. 3909-11DA-400. This application is made in conjunction with a request for a Partition. The Applicant intends to partition a one-half acre parcel of property from a parcel containing one acre.

2. The residence located on the adjoining Parcel is set back from the property line a substantial distance.

3. The findings of fact contained in the Planning Department Staff Report are incorporated herein by this reference.

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4. The width of the "flag pole" driveway will be 13.6 feet rather than the code minimum 30 feet.

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 and Conclusions are made pursuant to Klamath County Land Development Code Section 43.003.

A. A literal endorcement 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 desire to make a productive use of the existing lot. Denial of this Variance will prohibit development of the rear portion of the lot. 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.

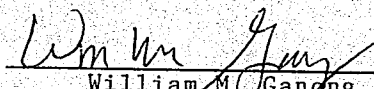
C. The granting of this Variance will not be detrimental to the public health, safety and welfare or to the use and enjoyment of adjacent properties. This finding requires that no obstruction be placed in the flag pole area so as to insure adequate access to the property for safety purposes. The subject property is supported by public services and utilities required in this suburban residential area and the granting of this Variance will not adversely impact the provision of those public services.

ORDER

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The subject application for a Variance from the minimum "flag pole" width from 30 feet to 13.6 feet is granted. This Variance is subject to the "flag pole" area always being clear of any obstruction to the free flow of motor vehicles.

DATED this 5th day of May, 1988.


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.

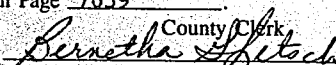
Filed for record at request of Klamath County Planning Dept. the 17th day of May A.D., 19 88 at 9:18 o'clock A M., and duly recorded in Vol. M88 of Deeds on Page 7639.

FEE \$ NONE

Evelyn Biehn

By

County Clerk



commissioners Journal