

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for ) VARIANCE NO. 8-88  
a Variance for ELSIE SPEARS. ) FINDINGS OF FACT, CONCLUSIONS  
 ) OF LAW AND DECISION

This matter came before William M. Ganong, the Hearings Officer of Klamath County, Oregon, on July 7, 1988 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 Applicant was present and represented herself. 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. This Applicant has requested a Variance from the mobile home siting requirements of the Klamath County Land Development Code to allow her to place a 14-foot wide a mobile home on land located inside the Klamath Falls urban growth boundary.
2. The subject property is located at 1132 Homedale Road, and is Klamath County Assessor's tax lot No. 3809-35DB-500.
3. The subject mobile home is 14' x 66' in size and is new. The Applicant's daughter will reside in the new mobile home. The Applicant lives in a conventionally built house on the subject property.
4. The subject property is served by urban level public utilities and services and has adequate access from Homedale Road.
5. The Planning staff's inventory shows four other existing single wide mobile homes in the same block as the subject property.

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

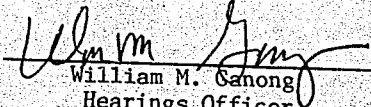
The following Findings of Facts and Conclusions are made concerning the review criteria set forth in Section 43.003 of the Land Development Code:

1. The literal enforcement of the Code in this situation would result in unnecessary hardship and no public benefit. The Applicant owns the subject mobile home and there are similar mobile homes in the neighborhood.
2. The approval of the subject application is consistent with the intent of the Code and past practice of the County. The Applicant desires to place this mobile home in a neighborhood which has other similar mobile homes.
3. The granting of the Variance will not be detrimental to the public health, safety or enjoyment of adjacent properties as long as the Applicant maintains the subject mobile home and lot in an orderly and clean condition.

ORDER

The subject application for a Variance from the mobile home siting standards of the Klamath County Land Development Code is granted. Provided, however, the Applicant shall keep the mobile home and lot in an orderly and clean condition and shall comply at all times with all Klamath County ordinances, rules, codes and standards.

DATED this 19<sup>th</sup> day of July, 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."

Return: Commissioners Journal

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County  
of July A.D. 19 88 at 10:35 o'clock A. M., and duly recorded in Vol. M88  
of Deeds on Page 11569

FEE none

Evelyn Biehn  
By Pauline Mullendore County Clerk