

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

1 In the Matter of the Request)
 2 for a Variance for Phillip W.)
 3 Burton)

Variance No. 14-88
 Findings of Fact, Conclusions
 of Law and Decision

4 This matter came before Susan Crismon, Special Hearings
 5 Officer for Klamath County, Oregon, on September 15, 1988, in
 6 the Klamath County Commissioners' Hearing Room. The Hearing
 7 was held pursuant to Notice given in conformity with the Klamath
 8 County Land Development Code and related ordinances. The appli-
 9 cant, Phillip W. Burton, was present and offered testimony in
 10 support of this application. The Klamath County Planning Depart-
 11 ment was represented by Kim Lundahl, and the Recording Secretary
 12 was Karen Burg. The Klamath County Planning Department file
 13 and all contents thereof were incorporated in the record as
 14 evidence. The Special Hearings Officer, after reviewing the
 15 evidence presented, makes the following Findings of Fact, Conclu-
 16 sions of Law and Order:

17 FINDINGS OF FACT:

18 1. The application is for a Variance to reduce the side-
 19 yard setback from 5 feet to 2.67 feet east of Hope Street, and
 20 is Klamath County Assessor's Tax Lot 3909-11BA-500.

21 3. The Applicant owns the property which will be effected
 22 by the subject request. There is a pre-existing garage on the
 23 property that does not meet Ordinance requirements as to side-yard
 24 setback.

25 4. The Applicant has maintained the existing property
 26 in a clean and orderly manner. No person or agency has objected
 27 to this request.

28 5. The subject property is served by full municipal utilities

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1 and services and has adequate access.

2 KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

3 Klamath County Land Development Code Section 43.003(A-C)
4 sets forth the criteria which must be addressed in reviewing
5 an application for a Variance.

6 KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSIONS

7 The following Findings of Fact and Conclusions are made
8 concerning the review criteria set forth in Section 43.003(A0C)
9 of the Land Development Code:

10 1. The planned carport will extend 2.3 feet into the side-
11 yard setback and match the pre-existing encroachment of the
12 garage. The literal enforcement of the Code would cause unneces-
13 sary hardship and practical difficulty for the Applicant.

14 2. The condition causing the difficulty was not created by
15 the applicants. The garage was in existence prior to the adopt-
16 ion of the Code.

17 3. The granting of the Variance will not be detrimental to
18 the public health, safety, and welfare or to the use and enjoy-
19 ment of adjacent properties and will not be contrary to the
20 intent of this Code.

21 ORDER

22 The subject application for a Variance to reduce side-yard
23 setback from 5 feet to 2.67 feet, as more particularly described
24 above, is granted subject to the Applicant complying at all times
25 with the other requirements of the Klamath County Land Development
26 Code, Building Code, Nuisance Abatement Ordinance, and Health
27 ///

28 ///

1 Services Division rules.

2 Dated this 21st day of September, 1988

3
4 Susan Crismon
5 Susan Crismon, Special Hearings Officer

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7 Klamath County Land Development Code Section 24.007
8 provides:

9 "An Order of the Hearings Officer shall be final
10 unless appealed within ten (10) days of its mailing by a
11 party having standing in accordance with the procedures set
12 forth in Chapter 3, Article 33 of this Code."

13 Approved as to Form and Content:

14 David Mannix
15 David Mannix, Deputy County Counsel

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County
of Sept. A.D. 19 88 at 2:56 o'clock P. M., and duly recorded in Vol. M88,
23 of Deeds on Page 15738

FEE none

Evelyn Biehn, County Clerk

Return: Commissioners Journal

By Gauline Mullins