

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for) VARIANCE NO. 16-88
 a Variance for CLENTON C.) FINDINGS OF FACT, CONCLUSIONS
 STEPHENS, JR.) OF LAW AND DECISION

This matter came before William M. Ganong, the Hearings Officer of Klamath County, Oregon, on November 3, 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 testified on behalf of the Application. 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 Applicant has requested a Variance to reduce the side yard setback from five feet to zero feet to allow him to construct an attached car (motor home) port to his residence. The Applicant's residence is located on the southside of Bryant Avenue, in Klamath County, Oregon.
2. The subject property is more particularly described as Klamath County Assessor's tax lot No. 3909-1BA-9100.
3. The subject property is served by urban level public utilities and services. There were no objections to the subject Application.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA

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

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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(A-C) 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 neighbor property owner has no objections to the subject application.

2. The approval of the subject application is consistent with the intent of the Code and past practice of the County. The subject side yard setback variance is necessary in order to permit the applicant to construct the subject car port.

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 improvement and lot in an orderly and clean condition.

ORDER

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

DATED this 30th day of November, 1988.


William M. Garing
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."

STEPHENS - Variance - Page 2

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 7th day
of Dec. A.D. 19 88 at 9:42 o'clock A.M., and duly recorded in Vol. M88
of Deeds on Page 20752

FEE none
Return: Commissioners Journal

Evelyn Biehn County Clerk

By Pauline M. Mendenhall