

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request	)	VAR. Case No. 17-88
for a Variance for BRUCE	)	FINDINGS OF FACT, CONCLUSIONS
CARPENTER.	)	OF LAW AND ORDER

THIS MATTER came before Deputy Hearings Officer Michael C. Miller on December 1, 1988 in the Klamath County Commissioners' Hearing Room. The applicant was represented by Calvin Martin. The Klamath County Planning Department was represented by Mr. Carl Shuck and the Recording Secretary was Karen Burg. The Klamath County Planning Department's file and all contents thereof were incorporated into the record as evidence. The Deputy Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT:

1. The Applicant's representative seeks a variance from the requirements of Section 68.002 of the Land Development Code relating to the number of parking spaces required of a residential facility. Applicant requested and was granted a Conditional Use Permit for such a facility in C.U.P. Case No. 45-88.

2. The Applicant's representative submitted a request for a reduction to 21 spaces. In the course of the hearing, it was revealed that the Applicant really wanted a reduction to 24 spaces. The Planning Department staff has recommended a minimum of 40 spaces.

3. The Applicant's representative testified that the

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residents would not be permitted to bring personal automobiles onto the site. He further testified that he thought it unlikely that the residents would receive many visitors.

4. There is available land on the site to provide more than the 24 spaces requested in the variance. The land is denominated on the Applicant's map as "Expansion Area."

CONCLUSION AND ORDER:

1. Section 43.003 of the Land Development Code provides in pertinent part, "a variance shall be granted only upon the finding by the review authority that it satisfies the following criteria:

a. That a literal enforcement of the Code would result in practical difficulty or unnecessary hardship. The difficulty or hardship may arise from the property's size, shape or topography, from the location of lawfully existing buildings and improvements, or from personal circumstances which would result in greater private expense than public benefit of strict enforcement.

b. That the condition causing the difficulty was not created by the Applicant.

c. That the granting of the variance will not be detrimental to the public health, safety, welfare, or to the use and enjoyment of adjacent properties and will not be contrary to the intent of the Code."

The Deputy Hearings Officer concludes that the application does not meet the criteria of Section 43.003 (A-C). Accordingly,

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the request is denied.

DATED THIS 7th day of December, 1988.

Michael C. Miller
Michael C. Miller
Deputy 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 this Code."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 9th day
of Dec. A.D., 19 88 at 2:28 o'clock P.M., and duly recorded in Vol. M88
of Deeds on Page 21015.

FEE none

Evelyn Biehn County Clerk

Return: Commissioners Journal

By Caroline M. Anderson

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