

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for) VARIANCE NO. 2-89
a Variance for GAYLE STICKLEN) SUPPLEMENTAL FINDINGS OF FACT,
) CONCLUSIONS OF LAW AND DECISION

This matter came before William M. Ganong, the Hearings Officer of Klamath County, Oregon, on June 15, 1989 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. Gayle Sticklen was present and represented herself. The 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. Gayle Sticklen applied for a Variance from the standards of Klamath County Land Development Section 84.001 to place two single wide mobile homes on Klamath County Tax Lot No. 3809-35DB-4000. Said lot contains approximately 39,125 square feet, is zoned RS and is located inside the Klamath Falls Urban Growth Boundary.

2. A hearing was held before the Hearings Officer on May 14, 1989. The evidence presented at that hearing demonstrated that the Applicant needed two additional Variances: a. A Variance from the standard that mobile homes sited within the Urban Growth Boundary must be manufactured after June 15, 1976; and, b. That a mobile home contain not less than 800 square feet.

3. Ms. Sticklen intends to site mobile homes, which are already owned by her, and which were manufactured in 1965 and 1967 and contain 600 square feet and 500 square feet, respectively, on the subject property.

4. There was no opposition to Ms. Sticklen's requests and there are other mobile homes in the general area.

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 provides the development standards for placing mobile homes within the Urban Growth Boundary.

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. There are other mobile homes in the neighborhood. The Applicant's lot contains approximately 39,000 square feet. The subject zone requires a minimum of 20,000 square feet, therefore, the subject lot is nearly twice the minimum lot size required in said zone. The Applicant owns these mobile homes, they are located in existing mobile home parks, and will be occupied by the Applicant's children. No public benefit would result from denying the Applicant's request so long as the Applicant complies with the conditions set forth hereafter.

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 these mobile homes on land owned by the Applicant and in a neighborhood which has other 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 homes and lot in an orderly and clean condition. The lot is of adequate size to accommodate two mobile homes. The property is

served by the City sewer system and there is a well with adequate capacity to serve both homes. Prior to the time the Applicant acquired the subject lot, there were two residences on this property.

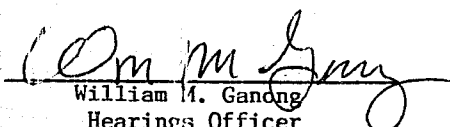
ORDER

This application for a Variance from the mobile home siting standards of the Klamath County Land Development Code is granted subject to the following conditions:

1. The Applicant shall keep the mobile homes and lot in an orderly and clean condition and shall comply at all times with all Klamath County Ordinances, rules, codes and standards.

2. The Applicant shall apply for and obtain an Administrative Variance from the provisions of LDC Section 84.001(E)(3).

DATED this 20th day of June, 1989.


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 the 21st day
of June A.D., 19 89 at 4:00 o'clock P.M., and duly recorded in Vol. M89,
of Deeds on Page 11146.

FEE none

Evelyn Biehn, County Clerk

By Pauline M. Anderson

Return: Commissioners Journal