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BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request for )  
 a VARIANCE FOR HAROLD & MARGARET )  
 PICKRELL )

VARIANCE  
 NO. 9-90

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 This matter came before Niel D. Smith, Hearings officer for Klamath County, Oregon on 13 July 1990 in the County Commissioners' Hearing Room in Klamath Falls Oregon. The Klamath County Planning Department was represented by Mr. Carl Shuck the recording secretary was Ms. Karen Burg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter.

The Hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related Statutes and Ordinances.

The report prepared by staff was read and the contents thereof were received in evidence, Exhibit "A" (staff report), Exhibit "B" (plat map), Exhibit "C" (application for variance) and Exhibit "D" (assessor's plat map) and Exhibit E. (photographs of the area at issue)

Testimony was received from the applicant, Mr. & Mrs. Pickrell who described the terrain and property layout and the proposed location of a garage. The first issue discussed was the modification of Exhibit "D" to correct the high lighted section to show that the lot in fact is extending to the east to the marked position indicated by pen. It is at the extreme south-east corner where the proposed garage is to be built. Examination of article 43 and section 43.003 of that article were reviewed in light of the request. The Hearings Officer finds that the location of the garage will not be inconsistent with the policies of the plan.

Based upon the evaluation of the testimony and consideration of the evidence received, the Hearings Officer makes the following findings and decision.

FINDINGS OF FACT :

1. The Applicant is requesting a Variance to reduce the side yard setback from 15 to 5 feet, which is abutting a large vacant and fallow parcel.

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2. The property is located at 13009 Mallory Drive, Pine Grove area East of Klamath Falls in Klamath County, Oregon; legally described as "a portion of section 9, TS.39 R 10E W.M., tax lot 3910-9AD-1600.

3. Authority for the proposed variance is found in section 43.003 of Article 43, paragraphs A, B, and C.

4. The Applicant does meet the criteria as referenced above."

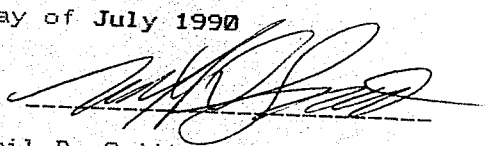
The request that the petitioner be permitted a variance to locate a garage on the lot does not violate the criteria in Section 43.0001

There was no testimony from any other party interested in opposition to this application even though adjoining property owners were given adequate notice for this hearing.

# ORDER

The request for a variance allowing the placement of a garage which reduces the sideyard setback to 5 feet is GRANTED.

DATED this 13 day of July 1990

  
Neil D. Smith, 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 KlamathCo Planning the 18 day  
of July A.D. 19 90 at 4:08 o'clock P M., and duly recorded in Vol. M90  
of deeds on Page 14341

FEE

none

Evelyn Biehn  
By Bernetha A. Letsch

County Clerk