

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request for)
 a VARIANCE FOR EMMETT CURTIS)

) VARIANCE
) NO. 7-90
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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" (assessor's plat map), Exhibit "C" (a site plan.) and Exhibit "D" (photographs of the area at issue)

Testimony was received from the applicant, Mr. Emmett Curtis who described the terrain and property layout and the proposed location of the single wide mobile home. The first issue discussed was the request for a reduced side yard setback. It was observed that the mobile home the petitioner proposed to place on the lot was 70 feet long by 14 feet wide. The lot upon which that mobile home was found to be 70 feet in width. Examination of article 43 and section 43.003 of that article requires that the " condition causing the difficulty "...must not be caused by the applicant. The hearings Officer finds that the orientation of the mobile home on the lot will eliminate the requirement for the variance.

In regard to the request that a mobile home variance be granted under chapter 84 section 84.001 E 1 - 3 the hearings officer finds that the variance meets all requirements for location on this property except for the width which will exceed the 20 foot minimum width with attachment of a carport as shown on exhibit D, plan #2.

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

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FINDINGS OF FACT :

1. The Applicant is requesting a Variance to reduce the side yard setback from 15 to 2.5 feet. which is abutting a residential lot.

2. He proposes to install a mobile home 70 feet in length across the 70 foot property width.

3. The property is located to the West of BISBEE STREET and north of HILLYARD AVE. in Klamath County, Oregon; legally described as "a portion of section 3 TS.39 R 9 tax lot 4300.

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

5. The Applicant CANNOT meet the criteria in paragraph B. referred to above." B. That the condition causing the difficulty was not caused by the applicant."

The request that the petitioner be permitted a variance to locate a single wide mobile home on the lot does not violate the criteria in Section 84.001,E,3.

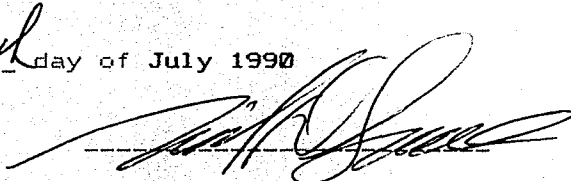
There was no testimony from any other party interested in opposition to this application even though adjoining property owners were given adequate notice for this hearing.

ORDER

It is therefore ordered that the request to reduce the side yard set back is **DENIED**

The request for a variance allowing the placement of a single wide mobile home upon the lot is **GRANTED**.

DATED this 13th 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 Klamath Co Planning the 18 day
of July A.D., 1990 at 4:08 o'clock P M., and duly recorded in Vol. M90
of Deeds on Page 14345

Evelyn Biehn County Clerk
By Bernetha Heltsch

FEE none