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Vol. m91 Page 1040Vol. m90 Page 13181BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request)
 for a VARIANCE FOR JACK AND)
 ~~MARY~~ MARKGRAF)
 ~~MR~~ SHERRY)
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))

VARIANCE
NO. 8-90

This matter came before Neil D. Smith, Hearings officer for Klamath County, Oregon on 1 June 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 Berg. 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. MR. JACK MARKGRAF, the applicant for the above referenced permit, was present and testified. Mr. Markgraf's information was received.

The report prepared by staff was read and the contents thereof were received in evidence; Exhibit "A" (staff report), Exhibit "B" (a site plan), Exhibit "C" (assessor's plat map) and Exhibit "D" (a plat showing the relative positions of adjacent property) and Exhibit "E" (three photographs).

One letter in opposition was received from Mr. Walton dated 4 June 1990. Mr. Walton's objection being a concern that adjacent property values would decline if the variance is granted.

Based upon the evaluation of the testimony and consideration of the evidence received, the Hearings Officer makes the following FINDINGS OF FACT AND CONCLUSIONS.

FINDINGS OF FACT :

1. The Applicant is requesting a Variance to reduce permit the location of a 14 x 66 foot single wide mobile home on the subject location lot. The petitioner is requesting that the 20 foot minimum width be reduced to 14 feet.
2. The property is located approximately 600 feet east of the intersection of Vermont, Hilyard and South Sixth Streets, legally described as "a portion of section 1 TS.39 R9 tax lot 2200.

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3. The Exhibits above described show the present positions of other lots adjacent to this site. Staff and Mr. Markgraf explained the relative location of residences adjoining the property. That residences of a similar nature are adjoining the Walton property to the north and are in a closer proximity to that residence than the applicants'.

4. Authority for the proposed variance is found in section 84.001 of Article 84, paragraph E 3.

5. The Applicant location will not be contrary to the intent of the code in that it should enhance the quiet use of the property adjacent.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA :

1. Article 84 Section 84.003 (E) of the Land Development Code sets forth the criteria for granting a Variance.

"E. Mobile Home Standards Within the Klamath Falls Urban Growth Boundary Mobile homes that are placed on individual lots or parcels within the Klamath Falls Urban Growth Boundary shall meet the following requirements:

1. Dwelling Units Permitted - Only those mobile homes used as permanent residences, manufactured after June 15, 1976, which exhibit the Oregon Department of Commerce 'Insignia of Compliance.'

2. All such mobile homes shall be at least twenty (20) feet in width (which may include a tip-out) with exterior dimensions enclosing a space of not less than 800 square feet.

3. A mobile home of less than 800 square feet, but more than 500 square feet may be permitted subject to an administrative Variance and findings that the proposed siting will be compatible with the surrounding neighborhood. "

CONCLUSION

The information gathered during this hearing shows that the criteria for granting the Variance is proper.

1. The date of manufacture is 1987. As a condition of the grant of this Variance the owner shall show compliance with the Oregon Department of Commerce's regulations.

2. The mobile home has dimensions of 14' x 66' which yields a foot print of 924 sq ft which exceeds the minimum of 800 sq ft.

3. The calculations above show that this sections requirement is exceeded.

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ORDER

Based upon the findings and conclusion herein the Vari-
ance requested is granted.

DATED this 2nd 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 County the 3rd day
of July A.D., 19 90 at 3:40 o'clock P.M., and duly recorded in Vol. M90
of Deeds on Page 13181
Evelyn Biehn County Clerk

FEE none

Return: Commissioners Journal

INDEXED By Pauline Muelendore



*This is being re-recorded to correct name of Sherry Markgraf
on first page. KB.*

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 16th day
of Jan. A.D., 19 91 at 11:08 o'clock A.M., and duly recorded in Vol. M91
of DEeds on Page 1040

FEE none

Evelyn Biehn County Clerk

By Pauline Muelendore