

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF APPEAL OF
HOPU 4-93 FOR DANIEL F. KUGLER

ORDER

THIS MATTER came before the Board of Commissioners on September 28, 1993, as an appeal by P.N./Cora M. Conner. Mr. Enver Bozgoz was their representative. The appeal was filed on August 27, 1993, four (4) days after Planning Directors decision of approval on August 23, 1993. The Home Occupation Permitted Use was for Mr. Moore, to repair small engines for lawn mowers, chain saws, and rototillers. The proposed use was to be located within an existing garage. The location for the proposed use is located south side of Barry Dr. and approximately sixty (60) feet south of where Gary St. intersects with Barry Dr. The general location for the Home Occupation Use is located south side of Barry Drive and approximately 60 feet south of where Gary Street intersects with Barry Drive.

The staff report and exhibits, A thru D-3, were made part of the record. Notice and opportunity to comment was mailed out per the notice requirements of Article 32 of the Land Development Code.

On September 28, 1993, the Board of Commissioners considered the relevant information, data and evidence that concerned the appeal of HOPU 4-93. The Board of Commissioners, after hearing the testimony from the appellants representative and the appellants, the Board of Commissioners denied the application for the Home Occupation for Daniel Kugler.

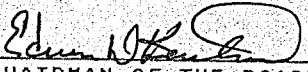
On September 28, 1993, the Board of Commissioners made the following findings:

- A. The proposed use to repair small engines was to be located in an accessory building, the existing garage.
- B. The proposed use to repair small engines was not compatible with the residential neighborhood.
- C. The applicant, Mr. Kugler, was not the sole operator of the proposed use. The testimony indicated that another person other than Mr. Kugler would be operating the home occupation.
- D. The repair and service of small engines would create noise and odor in a residential neighborhood. The testimony indicated that the existing houses abutting site for proposed use had five foot setbacks.

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Based upon the findings, the relevant information, data, and evidence of the appeal, the Board of Commissioners hereby denies Home Occupation Permitted Use 4-93 for Daniel Kugler.

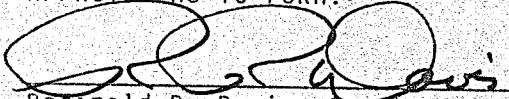
Dated this 2nd day of November ~~October~~ 1993


CHAIRMAN OF THE BOARD


COMMISSIONER


COMMISSIONER

APPROVED AS TO FORM:


Reginald R. Davis, County Counsel

NOTICE OF APPEAL

You are hereby notified that this decision may be appealed to the Land Use Board of Appeals within 21 days following the mailing of this order. Failure to do so in a timely manner may affect your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 4th day of November A.D., 19 93 at 9:28 o'clock A M., and duly recorded in Vol. M93 of Deeds on Page 29083.

FEE none

Evelyn Biehn County Clerk
By 