

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request of)
FRED and DIANE ECK) VARIANCE
)
) NO. 11-95
)
_____)

This matter came before Michael L. Brant, Hearings officer for Klamath County, Oregon, on November 3, 1995 in the Klamath County Museum Meeting Room in Klamath Falls, Oregon. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related statutes and ordinances. The Klamath County Planning Department was represented by Mr. Kim Lundahl and 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 report prepared by staff was read and contents thereof were received in evidence.

FINDINGS OF FACT

1. The Applicant is requesting a Variance for a side yard setback to be reduced from five (5) feet to one (1) foot on the north side of the property to allow for a bedroom addition to an existing home.
2. The subject property is located at 4322 El Cerrito Way. The legal description is a portion of Section 12DC T39S R9EWM, TL 3909-12DC-2400 and is zoned RM (Urban Residential).
3. Authority for the variance is found in LDC Article 43, Section 43A & B.

4. The property is accessed from El Cerrito Way.
5. Objections were received from neighbors and Klamath County Fire District No. 1.
6. The Applicant testified that the proposed addition is to
The Applicant testified that the proposed addition will accommodate his wheelchair bound elderly mother. He also testified that the glass business is virtually non existent. A contractor testified that the proposed addition needs to be added to the north side of the existing residence in order to provide utilities to the addition and provide reasonable wheelchair access from the bedroom to the kitchen.
7. The Applicants' property is separated from the residential lot to the north by a ten (10) foot walk way which is bordered by a wooden fence along is north and south sides.

Based upon the consideration of the evidence received, the hearings officer makes the following FINDINGS OF FACT, CONCLUSIONS and ORDER.

CONCLUSION

There is no reasonable basis upon which to deny a three (3) foot setback which will still allow the additional bedroom addition.

ORDER

A variance allowing a three (3) foot setback is approved. This order is not intended to and shall not be construed to abrogate the DECLARATION OF CONDITIONS AND RESTRICTIONS - SUNSET EAST nor exempt the Applicants from compliance with said Declaration.

DATED this 13th day of November, 1995

Michael L. Brant
Michael L. Brant
Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.060 PROVIDES:

"An Order of the Hearings Officer may be appealed to the Board of County Commissioners within seven (7) days of its mailing as set forth in Article 33."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 15 day
of Nov. A.D., 19 95 at 2:40 o'clock P. M., and duly recorded in Vol. M95
of Deeds on Page 31233

FEE No fee

Return: Commissioners Journal

By Bernetha G. Letsch, County Clerk
Annette Mueller