

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance of)
Ward Edwards, Applicant)

Klamath County Planning
Department No. 77-18
FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon on July 6, 1977, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before Klamath County Hearings Officer, Del Parks. The applicant was present accompanied by his attorney, Robert Puckett. The Klamath County Planning Department was represented by Pete Wall, Carl Shuck, and Wayne Sorensen. The Hearings Reporter was Isabel Rodriguez.

Evidence was presented on behalf of the Department and on behalf of the applicant. There were no adjacent property owners present, and there were no objections to the proposed variances requested by the applicant.

The following Exhibits were offered, received and made a part of the record:

Klamath County Exhibit A, the Staff Report.

Klamath County Exhibit B, photos of the subject property.

Klamath County Exhibit C, a Klamath County Assessor's map of the subject property.

Klamath County Exhibit D, a Klamath County Zoning map of the subject property.

Applicant's Exhibit 1, Letter dated July 5, 1977 from William A. Robson, State Department of Agriculture to Klamath County Planning Commission.

1 The hearing was then closed and based upon the evidence
2 submitted at the hearing, the Hearings Officer made the following
3 findings of fact:

4 FINDINGS OF FACT:

5 1. There are exceptional and extraordinary circumstances
6 that pertain to this property in that the applicant has a pre-zoning,
7 pre-existing business in operation.

8 2. That the proposed variance is necessary to comply
9 with prospective governmental requirements in the operation of the
10 business and is therefore necessary to preserve the operation of
11 the business.

12 3. That no person testified in opposition to the variance.
13 There was no testimony that the variance would be detrimental in
14 any way to the public health, safety, convenience and will not
15 increase the sewage flow required to operate the business.

16 4. The variance requested is the minimum. The testimony
17 supports the fact that the variance requested is the minimum necessary
18 to accomplish the result.

19 The Hearings Officer, based on the foregoing Findings
20 of fact accordingly orders as follows:

21 That real property described as the

22 A portion of Lot 8, Section 6, T40S, R8 EWM,
23 more particularly described as beginning at
24 a point on the East line of Lot 8, Section 6,
25 T40S, R8 EWM, 660.00 feet South from the NE
26 corner of said Lot 8; thence West at right
27 angles to said E line of said Lot 8 to a point
28 on the Easterly line of Keno-Worden Highway;
thence NW along said Easterly line of said
Highway 160.00 ft.; thence E 200.00 ft.; thence
SE parallel with and 200.00 ft. to said
Highway right of way and point of beginning
of this description, Klamath County, Oregon.

13241

1 is hereby granted a Variance in accordance with the terms of the
2 Klamath County Zoning Ordinance No. 17 and henceforth the subject
3 property is granted a Variance from the required setback on the
4 northerly side yard to twelve (12) feet and the southerly side
5 yard setback to be approximately fifty-five (55) feet.

6 Entered at Klamath Falls, Oregon, this _____ day
7 of July, 1977.

8 KLAMATH COUNTY HEARINGS DIVISION

9
10 By Del Russell
11 Hearings Officer
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12242

Klamath County - Planning Department

VETERANS MEMORIAL BUILDING — 503 682-2501 — KLAMATH FALLS, OREGON 97601

IN THE MATTER OF)
MAILING NOTICES FOR)

AFFIDAVIT OF MAILING

STATE OF OREGON)
County of Klamath)

ss.

I, Isabel Rodriguez, being first duly sworn, depose and say that I am an employee of the Klamath County Planning Department, and that on the 11th of July, 1977, I did deposit in the U.S. postal system 4 copies of said MAILING NOTICE, a copy of same being attached hereto, in a sealed envelope addressed to those individuals on the mailing list attached hereto.

Isabel Rodriguez

SUBSCRIBED and sworn to before me this 11th day of July 1977.

Carl C. Shuck
NOTARY PUBLIC FOR OREGON

My commission expires
Aug 3 1980



12243

MAILING NOTICE

Ward L. Edwards
P.O. Box 46
Keno, OR 97627

Bob Puckett, Att.
280 Main Street
Klamath Falls, OR 97601

Board of County Commissioners
Courthouse Annex
Klamath Falls, OR 97601

Assessors Office
Courthouse Annex
Klamath Falls, OR 97601

NOTICE OF SALE, County of Klamath, OR

and for record XXXXXXXXXXXX

this 11th day of July A.D. 19 77 4:33 PM and
duly recorded in Vol. M 77, of Deeds on Page 12239.

Wm D. Miller, County Clerk

By *Harold D. Hazen*

No Fee