

BEFORE THE HEARINGS OFFICER  
KLAMATH COUNTY, OREGON

In the Matter of Request for )  
Variance 77-20 for ) Klamath County Planning  
Merlin Bleak, Applicant ) 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. The Klamath County Planning Department was represented by Wayne Sorensen and Carl Shuck. The Hearings Reporter was Isabel Rodriguez.

Evidence was presented on behalf of the Department and on behalf of the applicant. There was one adjacent property owner present, Earl Perdue, who stated he had no objections to the proposed Variance 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

Klamath County Exhibit E, Mailing Notices

Applicant's Exhibit 1, Plot Plan

Hearings Officer Exhibit 1, a Series of pictures of surrounding properties.



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. Testimony given showed that all the residences in the  
6 area and the majority of the residences in the area in which the  
7 applicant's home is, have some structure built to the property line.  
8 (See Hearings Officer Exhibit 1, a series of pictures of the  
9 surrounding properties)

10 2. At the time the Zoning Ordinance was developed, it  
11 appears that no consideration was given to the realities that then  
12 existed, and continue to exist, in Klamath County in that there is a  
13 large, highly developed Suburban area adjacent to the city of Klamath  
14 Falls, known generally as the South Suburban area. That such area  
15 is, for the most part, a developed, unincorporated city and that to  
16 apply the Variance standards with equal legal terms to that area as  
17 contrasted to the other truly rural areas of Klamath County would be  
18 an undue and unnecessary hardship to individuals without any  
19 corresponding benefits to the county or to the remainder of the  
20 citizens as a whole.

21 3. The Hearings Officer finds that Article 113 of the  
22 Zoning Ordinance specifically authorizes the granting of the Variance  
23 where "owing to special and unusual circumstances related to a  
24 specific piece of property, strict application of the Ordinance would  
25 cause an undue or unnecessary hardship."

26 The Hearings Officer, based on the foregoing Findings of  
27 Fact accordingly orders as follows:  
28



16081

That real property described as the  
"Lot 26 of Yalta Gardens located  
in the NW 1/4 NE 1/4 of Section 2,  
Township 39 South, Range 9 East  
of the Willamette Meridian in  
Klamath County approximately 490  
feet south of the intersection of  
Kane Street and Shasta Way."

is hereby granted a Variance in accordance with the terms of the  
Klamath County Zoning Ordinance No. 17 and henceforth the north side  
yard setback shall be reduced from five feet to six inches to allow  
the construction of a carport.

Entered at Klamath Falls, Oregon, this 28th day of  
August, 1977.

KLAMATH COUNTY HEARINGS DIVISION

By [Signature]  
Hearings Officer

I, Isabel Rodriguez, did deposit in the U.S. Postal  
System copies of this order to the following persons:

Merlin Bleak  
1782 Kane Street  
Klamath Falls, OR 97601

Assessor's Office  
Courthouse Annex  
Klamath Falls, OR 97601

Board of County Commissioners  
Courthouse Annex  
Klamath Falls, OR 97601

Clerk's Office  
Courthouse Annex  
Klamath Falls, OR 97601

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 31st day of  
AUGUST A.D., 19 77 at 2:36 o'clock P.M., and duly recorded in Vol. M77  
of DEEDS on Page 16079.

FEE NONE

WM. D. MILNE, County Clerk

By [Signature] Deputy