

34983

Vol. 77 Page 16082

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance 77-21 for) Klamath County Planning
Earl Perdue, 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. 25, 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, Merlin Bleak, 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, 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 surround-
9 ing 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

14

1 That real property described as the
2 "Lot 27 of Yalta Gardens located
3 in the NW ¼ NE¼ of Section 2,
4 Township 39 South, Range 9 East
5 of the Willamette Meridian in
6 Klamath County and approximately
7 560 feet south of the intersection
8 of Kane Street and Shasta Way."
9 is hereby granted a Variance in accordance with the terms of the
10 Klamath County Zoning Ordinance No. 17 and henceforth the required
11 side yard setback shall be reduced from five feet to six inches for
12 the purpose of constructing a carport.

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

15 KLAMATH COUNTY HEARINGS DIVISION
16 By Del Par
17 Hearings Officer

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

- 20 Earl Perdue
21 1806 Kane Street
22 Klamath Falls, OR 97601
- 23 Assessor's Office
24 Courthouse Annex
25 Klamath Falls, OR 97601
- 26 Board of County Commissioners
27 Courthouse Annex
28 Klamath Falls, OR 97601
- 29 Clerk's Office
30 Courthouse Annex
31 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 9:36 o'clock A M., and duly recorded in Vol M77,
of DEEDS on Page 16082.

FEE NONE

WM. D. MILNE, County Clerk
By Hazel Ingham Deputy