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Vol. 77 Page 1617

BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance 77-25 for) Klamath County Planning
William L. Hart, Applicant) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on August 10, 1977, pursuant to notice given in conformity with Ordinance no. 35, Klamath County, before Klamath County Hearings Officer, Jim Spindor. The applicant was present. The Klamath County Planning Department was represented by 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 no one had any 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

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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 in that the garage is being used as a workshop by the applicant and
7 the front lawn contains the septic tank drain fields so there can be
8 no construction in this area.

9 2. The granting of the variance is necessary for the
10 preservation and enjoyment of the applicant's right to have
11 protection for his vehicles.

12 3. No one testified in opposition to the variance and
13 there was no evidence that suggested that there would be any
14 detrimental effects on the public health, safety and convenience of
15 welfare.

16 4. The requested Variance from fifteen (15) feet to
17 zero (0) feet is the minimum Variance which will alleviate the
18 hardship.

19 5. The Variance requested will not allow the use of the
20 property for a purpose which is not authorized within the zone in
21 which the property is located.

22 The Hearings Officer, based on the foregoing Findings of
23 Fact accordingly orders as follows:

24 That real property described as the

25 "Lot 13 of the First Addition of the
26 West Hill Homes Subdivision located
27 in the NW ¼ of Section 5, T39S, R9,
28 EWM, located at the Northwest corner
of Redwood Drive and Maple Street
in Klamath County, Oregon"

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1 is hereby granted a Variance in accordance with the terms of the
2 Klamath County Zoning Ordinance No. 17 and henceforth the required
3 side yard setback will be reduced from 15 to 0 feet for the purpose
4 of constructing a carport.

5 Entered at Klamath Falls, Oregon, this 30th day
6 of August, 1977.

7
8 KLAMATH COUNTY HEARINGS DIVISION

9 By [Signature]
10 Hearings Officer
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Klamath County - Planning Department

COURTHOUSE — 503-882-2501, Ext. 285 — KLAMATH FALLS, OREGON 97601

IN THE MATTER OF
MAILING NOTICES FOR
William Hart

AFFIDAVIT OF MAILING

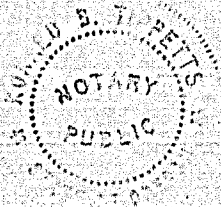
STATE OF OREGON
County of Klamath

I, Lesabel Laduquey, being first duly sworn, depose
and say that I am an employee of the Klamath County Planning
Department, and that on the 31st day August, 1977 I did deposit in
the U.S. postal system 5 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.

Lesabel Laduquey

SUBSCRIBED and sworn to before me this 31st day of

August 19 77.



Ronald A. Zuppato
NOTARY PUBLIC FOR OREGON

My commission expires

6/9/81

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

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ORDERS sent to the following:

William L. Hart
2400 Redwood Drive
Klamath Falls, OR 97601

Board of Commissioners
Courthouse Annex
Klamath Falls, OR 97601

Clerk's Office
Courthouse
Klamath Falls, OR 97601

Treasurer's Office
Courthouse Annex
Klamath Falls, OR 97601

Assessor's Office
Courthouse Annex
Klamath Falls, OR 97601

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record XXXXXXXXXXXX

this 31st day of August A. D. 1977 at 4:28 PM and

duly recorded in Vol. M77, of DEEDS 16174

NO FEE

Wm D. MILNE, County Clerk

By *Hazel Brazil*