

40422

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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance 77-35 for) Klamath County Planning
Clifford Phillips Applicant) Findings of Fact and Order

77 DEC 14 PM 2 45

A hearing was held in this matter at Klamath Falls, Oregon on November 15, 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 Carl Shuck. 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. The neighborhood is a rezoning development and there
6 are in the neighborhood exceptional circumstances in that it is
7 common within the area to build within one or two feet of the
8 property line.

9 2. If the Variance was not granted, the applicant would
10 not be able to enjoy his property to the same extent that the other
11 persons within the neighborhood are presently utilizing their property.

12 3. The use would not change, it would merely be enhanced
13 by the use of the covered structure.

14 4. The Variance will not be materially detrimental to the
15 public health, safety, or welfare of the adjoining property or the
16 immediately neighborhood.

17 5. The Variance requested is the minimum variance
18 necessary to alleviate the hardship as it now exists.

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

21 That real property described as the

22 "that parcel of land bordered
23 by Klamath Theaters to the north
24 and more particularly described
25 as Lot 37 of Perry's Addition to
26 Lloyd's Tract, situated in the
27 NE $\frac{1}{4}$, SW $\frac{1}{4}$, Section 11, Township
28 39S, Range 9 E.W.M. 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 lines will be reduced from five to two feet for
4 the purpose of constructing a carport.

5 Entered at Klamath Falls, Oregon, this 25 day
6 of November, 1977.

8 KLAMATH COUNTY HEARINGS DIVISION

9
10 By 
11 Hearings Officer

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Klamath County - Planning Department

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

IN THE MATTER OF
MAILING NOTICES FOR
Clifford Phillips

AFFIDAVIT OF MAILING

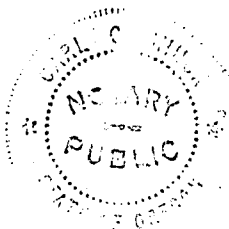
STATE OF OREGON
County of Klamath

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 *13th of December, 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 *12* day of

Dec 19 *77*.



Carl C. Shuck
NOTARY PUBLIC FOR OREGON

My commission expires

Aug 3, 1980

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

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Order for Variance 77-35, Clifford Phillips, sent to the following:

Clifford L. Phillips
4841 Laverne Avenue
Klamath Falls, OR 97601

Board of Commissioners
Courthouse Annex
Klamath Falls, OR 97601

Clerk's Office
Courthouse
Klamath Falls, OR 97601

Assessor's Office
Courthouse Annex
Klamath Falls, OR 97601

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record on _____

this 14th day of December

A. D. 1977, at 2:48 clock P.M., and

fully recorded in Vol. M77, of Deeds on Page 24190

W. D. MILNE, County Clerk

By Sandra H. Getch

No Fee.