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Vol. <sup>m</sup>77 Page 24193

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for )  
Variance 77-26 for ) Klamath County Planning  
Joe Mercer, Applicant ) Findings of Fact and Order

A hearing was held in this matter at Klamath Falls, Oregon on November 14, 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 several adjacent property owners present who stated they had 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  
Hearings Officer Exhibit 1, a petition  
Hearings Officer Exhibit 2, a reproduction of the assessor's map

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1 Hearings Officer Exhibit 2A, reproduction of the asses-  
2 sor's map from the title company.

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

6 FINDINGS OF FACT:

7 1. In connection with the Variance, the RD 8,000 Zone  
8 provides that no more than one single family dwelling be allowed on  
9 a single lot, and there is already a dwelling which predated the  
10 zoning.

11 2. The configuration of the lot is exceptional and extra-  
12 ordinary; it is not a configuration that is generally applicable to  
13 other property in the area.

14 3. Unless the Variance is granted, the lot is unbuildable  
15 and the applicant is deprived of a property right possessed by  
16 other owners in the same vicinity and zone.

17 4. The Hearings Officer was unable to decide if the  
18 Variance sought by the applicant is the minimum that would eliminate  
19 the hardship.

20 5. The Hearings Officer feels that because of the con-  
21 figuration of the property, its location to two streets that are  
22 fairly well traveled, and the location of power lines, the granting  
23 of the Variance would be materially detrimental to the public health,  
24 safety, and convenience of the immediate neighborhood, and therefore,  
25 the Variance is denied.

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

28 That real property described as the

21201

1 Tax Lot 1300 located between  
2 Thompson Avenue and Peck  
3 Avenue, 75 feet west of Gettle  
4 Street, Lot 13 of St. Frances  
Park, Section 2, Township 39S,  
Range 9 East, Klamath County,  
Oregon.

5 is hereby denied a Variance in accordance with the terms of the  
6 Klamath County Zoning Ordinance No. 17. It is further given that  
7 the applicant has the right to appeal to the Board of Commissioners.

8 Entered at Klamath Falls, Oregon, this 25 day of  
9 November, 1977.

10  
11 KLAMATH COUNTY HEARINGS DIVISION

12  
13 By Del Valle  
14 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*Joe Mercer*

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 15<sup>th</sup> of December, 1977, I did deposit in the U.S. postal system 10 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 14<sup>th</sup> day of December 19 77.

Peter M. Wall

NOTARY PUBLIC FOR OREGON

My commission expires

8-3-'80

WE ARE AN EQUAL OPPORTUNITY EMPLOYER



24199

Orders for Variance 77-26 for Joe Mercer were sent to the following:

Joe Mercer  
2505 Hope Street  
Klamath Falls, OR 97601

J. G. Chaney  
4510 Peck Drive  
Klamath Falls, OR 97601

Board of Commissioners  
Courthouse Annex  
Klamath Falls, OR 97601

Betty Spetter  
4545 Thompson Avenue  
Klamath Falls, OR 97601

Clerk's Office  
Courthouse  
Klamath Falls, OR 97601

Bruno Giacomelli  
4513 Thompson Avenue  
Klamath Falls, OR 97601

Assessor's Office  
Courthouse Annex  
Klamath Falls, OR 97601

Helen Auterbury  
4618 Boardman  
Klamath Falls, OR 97601

Mrs. Fred Miller  
4522 Peck Drive  
Klamath Falls, OR 97601

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of \_\_\_\_\_  
this 14th day of December A. D. 1977 at 2:45 clock P. M., and  
fully recorded in Vol. M77, of Deeds on Page 24199

Wm D. MILNE, County Clerk

By *Bernice H. Fitch*

No Fee