

10726

Vol. ^m77 Page ²⁴⁶⁴²

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
 Variance 77-40 for) Klamath County Planning
 James Rogers, Applicant) Findings of Fact and Order

77 DEC 21 PM 2 30

A hearing was held in this matter at Klamath Falls, Oregon, on December 14, 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 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 who stated they 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, Plot Plan
- Klamath County Exhibit F, Mailing Notices
- Applicant's Exhibit 1, DEQ Approval Certificate

1 Applicant's Exhibit 2, letter from area committee
2 recommending approval

3 Applicant's Exhibit 3, letter from adjacent property owner

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

7 FINDINGS OF FACT:

8 1. There are exceptional circumstances that apply to the
9 subject property that do not apply generally to other property in
10 the same vicinity in that it is of larger size and probably the only
11 property in the immediate area that can be divided as such and
12 because of the unique situation of having the owner of nearby com-
13 mercial property who wishes to use it for a residence.

14 2. It is necessary to grant this Variance as requested
15 for the preservation of the applicant's property right which is a
16 right to sell his property and also be able to maintain a view.

17 3. There was no testimony in opposition to the proposed
18 Variance, and there has been no suggestion that there would be any
19 detrimental effect on the public health, safety, or welfare by
20 granting this Variance.

21 4. The Variance requested is the minimum Variance which
22 would alleviate the hardship.

23 5. The granting of this Variance would not allow use of
24 the property not authorized within a particular zone.

25 The Hearings Officer, based on the foregoing Findings of
26 Fact, accordingly orders as follows:
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1 That real property describes as the

2 "Lots 24, 25, and 32, Township
3 35 South, Range 7, East of the
4 Willamete Meridian, Section 28,
Klamath County, Oregon"

5 is hereby granted a Variance in accordance with, the terms of the
6 Klamath County Zoning Ordinance No. 17 and henceforth the required
7 side yard setback requirements will be reduced from ten feet to five
8 feet for the purpose of constructing a carport and workshop.

9 Entered at Klamath Falls, Oregon, this 16th day
10 of Dec., 1977.

11
12 KLAMATH COUNTY HEARINGS DIVISION

13
14 By g. J. J. J.
15 Hearings Officer
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24645



Klamath County ~ Planning Department

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

IN THE MATTER OF
MAILING NOTICES FOR

James Rogers

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 *28th of December*, 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

Isabel SUBSCRIBED and sworn to before me this *28* day of
19 *77*.

Paul C. Shuck
NOTARY PUBLIC FOR OREGON

My commission expires

Aug 3 1980

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

24646

Copies of the Order for Variance 77-40 for James Rogers
were sent to the following:

James Rogers
St. Rt. Box 13
Chiloquin, OR 97624

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 at request of Klamath County Planning Dept.
this 21st day of December A. D. 1977 at 2:31 o'clock P. M., and
duly recorded in Vol. M77, of Deeds on Page 24642

W. D. MILNE, County Clerk

By Hazel Drazick

No Fee.