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Vol. 77 Page 24847

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance 77-41 for) Klamath County Planning
Duane Barstad, Applicant) Findings of Fact and Order

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 accompanied by Doug Stonewall. 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 Exhibit 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, Mortgage Survey
Klamath County Exhibit F, Mailing Notices

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 circumstances applicable to the
6 subject property that do not generally apply to other property in
7 the same vicinity other than a few buildings immediately surrounding
8 which is, of course, because of the apparent prior survey which was
9 in error.

10 2. The granting of the Variance is necessary in the
11 preservation of a property right, that right being to have a
12 residence and a garage on one's property.

13 3. There has been no testimony in opposition to the
14 requested Variance.

15 4. There was no testimony to suggest that the granting
16 of the Variance would be detrimental to the public health, safety,
17 and welfare in the area.

18 5. The requested Variance is the minimum Variance
19 requested to alleviate the hardship.

20 6. The Variance would not allow use of the property for
21 a purpose not allowed in the particular zone.

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

24 That real property described as the

25 "Crescent Townsite, NE $\frac{1}{4}$, SW $\frac{1}{4}$,
26 NE $\frac{1}{4}$ of Section 30, Township 24
27 South, Range 9 generally located
28 on the northwest corner of Main
Street and Franklin Street,
Crescent City, Klamath County,
Oregon"

1 is hereby granted a Variance in accordance with the terms of the
2 Klamath County Zoning Ordinance No 17 and henceforth the front yard
3 setback requirements will be reduced from 20 feet to two feet and
4 four inches for the purpose of placing a house and garage on the
5 property.

6 Entered at Klamath Falls, Oregon, this 16th day
7 of Dec., 1977.

8
9 KLAMATH COUNTY HEARINGS DIVISION

10
11 By *[Signature]*
12 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
Duane Bastedo

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 *20th 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 *20* day of

Dec 19 *77*.

Carl C. Shurt
NOTARY PUBLIC FOR OREGON

My commission expires

Aug 2 1980

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

24651

Copies of the Order for Variance 77-41 for Duane Barstad
were sent to the following:

Duane Barstad
P. O. Box 224
Crescent, OR 97733

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. 19 77 at 2:31 o'clock P.M., and
fully recorded in Vol. N77, of Deeds on Page 24647

W. D. MILNE, County Clerk

By Hazel Drazile

No Fee