

BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

In the Matter of Request for
Variance 78-1 for

Don Gourley for Klamath County,
Applicant

) Klamath County Planning
)
) FINDINGS OF FACT AND ORDER
)
)
)

A hearing was held in this matter at Klamath Falls, Oregon on March 1, 1978, pursuant to notice given in conformity with Ordinance No. 35, Klamath County, before Klamath County Hearings Officer, Jim Spindor. The applicant was represented by B. B. Gjertsen. 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 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, 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 due to the shape of this particular lot and this particular zoned
7 area.

8 2. The granting of this Variance is necessary for the
9 preservation of the applicant's right and that is to have a library
10 on that particular site.

11 3. No one testified in opposition to the Variance and
12 there has been no evidence presented to suggest that there would
13 be any detrimental effects on the publice health, safety, conver-
14 nience, or welfare.

15 4. The requested Variance is the minimum Variance which
16 would alleviate the hardship.

17 5. The Variance will not allow use of the property for
18 a use which is not authorized in this particular zone.

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

21 That real porperty described as the

22 "parcel of land generally located 50
23 feet north of Walker Street, approxi-
24 mately 30 feet east of Elder Street
25 and approximately 20 feet west of an
26 easement from Edsall Street and more
particularly described as Lot 2,
Block 7 of the First Addition to
Bly, Klamath County, Oregon."

27 is hereby granted a Variance in accordance with the terms of the
28 Klamath County Zoning Ordinance No. 17 and henceforth the front

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1 yard setback requirements will be reduced from 100 feet to 76 feet
2 and the side setback requirements will be reduced from 100 feet
3 to 54 feet for the purpose of the placement of a mobile home to be
4 used as a library.

5 Entered at Klamath Falls, Oregon, this 14th day
6 of MARCH, 1978.

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9 KLAMATH COUNTY HEARINGS DIVISION

10
11 By Do D. Smith
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

Variance 78-1

Don Boudey

STATE OF OREGON
County of Klamath

AFFIDAVIT OF MAILING

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 15th of March, I did deposit in the U.S. postal system four 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 RodriguezSUBSCRIBED and sworn to before me this 15th day ofMarch 19 78.Cal C. Shuck
NOTARY PUBLIC FOR OREGON

My commission expires

Aug 31 1980

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

Orders for Variance 78-1, Don Gourley, were sent to the following:

Don Gourley
Building Department
Courthouse
Klamath Falls, OR 97601

Board of Commissioners
Courthouse Annex
Klamath Falls, OR 97601

Assessor's Office
Courthouse Annex
Klamath Falls, OR 97601

Clerk's Office
Courthouse
Klamath Falls, OR 97601

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County

this 16th day of March A. D. 1978 at 1:00 o'clock PM., and
duly recorded in Vol. M78, of Deeds on Page 5070

Wm. D. MILNE, County Clerk

By Richard A. Hirsch

No Fee

Commissioners Journal