

BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance 78-11 for) Klamath County Planning
Glen Spuller, Applicant) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon on April 12, 1978, 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 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 C, a Klamath County Assessor's map of the subject property

Klamath County Exhibit D, a Klamath County Zoning map of the subject property

Applicant's Exhibit 1, Photos of the subject property

Applicant's Exhibit 2, Plot Plan

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

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FINDINGS OF FACT:

1. There are no exceptional or extraordinary circumstances that are not applicable to property in the general area or in the same vicinity or zone.
2. There is no evidence to substantiate that a Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same vicinity or zone.
3. The granting of the requested Variance would not be detrimental in any aspect to the public health, safety, convenience or welfare.
4. There is no legal access to the property at the present time, but there is a possibility of legal access.
5. The Variance requested is the minimum Variance from the provisions and standards which would allow the applicant to create two parcels.
6. The highest and best use of the property would be for residences.
7. It has no discernible value for agriculture or forest activities.
8. If a Variance was authorized by Ordinance, the only condition necessary would be to attach a showing of dedicated legal access.
9. The area committee recommended approval of the granting of the Variance.
10. The applicant has fifteen (15) days in which to appeal this decision to the Board of County Commissioners starting from the date of mailing of this order.
11. Attached is a copy of the appeal procedure.

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

That real property described as the

"parcel of land approximately 29.5 acres in size generally located North of the Oregon Shores Subdivision and approximately 1,200 feet East of Highway 427, and more particularly described as Tax Lot 3901, Section 6, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon."

is hereby denied a Variance in accordance with the terms of the Klamath County Zoning Ordinance No. 17 and henceforth the applicant will not be allowed to create two lots of 15 acres and 14.5 acres in a 20 acre minimum per lot located in the AF (Agricultural-Forestry) Zone.

Entered at Klamath Falls, Oregon, this 18 day of April, 1978.

KLAMATH COUNTY HEARINGS DIVISION

By Del C. Smith

Hearings Officer



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Klamath County - Planning Department

COURTHOUSE — 503-882-2501, Ext. 265 — KLAMATH FALLS, OREGON 97601

IN THE MATTER OF
MAILING NOTICES FOR*Variance 78-11 for
Ken Spiller*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 21st of April, 1978, 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 21st day ofApril 19 78.Carl P. Shuck
NOTARY PUBLIC FOR OREGON

My commission expires

Aug 3, 1980

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

0058
Orders for Variance 78-11 for Glenn Spuller were
sent to the following:

Board of County Commissioners
Courthouse Annex
Klamath Falls, OR 97601

Assessor's Office
Courthouse Annex
Klamath Falls, OR 97601

Clerk's Office
Courthouse
Klamath Falls, OR 97601

Glenn Spuller
Star Rt. 1, Box 127A
Chiloquin, OR 97624

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County

was 25th day of April A. D. 1978 at 10:25 o'clock A.M., and

duly recorded in Vol. 878, of Deeds on Page 8048

Wm D. MILNE, County Clerk

Benita J. Heloich

Commissioner Journal

No Fee