

BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance 78-12 for) Klamath County Planning
Tom Patterson, 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's Hearing 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 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
Applicant's Exhibit 1, 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. The exceptional circumstance is the narrow width of the lot.

2. By building the house per applicant's plot plan, this would allow the applicant to utilize the driveway and turn-around area.

3. The existing house is old and lacks a foundation so the existing house could be materially detrimental, and by allowing the Variance, this would be an improvement to the neighborhood as well as preserve a substantial property right which right is possessed by other property owners under like conditions.

4. This is the minimum Variance, and would allow the applicant to utilize the garage, and also keep the applicant from destroying an existing tree as well as being able to use the turn-around area.

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

That real property described as the

"parcel of land generally located West of Homedale Road and approximately 310 feet East of Kane Street and more particularly described as a portion of Lot 65, Fairacres Subdivision, Section 35, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon."

is hereby granted a Variance in accordance with the terms of the Klamath County Zoning Ordinance No. 17 and henceforth the side yard setback requirements shall be reduced from ten feet to five feet for the purpose of constructing a garage.

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1 Entered at Klamath Falls, Oregon, this 18 day
2 of April, 1978.
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KLAMATH COUNTY HEARINGS DIVISION

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6 By Del Pahl
7 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 78-12 for
Tom Patterson

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AFFIDAVIT OF MAILING

STATE OF OREGON
County of Klamath

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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 Rodriguez

SUBSCRIBED and sworn to before me this 21st day of
April 19 78.

Paul C. Shady
NOTARY PUBLIC FOR OREGON

My commission expires

Aug 3, 1980

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Orders for Tom Patterson, Variance 78-12 were sent to the following:

Board of County Commissioners
Courthouse Annex
Klamath Falls, OR 97601

Assessor's Office
Courthouse Annex
Klamath Falls, OR 97602

Clerk's Office
Courthouse Annex
Klamath Falls, OR 97601

Tom Patterson
1457 Homedale Road
Klamath Falls, OR 97601

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County

the 25th day of April A. D. 1978 at 10:26 o'clock AM., and

truly recorded in Vol. 878, of Deeds on Page 8053

Wm D. MILNE, County Clerk

Richard D. Smith

No Fee

Commissioner Journal

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