

48415

Vol. 78

10330

BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance 78-16 for) Klamath County Planning
Donald Brehm, Applicant) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on May 10, 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 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:

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3 1. The residential neighborhood in the subject area
4 pre-existed the Zoning Ordinance and is actually a city type of
5 neighborhood.

6 2. The other houses in the area do not conform to any
7 standard type of setback.

8 3. Because this is a residential area that utilizes
9 individual septic systems rather than a municipal sewage treatment,
10 variations have to be made for the utilization of structures on
11 the property to accommodate the septic system.

12 4. No one testified in opposition and there was no
13 evidence which would justify finding that the Variance would be
14 detrimental in any way to the public health, safety, convenience,
15 or welfare; in fact, the evidence suggests that the utilization
16 by the applicant would enhance not only his own property, but that
17 in the area.

18 5. The requested Variance is the minimum Variance
19 necessary to alleviate the hardship that would be placed on the
20 applicant.

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

23 That real property described as the

24 "parcel of land approximately 7,350
25 square feet in size located in Stewart
26 Lennox Subdivision and generally
27 located on the corner of Fawn Avenue
28 and Cortez Avenue, approximately 360
feet south of State Highway 66 and
more particularly described as NE $\frac{1}{4}$
SW $\frac{1}{4}$ of Section 7, Tax Lot 1100,
Township 39 South, Range 9 East of
the Willamette Meridian, Klamath
County, Oregon"

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1 is hereby granted a Variance in accordance with the terms of the
2 Klamath County Zoning Ordinance No. 17 and henceforth the required
3 front yard setback requirement will be reduced from 25 feet in
4 an RD 7,000 Zone to 17 feet, for the purpose of enlarging the
5 existing home,

6 Entered at Klamath Falls, Oregon, this 15 day
7 of May, 1978.

8
9 KLAMATH COUNTY HEARINGS OFFICER

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11 By Del Smith
12 Hearings Officer
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IN THE MATTER OF)

Donald Brehm)

STATE OF OREGON)

County of Klamath)

AFFIDAVIT OF MAILING

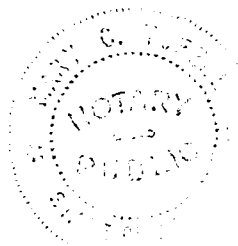
The undersigned certifies that as an employee of the Klamath County Planning Department she served the foregoing on the parties on the 16th of May, 1978 by depositing a copy of said Findings of Fact and Order in a sealed envelope in the United States mail at Klamath Falls, Oregon, with postage thereon fully prepaid and addressed to the said parties at their last known place of business or residence, as follows:

Klamath County 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

Donald Brehm
4039 Fawn Street
Klamath Falls, OR 97601



Isabel Rodriguez
Hearings Reporter

SUBSCRIBED and sworn to before me this 16th day of May, 1978.

Mary C. Bick
NOTARY PUBLIC FOR THE STATE OF OREGON
My Commission Expires: 2-6-82

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 17th day of May A.D., 19 78 at 3:03 o'clock P M., and duly recorded in Vol. M78 of Deeds on Page 10330.

FEE None

WM. D. MILNE, County Clerk
By Bernice H. Hirsch Deputy