

BEFORE THE HEARINGS OFFICE
KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance 78-20 for) Klamath County Planning
Wayne Church, Applicant) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon on June 14, 1978, pursuant to notice given in conformity with Ordinance No. 35, Klamath County before Klamath County Hearings Officer, Jim Spindor. 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

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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1 FINDINGS OF FACT:

2 1. There are exceptional and extraordinary circum-
3 stances in that the lot is triangular in shape while other lots
4 in the area are rectangular in shape and it is for this reason
5 that the requirements cannot be met.

6 2. The granting of the Variance is necessary for the
7 preservation and enjoyment of the applicant's right to maintain
8 the existing house which has been on the lot for some fifteen (15)
9 years.

10 3. No one testified in opposition to the Variance, and
11 there is no evidence that the granting of the Variance would be
12 in any way detrimental to the public health, safety, or welfare.

13 4. The requested Variance is the minimum Variance;
14 and the granting of this Variance will not allow use of the
15 property for a purpose which is not authorized in the zone in
16 which the property is located.

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

19 That real property described as the

20 "parcel of land approximately .41
21 acres in size and generally located
22 on the west side of Bisbee Street,
23 approximately 271 feet east of Altamont
24 Drive with the south side of the
25 property bordering the F lateral
and more particularly described as
situated in Tax Lot 11, in the Southerly
portion, Block 3, 2nd Addition to
Altamont Acres on South Suburban
Sheet No. 1, Klamath County, Oregon"

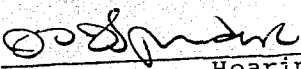
26 is hereby granted a Variance in accordance with the terms of the
27 Klamath County Zoning Ordinance No. 17 and henceforth the
28

14433

1 required lot size will be reduced from 20,000 square feet to
2 approximately 17,860 square feet in size.

3 Entered at Klamath Falls, Oregon, this 19th day of
4 June, 1978.

5 KLAMATH COUNTY HEARINGS DIVISION

6
7 By 
8 Hearings Officer
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IN THE MATTER OF)
)
 Variance 78-20)
)
 STATE OF OREGON)
)
 County of Klamath)

AFFIDAVIT OF MAILING

FOR

Wayne Church

The undersigned certifies that as an employee of the Klamath County Planning Department she served the foregoing on the parties on June 28, 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:

Wayne Church
 522 Pacific Terrace
 Klamath Falls, OR 97601

Assessor's Office
 Courthouse Annex
 Klamath Falls, OR 97601

Glen Ramirez
 514 Walnut
 Klamath Falls, OR 97601

Clerk's Office
 Courthouse
 Klamath Falls, OR 97601

County Commissioners
 Courthouse Annex
 Klamath Falls, OR 97601

Isabel Rodriguez
 Hearings Reporter

SUBSCRIBED and sworn to before me this 28th day of June, 1978.

Commissioner Journal

Mary C. Lohell
 NOTARY PUBLIC FOR THE STATE OF OREGON
 My Commission Expires:

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 5th day of July A.D., 19 78 at 4:28 o'clock P M., and duly recorded in Vol. M78, of Deeds on Page 14431.

FEE None

WM. D. MILNE, County Clerk
 By Bernice Hellock Deputy