

51216

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for )  
Variance 78-18 for ) Klamath County Planning  
Richard Raff, 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  
Klamath County Exhibit E, a map showing existing structures and the proposed structure.

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 circum-  
6 stances in that the present garage is not adequate in size to  
7 serve a purpose as a garage; and it is also an exceptional circum-  
8 stance in that it has a lateral running through the lot, and to  
9 meet the setback requirements, the applicant would have to place  
10 the garage in a position that would not be adequate.

11           2. The granting of the Variance is necessary to allow  
12 the preservation of the applicant's right to have protection for  
13 his vehicle, a right that is possessed by other property owners  
14 in the area.

15           3. There was no testimony in opposition to the grant-  
16 ing of this Variance.

17           4. There would be no detrimental affects on the public  
18 health, safety, or convenience or welfare by the granting of this  
19 Variance.

20           5. The requested Variance is the minimum Variance  
21 which is required to alleviate the hardship.

22           6. This Variance will not allow use of the property  
23 for a purpose which is not authorized in the zone.

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

26           That real property described as the

27                   "parcel of land approximately 42,898  
28                   square feet in size and generally  
                    located 640 feet south of Hilyard

14444

1 Avenue and approximately 475 feet  
2 north of Onyx Avenue with the F-7  
3 Lateral running through the property  
4 and more particularly described as  
5 situated in Altamont Acres Subdivi-  
6 sion, Lot 15, Block 5, on South  
7 Suburban Sheet No. 1, Klamath County,  
8 Oregon"

6 is hereby granted a Variance in accordance with the terms of the  
7 Klamath County Zoning Ordinance No. 17 and henceforth the  
8 required front yard setback will be reduced from 25 feet to 15  
9 feet for the purpose of placing a garage on the lot.

10 Entered at Klamath Falls, Oregon, this 19<sup>th</sup> day  
11 of June, 1978.

12  
13 KLAMATH COUNTY HEARINGS DIVISION

14  
15 By *D. J. Smith*  
16 Hearings Officer  
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IN THE MATTER OF )  
 )  
 Variance 78-18 )  
 )  
 STATE OF OREGON )  
 )  
 County of Klamath )

## AFFIDAVIT OF MAILING

FOR

Richard Raff

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:

Richard Raff  
 3206 Bisbee  
 Klamath Falls, OR 97601

Clerk's Office  
 Courthouse  
 Klamath Falls, OR 97601

County Commissioners  
 Courthouse Annex  
 Klamath Falls, OR 97601

Assessor's Office  
 Courthouse Annex  
 Klamath Falls, OR 97601

Isabel Rodriguez  
 Hearings Reporter

SUBSCRIBED and sworn to before me this 28<sup>th</sup> day of June, 1978.

*Commissioners Journal*

Mary C. Spill  
 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 5<sup>th</sup> day of July A.D., 1978 at 4:28 o'clock P. M., and duly recorded in Vol. M78 of Deeds on Page 14442.

FEE None

WM. D. MILNE, County Clerk

By Bonita Smith Deputy