

BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance 78-23 for) Klamath County Planning
Stephen Weaver, 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 represented by his wife, Mary Weaver, who was accompanied by the applicant's mother, Joyce Weaver. 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

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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 due to the extremely small size of the lot and the fact
7 that the shape of the existing structure makes impossible an
8 addition to the house other than this particular design.

9 2. The granting of the Variance is necessary to
10 preserve the enjoyment of the applicant's right to continue to
11 use the house that is on the property at this time, and also their
12 right to have a garage on that property to protect their vehicle.

13 3. No one testified in opposition to the granting of
14 the Variance, and there is nothing in granting the Variance that
15 would be detrimental to the public health, safety, or welfare.

16 4. The requested Variance is the minimum Variance that
17 would alleviate the hardship, and the Variance will not allow
18 use of the property which is not authorized in that particular
19 zone in question.

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

22 That real property described as the


23 "parcel of land approximately 5,850
24 square feet in size generally located
25 on the south side of Crest Street
26 approximately 160 feet east of Bisbee
27 Street, approximately 160 feet west
28 of Crest Street and more particularly
described as situated in Tax Lot
2800, the West ½ of Lot 9, Block F,
Miller Park Subdivision, Klamath
County, Oregon"

14451

1 is hereby granted a Variance in accordance with the terms of the
2 Klamath County Zoning Ordinance No. 17 and henceforth the side
3 yard setback requirement will be reduced from 5 feet to 4.15 feet
4 for the purpose of placing a garage on the side property area.

5 Entered at Klamath Falls, Oregon, this 19th day
6 of June, 1978.

7
8 KLAMATH COUNTY HEARINGS DIVISION

9
10 By 
11 Hearings Officer
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IN THE MATTER OF)
)
 Variance 78-23)
)
 STATE OF OREGON)
)
 County of Klamath)

AFFIDAVIT OF MAILING

FOR

Stephen Weaver

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:

Stephen Weaver
 1726 Crest Street
 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 28th day of June, 1978.

Mary C. Sobell
 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 14449.

FEE None

WM. D. MILNE, County Clerk

By Bernardo Delosch Deputy