

53877

Vol. 1 Page 186

BEFORE THE HEARINGS OFFICER  
KLAMATH COUNTY, OREGON

In the Matter of Request for )  
Variance 78-26 for ) Klamath County Planning  
Darwin Bailey, Applicant ) Findings of Fact and Order

A hearing was held in this matter at Klamath Falls, Oregon, on July 12, 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, Map of the subject site
- Applicant's Exhibit 1, Plot Plan

1863

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 circumstances  
6 which apply to this property which do not apply to other property  
7 in the area in that this is developed and the situation is that  
8 the fence dividing the properties cannot be moved any further than  
9 to a point which would create a lot 90.2 feet in size.

10           2. The granting of the Variance is necessary for the  
11 preservation and enjoyment of the applicant's right to sell a lot  
12 of this general size, and the total lot size will meet the 20,000  
13 square feet requirement on the lot that will be sold.

14           3. No one testified in opposition to the Variance, and  
15 there has been no evidence to suggest that there would be any  
16 detrimental affects on the public health, safety, or welfare by  
17 allowing this Variance.

18           4. The Variance request to 90.2 feet is the minimum  
19 Variance that will alleviate the hardship, this being due to the  
20 natural landscaping in that particular area.

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 one acre  
25 in size generally located on the east  
26 side of Pine Grove Road, approximately  
27 240 feet north of Mallory Drive, approxi-  
28 mately 710 feet east of Cloves Court and  
more particularly described as Lot 9,  
Block 1, Pine Grove Ranchettes, Tax  
Lot 338, E $\frac{1}{2}$  of Section 9, Township 30  
South, Range 10, East of the Willamette  
Meridian, Klamath County, Oregon"

18522

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 width of a lot in the RA (Residential Agricultural) Zone will be  
4 reduced from 100 feet to 90.2 feet.

5 Entered at Klamath Falls, Oregon, this 1<sup>st</sup> day  
6 of Aug, 1978.

7  
8  
9 KLAMATH COUNTY HEARINGS DIVISION

10  
11 By   
12 Hearings Officer  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

18623

IN THE MATTER OF )  
 )  
Variance 78-26 )  
 )  
STATE OF OREGON )  
 )  
County of Klamath )

AFFIDAVIT OF MAILING  
FOR  
DARWIN BAILEY

The undersigned certifies that as an employee of the Klamath County Planning Department she served the foregoing on the parties on August 15, 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:

County Commissioners  
Courthouse Annex  
Klamath Falls, OR 97601

Clerk's Office  
Courthouse  
Klamath Falls, OR 97601

Assessor's Office  
Courthouse Annex  
Klamath Falls, OR 97601

Darwin Bailey  
3635 Pine Grove Road  
Klamath Falls, OR 97601

Isabel Kadigan  
Hearings Reporter

SUBSCRIBED and sworn to before me this 15 day of August, 1978.

Carl C. Shuck  
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 15 day of August, A.D., 19 78 at 1:55 o'clock P.M., and duly recorded in Vol. 178 of Deeds on Page 18620.

FEE None

WM. D. MILNE, County Clerk

By Deborah Shuck Deputy