

53879

Vol. 11 Page 18627

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance 78-28 for) Klamath County Planning
Thomas Lee, 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 accompanied by his mother, Bernice Fitzhugh, and his father, L. C. Fitzhugh. 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 Assessment map of the subject property
Klamath County Exhibit D, a Klamath County Zoning map of the subject property
Applicant's Exhibit 1, Aerial photo of the subject property

18673

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 applying to this property in that the highway cuts at a
7 natural triangle leaving a piece of land 15.29 acres in size.

8 2. The granting of this Variance is necessary for the
9 preservation and enjoyment of the right of the applicant to sell
10 property.

11 3. No one has testified in opposition to the Variance,
12 and there has been no evidence to suggest that the granting of
13 this Variance would in any way be detrimental to the public health,
14 safety, and welfare.

15 4. The Variance requested is the minimum Variance
16 to alleviate the hardship.

17 5. The requested Variance will not allow use of the
18 property for a use which is not authorized in this zone.

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

21 That real property described as the

22 "parcel of land approximately 15 acres
23 in size and generally located on the
24 south side of East Langell Valley Road
25 and approximately 3/4 mile from Lorella
26 and more particularly described as
situated in the SW $\frac{1}{4}$ of S $\frac{1}{4}$ of W $\frac{1}{2}$ of
Section 34, Township 39 South, Range 12
East of the Willamette Meridian,
Klamath County, Oregon"

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

18529

1 lot size in an AF (Agricultural-Forestry) Zone will be reduced
2 from 20 acres to approximately 15 acres in size.

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

5
6 KLAMATH COUNTY HEARINGS DIVISION

7
8 By Bo Spindt
9 Hearings Officer

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

IN THE MATTER OF)
Variance 78-28)
STATE OF OREGON)
County of Klamath)

18620

AFFIDAVIT OF MAILING
FOR
THOMAS LEE

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

Assessor's Office
Courthouse Annex
Klamath Falls, OR 97601

Clerk's Office
Courthouse
Klamath Falls, OR 97601

Bernice Lee Fitzhugh
Route 1 Box 41
Bonanza, OR 97623

Isabel Rodriguez
Hearings Reporter

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

Carl A. Smith
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 22nd day of August A.D., 19 78 at 1:55 o'clock P M., and duly recorded in Vol. 176 of Deeds on Page 18627.

FEE None

WM. D. MILNE, County Clerk
By Dorinda Smith Deputy