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BEFORE THE HEARINGS OFFICER Vol. 18628
KLAMATH COUNTY, OREGON

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3
4 In the Matter of Request for)
5 Variance 78-25 for) Klamath County Planning
6 Robert Jensen) FINDINGS OF FACT AND ORDER
7)

8 A hearing was held in this matter at Klamath Falls,
9 Oregon, on July 12, 1978, pursuant to notice given in conformity
10 with Ordinance No. 35, Klamath County, before Klamath County
11 Hearings Officer, Jim Spindor. The applicant was present. The
12 Klamath County Planning Department was represented by Carl Shuck.
13 The Hearings Reporter was Isabel Rodriguez.

14 Evidence was presented on behalf of the Department and
15 on behalf of the applicant. There were no adjacent property
16 owners present who stated they had objections to the proposed
17 Variance requested by the applicant.

18 The following Exhibits were offered, received and made
19 a part of the record:

20 Klamath County Exhibit A, the Staff Report
21 Klamath County Exhibit B, photos of the subject property
22 Klamath County Exhibit C, a Klamath County Assessor's map
23 of the subject property
24 Klamath County Exhibit D, a Klamath County Zoning map
25 of the subject property
26 Applicant's Exhibit 1, Plot Plan

27 The hearing was then closed, and based upon the evidence
28 submitted at the hearing, the Hearings Officer made the following
findings of fact:

18629

FINDINGS OF FACT:

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2 1. There are exceptional and extraordinary circumstances
3 which apply to this property that do not apply to other property
4 generally in that area in that the existing house prevents building
5 a useful garage without violating the setback requirements.

6 2. The granting of the Variance is necessary for the
7 preservation and enjoyment of the applicant's right to have the
8 protection for his vehicles, which is a right possessed by other
9 property owners in this area.

10 3. No one testified in opposition to this variance and
11 there has been no evidence suggesting that there would be any
12 detrimental effect on the public health, safety and welfare by the
13 granting of the Variance.

14 4. The requested Variance is the minimum Variance that
15 will alleviate the hardship.

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

18 That real property described as the

19 "parcel of land generally located on the
20 east side of Gary Street, approximately
21 350 feet south of Frieda Street and more
22 particularly described as Tax Lot 14000,
23 Lot 11, New Deal Tracts, Section 35,
Township 38 South, Range 9 East of
the Willamette Meridian, Klamath County,
Oregon"

24 is hereby granted a Variance in accordance with the terms of the
25 Klamath County Zoning Ordinance No. 17 and henceforth the required
26 side yard setback requirement will be reduced from 10 feet to 3
27 feet for the purpose of placing a garage.

28 Date July 19, 1978

KLAMATH COUNTY HEARINGS DIVISION
By [Signature]
Hearings Officer

18640

IN THE MATTER OF)
 Variance 78-25)
 STATE OF OREGON)
 County of Klamath)

AFFIDAVIT OF MAILING

FOR

ROBERT JENSEN

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

Robert Jensen
 1517 Gary
 Klamath Falls, OR 97601

Isabel Rodriguez
 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 15th day of August A.D., 19 78 at 1:55 o'clock P M., and duly recorded in Vol. 176 of Deed on Page 18638.

FEE None

WM. D. MILNE, County Clerk

By Carolee Thibault Deputy