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Vol. ^m 78 Page 19839

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance 78-31 for) Klamath County Planning
Robert Ford, Applicant) FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on August 9, 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

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

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FINDINGS OF FACT:

1. There are exceptional and extraordinary circumstances which apply to this property that generally do not apply to other property in the area in that the subject lot is narrower than any of the surrounding lots in the area.

2. The granting of this Variance is necessary for the preservation and enjoyment of the applicant's right to have a deck built on the existing hotel.

3. No one testified in opposition to this Variance and there has been no evidence to suggest that it would have any detrimental effect on the public health, safety, or convenience of welfare.

4. The requested Variance is the minimum Variance that will alleviate the hardship since the deck has already been constructed.

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

That real property described as the

"parcel of land approximately 300 feet by 15 feet in size and generally located on the east side of State Highway 97 between Second Street to the north and First Street to the south and more particularly described as situated in Lot 1 through 6, Block 1, Section 21, Township 27 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon"

is hereby granted a Variance in accordance with the terms of the Klamath County Zoning Ordinance No. 17 and henceforth the side yard setback requirement on the east side of the hotel will be

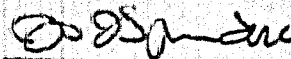
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1 reduced from 70 feet to 50 feet based on the above-mentioned
2 findings of fact.

3 Entered at Klamath Falls, Oregon, this 28th day
4 of August, 1978.

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7 KLAMATH COUNTY HEARINGS DIVISION

8
9 By



Hearings Officer

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IN THE MATTER OF)
 Variance 78-31)
 STATE OF OREGON)
 County of Klamath)

AFFIDAVIT OF FILING
 FOR

Robert Ford

The undersigned certifies that as an employee of the Klamath County Planning Department she served the foregoing on the parties on September 1, 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:

Commissioners' Office
 Courthouse Annex
 Klamath Falls, OR 97601

Clerk's Office
 Courthouse
 Klamath Falls, OR 97601

Assessor's Office
 Courthouse Annex
 Klamath Falls, OR 97601

Robert Ford
 Underwood Building
 110 North 7th
 Klamath Falls, OR 97601

Richard Jessup
 Box 636
 Gilchrist, OR 97737

SUBSCRIBED and sworn to before me this 1st day of September, 1978.

Isabel Rodriguez
 Hearing Reporter

Mary C. Spill
 NOTARY PUBLIC FOR THE STATE OF OREGON
 My Commission Expires:

2-6-82

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 8th day of September A.D., 19 78 at 11:26 o'clock P.M., and duly recorded in Vol. M78 of Deeds on Page 19899.

FEE 12.00

WILL D. MILNE, County Clerk
 By James H. Nelson

Deputy