

54684

BEFORE THE HEARINGS OFFICER  
KLAMATH COUNTY, OREGON

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

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
- Applicant's Exhibit 1, Plot Plan

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 extraordinary and exceptional circumstances which apply to the property in that the present garage is not satisfactory in size and the shape of the property and the placement of the present house on the property prevents placement of the garage in any other place.

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

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 safety or convenience, or welfare.

4. The request Variance is the minimum Variance that will alleviate the hardship; to have a lesser Variance would not solve the problem which would be solved by the building of the garage.

5. The Variance requested will not allow use of the property for a purpose that is not authorized in the zone in which the property is located.

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

That real property described as the

"parcel of land approximately 15 acres in size and generally located on the east side of State Highway 62 and approximately 1/4 mile northwest of State Highway 62 and State Highway 422 Junction and more particularly described as Tax Lot 2900, Lot 7, Section 8, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon"

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1 is hereby granted a Variance in accordance with the terms of the  
2 Klamath County Zoning Ordinance No. 17 and henceforth the rear  
3 yard setback requirement shall be reduced from 25 feet to 15.6  
4 feet for the purpose of the placement of a garage.

5 Entered at Klamath Falls, Oregon, this 28<sup>th</sup> day  
6 of August, 1970.

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9 KLAMATH COUNTY HEARINGS DIVISION

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11 By Josephine  
12 Hearings Officer  
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IN THE MATTER OF  
 Variance 78-33  
 STATE OF OREGON  
 County of Klamath

AFFIDAVIT OF MAILING  
 FOR

Edward Kisling

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

Assessor's Office  
 Courthouse Annex  
 Klamath Falls, OR 97601

Clerk's Office  
 Courthouse  
 Klamath Falls, OR 97601

Edward Kisling  
 6113 Madera Drive  
 Klamath Falls, RO 97601

*Wesley Rodriguez*  
 Hearings Reporter  
 Subscribed and sworn to before me this 1st day of September, 1978.

*Mary C. Hill*  
 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 3:26 o'clock P. M., and duly recorded in Vol. 178 of Books on File 1907

FEE \$12.00

WM. D. MILNE, County Clerk

*W. D. Milne*

Deputy