

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance 78-35 for) Klamath County Planning
Stanley Borodinsky, 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
- Klamath County Exhibit E, a Letter from the Area Committee
- Klamath County Exhibit F, a Letter from a surrounding property owner

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

FINDINGS OF FACT:

1. There are exceptional and extraordinary circumstances which apply to the applicant's property that do not apply to other property owners in the area, and that is that the realtors have placed this mobile home on the property in its present position and it would cost a substantial amount of money to move it.

2. The granting of the Variance is necessary for the preservation of the applicant's right to have this mobile home remain where it is; which is a right possessed by other property owners in the area.

3. No one testified in opposition to the Variance, and there was no evidence that the granting of this Variance would in any way be detrimental to the public health, safety, and welfare.

4. The requested Variance is the minimum Variance which would alleviate the hardship in question; in which any movement of the mobile home would create a hardship.

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

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

That real property described as the

parcel of land approximately on the northern portion of Lot 62, lying westerly of Main Street and approximately 50 feet north of Third Street and approximately 130 feet south of Second Street, Port Klamath, Oregon, and more particularly described as

19917

1 situated in Tax Lot 62, Township
2 31 south, Range 7 1/2 East of
3 the Willamette Meridian, Section
4 21, Klamath County, Oregon"

5 is hereby granted a Variance in accordance with the terms of the
6 Klamath County Zoning Ordinance No. 17 and henceforth the rear
7 yard setback requirement will be reduced from 70 feet to 7 feet
8 6 inches and the side yard setback requirement will be reduced
9 from 70 feet to 10 feet.

10 Entered at Klamath Falls, Oregon, this 28th day
11 of August, 1978.

12 KLAMATH COUNTY HEARINGS DIVISION

13
14 By 
15 Hearings Officer
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19918

IN THE MATTER OF
Variance 78-35
STATE OF OREGON
County of Klamath

AFFIDAVIT OF MAILING
FOR
Stanley Borodinsky

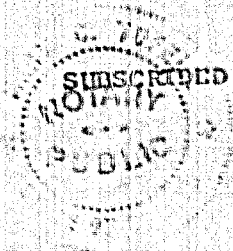
The undersigned certifies that as an employee of the Klamath County Planning Department she served the foregoing on the parties on September 1, 1978 by depositing a copy of said Findings of Fact and Order in a sealed envelope in the United States mail at Klamath Falls, Oregon, with postage thereon fully 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

Stanley Borodinsky
P.O. Box 466
Fort Klamath, OR 97626

Clerk's Office
Courthouse
Klamath Falls, OR 97601

Assessor's Office
Courthouse Annex
Klamath Falls, OR 97601



Shirabel Rodriguez
Hearings Reporter

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

Mary C. Sibley
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. 478 of Deeds on Page 19915

FEE \$12.00

WM. D. MILNE, County Clerk
By Bertha Sibley Deputy