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Vol. <sup>m</sup>78 Page 24053

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for )  
Variance 78-42 for ) Klamath County Planning  
Dick Howard ) FINDINGS OF FACT AND ORDER

A Hearing was held in this matter at Klamath Falls, Oregon, on October 11, 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 Pat Harris.

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, Klamath County Assessor's map of the subject property  
Klamath County Exhibit D, 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

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1 following findings of facts:

2 FINDINGS OF FACT:

3 1. There are exceptional and extraordinary circum-  
4 stances which apply to the applicant's property that do not apply  
5 to other property owners in the area, in that the shape of his  
6 lot limits how it can be utilized.

7 2. The granting of the Variance is necessary for the  
8 preservation of the applicant's right to remain competitive in  
9 his business.

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

14 4. The requested variance is a minimum variance which  
15 will alleviate the hardship.

16 5. The variance requested will not allow use of the  
17 property for a purpose which is not authorized within the zone  
18 within which the property is located.

19 6. The granting of this variance is consistent with  
20 the goals of the LCDC.

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

23 That the real property described as the

24 "parcel of land approximately 74 feet by  
25 190 feet or approximately 14,060 square  
26 feet in size, generally located on the  
27 north side of South Sixth Street, approx-  
28 imately 149 feet west of Madison Street  
and approximately 240 feet south of Miller  
Avenue and more particularly described as  
Lot 15, Tax Lot 1400, Pleasant Home Tracts  
No. 2, Klamath County, Oregon"

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is hereby granted a Variance in accordance with the terms of the  
Klamath County Zoning Ordinance No. 17 and henceforth the setback  
from the rear property line shall be from seventy (70) feet to  
twenty (20) feet.

Entered at Klamath Falls, Oregon, this 23<sup>rd</sup> day of  
October, 1978.

KLAMATH COUNTY HEARINGS DIVISION

By *[Signature]*  
Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County

this 26th day of October A. D. 1978 at 10:22 clock A. M., at

filed recorded in Vol. M78, of Deeds on Page 24059

Wm D. MILNE, County Clerk

By *[Signature]*

No Fee \$