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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance 78-43 for) Klamath County Planning
Boyde D. Oliver) 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, 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

Applicant's Exhibit No. 1, Plot Plan

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

1 findings of fact:

2 FINDINGS OF FACT:

3 1. There are exceptional and extraordinary circum-
4 stances which apply to the property involved which do not apply
5 generally to other property in the vicinity, in that the appli-
6 cant's lot is an odd shape, due to the abutting public street.

7 2. The granting of the variance is necessary for the
8 preservation and enjoyment of the applicant's right to have a
9 residence on his lot, a right which is possessed by other property
10 owners in the vicinity; if this variance is not granted, undue
11 hardship will be caused to the owner.

12 3. No one testified in opposition to the variance and
13 there was no evidence that suggested that there would be any
14 detrimental affects of the public health, safety or welfare, or
15 any detrimental affects to abutting property owners.

16 4. The requested variance is a minimum variance which
17 will alleviate the hardship.

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

21 6. The granting of this variance is consistent with
22 the goals of the LCDC.

23 The Harings Officer, based on the foregoing Findings
24 of Fact, accordingly orders as follows:

25 That the real property described as the

26 "parcel of land 71 feet by 135 feet or
27 10,125 square feet in size, generally
28 located on the east side of Etna Street,
approximately 136 feet south of Frieda
Street and approximately 370 feet west

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of Gary Street and more particularly
described as Tax Lot 7501, Lot 11 of
Empire Tracts, Klamath County, Oregon"

is hereby granted a Variance in accordance with the terms of the
Klamath County Zoning Ordinance No. 17 and henceforth the set-
back for the front of the mobile home is from twenty-five (25)
feet to seventeen and one-half ($17\frac{1}{2}$) feet; rear setback is from
twenty-five (25) feet to twenty-three and one-half ($23\frac{1}{2}$) feet;
front setback for the garage is from twenty-five (25) feet to
twenty-three and one-half ($23\frac{1}{2}$) feet and the rear setback for the
garage is from twenty-five (25) feet to seventeen and one-half
($17\frac{1}{2}$) feet.

Entered at Klamath Falls, Oregon, this 23rd 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., and
fully recorded in Vol. M78, of Deeds on Page 24068

W. D. MILNE, County Clerk

By *[Signature]*

No Fee \$

Commissioners Journal