

1 In the Matter of Request for )  
2 )  
3 Variance 78-55 for )  
4 )  
5 Dick Fairchild )

Klamath County Planning  
FINDINGS OF FACT AND ORDER

6  
7 A Hearing was held in this matter at Klamath Falls,  
8 Oregon, on January 3, 1979, pursuant to notice given in confor-  
9 mance with Ordinance No. 35, Klamath County, before Klamath  
10 County Hearings Officer, Jim Spindor. The applicant was present.  
11 The Klamath County Planning Department was represented by Carl  
12 Shuck. The Hearings Reporter was Pat Harris.

13 Evidence was presented on behalf of the Department and  
14 on behalf of the applicant. There were no adjacent property  
15 owners present who stated they had objections to the proposed  
16 variance requested by the applicant.

17 The following Exhibits were offered, received and made  
18 a part of the record:

19 Klamath County Exhibit A, the Staff Report

20 Klamath County Exhibit C, Klamath County Assessor's  
21 map of the subject property

22 Klamath County Exhibit D, Klamath County Zoning Map  
23 of the subject property

24 Applicant's Exhibit No. 1, Plot Plan

25 Applicant's Exhibit No. 2, Map showing other mobile  
26 homes in the area

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

1 following Findings of Fact:

2 FINDINGS OF FACT:

3 1. There are exceptional and extraordinary circum-  
4 stances which apply to this property which do not apply generally  
5 to the other property in the vicinity in that the Applicant's  
6 lot appears from Applicant's Exhibit No. 2 to be a somewhat  
7 smaller lot than the other lots in the area, and it will be  
8 necessary for him to have this variance in order to place the  
9 mobile home on the lot as well as the planned storage shed and  
10 wood shed.

11 2. Granting of the variance is necessary for the  
12 preservation and enjoyment of the applicant's right to have a  
13 residence on his lot, which is a right possessed by other property  
14 owners in the vicinity. If this variance is not granted, undue  
15 hardship will be caused to the applicant.

16 3. No one testified in opposition to the variance and  
17 there was no evidence that suggested there would be any detri-  
18 mental effect to the public health, safety or welfare, or any  
19 detrimental effect to abutting property owners by granting the  
20 variance.

21 4. The requested variance is the minimum variance  
22 which will alleviate the hardship.

23 5. The granting of this variance is consistent with  
24 the goals of the LCDC.

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

27 That the real property described as the  
28 "parcel of land approximately 50 feet by

1 110 feet in size, generally located on  
 2 the southeast corner of Crane Street  
 3 and Ervin Lane, and more particularly  
 4 described as Tax Lot 6900, Portion of  
 Lot 10, Block 13, Township 37S, Range  
 14 EWM, Section 3, 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 that the  
 7 required setback shall be reduced from twenty (20) feet to ten  
 8 (10) feet for the front yard setback.

9 Entered at Klamath Falls, Oregon, this 8<sup>th</sup> day  
 10 of JANUARY, 1979.

11 KLAMATH COUNTY HEARINGS DIVISION

12 By: [Signature]  
 13 Hearings Officer

14  
 15  
 16 STATE OF OREGON; COUNTY OF KLAMATH; and

17 filed for record at request of Klamath County

18 this 19th day of January A. D. 1979 at 11:35 AM., and  
 19 fully recorded in Vol. M79, of Deeds on Page 1633

20 By: Wm D. MILNE, County Clerk  
[Signature]

21 No Fee