

63501

BEFORE THE HEARINGS OFFICER

Vol. <sup>M</sup> 79

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KLAMATH COUNTY, OREGON

In the Matter of Request for )  
Variance 79-3 R. V. L. Smith, )  
Applicant )

Klamath County Planning  
Department

FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon on February 14, 1979, in 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 Susan Baggett.

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 Exhibit were offered, received, and made a part of the record:

Klamath County Exhibit A, the Staff Report  
Klamath County Exhibit B, the Photographs  
Klamath County Exhibit C, the Klamath County Assessor's map showing the subject property  
Applicant's Exhibit 1, the 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:

FINDINGS OF FACT:

1. There are exceptional and extraordinary

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1 circumstances applicable to this property which are not appli-  
2 cable to other property in the area, in that the only available  
3 space on the property for an addition to the residence is in  
4 an area requiring a Variance.

5 2. The granting of this Variance is necessary for  
6 the preservation and enjoyment of the substantial property right  
7 of the Applicant, which is possessed by other property owners  
8 in the area, which is to have the full use of his property for  
9 residential purposes.

10 3. The granting of this request will not be materially  
11 detrimental to the health, safety, or welfare, and there has been  
12 no testimony in opposition to this Variance.

13 4. This Variance is the minimum Variance which will  
14 alleviate that exists.

15 5. The granting of this Variance is consistent with  
16 the Goals of the LCDC.

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

19 That real property described as the

20 "Section 15, Township 39S, Range 9, East of the  
21 Willamette Meridian, Tax Lot 2101, Klamath  
County, Oregon"

22 is hereby granted a Variance in accordance with the terms of the  
23 Klamath County Ordinance No. 35. The granting of this Variance  
24 does not allow a use which is not authorized in the particular  
25 zone.

26 Entered at Klamath Falls, Oregon, this 5<sup>th</sup> day  
27 of MARCH, 1979.

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KLAMATH COUNTY HEARINGS DIVISION

By [Signature]  
Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 6th day of  
March A.D., 19 79 at 3:08 o'clock p M., and duly recorded in Vol. M79,  
of Deeds on Page 5032.

FEE None

WM. D. MILNE, County Clerk  
By [Signature] Deputy