

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Variance 78-59 for Joe K.)
Hamilton, 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, 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 Exhibits were offered, received, and made a part of the record:

Klamath County Exhibit A, the Staff Report

Klamath County Exhibit B, 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 exceptional and extraordinary circumstances

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1 which apply to this property which do not generally apply to
2 other property in the area, in that the only available space
3 on the Applicant's property for an addition is in an area re-
4 quiring this Variance.

5 2. A Variance is necessary for the preservation and
6 enjoyment of the Applicant's right to have full use of his
7 property for residential purposes.

8 3. The granting of this requested Variance will not be
9 materially detrimental to the health, safety, or welfare of the
10 area, and there has been no testimony against the granting of
11 this Variance.

12 4. The granting of this the minimum that will alle-
13 viate the hardship.

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

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

18 That real property described as the

19 "Section 14, Township 39S, Range 9, East of
20 the Willamette Meridian, Tax Lot 1200,
21 Klamath County, Oregon"

22 is hereby granted a Variance from 25 feet to 15 feet, or a
23 10 foot Variance, in accordance with the terms of Klamath County
24 Ordinance No. 35. The granting of this Variance does not allow
25 a use which is not authorized in the particular zone.

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

28 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 5037.

FEE None

WM. D. MILNE, County Clerk

By [Signature] Deputy