

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
 Variance 78-58 for David)
 Woodard, 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 C, a Klamath County Assessor's map of the subject property
 Applicant's Exhibit 1, Plot Plan
 Applicant's Exhibit 2, which is a letter signed by David Woodard, Applicant

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:

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1 1. There are extraordinary circumstances that apply
2 to this property that do not generally apply to the property
3 in the area, in that there has been an existing mobile home on
4 the property, and the property has been used as a residence since
5 1969.

6 2. The granting of a Variance is necessary for the
7 preservation and enjoyment of a substantial property right of
8 the owner, which is to dispose of this property.

9 3. The granting of this Variance request will not be
10 detrimental to the public health, safety, or welfare, and the
11 record should show that there is no testimony against the
12 granting of this Variance.

13 4. The Variance requested is the minimum Variance
14 which is necessary to alleviate the hardship.

15 5. The Variance requested is within the Goals of
16 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 2, Township 37S, Range 14. East of
21 the Willamette Meridian, Tax Lot 502, Klamath
 County, Oregon"

22 is hereby granted a Variance in lot size from 20 acres to one
23 acre and for one acre parcel only as described by above legal
24 under Sec. 32.005, AF Zone, in accordance with the terms of the
25 Klamath County Ordinance 35. The granting of this Variance
26 does not allow a use which is not authorized in the particular

27 (continued on Page 3)

28

zone.

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

KLAMATH COUNTY HEARINGS DIVISION

By *[Signature]*
Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County
this 6th day of March A. D. 1979 at 10:08 o'clock P M., and
 duly recorded in Vol. M79, of Deeds on Page 5042

Wm D. MILNE, County Clerk

By *[Signature]*

No Fee