

## BEFORE THE HEARINGS OFFICER

## KLAMATH COUNTY, OREGON

In the Matter of Request for )  
Variance 79-4 for Bob Hamilton ) Klamath County Planning  
for Jack L. Baggelaar, Applicant ) 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 conformance with Ordinance No. 35, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. The Applicant was present. The Klamath County Planning Department was represented by Carl Shuck. The Hearings Report 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. John Kite, Chairman of the Keno Area Committee, was present to testify in favor of the proposed Variance. Dan Sutton, an adjacent property owner, was present to testify in favor of the proposed Variance.

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

Klamath County Exhibit A, the Staff Report  
Klamath County Exhibit A-1, an Attachment  
Klamath County Exhibit B, photographs of the subject property  
Klamath County Exhibit C, Assessor's map of the subject property  
Applicant's Exhibit No. 1, the Plot Plan

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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 circumstances applicable to this property which do not generally apply to ~~all~~ <sup>other</sup> property <sup>IN THE SAME VICINITY</sup> in that it is necessary to place the restaurant building in this particular area, which is set out on Applicant's Exhibit No. 1, in order to obtain the full use of the Applicant's property.

2. The granting of this Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant, which is in this case the right to have full use of the property.

3. The granting of the Variance will in no way be detrimental to the public health, safety, or welfare.

4. The Variance requested is the minimum Variance which will alleviate the hardship.

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

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

That real property described as the  
"Section 6, Township 40 South, Range 8,  
East of the Willamette Meridian, Tax Lot  
400, Klamath County"

is hereby granted a Variance in accordance with the terms of Klamath County Ordinance No. 35 from 70 feet to 30 feet.

Entered at Klamath Falls, Oregon, this 6<sup>th</sup> day

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1 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 7th day of March A. D. 1979 at 4:17 o'clock PM., and  
fully recorded in Vol. M79, of Deeds on Page 5239

Wm D. MILNE, County Clerk

By [Signature]

No Fee

Commissioners Journal