

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)

Variance 79-6 for)

David Rose, Applicant)

Klamath County Planning Department

FINDINGS OF FACT AND ORDER

A Hearing was held in this matter at Klamath Falls, Oregon, on March 14, 1979, pursuant to notice given in conformance 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, the Photographs

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

Applicant's Exhibit No. 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 which apply to the applicant's property that do
2 not apply to other property owners in the area, in that the
3 placement of the existing residence on the lot is such that the
4 placement of any addition cannot be done without the granting
5 of this Variance.

6 2. The granting of the Variance is necessary for the
7 preservation of the applicant's right to have the full use of
8 his property, which is a right possessed by other property
9 owners in the area.

10 3. If this Variance is not granted, it will cause un-
11 due hardship to the applicant.

12 4. No one testified in opposition to the Variance, and
13 there was not evidence that the granting of this Variance would
14 in any way be detrimental to the public health, safety, and
15 welfare.

16 5. The requested Variance is the minimum Variance
17 which would alleviate the hardship in this case.

18 6. The Variance requested will not allow use of the
19 property for a purpose which is not authorized in the zone.

20 7. The granting of this Variance is consistent with
21 the Goals of LCDC.

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

24 That real property described as the
25 "Township 39 South, Range 9, East of the
26 Willamette Meridian, Section 13, Tax Lot
27 900, Lot 6 of the West Klamath Subdivision,
Klamath County, Oregon"

28 is hereby granted a Variance in accordance with the terms of the

Klamath County Ordinance No. 35 from 20 feet to 15 feet.

Entered at Klamath Falls, Oregon, this 20th day
of MARCH, 1979.

KLAMATH COUNTY HEARINGS DIVISION

By Jo D. Milne
Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County

this 22nd day of March A. D. 1979 at 1:27 o'clock P.M., and

fully recorded in Vol. 479, of Deeds on Page 6479

Wm D. MILNE, County Clerk

By Bernard H. H. H.

No Fee

Commissioners Journal