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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request)  
for Variance 79-7 for )  
Regis Andrieu, Applicant)

Klamath County Planning Department

FINDINGS OF FACT AND ORDER

A hearing was held in this matter at Klamath Falls, Oregon, on April 11, 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 Assessor's Map of the

Subject Property

Applicant's Exhibit No. 1, the Plot Plan

The hearing was then closed and the Hearings Officer continued the decision for fifteen (15) days and after further review made the following Findings of Fact:

1. There are exceptional and extraordinary circumstances which apply to the property involved which do not

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1 generally apply to other property involved which do not generally  
2 apply to other property in the vicinity, in that the 5.7 acres in  
3 question has a six percent slope toward the road which borders  
4 it, thereby making it impossible to farm this piece of land.

5 2. The granting of the Variance is necessary for the  
6 preservation and enjoyment of the applicant's right to make full  
7 use of his property, a right which is possessed by other property  
8 owners in the vicinity; if this Variance is not granted, undue  
9 hardship will be caused to the owner.

10 3. No one testified in opposition to the Variance and  
11 there was no evidence suggesting that there would be any detri-  
12 mental effects on the public health, safety or welfare, or any  
13 detrimental effects to abutting property owners.

14 4. The requested Variance is the minimum Variance  
15 which will alleviate the hardship, due to the slope of the land  
16 and the fences which are in existence.

17 5. The Variance requested will not allow use of the  
18 property for a purpose which is not authorized within the zone  
19 within which the property is located.

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

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

24 That the real property described as the  
25 "Township 40 South, Range 9, East of the  
26 Willamette Meridian, Section 28, Tax  
Lot 157-2"

27 is hereby granted a Variance in accordance with the terms of the  
28 Klamath County Ordinance No. 35, subject to the following

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1 Conditions:

2 CONDITIONS:

3 1. No residence shall be erected on the 5.7 acres in  
4 question without prior DEQ approval; and

5 2. The ownership of the 5.7 acres in question shall  
6 be restricted to a person or persons who are farming the  
7 adjacent lands;  
8 and henceforth that the lot size requirement is reduced from  
9 20 acres to 5.7 acres.

10 Entered at Klamath Falls, Oregon this 2nd day of  
11 MAY, 1979.

12  
13 KLAMATH COUNTY HEARINGS DIVISION

14  
15 By *[Signature]*

16  
17  
18 STATE OF OREGON; COUNTY OF KLAMATH; ss.

19 filed for record at request of Klamath County

20 as 3rd day of May A. D. 1979 at 2:39 o'clock P. M., and

21 duly recorded in Vol. M79, of Deeds on Page 10115

22  
23 Wm D. MILNE, County Clerk

24 By *[Signature]*

25  
26  
27  
28  
Commissioner *[Signature]* No Fee \$