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BEFORE THE HEARINGS OFFICER

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KLAMATH COUNTY, OREGON

In the Matter of Request)
for Variance 79-8 for Don)
Weston, 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 indicating

zone, CLUP, size and shape of lot

Applicant's Exhibit No. 1, the Map of the Area

Applicant's Exhibit No. 2, the Plot Plan

The hearings 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

79 NW 3 PH 2 39

1 circumstances which apply to the property involved which do not
2 generally apply to other property in the vicinity, in that the
3 lot is odd shaped, it is sloped, and it is bordered by Lost River
4 on one side and a county road on another side.

5 2. The granting of the Variance is necessary for the
6 preservation and enjoyment of the applican't 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 which
15 will alleviate the hardship, due to the odd shape of the lot and
16 its slope.

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 the
21 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 10, East of the
26 Willamette Meridian, Section 7, Tax Lot 28-2,
Klamath County, Oregon"

27 is hereby granted a Variance in accordance with the
28 terms of the Klamath County Ordinance No. 35 and henceforth that

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1 the lot size is reduced to 7.5 acres from 15 acres for two
2 parcels under the AF (Agriculture-Forestry) Zone.

3 Entered at Klamath Falls, Oregon, this 2nd day
4 of MAY, 1979.

5
6 KLAMATH COUNTY HEARINGS DIVISION

7
8 By [Signature]

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11
12 STATE OF OREGON; COUNTY OF KLAMATH; ss.

13 Filed for record at request of Klamath County

14 this 3rd day of May A. D. 1979 at 2:39 o'clock P. M., or

15 duly recorded in Vol. M79, of Deeds on Page 10121

16 Wm. D. MILNE, County Cl.

17 No Fee

18 By Bernetha Shetch

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Commissioners Journal