

## KLAMATH COUNTY, OREGON

1  
2  
3  
4 In the Matter of Request for )  
5 Variance 79-18 for ) Klamath County Planning  
6 Ernest Manfull, Applicant ) FINDINGS OF FACT AND ORDER  
7

8 A Hearing was held in this matter at Klamath Falls,  
9 Oregon, on June 13, 1979, pursuant to notice given in conformity  
10 with Ordinance No. 35, Klamath County, before the Klamath County  
11 Hearings Officer, Jim Spindor. The applicant was present. The  
12 Klamath County Planning Department was represented by Carl Shuck.  
13 The Hearings Reporter was Barbara Thomson.

14 Evidence was presented on behalf of the Department  
15 and on behalf of the applicant. There were no adjacent property  
16 owners present who stated they had any objections to the proposed  
17 Variance requested by the applicant.

18 The following exhibits were offered and made a part  
19 of the record:

20 Klamath County Exhibit A, the Staff Report  
21 Klamath County Exhibit B, photos of the subject  
22 property  
23 Klamath County Exhibit C, Klamath County Assessor's  
24 map of the subject property  
25 Klamath County Exhibit D, Letter from Bureau of  
26 Reclamation  
27 Klamath County Exhibit E, Letter from Health Depart-  
28 ment

1 Klamath County Exhibit F, Letter from Department of  
2 Environmental Quality

3 Klamath County Exhibit G, Letter from North Suburban  
4 Area Committee

5 Applicant's Exhibit No. 1, Plot Plan

6 The hearing was then closed, and based upon the evi-  
7 dence submitted at the hearing, the Hearings Officer made the  
8 following findings of fact:

9 FINDINGS OF FACT:

10 1. The granting of this Variance is necessary for  
11 the preservation and enjoyment of the applicant's right to make  
12 full use of his property to have a garage and utility room on his  
13 property, a right which is possessed by other property owners in  
14 the vicinity; if this Variance is not granted, undue hardship will  
15 be caused to the owner.

16 2. No one testified in opposition to the Variance,  
17 and there was no evidence that there would be any detrimental  
18 effect to the public health, safety, or welfare, or any detrimental  
19 effect to abutting property owners.

20 3. The granting of this Variance will not allow  
21 use of the property for the purpose which is not authorized within  
22 the zone within which the property is located.

23 4. The granting of this Variance is consistent with  
24 the goals of L.C.D.C.

25 5. The granting of this Variance is approved subject  
26 to the following conditions:

27 CONDITIONS:

28 1. Applicant complies with plot plan, Applicant's

1 Exhibit No. 1.

2 2. The height of the garage and utility room when  
3 constructed shall yield to the height of the existing house.

4 3. Applicant shall obtain written permission from  
5 the Department of Environmental Quality to allow for increase in  
6 septic flow.

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

9 That real property described as the

10 "parcel of land located on the corner of McCort  
11 and Corvallis Streets of the Pelican City area,  
12 and more particularly described as NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , of  
13 Section 19, Township 38, Range 9, Lot 12, Tax  
Lot 59, of Klamath Lake Addition Subdivision,  
Klamath County, Oregon"

14 is hereby granted a Variance in accordance with the terms of  
15 the Klamath County Zoning Ordinance No. 35 from 20 feet to 4  
16 feet in the R-6 (Single Family Residential) zone.

17 Entered at Klamath Falls, Oregon, this 19<sup>th</sup> day  
18 of July, 1979.

20 KLAMATH COUNTY HEARINGS DIVISION

21 By [Signature]  
22 Hearings Officer

23  
24 STATE OF OREGON; COUNTY OF KLAMATH; ss.

25 Filed for record at request of Klamath County

26 this 25th day of July, A. D. 1979 at 9:18'clock AM, and

27 duly recorded in Vol. 279, of Deeds on Page 17598

28 By Wm D. MILNE, County Clerk  
[Signature]