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BEFORE THE HEARINGS OFFICER

Vol. 79

20230

KLAMATH COUNTY, OREGON

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In the Matter of Request for )  
Variance 79-22 for )  
Richard Hundley II, Applicant)

Klamath County Planning  
FINDINGS OF FACT AND ORDER

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

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, photos of the subject property
- Klamath County Exhibit C, Klamath County Assessor's Map of subject property
- Applicant's Exhibit No. 1, 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:

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3 1. There are exceptional and extraordinary circum-  
4 stances which apply to the property involved which do not general-  
5 ly apply to other property in the vicinity, in that the only  
6 portion of the applicant's property on which a mobile home can be  
7 placed, requires the granting of this Variance.

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

13 3. No one testified in opposition to the Variance, and  
14 there was no evidence that there would be any detrimental effect  
15 to the public health, safety, or welfare, or any detrimental  
16 effect to abutting property owners.

17 4. The requested Variance is the minimum Variance  
18 which will alleviate the hardship, due to the size of the appli-  
19 cant's property and the placement of the present structures  
20 thereon.

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

24 6. The granting of this Variance is consistent with  
25 the goals of the L.C.D.C.

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

28 That real property described as the  
"parcel of land generally located west of  
VAR. 79-22  
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Summers Lane and north and east of the Eastside Bypass, and more particularly described as Lot 7, Tax Lot 12,000 of Bryant Tracts of Township 39, Range 9, of Section 3, Klamath County, Oregon".

is hereby granted a Variance in accordance with the terms of the Klamath County Ordinance No. 35, and, henceforth, the front yard setback will be reduced from 100 feet to two feet in the SP-13 (Public Facilities) zone.

Entered at Klamath Falls, Oregon, this 23<sup>rd</sup> day of

August, 1979.

KLAMATH COUNTY HEARINGS DIVISION

BY Bo Spindler  
Hearings Officer

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County

this 24th day of August A. D. 1979 at 2:47 clock P M., on

filed recorded in Vol. M79, of Deeds on Page 20230

Wm D. MILNE, County Clerk

By James H. H. H. H.

No Fee

*Commissioner Journal*